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

**OTHER ORIGINAL SUIT NO. 3 of 1989
(REG SUIT NO. 26/59)**

Manch Ramanandiya Nirmohi Akhara. Plaintiffs

Versus

Babool Priya Datta Ram and Others Defendants

**STATEMENT OF D.W.3/1
MAHANT BHASKAR DAS**

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**MAIN STATEMENT AFFIDAVIT OF MAHANT
BHASKAR DAS D.W. 3/1 UNDER ORDER 18 RULE 4 OF
CODE OF CIVIL PROCEDURE**

Mahant Bhaskar Das, Age about 75 years, disciple of Baba Baldeo Das, Resident of Hanumangarhi, Checkpost – Muzaffra, Paragana – Haveli Oudh, Tehsil & District – Faizabad, Uttar Pradesh.

1. Presently I am the Sarpanch of Shri Manch Ramanandiya Nirmohi Akhara, Ramghat Ayodhya and prior to it I have been a Panch and Poojari of the temple named Sri Ram Janambhoomi Ramkot, Ayodhya.
2. There are many temples under Nirmohi Akhara. Ram Janambhoomi (birth place of Lord Ram) temple at

Ramkot is a famous temple one of them. Nirmohi Akhara is a Panchayti Muth (monastery) which is managed by the Manch. The proposal is passed in the meeting of the Manch. All the Sadhus, even the Mahant are bound to accept and honour it, Mahant is not independent. Mahantas make arrangements for the Akhara temples and the properties under the Manch.

3. I came to Naka Hanumagarhi, Ayodhya in 1946. My preceptor (Guru) Baba Baldeo Das was the Mahant of Naka Hanumangarhi and Manch of Nirmohi Akhara Ramghat, Ayodhya and Poojari of the said Sri Ram Janambhoomi, Ayodhya.
4. I became the disciple of Mahant Baldeo Das in Hanumangarhi Naka. To Initiate as disciple, mantra (contation) is imparted and Manch-purification is done.
5. When I became the disciple of Baba Baldeo Das in 1946 according to the customs of Akhara, Raghunath Das was the Mahant of Nirmohi Akhara Ramghat, Ayodhya. It was under the Akhara at that time. At that time our Guru Maharaj Babu Baldor Das was the Poojari of Janambhoomi. The appointment was made on yearly basis. The tenure continued for the next year also subject to the good performance. Panch and Mahanta also used to visit Ram jamam bhoomi temple frequently. Mahant and Manch lived in Nirmohi Ahkara in addition to other twenty five Bairagi Sahus. 6-7 Sadhus lived in Janambhoomi also. There assistant Poojari, two cooks and Sarpanch could be found always living in mandir Janambhoomi. Similarly, in addition to the Pojari of Nirmohi Akhara, other Bairagi

Sudhus, Kothari, Bhandri, cook, servants doing sweeping, cleaning utensils etc. also lived in Janambhoomi I used to go to Janambhoomi with my Guru and also lived there. I got the entire knowledge of the customs and rituals of Akhara living in Ram Janambhoomi temple. Middle class with Hindi and Prathama in sankrit was qualification at that time.

Swamy Ramanandhacharya was the founder of Ramanandiya Bairagi Sect.

6. Balanandi Ji Maharaj established the Akharas of Ramanandi Barigi Sect about 500years ago and there are many Baithaks (eats) of Nirmohi Akhara in Northern India. There are many temples under there Baithaks. In Ayodhya is in Ramghat Ayodhya.

Akhara is itself a public and religious Trust. There are seven Akharas of Ramanandi Bariagi Sect in Ayodhya.

- i. Digambar Akhara.
- ii. Nirwani Akhara
- iii. Nirmohi Akhara
- iv. Sontoshi Akhara
- v. Khaki Akhara
- vi. Mahanirwani Akhara
- vii. Niralambi Akhara

There are a number of temples in each Akhara and different deities are worshipped there. For example- Hanumantlal is seated in Hanuman temple, Nirmohi Akhara Lord Narsingh is seated in Narsingh Temple. Lord Ram and goddess Janaki are in Ram Janaki temple. There all temple come under the Akhara. Ram Janaki are in Vijay Raghav temple of Nirmohi Akhara

along with Laxman, Bharat, shatrughana, Garoor. Ram Janambhoomi falls under Nirmohi Akhara where Ram Lalla is seated along with the idols of his brothers-trio.

7. The Mahantas and the Sarvarakar of Nirmohi Akhara are elected by Manch elections. There is no such hereditary post, viz the disciple cannot become Mahant hereditary after his Gurus death. The temple and the immovable property of Nirmohi Akhara are in the name of Mahant Akhara on the Government document. The god seated in the temple of the Akhara is not the owner of the property but Akhara is the owner of it which is a religious Trust itself. The management of the temples and the properties is done by the Akharas in the capacity of Sarvarakar Panchayat.
8. The disputed temple was famous with its old name Ram Janamsthan but mostly it is known as Ram Janambhoomi all over the world. It has a vedic and sanatan significance according to Hindu religion, because Lord Ram, an incarnation of Lord Vishnu, got his birth at this place. I have got the proof of this belief in Valmiki Ramayan, Skand Puran, Rudrayamal, Ramcharitmanas by Tulsidas and other many historical and literary books which I will explain later on.
9. The plaintiff Nirmohi Akhara is the owner of Ram Lalla, Laxman Ji, Hanuman Ji, Saligram, disputed temple, Sri Ram Janambhoomi and other small and big temples in their proximity and other religious places such as Chhati Pooja Sthal, Ram Chabutara Mandir Sthan, six headed Lord Shankar, Ganesh Ji,

Sita koop temple, Cave temple, Sumitra temple, Lomas tomb etc., and the properties have been in it's ownership for the last many hundred years till the date of their attachment and acquisition. Mahant, Nirmohi Akhara had been looking after it in the capacity of Sarvarakar in consultation with the Panchas of the Akhara. The consecration of Lord Ram Lalla seated in this temple was performed by a Mahant of Nirmohi Akhara and similarly the consecration of Ram Lalla in Ram Chabutara was performed by any Mahanta of Nirmohi Akhara but the period of these consecrations is beyond the memory of human being. It was performed with Vedic rituals. An unknown Mahanta of Nirmohi Akhara also performed the consecration of foot-prints of the four brothers of Chhati Sthal.

10. The aforesaid information was given to the disciples by their old preceptors from generation to generation. Our Guru also told me that he came to know this information from his old preceptor and ancient Naga history. The idols of the gods were only consecrated, there was no offering of properties because the property was already a part of Nirmohi Akhara which is a religious trust. All the Hindus were given full liberty to have the vision of all the gods but no Muslim was allowed to enter it and no Muslim could make his entry in the premises. I came to know at this also from my Guru. I used to perform worship and five times Arati according to vedic customs and tradition in Ram Chabutara temple, six headed Shankar Bhagwan Stahal, Chhati Poojan Sthal as a priest of Nirmohi Akhara from 1946 to 1949.

11. During my tenure from 1946 to 1949 till the date of attachment no Muslim ever visited the disputed site to offer Namaz and no Namaz was recited there. Hindu devotees used to offer money, sweets, fruits and other items to the deities seated within and out of the disputed site which were received by the Nirmohi Akhara through the priest.
12. The mutation of respect of the disputed site in the name of Mahant Raghunath Das was done in 1945 at improvement trust (Nazool) number.
13. The elected Mahantas of the Akharas make an agreement in favour of the Panchas customarily after the election and taking over the post and get it registered. No Mahanta of the Akhara has the right to possess any document regarding sale or transfer of any property of the Akhara. All the Akharas mentioned above have the same customs and traditions. Nirmohi Akhara, under which the famous Hanumangarhi temple comes, had published and circulated his customs and traditions in a book form and got registered in sub-registry office, Faizabad. I have submitted the photocopy of the book.
14. Nirmohi Akhara also registered its documentary customs and traditions in the sub-registry office, Faizabad on 10th March, 1949 and a true copy of the same have been submitted by me. All the details of Sri Ram Janambhoomi temple have been given in the document of March, 1949.
15. All the details of temple Ram Janambhoomi have been given in the document of 10th March, 1949

- i. The outer wall would about 135-140 feet. There is a gate in the center of it.
 - ii. The wall with window bars is also about 100 feet long.
 - iii. Both the doors were equal in size and were at a distance of 90-92 feet from each other.
16. There is a courtyard and a wall with window bars in front of the main temple, and in the outer side there is Ram Chabutara temple. At the south-east corner within the premises there is shiv temple under a banyan tree and the Chhati Sthal is in the north of window-bar wall. In the outer side towards the east of the window-bar wall and towards the north of Ram Chabutara temple there is a grain-store and stores of Nirmohi Akhara and a living place of the Sadhus. The internal and the outer part have always been in the possession of Nirmohi Akhara. There is a northern wall in the outer part which is about 2 feet wide and there is a gate towards north to enter the outer and the internal part which is called Singh Dwar (lion gate). There were staircases separately towards the north east of the Singh Dwar. There is no door in the outer and internal part from outside. There is a "Parikrama Marg" in the back of the disputed temple which is 5-6 feet wide. At some distance towards South and towards the West of Parikrama Marg there was 2 ½ - 3 feet high and one foot wide parapet. There was a shop towards the west at a distance of 25-30 feet from the parapet. The northern door was made of tin and almost closed all the time which was open only for 15 and Jhula was also opened for 15 days for the visitors during three famous festivals in Ayodhya viz on festival Chetram Newami. Kartik Purnima Parikrama and Sawan Jhoola. There was no

door in the eastern gate and it remain opened. But only Hindus could enter from that gate also because the devotees come daily to visit Ram Janambhoomi. The coloured album Photo No.69,70 is of Chhati Pooja Belna, No.104 to 114 is Kasauti Stone (touch stone), No.127 and from 136 to 138 and upto No.144 and from 144 to 147, 152 and 159 are the touchstone pillars with hanging bells. From 160 to 162 are the photos of touchstone pillars. From 181 to 186 are touchstone photos, 187 to 198 with photos, from 193 to 200 are eastern gate pillars having two touchstone pillars side by side.

17. 20 C-1 was the complete photo of the disputed site which was procured from Archaeological Survey of India at the behalf of the Hon'ble Court, myself and my advocate were present there along with all the parties. The witness was shown Photo No.89 of coloured album 20 C-2, who replied after seeing it that it was the eastern gate and these were two touchstone pillars. Photo No.45 was not clearly readable, No.44, No.9 was readable. When we enter the eastern gate, there can be seen a stone sign-board having written No.1 (one) on it and below it "Janambhoomi Nitya Yatra Janamsthan Ram Chandra ji" is also written in English.
18. The witness was shown Photo No.45, 12 of the coloured album. Photo No.46 is not readable but I have already seen and read it where "Janambhoomi Nitya Yatra" is written in Hindi and English both.
19. The passage coming from the eastern gate is in the Ishan (north-south) direction which terminates at the main road towards the north of Sakshi Gopal temple

and near Gudartar Sita Rasoi. Three roads meet here. The main road leads to Hanumangarhi towards east and one passage leads to Brahm Kund Ghat. The staircase from North gate terminate in the road. These staircases are used during the festival only and not during normal time. While entering through the Eastern gate there is Ram Chabutara temple towards the South in the outer side.

20. Photo No.154-9 is of the upper gate, lion figure on the top. Shri Vasheer in the Commissioner Court-main Photo 1/89, Paper Photo 154/5, these are staircases from the upper door. No.154/4 is main eastern gate, NO.154/3 stairs, god idol made of red stone on the throne. The swing used to be towards the south, god seated in the silver throne. No.59-60 Shiv Darbar, 57 Ram Chabutara temple, Cave temple having Hanuman Ji in both the sides. Photo No.58 of Kaushalya Ji with Bharat, Shatrughana and Ram Ji, No.59-61 is of Shiv Darbar. No.62 is Havan Kund, 63-64 is the rear part of Ram Chabutara. No.66 is also back-side of Ram Chabutara. The witnesses was shown Photo No.56 and 57, 58 of the coloured album. He told that all are the back sides of the Chabutara where Dhuni, Tham on the Chabutara are visible.

21. There was Cave temple on both the sides of Chabutara. The cave towards West having a door towards north had Bharat seated in it. It is a 3 ½ feet high stone statue of Bharat Ji which is now kept in Ram Katha Museum constructed in the premises at some distance. After the demolition of the disputed structure and Ram Chabutara the materials recovered from there have been placed in this museum. I have inspected this along with my advocate two times.

There is an idol of Bharat Ji placed at item No.209 which I have also seen. This is the same idol which was placed in the cave temple of the Chabutara in the west direction and I had worshipped it for many years. So I can recognize it properly which has been retrieved from the demolished site.

22. There was an idol of Kashalya Ji in the eastern cave temple which was placed above latter on.
23. Ram Lalla was seated on a temple like wooden throne in the Chabutara. This throne was embedded with gold and silver coating.
24. Black and white Photo 2414, 25, the petrography is clearly readable. Janambhoomi opposite to which there is Batasha Shop, 29-30 is Chabutara. No.31 is cave temple having idols of Bharat, Shatrughana and Hanuman Ji. No.32 is Shiv Darbar, No.33 is also Shiv Darbar. Five Headed Ganesh, Parvati, Nandiswar are there. No.36 is the entrance gate to the inner part, No.42 Kirtan Wala Chabutara, No.34 Havan Kund, Bhajan (devotional song) site towards west of Shiv Chabutara. No.39 foot prints at Chhati Pooja Sthal, 40 the upper door. No.54 open inner part, No.55-56 touch stone on the main wall of the sanctum sanctorum. No.71-76 touch stone pillar. No.81-82 throne of the god in the sanctum – sanctorum. 87 bell pillar. 88, 89, 90, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106 touchstone pillars inside.
25. The witness was shown black and white album Photo No.81-82 of Throne Chabutara. Photo No.83-84 is the photo of upper part. Coloured Phot No.57 was also shown in which the throne has been depicted.

