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**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

**STATEMENT OF D.W. NO. 2/1-2**

**SHRI RAM SHARAN SRIVASTAVA ,**

**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

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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  
SHRI RAM SHARAN SRIVASTAVA D.W. NO. 2/1-2,  
UNDER ORDER 18 RULE 4 CODE OF CIVIL  
PROCEDURE**

I, Shri Ram Sharan Srivastava, aged about 68 years,  
S/o late Shri Kanchan Lal Srivastava, resident of 1325,  
Block-Y, Kidwai Nagar, Kanpur, solemnly affirms on oath  
as under: -

1. I am, M.Com.,L.L.B. I, after completion of my  
education have done teaching job, as a teacher for  
two years and also written a book named Ankekshan  
Parichay during this period, which was published in  
1959.

2. I have, after doing teaching job, worked as District Industry Officer for about a year and have been selected for the Provincial Administrative Service, U.P. in the year 1961. I have worked at various posts in different districts, in this regard.
3. I have been promoted from Provincial Administrative Service to Indian Administrative Service in 1984. During the tenure of Indian Administrative service, I had worked as District Magistrate Hardoi, Faizabad, Kanpur and as a Special Secretary to Public Works Department, Department of social Welfare and as a Director in the State Property Department and retired from I.A.S on 31.3.1984.
4. I have resumed office as District Magistrate of Faizabad on 19.7.1987 and worked as District Magistrate, Faizabad for about three years during my tenure with Indian Administrative Service.
5. The subject matter of this suit is situated in Moujakot Ramchander of Ayodhya city in district Faizabad, which is at a distance of 8 kms. approx. from Faizabad Headquarter. During my tenure, Shri Ramjanmbhoomi/ Babri Masjid dispute, had been a sensitive and very important subject in district Faizabad, in which I, being a District Magistrate had to study all aspects in depth, which was necessary for the performance of my administrative obligations as well as maintenance of peace and communal harmony.
6. During my tenure Vishwa Hindu Parishad has announced to launch a Kar-sewa in Shri

Ramjanmbhoomi Premises. Foundation laying ceremony was also held during my tenure.

7. I have studied the available gazetteer in respect of Shri Ramjanmbhoomi dispute and revenue records at a number of times and have been obtaining information from the local people of all cadre as well as from the parties concerning to the Suit.
8. I, during my tenure as a District Magistrate, held conversations from time to time with all local Hindus and Muslims brothers and Saints, Mahatamas, Scholars and Ulemas in respect of questioned subject.
9. During my tenure, questioned subject was a very sensitive matter at National and International level and in this connection I have been in touch with the historians and archaeologists concerning to various parties and cadres etc. and have been getting various type of information from them. Being a sensitive matter, I got an opportunity to discuss the matter with journalists, scholars and religious teachers from native and alien land and I myself studied the subject on the basis of available information and references.
10. I have written a book named "Shri Ram Janmbhoomi/Babri Masjid Dispute - Ek Drishtikon", which was published by Care Free Printers 117/366/1, 'O' Block, Geetanagar Kanpur in 1997 for the first time and second edition of the book was published in 1999 by Shri Parth Printing Press, Geetanagar, Kanpur.



11. I, in my said book, have mentioned my views on the basis of information, revenue records and evidences, available during my tenure in Faizabad and also mentioned about the work concerning to performance of my administrative duties. I also referred the concerned reference, as far as possible in my book.
12. I have studied the volumes of the Gazetteer of the territories under the Govt. of East India Company by Edward Thornton, wherein Ayodhya City of Distt. Faizabad was mentioned, which was published in 1858 for the first time and was republished in 1993.
13. I, in regard the questioned dispute, have studied the references concerning to Shri Ram Janambhoomi described in the book "Historical Sketch of Faizabad with the old capital of Ayodhya and Faizabad", written by Shri P. Karnegi, officiating Commissioner and Settlement Officer. The said report was written in 1870.
14. I have studied the relevant pages concerning to Shri Ram Janmbhoomi dispute, from the Gazetteer of the province of Avadh 1877 and also studied the relevant parts concerning to Faizabad Division given in Imperial Gazette of India of United Provinces of Agra and Avadh.
15. I have studied the District Gazetteer of United Provinces of Agra and Avadh 1905 and volume -48 of District Gazetteer Barabanki 1902 edition and relevant pages concerning to amended sections of Faizabad Gazetteer, volume-43 and also other available Gazetteer on the subject and some other available books concerning to the subject.

16. It is clear from the study of above Gazetteer that disputed site is a birthplace of God Shri Rama, adorable of Hindus, where Hindus have been worshiping the birthplace of their adorable God Shri Rama. Shri Ram Janmbhoomi Mandir was there at this site in the past time, which was demolished in 1528 by Meerbaki on the order of Babar, and hence the disputed structure.
17. I have inspected the revenue and nazool records concerning to questioned land, at a number of times. In fact, settlement (Revenue-settlement) was organized three times i.e., 1861, 1893-94 and 1936-37. On the basis of these settlements, revenue and nazool records were corrected in respect of the available land-properties in district Faizabad.
18. A detailed report in respect of revenue records of Faizabad, particularly in respect of nazool properties, its maintenance, arrangement and entry etc. was prepared by J.W.Hoz, the then Collector and Shri P. Karnegi, then Commissioner and Settlement Officer has also recommended a detailed ruling/order.
19. In accordance with the settlement of the year 1861, birthplace and plots concerning to it, have been shown inhabited as Moujakot Ramchander, and in continuation to this, birth place was also mentioned in the map of Kistwar of Mouja.
20. I have read the records available in Revenue Record office, Faizabad and Tehsil Sadar Faizabad, concerning to Shri Ram Janmbhoomi/Babri Masjid dispute, at a number of times and obtained the information from all concerned Revenue Officers in

this regard. It has become clear from in-depth study of all records that disputed site has been entered as a birthplace in revenue and nazool records.

21. At the time of stone laying ceremony, after studying all records, questioned plot was established to be a birthplace and relevant information was given to Central and State Government from time to time.
22. On the basis of facts made available during my tenure and investigation conducted by me and information received from various agencies, I came to the conclusion that questioned site is a birth place of God Shri Ram, adorable of Hindus, where there was Shri Ram Janmbhoomi Mandir and which was demolished by Babar during his invasion through his general Meerbaki and constructed a disputed structure (since been demolished) at that place.
23. On the basis of my study and knowledge it is concluded that Namaz was never read there in the structure at the disputed site after 1934. Muslims, in general or individually, never used this place for reading Namaz.
24. Pillars of black-stones fixed at the disputed site were engraved with pitchers, tender leaf of mangoes, lotus, figures of Deities and human being and Sita Rasoi, footprints, Chauka Belan, Chulahs and Ram Chabutra were in the premises. The said site was a holy place for Hindus and disputed site had been adorable as a birthplace of God Rama.
25. That I went to London in 1994 where I have studied a book "The new encyclopedia Britanica- Part-I"

published in 1760, fifteenth edition. It is very clearly mentioned at page No. 751 that a mosque was constructed at the birthplace of God Rama in Ayodhya. This mosque was constructed by Babar in 1528, at the birthplace of God Rama. Photo of disputed structure was also published in the said book.

Lucknow

Sd/-

Dated 20.1.2005

Deponent

Ram Sharan Srivastava

**Verification**

I, Ram Sharan Srivastava, Deponent do affirm that contents of para 1 to 11 and 24 of this affidavit on the basis of my individual knowledge and para 12 to 23 and 25 of this affidavit on the basis of my study and faith are true. Nothing is false and nothing has been concealed. May God help me.

Verified, today on 20.01.2005 at Hon'ble High Court premises, Lucknow Bench, Lucknow.

Sd/-

Lucknow

Deponent

Dated 20.1.2005

(Ram Sharan Srivastava)

Deponent Shri Ram Sharan Srivastava has signed this affidavit before me, who is known to me personally.

Lucknow

Dated 20.1.2005

Sd/-

(Madan Mohan Pandey)

Advocate.

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

Sunni Central Board of  
Waqf, U.P. and others ----- Plaintiffs

Versus

Gopal Singh Visharad  
and others ----- Defendants

Other Original Suit No. 4/1989  
Original Suit No. 12/1961

**Dated 20.01.2005**

**D.W. 2-1-2, Shri Ram Sharan Srivastava**

Examination in chief affidavit, page No. 1 to 6 of Shri Ram Sharan Srivastava, aged about 68 years, S/o late Shri Kanchan Lal Srivastava, resident of 1325, Block-Y, Kidwai Nagar, Kanpur, was submitted and taken on record.

(Cross-examination on an oath of Shri Ram Sharan Srivastave deponent D.W. 2/1/2 by Shri Tarunjeet Verma, Advocate, on behalf of plaintiff Nirmohi Akhara, in Other Original Suit No. 3/89, begins)

XXX XXX XXX XXX

I have completed my primary education in Hamirpur and later I got my education in Kanpur. I have worked as District Magistrate, Distt. Faizabad w.e.f. 19.7.1987 to December 1990. I was retired on 31.3.1994.

Verified the statement after reading  
Sd/-

Shri Ram Sharan Srivastava

20.1.2005

I have dictated to stenographer who typed it in the open Court. In continuation to this the Suit may be listed for further Cross-examination for 23.1.2005. Witness be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

20.1.2005

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

**Dated 24.01.2005**

**D.W. 2-1-2, Shri Ram Sharan Srivastava**

(Commissioner appointed vide order dated 3.12.2004 passed by Hon'ble Full Bench in Other Original Suit No. 4/89)

(In continuation to dated 20.1.2005 Cross-examination of witness D.W. 2/1/2, Shri Ram Sharan Srivastava on an Oath, by Shri Ranjeet Lal Verma, Advocate, on behalf of plaintiff Nirmohi Akhara, Other Original Suit No. 3/89, continued.)

I also went to Ayodhya once before my appointment as District Magistrate, Faizabad. I went to Ayodhya during the period when I was District Magistrate, Hardoi, 8-10 days prior to my appointment as District Magistrate, Faizabad. Before that I never visited Ayodhya. I follow Sanatan Hindu Religion, which is also called Vaishnav Dharm. I have faith in all incarnation of God Vishnu. I believe that God Rama was an incarnation of Vishnu. My

mother-father also believes in it. I have knowledge about God Rama since childhood.

Learned advocate cross-examining draw the attention of witness towards para-8 of his examination in chief affidavit. Witness said, that during the period of my tenure for three and half years, approximately, in Faizabad, I have been in touch with all Akharas and their Mahants. I have no distinct knowledge whether about 98% Matth and Mandir of Ayodhya are owned by Vairagies of Ramanandiya Sect or not.

I went to Hanumangarhi. I went there at a number of times. I used to go there mostly for administrative reasons and in connection with the law and order situation. I went there for religious faith. In addition to an idol of Hanumanji in Hanumangarhi, there was a temple of Ramji, opposite to it and small temples of various deities around the temple of Hanumanji. I have no distinct knowledge whether Hanumangarhi temple belongs to Nirvani Akhara or not because 14-15 years have been passed away since I was posted in Faizabad.

“Questioned subject” has been referred to in para-8 of my examination in chief affidavit, which I mean, the dispute concerning to Ram Janmbhoomi. I came to know about the suits concerning to this case, later on.

I have, in para-6 of my examination in chief affidavit, written that stone-laying ceremony was performed during my tenure. I have obtained information about the suits concerning to this case before stone laying ceremony and viewed the concerned revenue records in this regard.

I have referred the information, which I have gained in this regard in my book. During stone-laying ceremony, I came to know how many suits concerning to Ram Janmbhoomi are pending. There were four suits at that time, one filed by Gopal Singh Visharad, second one filed by Ramchander Paramhans, Third one- by Nirmohi Akhara and fourth one by Sunni Central Waqf. Board. What was demanded in all these four suits, I do not remember at present.

I do not remember at present that at which Nazool number and revenue number, the stone-laying programme was proposed to be. Stone-laying ceremony was being organized by Vishwa Hindu Parishad. So far I know, Vishwa Hindu Parishad was not a party in any of these four suits. If by keeping my religious faith aside, I express my individual view, it might be said that this proposal of Vishwa Hindu Parishad was not correct. So many problem concerning to Law and Order had been there due to this programme.

On the request of Learned advocate cross-examining and with the permission of Commissioner, witness after reading the Anutosh –Volume of Suit plaint Other Original Suit – 1/89 said that right of darshan was sought in Anutosh part. Chauhadee of disputed property has been given in Suit plaint but land number has not been mentioned in it.

I have not seen the details of disputed property given at the time of stone-laying ceremony in Suit plaint of Other Original Suit No. 1/89. I have not seen this suit plaint in the capacity of a collector, before stone-laying ceremony. I visited the disputed site, when I came to Ayodhya from Hardoi for the first time. I went there at that time because



of my religious faith. At that time too, I have done sufficient study concerning to this suit.

Lock had already been unlocked by the time when I went to Ayodhya for the first time. In the questioned subject, mid part of the disputed premise i.e., Grabh Grih was attached in 1949. Grabh Grih means a part below the three domes' building and part of courtyard opposite to it, up to the wall with grill. There was a stone of Ram Janmbhoomi and Ram Chabutra in the east side of the attached property. In the north, there was a place of four footprints and Chakla-Belan. There was a "Sita Pak Janmsthan" Mandir, also called Janmsthan in the north of the road, which falls on the north of disputed premises.

I knew Ramchander Paramhans, as a Collector of Faizabad. He was a Mahant of Digambar Akhara. Digambar Akhara is in the eastern side of Hanumangarhi crossing. I went there. I talked to Ramchander Paramhans about Ram Janmbhoomi –Babri Masjid dispute. I have not enquired from him about the Anutosh, he had demanded for, in the suit he filed. I have no knowledge if he was an ordinary Sadhu of a temple in Tapasi ji ki Chhavani, or not.

Learned advocate cross-examining draw the attention of witness towards the suit-plaint of Other Original Suit No. 3/89. Witness after seeing the map attached to suit-plaint said that the parts of disputed property as shown in the pictures attached to suit-plaint, indicated by the letter E, F, G, H, I, J, K, L. E, in the third line at page No. –5 of the suit-plaint, shown with a view of suit-plaint.

Learned advocate cross-examining draw the attention of witness towards the suit-plaint of Other Original Suit No. 4/89. Witness after seeing the suit-plaint said that nazool plots have been mentioned in the schedule –A of suit plaint but no rakba is given.

So far I know, in addition to revenue plots, nazool settlement was also mentioned in the three settlements held. In accordance with my knowledge, owner of the property emerges from Adhayasan in Hindu system. I have no knowledge about the principle of Manusamriti that a person will be the owner of a prey who hunt it by his arrow i.e. the occupant will be the owner of the land. I have no knowledge, if Roman Jurists have accepted this principle of Adhyasan or not. I also have no knowledge about the principle enunciated by Mohd. Sahab under Muslim Law that a person who cultivates the barren land will be the owner of that land. In ancient times, Kings were not the owner of land, but they used to get a part of produce, cultivated from the land. It is said that King Todarmal had for the first time organized the settlement during the time of Mughals. I have no knowledge whether King Todarmal had given the title of Land to the King or not and land ownership is vested in occupant. I have no knowledge about the principle of King Todarmal in this connection.

Whether permanent settlement of Banaras was the first of its kind settlement. I have no knowledge about this. I have no knowledge if province of Avadh, was under the occupation of British at a number of times during the period 1775 to 1857. I have the knowledge about revolt of 1857. After this revolt the entire province of Avadh came under the control of British. I have no knowledge about this. The first settlement held in 1861, was for revenue

numbers, which is also called a number one settlement. I have no detailed knowledge if Board, after issuing the circular about the Kistwar number had ordered for putting hata number of inhabitant and to prepare a separate map in this regard or not.

Learned Advocate cross-examining draw the attention of witness towards para -17 of his examination in chief affidavit, wherein conducting inspection of revenue and nazool records concerning to questioned land has been referred at a number of times. I do not remember the revenue number of disputed land put in during settlement of 1861. I have read the records concerning to revenue of 1861, available in Record Collectorate, Faizabad. I do not remember if there was any land record of the plot of disputed premises in Mouja Kot Ramchander or not. There was a Zamindar, but his name is not remembered by me. I have seen the compound inhabitant number put in Kistwar number of disputed premises. "Abadi Janmsthan" was marked in kistwar and compound numbers. So far I know, second settlement was held in Faizabad during 1893-94. I have no knowledge that the settlement was stopped for certain reasons. Settlement in district Faizabad was held in 1936-37. The numbers put in during the first settlement were changed during the second settlement. These numbers were changed in the settlement of 1936-37. The present revenue numbers are different than the numbers mentioned in suit plaint of Other Original Suit No. 4/89. Nazool land means the land in occupation of Government. I cannot say how the word nazool was originated.

I have no knowledge whether the settlement of nazool land in District Faizabad was done by Deputy Collector, Chaudhry Maharaj Baksh Singh or not. I have

no knowledge whether nazool has the status of zamindar or not. I have no knowledge if nazool property under Government Grants had been vested in Central Government or Governor is its custodian. I have no knowledge if Chaudhry Maharaj Baksh Singh had put in the number of other nearby zamindars for nazool or not. I cannot say that the map of nazool was not prepared on the order of competent authority. Instead this, the map, which is available, is recognized as correct map. I have no knowledge that map of nazool was prepared according to Mohallas and it was protected like cheques and no Sihdha was marked on it. I have the knowledge about the number 159 or 160 concerning to disputed property, which has many Battejat. I have no knowledge that a Ferd was prepared for displaying the relationship in between Kistwar numbers and nazool numbers or not. I have no knowledge about J.W.Houz.

Learned advocate cross-examining draw the attention of witness towards para-18 of the affidavit. Witness said that the detail description is mentioned in the third line of the para, which was prepared for allotting revenue number and nazool numbers. I have read Houz's notes. Houz's note has the references of prevailing customs and present situations. I do not remember if this has the references of seven Akharas of Ayodhya or not. Famous Janmsthan under Mouja Ramkot was referred in the note and it was stated that Mouja Ramkot is like a plateau and Ramkot is a birthplace of Lord Rama. Its Chauhadee is given in it but I do not remember it fully. Hanumangarhi is in the east, at a distance, in the Chauhadee of disputed premises. Vibhishan tila is a famous place in the north of Chauhadee. I do not remember if the name, Matgajendra was referred or not. Vasishta Kund was mentioned as one of the famous

places among the places in the west side of the disputed premises. I do not remember if Brahmkund Gurudwara was mentioned or not. Volunteer: that many famous places were mentioned in it, but I do not remember their names.

Religious places in Ayodhya have the petrograph, but during which collector's time these were fixed, I do not remember. I also do not remember the number of these petrographies. Ram Janmbhoomi has a petrograph. I have seen it during my tenure. I cannot say if that stone is still there or not. "Ram Janmbhoomi" both in Hindi and English, was written on it.

I know little Urdu. I recognize only a few words. I have the knowledge about nazool record. Mutations register and register No. 2 is prepared for it. Nazool Officer passes the order after enquiring into occupation and inheritance. I have seen the nazool register concerning to disputed number but I am not remembering about its entry. Learned advocate cross-examining draw the attention of witness towards para -23 of his examination in chief affidavit. Witness said that about this "the knowledge" referred in second line of this para, I came to know from others and from the records. From records I came to know about the riots took place in 1934. After these riots, riot tax was imposed on Hindus only. In this incident Muslims were killed and they were under panic. Kot Ram Chander Mohalla has a Hindu Temple and only Hindus reside there. Muslims do not go towards the disputed site due to this riot. I myself read about this and also heard from people. I have not read the book "Ram Janmbhoomi-Babri Masjid dispute and the demolition episode", written by Justice K.N. Mishra. The first edition of my book was published in 1997 and second edition in 1999. I have written this book for my own satisfaction and

about the incidents concerning to disputed site happened during my tenure as well as to remove the misunderstanding about the disputed site. The reason behind writing the book was that this book will provide guidelines to the administrative officers for removing the problems and to avoid the pressure of politicians and pave the way to solve the problem mutually by both communities. My object was to pave the way for the solution of this problem through peace agreement by the local people. I agree with the view of learned advocate cross-examining that this problem can be solved by keeping the extremists of both groups aside. I myself have not seen the papers filed under Section 145 of Code of Criminal Procedure, concerning to this case. But I have the knowledge about this. The first information issued by concerned Magistrate after attachment of the disputed property, was for the general Hindu and Muslim public and it was expected from them that they would submit their respective claims for worshiping and the title.

Attention of witness was invited towards first para at page No. -14 of the book by Justice Shri K. N. Mishra, document No. 16/54, Other Original Suit No. 5/89, attached with the statement made by Mahant Rajaramchandracharaya D.W. 03/20, Witness said that the report of Waqf Inspector Mohd. Ibrahim, submitted to the Secretary, Uttar Pradesh Sunni Central, on 10.12.49 have the mention about it. I myself has seen this report.

This is one of the basis of my statement. The same thing in this connection was told to me by Hindus and Muslims of Faizabad and Ayodhya and people of other communities. I have mentioned a number of gazetteers in my examination in chief affidavit. Learned advocate cross-examining draw the attention of witness towards

Faizabad gazetteer for the year 1905 (Document No. 312, C-1/24 of Other Original Suit No. 5/89), Witness draw the attention towards line No. 17 to 20 at page No. 62 of the Gazetteer, which is underlined, concerning to Nirmohi Akhara. Witness said I have the knowledge about Nirmohi Akhara but I do not have the knowledge that people of community of Govind Das of Jaipur, are the inheritors. Sadhus of Nirmohi Akhara were living in the disputed premises. Outer portion of the disputed premises was under their occupation. Sadhus of Nirmohi Akhara were living there. Learned advocate cross-examining draw the attention of witness towards para 13 of his examination in chief affidavit; where in the book written by P. Karnegi was referred. (In this context, learned advocate cross-examining has filed a certified photocopy, certified by notary, of the book "Historical Sketch of Faizabad with the old Capital of Ayodhya and Faizabad" written by P.Karnegi, Officiating Commissioner and Settlement Officer, as document No. 258 C-1/1 to 258 C -1 /15.

(In respect of above documents Shri M.A.Siddiqui has raised an objection that a notary can certifies a copy only from its original. Certified photocopy of a copy is not admissible at all and apart from it, there may be number of enclosures with a report. Neither the report in full was filed nor the other enclosures, other than the filed one, were filed. Hence filed document cannot be used as evidence.)

Learned advocate cross-examining draw the attention of witness towards Akhara Ramghat Nirmohi Govind Das Mahant mentioned at Sl. No. 11 of document No. 258 C -1/3. Witness said that it is clear from this document that Govind Das Mahant is written in para -3, Number 250 is written in para -4, number -6 in fifth para

and Ramanandiya Raghunath is written in ninth para. Nirvani Hanuman is written in column No.9, at Sl. No.5 of this document. In regard to para No. 12 of the comments about document No. 258 C -1/3, it is written that this information is correct. In this connection he said that only this much he could say. It is also written therein that these places were said to be related to Vikramajeet and Rama.

Learned advocate cross-examining draw the attention of witness towards document No. 136/5-Jeem (paper No. is in Urdu) of Other Original Suit No. 1/89.

I am seeing this map for the first time. A tree of Neem and Peepal has been shown in the south of Hanumath dwar in plan -2 of the map. In the para -3 of the report of Commissioner, enclosed to this suit as document No. 136/2-Jeem, a Chabutra in the shape of half-moon under a tree was mentioned, wherein idols Shadmukhi (with six faces) Mahadev, Parvati, Ganesha and Nandi were mentioned. In regard to Sumitra Bhawan shown in the map, Sita Koop is stated to be mentioned at slab No. 3 at page No. -4 of the report and Sumitra Bhawan at slab No. -4. A stone engraved with an idol of Sheshnaag stated to be below it. I am seeing the Sita Koop in the above map. Volunteer:that all these items were on the disputed site during my tenure.

Witness after seeing the filed document No. 312 C -1/5 (Document No. 312 C -1/6, of Other Original Suit No. 5/89) said that notes by P.Karnegi, referred above by me, have been filed through these papers. Appendix is not there.



All the temples in Ayodhya are managed by the Shivait and Sarvrahakars. I have no knowledge about the Panchayati rule in the Akharas of Ayodhya. During my tenure there was no dispute about Hanumangarhi. I do not remember the name of any coronated person of Hanumangarhi. I know the names of Saints Mahants of Ayodhya. Ramchander Paramhans, Nirtyagopal Das

Laxman Kiladheesh, Sitaramsharan Das, Falahari Baba and Vedanti ji are among them. I came to know about Matth, temples from these people. The above-mentioned people told me about the managment of temples and Akharas in Ayodhya but I do not remember about it at present. My meetings as District Magistrate with Ashok Singhal of Vishwa Hindu Parishad, took place in 1989 at a number of times. But no conversation in regard to Matth, temples was held with him. Ashok Singhal is a follower of Hindu Religion. He is not a recluse. Which Sect of Hindu religion he belongs to, I have no knowledge about this. I have not filed a copy of any book or extract or Gazetteer concerning to the basis of my examination in chief affidavit in connection with Ramjanmbhoomi. I have not filed my book with my examination in chief affidavit. The conclusion of my book is that I do regard the disputed site as a birthplace of Shri Rama. On the basis of my experience I know that Sadhus used to worship an idol at Ramjanmbhoomi and offer Bhog, Sammiya etc. After appointment of Receiver, Receivers and personal appointed by them, were doing this job. I have no knowledge about that Mughal rules have not acquired the land forcefully or they had purchases the land. I have no knowledge that Mughal rulers and Aurangzeb had purchased the Hindu holy places from Hindus. I also have no knowledge that King

Akbar had purchased the land for construction of Fort at Allahabad and Agra.

I also have no knowledge that Shahjahan had purchased the land for inhabiting the Shahjahanabad. I have the knowledge that in accordance with the Islam, namaz cannot read at the place, which was acquired forcefully. Babar was not an Indian. He was an invader.

(Cross-examination on an Oath, of witness D.W. 2/1/2, Shri Ram Sharan Srivastava, by Shri Ranjeet Lal Verma, Advocate on behalf of plaintiff Nirmohi Akhara of Other Original Suit No. 3/89 concluded.)

Verified the statement after reading

Sd/-

Shri Ram Sharan Srivastava

24.1.2005

Typed by the stenographer, in the open Court as dictated by me. In continuation to this the suit may be listed for further Cross-examination for 25.1.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey )

Commissioner

24.1.2005

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

**Dated 25.01.2005**

**D.W. 2-1-2, Shri Ram Sharan Srivastava**

(Commissioner appointed vide order dated 3.12.2004 passed by Hon'ble Full Bench in Other Original Suit No. 4/89)

(Shri Vireshwar Dwivedi, Advocate has not conducted any Cross-examination on behalf of Shri Umesh Chander Pandey, defendant No. -17 and defendant No. -22, Other Original Suit No. 4/89.)

(Kumari Ranjana Agnihotri, Advocate, on behalf of defendant No. -2, All India Shri Ramjanmbhoomi Renovation Committee said that she is not going to conduct any Cross-examination from the witness.)

(Shri Ajay Kumar Pandey, Advocate, on behalf of plaintiff of Other Original Suit No. -5/89 said that he is not going to conduct the Cross-examination from this witness.)

(Learned Advocate Shri D.P.Gupta on behalf of plaintiff of Other Original Suit No. -1/89 was given a chance for Cross-examination but he said that he is not going to conduct any Cross-examination from the witness.)

(Thereafter none on behalf of any defendants other than the Learned Advocates on behalf of Other defendants of Other Original Suit No. -4/89 and defendants No. 4, 5, 6 and defendant No. -26 of Other Original Suit No. 5/89, was present for conducting Cross-examination.)

(Cross-examination of witness on an Oath by Shri Abdul Mannan, Advocate on behalf of Mohd. Farooque Ahmad defendant No. -11 of this Suit, begins.)

XXX            XXX            XXX            XXX

I joined P.C.S in 1961. Before that I was working as a District Industry Officer. I have joined this post in 1959. I passed L.L.B. Degree from Agra University. I joined Provincial Administrative Service in 1961. I was in P.C.S. Cadre up to 1984, after that I became a member of I.A.S. I joined as District Magistrate, Hardoi in 1984 and worked as District Magistrate for about two and half to three years. I was transferred from Hardoi to Faizabad, as District Magistrate. I have worked at the post of District Magistrate Faizabad from 1987 to 1990. Babri Masjid was not unlocked during my time. This was happened before my appointment in Faizabad. Disputed site had unlocked before my appointment as District Magistrate, Faizabad. Before my appointment as District Magistrate, none used to go for reading namaz in this disputed site. I obtained full information about the disputed site after my appointment as District Magistrate, Faizabad. I was told that Muslim brothers called disputed site as Babri mosque and Hindus called it Ramjanmbhoomi. Volunteer, we people call that place as a disputed site from administrative point of view. I have seen the disputed site at a number of times. I cannot tell the length and width of the disputed site at present. This site was about two hundred yard in length in north south and hundred to hundred-fifty yard in width in the east west. This length and width was of the then part of disputed site. As per record, disputed site was constructed in 1528. It is said by the people and proven by the record.

Volunteer:that disputed Bhawan was constructed by demolishing the temple. As per my information disputed Bhawan was constructed in 1528 by demolishing temple. My information in this regard is based upon the various reports and Gazetteer of Faizabad. The Gazetteer is not available with me at present and I cannot bring it because I was retired from service about 11 years back. I am deposing in this case after 11 years of my retirement. Before that I had never given any statement in this regard. Disputed Bhawan was demolished after I was transferred from Faizabad.

Question: Why and how the disputed Bhawan was demolished?

(Upon this question learned Advocate Shri Madan Mohan Pandey, Advocate on behalf of defendant No. 2/1 of Other Original Suit No. -4/89 has raised an objection that witness has neither given any statement in respect of demolition in his examination in chief affidavit nor he is a witness to demolition. Demolition was also not happened during his tenure. Hence such question cannot be allowed.)

Answer: I was not in Faizabad at the time of demolition of disputed Bhawan. My information in this regard is based on the newspapers.

In this connection I read Hindi newspapers, Dainik Jagran, Aaj, Amar Ujala, Hindustan Times etc. and English newspapers Times of India and Pioneer etc. News in this connection was published in all native and alien land newspapers. I was a District Magistrate of Kanpur during the time when disputed Bhawan was demolished. I have been a District Magistrate of Kanpur for about quarter to

two years. From Faizabad, I was transferred to Lucknow Secretariat as Special Secretary, education and from Lucknow to District Magistrate, Kanpur. From Kanpur again to Secretariat as Special Secretary, Social Welfare. I had been transferred to the post of Director, Employees Insurance Corporation within the Kanpur. I was retired from service on 31<sup>st</sup> March 1994. Now a day I am engaged in Social service. Besides, I am working as an Adviser to Agriculture Finance Corporation of Ministry of Forest and Environment, Govt. of India. Beside this, I am working as an executive member of Managing Committees of a number of schools. Among these Schools, one school is Shri Ram Kanchan Lal Saguna Inter College, named after my mother-father. I am the Chairman of this School. Besides this, I am a Chairman of Dyomar Vaishya Mahila Vidayalya, Kurara. I am Secretary to Ramkrishna College situated at Kurara. All these three Vidayala are in District Hamirpur. In addition to this I am working as Chairman/Manager in Sant Pathik Inter College, Kanpur and working in executive committee as Vice-chairman of Kanpur Vidya Mandir Post Graduate College, Kanpur Vidya Mandir Inter College, Kanpur Vidya Mandir Public School. During my tenure as a District Officer in Faizabad a number of incidents concerning to disputed site happened. One of the incidents is stone laying ceremony. Besides, removal of umbrella from Stone-laying site was also happened during my tenure. The work concerning to the removal of Umbrella was the work of Development Authority of Ayodhya but was carried out on the order of Govt. and Umbrella was removed. Government has given order to remove the umbrella, at stone laying site. I do not remember under whom signature, the said order of authority was issued. Umbrella was removed one year after stone-laying ceremony was held. Only umbrella was removed and rest of structure remains as it was. The pit,

digged for stone lying was about two meter in length and width. Removal of umbrella was ordered seven-eight months after stone laying ceremony. Stone-laying site was at a far distance from the disputed Bhawan. Its actual distance is not remembered to me. I went to that site after Umbrella was removed. I used to go there daily. When I was posted in Faizabad, I used to go to disputed site almost every day. So many sadhus were living there. They may be in twenty to twenty-five in number. Besides this, Sadhus and employees of temple, situated there, were living there. Volunteer: that a number of people come there at the disputed site. There were three domes at the disputed Bhawan. These three domes have enough height. I cannot say about their actual height. There was floor under all the three domes. Black colour pillars were there in the disputed Bhawan. Numbers of black colour stones are not remembered to me. These pillars were up to arch and not up to the roof. All the pillars under three domes have black stone fixed with.

Question: What was the distance in between the pillars and place where namaz was read?

Answer: There was no place for reading namaz.

During my time there were idols. No Chabutra for reading namaz was there. I cannot tell the actual width of the inner part below the three domes in the disputed Bhawan. The width was sufficient. This width was about thirty to thirty-five feet. This is the width of an inner part below one dome. Thus the length of part below the three domes comes to about hundred to hundred-fifty feet. The courtyard in front of three domes was twenty to twenty-five feet in width. I do not remember if the width of the part under three domes is less than the width of courtyard or not; May be, its width on one side is much more. There

was a wall in the outer portion of the courtyard. Windows with iron rods were fixed on it. I do not know the number of these iron rods. Rods were fixed. There was a gate for going out. People used to come through gate. Devotees used to come for darshan during my tenure. Gate remained open during the day for devotees. Darshan was not allowed during the night. In the event of huge gathering, time for darshan used to be fixed. Time for darshan used to fix by the administrative authorities and time for worship used to be fixed by priests. Administrative authority I mean district Magistrate, senior Superintendent of Police etc. Besides me, S.D.M., A.D.M, City Magistrate, and Magistrate for Ayodhaya used to go to disputed site. The administrative officers who used to go there took darshan also. I also used to take darshan. I, at that time used to keep the information about the disputes, concerning to this site. It is stated that disputed Bhawan was constructed in 1528 at the disputed site in the shape of mosque. This Bhawan might have been used as mosque earlier but later it was not used as a mosque.

Learned advocate cross-examining draw the attention of witness towards paper document No. 115-A under Section 145 Code of Criminal Procedure, which is a copy of F.I.R. Witness after reading it, in reply to a question asked by learned Advocate said that it is clear from this report that Ramdev Dubey, Incharge, P.S.-Kotwali, Ayodhaya had on 23.12.1994 at 19.00 hrs. written a F.I.R. under Section 147, 249, 439 IPC againts Abhay Das, Ramsakal Das and Sudarshan Das in regard to the incident happened in the morning. Witness after reading a part of F.I.R. – "Five to Six thousand persons together ---  
----- employee of mamura duty and so many other people had seen the incident", said that there is a mention that mosque was desecrated by



rioters. Ram Dev Dubey was a Hindu. It is written in this report that mosque was desecrated. It is written in this report that Ram Dev Dubey was a Sub-inspector, incharge P.S. Kotwali, Ayodhya. It appears from seeing the report that Ramdev Dubey was a educated man. So far I know, disputed Bhawan, from 1528 to 23<sup>rd</sup> December 1949, was not being used as mosque regularly. On the basis of my knowledge and reports etc. my view is that above mentioned Bhawan might be used as a mosque up to 1934, but after 1934 this Bhawan had not been used as a mosque for reading namaz. It is written in the above mentioned F.I.R. that idols were kept on 23<sup>rd</sup> December 1949. Mosque was desecrated by putting idols therein. A suit was filed about disputed site under Section -145 Code of Criminal Procedure, but I cannot distinctively say that this suit was filed on the basis of report written by Ramdev Dubey, incharge, P.S.Kotwali, Ayodhya or for other reasons. As per my knowledge an appeal was filed in the High Court against the order passed in the suit filed under Section -145 Code of Criminal Procedure. Volunteer:that the proceeding in this connection was going on in the court of Civil Judge, Faizabad. Evidences also must have been conducted in the suit under Section -145 Code of Criminal Procedure.

Question: It is clear from the F.I.R. written by Ramdev Dubey, Sub-inspector that disputed Bhawan was being used as mosque up to 23<sup>rd</sup> December 1949. What you have to say in this regard?

Answer: As I have already stated that on the basis of this report it cannot be said that disputed Bhawan was being used as a mosque regularly since 1528.

I have no knowledge if a suit was filed in 1885 in connection with construction of a temple at disputed site or not. I have no knowledge if the suit filed in 1885 was adjudicated in the same year or not. I have no knowledge that court had not permitted to construct a temple at the outer portion of mosque. I have no knowledge if the suit of 1885 was filed by Mahant Raghubar Das or not. I have no knowledge if permission was sought for construction of temple at the outer part of mosque or not. I cannot say that court had not granted the permission because there might be apprehension of riots had the permission been granted. I have touched the black stones fixed in the disputed Bhawan. These stones are 12 in number. These were the parts of pillars.

Verified the statement after reading

Sd/-

Ram Saran Srivastava

25.1.2005

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 31.1.2005 before the Hon'ble Full Bench. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

25.1.2005

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

**Dated 31.1.2005**

**D.W.-2/1-2 Shri Ram Sharan Srivastava**

(In continuation to dated 25.1.2005, Cross-examination on an Oath of D.W.-2 -1/2, Shri Ram Sharan Srivastava by Shri Abdul Mannan, Advocate, on behalf of Defendant No.-11, Mohd. Farooque Ahmad - continued.)

I had been posted in Faizabad as a District Magistrate since 1987. Incident of unlocking the disputed Bhawan happened before I was posted there. The incident of unlocking is said to be happened on 1<sup>st</sup> February 1986. In February 1986, I was posted as District Magistrate, Hardoi. I joined Government service in 1959. Initially I was posted as a District Industry Officer, after my selection in P.C.S. I was appointed as Sub-Divisional Magistrate. After that I was transferred to Faizabad from Hardoi. I came to know about the dispute after I was appointed as District Magistrate, Faizabad. Muslims called disputed site as Babri mosque and Hindus call it a Ram Janmbhoomi site. I have no individual knowledge when the Babri mosque was constructed but on the basis of records it appears that mosque was constructed in 1528 by demolishing the temple by Babar. It appears from the history books that Babar had stayed there, nearby and his agent Meerbaki had constructed the mosque after demolishing the temple. I cannot say that at what place and how far Babar stayed. I cannot say if he stayed at a distance of 40 miles or more or less. So far, I have read, it is not mentioned anywhere that Babar went to disputed

site in 1528 and there is no other means from which it is proved that Babar went to disputed site in 1528. I have no knowledge for how many days Babar stayed around disputed site in 1528. I do not remember the name of a book in which it is written that Babar was at the nearby area at the time of construction of Babri mosque in 1528. I have studied history up to high school. However, I was as commerce student. At that time Indian history was a subject of High School Syllabus. I have not read about Babri mosque in the history, at the level of High School. I came to know about Meerbaki from the records and peoples. I have no knowledge which place Meerbaki belongs to. I do not know for how long Meerbaki remain an agent of Babar for Faizabad and surrounding areas.

I have no factual knowledge, when Babar had died. I also have no knowledge if Babar died in 1529-30 or not or when he died. I also do not know if he died in 1532 or not. As per record, Meerbaki constructed the said mosque in 1528. I do not know which place he belongs to. I cannot say whether he was from Farqana or not. I also do not know if namaz was being read there or not, after its construction. I also do not know if five times namaz was being read there or not. I also do not know what was being done there in mosque.

It is learnt that namaz was not read there in the disputed Bhawan after 1934. I do not know if namaz was read there before 1934 or not. I have tried to know the history of the disputed structure after I was appointed as District Officer in Faizabad. It is said that first suit was filed in 1885. So far I know, Hon'ble Judge, in this case, had given his remark that mosque was constructed at a holy place of Hindus and since three hundred and fifty

years have passed away, no action is possible. I have not read the full judgement in the case.

I have no knowledge that Meerbaki stayed in Faizabad or Ayodhya. It become known from rock inscription and records that on the order of Babar, his agent Meerbaki had constructed this Bhawan for arrival of divine persons. Mosque constructed by Meerbaki had no towers. I cannot say, how long, a year or more; it took to construct the disputed Bhawan. Courtyard in front of disputed Bhawan was about 20-25 feet in width.

Suit No. 61/280 – 1885, Mahant Raghubar Das V/s Sahab Secretary of State and other, bye-laws Sub-Judge, Faizabad was shown to witness. Witness had read the last sentences and said that in accordance with this, the suit was rejected. The statement made by me earlier was correct that I have not read the full judgement and the fact about the decision is based on the information obtained from other sources. The suit was about the disputed site only. I have not made this statement after reading the judgement delivered by the Hon'ble Judge, wherein he held that since the mosque was constructed by demolishing the temple three hundred to three hundred fifty years back, it would not be proper to allow construction of temple after so many years. My statement is based on the public sayings.

Whether it is written in the judgement that mosque was constructed by demolishing the temple or not? I can say about this only after reading the judgement. (Witness, after reading the judgement in Civil Suit No.61/280 of 1885) said that it was not distinctively made clear in the judgement that disputed mosque was constructed there by demolishing the temple. It is not written in it that a temple

was demolished. I have no knowledge whether any an appeal was filed against this judgement or not. I have no knowledge whether an appeal was made in the court of judicial commissioner or not and the fact about construction of mosque by demolishing temple was not written in it. I acquired the knowledge about the disputed mosque during my tenure as District Magistrate, Faizabad.

I cannot say if towers on the mosque are necessary or not. But I have seen the mosque with towers only.

Namaz was never read there in the disputed Bhawan since 1934. Volunteer:that being a administrative officer I can say that due to derailment of relations between both the communities and keeping the circumstances of Bhawan in view, reading namaz in the disputed site after 1934 was not possible. I, being a District officer in Faizabad, went to disputed site at a number of times. I have not seen graves around the disputed Bhawan. I do not think that graves would have been there ever.

There was no "Ganj-e-Shaheedan" opposite to it, i.e., in the east. I came to know from the records and public sayings that namaz was never read in the disputed Bhawan after 1934. I do not remember that in which record I have seen this that namaz was not read in the disputed Bhawan since 1934. I came to know it from Police record. Police record means record maintained in Police Station and District Police Headquarter. It was also mentioned in District Magistrate record that namaz was not read there since 1934. Disputed Bhawan was in existence in 1951. Disputed Bhawan was constructed as a mosque in 1528 and I have no knowledge that thereafter it was being used as mosque. Disputed Bhawan was not used as a mosque even after 1949. Mosque was attached

under Section -145 Code of Criminal Procedure. This mosque was demolished on 6<sup>th</sup> December 1992. I have not been posted in Faizabad after its demolition. Since I was not present there, so I cannot say how it was demolished. I came to know about its demolition from newspapers. From newspapers, I came to know that Kar-sewaks, who came to disputed Bhawan, had demolished the disputed Bhawan. The people who were launching the agitation on behalf of Vishwa Hindu Parishad were called Kar-Sewak. I went to Faizabad after demolition of disputed Bhawan. Then said, I went to the disputed Bhawan at the time, when I visited Faizabad. It was about three years back, from to day and at that time only, I visited the disputed site. I stayed there in Faizabad for two-three days and I met people like Sheetla Singh, editor of Janmorcha, Lallu Singh, M.L.A. etc. I also met other people of Ayodhya like Nirtya Gopal Das, Raja Sahab, Mishra ji etc. No discussion, other than general discussion, about the disputed Bhawan was held with them. I have not talked with them in regard to the disputed Bhawan. In recent past, I have not talked to anyone about disputed site. I have read in the newspapers that District Judge Sahab had visited the disputed Bhawan, as an observer, before its demolition. But I do not know if he had visited the disputed Bhawan after its demolition or not. I did not meet the District Judge Sahab because I was not posted there at that time. Further said that I met him when I was posted there in Faizabad. I have no knowledge whether District Judge has sent his report to Government after investigations or not. I cannot say at present what conversation was taken place with the District Judge Sahab, at the time. Shri Tej Shankar was a District Judge at that time and later he became an observer. I do not know, whether he was also a District Judge of Moradabad or not, when he was

appointed as an observer. Since I was not present at the demolition of Babri Masjid so I cannot say how it was demolished. I have read in the newspaper that there were huge gatherings at the time of its demolition but I cannot say about the numbers. I cannot say whether there was anyone for the protection of Babri Masjid, when it was being demolished. I also cannot say whether any national leader went there, after its demolition, or not. I have no knowledge whether news concerning to the presence of any national leader was published in the newspapers or not.

I have no knowledge, whether an effort was initiated for the reconstruction of Babri Masjid after it was demolished in 1992 or not. At present, idols are kept there in a Pandal, at the site and worship etc. is going on. The entire disputed site is surrounded with barricades. In my view disputed site cannot be used for any other purpose, after the mosque is demolished.

Shri Taj Shankar (observer) was a district Judge of District Moradabad, before or after the demolition of disputed Bhawan. I do not know that all the Muslims of Ayodhya were caused to run away from there in the morning of 6<sup>th</sup> December 1992 or they ran away of their own to Faizabad due to scare. Since I was a District Magistrate, Kanpur on that date so I got the news about demolition of disputed structure by Kar-Sewaks and also read in the newspapers on the next day. I do not know whether State Government has taken any action, after its demolition or not. I do not know whether the mosques, in the countries having cold weather, have the towers on them or not. I have not seen any mosque in London.

I have, in Para 25 of my affidavit referred about new encyclopedia Britanica – Part-I. I have written in it that the said Britanica published in 1760, is a fifteenth edition.



It might be fifteenth edition of 1768, which was published at a number of times from 1974 to 1993.

I do not know that Government had a proposal to shift the Babri mosque at another place or not. On the basis of information gathered and as people says, the place, where Babri masjid was, is a Janmsthan. As per my knowledge and views, peoples are correct in saying that this place was a Ramjanmbhoomi. Before the demolition of Babri Masjid there was a Ram Chabutra, attached to the Bhawan, 17 feet in length and 21 feet in width. This Ramchabutra also demolished alongwith the disputed structure. When I visited that place three years back, after demolition of disputed structure, neither the disputed Bhawan nor Ramchabutra was there. I do understand the meaning of secularism. Secularism means Dharm-Nirpekshta or Panth-Nirpekshta, both. In my view, demolition of any religious place or shifting it to any other place is not correct and against the Law. Disputed Bhawan was about 500 years old. Demolition of which was not correct. In any secular county it cannot be said a good act. I cannot say that the Kar-Sewaks, who had demolished the disputed structure, were against the religion or not. I had not filed a copy of book written by me, referred in Para -10, in the Court. I can, if Court direct me to do so. I have the book with me at my home. I did not bring it to the Court.

Verified the statement after reading

Sd/-

Ram Saran Srivastava

31.1.2005

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 01.2.2005. Witness to be present.

Sd/-

31.01.2005

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

**Dated 01.02.2005**

**D.W.-2/1-2 Shri Ram Sharan Srivastava**

(In continuation to dated 31.1.2005, Cross-examination on an Oath of D.W.-2 -1/2, Shri Ram Sharan Srivastava by Shri Abdul Mannan, Advocate, on behalf of Defendant No.-11, Mohd. Farooque Ahmad - continued.)

I have in my statement, said that demolition of a religious place is not correct. Ten years after demolition of disputed Bhawan, when I went to Ayodhya, idols were there in the Pandal at that place and worship was being performed. I do not know whether after the construction of disputed Bhawan and until idols were kept there, this structure was being used as a mosque or not. Action under Section -145 Cr.P.C. was taken in regard to disputed Bhawan.

It is not correct to say that disputed Bhawan was a mosque forever and is still. It is also not correct to say that it will remain a mosque in future also.

(Cross-examination by Shri Abdul Mannan, Advocate, on behalf of defendant No. -11, Mohd. Farooque Ahmad - concluded.)

(Cross-examination, on 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, begins.)

XXX XXX XXX XXX

My views, as mentioned in Para 16 of my affidavit, were formed 5-6 months after I was posted in Faizabad. I have studied all the Gazetteers referred in my affidavit within the period of 5-6 months. I studied some Gazetteer in original and extract of some Gazetteer. I have read the Gazetteer, referred in Para -12 of the affidavit, in original. The above Gazetteer was available in the office of District Magistrate. The book by Shri P. Karnegi, referred in Para -13 of the affidavit was available in the Office of District Magistrate, Faizabad and I have read it in original. I have read the extract of Gazetteer referred in Para -14 of my affidavit. Original book was not available in the Office of District Magistrate. The pages of book, which I have studied, were the photocopies. These photocopies were available in the Office of District Magistrate. I have read about 5-6 photocopied pages of the Gazetteer. About 15-20 Gazetteers were available in the file. Among these, I have studied five-six pages. Two Gazetteers were referred in page -14 of my affidavit. Five-six pages, which I have studied, referred in my statement above, were the pages of Gazetteer of 1877. I have also studied some photocopied pages of the Gazetteer, referred in Para -14. Photocopies of Pages 20-25 of this Gazetteer are available in the file but I have studied only five-six pages only. In Para -15 of my affidavit I stated that I have studied the original District Gazetteer of United Province of Agra and Avadh -1905. district Gazetteer of United Province of Agra and Avadh -1905 contains about 100-200 pages. District Gazetteer Barabanki -1902 was a separate book. Similarly, Faizabad Gazetteer was a separate book.