26. In the north side of Ganga-Jamuni Throne two foot prints are depicted on a marble with the inscribed figure of Hanuman Ji on the both sides. The 8 x 8 x 1 ½ feet Kirtan Chabutara in the form of a tin shed is located in the north of Ram Chabutara temple.
27. The tin shed is a platform where devotional songs are sung, it's map was approved by the Municipality, Faizabad. The map and the certificate have been submitted on behalf of Nirmohi Akhara. Their document No. is 39 Ca/from 22 to 39 CA/25 which include old tin shed, new tin shed, tin shed of grain store/store etc. All these papers have been submitted on behalf of Nirmohi Akhara which have been issued in the name of Mahant Raghunath Das disciple of Baba Dharm Dass, Mohalla Ram Ghat Ayodhya. This map and report relates to outer side of the inner premises of the disputed site. When the police of Ayodhya did not allow to put the tin shade, Raja Ramachandra Acharya, Panch Vedanti of the Akhara filed a petition in the Court of City Magistrate who is Defendant with me in Gopal Singh Visharad Case NO.1/89. The old tin roof of the store has been replaced. My Guru Maharaj Baba Baldeo Das had made a start of "Akhand Ram – Nam Kiran" in this Chabutara, which was later on handed over by Nirmohi Akhara to it's Sadhu Ram Lakhan Sharan (Bhagat Ji) through an agreement to continue the Kirtan. Ram Lakhan Sharan alias Bhagat Ji was the Naga disciple of Golaki Ram Lakhan Das of the Akhara.
28. The suit against Ram Lakhan alias Bhagat regarding this Chabutara was filed in the court of Civil Judge,

Faizabad and the Commissioner work was done by Pateswari Datt, Advocate, Faizabad. I have filed the copy of the report and the order in the court. I attended that Commission along with the Advocate of the Akhara.

29. The Kothar residence, Dhooni and water providing stand were made adjacent to the outer wall under a tin shed in outside towards north of Ram Chabutara which existed from ancient time and before my arrival in Ayodhya. My Guruji told me so.
30. There is sanctum-sanctorum in the inner part and three pinnacles in round shape, were constructed over it. Round pinnacles are also in vogue in the temples and there was three sided wall with window bars in the inner courtyard. The wall is complete in north and east but in the south it is closed by the bar fitted wall. While going through the window bar wall to the sanctum sanctorum, Chhatti Pujan Sthal comes in the north of the northern wall which I have already told. It existed there before I came in Ayodhya.
31. When the attachment was done, my Guru Baba Baldeo Das pleaded the case on behalf of Nirmohi Akhara, I also used to go with him regularly. Two idols of Ram lalla, one small, one big, made of Ashtadhatu (eight metals), and six Saligrams were placed in a two feet high silver throne which were listed in the attachment list. One stone idol of Hanuman, two Ram Janaki paintings, one small photo of Badrinath, one small photo of Ram Janaki and clothes and ornaments of the god have been included in the list. The attachment was made only of sanctum-sanctorum and inner part and the boundary has been described as

follows – “North-courtyard, Chhatti foot prints, Nirmohi Akhara, South-West land, Parikrama Marg, East-Chabutara, temple Ramji in possession of Nirmohi Akhara, West Parikrama. Temple Poojan, Chhatti Poojan Sthal, temple Ram Chabutara, Kothar Sant Niwas, six headed god or we can say all the outer parts of the courtyard were not in the list of attachment. The entire outer part of the premise viz Ram Chabutara, Chhati Poojan Sthal, Kothar Store, six headed god temple had been in the possession of Nirmohi Akhara since time immemorial.

32. According to the customs of Nirmohi Akhara the Panchas of Akhrara lived in the vicinity of Janambhoomi temple by constructing small temples or tombs in the name of seers and sages. Sumitra Bhawan, Sita Koop temple, Ram Lalla temple, Saligram temple were the examples of such temples.
33. Sita Koop is situated at a distance of about 200 feet from the disputed temple towards East-South and is regarded. The very pious koop (well). There was Lomas Chabutara in the South of the disputed premises. Towards the South-West direction there were tombs of Markandeya, Sage Angira. There are many tombs in the North of the disputed structure.
34. A Criminal Case was filed against me in 1950 for demolishing the graves around the disputed structure. After the Session trial the session Judge exonerated me. I was released on appeal. My Guruji filed the counter reply before the Magistrate for the case under section 145 on behalf of the Akhara and submitted affidavit also. The counter reply submitted by the

Panch and Poojari, Ram Janambhoomi, Ramkot, Ayodhya has been documented as No.29 C-1/27.

35. An annual contract was given to provide flowers, fruits, batasha etc., to the visitors of the eastern door temple of Sri Ram Janambhoomi. This was being done since ancient time by the previous Mahantas of Nirmohi Akhara and an agreement was executed for it. The Brahmins were given the contract to provide holy and fresh water from Sita Koop to the visitors/devotees. The tax was paid to the Mahant of the Akhara. I have submitted all the available agreements with me and many documents were plundered. The report was lodged for the same.

36. Document No.39 C-1/31 is the agreement letter of Sita Koop which is 100 years old and belongs to the period of Narottam Das. I am giving the details of the Mahantas of our Akhara in the following statement – document No.39 C-1/33 is the contract given to Gopal Kurmi for the supply of batasha etc. which also belongs to the period of Narottam Das. Document No.39 C-1/35 is the paper relating to the shop at the main door which dates back to the period of Mahant Raghunath Das and was written in October, 1945. Documents No.39 C-1/37, C-1/38, C-1/39 are the minutes of the meeting of the Sant and Mahantas of Ayodhya convened in February, 1956. 39 C-1/37 is the notice of it in which the name of Mahant Baldeo Das (founder) is written.

37. C-1/38 is the meeting document in which Mahant Reghubar Prasad was present and I recognize his signatures. The witness was shown the document. C-1/39 is the agenda paper signed by Ramachandra

Parmahans. The conclusion of the meeting is that all the Sants, Mahants and householders have been acknowledging the ownership of Janambhoomi temple by Nirmohi Akhara.

38. Document No.41 C-1/2 is the acknowledgement receipt of section 80, C-1/3 is the receipt of the D.M., C-1/4 is the receipt of the notice given to the D.M. Faizabad by Mahant Raghunath Das. These notices were submitted while filing the suit.
39. Document No.C-1/5 dated 30.11.1956 is the reply notice sent on behalf of Defendant No. C-1/5. C-1/6 is the reply notice from D.M. Faizabad, C-1/7 and C-1/8 are the acknowledgement receipts. C-1/9 and C-1/10 are the post office receipts.
40. The names of the Mahantas of Nirmohi Akhara are given below -

Makhan Das Ji

|

Tulsi Das Ji

|

Baldeo Das Ji

|

Narottam Das Ji

|

Mahant Ram Charan Das

|

Mahant Raghunath Das, disciple of Dharam Das

|

Mahant Prem Das

|

Mahant Raghunath Das

|

Mahant Rameshwar Das disciple of Ishwar Das

|

Mahant Ram Kewal Das, disciple of Gopal Das
(He was asked to resign)

|

Mahant Jagannath Das, disciple of Vaishnav Das

41. Names of the twelve disciples of Ramand.

Sur-Sur Nand

|

Anubhava Nand

|

Shyam Nand

|

Govind Das

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Ten predecessors to Makhan Das are as under:-

- i. Mahant Govind Das Ji
- ii. Mahant Ayodhya Das Ji
- iii. Mahant Gopal Das Ji
- iv. Mahant Jai Ram Das Ji
- v. Mahant Ratan Das Ji
- vi. Mahant Anant Das Ji
- vii. Mahant Mangal Das Ji
- viii. Mahant Jagannath Das Ji
- ix. Mahant kaushalya Das Ji who was Gurubhai
(disciples of the same preceptor) of Mahant Makhan
Das ji.

42. Rama Nand Ji came into light during the beginning
of 14th century. Kabir Das was one of his twelve

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disciples. Rama Nand's two disciples were Ananta Nanda and Sur Sura Nanda, Sur Sura Nanda's two disciples were Kewala Nanda and Madhava Nand and after Kewala Nand there were Anubhava Nand, Brahma Nand, Brija Nand, Bala Nand. Narhari das was the disciple of Madhava Nand and Tulsi Das who composed Ramcharitmanas was the disciple of Narhari Das.

43. Anubhava Nand and his disciple Bala Nand constructed three Annai and seven Akharas for the propagation, awareness and progress of Sri Chatur Sect which were based on martial pattern and have been in existence for the last six hundred years. The Srimath (monastery) for Rama Nand sect is in Varanasi. Shri Jagad Guru Hariyacharya is on its' seat presently and Jagad Guru Sri Shivramacharya was his predecessor. He expressed his great resentment on the activities of Vishwa Hindu Parishad and his statement was published in the newspapers which I have submitted.
44. I am holding the post of Sarpanch for the last 8-9 years. Prior to that I have been Panch and Deputy Sarpanch also. The Mahantas of Nirmohi Akhara have been in lime-light since the time of Mahant Raghunath Das.
45. Mahant Ram Kewal Das is lowly educated. The Akhara owns many hundred bighas of land and he took more interest in the cultivation so he was elected Mahanta. He had never any right to write any article about the disputed Janambhoomi. Neither he could write any letter or article legally.

46. Coming under the pressure of Ashok Singhal etc., he signed the paper without any consideration which was his own signature and after understanding it properly he submitted an affidavit in the court. He accepted his mistake in 1989 during Mahakumbh of Prayag and published an article under his signature.
47. The false Law Suit about demolishing the graves was filed against me in July, 1950 by Zahoor Ahmad, Dilawar Hussain Diwan. The statements of Dilawar Hussain and Ramdeo Daroga were taken and I was released.
48. There was already police guard at the eastern gate of temple Ram Janambhoomi ever before 22/23 December, 1949. There was a Head Constable named Barkat-Ulla-Khan and one full company of P.A.C. from Sitapur was deputed at the North-East point of the disputed temple, where the police post was established later on. One who pleaded on behalf of the Muslims had their shop and house adjacent to the police post and the Muslims had much influence in the name of organization. False action was taken under the duress of Muslim Constable and Head Constable. Due to the pressure from the Muslims the inner part was attached which I have explained above. The report of the above incident was lodged against the following Sadhus of Nirmohi Akhara –

- i. Sudhershnan Das
- ii. Ram Subhag Das
- iii. Ram Sakal Das
- iv. Vrindaban Das

All the Sadhus except Ram Subhag Das has expired.

49. The name of Abhiram Das was also recorded who has expired. This was a false report and the case has been filed. My Guru Baldeo Das and Shatrughana Das bailed out Sadhus of the Akhara falsely implicated in the case. Ram Sadhus Das is still alive who has his temple near Katra Police Post, Ayodhya.
50. Abdul Barkat was Head Constable who had locked up some disciples from Gorakhpur, Murlidhar Acharya and I Sadhu of Bari Chhawani on the false charges of dismantling the graves. The case proved false in the Session Judge Court of Faizabad and Abdul Barkat was also found false. He is responsible for false action so keeps malice against Janambhoomi and Nirmohi Akhara.
51. My preceptor submitted a report against Dilawar Hussain in 1951 that he climbed on the Chabutara putting on the shows and he did so with a feeling of communalism.
52. In addition to Mahant Baldeo Das, Shri Abhiram Das also filed a Suit on 29.12.1949 in connection of case under section 145, the copy of the same has been submitted by me in this case. It is an attested photocopy signed by Abhiram Das. I can recognize his signatures.
53. The case under section 145 lingered on for long and many Muslims gave affidavits in favour of the temple. It was found to be a Civil Case. So Nirmohi Akhara filed a Civil Suit in 1959 on his own behalf. Mahant Raghunath Das was alive at the time of filing

the suit. Hazi Phenkoo, Mohd. Fayak, Achhan Mian were the parties on behalf of the Muslims. This suit was filed against all the Muslims as a representative because it was not possible to make all the parties in the case. At that time also the Sunni Muslims were in crores, and it was published in the newspaper. In the suit of Nirmohi Akhara, the UP Government, Government Officers and some Muslims were made parties but now Sunni Central Board of Wakf is also a party. The suit is regarding returning the charge on the basis of ownership.

54. Kalyan Singh Government had acquired all the disputed Property except sanctum-sanctorum in October 1991. Nirmohi Akhara field a writ petition in the High Court to issue the stay order. In the meantime of filing the writ petition and getting the stay order after proper examination of the petition, the U.P. Government demolished some temples of Nirmohi Akhara viz temple Sumitra Bhawan, Sita Koop temple, Ram Lalla Temple, Lomas temple etc. the writ petition of Nirmohi Akhara was accepted on 11.12.1992. The acquisition was cancelled. But in the meantime Mandir Janambhoomi, Ram Chabutara temple, Chatti Poojan Sthal, Kothar and Sant Niwas, Shiv Darbar etc., were demolished by the mob on 6.12.1992 but Lord Ram Lalla of the main temple is still in his place. The disputed temple was called Ram Janamsthan earlier but for the last 100 years or so it has been called Janambhoomi.

55. The action of the attachment was taken in 1949 due to the contumacy and sinister alliance of some Muslims who always indulged in the misdemeanour of removing the idols from the sanctum-sanctorum

and when they could not succeed they made action of the attachment. Those Muslims were Zohoor Mian who lived near the Kotwali, Ayodhya and had much influence on the Kotwali, Hazi Phenkoo, Mohd. Fayak, Achhan Mian etc., who were landlords, M.L.A. etc., and also kept influence on the police. Abdul Barkat, Dilawar Hussain etc., were Muslim employees.

56. The knowledge about the tradition of Mahantas in Nirmohi Akhara which I got from my Guru and elderly people is as follows –

- i. Makhan Das – 1840
- ii. Mahant Tulsi Das – 1983
- iii. Mahant Baldeo Das and Mahant Raghubar Das – 1900 – followed by Mahant Narottam Das, Mahant Ram Charan Das, Mahant Raghunath Das. Raghubar Das was Mahant even before 1885.

Raghubar Das ji filed a suit to construct a roof on Ram Chabutara. It was not on behalf of Nirmohi Akhara but in his personal capacity. Nirmohi Akhara was not a party to it. The period told by Makhan Das is about 500 years back. The tradition of Mahant had been in existence since the 9 generations before Makhan Das who were in the following order –

- i. Mahant Govind Das
- ii. Mahant Ayodhya Das
- iii. Mahant Gopal Das
- iv. Mahant Jairam Das
- v. Mahant Ratan Das
- vi. Mahant Anant Das
- vii. Mahant Mangal Das
- viii. Mahant Jagannath

ix. Mahant Kaushalya Das.