Question: The District Gazetteer Barabanki referred by you in Para -15 of your affidavit, has no volume

-48. This book is in one volume. What you have to say in this regard?

Answer: So far I remember, I have read the Gazetteer of Barabanki but I am not recollecting what volume it was, 48 or any other. I am not certain if Barabanki Gazetteer has one or more volume. But I have read only one.

The relevant pages referred by me in fourth line of Para -15 of my affidavit, were about all the three Gazetteers mentioned in that Para, i.e., I have studied the relevant pages of all the three books in these three original books. I do not remember if Faizabad Gazetteer - 43 was one book or 43<sup>rd</sup> volume of the book. I have seen the Faizabad District Gazetteer -1902 but its volume number is not known to me. Faizabad District Gazetteer and Barabanki District Gazetteer, 1902, referred in Para - 15 by me, both were the amended Gazetteers editions published after 1902. I do not remember, at present if this amended edition was published before or after 1950. In the Faizabad, Barabanki Gazetteer -1902, which I have read, amendments were printed alongwith the original text, i.e., amendments carried out from time to time were included in the edition of 1902. Then said that amendment carried out after 1902 were also included in it, i.e., both the above books were published after 1902. There is a separate detail by the name of Ayodhaya in both the Gazetteers of 1902. Its title is Ayodhaya and similarly there is a separate chapter under the title 'Avadh' and I have read the both the chapters. I do not remember how many pages were there in both the chapters. May be 15-20 pages. Original edition of District Gazetteer Barabanki and Faizabad, 1902 edition, published in 1905 was available in the Office of District Magistrate,

Faizabad. But I have not studied it. I have studied the amended edition, which was up-to-dated. Both the above chapter/title i.e., Avadh and Ayodhya were amended after 1902 but I do not remember what amendments were carried out. I have referred the Gazetteers studied by me in Para -12 to 15 of my affidavit. Besides this, I have not studied any other Gazetteer i.e.; the conclusion given by me in Para -16 & 22 of my affidavit is based on the above Gazetteers.

I do not know if there are other Gazetteers, other than Gazetteers referred by me in Para - 12 to 15 of my affidavit. I have not read any other Gazetteers other than the Gazetteers referred by me in the affidavit. The conclusion given in my book "Ek Drishtikon - Ramjanmbhoomi Babri Masjid Vivad" is based upon the Gazetteers referred in Para - 12 to 15 of my affidavit and also on the other sources. But Gazetteers are only those, which were referred by me in my affidavit.

I have studied these Gazetteers up to December 1987 or January 1988. I have started writing my book after my retirement i.e., in the year 1994. I had the photocopies of relevant pages of above Gazetteers. These pages were with me, since the time when I started writing my book and up to its completion. But these are not with me at present. I do not know where these have gone, destroyed or lost somewhere. First edition of my book was brought out in 1997 but in which month it was published, I do not remember at present. I do not remember for how many days, after release of my book, these photocopies of relevant pages of above Gazetteers were with me. I knew the importance of photocopies of the above Gazetteer. Besides these Gazetteers, other sources used for writing my book are also not available with me. I

do not remember the name of other books other than the above Gazetteers, upon which I relied, for writing my book and giving conclusions. I relied upon so many books for coming to conclusion given in my book. Historical and Religious books are among them.

My book was released by Satya Mitranand in Delhi. He is a saint and living in Haridwar. Justice H.R. Khanna, Judge of Supreme Court and Justice Rama Joyes were among the prominent personalities present at the time of release of book.

(At this point Learned Advocate cross-examining had filed a title page of the book written by witness, photograph and 8 pages of preface and 1 to 9 page of the book with the list, which were marked with document No. 259 C -1 and 260 C -1/1 to 260 C -1/12. Witness after seeing the second edition of his book titled "Ek Drishtikon – Ramjanmbhoomi Babri Masjid Vivad", said that document No. 260 C -1/1 to 260 C -1/12 are the extract of some parts of the book. Photograph seen in document No. 260 C -1/2 is the photograph of the time of release of first edition. In this photograph Swami Satya Mitranand ji is seen with the book in his hand and Justice H.R.Khanna is standing by his side. Another retired Justice is seen to the right hand side of Swami Satya Mitranand ji, but his name is not remember to me, at present. This release ceremony was held during the programme of "Bharat Vikas Parishad", which was an international conference. It is not correct to say that Bharat Vikas Parishad is a sister concern and associate organization of R.S.S.

The matter written in para starting from the word "concerning to the subject" in document No. 260 C -1/4 under the title "Preface" in my book, which has been filed

as document No. 260 C –1/4 and 260 C –1/5, is about the Ramjanmbhoomi –Babri Masjid Dispute. The object of writing this book was to make the people aware of the correct facts. This book was written, keeping the facts expressed by both the parties, in view. I have tried to establish, by reviewing the historical evidences, that the facts written by me under the title “Preface” that disputed structure was constructed by demolishing a temple, which was demolished on 6.12.1992, are correct. The historical evidences used by me in my book for establishing the above facts, have been detailed in the book. I do not remember the details. From the word historical evidences, I mean, History books, Gazetteer, rock-inscriptions. Besides, I also refer the archaeological survey report as historical evidences in my book.

The name of history books and their authors from where I have given the references in my book, referred above, are not known to me. There is a book written by Bevirij, the reference of which I used in writing of my book, but I am not recollecting the name of book written by him. I do not remember whether Babarnama was translated by Bevirij or not. I have read the entire book written by Bevirij. The book written by Bevirij is about Babar, including the incidents happened during the period of former or later Kings. Details are not remembered to me. I have not read any book called Babarnama. I have not read any book called “Memoirs of Babar”. I do not remember had I read any book called “Humayunama” or any book written about the regime of Babar or not. I have not read, “Aain-e-Akbari”, “Akbarnama” or any book concerning to regime of Akbar. I have not read the “Alamgirnama” or the book concerning to the regime of Aurangzeb. (Volunteer : that he had read the extract taken from the above books, which

were quoted in other books) I have not read any book concerning to the regime of Jahangir and Shahjahan.

I do not remember in which book, the extracts, which I have read, were given. Similarly I do not remember the names of books wherein the extracts from "Aain-e-Akbari", "Akbarnama" or book concerning to regime of Akbar, were given. I do not remember the name of book, which I have read, wherein the extracts from Alamgirnama or book concerning to regime of Aurangzed, were given. I have not given the name of books, wherein Babarnama, Akbarnama, Alamgirnama, Aain-e-Akbari were referred, in my book. I have read the extracts taken from Akbarnama etc. before writing my book. It would not be judged by reading my book that which part is taken from Akbarnama, Aain-e-Akbari, Babarnama, Alamgirnama.

I have mentioned some incidents concerning to the regime of Babar in the book written by me. I do not remember the books, on the basis of which these incidents were mentioned. It would not be judged by reading my book that on the basis of which books, these incidents were mentioned.

In the title "Preface" of the book written by me, document No. 260/4, I have mentioned that mosque was constructed by demolishing the temple. I mean, the disputed Bhawan, constructed during the regime of Babar. This disputed Bhawan was constructed in 1528. This means the temple was also demolished in 1528, during the regime of Babar and disputed Bhawan was constructed in the same year. I have written this fact in my book from the Gazetteer of Faizabad. I do not remember from which book I have referred the above fact.



I have not read the following books:-

1. A History of Mughals rule in India by Ishwari Prasad.
2. The Mughal Empire, by Dr. Ishwari Prasad.
3. The History and Culture of Indian People – the Mughal Empire, by R.C. Majumdar, J.N. Chaudhary and S.Chaudhary.
4. History of Ancient India by Ram Shankar Tripathi.
5. The Culture and Civilisation of ancient India in Historical Outline by D.D. Kosambi.
6. The Wonder that was India, by A.M. Basham.
7. Epigraphy Indica, by A.S.I.
8. A Culture History of India by A.L. Basham.
9. Historical Dictionary of India by Surjeet Mansingh.
10. India Distorted –A study of British Historians of India, by S.C.Mittal.
11. An Advance History of India by R.C. Mazumdar, R.Chaudhary and Dutta.
12. An Encyclopedia in Indian Archeology by A.Ghosh.
13. The Early History of India by V.A. Smith.
14. Hindu World by Benjamin Walker.
15. Khulasat Twarikh by Sujan Ray Bhandari.
16. Fawayadul Fawad by Amir Hasan.
17. Kherul Mazalis by Sheikh Nasiruddin, edited by Prof. Khaleek Ahmad Nizami.
18. Early Travels of India: 1583.1619 by William Foster.
19. Catalogue of Historical documents in Kapardwar Jaipur by G.N. Bahura and C.M.Singh.

Among the above books, I have not heard the name of any book other than “Epigraphy Indica”. I never heard the name of “The life of Hwain-Sang” written by Samuel Bill.

I have, in Para 21 and 22 of my affidavit, written that disputed site have been proved as a birthplace of Shri Ram. My study is based on Ramcharitmanas by TulsiDas and Valmiki Ramayana. I have not studied any history book about above detail. I have written this fact on the

basis of faith. On the basis of Religious faith and available records, I had said that disputed site is a birthplace of God Shri Ram. I was of the opinion since beginning and also before my posting in Faizabad as District Magistrate that disputed site is a birthplace of Shri Rama. I am of this view since my childhood. Gazetteer and Revenue records are among the records referred by me in Para -20 and 21 of my affidavit. Police reports and intelligence report filed from time to time are among the records. These records were available in Revenue Archives and the said Archive was under the control of District Magistrate. Some records concerning to disputed Bhawan, not available in Revenue Archives, were in Tehsil Sadar, Faizabad. In the Revenue Archives, under me, three settlement records of 1861, 1893-94 and 1936-37 were available, which were studied by me. Khasra, Khatouni, Khewat etc. were included in it and reports of three settlements were also available separately. Beside above three settlement and reports, report concerning to the survey of Nazool land, conducted in 1931, was included. Khasra, Khatouni and Khewat prepared on the basis of survey of 1931 were also available. In these three settlements and nazool survey records, disputed site was written as Janmsthan and at some places as Ramjanmbhoomi. On the basis of these references I came to a conclusion that disputed site is a birthplace of God Shri Rama. I have seen all three settlement referred above and all records of 1931, in original, in the Office of District Magistrate and not in the Archives. All the three settlements were in English language and every report has 50 pages. These reports were in typed form. The name of Surveyor and author were written in these three reports but I do not remember the name of anyone. All the three documents i.e., Khasra, Khatouni and Khewat of first and second settlement were in Urdu. So far I know, the third

settlement was in Hindi. Others have read the records written in Urdu to me. Hindi copies of all records were also available. These Hindi copies were already there. I have not got it prepared. These Hindi copies were also made available to me by Revenue Archives. Records of Nazool Survey of 1931 were also in Urdu, copies of which were received along with the original record from Archives. Records sent to me were about the entire Sadar Tehsil, including Ayodhya. All records were in bags and these were in numbers, but I cannot say their exact number. Concerned records, which I have seen, were about Kot Ramchander Village. Name of Kotramchander was written in all three settlements and in the record of fourth nazool survey. I do not remember whose name was written in the column of owner of the said record. Perhaps, Dhanurdhari Ram is sitting, was written on it. I do not remember the original number marked by Revenue Department. Then said that numbers of last settlements were 159, 160 and 160A; which I do not remember. Janmsthan was written in all these numbers. Plot number gets changed in every settlement. The number 159, 160 were of the last settlement. Nazool survey had the number 583, 586; I remember it.

In the record concerning to Nazool Survey, Masjid Shah Babar or Masjid Janmsthan was not written in the number concerning to disputed site. Only Janmsthan was written in it. Graveyard was not written in the Nazool number concerning to disputed site. I do not remember if graveyard was written in the numbers 582 to 590 or not. On the basis of number of third settlement i.e., 159, 160 to schedule, I came to know about their corresponding numbers in the earlier settlement and from these numbers, I have seen the concerned records. Masjid, Shahi Masjid or Janmsthan Masjid was not written in the first and

second settlement's record. There were interpolation in some records of Khasra, Khatouni and Khewat of third settlement, wherein Janmsthan Masjid or Jama Masjid was written in interpolation in some numbers of disputed site. This report was send by me. I have sent the report, in this connection, in 1989 to Board of Revenue. Enquiry was made on the basis of my report. Some officer has came from Revenue Board. An Officer below the rank of Secretary, Board of Revenue, was an Enquiry Officer and not a member. Records, which were interpolated and the report sent by me, were never rectified because the case was pending in the Court. I have not seen the report of enquiry officer. I know, that enquiry officer had filed his report. Which numbers of third settlement were interpolated, I do not know. I do not remember if plot No. 159 and 160 were interpolated or not.

All the three settlements have the map and I had seen all the three maps. Similarly, there was a map in Nazool Survey of 1931; I have seen it. Temples, Masjids and graveyards are indicated in maps by different indications. As such all the four maps have different indication. There was no sign of Masjid or graveyard in any disputed number in the maps. All the four maps had the sign of temples in the number concerning to disputed site. I have seen the above maps, which were called from Revenue Archive. Khatouni and Khasra, which were not submitted to Revenue Archive, subsequent to third settlement, were also called and seen by me. I have seen the records concerning to all the three settlements and fourth survey, called from Revenue Archive and none other. I have seen the then Khatouni, Khasra and map, brought from Tehsil Office. From the word "the then" I mean the year 1989, during the period when I was posted there. I saw all the above records, when a problem arises

in respect of stone-laying ceremony. Stone-laying ceremony was held on 10<sup>th</sup> November 1989 and just before this ceremony in October or November, I have called for the records from Archives and seen them. A notice was issued by the Court, before stone-laying ceremony to the effect that stone should not be laid at places marked with number in English, of the suit plaint and no change should also be made. I do not remember properly if these numbers were of the Nazool or settlement. Volunteer: that disputed Bhawan was shown by A, B, C, D, and disputed was shown by E, F, G, H. I have sent my report to the Govt. after studying the subject matter of aforesaid records. Copy of that report was in the office of District Magistrate. I have not kept it with me.

Verified the statement after reading

Sd/-

Ram Saran Srivastava

01.2.2005

Typed by the Stenographer as dictated by us in the open Court . In continuation to this, the suit may be listed for further Cross-examination for 02.02.2005.

Sd/-

01.2.2005

**Before: Hon'ble Full Bench, High Court of Judicature  
at Allahabad, Lucknow Bench, Lucknow.**

**Dated 02.02.2005**

**D.W.-2/1-2 Shri Ram Sharan Srivastava**

(In continuation to dated 1.2.2005, Cross-examination on an Oath of D.W.-2 –1/2, Shri Ram Sharan Srivastava 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.)

Faizabad District Gazetteer, mentioned in Para -15 of my affidavit, is the same Gazetteer, the extract of which was filed as document No. 312 C –1/48-55 (Other Original Suit No. 5/89). The Gazetteer was in a book-form and I have studied its relevant pages only. At this point attention of witness was drawn towards document No. 312 C –1/49. Witness after reading it said that I do agree with the fact written in it that Ayodhaya was inhabited by Chandergupta – First and he was the real founder but I do not remember if he is also called Vikramaditya or not. The fact written in para 34 of document No. 312 C-1/48 “according to tradition ----- successor of Samudragupta” is a historical fact. Attention of witness was drawn towards para two at page No. –36 of document No. 312 C –1/50, “ During his regim ----- different site of Hyensongs O.Y.U”. Witness after reading this said that it is historical fact and I agree with this. It is written in the last para of this paper, that during the time of Hyensong’s visit to Ayodhaya, there were only 100 Buddhist Monasteries, more than 3000 Mahayanies, Hinyani monks and only 10 Dev Mandir (non-Buddhist) and some people. I have also read the views against the views expressed in this para, in the books but the name of

book or his author is now not remember to me. I have not referred this book in my book document No. 260 C –1/1.

Question: You have in your statement above, just stated that you have read the views written in the book, against the view expressed in last Para of your document No. 312 C-1/50. Would you please tell us that what were the facts written against the views expressed in this document?

Answer: I do not remember, what were the views expressed against it.

Question: How you can say that these views were against the fact, written in last Para of document No. 312 C-1/50 if you do not recollect it?

Answer: Matter written in these books is not remembered to me. It is not correct to say that I am giving false statement on this point and I have not read the facts written against the facts written in document No. 312 C-1/50.

I passed High School Examination in 1951 and B.Com. in 1957. I have done L.L.B in 1959. I do remember the some facts, I studied up to High School. History of Mughals, including the history from Babar to Aurangzeb, is taught in High School, which I also read. There was no reference of the history of Shri RamChanderji in the history subject and also about Vikramaditya. There was no reference in the history prescribed in High School about the demolition of any temple in Ayodhaya by Babar. Volunteer:that it was taught to us that he was invader. I do not remember if demolition of Somnath Temple by Mahmood Gazni was described in the history or not but Mahmood Gazni was

taught in the history. I do not remember if there was a reference of Somnath Temple in the history or not. I have referred the rock-inscription at the western wall of the disputed Bhawan, in my book document No. 260 C -1/1, which was in Persian language and wherein this place was described as a place where divine messengers are landed. I have read about this, in many books and from there, I included this in my book. At this point, attention of witness was drawn towards document No. 312 C-1/52. Witness after seeing it said that the rock-inscription written in Roman Script, has been given in my book. Its English translation is given below it. Then said that I do not remember properly if I had taken it from this book or from any other book because this rock-inscription has been described in many books.

Witness, after seeing the second, third line of paper No. 312 C-1/53, said that the facts written therein is correct that there were a few Jain Shrines and a number of Masjids and tombs in Ayodhaya. I do not agree with the fact written in 8<sup>th</sup> line of this Para that Babar came to Ayodhaya in 1528. In my view, he did not come to Ayodhaya. He camped in the nearby area of Ayodhaya. I agree with the fact written in 8<sup>th</sup> and 9<sup>th</sup> line of this Para, that the temple was demolished on the order of Babar. But he himself did not demolish it. It was demolished by Meerbaki on his order. I have read this view in other books also, like the book "Ramjanmbhoomi" written by Dr. Radheyshyam Shulka. Similar views were expressed in many other Gazetteers. The source of writing this fact was not given in any paragraph of the Gazetteer. Whereas, the source of the facts given in document No. 312 C-1/49, 50, 51 and 52 were given in other pages of the Gazetteer, like I have read about the sources of the facts but I do not remember at present, where I have read



and wherein it was given. The word “later” written in 11<sup>th</sup> line in this Para was not about the Aurangzeb but about Muslims.

It would not be correct to say that the Gazetteer, parts of which are at page No.312 C-1/48, published in 1960, is not a Gazetteer, referred in Para-15 of my affidavit and about which I referred earlier that it was amended from time to time. Gazetteer document No. 312 C-1/48 was edited by Smt. Isha Basanti Joshi, as shown in it. I do not remember if the Gazetteers referred by me in Para –15 of the affidavit were edited or not. Document No. 312 C-1/24 to 30 of Other Original suit No. –5/89 are the reference of the same Gazetteer, which were referred by me in Para –15 of my affidavit and the said Gazetteers concerning to districts Faizabad and Barananki referred in Para –12 of the affidavit, document No. 312 C-1/31 to 34 were edited by H.R.Nevil, as shown in the above papers document No. 312 C-1/45 to 47 of the said Original suit No. –5/89 is a amended edition of the Gazetteer of Faizabad –1905; published in 1928. It would not be correct to say that document No. 312 C-1/48 to 55, year 1905 is not a amended or revised edition of the said Gazetteer. (Volunteer:that maintenance of district Gazetteer is a continuous process and is published by the name of Officer who works as an editor.)

In the Faizabad district Gazetteer edited by H. R. Nevil and published by Government in 1905 and in the revised edition of Gazetteer, published by Government in 1928, and referred above, there is reference of 6 Jain Shrines in Ayodhaya. Whereas document No. 312 C-1/53, edited by Smt. Isha Basanti Joshi and published by Government in 1960, a part of Faizabad Gazetteer, there is reference about a few Jain Shrines in Ayodhaya.

It is correct that in both the Gazetteers of Faizabad edited by Nevil (1905 and 1928) Babar's arrival, his stay there for a week and construction of Babri Masjid by demolishing the ancient temple by him were described therein. Whereas in the Gazetteer of Faizabad, edited by Smt. Isha Basanti Joshi (portion of which is a document No. 312 C-1/53) it was described as, 'It appears that Babar came to Ayodhaya in 1528 and this ancient temple was demolished on his orders and Babri Masjid was constructed in its place'. Even after so many studies, I am of the view that Meerbaki constructed the Babri Masjid by demolishing temple on the orders of Babar. In my view it is not written correct in the Gazetteer edited by Nevil that Babar came to Ayodhaya, stayed there and constructed Masjid by demolishing the temple.

The Gazetteers of 1905 and 1902, referred in Para - 15 of my affidavit, were edited by Nevil. It appears from seeing document No. 312 C-1/31-31 of Original Suit No. - 5/89 that when the preface number of Baranabki Gazetteer was written in 1903, the said Gazetteers might have published in 1903 and it might have written as 1902 in Para -15 of my affidavit.

I have referred only two Gazetteers in Para -15 of my examination in chief affidavit. One is the Gazetter of Faizabad -1905 and second one is the Gazetteer of Barabanki for the year 1903 or 1905. Reprint of Barabanki is of the year 1921, which is document No. 312 C-1/31 and revised Gazetter of Faizabad is a document No. 312 C-1/39. I have referred these two Gazetteers in Para -15 of my affidavit. The Gazetteer of the Province of Avadh - 1877 referred in Para -14 of my affidavit, is the same Gazetteer, which is document No. 312 C-1/16 of Other

Original Suit No. -5/89. The extracts of this Gazetteer are at document No. 312 C-1/13 to 312 C -1/16. The year of first edition is written as 1877 -78. Some portion of the Imperial Gazette of India referred in Para -14 of second part are at document No. 312 C-1/22 to 312 C-1/23. This publication is of the year 1934. I have seen the said Gazetteer in Original form; which was available in the Office of District Officer, Faizabad. Some parts of the Gazetteers (Edward Thornton) referred in Para -12 of my affidavit, are at document No. 312 C-1/1 to document No. 312 C-1/4 of the said Original Suit. First edition of this Gazetteer was published in 1858 and reproduced in 1993. Two pages of this Gazetteer, along with the title page are at document No. 317 C-1/1 to 317 C-1/3.

Some extracts of the book "Historical Sketch of Avadh with the Old Capital Ayodhaya and Faizabad" by Karnegi, referred in Para -13 of my affidavit are at document No. 312 C-1/5 to 312 C-1/12. I have seen the Gazetteers referred in my affidavit, on the record, to day. I have not studied any other Gazetteer other than the Gazetteers referred in my affidavit. Among these, Gazetteers of 1958, the oldest one is edited by Edward Thornton. I have studied it. Page No. 739 of Gazetteer of 1858 is at document No. 312 C-1/3, in this page, Ayodhaya was described under the title "Aud"(Avadh). Fort of God Shri Ramchanderji was described in 19<sup>th</sup> line in the right side column at this page. The fact written at this " Close to the town ----- Romantic Legends of India" is correct. I do not agree with the matter " the ruins still bear ----- three sixty temples" written in lines 36 to 45 of this column. I do not agree with the matter written therein that God Shri Rama left for abode with all the residents of Ayodhaya. I have not read any incident concerning to God Shri

Ramchanderji. I agree with the matter written therein that Ayodhya became deserted after God Shri Ram left for abode. But I neither agree with this fact that Vikramaditya had constructed it after so many years, nor I have read about it. I do not know whether there was a King Vikramaditya or not, who had rehabilitated Ayodhya. I also have no knowledge if the same Vikramaditya had constructed 360 temples in Ayodhya. I have read this page in 1987 and also obtained information about the things written in it but I could not get evidence in support of these facts. The fact written in this column is correct that no Gazetteer was being maintained at the time of construction of these 360 temples. Witness further explained that I neither have the knowledge that Vikramaditya had constructed these 360 temples nor have the knowledge that these temples were in existence at the time when Gazetteer was written. The fact written in this column is not correct that there were hearsays in Ayodhya that Aurangzeb had constructed a mosque at the part of said site by demolishing all these temples.