57. The S.P. and City Magistrate attached the sanctum sanctorum on the pressure of Muslims and Babu Priya Datt was appointed its receiver on 5.1.1950. The attachment was done on 29.12.1949. Ram Sakal Das, Sudershan Das, Ram Subhag Das etc., had been performing the worship and the Arati of Lord Ram Lalla in the sanctum-sanctorum before 29.12.1949. My self and my Guru have also been performing worship and Arati there. The action of attachment was completed on 19.12.1949 and even after that the Sadhus of Nirmohi Akhara e.g. Ram Sakal das, Sudershan Das etc., have been doing worship and Arati of Lord Ram Lalla in the attached temple. When Babu Priya Datt Ram took charge on 5.1.1950, even after that Sadhu Ram Sakal Das, Sudershan Das etc., had been performing worship and Arati for two years on behalf of the receiver. The worship etc., in the outer part viz Ram Chabutara temple, Chatti Pujan Sthal, six headed Lord Shankar etc., was being done by my Guru with other Sadhus of the Akhara during the period of attachment. The Muslims did not resort to legal action for the outer part. It had been in the Control and possession of Nirmohi Akhara continuously for many hundred years but due to a dispute between Siya Raghav Sharan and Dharam Das in 1982 and the decoity committed by Dharam Das it was attached on 16.2.1982 and Shri K.K. Verma was appointed the receiver of the outer part also who was the receiver of the sanctum sanctorum. Siya Raghav Sharan of Nirmohi Akhara was the priest for the outer side. He performed the worship Arati and looked after the Ram Chabutara temple, Chatti Pooja Sthal, six headed Shankar etc.,

and lived in that premises. Siya Raghav Sharan lodged the report of dacoity against Dharam Das etc., in 1982 that they plundered the precious documents, registers of Nirmohi Akhara along with the ornaments of God, cash and the idol of Laxmi Narayan. The bail of Dharam Das was dismissed by the District Judge due to threatening by Dharam Das and he was locked up in the jail for two months. Dharam Das used his money power, muscle power and bullying power and got the case dismissed. Due to this dacoity the documents of Nirmohi Akhara got destroyed. The case of Ram Lakhan Das Golaki for the outer part was initiated after the attachment and continued upto 1967 in which the outer attached part was Ram Lakhan Das Golaki.

58. When Ram Lakhan Das Golaki gave charge of priesthood to Siya Raghav Sharan, a list was prepared and signed by both of them. I can recognize the signatures. Ram Lakhan Das Golaki has expired, Siyaram Sharan's where about is not know.
59. After demolition of the structure the site was acquired by the Central Government and the changes were made accordingly in the Law Suit. The suit has been filed to return the charge.
60. There was a riot in Ayodhya in 1934 due to cow-slaughter resulting in a mass killing of Muslims who lived around the disputed premise. The houses of Muslims were in the adjacent Mohallas towards North-South and West of the disputed premise. Suthati Mohalla in the North, Muravan Tola and Kaziana in South, Alamganj Katra and Teri Bazaar in West were some Mohallas. All these Mohallas had

no more than 24-25 house collectively and there were many mosques in each Mohalla. Riot tax was imposed on Hindus only in the riot of 1934. Only Muslims were killed so they were scared of and no Muslim visited the disputed site since 1934 and no Namaz was offered there. The British Government wanted to continue it's rule by creating hostility between Hindus and Muslims. Divide and rule was their policy. So they prepared all the fictitious documents. The wall of the disputed premise got a little damaged during the riot of 1934 and Hindus repaired it. The Government contractor did not make any repairing work and any such document prepared during that period was the result to Muslim's pressure and Britisher's conspiracy. No Khadim Imam or Mutwalli ever used to come in the disputed premise.

61. It is wrong to say that a Namaz was offered collectively on 22/23 December, 1949 i.e. Friday and it is also wrong that any Maulvi went to the disputed premise to read Namaz Mohd. Hashim is known to me who is 8-10 years younger to my age. Hazi Mahboob is younger to Hashim. He is also known to me.
62. No idol was taken from Ram Chabutara temple on 22/23 December, 1949. The possession of disputed temple and the other temples of Nirmohi Akhara had been with us since long and it was well known to all including the Muslims. The R.G. number is adjacent to disputed premise and was shown as disputed property in the suit of Sunni Central Board because the names of Nirmohi Akhara Panch Ramdas and

Shesawatar Laxman were recorded on the R.G. which have been demolished by U.P. Govt.

63. Today 14 documents were submitted and after seeing paper NO.1 the witness told that it was an agreement by Mahant Raghunath Das of Nirmohi Akhara in 1946 regarding the supply of batasha, flowers, garlands etc., at the door of Ram Janambhoomi. Similarly there is an agreement by Vindeshwari. Gopal Kumari was also given the seat on rent at the main gate by Mahant Narottam Das. This document has been filed. Document no.4, 6, 7, 9 are such agreements.
64. Document No.3 is the contract given to Ram Avtar for sitting in the area from courtyard door to Jangi Road which was awarded by Mahant Raghubar Das of Nirmohi Akhara.
65. The charge of outer side Ram Chabutara, Ram Janambhoomi was given to Siya Raghav Sharan Poojari by Ram Lakhan Das Golaki. Siya Raghav Sharan was the disciple of Mahant Ram Kewal Das and later on he was elected panch of Nirmohi Akhara. Siya Raghav Sharan had never been a Mahant of Nirmohi Akhara. Siya Raghav Sharan was appointed as a priest to perform worship of Ram Chabutara temple, Chhatti Poojan Sthal etc. Some material was given on charge which was signed. I can recognize the signatures.
66. Document No.39 C-137 is a printed notice which belongs to the Kiran place (where devotional songs are sung) opposite to Ram Chabutara temple. For

which Mahant Baldeo Das had claimed the ownership of the Akhara.

67. Voter list was also prepared from disputed premise and I was also in the voter-list. The entire disputed premise is recorded in the document of the Municipality. The names of Ram Lakhan Das Golaki and after that the names of the Panch and Mahant of Nirmohi Akhara have been recorded on the papers of the disputed site, on which the tax concession is also available.
68. The proceedings of attachment of the outer side due to forcible plundering by Dharam Das in 1982 were held before the City Magistrate, Faizabad. Nirmohi Akhara was a party of it. After becoming a party of the case Nirmohi Akhara filed a Civil Suit against Dharam Das and Siya Raghav Sharan and K.K. Ram Verma was appointed receiver of the case by the court. So the criminal case under 145 was dismissed.
69. Mahant Ram Kewal Das was signature literate only, who gave Power of Attorney to me on 30.4.1990. I have it's original copy signed by him. I can recognize his signatures. The agreement by Ram Kewal Das has also been filed. The signatures of Ram Kewal Das were got on five rupees stamp paper fraudulently. Vishwa Hindu parisahd exercised unwanted pressure in this work. Deokinandan Agarwal, Vice-President, Dharam Das, Srishchandra Dixit were among them. The outer part was attached due to the plundering and the coercion by Dharam Das and the report of this matter was lodged in the Police Station by Siya Rabhav Sharan Poojari and

Naga disciple Ram Kewal das. The old documents of Nirmohi Akhara and the ornaments of gods were plundered in this incident.

70. A suit to withdraw the charge from K.K. Ram Verma, Receiver was filed in the Civil Court, Civil Judge, Faizabad in 1982 on behalf of the Panchas and case is subjudice. Dharam Das was also made a party to it. After that Panchas of Nirmohi Akhara, who customarily lived around the Janambhoomi temple by constructing small temples, filed a suit collectively for the safety of their temples that the foundation stone should not be laid by demolishing their temples. They included Mahant Ram Gopal Das, Panch of Nirmohi Akhara, temple Saligram, Sita Koop temple, Ram Lalla's Sarvarakar Mahantji who was sadhu of the Akhara and his guru Govind Das, who was the preiest of the Janambhoomi since long, Mahant Ram Mangal Das who was Mahant and Servarkare of Sumitra Bhawan temple, Shesawatar Laxman temple and had been a Panch of Nirmohi Akhara. The suit was filed against Ashok Singhal and V.H.P. in the court of the Civil Judge, Faizabad in October 1989 which is subjudice. The commission was done by Court Amin Sh. Malviya.
71. Getting information about Sri Ram Janambhoomi Trust, Nirmohi Akhara filed a suit in the court of Additional Munsiff, District Faizabad against the Trust which is still pending. The validity of Ram Janambhoomi Trust was challenged in this case which was filed in 1993.
72. Shri Ram Janambhoomi Trust is the off-shoot of V.H.P. and it has or had been in no relation with Sri

Ram Janambhoomi, Lord Ram Lalla, Ram Chabutara temple and Chhati Poojan Sthal.

73. The visitors/devotees performed recitation and Bhandara (community lunch) also at Ram Janambhoomi. Nawanh (nine-days) recitation was mostly arranged in Kartik and Chaitra months and it could be performed at any other time also, there is not such restriction. This devotional recitation is of nine days duration. Devotees could perform it themselves or get it done from others also. Bhandara can be arranged on any day of the year. During my tenure it had been done frequently.
74. I used to go with Mahant Baldeo Das, Panch of Nirmohi Akhara to attend the hearing of the case under section 145 during the year 1949 which was in the City Magistrate Court, Faizabad. My Guru Baldeo Das had himself filed written statement and statement on oath on behalf of Nirmohi Akhara. Abhiram Das had attended the said hearing once or twice and he has filed counter reply in this case also.
75. I have got this knowledge from Guru tradition, authentic books of the Sect and the disciples of world-preceptor Shri Ramanandacharya who has written the commentary of Anand.
76. I am enclosing a list with this statement which is a genealogical tree of the disciples/sub-disciples of the founder of Ramanandi Sect. This book has been published by the Smriti Granth, Ahmedabad, Gujarat.

77. The servicing rights of the main temple Shri Ram Janambhoomi, where Lord Ram Lalla is seated, had been with Nirmohi Akhara Panchayti Muth till 29.12.1949, the date of attachment and it had been performing the service, worship, offerings, festivals according to the prevalent customs and rituals of Ramanandi Bairagi sect through Sarvarkar Nirmohi Akhara, Mahant Akhara, Masvira Panchan Akhara etc. Nirmohi Akhara has been doing the worship etc., of lord Ram and other gods seated in East-North and South parts of the outer attached premise till the second attachment i.e. February, 1982 through Ramanandi Bairagi sect Mahant Akhara, Masvira Panchan Akhara and the priests. It has also been doing the arrangements for the outer premise, store, sant niwas etc.

78. Nirmohi Akhara has been looking after the making arrangements for Chatti Poojan Sthal and Shiv Darbar also till February 1982. The Akhara has always indulged itself to make arrangements for his Panchas, priests, sadhus and the property. The sadhus of Nirmohi Akhara received offering, money, sweets, flowers, fruits offered in the temple etc., and they provided Prasad, Charanamrit etc., to the devotees. There have been along tradition to award contracts by Nirmohi Akhara for the supply of batasha, flowers etc., at the eastern gate of the temple. Even after the attachment of the main temple the shop near the main gate was given to Sitaram Yadav, who was there till 1992.

79. When the disputed structure was demolished in December, 1992, the debris rolled down and scattered upto the western slope. Lord Ram Lalla's

idol placed on a throne below the main pinnacle was removed to a safer place by the Sadhus and the priests. After keeping it on the throne a tent was erected over it. Lord Ram Lalla's idol remained unscathed. I have been witnessing and hearing about such a wooden throne from the very beginning from my Guru and his tradition. The wooden throne had been in existence since the very beginning. I was told that this arrangement had been made for the safety of god from the assault of Muslim rulers.

80. On 6.12.1992 the outer part was also demolished which was indisputably in the possession of Nirmohi Akhara even before 1885 and Nirmohi Akhara itself a religious Trust where the ownership rests with the Akhara. Lord Ram Lalla's idol is consecrated or life is infused into it. Worships and recitations are performed according to the traditions and the religion. Therefore, the ownership of the outer part goes irrefutably to Nirmohi Akhara.
81. Lord Ram Lalla is seated in the inner part even before 1934 and it had been in the possession of Nirmohi Akhara continuously since 1934. The Muslims are not ignorant about it. The Lord is seated there. His worship, royal offerings all is done on behalf of Nirmohi Akhara. On the day of the attachment (viz 29.12.1949) of the inner part also it was in the possession of the Akhara. The ownership got ordained in Nirmohi Akhara due to its being a religious trust.
82. It being the place of birth of Lord Ram Lalla the sanctum sanctorum is adorable and no Muslim ever want there to offer Namaz. Nirmohi Akhara is a

religious trust and a Panchayat Muth. All the accounts, documents etc., were maintained in the Janambhoomi but all the documents were plundered as I have told earlier.

83. The details of the attached inner part and the "Thakur Ji Prashad" have been taken by the receiver on 5.1.1950 and a list has been made of the same.
84. During the excavation I was present daily in the disputed premises. One Chabutara measuring $4 \frac{3}{4}$ feet x $4 \frac{3}{4}$ feet was found five feet below the Ram Chabutara which substantiates the statement of my ancestor Mahantas that to protect this "Sidhapeeth" from the atrocities of Aurangzeb it was covered under the rubbles. So this place is also adorable.
85. Eight printed books are being submitted from the second list filed today which thrown light on this case.

Sd/- M. Bhaskar Das

Witness

Mahant Bhaskar Das

Statement verified

DW. – 3/1

VERIFICATION :

I, Mahant Bhaskar Das, Sarpanch, Nirmohi Akhara and the witness solemnly affirm and testify that my above statement from Para 1 to 85 is correct to the best of my knowledge and some portion of the statement is true according to information given by the ancestors and some

part is based on documentary record. I again solemnly affirm that the Para 1 to 85 is true to the best of my knowledge. I have gone through the above statement and understood it which is true and I testify it today on 28.8.2003 in the premises of the High Court, Lucknow.

Sd/-

Witness

Mahant Bhaskar Das

D.W. – 3/1

I, R.L. Verma certify that Mahant Bhaskar das who has taken the oath, is known to me and he has signed this affidavit in my presence.

Lucknow

Sd/-

Dated – 29.8.2003

(R.L.Verma)

Advocate

-Seal-

-Stamp-

Note:- The handwritten statement has already been produced above.

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

OTHER ORIGINAL SUIT NO. 3 of 1989
(R.S. No. 26/1959)

Panch Ramanandiya

Nirmohi Akhara..... Plaintiffs

Versus

Baboo Priya Datta

Ram and others..... Defendants

Date: 29.8.2003

D.W.3/1 Shri Mahant Bhaskar Das

The affidavit of the main examination of Name – Mahant Bhaskar Das, Age about 75 years, disciple of Mahant Baba Baldeo Das, Resident of Hanumangarhi, Check Post, Muzaffara, Pargana, Haveli, Oudh Tehsil & District, Faizabad, U.P. from page 1 to 28 was submitted and taken on the record.

Before – Commissioner Shri Narendra Prasad, Additional District Judge/O.S.D., Hon'ble High Court, Lucknow Bench, Lucknow.

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Shri Puttu Lal Mishra, Advocate was given the chance to cross examine on behalf of plaintiff suit No.1/89 but he opted not to cross-examine the witness.

(Cross-examination on behalf of Shri Ramesh Chandra Tripathi, Defendant No.17 Suit No.4/89 and Defendant No.22 Shri Umesh Chandra Pandey, suit No.4/89 by Shri Vireshwar Dwivedi, Advocate).