Verified the statement after reading

Sd/-

Ram Saran Srivastava

02.2.2005

Typed by the stenographer as dictated by us in the Open Court. In continuation to this, the suit may be listed for further Cross-examination for 03.02.2005.

Sd/-

02.2.2005

**Before: Hon'ble Full Bench, High Court of Judicature  
at Allahabad, Lucknow Bench, Lucknow.**

**Dated 03.02.2005**

**D.W.-2/1-2 Shri Ram Sharan Srivastava**

(In continuation to dated 2.2.2005, Cross-examination on an Oath of D.W.-2 -1/2, Shri Ram Sharan Srivastava 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 cannot say how many years back, from to day, Shri Ramchanderji was born. But I, in my book "Ek Drishtikon Ramjanmbhoomi -Babri Masjid Vivad" (Document No. 260 C -1) had stated that he was born in Tretayug. Tretayug was prior to Dwaparyug. I cannot say how many years are there in a Yug. Kaliyug is going on at present. I cannot say when Kaliyug has begun. I cannot say when Shri Ramchanderji was born, 2000 years back, or 20 thousand years back or two lakhs years back or twenty lakhs year back. I do not know when Tretayug was began, 2 thousand years back, or 20 thousand years back or 10 lakhs year back or 20 lakhs year back. I have read about the yugs and their time period but I do not remember. I know that there are four Yugs -Satyug, Tretayug, Dwaparyug and Kaliyug. On the basis of my study, I can say that there was a palace of King Dasrath at the disputed site. Volunteer:that his study is based upon the history books or traditions.

I do not remember the name of history books, I have studied, except the book by Dr. Radheyshyam Shukla, document No. 107 C -1/54. Besides, there are Valmiki Ramayana and Ramcharitmanas. In Valmiki Ramayana,

there is a reference about the birth of God Shri Ramchandra. I have read the Hindi version of Valmiki Ramayana, which is originally in Sanskrit. But I cannot say at what place, in Hindi version, birth of Shri Ramchanderji was mentioned. It is not correct to say that there may not be a mention of taking birth at a particular place by Shri Ramchanderji in Valmiki Ramayana. So far I remember there is a mention in Valmiki Ramayana that Ramchanderji was born in the palace of King Dasratha. I do not remember if there is a mention that at what place in Ayodhaya the palace of King Dasratha was and what was its area. I have read so many other books in this connection, wherein it is written that at what place and in how much area the palace of King Dasratha was but I am not able to name the book. I have not made any mention about any book in the book written by me.

Verified the statement after reading

Sd/-

Ram Saran Srivastava

03.2.2005

Typed by the stenographer as dictated by us in the Open Court. In continuation to this, the suit may be listed for further Cross-examination for 04.02.2005. Witness to be present.

Sd/-

03.2.2005

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

**Dated 4.2.2005**

**D.W.-2/1-2 Shri Ram Sharan Srivastava**

(Commissioner appointed by Hon'ble Full Bench vide order passed on 3.2.2005, in Other Original Suit No. 4/89.)

(In continuation to dated 3.2.2005, Cross-examination on an Oath of D.W.-2 -1/2, Shri Ram Sharan Srivastava 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 made a mention in my book about the construction of disputed Bhawan by King Vikramaditya. I do not know in which period the King Vikramaditya was. It is said that he was a King of Ujjain and on the basis of evidences, I can say that he was a King of Ujjain. Vikramaditya was a title. A title of Kings. This title was honoured to kings of Gupta dynasty. I do not know how many Vikramaditya were there. I cannot say without knowledge if they were seven or eight in numbers. Number of Kings of Gupta dynasty, who had been honoured with the title of Vikramaditya might be 2 to 6-7.

I have no knowledge about how this title of Vikramditya was offered i.e., who offer the title or concerned king himself own the title. Volunteer:that he is not a historian. I cannot say how many years back King Vikramditya was about whom it is said that he constructed the disputed Bhaven, before Babar came to India. I have

read about this but I do not remembered it at present. I do not remember if I had written in my book about this or not. It is said that Syed Salar Masood Gazi, en-route to Ayodhaya, went towards Baharaich, much before Babar came, but I do not know much about this. I do not know if Syed Salar Masoos Gazi had ever visited Ayodhaya or not. The books I have studied before mentioning the facts about Ayodhaya and disputed site in my book were other than the following books: -

1. "The disputed mosque – A historical enquiry" (1991) by Shri Sushil Srivastava.
2. "Ramjanmbhoomi V/s Babri Masjid " by Konard Aest (1990).
3. "Ramjanmbhoomi through the ages" by J.C. Aggarwal and N.K.Chaudhary and its Hindi version "Ramjanmbhoomi ek Vishleshan – Babri Masjid Vivad"(1991).
4. "Ram Katha in Tribal and Folk Tradition of India" edited by K.S.Singh and Birender Nath Dutta. (1993).
5. "Kya Kaheti Saryu Dhara (Story of Ramjanmbhoomi) by Pratap Narayan Mishra (1987).
6. "Ayodhaya and the Future India" by Jitender Bajaj (1993).
7. "Kar Sewa se Kar Sewa Tak" by Gopal Sharma (1993).
8. "Temples of North India" by Krishan Deva (First edition –1969)

I have not heard the name of books and their authors. I have heard the name of Sushil Srivastava with reference to his book, but I have not read his book. I have heard that Sushil Srivastava was a professor but where he was appointed, I do not know. I have read the "Ayodhaya ka Itihas" (Document No. 107 C –1/122) by Avadhvasi



Lala Sita ram. I have read the book thoroughly. I used this book along with others, while writing my book. I have read the book "Voice of Conscious" by Justice K.M.Pandey. This book is in English.

Learned Advocate cross-examining draw the attention of witness towards document No. 260 C -1/5 filed on 1.2.2005 vide list No. 259-C -1. Witness after reading it, in reply to a question by Learned Advocate cross-examining, said that I have mentioned in it that I used to note the important events concerning to disputed site in my diary. In the last Para of this document I have written that Indian People may obtain the factual knowledge about the incidents, by reading my book. This is one of the reasons for writing my book. It is not correct to say that I have mentioned the incidents without enquiring about the concerned facts.

Question: You have written the facts without studying the books concerning to Ayodhya and disputed site. Can it be said that these facts were written without enquiry or required study?

Answer: It is not correct to say. Whatever I have written, I have written after study and necessary enquiry.

Question: Was it not necessary and requisite to study the available books while studying?

Answer: there were a number of books and literature available about the disputed site but it was not necessary to study all the books at that time.

I have cited an extract of Supreme Court of India at document No. 260 C-1/6. I have cited this extract in my book because the views expressed in this are similar to mine. It is written in it that a Hindu who recognizes all faith with equality has no interest in constructing a temple at the holy place of other religion, by demolishing it. I agree with this. Meerbaki constructed disputed Bhawan as a mosque. There was a rock-inscription on it, where upon it was written that this place is for landing down the divine persons. Witness said that he has not given the above statement above that Meerbaki had constructed the disputed Bhawan as a mosque. I have made a statement that this place was for landing down the angel, as mentioned in rock-inscription.

Question: Was the disputed Bhawan constructed as a temple if not as a mosque?

Answer: I am not saying that Meerbaki had constructed the disputed Bhawan as a temple.

Question: If the disputed Bavan was not constructed as a mosque or a temple, was it constructed as a residence?

Answer: This place was for landing down the angels from heaven; as described in rock-inscription.

I have no knowledge if a place meant for landing down the angel, can be called a mosque. Mrs. Bevrij, about whom I mentioned in my statement, had mentioned the disputed Bhawan as a mosque. Other people had also mentioned it as a mosque. The Gazetteers, towards which my attention was drawn while giving statement, disputed Bhawan was referred as "Babri mosque" or "Babri Masjid".

(Attention of Witness was drawn towards Para Two at page No. 152 of document No. 107 C-1/122 of Other Original Suit No. 5/89 and was asked for: -

Question: Whether in the book written by Avadhvasi Lala Sitaram, disputed Bhawan was also written as a mosque?

Answer: Yes.

In all the books, I have studied, it is written that Babar had constructed the disputed Bhawan as a mosque i.e., the building constructed by Meerbaki is a mosque.

Question: Should a Hindu, having equal respect for the different religions, construct a temple by demolishing a Bhawan constructed as a mosque?

Answer: No Hindu, having equal respect for different religions, should be interested in constructing another religious place by demolishing a religious place.

I have, in my book, extract of which filed as document No. 260 C-1/11 and 12, page No. 6, 7, 8 and 9, mentioned the important worth seeing places of Ayodhya. The facts written about these places are based on the sayings of local people. Whenever these facts were narrated to me, I used to note down it in my diary, if I feel necessary. About these facts I used to get information from local Saints, Mahatamas and pilgrims. In second para at page No.6; I have mentioned about 1000 temples and 25 mosques in Ayodhya. I have also written that namaz was read in Two-three mosques only among the above-mentioned mosques. I do not know if namaz was read in

27 mosques of Ayodhya in 1990 or not. I have also written at page No. 6, that according to the Jains' literature praneta of Jain religion, Aadi Nath including five preceptors was born in Ayodhya. I myself had not read any book of Jains' literature. People used to tell me about this. At this page I have also written that God Buddha had also passed 16 summer seasons of his life in Saket. This fact is also based on the people saying and not on the book. I have written at this page, that incidents happened during the youth period of Shri Rama, were described in Valmiki Ramayana. I have written this fact on the basis of study of Valmiki Ramayana and people's sayings. Youth period of Shri Rama was also described in Valmiki Ramayana that is why I have written this fact here. I have not mentioned facts about the birthplace of Shri Rama, on the basis of Valmiki Ramayana in my book. It is not correct to say that I have not described about the birthplace of Shri Rama on the basis of Valmiki Ramayana because there was no mention about it in Valmiki Ramayana. Whereas this is correct that it was described in Valmiki Ramayana. In the last Para at page 6, continued up to page No. 7, I have not given the name of any source. The place, described as Fort of Ramchanderji in this Para, is a disputed site.

There is mentioned at page No.7; document No. 260 C-1/5 that disputed site was called a Babri mosque by the people. During my tenure, Muslims used to say disputed site as a Babri Masjid. No Muslim brother had told me, during my tenure, that they used to read namaz in the disputed Bhawan before it was attached. Under the title "Kanak Bhawan" at page No.7, document No.11, it is written that King Dasratha constructed this Bhawan for his third queen Kekai.

I have heard about it from the people and read in book also. It is said about the present Keaki Bhawan in Ayodhya that it was constructed by King Dasratha.

Period of King Dasratha, in my view, was either thousands years or lakhs of years back. Present Kanak Bhawan of Ayodhya does not seem to be very old. Present Kanak Bhawan is not of the time of King Dasratha; it might have been renovated from time to time. I have no knowledge if in accordance with Valmiki Ramayana; the age of King Dasratha can be said more than sixty thousand years. I have no knowledge that the period of Ramchandra's regime, as described in Valmiki Ramayana was for more than 11000 years. I have mentioned in my book that Kanak Bhawan was constructed by King Dasratha for his third queen Kekai and Rani Kekai had gifted that Bhawan to Sita, later on, at the time of seeing her face for the first time after marriage. I have given this fact on the basis of hearsays and peoples saying. This fact is also mentioned in a number of books. Present Kanak Bhawan is about 100 feet in length and same in width. This Bhawan is situated in the north east of the disputed Bhawan. It is at a distance of about 500 yards from the disputed site. I have neither read in any book nor heard if Kekai Bhawan was inside the King Dasrath's Palace or outside. I have written at page 7, while mentioning about Mani Prabat, that Hanumanji had taken rest at Mani Parbat.

The same faith is seen in Ayodhya and on the basis of this and on the basis of references found in many books, in this regard, I have referred this in my book. Name of the books, wherein references to this effect are found, are not remembered to me. Similar reference, so

far I remember, is not found in Valmiki Ramayana. No distinct reference is found in Ramcharitmans too.

“Mani Parbat” referred in first Para at page No. 8, document No. 260 C-1/12, and is recognized as a place of penance of Mahatma Buddha, in Bodh literature. I have written this fact on the basis of Bodh literature but the name of book of Bodh literature is not remembered to me. Besides, I do not know the name of any writer of Bodh literature.

At this page, under the title of “Nageshwar Nath Mandir” there was a reference that Kush had installed an idol of God Shanker in this Mandir. This fact was also referred on the basis of people’s saying, I do not remember of reading any book concerning to this. It cannot be said about the “Nageshwar Nath Mandir” situated in Ayodhya that it is Lakhs of years or thousands years old. Nageshwar Nath Mandir was renovated at this place; wherein an ancient idol of God Shankar is installed. According to people, it is an old temple but how old it is, I have no knowledge about it. I have referred at page No. 8 about the idols made of black stones contemporary to the period of Vikramaditya in Kaleram Ji Ka Mandir. It was also referred on the basis of the people's sayings. These idols were of the time of one the Vikramaditya among the various Vikramadityas but from whose times these are, I cannot say. I am not sure that these idols belong to the period of Vikramaditya. People say like this.

I have referred about Rishabhdev Jain Mandir in the last at page No. 8 and its detail at page No. 9. The facts concerning to Jain Mandir are based upon Jain literature. Name of the book which I have read and its author’s name is not remembered to me. I am sure that this place is a

birthplace of Rishabhdev because an idol of Rishabhdev is there. Rishabhdev happened after Shri Ramchandra.

There is another Jain Mandir in Ayodhya beside the Rishabhdev Mandir. At page No. 9, under the title "Datuwan Kund" I have referred about the holy place of the followers of Buddha. I have written this fact on the basis of people's sayings. I have not read about this in any book. Volunteer:that the source of this information, as written in this detail, is "hearsay". I have studied the Buddhist literature before writing the book. But I have not used it for writing the book.

While referring Brahmkund, I have mentioned about the visit by Guru Nanak Dev to Ayodhya and similar faith has been seen in Ayodhya. I have not read about it in any book. On the basis of my study and people's sayings, I knew that Baba Nanak Dev came to Ayodhya. Gurudwara Brahmkund might be there at that time. I cannot say whether the Gurudwara Brahmkund was constructed was it constructed during the regime of Vikramaditya or not.

At page No. -9, I have mentioned that Uttar Pradesh Government constructed "Ram Ki Pauri". This was constructed during my tenure. Whether Ram Ki Pauri was related to Ramchandra or about the incidents of his life period or not, I cannot say. I neither have read about it nor I have knowledge about it. But this place has the religious importance. Volunteer:that people take bath there and a number of temples are there.

I went to Ayodhya for once about 3-4 years back, after I was transferred from Faizabad. I did not go there in between. I have no individual knowledge about the land

acquirement and leveling work carried out in Ayodhya in 1991, during the rule of BJP and under the Chief Ministership of Kalyan Singh. But I know about it. Newspapers and details available in books are the sources of knowledge. I do not remember the name of books, I have read in this connection. I have, in my book, given the details concerning to land leveling and excavation work.

I did not met S.P.Gupta and T.P.Verma during the period when land-leveling work was carried out or after that. I met Prof. V.R.Grover, during my tenure in Faizabad. I do not remember if I met Dr. K.N.Srivastava and Dr. K.L. Srivastava during my tenure in Faizabad. I am sure, I did not meet him after my transfer. I do not remember if I met Dr. S.K.Gupta during my tenure in Faizabad or not. I did not meet him after I was transferred from Faizabad. I met Prof. B.B.Lal, who had carried out excavation in Ayodhya, during my tenure in Ayodhya. Prof. Lal came to my residence to see me. I do not remember had he came before stone laying or after that. There were a few other people with him, but who they were, I do not remember. I do not remember, if Swaraj Prakash Gupta was with him or not. I discussed the matter relating to excavation in Ayodhya with Dr. B.B.Lal but I do not remember the details of conversation.

Learned Advocate cross-examining draw the attention of witness towards document No. 107 C -1/62 and 107 C -1/63 (page No. 52 & 53) of Other Original Suit No. 5/89. Witness after reading the book in reply to a question asked for by Learned Advocate cross-examining, said that I do not remember, if I have discussed the matter about excavation in Ayodhya by Prof. B.B.Lal, written in this report, with Prof. B.B.Lal or not. I had read his



views in this regard in a magazine "Organiser". Besides, I have read in newspapers, like- Times of India. I do not remember in which year I read about the report by Prof. Lal. After I was transferred from Faizabad, I read the news published in "Organiser" magazine and Times of India, newspaper, before I started writing my book. After my transfer from Faizabad in 1990, I read the news regarding the excavation by Prof. B.B.Lal in "Organiser" magazine and Times of India.

Learned Advocate cross-examining draw the attention of witness towards document No. 296 C -1/5 and 296 C-1/6 (page 32 and 33) of this suit. Witness after seeing it, in reply to a question, said that I have referred the part of these pages "Prof. Brijwasi Lal, from this evidence -----were in disputed Bhawan" from the report by Dr. B.B.Lal. I have taken his views from the above newspaper and magazine. The fact written in the above extract of my book is based on the matter written in fourth and fifth Para of document No. 107 C/62 (page 52). It is not correct to say that the matter written in above extract of my book does not reconciled with the matter written in the report by Prof. B.B.Lal, document No.107 C/62 and 107 C-1/63. I have not read the report by Prof. Brijwasi Lal, in the form as printed in document No.107 C/62 and 107 C-1/63. I have read these things in other magazines and newspapers. It is not correct to say that I had not read the similar facts in Times of India newspaper, as I have mentioned in the above extracts given in my book.

It is not correct to say that "Organiser" is a magazine of Rashtriya Swayam Sewak Sangh.

Learned Advocate cross-examining draw the attention of witness towards parts of document No.296 C – 1/5 “In this context, dated 4<sup>th</sup> July 1992 ----- a Ram wall was erected all around”. Witness said I have taken this extract from the above magazine “Organiser”. The later extract that “Thousand square feet----- were seen near modern birthplace” was also taken from the above Organiser magazine. Volunteer:that he has taken this fact from newspapers. From the word “Modern birthplace” used in eight line (page No. 32) of the extract document No. 296 C –1/5 of my book, I mean the Janmsthan Mandir situated in the north side of the disputed site. Prof. V.R. Grover has made a reference in between the period 4<sup>th</sup> July 1992 to 18<sup>th</sup> 1992 which were referred in above extract. The matter “Now a Ram wall has been erected” written in the above extract is a part of Prof. B.R.Grover’s report. This report was published before 6<sup>th</sup> December 1992. This Ram wall is not in existence after 6<sup>th</sup> December 1992. The place “Modern Janmsthan” is also very old. When it was constructed, I do not know. After the above extract I have written that “Janmbhoomi” and “Janmsthan”, both were on one hillock earlier but Britishers in 19<sup>th</sup> century constructed a road by dividing the hillock in to two parts. Britishers constructed this road, after first settlement and before second settlement. The word “Janmbhoomi” and “Janmsthan” used in the part of document No. 296 C –1/5 (page No. 32) that ----- Britishers had constructed a road by dividing it into two parts” were for the “disputed site” and “temple situated in the north of Janmbhoomi” respectively.

Learned Advocate cross-examining draw the attention of witness towards a part of document No. 296 C –1/5 (page 32) “Prof. Grover with a view of his exploration-----broken bricks, samples of

Choona-gara and earthen pots were found” and he was asked for which were the views of his and which were of Prof. Grover’s. Witness said that the views expressed in above extract are not mine. These views are based on the report by Prof. V.R. Grover, published in “Organiser” magazine and in other newspapers. This report was published in between 1992 and 1995. I cannot say in which year this report was published but this was published before I started writing my book. The above extract, a part “ A big pit on one side of the wall-----is an evidence of destruction” is also based on the report by Prof. V.R. Grover, which I read in the above magazine and newspapers. A part of document No. 296 C -1/5 and 296 C -1/6 (page No. 32 and 33) “From this evidence Prof. Brijwasi Lal-----which were in the disputed Bhawan” is based on the above report by Prof V.R. Grover. Similarly a part of document No. 296 C-1/6 (page 35) “The latest archeological evidence, Dr. Swaraj Prakash Gupta-----is given in the next pages of the said list” is also taken from the book by Prof. Grover. Then said the views in the above extracts “ these Geologists were of the view-----given in the next pages” are mine.

Verified the statement after reading  
Sd/-

Ram Saran Srivastava  
04.2.2005

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 07.02.2005. Witness to be present.

Sd/-  
(Hari Shankar Dubey)  
Commissioner  
04.2.2005

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

**Dated 07.2.2005**

**D.W. 2/1-2, Shri Ram Sharan Srivastava**

(Commissioner appointed in Other Original Suit No. 4/89  
by Hon'ble Full Bench vide order dated 3.2.2005)

(In continuation to dated 3.2.2005, Cross-examination on  
an Oath of D.W.-2 -1/2, Shri Ram Sharan Srivastava 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 draw the  
attention of witness towards document No. 312 C -  
1/3(page No. 739) of Other Original Suit No. 5/89.  
Witness after reading the last but fourteen line to eighth  
line (on the right note at this page) in reply to a question  
said that about the 14 pillars in Masjid it was mentioned  
that these pillars were brought by Hanumanji from Lanka.  
I do not remember if I had read such type of material in  
any other book or not. I do not remember if any person of  
Ayodhya had told me about this or not. On the basis of  
self-study, I cannot say if the historical facts written in  
document No.312 C-1/3 are correct or not. Witness after  
reading the last but eighth line to fourth line said that I  
couldn't say if it is correct or not because no evidence in  
support of this was available. Witness after reading the  
last but forth line to last line and first four lines of left side  
of the document No.312 C -1/4 (page No.740) said that it  
is not clear, which place has been described therein.  
Volunteer:it is written in it that God Rama was seventh an

incarnation of God Vishnu. I cannot say if this description is about Ramchabutra. I have no knowledge about the "Bukenan" referred in the thirteenth line on the left side of this page. I also do not know if he was a historian or not. The matter written in thirteenth to sixteenth lines at this page was written from the references of "Bukenan". I have no knowledge about the matter written in thirteenth to twenty-fourth line. I have no knowledge about the facts written in twenty-fifth to thirty-fifth line of this column. I have no knowledge about the two facts that Ayodhaya came in to existence before 1366 B.C. and period of Rama came to an end after 775 years of Christian era. I have no knowledge about the matter written in thirty-fifth line to forty-first line of this column. I have the knowledge about the matter written in forty-first line to the last line of this column that Ayodhaya is an ancient important place. I have no knowledge about the other facts.

Question: Would you please tell us, at what place on the above Gazetteer it is written that Babar constructed a mosque by demolishing a temple in Ayodhaya?

Answer: It is written in 49<sup>th</sup> to 53<sup>rd</sup> line of the column, in the right side column of the document No. 312 C –1/3 that Babar has constructed a mosque by demolishing a temple in Ayodhaya.

Question: I say, it is not written in the above document No. 312 C –1/3 that Babar had constructed a mosque in place of a temple, by demolishing a temple in Ayodhaya.

Answer: This question has already been replied above alongwith the reply of above question.

Question: Would you please tell at what place in the Gazetteer it is written that Ramchanderji was born at the place, where there is a Babri Masjid?

Answer: It is not written in it but after reading the entire document No. 312 C -1/3 one comes to this conclusion.

It is not correct to say that it is not concluded from reading the above Gazetteer that Ramchanderji was born at a place where there was a Babri mosque. I cannot say that many facts written in this Gazetteer are against the Hindu religion. The word "Vaivshwat" was used in the 26<sup>th</sup> line, in the left side of document No.312 C -1/4. I cannot say if this word was used for Vaivshwat Manvantar or not. I also have no knowledge that the period of Vaivshwat Manu, written in 26<sup>th</sup> and 27<sup>th</sup> line and which was stated to be 1366 B.C. is against the faith of Hindu religion or not.

I cannot say that the matter written in 28<sup>th</sup> and 29<sup>th</sup> line of this column that period of Rama came to an end after 775 years of Christian era, in accordance with the Hindu faith is correct or not. Witness again said that the matter written in this column is not correct that, that period of Ramchanderji came to an end after 775 years of Christian era. It is not correct that the matter written in Para 16 and 22 in my examination in chief affidavit is not supported by this Gazetteer. The matter written under the title "Auadh" is the description concerning to Ayodhaya. In document No. 312 C -1/6, Karnegi had addressed Ayodhaya as Ajudhia and it is written therein that Ayodhaya is situated under Pargana Haveli Avadh. I

agree with the matter written under the title "Derivation". I agree with the matter written under the title "Area".

I have no knowledge if the part of document No. 312 C -1/7, "With the false-----as the news" is correct or not. I agree with the material written in last Para of document No. 312 C -1/7, "The restoration by Vikramajeet". I supposed that the Vikramajeet written therein is for Vikramaditya.

The matter written in the comments at the bottom of document No. 312 C-1/8, from the reference of "Wilford" that there were eight Vikramaditya. I agree with the fact that a number of Vikramadityas were there but how many, I do not know.

The matter written in first Para of document No. 312 C-1/9, was from the references of Wilson and Chinese traveller Huensang. I have no individual knowledge about this so I cannot say that the matter written therein is correct or not. I have not studied the books by above Wilford and Prof. Wilson.

The word" this locally affirmed" used in last Para of document No. 312 C-1/10 is for the faith of local people and views. No sources, other than the sources of the views and faith of local people have been mentioned in this Para.

In document No. 312 C-1/11, the matter, written under the title "Babar's mosque" was taken from Memoirs of Babar by Laden. I have not read the memoirs of Babar by Laden. But on the basis of my individual knowledge I can say that the matter written in it, is correct. In the first and second line under the title "Hindu and Musalman

Differences" in the Para second to this Para, the distance written from Janmsthan to Hanumangarhi is correct. This distance is about three to four hundred yards.

Matter written under the title "Hindu and Musalman Differences" in document No. 312 C -1/11 is correct according to my knowledge. There is a mention of Janmsthan in the fourth line written under this title, which is in regard to the disputed site. It is not correct to say that the matter written in this para is not correct that Muslims had forcefully occupied the disputed site in 1855. It is also not correct that disputed site was in occupation of Muslims since the time of Babar. It is not correct to say that Muslims had not tried to occupy the Hanumangarhi. There is a mosque in Hanumangarhi, which they tried to occupy.

In this para, there is mention that 75 Muslims were buried in "Ganj-e-Shahidan". This place was not at that site at the time when I joined as District Magistrate in Faizabad. I have not heard about a place "Ganj-e-Shahidan" near the disputed site. It is correct to say that the matter written in this para that Hindus and Muslims used to pray and read namaz together in temple and mosque. This can be possible if cordial relation exists in between the two communities. The matter written in this, is also correct that after erection of railing during the time of Britishers, Muslims used to read namaz in the inner part of the disputed site and Hindus used to pray at a Chabutra at outer part.

In the next para, it is written that Hindus had not tried to reconvert the mosque in to temples, which had been converted in to the mosque during the time of Aurangzeb. Matter written in a portion of this Gazetteer,



the extract of which is at the last para of document No. 312 C -1/10 to document No. 312 C -1/11 is correct according to local traditions. The book by Laden is referred in it.

Document No. 312 C -1/15 and 312 C -1/16 are the part of Gazetteer of 1877-78. Learned Advocate cross-examining by showing these papers asked from the witness that the matter written under the title "The Janmsthan and other temples", "Babar's mosque", "Hindu and Musalman" and "The Jain Hierarchies" at page No. 6 and 7 of the extract are reproduction of the matter written in document No. 312 C -1/10 and document No. 312 C -1/11. Witness after reading the documents replied that the matter about killing of Hindus at page No. 7 under the title "Hindu and Musalman" is not in the document No. 312 C -1/11. Rest is the same.

Learned advocate cross-examining draw the attention of witness towards document No. 312 C -1/22 and 312 C -1/23. Witness said that document No. 312 C -1/21 and 312 C -1/23 were marked with the page No. 388 and 389 of the Gazetteer.

In reply to a question, about the matter written under the title "Ayodhaya Town", witness said that the matter written in 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> line at page No. 388 is not correct that almost the entire population of Ayodhaya disappeared, but Ayodhaya remained, is correct.

Among the facts written in 10<sup>th</sup> to 13<sup>th</sup> lines at page No. 388, this fact is correct that Ramghat is at a distance of 6 miles from the Guptar Ghat. But I have no knowledge about the fact written therein that Ayodhaya was in the

periphery of 12 Yojan i.e., within the periphery of 80 to 100 miles.

It is written in 15<sup>th</sup> to 16<sup>th</sup> lines at page No. 388 that King Dasratha was during the 56<sup>th</sup> generation of Surya Dynasty of King Manu. For how many thousand or lakhs of years, was the period of Mannu, creator or Universe, according to the Hindu Religion, I do not know. I have no knowledge about the present Manu's period. The matter written in 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> lines at this page is correct that Vikramaditya had re-inhabited the Ayodhaya, but I have no knowledge about this that whether Vikramaditya was from Ujjain or elsewhere and the matter written therein that identity of that Manu is disputed, is correct. Matter written in 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> lines at this page is correct that Ayodhaya was an important place during the period of Buddha, whereas, Saket was the main city of Kaushal. The Matter written in last para at page No. 388 is historical facts, I agree with this. I have no knowledge about the area of Fort of Ramchanderji i.e., Ramkot, from where it began and where ends. I do not remember if an area from Hanumangarhi to Dorahikuan comes under Ramkot at present or not. I do not remember if Begampura or Mughalpura falls in the boundry in the north side of Ramkot or not. I do not remember if Kaziwana or Tedi Bazar falls under the boundry of south or not. Ramkot Mohalla, at present is in the periphery of one kilometer. In second, third and fourth line at page No. 389, of document No.312 C -1/23 it is mentioned that Ramchanderji was born at a place in Ramkot, but that place has not been shown distinctively. The fact written in fifth and sixth line of this page is not correct that a small Chabutra at the outer-place is a birthplace of Ramchanderji.

Question: The temple mentioned in seventh and eighth line at page No. 389 of the above Gazetteer is called a birthplace/Sita Rasoi Mandir situated in the north of a road in the north of disputed site. What you have to say in this regard?

Answer: In my view this mention is not about the temple on the north of a road. There was a Sita Rasoi Mandir at this place and the same is mentioned here.

Question: Whether a place, about 6-7 feet in length and width Chabutra at the disputed site, and which is called Sita Rasoi, can be called a large temple?

Answer: Yes. That place can be called a larger temple.

It is not correct to say that I am giving false statement and "Larger temple" mentioned in 7<sup>th</sup>, 8<sup>th</sup> line of the above Gazetteer cannot be called for a place, known as Sita Rasoi in the disputed site.

Learned Advocate cross-examining draw the attention of witness towards the part "Lofty temple-----ruined stupa" at page No. 389. Witness after reading it said that the description given in it is correct according to me. Matter written in the last para at page No. 389 under the title "Ayodhya Town" is correct with reference to that period. It is not written in the Gazetteer that Babar had constructed a mosque by demolishing a temple. It is written therein that mosque was constructed with the residue of an old temple. It is not written therein that birthplace of Ramchanderji was at a place below the part of dome of disputed Bhawan.

There was no mention of "Ramjanmbhoomi Mandir" in this Gazetteer. Learned advocate cross-examining draw the attention of witness towards document No. 312 C –1/24 to 312 C –1/30 of Other Original Suit No. 5/89. Witness after reading the document No. 312 C –1/25-26 (page 172-173), in reply to a question said that I agree with the history of Ayodhya given in second para at page No. 172. I agree with the matter, written in line 6, of second para of document No. 312 C –1/26 (page 173). The word "Locally affirmed" figuring in 6<sup>th</sup> and 7<sup>th</sup> line, means according to local faith. A part at page 173, which is running into first para at page No. 174 and is written as " the mosque has---  
-----expedition to Bihar" in accordance with the underlined comments given at the bottom of page No. 174 is taken from E.H.I. IV, 283. In this para no source other than above source has been mentioned.

Learned advocate cross-examining draw the attention of witness towards second para of document No. 312 C –1/27 (page –174). Witness after reading it, in reply to a question said that in the entire para, source of Gazetteer of Barabanki page No. 368 has been mentioned for this fact. No other source has been mentioned in it. It is written in it that an open battle was fought in between the two communities in 1855 over this problem. Maulavi Amir Ali, resident of Amethi had started a regular campaign from Lucknow to destroy the Hanumangarhi, but he and his army was stopped at Barabanki district. Only for this fact the source of Gazetteer of Barabanki was referred at the bottom at page No. 174. After rebellion, a cordon had been fixed around the mosque and Hindus had been prohibited from going inside. They used to offer their offering at the outer Chabutra. This description of that time is correct. In the second para at page No. 174, there is a mention about construction of other mosques by

Aurangzeb, which is correct. These two mosques were at the place of "Swargdwar" and "Treta Ka Thakur". These mosques were constructed in places of temples. In second para of document No. 312 C -1/28 (page No. 175) there is a mention of two tombs near Mani Parbat and in support of it "Aaine Akbari" "Aarishe Mahfil" and "Col. Willford" was referred. In the fifth line of this para "Hazrat Nooh" was referred with the reference of Col. Willford. Besides, tomb of "Shah Judan Gauri" is also mentioned in this para. I have seen this tomb during my tenure. "Norhani Macca Khurd" tomb was referred in this para.

Learned advocate cross-examining draw the attention of witness towards first four lines of second para of document No. 312 C -1/38 (page No. 176). Witness after reading it, in reply to a question said that the matter written therein is correct in my view. Matter written in the last seven lines in this para is correct in my view. Matter written in the last para at page No. 176, running up to first para at page No. 177, is correct in my view. Matter written in second para at page No. 177 is correct in my view. Matter written in the next para is also correct. In para third at page No. 177 the word "One Legend" was used, which means people sayings. The facts given in tenth to thirteenth line of this para are also based on people's sayings. Among the above Two people's sayings, earlier one is more correct. The mention about Babar's reaching Ayodhaya and staying there for a week, in last but 9<sup>th</sup> and 10<sup>th</sup> line at page No. 173 of document No. 312 C -1/26, is contrary to the description given in my book. In my book there is a mention that Babar stayed nearby Ayodhaya. Besides, the fact written in last but seventh and eighth line in the last para of this page, differs from the facts given in my book that Babar had demolished the temple and constructed a mosque in

place of it. Whereas I have, on the basis of other sources, written in my book that Meerbaki, on the order of Babar had constructed a disputed Bhawan by demolishing the temple. It is not correct to say that the facts written in this Gazetteer or in my book about construction of a mosque by demolishing a temple or disputed site being a birthplace of Ramchanderji are written without any historical evidences and hence false. Page No. 168 of the Gazetteer of Barabanki was referred below the document No. 312 C -1/27. This page document No. 312 C -1/33 is available in the above Other Original Suit No. -5/89.

Learned Advocate cross-examining draw the attention of witness towards this page and asked which description in given at this page concerning to disputed site. Witness said that this description is given in the 7<sup>th</sup> to 11<sup>th</sup> lines of document No. 312 C -1/34 (Page 169). The cause of incidents does not become clear by reading it. Taking birth by Ramchanderji was not mentioned in it, Janmsthan Mandir was referred in it. No mention of the sources about the facts under the title "The Raid of Amir Ali" given by the side of third para at page -168 and 169, was made.

Verified the statement after reading  
Sd/-

Ram Saran Srivastava  
05.02.2005

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 8.2.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

7.2.2005

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

**Dated 08.2.2005**

**D.W. 2/1-2, Shri Ram Sharan Srivastava**

(Commissioner appointed in Other Original Suit No. 4/89  
by Hon'ble Full Bench vide order dated 3.2.2005)

(In continuation to dated 7.2.2005, Cross-examination on  
an Oath of D.W.-2 -1/2, Shri Ram Sharan Srivastava 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 draw the  
attention of witness towards the matter written in the  
twelfth line and lines below it (page No. 169)  
document No. 312 C -1/34 Other Original Suit No. -5/89.  
Witness after reading it, in reply to a question said that  
these facts are correct and people also says in this  
regard. Learned advocate cross-examining draw the  
attention of witness towards document No. 312 C -1/45,  
Faizabad Gazetteer 1928 and asked if the subject matter  
of document No. 312 C -1/25 to 312 C -1/30 is similar to  
the subject matter of document No. 312 C -1/46 and 312  
C -1/47. Witness after comparing the second para of  
document No.312 C-1/25 running into document No. 312  
C -1/26, with the second para of document No. 312 C -  
1/46, given at page No. 178 and runs up to page No. 179,  
said that these two statements are same. Similarly after  
seeing second para of document No 312 C -1/26 (page  
No. -173) which run up to document No 312 C -1/27(page  
No. -174); document No 312 C -1/46 (page No. -179)

runs up to document No 312 C -1/47 (page No. -180), witness said that these two are the same. Similarly matter written in document No 312 C -1/27 (page No. -174) is similar to the matter written in second para of document No 312 C -1/47 (page No. -180) i.e., both are the same. Similarly last para of document No 312 C -1/27 (page No. -174) which run to document No 312 C -1/28 (page No. -175), is similar to para three of document No 312 C -1/47 (page No. -180) i.e., both are the same. Similarly the matter written in second para of document No 312 C -1/28 (page No. -175) is similar to the matter written in second para of document No 312 C -1/47 (page No. -181) i.e., both are same. Similarly the matter written in the last para of document No 312 C -1/28 (page No. -175) which is running into document No 312 C -1/29 (page No. -176), is similar to the matter written in the last para of document No 312 C -1/47 (page No. -181). Similarly document No 312 C -1/48, which is a Gazetteer of 1960 is a revised edition of the document No 312 C -1/45, which is a Gazetteer of 1928.

Question: I am to say that Gazetteer of 1960 (document No 312 C -1/48) was different from the Gazetteer of 1905 edited by Nevil and amended edition of 1928. What you have to say in this regard?

Answer: These two editions are not different. Gazetteer of each place are written and amended from time to time. The then Officer's name is written in the Gazetteer as editor or as amended by.

Question: Language of Original edition is not amended. The matter, which is increased or decreased, is amended?



Answer: It is not like that language also gets changed accordingly and amendment to be carried out, are also gets changed.

The matter written in the second para of document No 312 C -1/46 (page No.-179) which runs up to first para of document No 312 C -1/47 (page No.-180), is not similar to the second para of document No 312 C -1/53 (page No.-352) which runs up to document No 312 C -1/54 (page No.-353), but this is an amended form of the part of the above part of earlier Gazette. Second para of document No 312 C -1/53 which runs to the first para of document No 312 C -1/54 is an amended form of first para (page No.-180) of second document No 312 C -1/48 of document No 312 C -1/47 (page No.-179). Matter written in second para of document No 312 C -1/54 (page No. - 353) is not given in the Gazetteer of 1928. It is not correct to say that repudiated an idol of Varaha mentioned in second para of document No 312 C -1/54 (page No. - 353) was not in the year 1928. Hence, it was not referred in the Gazetteer of 1928. A repudiated an idol of Varaha, mentioned in second para of document No 312 C -1/54 was not mentioned at any other Gazetteer shown to me during my deposition.

I have read the entire Gazetteer concerning to Ayodhaya. I have not read any Gazetteer of Faizabad, in full.

Question: Do you mean, you have read pages of Gazetteers of Faizabad, mainly concerning to Ayodhaya City?

Answer: Yes.

Learned advocate cross-examining draw the attention of witness towards third para of document No 312 C –1/54 (page No. –353) and asked to compare it with the third para of document No 312 C –1/47 (page No. –180), which is running up to page No. 181. Witness after comparing the relevant parts of both the documents said that these two details differ from each other.

Matter written in Gazetteer edited by Smt. Joshi, document No 312 C –1/49 to document No 312 C –1/55 and the matter written in the Gazetteer edited by Nevil document No 312 C –1/46 to document No 312 C –1/47 are similar in ideology; but their language differs.

Question: I am to say that the most of the matter written in document No. 312 C –1/49 to 55. Gazetteer edited by Smt. Joshi is not available in the Gazetteer 1928 by Nevil document No. 312 C –1/46 and 47 in any form. Nor there is any indication about it in the Gazetteer by Nevil.

(At this question, Learned Advocate Shri Ranjeet Lal Verma, on behalf of plaintiff of Other Original Suit –3/89 has raised an objection that witness cannot be asked for to compare the two matters, because the subject matter is already available. Hence, the question already asked for cannot be allowed to be asked again.)

Answer: It is not correct. Both the Gazetteers have similar ideology. Some new matter has definitely been increased which was found correct later, when I was appointed as District Magistrate. For this reason, I have given more descriptions in my book from the Gazetteer

edited by Smt. Joshi because these are supported by other evidences too.

Gazetteer 1960, edited by Mrs. Joshi was not mentioned in the Examination in chief Affidavit but other available Gazetteer was mentioned in it. It is not because the Gazetteer edited by Mrs. Joshi had less importance in my view, and that is why, I have not mentioned it in my affidavit. There was no specific reason for not referring the Gazetteer edited by Mrs. Joshi in my affidavit.

I have, in my book, not referred any Gazetteer by its name and the year of its publication. I have referred the Gazetteer only and not the year or name of editor. I have referred the book written by P.Karnegi in Para -13 of my Examination in chief Affidavit. No Gazetteer was referred in this para. This book by Karnegi was written in 1870. Learned advocate cross-examining draw the attention of witness towards the document No. 312 C -1/17 to 312 C -1/21 of Other Original Suit No. -5/89. These are the report of settlement. I have seen the settlement reports prior to 1861 in original in the office of District Magistrate, Faizabad. I do not know, who has written the first report. I do not know who has written this report either by Millet or Karnegi or by some other. I do not remember if I had seen the report by Millet in the Office of District Magistrate or not. Name of Vikramajeet was referred in second line in para 619 of document No. 312 C -1/18, which means Vikramaditya. Construction of 360 temples by Vikramaditya was referred in this para. I have not seen the list of 360 or 42 temples, which is written as appendix "A" in this para. Matter written in last para of document No. 132 C -1/10 and in second and third para of document No. 312 C -1/11 (up to the title "Babar's Mosque") was reproduced in the column No. 666 of the

document No. 312 C -1/19 and 312 C-1/20 by Millet. Matter written under the title of Babar's mosque, document No. 312 C -1/11 (page No. 21) and below it at this page has been reproduced as it is, in the column No. 667 to 671 of the report by Millet document No. 312 C -1/20 to document No. 312 C -1/21. Karnegi, in the last three lines of second para under the title of "Babar's mosque" document No. 312 C -1/11 has written that he had seen the same type of pillars in Banaras and same type of Buddhist pillars fixed at other places as fixed in the masjid. I have not read the description about same type of pillars and contrary to these pillars anywhere. Learned advocate cross-examining draw the attention of witness towards last five lines of para 668 document No. 312 C -1/20. Witness said that Millet, at this place had produced the matter written by Karnegi in this context. Learned advocate cross-examining draw the attention of witness towards document No. 312 C -1/56. Witness said that he had not read the journal or book.

It is not correct to say that the Gazetteers, I have referred in my Examination in chief Affidavit and Cross-examination, cannot be said authenticated. It is also not correct to say that no historical source concerning to disputed site has been described in the Gazetteers. Hence these cannot be recognised as a historical sources.

I have heard the name of Kanigham. He was a historian. But in which century he was, I do not know. I am not recollecting the "Archaeological Survey of India, report for the year 1862, 1863, 1864 and 1865 by Alexander Kanigham. I do not remember if I had read it or not.

I have, in my book, has referred the French Author Trifen Thraller. I have seen his book in English. I have not read any part of this book. Volunteer : that he has written the book with administrative point of view. I have not written the whole history in it. History has been described in brief. There are four main basis for writing this book – some historical literature Gazetteer and revenue record, conventions and traditions, views of important personalities and factual situation at the time of my appointment. Description about English and Hindi scholars was mostly given by Shri Radheyshyam Shukla, who was a journalist there and have good knowledge in this regard. Shri Mukhtar Ahmed Kidwai, had been giving details about Urdu Scholars to me, who had very good knowledge about Hindi literature and disputed site. I used to note down the matter told by him, in my diary and on the basis of same matter, I have written my book.

Question: Should it be presumed that you have written these facts about disputed Bhawan and Shri Ramchanderji in your book although these facts were not historically authenticated?

Answer: It is not correct.

I have mentioned about Trifen Thraller on the basis of peoples' sayings. I do not remember, whether Trifen Thraller was a historian or pilgrim, who had written the description about his journey. About this I can only say after seeing my book. I do not remember if I had read the book by William Frinch or not. I do not remember if I had mentioned about it in my book or not. I can say about it only after seeing the book. I myself had not read the book by Sheikh Azmat Ali Kakoravi. Kidwai Sahab has told me about this. I have not read the book "Fasaan –e –lbrat". I have mentioned these books in my book. I have

mentioned these books only on the basis, Kidwai Sahab's narration. I have heard about Maulana Hai Sahab and mentioned about him in my book. He was a historian. I have no knowledge if he was a historian of 19<sup>th</sup> century or 14<sup>th</sup> – 15<sup>th</sup> century. But he was a seasoned historian. I have not read any of his books. I have learnt about him from Kidwai Sahab. I have no knowledge if Mohd. Abdul Hai Sahab was a Alim-e-din of 20<sup>th</sup> century or not. It is not correct to say that he was not a historian.

I got assistance from the book written by Radheyshyam Shukla and views expressed in it, in writing my book. I met him at a number of times. First edition of the book "Shri Ramjanmbhoomi", document No.107C – 1/154, by Radheysham Shukla was published in 1986. I agree with the views of Dr. Radheyshyam Shukla, to a great extent. I agree with the views expressed in the first three lines written under the title "Aadi Shri Ramjanmbhoomi" at the first page of this book. I agree with the fact written in ninth and tenth line at this page that Shri Rama was about 9 lakhs years ago during Tretayug. I do not agree in full with the views of Dr. Shukla at this page that as per of Ekshwakuvanshi ancient genealogy God Rama was about 4000 years before. I agree with the views expressed in thirteenth and fourteenth line at this page that according to Scholars present Ramayana was created during 300 to 200 B.C. I do not agree in full, with the views expressed by Dr. Shukla under the comment No. –3 at this page. I do not agree with the views expressed in this comment that the present Ramayana cannot be of the period of Shri Ramchandra. I agree with the views expressed in the last line at this page, which runs in to first line at next page. On the basis of my study and knowledge, I cannot say that how many times Ayodhaya was destroyed and inhabited. I cannot say that when Ayodhaya was destroyed last and

when inhabited. How many years back the present Ayodhya was inhabited, I do not know. I cannot say if Ayodhya was destroyed or inhabited 2000 to 2500 years back or One thousand years back. I do not agree with the views expressed in first three lines at para two at page –2 of this book. It is written in these lines that "during the time of Buddha-----there was no city called Ayodhya". I do not agree with this because I have no knowledge about this.

I agree with the matter "tradition of Ayodhya-----  
----- constructed a temple" under the title "Vikramaditya Dwara Ayodhya Ki Khoj" at page No. –2 of this book. But I partially agree with the matter written in the last para of this page and last two lines of first page under the title "Who the Vikramaditya was----- more Vikramaditya were". I do not know how many Vikramaditya were there; but they may be more than dozen. I have no knowledge about the matter "Among the known ancient Vikramaditya----- of 11<sup>th</sup> century", written in second, third and fourth line at page –3. I agree with the contents "so far the ruler of Ujjaini-----  
-----are the basis", written at page –4 of this book. I agree with the four lines written in the four lines at this page under the title "Vikramaditya Skandgupt was a saviour of Ayodhya". I have no knowledge about the period of Skandgupt Vikramaditya mentioned in fourteenth and fifteenth line at page –8 of this book, as 455 to 467 Christian era. Dr. Shukla has referred the source of othis comment No. 4 at page No. 8, a book named "Rai Chaudhary – Political history of ancient India". I have no knowledge about this book. I read the whole book, above, by Dr. Shukla.

Learned advocate cross-examining draw the attention of witness towards the matter written at page No. –9 under the title "Construction of first Ram temple" at this

page of the book by Dr. Radheyshyam Shukla. Witness after reading it said that I agree with the contents written in it.