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I know Hindi. The statement submitted on my behalf may be treated my statement on oath. I have taken oath yesterday on my affidavit and today the oath has been taken again after giving some statement. Whatever I have written in my affidavit, that have been verified on oath also. The statement given in my affidavit is true to the best of my knowledge and some part of it became known from my ancestors. I cannot tell any reason that which I have come to know from my ancestors has not been mentioned in my affidavit. It is true that some part of my statement is based on written documents. It is wrong to say that I have not separately mentioned "Some part of the above statement is based on written documents". I have submitted it yesterday, but it had some deficiency which has been completed so it is submitted today. It is wrong to say that I did not submit my affidavit yesterday and submitted today only. I have submitted list and books with my affidavit. It would be wrong to say that I have not submitted any list and book with my affidavit. It is also wrong to say that no list, documents or book has been submitted in this court and nothing has been given on the record.

Shri Mahant Jagannath, plaintiff No.1 is Suit No. 3/89, Nirmohi Akhara, is still alive. Shri Vaishnav Das, plaintiff No.2 is not alive, he was the Guru of Mahant Jagannath Das. I am a Mahant of Nirmohi Akhara. Said

himself – In addition to me there are two other Mahantas also. My name is not in the category of plaintiffs. It cannot be said definitely whether Mahant Jagannath would appear as witness or not. Panch Ramanandi Nirmohi Akhara, Ramghat City, Ayodhya came into existence 550 years ago. Ram Janambhoomi temple in the disputed site came into existence before 1934 according to my knowledge. I mean of before word is that the time of its existence is not in the memory of any human being. I cannot tell who constructed or established Ram Janambhoomi temple. He said again – the ancestors of Nirmohi Akhara did it thousand years ago. The ancestors of Nirmohi Akhara include Mahant Makhan Das, Mahant Tulsi Das, Mahant Baldeo Das, Mahant Raghubar Das, Mahant Narottam Das, Mahant Ram Charan Das and before them also there had been 6-7 generations of Nirmohi Akhara, but I do not remember their names. This temple was reconstructed by King Vikramaditya. King Vikramaditya belonged to the past period of 2060 years. At that time Nirmohi Akhara was not in existence or it was not established. I will not be able to tell who first of all handed over the said temple to Nirmohi Akhara. He said himself – Shyamanand Ji was the priest of Nirmohi Akhara, to whom it was handed over. Nirmohi Akhara is the owner of Janambhoomi Sthan temple. I cannot tell who handed over the ownership of this temple to Shyamanand Das who was the priest of Nirmohi Akhara. It is wrong to say that Nirmohi Akhara was never the owner of this temple.

The owner of the temple is vested in the Mahant of Nirmohi Akhara who is it's Sarvrahkar.

Question: Is it so that the owner of the temple should be the god or goddess seated in the temple?

Answer: The gods and goddesses seated in the temple are included in the Akhara.

According to me there is no difference between Mahant and Sarvrahkar. The duty of a Sarvrahkar is the safety of the temple, service of god, worship arrangement of festival, offerings, Arati etc. He makes over all arrangements. It is right that Sarvrahkar is called Manager also. One who performs worship etc., is called the priest. Priest (Poojari) is treated as an employee of the temple.

One criminal Case under Section 145 was filed in the Court of City Magistrate, Faizabad. The City Magistrate attached this temple, whom the Muslims say a mosque, on 29th December, 1949 in this case. Shri Priya Datt Ram who was appointed receiver by the City magistrate took over the possession of the said building on 5.1.1950. The receiver took charge from Ram Subhag Das, Ram Sakal Das, Sudershan Das, all the priests of Nirmohi Akhara. The Criminal Case under section 145, in which Mahant Baldeo Das was also a party, was filed after many hearings, till the decision of Civil suit. Shri Baldeo Das was my Guru and I accompanied him to the Court for hearing. My Guru Baldeo Das filed objections in the court against the order of appointing the receiver and challenged the decision by filing a Civil Suit. The order of appointing receiver was challenged by filing Civil Suit in the Court of Civil Judge, Faizabad in 1959. In addition to this, the order of the City Magistrate was not challenged in any other Court. We have acted on the advice of our advocate in the case of Criminal Suit under section 145. We did not make any other action during the period from 5.1.1950 to 1959 because we were hopeful that the receiver would hand-over to us the charge of disputed site. It is wrong to say that I am making false statement.

The variety of temples and gods in Ayodhya signify the faith and belief of the people in many gods. It is wrong to say that temple means the residential building. Temple is that place where gods and goddesses are seated and people worship them.

The buildings of Sri Lanka described as Mandir-Mandir (temple) in Ramcharitmanas by Tulsidas were the temple of gods and goddesses. It is right that the temple is known by the name of that god who is seated and worshipped in the temple. But the ownership of the temple vests in the priest or the man who handles it's affairs. So Tulsi Das has described the buildings of Lanka as temple.

The existence of the idols of gods and goddesses in an adorable place is an added excellence. I have visited Prayag only in connection with a litigation. I do not know anything about "Alop Shankari" Shaktipeeth. Whenever I went to Prayag, could not get the time to have a vision of any temple. I have gone there only once to attend the High Court. The adjoining land with the disputed site is also adorable.

It is right to say that all the places where Lord Ram visited became the holy places. Sati Anusuya Ashram where Sita got preaching's from Anusuya, Setu Bandh Rameshwar in South India all are places of pilgrimage. There are many such holy places. It is wrong to say that Nirmohi Akhara filed a suit to usurp the property of Lord Ram.

The word "Manch" wherever it has been typed in my affidavit is due to typographical mistake, the right word is

“Panch”. The crown, diadem and seat of the god are got prepared by Sarvrahkar but it is treated the property of god and is kept in the safe custody of Mahant or Sarvrahkar. In the suit filed by Nirmohi Akhara it is not written that the throne, crown etc. are the property of god, because god and goddesses are inseparable part of Akhara. I think god and goddesses are within the Akhara and Akhara is not within them. Said himself – because Nirmohi Akhara is itself a trust.

(The cross-examination concluded by Shri Vireshwar Dwivedi, Advocate on behalf of Shri Ramesh Chandra Tripathi, Defendant No.17, Suit No.4/89 and Defendant No.22 Shri Umesh Chandra Pandey, Suit NO.4/89).

Statement verified after reading.

Sd/- M. Bhaskar Das

29.8.2003

Typed by the Stenographer in the Open Court on my dictation. In continuation of this, appear before the Commissioner on 1.9.2003 for further cross-examination.

Sd/-

Narendra Prasad

Commissioner

29.8.2003

Date: 1.9.2003

D.W.3/1 MAHANT BHASKAR DAS

Before – Commissioner Shri Narendra Prasad, Additional District Judge/O.S.D., Hon'ble High Court, Lucknow Bench, Lucknow.

(The Commissioner appointed under the order dated 29.8.2003 passed in connection with other Original Suit No.3/89 (Original Suit No.26/39) Nirmohi Akhara and others Versus Baba Priya Datt Ram and others by the Hon'ble Court, Lucknow Bench, Lucknow).

(In connection of dated 29.8.2003 the cross-examination of D.W. 3/1 Mahant Bhaskar Das on Oath was started by Shri Ved Prakash, Advocate on behalf of the plaintiff of other Original Suit No.5/89).

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The witness was shown map document No.3/9K-1 submitted with other Original Suit O-3/89 by the Learned Advocate and asked – “Is Hanumat Dwar shown in this map or not”. He replied that the Hanumat Dwar was shown in the map. The place of God Barah (boar) has been shown here. God Barah is in the right place and position. There were two black touchstone pillars on both the sides of Hanumat Dwar. The pictures of doorkeepers were engraved on these pillars. The doorkeepers were Jay and Vijay but the common people took them as Hanumanji so they called it Hanumat Dwar. After entering through Hanumat Dwar there was Ram Chabutara towards the South. At the South-East point of that Chabutara there was Lord Shankar's darbar under the papal tree. Towards

the right side after entering the Hanumat Dwar there was store, dwelling place of sadus, holy hearth and water providing platform. In the North opposite to it there was a Chabutara having a tin shade over it. Devotional songs etc., were recited here. Between Ram Chabutara and the store/sadhus' dwelling place there was an open space where people performed bhajan and kirtan. There was no door in east side to enter the building except Hanumat Dwar. There was boundary wall in the South, North and East of Hanumat Dwar and Hanumat Dwar was in the eastern boundary wall. There was boundary wall in the east of the disputed site and the West of eastern boundary wall and the South of Ram Chabutara where there was no door. Nobody entered from the Southside of the disputed building. During the festivals people entered the disputed building from Hanumat Dwar and came out through Simh Dwar. There were two lions engraved side by side on the top of the Simh Dwar and a peacock or Garur was between them. At some distance towards the West there was Chhati Sthan or Sita Rasoi inside Simh Dwar.

Question: After entering through Simh Dwar there was a Chabutara towards the West at some distance where there were four foot prints, hearth, rolling pin etc., and it was called Sita Rasoi? What do you want to say about it?

(On this question an objection was raised by Shri Abdul Mannan, Advocate of Mohd. Farooq Defendant No.11, Shri Jaffaryab Gilani, Advocate of U.P. Sunni Central Waqf Board, Defendant No.9, and Shri Mushtaq Ahmed Siddiqui, Advocate of Mohammad Hashim Defendant No.5 that there was no dispute on most of the points between the plaintiffs of other Original Suit No.5/89

and the plaintiffs of other Original Suit No.3/89, both gave support to each other, so there was no justification to cross examine these prints on behalf of the plaintiffs of Other Original Suit No.5/89, and they had got no right to ask leading question on such points)

(In the reply of this objection the Learned Advocate, cross-examination the case said – Learned Advocate Shri Jaffar Gilani had emphasized before the Court that the plaintiff of other Original Suit No.5/89 will cross examine first and after that it would be the turn of other parties. There cannot be raised any objection on asking leading question for cross-examination).

Ans: It is right.

While entering through the Eastern gate there was window bar wall towards the West which was West to Ram Chabutara and in the West of that window bar wall there was some land and then three domed building. There was Hanumat Dwar in the east and Simh Dwar in the North to come and go in the disputed premise and there was no other door. There are many mosques also in Ayodhya. I have seen them from outside. There is no Barah god engraved on them. I have seen the mosque towards the North of Hazi Sahibs house in Teri Bazaar Mohalla. There is stone at it's side inscribing "Dhanyakshya Kund". There are about 10-12 mosques in Ayodhya. Faizabad has also mosques but I cannot tell the number. I have seen the mosques outwardly in Ayodhya and Faizabad.

Question: Have you ever seen the picture of Varah God on the mosque of Ayodhya and Faizabad particularly on the left or the right wall of the door?

Answer: No, Sir.

I have not seen the picture of lion of Garur (aquila) on the door of any mosque in Ayodhya and Faizabad. If such pictures of lion or aquila or boar are made on the doors or the walls of the building, it cannot be a mosque. I do not think the Muslims would accept it as a mosque. Akharas were established for the safety of Hindu religion. The people were imparted military education also along with religious education in these Akharas, so that they could protect religious places, temples and other holy shrines. There are seven Akharas in India out of which there are three Anis including Nirmohi Akhara, Digambar Akhara and Nirwani Akhara. Digambar Akhara was established by Swami Balanandacharya somewhere in Jaipur. First of all Digambar Akhara was established at Jaipur 500 years ago. Nirmohi Akhara and Nirwani Akhara were also established with Digambar Akhara at Jaipur. I cannot tell whether these three Akharas or nay one of them are in existence at Jaipur or not.

Question: Where the supreme seat of Nirmohi Akhara is located in India?

Ans: It is in Ayodhya.

Nirmohi Akhara was established in Ayodhya 200 years ago and previously it was at the Guptar Ghat, Ayodhya. Shri Mahant is regarded the supreme among all the Mahantas in Nirmohi Akhara. Shri Ram Asre Das is presently Sri Mahant of Nirmohi Akhara. Shri Nandram Das was not Mahant of Ani but a worker. He was Mahant of his seat. The Mahant of Ani bears the stamp in the

name of Panch Ramanandiya Nirmohi Akhara and the Mahant.

Ram Asre Das, the present Mahant, belongs to Nirmohi Akhara. Shri Prem Poojari Das was his predecessor. Shri Ram Asre Das is the Mahant of Nirmohi Akhara for the last 6 years. I do not remember the year when Prem Poojari Das became Mahant of Nirmohi Akhara. Shri Ram Lakhan Das was Sri Mahant of Nirmohi Akhara Ani before Prem Poojari Das. Shri Ram Lakhan Das was Sri Mahant of Nirmohi Akhara Ani before 1946. Shri Ram Lakhan was the Mahant of Nirmohi Akhara till the time of taking over the charge of it by Shri Prem Poojari Das and after Ram lakhan Dasa's death, Shri Prem Poojari became Sri Mahant of Nirmohi Akhara. Ram Lakhan Das had expired 14-15 years ago. Shri Mahant Nand Ram Das was not Mahant of Ramanandiya Nirmohi Ani but a Mahant of Jharia Nirmohi Akhara.

Question: Was Shri Mahant Nandram Das was the Mahant of All India Sri Panch Nirmohi Ani Akhara in 1987?

Answer: No, Sir.

Swamy Ramanandacharya was the founder of Ramanandiya Sect. Had 12 disciples. I cannot tell who became the head of Ramanandi Sect after Swamy Ramanandacharya. All the people of Ramanadi Sect follow the preaching's and instructions of Ramanandacharya even today. The designation of Ramanandacharya even today. The designation of the head of Ramanandi Sect was Jagat Guru Ramanandacharya. I have heard the name of Jagatguru Ramanadancharya Swamy, Shiv Ramacharya and also

seen him. Swamy Shiv Ramacharya had been the head of Ramanandi Sect. Swami Bhagwatacharya was his predecessor. If the head of Ramanandi Sect gives good instructions those are complied to but if the instructions are not in the interest of the place, these are not accepted. The religious decisions given by Shiv Ramacharya will have to be obeyed by all the Akharas. They have been obeying and will be obeying the instructions.

Nirmohi Akhara was at Gupta Ghat before shifting to Ayodhya. Guptar Ghat is at a distance of 5 K.M. from Ayodhya. The aims and objectives of Muths (monasteries) are to impart education to the Vairagis and if any calamity falls or emergency arises the Muths take necessary steps for its redressal also. The duty of the disciples of Mahant is to perform worship, sing devotional songs, hear the devotional stories and songs, to have a vision of God etc., The main duty of the head of the Muth is to give education to his disciples. The bye-laws of Nirmohi Akhara were framed in March, 1949, may be in vogue before it also but I do not know. No such list was ever made by Nirmohi where the names of the temples coming under the Akhara were listed, though many temples are under Nirmohi Akhara. No other property of Nirmohi Akhara was acquired except the disputed building. He said again – Sita Koop, Sumitra Bhawan, Lomas Chaura, Saligram temple, Ram lalla temple, Sita Koop temple etc., are also the property of Nirmohi Akhara which were acquired. Ram lalla temple was also there in addition to the disputed building. The case in which I am deposing includes the dispute of Lomas temple, Sita Koop etc. The cases belonging to 1950 period had not any dispute about these outer temples. The aforesaid temples were demolished by the Government before one year of the demolition of the

disputed building. Those temples were acquired by the Central Government. Petition was filed on behalf of Nirmohi Akhara for compensation after the acquisition that the Akhara has incurred a loss of Rs.2000 million. The claim for the said amount was submitted and it was also claimed that the new temple in the shape and size as demolished should be constructed and given to us. The case was filed for compensation in the court of the Commissioner and it was decided that the case should be decided with the pending Civil Suit in the Court. Nirmohi Akhara was not provided any compensation for it.