Learned advocate cross-examining draw the attention of witness towards a part " In the south side of Shri Ramjanmbhoomi-----there was no Shri Ram Temple. Witness after reading this, in reply to a question said that I do not agree with this. Attention of witness was drawn towards a part "Near Janmbhoomi----- was fixed after renovation" of last para at page No. 10 to 11. Witness after reading it said I agree with the views given in it. Attention of witness was drawn towards the contents at first para under the title "Masjid in place of Mandir", at page No. -12. Witness after reading it said that he has no knowledge about the contents therein. Attention of witness was drawn towards first four lines in second para. Witness after reading it said, I have no knowledge about the contents written therein. Attention of witness was drawn towards comment No. -1 at page -16 of this book. Witness after reading this said, I have no knowledge about the contents written therein. I have no knowledge about the contents written therein that Baba had given 500 Bigha land to Satrugan Das, Acharya Swami of Dantdhawan Kund in Ayodhya. I am not recollecting if I had met Acharya Swami of Dantdhawan Kund or not.

Verified the statement after reading

Sd/-

Ram Saran Srivastava

08.02.2005

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 09.02.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

08.02.2005



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

**Dated 09.2.2005**

**D.W. 2/1-2, Shri Ram Sharan Srivastava**

(Commissioner appointed in Other Original Suit No. 4/89  
by Hon'ble Full Bench vide order dated 3.2.2005)

(In continuation to dated 8.2.2005, Cross-examination on  
an Oath of D.W.-2 -1/2, Shri Ram Sharan Srivastava 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 draw the  
attention of witness towards page No. 21 of document No.  
107 C -1/154 of Other Original Suit No -5/89. Witness in  
reply to a question said that I have no knowledge of matter  
written in the third line to the last line of the para under  
title "Masjid Ke Angan Main Mandir". I know only that  
order was given during the regime of Akbar to construct  
Ram Chabutra. I have the knowledge that order for  
construction of Ram Chabutra was given due to his  
religious understanding. A chabutra was constructed at  
that place for performing worship. It was there at the  
time of my appointment. A temple, where worship is  
stated to be performing, was a temple constructed on this  
Chabutra. It is not correct to say that this temple was  
constructed around 1855. According to my knowledge this  
was constructed during the time of Akbar. The matter  
written at page No. -22 of this book under the title " Pooja  
Bhi Azan bhi" is correct. I have no knowledge that  
Muslims used to read namaz for five times in the disputed

Bhawan daily. Similarly, the matter written in the three lines under the title "Aurangzed Ka Kaal: Phir Sanghrash Chhira", at page -22 of this book.

After reading the matter written in second to the last line of second para at page No. -24 of this book, witness said that I have no knowledge about the matter written therein. After reading the matter written under the title "Hindus again got the right of worship" at the end of this page, running in to next page, witness said that the matter written therein is correct. Ramchabutra is not mentioned in this para although Shri Ramjanmbhoomi was referred therein. Which I mean disputed Bhawan with three domes. According to this book, so far I understand, right of worship was given to Hindus in the disputed Bhawan during the period of Saadat Ali Khan. I agree with a point, which I have stated just now.

Question: I am to say that the references made in this para in document No. 107 C -1/154 at page No. 21 to 25, were about performance of worship at Ram Chabutra situated at the outer part of Bhawan with three domes. What you have to say in this regard?

(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 a number of questions have been asked by Learned advocate cross-examining from the pages mentioned. Hence permission should not be granted to ask similar type of question again and again.)

Answer: It is not correct to say that the page No. 21 to page 25 of this book contains the description about Ram Chabutra.

Learned Advocate cross-examining Advocate, draw the attention of witness towards a portion "During this period a mosque compound at Janmbhoomi----- Army had again snatch masjid from them", at page No. – 25 of this book. Witness after reading it said, I have no knowledge about the matter written therein. Construction of Chabutra at Janmbhoomi was referred therein. It was stated there that Chabutra was in the compound of Masjid. I am aware of that the word "Chabutra" and "Masjid" were used repeatedly.

Question: Have you read in any book about the incident of occupation of Masjid and usurp of the masjid by Royal Army after three days?

Answer: I have no knowledge about this.

I have not read the books "Madintul Aulia" and "Gumgashte Halate Ayodhaya", referred in second and third para at page –27 of this book.

Attention of witness was drawn towards the matter written in first four lines under the title "British Shasan Kaal" at page No. –28 of this book. Witness after reading it, in reply to a question said, that I agree with the matter written in it.

I agree with the facts written in the last four lines under the title "Rani Victoria Ka Hastkshep" at page –29 of this book. The wall referred therein is a wall with grill. I have no full knowledge about the matter written under the

title "Angrezi Raj main Pehla Danga" at this page. Among the matter written at this page, running in to first para at page -30 under the title "Angrezi Raj main Doosra Danga". I have the knowledge about the disturbances of 1934. I have no detailed knowledge about the rest facts.

I have the knowledge about the fact written in tenth to twelfth lines at this page in this book that domes of disputed Bhawan were damaged. I have the knowledge about the matter written in last para at this page. The matter written therein is correct.

After reading the last four lines in para two at page - 31 of this book, witness in reply to a question said that I agree with the matter written therein.

Question: Have you read in any other book that during this period i.e. from 1934 to 1949, namaz was being read in mosque or not?

Answer: As I have already stated this reference is available in the records of Police and District Magistrate that namaz was never read in the disputed Bhawan after the incident of 1934 because of the condition of the Bhawan and spoiled relations. For this reason reading of namaz was not possible there.

Question: What type of records were available in Police and District Magistrate's Office and which officer has written these records, you have read?

(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 similar question has already been asked at page No. 39. Permission can not be granted for asking a similar question again and again.)

Answer: Concerned Officers in the Police Stations and Office of the District Police Officers and in the office of District Magistrate keeps the details of each festival and incident. The Police Officer and District Officer wrote these records.

Question: My question is specific to that which officer had written the record, mentioned by you, about the namaz of five times a day, being read in the disputed mosque after 1934?

(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 permission for asking a question repeatedly, by beating about the bush should not be granted. Because such questions are being asked to harass the witness.)

Answer: These records were written by a Police Officer of Police Station Ayodhaya.

These reports were written about the incidents and festivals, happened from time to time.

Question: Since you or any other had not made any mention about a specific incident about the Babri mosque after the riots of 1934 and up to December 1949 and Muslims had also not celebrated any festival in the mosque, so it is not possible to write about this in the report mentioned by you. What you have to say in this regard?

Answer: It is not correct to say.

It is not correct to say that I am giving false statement in this regard. It is also not correct to say that it was never written in any Police report or in the report of District Magistrate's report that namaz was never read in the disputed Bhawan from 1934 to 1949.

I do not remember if I had read a description about this in any book or not. I do not remember if I had read the description about reading namaz in the disputed Bhawan, since 1934 to 1949, in any book or not.

Learned advocate cross-examining draw the attention of witness towards the matter written in the last para at page No. -38, running into page No. -39 of document No. 107 C -1/154 of Other Original Suit No. - 5/89. Witness, after reading this said, I have no knowledge about this.

Attention of witness was drawn towards first para at page -40 of this book. Witness after reading it said that I have the knowledge about the incident happened on the night of 22/23 December 1949. But I do not have the knowledge about other things written therein.

Attention of witness was drawn towards the last para at page No. -41, running into page -42 of this book. Witness after reading this said that I do not agree with the contents written in first three lines of this column. I have no knowledge that Police had locked the mosque. According to my information mosque was locked under Section -145 of Criminal Procedure Code, within one or two days. I have no knowledge that mosque remained open till the action under Section -145 of Criminal

Procedure Code were taken. The source concerning to the details about the disputed Bhawan at page 21, 22, 24, 25 and 29 of this book are not in the book. Only one reference, of Col. Haunt was given.

Learned advocate cross-examining had drawn the attention of witness towards book of Avadhvasi Lala Sita Ram, "Ayodhya ka Itihas", document No. 107 C -1/122, page No. 38 of Other Original Suit No. -5/89. Witness said that the contents written in the first line at this page under title "Ayodhya after the decline of Surya Vansh", is correct.

Attention of witness was drawn towards the contents written in seventh line of second para to the last line of the para, at page No. 43 of this book. Witness after reading it said I have no full knowledge about the matter written therein.

Attention of witness was drawn towards the matter written in para first at page -147 of this book. Witness after reading this said that I have no knowledge about it.

I can read and understand the "Ramcharitmanas". Learned advocate cross-examining draw the attention of witness towards document No. 258 C -1/2, "Shri Ramcharitmanas". Witness said that there is no reference about the disputed site in this book. There is no specific mention about the birthplace of Shri Ramchanderji. Ramcharitmanas was written during the time of Akbar, after Babar. There is no mention about the demolition of Ramjanmbhoomi temple by Babar.

Learned advocate cross-examining draw the attention of witness towards document No. 318/1C and

319/2C (Exhibit -15) and document No. 320 C (Exhibit No. -16) of Other Original Suit No. -1/89. Witness said that I have not seen these papers during my tenure as a District Officer, Faizabad. So far I know, there is no mention of a particular place, about the birth of Ramchanderji in Ayodhya, in "Valmiki Ramayan". According to my knowledge there is no reference about the Ramjanmbhoomi temple. Volunteer: that there is mention about Dasrath Bhawan. Length and width of Ayodhya is given at page -41 under the couplet -7 of fifth canto of Balkand of Valmiki Ramayana, document No. 216 C -1/1. I do not know how many miles are there in yojan. The items mentioned in the couplet No. 10, 12, 13, 16 and 17 of this canto about the description of Ayodhya, are not available in Ayodhya at present.

Attention of witness was drawn towards page No. 15 and 16 of the document No. 65 A -2/3 of Other Original Suit No. 4/89 filed by list No. 65A -2/1 and translated by Learned Advocate Shri Zaffaryab Jilani running in to 24 pages, witness said that Original document is in Urdu and I do not know Urdu. In Hindi version, "Masjid Babarshahi" is entered at land No. - 583 at page -15 and "Masjid Waqf Ahad-e-Shahi" is written at column No. -6. No entry in regard to a temple is there. In the column 12, through the entry file No. 427, No. 6/47, Raiganj Munfasla, 26<sup>th</sup> February 1948 instead "RaghunathDas was appointed a Mahant of Ramjanmbhoomi" Mahant RamsaranDas Da Kaa 14.6.41, is written. Volunteer, some material in this paper is handwritten and some is typed. Besides some cuttings are there, but have no initials. I have seen the original paper Land No. 584, 585, 586 and 587 was referred therein. Habitation is written at land No. 584, column -3/1; Minjumla habitation is written at land No. 585. Habitation Minjumla at column No. 2/6 at No. 586 and



Habitation under this column at number 587 is written, Graveyard 11 Biswa, 16 Biswasi, 16 Kachwansi is written at 586. Volunteer: that cutting has not been initiated. Volunteer : that certification of true copy at every page is not given.

Learned Cross-examination Advocate draw the attention of witness towards document No. 15 C 1 (Exhibit -9) of Other Original Suit No. -4/89. Witness after reading it said that habitation Juma Masjid is written against plot No. -163. Entry against Land No. -159 is not clear. District Waqf. Commissioner's report dated 16.9.38 is at document No. 27/1 C1 to 27/4C1 (Exhibit) of this suit. I have not seen this report during my tenure in Faizabad. District of Waqf. Commissioner had suggested in the last page of this report that a management committee should be constituted for the proper maintenance and repair of mosque so that it may supervise the pending work.

As per my knowledge, District Waqf. Commissioner was not below the rank of District Magistrate or Additional District Magistrate. At present, Additional District Magistrate is entrusted the work of District Waqf. Commissioner. It appears from reading this report that this report was submitted in respect of the disputed site. I have not seen this report earlier. Learned advocate cross-examining draw the attention of witness towards document No. 28/1C1 to 25/5C -1 (Exhibit -22). Witness after seeing it said this report is about disputed site too. The same suggestions were made in this report as in the earlier report.

Question: Does it not become clear from above two reports by District Commissioner, Faizabad that District Administration, in the year 1938 and

1941, has suggested to maintain and manage the disputed site and its management as a mosque?

Answer: It becomes clear from seeing these reports that suggestions were made in this report about the maintenance of the disputed site.

Question: It is not implied from any word of both the reports that Faizabad Administration was treating the building of Babri Mosque as a disputed Bhawan or Ramjanmbhoomi. What you have to say in this regard?

Answer: "Janmsthan mosque" was written in both the reports, which means disputed site.

Question: The word "Janmsthan mosque" in the above reports was used for the mosque constructed by Babar and not for the Janmsthan temple. What you have to say in this regard?

Answer: It is mentioned in this report that King Babar constructed the mosque in 935 Hizri.

Question: Neither any indication about this is obtained from these two reports nor any conclusion can be drawn to the effect that District Administration of Faizabad, in 1938 or 1941, was recognizing the building of Babri mosque as a Janmsthan temple of Ramjanmbhoomi Mandir. What you have to say in this regard?

(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 one report, among the so-called reports for, is shattered and most of its part are not eligible. Hence, questions about both the reports cannot be asked for.)

(Witness after Reading the reports again said)

Answer: No reference was made about the Ramjanmbhoomi in the first report. But it cannot be implied from this that district administration was not treating it a disputed site. Second report is incomplete.

Verified the statement after reading

Sd/-

Ram Saran Srivastava

09.02.2005

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 10.2.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

9.2.2005

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

**Dated 10.2.2005**

**D.W. 2/1-2, Shri Ram Sharan Srivastava**

(Commissioner appointed in Other Original Suit No. 4/89  
by Hon'ble Full Bench vide order dated 3.2.2005)

(In continuation to dated 9.2.2005, Cross-examination on  
an Oath of D.W.-2/1-2, Shri Ram Sharan Srivastava 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 heard the name of book "Hadikat-O-Shohda".  
I have no knowledge about the author of the book. This  
book is in Urdu. I have not read it. I referred this book in  
my book. Mukhtar Ahmad Kidwai told me, in brief, about  
the subject matter of this book, which I have noted and the  
extracts of which I had given in my book. I used to meet  
him at 3-4 times in a month while I was posted in  
Faizabad. Word "Dharmopadeshk" in Hindi means  
"Religious Preacher" in English. In spoken language it  
means a person who deliver religious instructions.

(At this point, Learned advocate cross-examining  
through the list document No. 261 C –1 had filed a title  
page of the book "Ek Drishtikon Ramjanmbhoomi Babri  
Masjid Vivad" by Ram Sharan Srivastava and self  
certified copied of extracts of page No. –27, 28 & 29 as  
document 262 C –1/1 to 262 C –1/4. Witness after  
comparing the extract filed with his book said it is in  
accordance with the original.)

Learned advocate cross-examining draw the attention of witness towards document No. 262 C -1/2 (page 27). Witness after reading a part of "in the north of that place-----called Sita Park" said that this is about the place situated in the north of disputed Bhawan with three domes. "Sita Park" was written due to printing mistake. It should be Sitapak. In the next sentence, I stated it as kaushaliya Rasoi. "Ram Chabutra or Janmbhoomi-----so many people were killed" was written at this page. I do not remember in whose period of Nawab of Avadh this violent incident took place. In the next lines, I have written that destruction of Ram Chabutra and Sita Rasoi were tried during the period of Wazid Ali in 1859, although no success was achieved. I have written this sentence on the basis of reading. I do not remember the book in which I have read it. I do not remember if period of Nawab Wazid Ali came to an end in 1858 or not. I have no knowledge if Wazid Ali Shah was a nawab in 1859 or not. It is not correct to say that no incident to demolition of Ram Chabutra and Sita Rasoi happened in 1859. It is written in the last but sixth and seventh line at this page that this Chabutra was demolished during the time of Aurangzeb. I have not written anything about reconstruction of Chabutra after its demolition. It might have been repaired by now. I have no knowledge, when this Chabutra was re-constructed after its demolition and by whom. "Mirza Jaan" was written at this page in place of "Mirza Sen". Similarly, "Hadik Isuhad" was referred in the last but second line at this page. It is also a printing mistake. The name of this book is "Hadikate -Shohda". This book is written by Mirza Jaan. I am saying this on the basis of book and my memory.

Question: Since you have not read the book "Hadikate – Shohda", how you had given the extract from it at page 28 of your book?

(At this point, Learned Advocate, Shri Ajay Kumar Pandey of Other Original Suit No. –5/89 has raised an objection that this question was asked by Learned Advocate cross-examining Advocate, to day itself and its reply is at page No.27. Hence, permission for asking the same question again cannot be granted.)

Answer: Matter written in first five lines, in inverted comma of document No. 262 C –1/3 (page –28) is correct but inverted comma has been written therein by printing mistake. Language used in inverted comma is not a language of the above book but the matter told by Mukhtar Ahmad Kidwai was written by me in my own language. The fact that Mirza Jaan was an eyewitness of the Zehad of 1855. I have written this fact in my book on the basis of other book read by me and upon peoples' sayings. I do not remember the name of other book. I remember the name of Mukhtar Ahmad Kidwai among the people who had told me about this. It is not correct to say that no Zehad took place in Ayodhaya in 1855 and Mirza Jaan was not its eyewitness. Sheikh Ajmal Ali Kakoravi was referred in sixth line of document No. 262/3 (page 28). The word "Nabi" was printed by mistake with his name. Similarly, "Kakoravi" had been printed by printing mistake. It should be "Kaakoravi". In the next line "Sayyed Mian Ashikan" has been printed by printing mistake. It should be

"Sayyed Moosa Ashikan". In the line next to afterward line "Maragkai Khuravi" has been printed. It should be "Murakk-e-Khustravi". In line 11<sup>th</sup> and 12<sup>th</sup> "Mirza Ali Veg Shuroor" is written. It is also a printing mistake. It should be "Mirza Razzab Ali Veg Suroor". Life period of the author has also been misprinted. Life period of Sheikh Ajmat Ali Kakoravi at page No. -28 given in comma "811 -13" has been misprinted. Similarly year concerning to "Sayeed Mian Ashikan" has also been misprinted as 923. I was told that copy of "Murakk-e-Khustravi" is kept in Tagore Library at Lucknow and it was published in 1987. I have written this on the basis what I have been told by the people. I did not went to library to see the book and had not seen the book myself. The sentence "Dr. Kakoravi had----- added the extract", written at page No. 28, was based on sayings. All these facts were told to me by Mukhtar Ahmad Kidwai. The reference about construction of a large mosque adjacent to Sita Rasoi during the period of Babar, at page No. 13, 14 and 15 was taken from the book named "Fasah-e-Ibrat". This also was told by Mukhtar Ahmad.

The sentence "Ayodhaya before the occupation by Britishers----- a mosque was constructed", was written at page -28 of my book is based upon my study. I have read the references about this in other books also. I referred Trifain Thraller as pilgrim. Since he has written something, so he was a historian. Yesterday, I did not remember that Trifain Thraller was a pilgrim or historian. I am stating it today

after seeing my book. I have in my statement yesterday at page 108 said that I have referred Trifain Thraller in my book on the basis of others' sayings and in my statement of today that I have referred that I have written his name in my book on the basis of my study. Both the statements are correct. The book was not before me, so I could not stated yesterday that Trifain Thraller was referred by me on the basis of my study. It is not correct to say that Trifain Thraller had not written anywhere that Hindus used to worship at the disputed site and a mosque was constructed there by demolishing the temple.

Witness after seeing the extract of book by Trifain Thraller, Other Original Suit, No. -5/89, filed as document No 107 C -1/96 to 107 C -1/104 in French Language, said that I do not know French Language, so I cannot read the original book. English version of this extract has been filed as document No. 107 C -1/105 to 107 C -1/107 and all these pages have been filed in a single page document No. 107 C -1/108.

Learned advocate cross-examining has asked the witness to read English version of document No. 107 C - 1/105 to 107 C -1/108 of the above extract and to tell at what place it is written that mosque was constructed by demolishing Janmbhoomi Mandir. Witness after reading the above pages, in reply to a question said that this matter is written in the last para of document No. 107 C - 1/106 and in the second para of document No. 107 C - 1/107. At both the places there is a reference about demolition of Ramkot and building, respectively. The building being a birthplace of God Vishnu will be treated as a temple. Demolition by Aurangzed was written at both the places and some people say that Babar demolished it.



Learned advocate cross-examining asked the witness that at what place in the English version of above relevant extract by Trifain Thraller, it is written in the last but sixth and fifth line of document No. 107 C -1/103 (page - 28) that Hindus used to worship in the compound of mosque regularly.

Witness after reading the document No. 107 C - 1/105 to 107 C -1/108, said that this fact is written in the last but 8<sup>th</sup> to fifth line of document No. 107 C -1/108. In my view it means Hindus used to worship in the compound of mosque regularly. From the word "Compound", I mean the outer place of mosque. I cannot say that English version of the extract written in French Language, filed as document No. 107 C -1/105 to document No.107 C -1/108 is correct or not. Hence, I cannot say that translation is not correct.

William Frinch had been referred in the last but third line at page 28. It is a printing mistake. It should be Finch and not Frinch. I have not read the book by William Finch. This I have already stated. The matter referred in the last line at page 28 and in the first two lines at page 29, that Janmsthan and other temples of Ramkot were demolished to construct the mosque. This matter was taken by me from the other books referred by William Finch. I do not remember that William Finch was a pilgrim only. As per my knowledge, William Finch was a historian. The year 1608, referred by me in the last but third line at page No. 28 was the year when William Finch came to India. I have heard about his book that this book is available in the library of Banaras Hindu University. I myself had not seen this book. I have no knowledge about that original book by William Finch that it is not available

and William Faster had written his journey description in his book "Early Travels in India".

William Finch (Fitch) is written at Sl. No. 25 of document No. 107 C -1/50. The photocopy of page 176 of book "Early Travels in India 1583-1619, London -1521, was stated to be mentioned. Witness after reading the document No. 107 C -1/95 of this list, in reply to a question said, what I have written in book about the fact "Janmsthan and other temple of Ramkot area were demolished to construct a Babri mosque", as mentioned in the book by William Finch, is not referred in document No. 107 C -1/95. Since I have not read the book written by William Finch or by William Faster, I cannot say if I have referred the book by William Finch in my book or not. I have written this fact on the basis of my study of other books, but I do not remember the name of those books. I, after reading my book gave statement about the above extracts of William Finch. I have given a statement on 8.2.2005 at page -109 that I do not remember if I had given the references about it in my book or not. I had made this statement because I had not seen my book by that time. I, in fifth and sixth line at page No. -29 of my book, stated that Maulana Abdul Hai was a learned religious preacher. From the word religious Preacher, I means a person who propogate the religion and delivers religious instructions. Religious preacher means a scholar of religion. Earlier, while giving statement on 8.2.2005 at page No. -109 this fact was in my mind. To day I am stating it from my book. I have, at page No. -29 of my book, had written that " It was clear-----  
-----Babri Masjid was constructed". I have written this on the basis of my study of other books. I do not remember the name of the books. On 8.2.2005 at page No. -109, I gave a statement that I have not read

any of his book and I had heard about him from Kidwai Sahab. There is difference in between statement given to day, by me and the earlier statement of mine. In the statement dated 8.2.2005, I have not stated that I had read about it in the other books also besides hearing from Kidwai Sahab. It is not correct to say that neither William Finch nor Maulana Abdul Hai had written the facts in their books, which I had referred at page No. 28 and 29 of my book through the references of these authors. I have referred about some books and their authors in ninth, tenth and eleventh line at page No. 29 of my book. Among them are the writer "Martin" and the books "Encyclopedia of India", "Avadh Gazetteer". "Eastern India Surgeon General Welford" is a name of a person. Four books were referred in these four lines. I have read all these four books. I do not know the writer "Martin" about whom I am referring is the writer of "History of Antiquities, topography and Statistics of Eastern India; A report by Maunt Gomari Martin or not. The full name of encyclopedia 1858, referred at page No. 29 of my book is "The Encyclopedia of India and Eastern and Southern Asia by Surgeon General Welford – 1858". It was mentioned at Sl. No. 28 in the document No. 107 C -/5. Similarly only three and not four, books have been referred at page No. 29 of my book. It is not correct to say that I have not read the above three books, that is why these were not correctly mentioned at page –29 of my book. The fact is this that this error happened because of printing mistake. I have referred Encyclopedia of India at page No. –29 of my book. The same extracts were filed as document No. 107 C-1/111. In the right side last para of it, under the line "Ajmod" Ayodhaya was mentioned after one line. I have referred Alexander Kanigham 1962 in the Eleventh line at page –24 of my book. This reference is about the book of Kanigham. This is the same Kanigham referred in

12<sup>th</sup> line at page 29 of my book and about which I had given a statement at page 107 and 108 on 8.2.2005. So far I remember, I could have referred the report of Alexander Kanigham in my book only after I read it. The extract of the book "Archeological Survey of India, four reports 1862 to 1865, volume- One by Alexander Kanigham, referred at Sl.No, -2, document No. 107 C --/1, are at document No. 107 C -1/12 to 107 C -1/16, page No. 320 to 327 of this report have been filed as an extracts. I have given the name of Alexander Kanigham in second chapter of my book, in support of the facts detailed in the book. It is not correct to say that there is no supporting evidences in the report 1862 to 1865 by Alexander Kanigham, about the fact that Babri mosque was constructed by demolishing the Ramjanmbhoomi Mandir of birthplace of Ramchanderji was at the place of Babri Mosque.

Learned advocate cross-examining 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 these pages said that these pages are the photocopies of a part of above four reports of Alexander Kanigham. Attention of witness was drawn towards document No. 322 C -1/15, 16, 17 and 18 by the Learned Advocate cross-examining Advocate. Witness after seeing these pages said that these pages contain the description of Ayodhaya. Another description of Ayodhaya is in document No. 322 C -1/19, 20 and 21 and next description is at document No. 107 C -1/13 to document No. 107 C -1/16. Document No. 322 C -1/22 is a map of Kannauj, in which, Sita Rasoi is written in the middle. I had been a S.D.M. Kannauj and I know there is place called Sita Rasoi in Kannauj also. Document No. 107 C -

1/12 is a map of Ayodhya, taken from the book by Kanigham. Two maps were given in it.

Plan of City of Avadh is written in the first map and a map of Mani Parbat at Ayodhya is given in the second map. Tombs of Seth and Tomb were given in the map of Mani Parbat. Seth and Jomb were two prophets, whose tombs are near Mani Parbat. Volunteer:that Janmsthan is referred in the first map, but the place where the Janmsthan is not given. Janmsthan has been shown in the north of Laxmanghat. It is not correct to say that Laxman Ghat has been shown in the West Side of Janmsthan. Hanumangarhi has been shown in the south east of Janmsthan. But the ground situation is that Hanumangarhi is situated at the east south corner of Janmsthan Mandir. It is not correct to say that Hanumangarhi in Ayodhya is not at east south corner of Janmsthan. It is not correct that I am giving false statement in this regard and I am prejudice. I cannot say that the place where Janmsthan has been shown, in document No. 107 C -1/12, cannot be a place of Janmsthan Temple. I have, in last line, at page -29 of my book, written that "History shows ----- mosque was constructed". I have neither mentioned the name of the daughter of Aurangzed nor the name of any history book. I do not remember the name of book or the name of Aurangzeb's daughter. I do not know that the name of book written by Zaki Kakoravi is "Tarikh-e-Avadh". The extract of "Encyclopedia Britannica" referred in my affidavit were filed in Other Original Suit No.5/89. The part of the said book is filed as document No.107C - 1/120 and document No. 107C -1/121. The extracts from the 15<sup>th</sup> edition of the book I referred in para 25 of my Examination in chief Affidavit are at document No. 107 C - 1/120 and 107 C -1/121.

It is not correct to say that I have referred only those books in my affidavit, which are pro Hindus. It is also not correct to say that I have not referred any book, in which matter concerning to pro-Muslims claim has been given.

Verified the statement after reading

Sd/-

Ram Saran Srivastava

10.02.2005

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 11.2.2005. Witness to be present.

*www.vadaprativada.in*

Sd/-

(Hari Shankar Dubey)

Commissioner

10.2.2005

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

**Dated 11.2.2005**

**D.W. 2/1-2, Shri Ram Sharan Srivastava**

(Commissioner appointed in Other Original Suit No. 4/89  
by Hon'ble Full Bench vide order dated 3.2.2005)

(In continuation to dated 10.2.2005, Cross-examination on  
an Oath of D.W.-2/1-2, Shri Ram Sharan Srivastava 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 seen the Kasouti pillars fixed in the disputed  
Bhawan with close attention. I went to the disputed site  
for hundred of times. Learned advocate cross-examining  
draw the attention of witness towards colour album  
document No. 200 C –1 . Witness after seeing the picture  
–49 to 54, said that these are the pictures of the part of  
those pillars. Picture No. –51 and 52 appears to be  
picture of complete pillar. No idols of Deities are seen on  
these pillars but material like Sindoor is seen thereon.  
After drawing the attention of witness towards picture No.  
104 to 114 of the album, witness said that pictures of  
pillars are not seen in it. There appears some figures,  
with sindoor on it, in picture No. 104, 105, 109, 110 and  
114.

Question: At what places the figures, told by you, are  
seen on these pillars?

Answer: At the places where there is a sindoor.

A figure is seen at the place above where sindoor is painted with in picture No. –109 and paintings at the place below where less sindoor is painted with . The figures are not clear. Only a figure of man is seen in picture No. –109. No figures are visible in any other picture. Picture No. –108 also have a sindoor but a figure is seen in it, but whose figure is this, is not clear. I cannot say at what places, the pillars seen in these pictures were in the disputed Bhawan.

Learned advocate cross-examining draw the attention of witness towards picture No.115 to 126 of this album. Witness after seeing these pictures, in reply to a question, said that these pillars were in the disputed Bhawan. Among these pictures, figure is seen in picture No. 115 and 126. No picture is visible in other pictures. Figure of Hanumanji is seen in picture No. 125. Something like figure is seen in picture No. 126 but it is not clear. God Shri Ramchander ji in his childhood seen in picture No. 116, was perhaps fixed at the mid door of the Bhawan with three domes. I had been seeing this picture, whenever I used to go there. This picture certainly was at the mid door.

Learned advocate cross-examining draw the attention of witness towards picture No. 127, 136, 137 and 138 of this album. Witness after seeing the pictures, said that something like a human figure is seen in picture No. 127 and 136 but it is not clear. Paintings are seen in all pillars. Figure like human being is seen in picture No. 127 and 136 but it is not clear. The figure is seen at a place where sindoor is painted with.



Learned advocate cross-examining draw the attention of witness towards the picture No. 139 to 147 and 150 of this album. Witness after seeing these pictures, said that something like human figure is seen in picture No. 140, 141 and 147. A clear human figure is seen in picture No. 141. Rest pictures are not clear. In picture No. 142 and 143, a figure is seen at the place where there is sindoor. I am not saying this only because of sindoor but the figure is seen in reality. A human figure is seen in picture No. 142 and 143 but whose figure is this, it is not clear.

Learned Advocate cross-examining Advocate, draw the attention of witness towards picture No. 157 to 162 of this album. Witness after seeing the pictures, said that a figure like human being is seen in picture No. 157, 160, 161 and 162 but whose figure is this, I do not know. No figure of Deities is seen in this picture.

A figure is seen in picture No. 163 to 167, picture No. 163, 166 and 167 of this album. This figure is seen at a place where sindoor is painted. A figure like trunk of Ganesh ji is seen in picture No. 166 and 167. Whatever picture I have seen so far, all are at the places where sindoor is painted.

Learned advocate cross-examining draw the attention of witness towards picture No. 176 to 186 of this album. Witness after seeing it said that a clear figure is seen in picture No. 180, 181 and 183. In these pictures too, figure is seen at the places where sindoor like material is seen. Human figure is seen in picture No. 180, 181 and 183. But it is not clear, whose figure is this.

Learned advocate cross-examining draw the attention of witness towards picture No. 188 to 196 of this album. Witness after seeing these pictures said that some figures are seen in picture No. 188, 189, 190, 191, 193, 194 and 196. These figures are at the places where sindoor is painted. These figures are appeared to be human figures. Figure of God is seen in picture No. 195 and 196, but it is not clear, which God's figure is this. There are figures of Deities, about whom I have no knowledge. There are the figures in picture No. 195 and 196 whom I could not identify. Figures in picture No. 188, 189, 190 and 193 are not clear. So I cannot say if these are the figures of any Deities or not.

A similar figure at the portion where sindoor is painted is seen in picture No. 199 and 200 of this album. I cannot say which deity is seen in this picture. My photo is seen in picture No. 205 of this album.

Among the picture shown to me today, one is of Hanumanji and another of Ganesh ji.

Question: There were two pillars of black stone towards the outer portion of the mid door of disputed Bhawan. Do you see a picture or figure of any deity on both or any one of the two pillars?

Answer: I do not remember, whose figure was there on these two pillars. I know there was a figure on these pillars.

I do not remember whether I had bowed before the figure engraved on these pillars or not. I had seen these two pillars, in the disputed site whenever I went there. I have seen them at hundred times. There were two pillars

towards the outer portion of the door of the disputed Bhawan. This door was called Hanumath dwar. Figures of Jai and Vijay were there on the pillars fixed there. I have not seen the picture of Jai-Vijay among the pictures shown to me just before.

I do not remember whether stairs were there in the corner of the Western Wall of the disputed Bhawan which appears while entering from the mid door, or not. Witness again said that stairs in the north were there towards Western Wall.

Learned advocate cross-examining draw the attention of witness towards the picture document No. 154/13 filed in the Suit – Gopal Singh Visharad V/s Zahoor Ahmad and others. Witness after seeing the picture said that stairs, like thing was seen in this picture.

In picture No. 128 and 129 of the colour album document No.200 C-1, as I am recollecting, photo of Thakur Gurudutt is seen, which was at the north-side wall of disputed Bhawan. Pilars were not there in the north and southern outer part of the disputed Bhawan.

Learned advocate cross-examining draw the attention of witness towards picture No. -45 of colour album document No. 201 C -1. Witness after seeing it said, which door of the disputed Bhawan is seen in this picture is not clear. Witness again said that south door of the disputed Bhawan is seen in this picture. Neither any pillar is seen in the outer part of door nor there was a pillar. Similarly there was no pillar in the outer part of north door.

Learned advocate cross-examining draw the attention of witness towards picture No. 55 to 66 of the colour album. Witness after seeing these pictures, said that partial portion is seen in picture No. 55, 57, 58 and 59 and some figures in picture No. 60, 66 are seen. These appear to be figure of human beings. Figure of a Devta (God) is seen in picture No.60. It may be a figure of Hanumanji. I am not recognizing it. I cannot say if figures of any Deities are there in these pictures or not.

Learned advocate cross-examining draw the attention of witness towards picture No. 71 to 76 of colour album. Witness after seeing these pictures said that figures are seen in picture No. 72, 74, 76. There appears to be a picture of Ganeshji in picture No. 76. Similar picture is also seen in picture No. 74. Figures seen in other picture are not clear. Figure of any deity is not seen in any picture.

Learned advocate cross-examining draw the attention of witness towards picture – 87, 88, 89, 90 and 91 of this colour album. Witness after seeing the picture said that figures are seen in picture No. 87, 89 and 91. I cannot say whose figures are these. It appears that figure of Ganeshji is in picture No. 91. No clear figures are seen in rest of the pictures

Learned advocate cross-examining draw the attention of witness towards picture No. 95 to 106 of this colour album. Witness after seeing these pictures said that figures are seen in picture No. 96, 97, 100, 101, 102 and 106. But it is not clear whose figures are these. It is not clear if these figures are of any deity or not.

Pillars are seen in picture No. 25, 26 and 27 of this album. Figures are seen on these pillars but it is not clear whose figures are these. I cannot say if these figures are of any deity or not.

Learned advocate cross-examining draw the attention of witness towards report of the general map of the disputed temple/mosque enclosure No. -11 of Report document No. 97 -A 2/1, prepared by Uttar Pradesh State Archaeology Department. Witness after seeing the picture said that number of pillars, in the front and rear part of the main gate of mid dome has been shown as 3-4 and 14-15. Similarly number of other pillars has been shown as 12, 11, 9, 10, 7, 8, 5 and 6. Which figure is seen in a particular pillar, I am not recollecting. Among these pillars figures are seen in some. Figures of Shankarji, Hanumanji and Yaksha are among them. Besides, I do not know if figure of any deity is therein on the pillars. I have referred about these figures in the para -24 of my affidavit.

I have, in this para, mentioned about the footprints. These are 8 in number. These footprints were made of marble stone. How old these footprints were, I cannot say. Might be two hundred years old, ten-twenty years old or thousand to two thousand years old, I cannot say. I have made a mention about new tender leaf of mango, which means the leaf of mango tree.

Chowka, Belan and Chulha referred in this para were made of marble stone. I cannot say how old these were, 10-20 years old, 100-200 years old or thousand - two thousand years old.

Question: Had you seen the document No. C -2-202 and C -2-203, dated 26.12.1949 and 27.12.1949, respectively of your predecessor District Magistrate, when you were District Magistrate of Faizabad?

(Upon this point Learned Advocate, on behalf of plaintiff in Other Original Suit No. –3/89 has raised an objection that these two are the letters only and not acceptable as evidences. Hence question cannot be asked about these.)

Answer: Yes, I have seen these two letters during my tenure as District Magistrate. I had read the letters.

The file, in which these letters were kept, also contains the replies thereof.

Learned advocate cross-examining draw the attention of witness towards the document No. 110 C – 1/96 "Babri mosque or Rama's birthplace – Historian report to the Nation", written by S/Shri Prof. R.S. Sharma, Prof. M.Athar Ali, Prof. D.N. Jha and Prof. Surajbhan; filed in Other Original Suit No. –5/89. Witness after seeing the booklet said that so far I remember I have not seen this report. I have not read this report. I neither read nor heard about the papers "Ayodhya – History, Archeology and tradition" edited by Prof. Lallan ji Gopal read in the conference organized by All India Kashiraj Trust w.e.f. 13<sup>th</sup> February 1992 to 15<sup>th</sup> February 1992 in Varanasi.

I have not read the book "History of Medieval India" by B.D. Mahajan. I also have not heard about this book. I have not read the book "Medieval India under Mohammedan Rule", written by "Stanley Lane Pool" nor heard about it. It is not correct to say that disputed Bhawan was being used as mosque regularly from the time of Babar to 22<sup>nd</sup> December 1949. It is also not correct to say that five times namaz and namaz of Jumma (Friday) etc. was being performed there up to 22<sup>nd</sup> December 1949. It is not correct to say that there were no idols in the disputed Bhawan with three domes, prior to the night of 22/23<sup>rd</sup> December 1949 nor any kind of worship or darshan was performed there. It is also not

correct to say that disputed site was never a birthplace of Ramchanderji and Ramjanmbhoomi temple was not there. It is not correct to say that I have written my book and giving false statement with a prejudice.

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

(Cross-examination on an oath, by Shri Mushtaq Ahmad Siddiqui, Advocate on behalf of plaintiff No. 7 in Other Original Suit No. 4/89, begins.)

I have, in para 1 to 3 of my examination in chief affidavit have described my educational qualifications and details about my appointment at various post under Govt. In para 4 to 9 of the affidavit, I have given the details concerning to the work done during my tenure in Faizabad. Details of my study and knowledge concerning to the disputed site is given in para 12 to 22. In the para 23 to 24 of my affidavit I had given conclusion on the basis of my study and knowledge. In para 10 and 11, I have given the reason about writing the book. I have not filed any part of the book. I had thought it proper to inform that I had written a book. I have made a mention in para 25 about my visit to London. The object of my journey was not just to read the "New encyclopedia Britannica", but other reasons were also. I brought the photocopy of the book, I have read there, with me. That photocopy is with me. I have not given the photocopy of that book to anyone. I have mentioned about it, in the book. I have made a mention about the conversation held with Mukthar Ahmad Kidwai. All conversation with him was held during my tenure in Faizabad. The conclusion given in para 23 and 24 of the affidavit is based on the study and knowledge gained in Faizabad and thereafter. What studies I have undertaken after my transfer from Faizabad,

I do not remember. Conclusion given in para 23 and 24 of my affidavit is based on the knowledge gained in Faizabad and thereafter. I never met Mukhtar Ahmad Kidwai after I was transferred from Faizabad. I do not remember with whom, I talked about it, after my transfer from Faizabad. The part " A mosque was constructed at the birthplace of God Shri Rama at Ayodhya which was constructed by Babar in 1528 in place of temple", is correct.

I am familiar with the word "Building", "Bhawan", "Imarat" etc. All the three words have the same meaning. Temple, mosque, Masjid all are covered under the word Bhawan. I have no knowledge whether any change took place in the disputed Bhawan after its construction in 1528 and up to 6<sup>th</sup> December 1992. Volunteer, that I have heard from the people and also on the basis of my study that it was repaired from time to time and a wall with grill was constructed during this period. I have the knowledge about the word "Structure". Structure and Bhawan is almost one and similar thing. I do not think that there is any difference in between these two words. It is not correct to say that there is a lot of difference in between the two words. I have read the word structure used for the disputed Bhawan in the books and articles written before 1984. I have read in this regard in many books. Among them are, Police reports, reports of Police Office and report of the Office of District Magistrate. I do not know in how many books, disputed Bhawan was described as a structure. I have used the word "Disputed Bhawan" in my book, mostly.

I have, in para 23 of my affidavit used the word "structure" for the disputed Bhawan. It is not correct to say that the word structure is used for the Bhawan, which is in shattered condition, and have no possibility of repairing. My book should be treated as a history book. I am familiar with the word "Historical facts" and "Historical



evidences". There is directly no difference in between these two words. I have in para 5 of my affidavit mentioned that I had in depth study of all aspects during my tenure in Faizabad as a District Magistrate. This study is to be taken without taking individual faith in consideration. And I have performed my duty like this. I had read Khasra (map), Kahtouni and Khewat. Besides, I have read nazool records. Beside this I have studied the report of Police Station and reports maintained in the office of Police Superintendent and District Magistrate. I have also read the correspondence in between the State Govt. and District Officer. I have not read any judicial record in this connection. I have seen the judicial proceedings kept in the officer of District Magistrate, Faizabad. I do not remember the details concerning to these. I have seen the record concerning to proceedings under Section -145 of Cr. C.P. but its detail is not remembered to me, at this time.

Hindu people have also filed suits about the disputed site but I do not know the details of these suits. Hindus treat the disputed site as a temple of God Rama. I have no knowledge about the dispute among them. I have no knowledge whether any other part of the disputed Bhawan was attached after the attachment of disputed Bhawan in 1949.

I have in para 7 of my examination in chief affidavit, I have mentioned that I obtained the information about the dispute from the concerned parties. I held conversation with the people of Muslim party, among them are Aftab Raza a lawyer, Mohd.Hashim Sahab, Mohd. Vasi Khan and Learned advocate cross-examining and owner of Shining Tailor, Malik Niyaz Ahemad, Captain Afzaal, Imam of Tatshah Masjid and Imams of other mosques. In my view, not only the party concern but also the people of both the communities are involved in the suit. Among the persons

from Muslim Party, only Mukthar Ahmad Kidwai is of a view that mosque was constructed by demolishing the temple. Excluding Shri Kidwai, none of the Muslim had told me that mosque was constructed by demolishing the temple. Kidwai Sahab had not told me anything about reading namaz there. None among the Muslims, with whom I held conversation, had told me that namaz was being read in the disputed Bhawan up to 22<sup>nd</sup> /23<sup>rd</sup> December 1949. No conversation had took place about reading namaz there in the disputed Bhawan.

All the Muslims, with whom I held conversation, said that no namaz was read in the disputed Bhawan after 1934. I have noted all this in the diary whatever I was told in this connection by others. I also noted the necessary conversation held with Kidwai Sahab, in my diary.

Verified the statement after reading

Sd/-

Ram Saran Srivastava

11.2.2005

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 15.2.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

11.2.2005

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

**Dated 15.2.2005**

**D.W.-2/1-2 Shri Ram Sharan Srivastava**

(Commissioner appointed in Other Original Suit No. 4/89  
by Hon'ble Full Bench vide order dated 3.2.2005,.)

(In continuation to dated 11.2.2005, Cross-examination on  
an oath of D.W.-2/1-2 Shri Ram Sharan Srivastava by Shri  
Mushtaq Ahmad Siddiqui, Advocate on behalf of plaintiff  
No. 7, continued)

I have, in my book, not mentioned the fact that  
people of Muslim Party had told me that no namaz was  
read in the disputed Bhawan after 1934. I have mentioned  
that no namaz was read in the disputed Bhawan after  
1934. I have not mentioned about Mukhtar Ahmad Kidwai  
in my book. I have referred the fifteenth edition of "The  
New Encyclopedia Britannica Part-I" in para 25 of my  
examination in chief affidavit. I do not remember in which  
year its fifteenth edition was published nor I have made  
any mention about this fact in my affidavit. I have no  
knowledge if the matter written at page No. 751 of this  
book which I have mentioned in para 25 of my affidavit  
contains in the edition earlier to the fifteenth edition or  
not. I have seen the report dated 10.12.1949 by Waqf  
Inspector Mohd. Ibrahim, in the office of District Officer  
Faizabad.

Witness after seeing the Hindi version of Exhibit A –  
63 of Other Original Suit No. 1/89, said that it is a Hindi  
version of the said report by Mohd. Ibrahim, Waqf  
Inspector. Witness after seeing the Hindi version of the  
report, sent to Secretary Waqf Board on 25.11.48 and filed  
as suit exhibit No. A –62, said that I certainly have read  
this. Similarly, I would must have read the report  
concerning to exhibit A –64 dated 23.12.49 of this suit.

This report prepared by Sayeed Mohd. Ibrahim, Waqf Inspector. Similarly, I must have read the reply of a letter dated 20.11.43 from the Secretarym Sunni Waqf Board. Learned advocate cross-examining draw the attention of witness towards Hindi version of document No. A -63 of the above suit and asked:-

Question: I am to say that even after reading this entire report it cannot be concluded that no namaz was read in the disputed Bhawan after 1934. What you have to say in this regard?

Answer: There is no mention about the year 1934. It is written in it that namaz was not read in the mosque during the day for the fear of Hindus and Sikhs and if any Muslim stay therein for the night, he is harassed by Hindus.

Learned advocate cross-examining draw the attention of witness towards the Hindi version of Exhibit A -64 of the above suit. Witness after reading it said that it is not written in it that namaz of Juman (Friday) was held in the disputed Bhawan on 16.12.1949. This report is of dated 23.12.49. This report is about the situation on dated 22.12.49 and 23.12.49 concerning to the disputed Bhawan. It is written in this report in fifth to ninth line at page -2 that mosque remain open on the day of Juma (Friday) for two-three hours only and during this period cleaning and namaz is preformed. It is written in the next page that it is Juma today and Muslims may come from Faizabad to read namaz. Today stands for the date 23.12.49.

Learned advocate cross-examining draw the attention of witness towards Hindi version of the Exhibit A -61 of the above suit. Witness after reading it said that this report is of dated 20.8.38, submitted by Imam of Babri mosque. He has put up the demand for salary in this letter.

Question: It is clear from reading the Hindi version of above Exhibit A -62, A -63 and A -64 that namaz was being read in the disputed Bhawan up to 22<sup>nd</sup> December 1949. What you have to say in this regard?

Answer: It is not correct.

Khewat is made at the place where Zamindari is continued in the revenue records. Khewat contains the propitiatory rights of zamindar i.e., owner of land before the abolition of zamindari. Khewat is treated as a record of propitiatory rights. Khewat also contains the entry about under propitiatory Zamindari of the disputed site at Ayodhaya is continued i.e, Zamindari Abolition Act is not applicable throughout the entire Ayodhaya. I have the knowledge about urban area zamindari abolition Act. This act is applicable to city area. I do not remember who is the propitiator of the disputed site. Facts concerning to this, came to my knowledge at the time when I have seen the records, at present I do not remember. I do not remember if the name of Ramchanderji or any individual was in the Khewat concerning to disputed site at the time when I saw the Khewat. Volunteer:that there was an entry by the name of Janmsthan for the disputed site. This entry was in Khasra, Khatouni etc. I do not remember the concerned year of the Khasra (map). Similarly, I do not remember the year of Kahtouni also. Population survey for Ayodhaya was conducted in the year 1931. This survey was about the nazool land. Settlement conducted in 1861-1862, was about the revenue area only and not the about the nazool. Habitation also comes under revenue area.

Question: Would it be right to say that settlement of habitation was also covered under the settlement of 1861-62, which is called first

grade settlement and map of habitation in large scale and Khasra was prepared seperately?

Answer: In that settlement revenue record in connection with the land properties and nazool records were got corrected. Habitation falling under revenue area was also covered in the settlement.

Settlement of habitation of the disputed site was also covered under that settlement. I have seen the record of that settlement. So far I remember, disputed site was referred as a Janmsthan. In the first settlement, Babri mosque of masjid Ahede Shahi was not referred therein. In the later settlement records concerning to entry of disputed site were interpolated. I supposed these entries were interpolated after the third settlement. Records of first, second and third settlement were not interpolated.