Suthati Mohalla is at a distance of about 200 meter towards north from the disputed building. Muravan Tola Mohalla is at a distance of 200-250 meter from the disputed building and from Muravan Tola, Kaziana Mohalla is adjacent to Faizabad-Gorakhpur Road towards the north and Muravan Tola Mohalla is north to Kaziana Mohalla is 100 meters away from it. The road in the west of the disputed building leads from Teri Bazaar to katra and at this road side towards north there is Alamganj Mohalla. The road leading from Teri Bazaar to Alamaganj Katra is at a distance of 50 meter from the disputed building. Towards the north of this road there is Alamganj Katra Mohalla and Teri Bazaar Mohalla is towards north of the road going from Lucknow to Gorakhpur.

There is Parikrama Marg around the disputed building. The Hindus visited this place independently to pay obeisance, worship and perform the Parikrama. Ayodhya is thronged by many thousands people on the occasion of Chaitra Ram Navami, Savan Jhoola and Kartik Poornima who visit the place for worship, parikrama etc., in addition to the Parkrama around the disputed place, there are two other parikrama viz. Panchkoshi (5 kos or

about 10 miles) and 14 Koshi (about 28 miles) also in Ayodhya and people from the various parts of India and abroad visit this place on these occasions.

(Cross-examination by Shri Ved Prakash, Advocate on behalf of the plaintiffs of Other Original Suit No.5/89 concluded)

(Cross-examination started by K. Ranjana Agnihotry, Advocate on behalf of Defendant No.20 of Other Original Suit No.4/89 i.e. All India Sri Ram Janambhoomi Renovation Committee).

XXX XXX XXX XXX

I know Hindi and a little Sanskrit. The witness was shown the five last words of para -7 "Kamaravirapchin Akhara" of the affidavit and asked what did he mean by that. He told that it was the typing error. He said "I have read Ramcharitmanas by Tulsi Das."

Question:- "What is the meaning of this prosody "Bhaye Pragat Kripala Bhawkupan given below 191st Couplet in Balkand of Ramcharitmanas?

Answer:- It means the God appeared and mother Kaushalya prayed him.

The Learned Advocate showed him Ramcharitmans (original booklet) (Document No.28 ½) and asked him to explain the meaning of a Bhaye Pragat Kripala....."

The witness explained "Lord Ram appeared (Incarnated himself) for the welfare of Mother Kaushalya. The mother got elated to see him unique appearance. He had four arms holding the conch, mace, lotus and disc in each. The mother was surprised to see that form of her

son and asked him to change that form and assume the physique of a child. Hearing this the God transformed his gigantic four armed body into a child.

He was shown the third line below 19 of the affidavit which read "Pashchimi Dhaal Bawale Se Milati Hai" and asked the meaning of "Bawale". He told that it was "Wale" word and "Ba" got prefixed with it due to typing mistake. He was also shown the third and fourth line of para 57 of the affidavit of main examination "Its' attachment was done on 29.12.1949" and the seventh line "When the action for attachment was completed on 19.12.1949" and asked which date of the attachment was corrected. He replied that the action of the attachment was done on 29.12.1949 and the date mentioned as 19 December is wrong. I have been visiting the disputed site since 1946 and also lived there. I performed worship etc., there as a priest. I worshipped Lord Ram, Laxman, Sitaji, Bharat, Shatrughana, Hanuman, Shiv Darbar, Chhati Poojan Sthal etc., there. I performed Parikrama of the disputed building there. I performed Parikrama twice daily in the morning and the evening at the time of Arati which took only about five minutes. When I performed Panchkoshi parikrama it took about 2 ½ hrs time. Panchkoshi Parikrama means a full round of the entire Ayodhya but at the bank of Saraju there is no way to cross the river so some temples did not come within the periphery of the Parikrama. Once I completed chaudah-koshiya (14 kosh) Parikrama in four hours in a running speed otherwise it took 8 hours with a normal walking pace. Faizabad also comes (barring some parts) within this 14 koshiya Parikrama.

(The cross-examination was concluded by Km. Ranjana Agnihotri on behalf of Defendant No.20 of Other Original Suit No.4/89)

(The other Defendants of other Original Suit No.4/89 and except the Advocates of Defendant No.4,5,6 and 26 of Other Original suit No.5/89 no other person on behalf of any Defendant is present for cross-examination so the cross examination was started by Shri Abdul Mannan, Advocate on behalf of Mohd. Farooq Ahmed Defendant No.11 of this suit).

XXX XXX XXX XXX

I have been visiting the disputed building since 1946. In the present also I visit the disputed site as a devotee and also have been giving as a party to inspect the excavation. I think the report is in favour of Hindus.

Question: When the Babri Mosque was constructed?

Answer:- In 1528. It was built after demolishing Sri Ram Janambhoomi temple.

Question:-How long that mosque remained in existence?

Answer:- The worship had been performed there before 1934.

Nothing happened in the disputed building during the night of 22/23 December, 1949.

The Learned Advocate showed him document No. A-193, an F.I.R. Submitted in the Criminal Case under Section 145 and asked who had got that report lodged? The witness replied that he was unable to tell who lodged the complaint. This report is written in Hindi. Having seen it he replied that he was unable to read it. He said – "I know Hindi properly. There may be written in this F.I.R. that the Mosque was desecrated, but I am unable to read

it properly. Said himself - This is a false report, because I know nothing happened there on that day. It is wrong to say that some people entered into the disputed building in the night of 22/23rd December, 1949 and placed idols there. It is wrong to say that Namaz was offered there previously till the date of placing the idols in the disputed building.

Statement verified after reading.

Sd/-

Witness

Mahant Bhaskar Das

DW 3/1

1.9.2003

Typed by the Stenographer in the Open Court on my dictation. Attend the court in this context for cross-examination on 2.9.2003. Witness shall attend the court.

Sd/-

Narendra Prasad

Commissioner

1.9.2003

Date: 2.9.2003

D.W.3/1 MAHANT BHASKAR DAS

Before – Commissioner Shri Narendra Prasad, Additional District Judge/Office on Special Duty (O.S.D.) Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under the order dated 29.8.2003) passed in the case of Nirmohi Akhara and others Versus Baba Priya Datt Ram and others, other Original Suit No.3/89 (Original Suit No.26/59)

(In connection of dated 1.9.2003 the cross-examination on Oath of D.W. 3/1 Mahant Bhaskar Das by Shri Abdul Mannan, Advocate on behalf of Mohd. Farooq Ahmed, Defendant No.11)

I am a Brahmin sadhu and vairagi. I came Ayodhya for the first time in 1946. After that I started living in Ayodhya and presently I live at Naka Hanumangarhi Mandir, Faizabad. I am living in Faizabad since 23.1.1986, and still living at Naka Hanumangarhi Mandir Faizabad. The lock of the disputed building was opened in 1986. Perhaps it was first in February, 1986. At that time I was in Naka Hanumangarhi. Naka Hanumangarhi is at a distance of about 15 K.M. from the disputed building. I did not pay daily visit to the disputed building from Faizabad. I went there when required. My visits to the disputed building are restricted to once in a week or twice even thrice in a week. Sometimes not even in a week. I often go to our Advocate in connection with the litigation of Nirmohi Akhara and sometimes go to the disputed Akhara also. When the lock of the disputed building was opened on

1.2.1986, I was not present there. I came to know about opening the lock on the same day in the evening. Many people told me this. Shri Ram Halwai, hanuman Prasad Halwai, Arvind Kumar Singh, Raj Kumar Dubey, Mata Prasad, Janaki Prasad, Tulsi Ram etc., were among them. They all belong to our Naka mohalla. They all went to Ayodhya on 1.2.1986 and told me about this on their return from Ayodhya. At the time of opening the lock I was in the Naka Hanumangarhi, Faizabad. My guru Bhai (disciple of the same Guru) had expired and I was performing his last rites so I could not go. The order of unlocking the building was issued on 1.2.1986, itself. The order was issued in the afternoon but I cannot tell the time. At that time I was not in the court. I cannot tell the exact time whether it was 3, 4 or 5 P.M. The order of unlocking was issued by the district Judge, Faizabad. The lock was opened on the same day in the evening. The distance of disputed building is more than 5 miles from the District Judge Court, Faizabad. The distance may be of 7 kms. I do not know who went to the disputed building for unlocking. I do not know he was the Amin of the court or any other person. Any officer of the court may also have gone there but I do not know. I cannot tell according to my assumption when the building was unlocking. I got the news of unlocking at 9.00 in the night. I was in Naka Hanumangarhi temple. The aforesaid people came to me in a group to inform me about unlocking but I do not remember who informed me first. I cannot tell whether the lock was opened by 7 in the evening. I did not ask those people about the time of unlocking the disputed building.

I went there after 15-20 days of unlocking the building. The disputed building was a temple and not a mosque, worshipping etc., was going on there and Lord Ram Lalla was seated there. There were three domes in the disputed

building. There were three gates under the three domes but doors were not there. All the three doors must be 10 feet wide. Black touchstones were fixed in the wall side by side of the doors. Similar two pillars were at the Hanumat Dwar also. There were four black touchstone pillars in front of the middle door. The other four black touchstone pillars were at inside door also while going through the middle door. Four other such pillars were towards the north side by the dome. Thus there were total 12 touchstone pillars. The pillars existed there when I went to the disputed building after 15-20 days of unlocking the building. While passing through Hanumat Dwar there was a Chabutara towards the south facing a courtyard. Said himself – Bhajan, Kirtan was performed there and towards the west of the courtyard there was window bar wall. I found the same situation when I went there after 15-20 days of unlocking the building. After that I used to go there when required otherwise I did not go there. I was 18 years old when I came first in Ayodhya. I came here after passing middle class. After that I got my education in a Ayodhya school. I lived in the disputed building. The disputed building was not a mosque but it was a temple where worshipping, reciting performed. At that time i.e. in 1946 the people did not go there to read Namaz. The Muslims did not visit the disputed building in 1946. I have not seen any Muslim visiting the disputed building. No Namaz was offered in the disputed building till December, 1949.

The disputed building was demolished in 1992. When the disputed building was demolished, there was a big crowd Kar Sewaks were also there but who demolished it, I cannot tell. On that day i.e. 6.12.1992, I was not in Ayodhya but in Naka Hanumangarhi temple, Faizabad. I cannot tell when the demolition of the disputed building commenced. I cannot tell whether it was started at 12

during the day or not. I cannot tell which part of the disputed building was demolished first. When the each part was demolished or which part was demolished first and which later on that I cannot tell. As I was not present there so I cannot tell how many kar Sewak were there but they were in good number. The media persons must have come there on 6.12.1992. the disputed building must have been demolished by Kar Sewaks collectively. I came to know about the demolition later on. I came to know about the demolition of the disputed building on 6.12.1992 itself at 5.00 in the evening.

Question:-If the disputed building was a temple, why it was demolished by the Hindus?

Answer:- It was a wrong action on their part.

It is wrong to say that the disputed building was a mosque which was demolished. It was told that the disputed building was demolished by Kar Sewaks. I heard only that many people had come to that day. I cannot tell the number. I do not know whether Shri Advani was present there or not on 6.12.1992. Uma Bharati was present there or not, I do not know. How many people were on the dais, I do not know. Shri Advani may be present there. I cannot tell Shri Advani was present there from 12 to 6 or not. I cannot tell how much time it took to demolish the building. If Shri Advani Ji was present there he must have seen the building being demolished. I cannot tell whether the people ran away with the broken pieces after demolishing it. There was something written in Arabic, Persian on the middle portion of the disputed building but what was written, I cannot tell.

The witness was shown para 6 of the affidavit and he told after seeing it that the names of seven Akharas viz –

Digambar Akhara, Nirwani Akhara, Nirmohi Akhara, Santoshi Akhara, Khaki Akhara, Mahanirwani Akhara and Niralambi Akhara have been given in the document. All the seven Akharas were established in Jaipur region by Swami Balanandacharya. Swami Balanandacharya established these Akharas 500 years back at one time. These Akharas have been established in all the places of pilgrimage in India. To protect the Hindu religion was the aim of these Akharas. These Akharas imparted education to the people according to their customs of Akharas. There used to be struggle with the Muslims so the Akharas were established. All these seven Akharas are in Ayodhya. There is no other Akhara except these in Ayodhya. These seven Akharas are in Ayodhya for the last many hundred years. I mean for the last 3-4 hundred years. These Akharas perform worship and get the worship performed. Martial training was also given in these Akharas. There are hundreds of people in each Akhara, but there are only 20-25 people in the Digambar Akhara of Ayodhya. But many thousands people out of Ayodhya are associated with these Akharas. Digambar Akhara temples are located in many places of India. During those days when the Hindus were being converted to Muslim religion these Akharas were established, but that situation prevails no more. Nirmohi Akhara was established in Jaipur but I do not remember the year it was about 500 years back. Ayodhya is a place of pilgrimage, the birth place of God so this Akhara was shifted here. I have not visited all the parts of India. Nirmohi Akhara is not in Banaras but many places relating to the Akhara are there. I mean the families, sadhus sages relating to the Akharas are there. I do not know the names of those sant or Mahatmas living in Banaras who are related to the Akhara. Nirmohi Akhara was also established in Jaipur but now it has all India status.

Nirmohi Akharas are in Ayodhya, Virindaban, Nasik, Ujjain, Orissa, Jagannath Puri also. In addition to this the Akharas are in other places also but I do not recollect the names. There is no Akhara in Bihar but its seat is there. The people from Bihar come and tell that there is Nirmohi Akhara but I do not know when the name of that village or district. I do not know how many seats are there in Bihar of Nirmohi Akhara. I cannot tell if there are 15-20 places of Akhara in Bihar. Out of the sixteen people there are fourteen Biharis in Ayodhya. I have not gone to Bengal so cannot tell how many Nirmohi Akharas are there. I do not know how many Nirmohi Akharas are in Punjab. Swamy Balanandacharya was a Mahatma and he performed the duties of a Sadhu. Santoshi Akhara was also established 500 years back in Jaipur. The founder of it belonged to Jaipur so he established it there.