After the riots of 1934, tax was imposed for causing damage to the disputed Bhawan and Govt. repaired the mosque through a contractor. Details in regard to this are available in the Office of District Magistrate. I must have seen these records. Muslims have not read the namaz in the disputed Bhawan after the riots of 1934. My conclusion in this regard is based upon the records available in Police Station, Office of the Police and in the Office of District Magistrate and study. Records are maintained in Police Station about the each incident and festival and festival register is kept under the custody of Police Station. Report on the basis of this is also maintained in the Office of District Magistrate and Police Officer. Details about the disputed Bhawan are kept in the festival register of Police Station. This register contains the report about Dussehra, Diwali, Parikarma and other festivals of various religions.

Question: Can you tell which festival, concerning to the disputed Bhawan was referred in the festival register of Police Station?

Answer: All Parikarma, fairs concerning to the disputed Bhawan, are entered in the festival register.

I have seen the register concerning to the year from 1934 to period of my tenure. Namaz read in other mosques of Ayodhya or the festivals held therein, are also mentioned in the register. There are 25 mosques other than the disputed Bhawan in Ayodhya. There are total 20-25 mosques in Ayodhya. Among these, namaz is read in three-four mosques only. These are managed by us. No force is required to deploy in the mosque where namaz is read. Force is required at the occasion of Id-Bakrid. Other mosques of Ayodhya have no problems of Law and Order. Muslims at the occasion of other festivals like Shab-e-Barat and Shab-e-Kadar, pray for blessings at the graveyards. These festivals were also referred in the festival register of Ayodhya. There is no entry about the five times' namaz in any mosque of Ayodhya, in the festival register. Situation gets changed in case of dispute. Muslims pray for blessing on the night of Shab-e-Barat, near the disputed site. This is not mentioned in the register. I have no knowledge about the entry concerning to the year 1949.

I have referred the judgement of Supreme Court dated 24<sup>th</sup> October 1994. This judgement came in response to reference made by the President under Article -143 of the Constitution and also in connection with the acquirement. I have read the judgement. I have not studied the subject Iconography in respect to the disputed site. I have not done special study of "History of Mughal Architect". I have ordinary knowledge about this. I am not familiar with the subject Iconography. Similarly, I have

heard the name of Numismatics but have no knowledge about this. I do not remember the name of any book and author concerning to Mughal Architect. I have not read the book by Prof. R.Nath concerning to Mughal Architect.

I am not recollecting the name of Ram Raksha Tripathi of Ayodhya. I might have met him. I have heard the name of Akshay Brahmchari. Had I discussed with him or not, I am not recollecting.

I have mentioned Sanatan Hindu Dharma. Sanatan Dharm means which is a continuous and has respect for all religions. This fact applied to all religions of the world. Sanatan Dharm means a religion continued since long. In my view, Hindu religion has the respect, good views for all religions. Buddha religion is a separate religion, however Gautam Buddha is regarded as an incarnation in Hindu religion. Jain is also a separate religion but Hindu religion also respects it. Prophet of Jain religion is regarded as an incarnation in Hindu religion. Shaiv Sect followers are also covered under Hindu religion.

Figures of Jai-Vijay at the pillars of Hanumath dwar are also regarded as deities and they are recognized as a saviour. Names of Jai-Vijay were not written below their figures. General public recognizes them by their figures.

Figures of Jai-Vijay or every figure have some specific sign by which these are identified. Figure of Jai is in the south side and that of Vijay is in north side. I do not know what is the difference in between the two. I am saying this on the basis of my memory that figure of Jai is in the south side and that of Vijay is in the north.



Question: Does a statement of expenditure of Babri Mosque written by Mohd. Zaki is a version of the exhibit A -31 of the above suit?

(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 the document being shown is neither an original one, nor a certified copy and witness has also not made any statement about this. Hence permission should not be granted to ask such question.)

(Learned Advocate cross-examining has replied that certified copy of the original is on the record and this is a Hindi version of that.)

Answer: It appears from reading it that it is a statement of expenditure.

In the version of Exhibit A -34, in the column of trustee, "Mohd. Zaki Trustee masjid Babri" is written. Witness after seeing the paper Exhibit A -35 said this paper is in Urdu. Hence I cannot read it.

Learned advocate cross-examining draw the attention of witness towards the version of exhibit at A -67 of the suit. Witness said that this is an application made by Mohd. Zaki on 19<sup>th</sup> /20<sup>th</sup> July 1938. Similarly, after seeing the version of Exhibit A -66 of the above suit, witness said this is an application dated 20<sup>th</sup> November 1945; Hussain S/o Sayeed Mohd. Razi is written at the bottom of an application. Next part of which is in torn condition.

Learned advocate cross-examining draw the attention of witness towards the document No. 45 C –1/1/1 to 45 C –1/2A, of Other Original Suit No. 3/89 and asked: -

Question: Date 15.4.1942 is written below the document No. 45 C –1/2 and 45 C –1/2A?

(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 the papers shown by the Learned advocate cross-examining are neither an original one nor a certified copy. It is a simply a photocopy. Witness is also not concerned with these papers. Hence permission for asking question concerning to these papers should not be granted.)

Answer: Yes.

Question: Whether "Map of items No. –2 of List –A" is written in the above paper?

Answer: Yes. "Map of items No. –2 of List –A" is written on it.

List Alif is written at document No. 45 C –1/1/6. Volunteer:that this paper is not an original and certificate of correct version is also not given. The details given at No. –2 of this paper is about the disputed site. According to above item No. –2, map document No.45 C –1/2 the word Babri Mosque is written at above item No. –2 and "Babri Masjid" in the map also. In document No. 45 C – 1/1/1, "Court of Additional Civil Judge Sahab Bhadur, Faizabad Hasb Order –23 Section –3 Code of Civil Procedure" is written.

So far I know document No. 45 C –1/1/1 to 45 C – 1/1/2 of Other Original Suit No. –3/89 were not available in the Office of District Magistrate of Faizabad. Papers concerning to Exhibit, questions about the version of which were asked from me to day, should be available in the Office of District Magistrate, Faizabad.

Question: Is it correct to say that the conclusion about the fact as stated by you that no namaz was read by any individual Muslim or by the community in the disputed Bhawan after 1934 was drawn by you treating reading of Namaz as unreliable?

Answer: From the exhibit against whose my attention was drawn, it is not concluded that namaz was not being read there in the disputed Bhawan after 1934.

Question: Is it correct to say that you have drawn your conclusion on the basis of the material other than the exhibits brought in to your cognizance, which proves that namaz was being read in the disputed Bhawan even after 1934 by treating them as unreliable?

Answer: I have already stated that I have drawn the conclusion that namaz was not read in the disputed Bhawan after 1934, on the basis of the condition of Bhawan, relation in between the two communities and investigation.

Condition of Bhawan I mean the condition of entire Bhawan including Ramchabutra in the eastern side, where worship was being performed, Sita Rasoi in the north side and disputed Bhawan which was recognized as

Ramjanmbhoomi by the people. As per my knowledge, prior to construction of wall with grill in the year 1855, namaz and worship were performed there occasionally. There has been an information that namaz and worship was being performed there occasionally even after 1855. Relations in between the two communities were deteriorated further after the riots of 1934 and it was not possible to perform worship and read namaz together after that. I had read in the newspapers that Central Government has issued a white paper in 1993 on the questioned dispute. I have not seen the white paper. Supreme Court referred this white paper in its judgement of 1994. From the word nazool I mean the land vested in Government.

Question: Is it correct that entire land in Uttar Pradesh is vested in Govt. of U.P.?

Answer: It is not correct.

I have read the Zamindari Abolition Act. It is mentioned in the Section -4 of the said Act that entire land in U.P. would be vested in Government of U.P. This fact was about the period after the implementation of the Act. Volunteer: that the meaning of nazool mean the land which is under the control of Government or vested with the Government by virtue of a order by Government.

Learned Advocate cross-examining draw the attention of witness towards part of his statement made in para two at page -37 on 31.1.2005, "It is stated that first suit-----not read the whole judgement". Witness said that so many people said about this to me. I myself had not read it. It becomes clear from seeing the appendix -I of the report by P.Karnegi that there would be more appendixes to the

report document No. 258 C –1/3. The report by Karnegi and its appendixes should be in the Office of District Magistrate, Faizabad. Most of the Hindu religious places were referred in the appendix –A to the report. Shaiv Hindu religious places were referred at Sl. No. 185 to Sl. No. 192, in appendix –A, after Sl. No. 184. Nanak Shahi religious places were referred at Sl. No. 193 to 203. Similarly Jain's religious places were described at Sl. No. 204 to 207 in document No. 258 C –1/13. Two more religious places were described in document No. 258 C –1/14, but no Serial Number has been marked after the Sl. No. 107. I cannot say if the important religious places have been covered or some were left behind. Janmsthan was referred at Sl. No. 1 of appendix –I document No. 258 C –1/3. I do not treat these entries as correct. Entry of Janmsthan at Sl. No. 1, is the Ramjanmbhoomi. "Goodar Ramchander" is written in column No. –9. In column NO. –4 against the head years – year 166 is written. In column No. –5, number of establishment to generation is written as number –7. The year of publication is not written in the report by Karnegi. It becomes clear from this that Janmsthan had been there prior to 166 years from the year in which report by Karnegi was published. Number of years at Sl. No. –9 of the appendix is written as 1900 and at Sl. No. 10 –11 it is written as 300 and 250 respectively.

A person familiar with the figure can identify the figure but one who is not familiar or had not seen it before, cannot recognize the figure. The figures referred by me at Ayodhya were known to me already. I have read about Jai Vijay at a number of places but where I read about them, I do not remember.

It is not correct to say that I have a poor memory. My memory is very good.

I have, on 31.1.2005, in last para at page No. 41, made a statement that "it might be a 15<sup>th</sup> publication of 1768 which was published at a number of times in between 1974 to 1993". To day at page No. 156, I have made a statement that I do not know in which year the 15<sup>th</sup> edition of the book was published. Both the statements are correct. I have seen the book at the time of my last statement that is why I had stated the year of publication.

It is not necessary to give the references about all with the observation, if given, in the book of history. Some people give references and some not. In my view both the books will be treated as authenticated books of history. I, at many places in my book has given the references and not at many places. It became easy for the author to identify the concerned material if reference is given in the history book. In the absence of this it became difficult. Authentication can be verified on the basis of the details given in the book, if reference is not therein.

I treat Gazetteer as a history. Volunteer: it has a testimonial value. People donate property with respect to the installed deity in the temple. The temples of Ayodhya should have the similar properties. The temple in the north of the road in the north of disputed Bhawan is called Bara Sthan Mandir by the general public. I have been therein. I do not remember if Sita Rasoi is therein or not. It is not correct to say that the temple situated next to the road in the north of disputed site is not called Barasthan Mandir. It may be possible that there might be other temples by the name of Bara Sthan Temple. I have no knowledge if the temple situated in the north of the disputed site is called a Janmsthan Mandir Goodartar or

not. I am not aware of the name of Goodartar in respect of Janmasthan Mandir of North. One place in Ayodhya is called Khurd Macca. This is a religious place of Muslim brothers. Where this place is, I do not remember at present. This place falls behind the Mani Prabat where I been at a number of times. Urs and fairs concerning to Muslims are organized in Ayodhya too. I have the knowledge about the tomb of Shah Ibrahim. Urs is organized there. I have heard about Roza of Bijli Shaheed. There is a place called "Nau Gazi Kabr", behind the police station, Ayodhya, I have heard about it. It is correct to say that Ayodhya is an important religious place for Hindus, Muslims, Jains and Bodhs. Ayodhya also have the religious place of Bodhs. It is not remember to me if I had read the book "Ayodhya" by Hains Baker or not.

Verified the statement after reading

Sd/-

Ram Saran Srivastava

15.2.2005

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 16.2.2005. Witness to be present.

Sd/-

(Hari Shankar Dubey)

Commissioner

15.2.2005

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

**Dated 16.2.2005**

**D.W.-2/1-2 Shri Ram Sharan Srivastava**

(Commissioner appointed in Other Original Suit No. 4/89  
by Hon'ble Full Bench vide order dated 3.2.2005,.)

(In continuation to dated 15.2.2005, Cross-examination on  
an oath of D.W.-2/1-2 Shri Ram Sharan Srivastava by Shri  
Mushtaq Ahmad Siddiqui, Advocate on behalf of plaintiff  
No. 7, continued)

Namaz was not read in the disputed Bhawan after  
1934. I came to this conclusion after my appointment as a  
District Magistrate in Faizabad. I had been of the opinion  
that disputed Bhawan was constructed in 1528 by  
demolishing a temple, before my appointment. After  
investigation both the above facts have been confirmed.

Learned advocate cross-examining draw the  
attention of witness to the page -19 of the statement  
recorded on 24.1.2005. Witness after reading the  
statement said that the report by Waqf Inspector Mohd.  
Ibrahim, dated 10.12.1949 referred in my statement is the  
same report on the basis of which I made a statement on  
15.2.2005 from the Hindi version of exhibit A -63.

Learned advocate cross-examining draw the  
attention of witness towards the enclosure -A photocopy  
of the letter of Deputy Commissioner, Faizabad dated  
26.12.1949 of Other Original Suit No. -4/89 miscellaneous  
application No. 20 - O/2002 and enclosure -B of this file,



a photocopy of letter from Deputy Commissioner, Faizabad, dated 27.12.1949 and asked: -

Question: These two documents are the part of correspondence in between the Deputy Commissioner, Faizabad and Government relating to the disputed site?

(Upon this question. Learned Advocate Shri Ved Prakash plaintiff of Other Original Suit No. -5/89, has raised an objection that these two letters are neither the original one nor the photocopies. Photocopies submitted by the plaintiffs are neither the carbon copies nor it can be treated as an authenticated copies. Hence, questioning is not possible on the basis of these documents and permission for asking question should not be allowed. Besides, this application is under consideration and Government has not yet acceded if such letter was written by Deputy Commissioner, Faizabad or not. Hence, permission for asking question on the basis of this should not be granted.)

(Learned Advocate cross-examining Advocate, in reply to above objection said that it appears that my learned friend is confused, these letters along with the affidavit of Ayodhya Prasad Verma, Under Secretary, Home, Government of Uttar Pradesh, are filed in the Hon'ble court and these are referred adequately in the affidavit.)

Answer: Yes. It is correct that above correspondence was done by Deputy Commissioner, Faizabad.

It is written in the third and fourth lines at page -3 of enclosure -A, that mosque remains deserted except for an hour for reading Friday namaz.

The views of than Deputy Commissioner were written in second para at page -3 of the enclosure -B. It is also suggested in it that mosque should be attached and entry of both the communities, Hindu and Muslims, may be banned. Witness after seeing the enclosures -1 of the file of miscellaneous application - letter No. 20 O/2002, said that this document is a photocopy of the correspondence done with the District Magistrate, Faizabad.

Learned advocate cross-examining draw the attention of witness towards the judgement in (1994) 6 Supreme Court Cases -360 (Dr. M. Ismile Farooqui and other V/s Union of India and Others) and asked: -

Question: Is this the same judgement of Supreme Court, which you have referred yesterday in your statement?

Answer: Yes.

Learned advocate cross-examining draw the attention of witness towards the above judgement in para -53 at page 409 and asked:

Question: Is it written in the last four lines of this para that the miscreants who had demolished the mosque are believed to be the followers of Hindu religion. Hence Hindu Community should "bear the cross on its chest"?

(Learned Advocate Shri Ved Prakash on behalf of the plaintiff Other Original Suit No. -5/89 has raised an objection that questions cannot be allowed about the subject matter of the judgement. Similarly, question cannot be asked about the meaning of judgement. In

addition to this, neither the Journal nor the certified copy of judgement was shown to the witness. That's why permission for asking the question should not be allowed.)

Learned Advocate cross-examining draw the attention of the witness towards the para -2 at page -378 of the said judgement and asked whether the white paper issued by Government of India in February 1993 in regard to Ayodhya was referred therein. Witness said, it is referred in this para. Subject matter of white paper is mentioned at point No. 1.1 and 1.2 at page 378, point No. 1.35 at page -379 and in para 1.37 at page -380. It is given in 2.1 at page 381 to the "D" to "H" side. Similarly 2.14 and 2.15 at page -382 has been referred as subject matter of white paper. It is referred in point No. 2.15 that Hindu's idols, which were in the disputed structure since 1949, are being worshipped since 1949 and it is also written therein that Muslim community has not used the disputed structure for reading namaz. The view of the Government may be against my conclusion, but I have written what I have seen, understood and found. Then said namaz was not read in the disputed Bhawan since 1934. It is written in the white paper that namaz was not read there after the installation of idols in 1949. Volunteer: that there is no details about the happening prior to 1949, in the white paper.

Question: Is the view expressed by the Central Government in the white paper is against your view?

Answer: This white paper was referred in the above judgement. It was written therein that namaz was not read therein after 1949. I have a

distinct view that namaz was not read therein after 1949.

Volunteer:that he differs with the view of Central Government.

I was retired in 1994 from the service. I have expressed my view in this book for the first time in this regard. I formed this view after my retirement. There is no question of insubordination in expressing my view. I came to know about the view of Central Government expressed in the white paper in 1993-94 through newspapers.

Question: Whether you have the information, before writing your book, about the views expressed by the Central Government in white paper that the disputed Bhawan was being used by the Muslims before the installation of idols there on the night of 22<sup>nd</sup>/23<sup>rd</sup> December 1949?

(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 view of Central Government has been expressed in this question. There is no reference in the white paper that namaz was read by the Muslims before 1949. Witness has made it clear that no namaz was read by Muslims after 1934. In the circumstances, asking a person expressing his view, about the views expressed by another is not proper and is confusing. This question has been asked to waste the time of Court and to harass the witness. Hence permission for asking such question can not be granted.)

(Learned advocate cross-examining has replied the objection that objection has been raised without

understanding the question. Hence the objection is not acceptable.)

Answer: I was aware of the views of Central Government at the time when I started writing the book. I have expressed my view in my book.

I have not referred the views expressed by the Central Government in the above white paper. I have formed my view after investigation. My view can differ with the views of Central Government.

I have full knowledge about mutation of names in the land records. When a person gets land from one ledger holder, his name is recorded in place of earlier ledger holder.

I cannot say if exhibit 49 at the Hindi version of the exhibit 52 of Other Original Suit No. -4/89 concerning to entry of the papers of survey of nazool of 1931, referred by me in my statement are in Urdu or not. So far exhibit -52 is concerned, it is in Urdu. I cannot read Urdu. Hence, I could not say that Hindi version of exhibit -52 written as exhibit No. 49 is correct or not. Document No. 65 A -2/3 is written at exhibit No. -52 and the paper, earlier to above one, which is stamped with the word exhibit is marked with document No. 65 A 2/2. The document list; from document No. 65 A -2/1, has been filed by Learned Advocate of plaintiff on 3.5.1990. Hindi version written with exhibit No. -49 is running in to 24 pages. Volunteer:that this Hindi version is certified one.

Question: I am to say that you have already given the statement on 2.2.2005 about the above records

and its Hindi version and now you are confusing the facts?

(Upon this question, Learned Advocate Shri Ved Prakash on behalf of plaintiff of Other Original Suit No. -5/89 has raised an objection that this question is being asked to harass and to blame the witness and to waste the time of Court. Hence such question should not be allowed.)

Answer: There is question of making confusion. I am repeating the same fact, which I have stated earlier, because this page is not certified one, it bears no signature, some matter is typed and some is handwritten.

In the column No. 3/1 of Hindi version at page No. 15 of the file, (Hindi version of the exhibit No. -52, which has been written as exhibit No. -49, by mistake) habitation is written against the number 583. I do not remember if number 444 was given to the map of habitation of first class settlement or not. I have seen this map in regard to habitation and also shown it to the Officers. It was mentioned in it against the name of mutation that Raghunath Das has been appointed as a Mahant of Janmbhoomi in place of Ram Saran Das. Name of Ram Saran Das had not been mentioned in any column of this Performa. I cannot say if this Amal Daramad is fully meaningless for want of the name of Ram Saran Das or not. Volunteer: that a number has been given to this Amal Daramad. Distinct signs marks have been prescribed for each construction such as Temple, Mosque, Pond and Well, which are shown in the map. I can distinguish these signs. And through these signs I can say what for this sign is.

Attention of witness was drawn to the Exhibit 4 of Other Original Suit No. -4/89 (document No. 10 C -1). Witness after seeing the map said that the sign marks in the portion at the bottom of this map are not clear. It appears from this map that sign marks of mosque are in the above portion. Although these sign marks are not correct in shape. Among these sign marks, there appeared a sign mark of mosque in last but at 2 number. Its shape is correct. Sign mark in the last but at three is a sign mark of Shivala. It appears that Masjid in Urdu is written against the sign of mosque.

Transparency is considered necessary in every sector. Transparency is reflected in the book by giving references in the book. I have, on 24.1.2005, at page 15, given a statement that I do not remember if there was a Khewat of plot of disputed premises in Mauza Kot Ramchander. I have, on 15.2.2005 at page -159, given a statement that name of Shri Ramchanderji was mentioned as proprietor concerning to the disputed site in the Khewat, at the time when I saw this Khewat of disputed site. There is no difference in between the two statements of mine.

Learned advocate cross-examining draw the attention of witness towards photo No. 60 of the colour album document No. 200 C -1. Witness after seeing this photo in reply to a question said that there are figures in this picture. These figures are not clear. These figures are of the deities. These are not distinguishable because these are not clear. Upon drawing the attention towards picture No. 74 of this album, witness said that a figure is seen in this picture. Upon drawing his attention towards picture No. 76, witness said that no human figure is seen in this picture. Upon showing the picture No. -91 of this album to the witness, witness said, no human figure is seen in this picture.

Learned advocate cross-examining has again drawn the attention of witness towards picture No. -125 of colour album document No. 200 C -1. Witness after seeing the picture said that a figure of a deity is seen in this picture, but who is the deity, is not clear. This figure is seen on the topside of the pillar. A figure is seen in picture No. 141 of this album. This figure is seen at a place where red colour is painted with. It is not clear if this figure is of any deity. In picture No 166 of this album, figure of Ganeshji is seen because something like trunk is seen in it. This figure is seen at the place where red colour is painted with. The same reply is about picture No. -167.

I am familiar with the drafts of Khewat, Khasra and Kahtouni. There was an entry of Janmsthan in all the three documents. I do not remember in which part of Khewat this entry was. In Khatouni, entry of Janmsthan was against the column in respect of Landowner. It is not correct to say that I am giving false statement in regard to the Khewat and Khatouni.

I do not remember if there are columns for Sl. No., Mohal, Patti, Name of Landlord, Land revenue, Abvav in the Khewat or not. But there is no column for Temple or mosque. However, description in this regard is given in the statement of column. There is no column in the Khatouni for entry of a temple and mosque. It is not correct to say that I have not seen the entry of Janmsthan in Khewat or Khatouni, and I am giving false statement.

Question: It would be correct to say that you did not found the entry about reading namaz in the disputed Bhawan, in the festival register of the Police Station of Ayodhya. Because of this you have formed an opinion that no namaz was read in the disputed Bhawan after 1934?

Answer: Yes. It is one of the bases.



It is not correct to say that this base is unfounded because entry regarding reading namaz is made in the festival register. It is not correct that in fact I have not made any investigation in this regard. It is also not correct that my investigation was one sided. It is not correct to say it was not mentioned in any document referred by me that incarnation of Ramchanderji happened at the disputed site and there was no Ramjanmbhoomi temple at that place. It is also not correct that regular namaz was read there in the disputed Bhawan up to 22<sup>nd</sup> December 1949.

(Cross-examination by Shri Mustaque Ahmad Siddiqui, Advocate on behalf of plaintiff No. 7 of Other Original Suit No. -4/89 and plaintiff No. 5 of Other Original Suit No. -5/89, concluded.)

(Shri Irfan Ahmad, Advocate on behalf of defendant No. 6/1 of Original Suit No. -3/89, Shri Fazle Alam, Advocate on behalf of defendant No. 6/2 of Original Suit No. -3/89 and Shri C.M.Shukla, Advocate on behalf of defendant No. 26 of Original Suit No. -5/89, have accepted the Cross-examination conducted by Shri Abdul Mannan, Advocate, Shri Zaffaryab Jilani, Advocate and Shri Mustaque Ahmad Siddiqui, Advocate.)

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

Verified the statement after reading .

Sd/-  
Ram Saran Srivastava  
16.2.2005

Typed by the stenographer as dictated by me in the open court.

Sd/-  
(Hari Shankar Dubey )  
Commissioner  
16.2.2005