Except these seven Akharas no other Akhara of Ramanandi sect was established in India. There are 18 Akharas in India including these 7 Akharas. Out of these 18 Akharas there are seven Akharas in Ayodhya. Apart from these seven Akharas most of the Bakia Akharas are in Gujarat. I can tell some names of these Akharas viz; Shyam Digambar Akhara, Jharia Nirmohi Akhara, Maladhari Nirmohi Akhara, Vishnu Swami Nirmohi Akhara etc. I cannot tell when these four Akharas were established. One seat of Jharia Nirmohi Akhara is in Niralanagar, Lucknow and where are the other Akharas located I do not know. I do not know when Jharia Nirmohi Akhara at Niralanagar, Lucknow was established. The above 11 Akharas are under Digambar Ani, Nirmohi Ani, Nirwan Ani which were established by Balanandacharya. Balanandacharya also fought the battle but when that I cannot tell. When the Babri Mosque was built on Janambhoomi, these Akharas fought against the Muslims

and Muslims could not go there. This battle was fought outside also but the temple was demolished to built the mosque. The Akharas had took a stiff resistance. It is wrong to say that Namaz used to be offered from 1528 to 1949 in the disputed building. I have heard the name of Advani, he is the Deputy Prime Minister.

(Cross-examination concluded by Shri Abdul Mannan, Advocate on behalf of Defendant No.11)

(Cross-examination started by Shri Jafaryab Gilani, Advocate on behalf of Sunni Central Board of Waqf, U.P., Defendant No.9)

The seven Akharas were established 500 years back but who was the Muslim ruler at that time I cannot tell. I cannot tell who was that Muslim ruler against whom the Akharas were established to save the Hindus and Hindu Religion. I do not know whether any Muslim ruler perpetrated atrocities on the Hindus or acted against Hindu religion. I am unable to tell when Nirmohi Akhara was shifted to Guptar Ghat, Faizabad from Rajasthan. Who were the disciples of Balanandacharya that I do not know. Shri Balanandacharya was the first Sri Mahant of all the Akharas. Who were his successors I cannot tell. To which part of the country the successor Mahantas belonged, whether they were from Ayodhya or Rajasthan or any other part, I cannot tell. I do not know the predecessor Mahantas to Ram Lakhan Das who was Sri Mahant of Nirmohi Akhara. When I came to Ayodhya in 1946 Shri Ram Lakhan Das was Shri Mahant of Nirmohi Akhara Ani. Shri Prem Poojari Das was his successor. Shri Ram Asre Das succeeded Prem Poojari Das as Sri Mahant and still he is Sri Mahant. I do not know the Sri Mahantas of Nirmohi Akhara who belonged to 19th century

and prior to it. The Nirmohi Akhara was at Guptar Ghat for 200-250 years and then shifted to Ayodhya and it is here for the last 200 years. Nirmohi Akhara was shifted to Guptar Ghat from Jaipur 400-450 years back. Nirmohi Akhara still has its seat at Guptar Ghat. The Sadhus and the Mahant of the Akhara live at Guptar Ghat but I do not remember their names. Sri Mahant does not live there. The present Sri Mahant of Nirmohi is Sri Ram Asre Das lives in Nirmohi Akhara at Chitrakoot. The name of Ayodhya's Nirmohi Akhara is "Panch Ramanandi Nirmohi Akhara, Ram Ghat Sri Ayodhya Ji". Ram Ghat Mohalla is at a distance of one kilometer from Saraju river. Previously it was at a distance of one furlong. The place of Nirmohi Akhara at Ram Ghat is in the shape of temple. The area of this Nirmohi Akhara is more than 100 X 150 feet. Mahant Jagannath lives at Ram Ghat. The Nirmohi Akhara is located at Ram Ghat for the last 200 years. There was no temple in Ayodhya under Nirmohi Akhara except Ram Janambhoomi temple. Said again – The temples around Ram Janambhoomi viz Sumitra Bhawan, Sita Koop temple, Ram Lalla ji temple, Saligram temple, Iomas Chabutara were also under Nirmohi Akhara. Previously Ram Das was the priest of Sumitra Bhawan succeeded by Raj Mangal Das. Sumitra Bhawan was demolished in 1991 and acquired by the Government during the Chief Minister ship of Kalyan Singh. The adjoining temple with Sita Koop was also under Nirmohi Akhara and Govind Das was its priest succeeded by priest Baba Dwaraka Das. This temple was also demolished in 1991 and acquired by the Government during Kalyan Singh's tenure. The temple by the side of Sita Koop was called Ram Lalla temple. When Ram Lalla temple was demolished the idol of Ram Lalla was there and that Ram Lalla temple was known at Sita Koop temple. There was only Ram Lalla's idol in Ram Lalla's temple and no other idols of any god were there, some

Saligrams were there. Ram Lalla's idol was a Asthdhatu (eight metals) and was about one feet high and in a sitting posture. When this temple was demolished in 1991 the people took away the idol with them but till today it is not known where is that idol. When the idol was stolen after demolishing Ram Lalla temple, the priest went to the police to lodge the complaint but the report was not accepted.

There was Laxman's idol in Sumitra Bhawan. Laxman was born there as an incarnation of Sheshang. It was a metallic idol. It was about 6 inch high idol of child Laxman. The people who demolished the temple plundered away the idol and other items of the temple. The demolition was done during the Chief Ministership of Kalyan Singh and efforts were made to lodge the complaint but it was not accepted. The length and breadth of Sumitra Bhawan was about 30-35 feet but the open area of the temple was in many bighas. Sumitra Bhawan was as old as Ram Janambhoomi temple. Sumitra Bhawan was not built by Vikramaditya but it was built by some Mahatma later on. I cannot tell whether it was built before the period of Babar or after that but it was an ancient temple. The Ram Lalla temple adjoining Sita Koop was 10-12 feet long in length and width. There was no pinnacle over it. The height of Sumitra Bhawan was 13 feet with no pinnacle. There was a tin shade on Lomas Chabutara, where the idol of child Ramchandra was placed. It was made of Asthdhatu and was about 6 inch high. Lomas is the name of sage not of Ramachandra, it was also demolished during the tenure of Kalyan Singh and the idol was also taken away. The people who demolished Sumitra Bhawan, Ram Lalla temple and Lomas Chabutara were all Government employees. We did not send any written complaint against them instead filed a writ petition in the

High Court. We filed a Suit in Civil Court, Faizabad that the people had taken away the idols and other items and sent telegrams to the Prime Minister and the others but no action was taken further. The temple of Saligram was in the north of Sita Koop temple and south of Sakshi Gopal temple. There were about five temples of Nirmohi Akhara near the disputed building. The different priests performed worship etc., in these temples who were appointed by Nirmohi Akhara. The resident Mahant of Nirmohi Akhara appointed these priests through the Panchas. Priests were not paid salaries. All these priests are Sadhu Vairagi, not the household. He said again – in the temples of householders, there are householder priests and in Sadhu temples there are Sadhu priests. All the aforesaid temples belong to Sadhus, which come under Nirmohi Akhara.

Nirmohi Akhara appointed priest for the first time before 1934 for the disputed building but how much before 1934 that I do not know. Nirmohi Akhara keeps a record of the priests as when and where the priest was appointed. Nirmohi Akhara has no such record this time, which may tell us about the priest, appointed from time to time in the disputed building. Shri Ram Subhag Das was my predecessor priest in the disputed building who succeeded Sita Ram Das and before him Govind Das was the priest. But who was the predecessor of Govind Das is not known to me. When Ram Subhag Das was the priest, Ram Shakal Das, before him Govind Das was the priest. But who was the predecessor of Govind Das is not known to me. When Ram Subhag Das was the priest, Ram Shakal Das, Sudershan Das, Vrindaban Das and our Guru Maharaj Baldeo Das were also the priests and I lived with him. Mahant Baldeo Das was appointed priest on behalf of Mahant in 1948. I was not appointed priest of the disputed building by Nirmohi Akhara but the receiver appointed me

the priest in 1952 after attachment of disputed building. The receiver did not fix any salary to me. When I was appointed priest, I was already living in the disputed building. I lived there day and night. The good was prepared in the store of Nirmohi Akhara, which was first offered to God Ram Lalla, and then it was consumed by us as Prasad. Only I was appoint as a priest for the attached part of the disputed building. I worked there as a priest till 1959. No other priest was appointed there till 1959. I got Ram Gopal Das appointed priest in my place in 1959 and myself worshipped at Ram Chabutara. Nirmohi Akhara had appointed me priest for Ram Chabutara. Priest is not a paid servant in our Akhara but all his expenses are borne by Nirmohi Akhara.

Statement verified after reading the same

Sd/

Mahanat Bhaskar Das

2.9.2003

Typed by the stenographer in the Open Court on my dictation. Attend the Court on 3.9.2003 for cross-examination in this continuation.

Sd/-

(Narendra Prasad)

Commissioner

2.9.2003

Date: 3.9.2003

D.W.3/1 MAHANT BHASKAR DAS

Before – Commissioner Shri Narendra Prasad, Additional District Judge/Office on Special Duty (O.S.D.) Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed Commissioner under the order passed on dated 29.8.2003 regarding other Original Suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and others Versus Baba Priya Datt Ram and others)

(The cross-examination on Oath of D.W. 3/1 Mahant Bhaskar Das In connection of dated 2.9.2003 by Shri Jaffaryab Giliani, Advocate on behalf of Defendant No.9 Sunni Central Board of Waqf).

I was appointed priest by the receiver on verbal order and not by written order to perform worship in the disputed building. When I was appointed Shri Ram Sakal Das Sudershan Das were working as a priest in the disputed building. Sudarshan Das continued to work there as priest even after my appointment but Ram Sakal Das left the work of priest-hood in the disputed building.

Supervisor Shri Laxman Das asked me to work as a priest in the disputed building who was its supervisor. He was not a Government servant but a public servant and was appointed by the receiver. Supervisor got his pay from the receiver. He was getting Rs.40 per month at that time. I had not left to work as a priest in the disputed building in 1959 but went to Ram Chabutara to perform worship etc., there and even after that used to come to worship in the disputed building when required. The witness was shown

his statement at page 64 dated 2.9.2003 "I worked there as a priest till 1959" and asked – "Is your statement right"? He replied – "My statement on 2.9.2003 was correct and my aforesaid statement of today is also correct. He was shown his statement dated 2.9.2003 "I got Ram Gopal Das appointed as priest in my place in 1959", and asked – "Is that statement right?" he replied that it was right. Even after 1959 I performed worship etc., there when any priest of disputed building was out of the station or indisposed.

Question:- Were there priests appointed by the receiver, and one of them was the head priest?

Answer:- Four priests were appointed by the receiver but nobody was head-priest, all were equal.

Question: Are you aware that a scheme was submitted to the D.M. by the receiver for the management of the disputed building?

Answer:- I am not aware about it. May be the receiver had submitted such a scheme.

Question:- Are you aware that Priya Datt Ram, receiver has got permission from the D.M. to appoint three priests for the management of the disputed building and the head priest was to be paid Rs.15 and the other two priests Rs.5 each per month?

Answer :- I do not have any knowledge about it because no priest was ever paid even a paisa as a salary.

After the appointment of a Receiver Rs.40 per month was given to Mahant Baldeo Das to incur the expenditure on worship, offering, agarbatti, flowers, scent, kesar, rice,

pulse, vegetable, flour etc., and he himself managed it. Mahant Baldeo Das made all the arrangements of daily needs with this amount, the food was prepared in the store of Nirmohi Akhara. Shri Baldeo Das made this arrangements till 1963 and after his death who was entrusted with this responsibility I do not know. I took my food from the preparation made in the store. Myself and the supervisor took this food from the kitchen of the Akhara. No other person shared it. There were two doors in the window-bar wall and one door of the south side was opened only at the time of bhog. The north door was used by the priests or the visitors of Sewa Samiti or the policemen on duty who came through the door to have the vision of God. My entry to the inner side of the domed part of the building was never restricted. I could enter it at anytime on my will. Mostly I distributed Charnamrit sitting there from 7 in the morning till 12 in the noon and offered Prasad to the deity given by the devotees. It was the time of siesta of deity at 12.00 noon. We also took rest there and then went to Sita Koop for taking bath. The deity was awakened at 4 in the evening. Bhog was offered to him. The visitors had a glance of it from outside and I distributed charnamrit. When I left for Sita Koop from the north to take bath, the policeman on duty locked it till my return. There was one servant also who performed the cleaning and sweeping, fetched water etc. During my tenure one Narayan used to be the servant who was changed later on. He got Rs.30 per month as a salary. When I was appointed priest, there were two other priests. Supervisor and the servant in the staff. The priests were not given any salary but supervisor was paid Rs.40 and the servant Rs.30 per month as a salary. I do not know whether the salary was increased in 1959 or not. I performed the duties of a priest in the disputed building till 1965. After 1965 I did not work there as a priest. Even

after 1965 I was treated as a priest of the disputed building by the people so I visited the building in the evening daily. During the year 1965-66 I had taken the duty of performing worship in the adjoining Janam Sthan temple Gudartal, Sita Rasoi temple so I was unable to perform worship in the disputed building also. I visited there to pay my obeisance only. Some dispute had arisen in the Akhara and I did not want myself to be involved in the controversy so I had left to work as priest in the db and Ram Chabutara and preferred to perform the duties of the priest in Janam Sthan temple, Gudartal, Sita Rasoi temple. I performed my duty there till 23 January, 1986 and after that I came to Naka Hanumangarhi, Faizabad. There are two temples in Mandir Gudartal premise – one of King Dashratha's Darbar and the second of Ram Lalla's Darar including his three brothers, Sita Ji and Hanuman. The priests of these two temples had become old and they expressed their inability to work before the Mahant, so I went there and started working for both the temples. I was not paid any salary here also. I took only the offerings and some saved amount from the monthly expenditure of the temple. Ram Sunder Das and Ram Prakash Das succeeded me as a priest there. Janam Sthan temple Gudartal did not belong to Nirmohi Akhara and Naka Hanumangarhi, Faizabad where I shifted belongs to Nirmohi Akhara. I was appointed Mahant in Naka Hanumangarhi, Faizabad. There is no priest in that temple, all perform worship collectively. Ayodhya, Hanumangarhi and Naka Hanumangarhi are different and have no relation. The Hanumangarhi of Ayodhya belongs to Nirmohi Akhara. Naka Hanumangarhi is Hanuman's temple so it is known as Hanumangarhi. Naka Hanumangarhi, Faizabad has residential facilities also along with the temple so it is called Hanumangarhi. Naka

is the name of the Mohalla and the Mohalla where Hanumangarhi is located is called Muzaffara Naka.

The Hanumangarhi temple of Naka Muzaffara Mohalla, Faizabad is about 200 years old. One Baba Gurudas built this temple. It belongs to Nawab's period. The Akhara is managed by the Panchas of Akhara in addition to the management of temples of Akhara. After becoming the Mahant, I myself manage the affairs of this temple. We do not need any other resources for its management because the donations and offerings are sufficient to run the affairs. It is not the fact that big temples are managed by the Mahant only and small temples by the priest only. Raghunath Das was the Mahant of Ram Chabutara in 1948 and Ramdas was the Mahant of Sumitra Bhawan since 1948. Baba Govind Das was the Mahant of Ram Lalla temple Sita Koop at that time. Ram Gopal Das was the Mahant of Saligram temple and Naval Kishore was the Mahant of Lomas Chabutara and these Mahants were the priests of these temples and were also the Panch of Akhara. I became Panch of Nirmohi Akhara in 1950 and was also the "Mukhtaream" (chief agent of attorney) of Mahant Raghunath Das. I am Panch continuously since 1950 and later on I was appointed Sarpanch and even today I am Sarpanch and Mukhtaream of Nirmohi Akhara. I am Mukhtaream of Mahant Jagannath Das of Nirmohi Akhara. Mahant Jagannath Das is very fat but not very old and due to his heavy body he feels inconvenience in walking. He is around sixty this time.

When I came to Ayodhya in 1946 I started living in the disputed premises. At the time I was living there as a disciple of Baba Baldeo Das and served him. Baba Baldeo Das lived there as a priest of the disputed premises and

was Mahant of Hanumangarhi temple, Faizabad. The priests at the Ram Chabutara were appointed for one year but the tenure was extendable subject to the satisfactory work. Perhaps Baba Baldeo Das became priest of Ram Chabutara in 1948. Shri Hari Das was the priest before 1948 but the worship was performed by his disciple Shatrughana Das. Haridas was the priest of Ram Chabutara til 1947 and after the Baldeo Das became priest of the place. When Haridas was the priest, his disciple Shatrughna Das performed worship of all the places within the disputed premises. I did not work there as a disciple of Shatrughana Das but our Guru was Panch of that place also, so I lived there on his behalf but I started the work of worshipping only after 1948. No training was given to me to perform Pooja etc., but I learned all this living in the company of the priests and it was the only training. The Mantras to be recited during the worship were learned by me from Baldeo Das and others. I was skilled in worshipping by 1949 and could perform the worship etc., independently. I was appointed as a priest of Ram Chabutara in 1959.

I lived in Gorakhpur and I was also the native of Gorakhpur. I was resident of village Rani Deeh, Tehsil, Sadar Gorakhpur. My father was also a priest. I had a companion in Gorakhpur who was my namesake Bhaskar Das. I came to Baldeo Das through him only. I had passed my Prathama in Ayodhya living in the disputed premises. I did not attend any school but learned from a pandit in the neighborhood. I passed Prathama in two years and did not get any further education. Baba Baldeo Das lived in the disputed premises and lived at Naka Hanumangarhi, Faizabad also. The Mahant and the priests of my Akhara do not marry.

Question:-Did Baba Baldeo Das ever lived in that so called store (godown) room as mentioned in your statement whenever he stayed in that disputed premises?

Answer:- The store-room of Nirmohi Akhara was the living palace of Sadhus (Santniwas). Baba Baldeo Das lived in the disputed building.

Santniwas was attached with store room with a partition. The combined length of Santniwas and store room was about 35-40 feet. Its' width may be about 10 feet. It's roof was made of tin with thatched covering. The wall of the east boundary of the disputed premise was the same wall of this store house and the San Niwas. Towards the west three were Sakoo Poles, which were covered with iron sheets and wire like material, the south portion was also covered similarly. Towards the north there was wall of north boundary of the disputed premise. There was a door in each to enter the Sant Niwas and the store room. The water serving place was open from the west and the south. Entering through Hanumatdwar there could be seen Sita Rasoi, water serving place, store room and then Santniwas. Water serving place was about 8-10 feet long. Store room was also of the same size. Santniwas was about 12-13 feet long. The floor of the eastern courtyard of the disputed building was in the same condition in 1990 also as it was in 1950. People have been laying marble stones there with their names from 1950 to 1990. There was no any significant change during 1950-1990 except placing the marble stones.

The Learned Advocate showed coloured Album Papar No.200 C-1, Photo No.56, 69 and 70 and he replied that the floor was visible and it was the same floor which had been in this shape since 1950 to 1990 and it was the floor of the courtyard of the disputed premise. Looking at the photo No.68 he replied that the floor, name board of

the people on the stones and maulesri tree opposite to north gate of the window bar wall were visible. This tree is still in existence on the disputed premise. The tree is present in the north-west corner of the way which is used by the devotees now a days. After seeing Photo No.75 of the same album he replied that the same Maulesri tree, window bar wall and the floor of the outer courtyard were seen there also. He was shown Photo No.79 and 80 also and he told that the floor of the inner courtyard was seen in the picture. There was much similarity between the floor of the inner and the outer courtyards of the disputed premise.

The floor of that part of the outer courtyard of the disputed building, where store room, Sant Niwas and water serving room were located was higher than the remaining part of the outer courtyard of the disputed premise. It was about 1 – 1 ½ feet higher. This floor of the store room, Sant Niwas and water serving kiosk was in existence till 6.12.1992. The floor got covered and littered with the debris of the demolished building and the boundary wall. These three places were found when excavation was done recently. The floor of these three places was broken in 1992. There was a Chabutara at the Santniwas side along with a raised platform (chowki). Four or five people could be adjusted at a time in the Santniwas. The people living in the Santniwas went to Sita Koop for bathing. They used to ease out in the open towards south upto Kuber tila and Amawa Rajya Mandir towards east. There was no separate place for toilet, people used these open places. I lived in Santniwas till 1965 and lived in sanctum – sanctorum also. When I lived in the disputed premise Kamta Prasad, Ramdas, Raghubir Das, Ramkrishna Das etc., were also with me during that period in Santni was. Baldeo Das also lived in Santniwas during this period. Apart from the above Ram Balak Das,

Ram Lakhan Das, Ram Dayal Das, Ram Sahay Das etc., were also there in Santniwas. Nobody is alive now among the aforesaid people.

Question:- Should I take it that none of the persons who lived with you in that so called Santniwas is alive at the present?

Answer:- It is right.

There was no incident in the disputed building during the night 22/23rd December, 1949. If someone says that an incident occurred during the night of 22/23rd December, 1949 in the disputed building, he is wrong. I was present in the disputed premise in the night of 22/23rd December, 1949. I go to bed at 11.30 P.M. and get up at 4.30 A.M. I must had slept according to my schedule that night also. I was sleeping in the place below the north dome on that night. Ram Sakal Das was also sleeping with me below the north dome. Ramdas, Kamata Das, Rambalak Das, Ram Dayal were sleeping in Santinwas on that night. There was electricity in the three domed disputed building. On that night viz; 22/23rd December, 1949 there was electric light where I was sleeping. Normally I sleep in the light of a small bulb. There were 3-4 electric bulbs in the disputed building in the night of 22/23rd December, 1949. There were no electric fans in the disputed building during those days. There was electric bulbs in the eastern wall also below the dome of the disputed building. Santniwas had also electric bulb. There was electric bulb at Ram Chabutara also. I went to bed at about 10.30/11.00 P.M. on 22/23.12.1949 and got up at 4.00 A.M. and I had no disturbed sleep between this period. When I got up at 4 in the morning both the doors of the window bar wall were closed. I used to close them before going to bed. We did not lock the doors but only latched the doors. When I got up at 4.00 A.M. on 22/23.12.1949 there was none except Ram Sakal Das with me in the inner courtyard of the window bar wall and the domed building. When I went to bed in the night of 22.12.1949 there was police guard at the door of Hanumat Dwar and there

was no police guard in the inner side. There was police guard there for many months, I mean for the last 2-3 months. Normally 4-5 policemen were on duty there during the night. I was familiar with some of them by name but cannot recollect this time. When I was ready for worship after morning chorus on 23.12.1949 there was no such crowd in the disputed building or outside. The devotees were coming as usual. I did not see Mahant Paramhans Ramchandra Das there in the night of 22nd December or during the day of 23.12.1949. Sudarshan Das was the priest of the inner side of disputed building on 22.12.1949. Ramdas was the priest at Ram Chabutara at that time. Abhayram Das lived in Katha Mandap at that time which was located out of the disputed building and visited the disputed building for "darshan". The Katha Mandap was erected there for the last 4-6 months. Constable Mata Prasa was one of the policemen deputed on duty outside the Hanumat Dwar. The disputed building was under the jurisdiction of Police Post, Katra. Inspector Ramdeo Dubey was the incharge of Ayodhya Thana at that time. The police complaint against Abhayram Das, Ramkalash Das and Sudarshan Das was lodged on 23.12.1949 under the duress of Muslims. On the basis of that report a case was filed against the aforesaid three persons, Shri Ram Subhag Das Shastri and some other people and they got the bail. The order of attachment of the disputed building was perhaps on this basis. If it was written in the report that some people entered into the Mosque in the night of 22/23.12.1949 and desecrated the same, it was written wrongly. Shri Ram Sakal Das against whom the report was lodged was sleeping with me under the domed building during the night. Ramdas was the priest of Ram Chabutara at that time and sleeping in the disputed building. Complaint was lodged against all these people. Perhaps paramhans Ramchandra Das was never caught in this case and his name was not taken in that report. The attachment of the disputed building was done on 29.12.1949. I do not remember whether Nirmohi Akhara or I got any notice

regarding attachment. My Guru Mahant Baldeo Das had filed a reply in the proceedings under section 145 of Cr.P.C. I am aware that the part from three domed building to window bar wall was attached and both the doors of the window bar wall were locked with police guard there. The keys of the locks were in the possession of policemen. I kept my cushion and quilt in that three domed building. After the attachment I brought it out which was not attached. A list of the articles was also prepared at the time of the attachment. No signatures were taken either from me or my Guru on that list. Sudershan Das, Ram Sakal Das, Brindavan Das, Ram Subhag Das might have signed it because they were granted the bail. May be they had not signed it. At the time of preparing the list and attachment I was there but I do not remember who signed it. The case of attachment was under section 145 of Cr.P.C. My Guru Baldeo Das advocated the case on behalf of Nirmohi Akhara and I accompanied him. Abhi Ram Das also went once or twice to plead the case and filed a petition in this case. Abhi Ram Das Ramgopal Pandey "Sharad" were given one month's sentence for the breach of Section 144 of Cr.P.C.

The statement verified after reading the same.

Sd/-
Mahant Bhaskar Das
3.9.2003

Typed by the stenographer in the Open Court on my dictation.
Attend the Court in continuation of it on 4.9.2003 for cross-examination.

Sd/-
Narendra Prasad
Commisioner
3.9.2003

Date: 4.9.2003

D.W.3/1 MAHANT BHASKAR DAS

In the Court of Commissioner, Shri Narendra Prasad,
Additional District Judge/Office on Special Duty (O.S.D.)
Hon'ble High Court, Lucknow Bench, Lucknow.

(The Commissioner appointed under the order dated
29.8.2003 passed in connection with other Original Suit
No.3/89 (Original Suit No.26/59) Nirmohi Akhara Versus
Baba Priya Datt Ram and others)

(In continuation of dated 3.9.2003, the cross-
examination of D.W. 3/1 Mahant Bhaskar Das on Oath was
continued by Shri Jaffaryab Giliani, Advocate on behalf of
Defendant No.9 Sunni Central Board of Waqf, U.P.)

The witness was shown a map document No. 3/9 A-1
attached with the suit by the Advocate and asked to tell
the part of the building which was attached in 1949. He
replied – the parts shown as I.J.K.L.E.F.G.H in the map
were attached in 1949. he was shown Annexure-I
document No.3/8 A-1 and asked – “Can you tell what is
written in this paper?” The witness replied to see the
paper – “It is in English and I do not know English, so I am
unable to tell the consents. He also told that these were
the signatures of Mahant Raghunath Das below the paper
towards right and below his signatures there are signature
by someone in English but I cannot tell who has signed in
English.

Mahant Raghunath Das was the Mahant of Nirmohi Akhara
in 1959 at the time of filing this suit and he had got the
right to file the Suit on behalf of Nirmohi Akhara. He was
Mahant and Sarvarakar. At the time of filing the suit

Mahant Raghunath Das was plaintiff no.2 and now Mahant Jaganath Das will replace him as plaintiff No.2. But I cannot tell to see the plaint that he stands at plaintiff No.2 because my affidavit of the main examination and signed after that. I got the plaint of the case read and translated at that time and after understanding its' meaning in Hindi, I signed it. My advocate, Ranjit Lal Verma read out and interpreted it into Hindi. Hindi translation was read out to me before 2-3 days earlier of signing the affidavit. All the facts stated in the plaint of the suit were read out to me after translating it into Hindi and whatever was recited to me is written in the plaint which is right. My affidavit to main examination is in Hindi and I have gone through it and understood it. The Learned Advocate read out para 6 of the plaint in Hindi – "The Defendant No.4 City magistrate, Faizabad without any legal ground and in connivance with Defendant No.2, 3 and 5 i.e. Government of Uttar Pradesh, Deputy Commissioner Faizabad and S.P. Faizabad respectively and misguided by Defendant No.6 to 8 i.e. Hazi Phekoo, Mohd. Fayak and Mohd. Achhan Mian, attached the parts of the main temple shown as E,F,G,H,I,J,K,L,E in the map under section 145 of Cr.P.C". Hearing this the witness told that the facts stated in the plaint are correct. I told in my statement that the disputed building was attached on 29.12.1949 and it is also correct. The year of attachment written as 1950 in the suit is wrong, the attachment was done actually on 29.12.1949. The Learned Advocate, showed para 52 of the affidavit relating to him main examination to the witness and asked – You have written here that in the case under section 145 of Cr.P.C. "Abhi Ram Das also filed a Suit on 29.12.1949" and a copy of the same has been filed in this case and you have recognized it in the affidavit. Please show me the copy of the Suit by Abhiram Das from the record? The witness replied in the context of

the above statement given in the affidavit – “I will not be able to show the said document from the record, but only my advocate Shri Ranjit Lal Verma can show it. So far as I think Abhi Ram Das did not file the suit mentioned under section 52 on 29th December, 1949 but on some later date. I have not seen any Suit filed by Abhi Ram Das on 29.12.1949, neither I have seen any photocopy of it. This appears to be a case of later date and my advocate Shri Ranjit Verma can tell about it. Whatever was read out to me in Hindi from para 6 of the plaint indicates the reference of Deputy Commissioner, City Magistrate and S.P. Faizabad which implies the officers deputed at the time at Faizabad in 1949 Shri K.K. Naiyyar was Deputy Commissioner of Faizabad in 1949 and Guru Datt Singh was the City Magistrate. Shri K.K. Naiyyar resigned in 1950 and contested Lok Sabha Elections from Bahraich on Jan Sangh party ticket. He was elected for Lok Sabha. I do not remember the period that after how many days of the attachment of the disputed building he resigned from this post. I remember that J.N. Ugra succeeded him as D.C. Faizabad. I cannot tell whether K.K. Naiyyar was given a warm reception on behalf of the Hindus in Faizabad and Ayodhya after his resignation.

Question:-Was K.K. Naiyyar was a much popular officer as a D.C. of Faizabad among the Hindus of Faizabad and Ayodhya and particularly among Bairagis?

Answer:- Shri K.K. Naiyyar was a popular officer among Hindus, Bairagis and Muslims.

At that time there was not any photo of Shri K.K. Naiyyar in the disputed building. When Lal Das became the priest the sketches of Shri Naiyyar and Guru Datt Singh were drawn on the wall. Shri Guru Datt Singh who was City

Magistrate in Faizabad, retired from Faizabad itself after the attachment of the disputed building. The witness was shown Photo No.128 and 129 of the coloured album and he replied that the sketch of Guru Datt Singh seen in that photo was in the lower western wall under the south dome of the disputed building. I saw it for the first time when it was photographed in the disputed building on the order of the Court. I had not seen this sketch of Guru Datt Singh before 1990 in the disputed building. Sh. Lal das had been priest for many years before 1990 but I do not know the exact year. He was priest even before 1986. It is wrong to say that the photos of Guru Datt Singh and K.K. Naiyyar were kept in the disputed building because the idol was kept in the disputed building due to their conspiracy. It is also wrong to say that these officers were not in favour of Muslims and were determined to place the idols in the disputed building. I do not know whether Shri K.K. Naiyyar had said that it was not possible for him to remove the idols for the disputed building even at the cost of his resignation. Hindus must have felt excited to hear about the removal of the idol because it existed there even before 1934. I do not know the reason of Shri Naiyyar's resignation. I also do not know that Akshyay Brahmachari was on fast to remove the idols of the disputed building. Hindus were agitated to hear the rumour of removing the idols from the disputed building. I do not remember when this rumour was aired before or after of the attachment. I can say only that there was such rumour before filing the Suit by Gopal Singh Visharad.

Shri Gopal Singh Visharad lived in Ayodhya at that time and he attested the affidavits etc. I cannot tell the name of the advocate under which Shri Visharad was working. I do not know in which year Shri Vishard came to Ayodhya. He is know to me even before filing the suit by him. He was

known to me after 1946 because he used to come there to pay his obeisance to the deity. I had seen Shri Visharad there on the day of Makar Sankranti before the attachment of the disputed building, I had been seeing him there coming daily. I had seen him many times in the disputed premise between the period from the date of attachment to the date of filing a Suit by him. He used to come to pay his obeisance. Abhiram Das did not plead the under section 145 of Cr.P.C. on behalf of Nirmohi Akhara but he himself had filed a case.

The witness was shown Paragraph 52 of his main examination and asked – “Apart from Mahant Baldeo Das on behalf of Nirmohi Akhara, Shri Abhi Ram Das had also filed a case”. It is written here. Is it wrong? The witness replied – “Abhi Ram Das filed a Suit separately and Mahant Baldeo Das was on behalf of Nirmohi Akhara. I mean, here in this para, Baldeo Das was pleading the case on behalf of Nirmohi Akhara and Abhi Ram Das was pleading the case on his own behalf. The order passed by the Magistrate under section 145 of Cr.P.C. was not in the name of any individual. Mahant Baldeo Das had himself submitted a written statement under section 145 of Cr.P.C. that he had been managing the affairs of the disputed building on behalf of Nirmohi Akhara since 1934. I do not remember whether he submitted any affidavit under section 145 of Cr.P.C. The proceedings of the case commenced under the order dated 29.12.1949 by Shri Markandey Singh, Additional City Magistrate and there was mention of attachment in this order and Priya Datt Ram was appointed Receiver under same order. I can recollect that the Mualims were calling the disputed building as Babri Mosque and Hindus were calling it Ram Janambhoomi mandir. This order is in English so I cannot understand it. I do not know whether it was mentioned in the order that the reply from the interested people should

be filed latest by 17th January, 1950. I did not read newspapers during that period so cannot tell if the order was published in the newspapers also. Abhiram Das did not plead this case on behalf of Ram Janambhoomi but on his own behalf. The witness was shown the orders dated 10.7.1951, 15.10.1951 and 14.3.1952 relating to the case under section 145 of Cr.P.C. and he replied – “Bhiram Das attended the proceedings on behalf of Janambhoomi is written in the orders. What is written there is right. “He was shown the order of 30.7.1953 and he replied that it also mentions the attendance of Abhiram Das. According to me his attendance has been mentioned on those dates on his own behalf not on behalf of Nirmohi Akhara.

The proceedings of the case under section 145 of Cr.P.C. were filed by the order of the Magistrate till the decision of Civil Suit on which date the case was filed, I do not know. The Learned Advocate told the witness after perusing the document that the order was of 30.7.1953. The witness replied that it was right if belonged to the date. It is wrong to say that Mahant Baldeo Das did not go to the Court till 30.7.1953 in connection with the case under section 145 of Cr.P.C. It may be possible that the Janambhoomi or Nirmohi Akhara did not figure in order relating to the case under section 145 of Cr.P.C. I used to go with Baldeo Das in 1950 and after that also to advocate the case. I never signed on the order of the proceedings but our Maharaj Baldeo Das must have signed it. Baldeo Das submitted some written statement regarding the case under section 145 of Cr.P.C. but I never read it. What Baldeo Das submitted regarding the proceedings of the case under section 145 of Cr.P.C. I read it from a copy procured from the City Magistrate. The copy was in Hindi and I read it many times. When did I read it last, I do not remember. I did not read it during drafting of the affidavit for my main

examination but before it. I have no idea how many days earlier to filing the affidavit it was read. It was in Hindi but the number of pages are not known to me. So far as I remember the copy was not in the form of affidavit but in the form of a written statement. Who was the advocate of Baldeo Das in the case under section 145 of Cr.P.C. I do not remember. Who was the advocate of Abhiram Das is also not known to me. Who was advocating on behalf of Muslims in the case under section 145 of Cr.P.C. is not in my memory. I do not know Anisur Rehman, resident of Begampura Mohalla Ayodhya. I have no knowledge that the said Anisur Rehman was advocating on behalf of Babri Mosque in the case under section 145 of Cr.P.C. I have been going to advocate the case under section 145 of Cr.P.C. after fixing one or two dates. I do not have any knowledge whether Anisur Rehman gave any petition for transfer of the case to any other court. I also do not know that a stay order was issued on the petition of Anisur Rehman on 17.1.1950. It is also not known to me that the Magistrate gave order or not on 17.1.1950 to extend the date of submitting petition for transfer till 15.2.1950. Hashim Ansari is known to me who is the plaintiff of suit No.4, year 1989. I do not know whether Hashim used to go to advocate the case under section 145 of Cr.P.C. I do not know the name of any individual or the advocate, who advocated the case on behalf of Muslims. I have not any knowledge if Hashim and Anisur Rehman advocated the case or not. I do not know whether Rehmat Hussain was or was not the main advocate of Muslims of that case. It is also known to me that how many written statements and affidavits were submitted on behalf of Muslims in the case under section 145 of Cr.P.C. No paper has been submitted under my signatures in the case under section 145 of Cr.P.C. The paper filed by Baldeo Das for the case under section 145 of Cr.P.C. can be deciphered by me on the

basis of his signatures. The Learned Advocate showed the document No. A-161 and A-162 of the case under section 145 of Cr.P.C. to the witness and he replied that the signature of Abhiram Das are in the document No. A-162 which I have recognized. After reading the aforesaid document No. A-161 and A-162 he expressed his disagreement on the facts written there. He said – I agree with para 6 and do not agree with para 1 to 5. Para 8, 9 of document are agreeable to me but para 7 is not agreeable. I agree with para 10 also. The witness was shown para 52 of the affidavit of his main examination and asked – “Are these documents No. A-161 or A-162 the same documents or not about which a mention was made relating to the identification of the suit by Abhiram Das and the attested photo copy thereof. He replied – It is possible that the aforesaid document No. A-161 and A-162 may be the suit of Abhiram Das mentioned in Para 52 of my affidavit and it may have mention in para 52 by my affidavit have been verified by me to be true to the best of my knowledge on 29.8.2003.

Question:-Is it not based on your knowledge that A-161 and A-162 are those documents in which the suit by Abhiram Das, as mentioned in para 52 of your affidavit, and the identification of Abhiram Dasa's signatures have been described?

Answer:- Document No. A-161 and A-162 are those Suits which have been described in para 52 of the affidavit.

The Learned Advocate showed document No. A-163 and A-164 relating to the case under 145 of Cr.P.C. and asked – “Did Baldeo Das filed this written statement on behalf of Nirmohi Akhara?” He replied – “Baldeo Das filed

this statement on behalf of Nirmohi Akhara". After reading both the papers the witness said that he agreed with the written statement. On reading Para 9 of document No. A-163 the witness replied – "It describes the Muslims who tried to read Namaz and made conspiracy to remove the idols and they include Zahoor Ahmed, Hazi Phekoo. Achhan Mian and Mohd. Farooq etc., The Government servants which have been described in this para include Mata Prasad, Constable, Dilawar Hussain, Head Constable etc., On getting information of the facts mentioned in para 9 Gopal Singh Visharad filed a Civil Suit. Baldeo Das has described in the written statement that no muslim had ever visited this temple since 1935-36 and the place was not used for reading Namaz during this period.

Question:-Should it be inferred on the basis of Para 8 of the written statement of Baldeo Das that he had no knowledge about the entry of Muslims in the disputed building or reading Namaz by them in 1935 or before 1936 or Muslims continued to come and read Namaz in the disputed building till that period?

Answer:- Baba Baldeo Das might have not noticed it but the Muslims never went to read Namaz there since 1934.

Para 7 of the written statement by Baba Baldeo Das mentions that "The Petitioner has been serving in the capacity of the priest on behalf of the Akhara since Chait, 2006". It is right. It is also written in this paragraph – "At least five Sadhus, three priests, two cooks and one panch of Nirmohi Akhara always live there, they live and take food in the vest building which is located towards the west of the inner boundary wall". It is also right. Baba Baldeo

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Das has not mentioned in this written statement about any Santiniwas or store room and also not mentioned about any Sadhu or priest who lived in the store room or Santniwas.

Statement verified after reading

Sd/- Bhaskar Das

4.9.2003

Typed by the stenographer in the Open Court on my dictation. Attend the Court on 5.9.2003 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

4.9.2003

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Date: 5.9.2003

D.W.3/1 MAHANT BHASKAR DAS

Before - Commissioner, Shri Narendra Prasad,
Additional District Judge/Office on Special Duty (O.S.D.)
Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under the order dated
29.8.2003 passed in connection with other Original Suit
No.3/89 (Original Suit No.26/59) Nirmohi Akhara Versus
Baba Priya Datt Ram and others)

(In continuation of dated 4.9.2003, the cross-
examination of D.W. 3/1 Mahant Bhaskar Das on Oath was
continued by Shri Jaffaryab Giliani, Advocate on behalf of
Defendant No.9 Sunni Central Board of Waqf, U.P.)

The proceedings of the case of the attachment of the
disputed building were stayed till the decision of the Civil
Suit. I cannot tell whether Baldeo Das requested the court
to say the proceedings of the case under section 145 of
Cr.P.C. I do not know whether Srivastava N.P. Sinha filed
any petition in the case under section 145 Cr.P.C. I do not
know any Srivastava N.P. Sinha son of Srivastava Binda
Prasad resident of Pura Sherganj, Kanoongoyan,
Ayodhya.

When Gopal Singh Visharad filed a civil suit he did
not make Nirmohi Akhara a party to it. An application was
given in 1990 on behalf of Nirmohi Akhara to become a
party to it and the Court made Nirmohi Akhara a party to
it. Nirmohi Akhara was not a party to any case relating to
the disputed building from 1953 to 1959. Pt. Shri ram
Mishra and Shri Shiva Ratan Lal were the advocates of
Baba Baldeo Das in the case under Section 145 Cr.P.C.

After becoming a party to the case of Gopal Singh Visharad in 1990 Nirmohi Akhara did not submit any responsibility but when the witness were produced in this case on behalf of Gopal Singh Visharad, cross-examination was done from the side of Nirmohi Akhara. The complaints and the statements written in counter replies to the case of Gopal Singh Visharad do not have any discordant with Nirmohi Akhara. I know that Rajendra Singh has replaced Gopal Singh Visharad in the case of Gopal Singh Visharad.

Question:-Were the idol or idols placed in the disputed building i.e. domed building before 22nd December, 1949?

Answer:- The idol was there before 1934 which was installed by any Mahant of the Akhara.

The idols of Ram Lalla, Laxman, Hanuman, Saligram etc., were placed there. These idols were placed inside the disputed building even before 1934. The idols were placed on the stairs below the middle dome of the disputed building. The Learned Advocate showed him Photo No.10, document No.154/13 submitted with the Original Suit No.1/89 and he replied that the idols were placed in the disputed building in the order as shown in the picture. The idols were there in that position till 1992. There was a swing towards the south of the stairs as seen in the picture. This swing was there even before 1934. When this photo before 1934. When this photo was taken in 1950 I was the priest of the disputed building. The witness was shown photo No.154/9 of the suit No.1/89 and he replied that the photo was of the upper part of the western wall below the middle dome of the disputed building. He was shown photo No.2 document No.154/5 and he told that it was the north gate of the disputed

building and a passage going down the road was visible there. The stairs which are seen in this picture may be 14-15 feet wide breadth and the passage is also of the same breadth. The raised platform like place towards right in the picture was a tomb. It was the tomb of three sagas viz Garg, Gautam, Sahndilya. They belonged to the successive period before Kaliyug. They have been described in books but I have not read and seen those books. I only heard about it when I was a priest in the disputed building no offering was given but only flowers, sandal was offered.

Question:-Had the tomb been demolished after 1950 or is in existence still there?

Answer:- This tomb was in existence even after 1950 but demolished with the temples in 1992.

Those who demolished the disputed building also demolished this tomb.

The Learned Advocate showed him document No.200 C-1 of the coloured Album and he replied that all the photos were taken in his presence. He was shown photo No.202 and 203 also and he told that his own photo and the photo of his advocate Shri Ranjit Lal Verma were also visible in the document. These two photos were taken with other photos of the album. After seeing Photo No.37 the witness replied that the photo was of that passage of the disputed building which was seen by him in Photo document no.154/5. When the photo was taken in 1990 the tomb shown in document No.154/5 was in existence at the site.

The witness was shown document No.201 C-1 of the black and white album and he replied that all the photos of

the album were taken before him in 1990. Having a look at Photo No.108 the witness told that it was the photo of himself and his advocate Ranjit Lal Verma and the photo No.23 was the photo of the passage mentioned in document No.154/5. That Chabutara or Samadhi is not seen in Photo No.23 of the black and white album which is in photo No.154/5. Casting a glance at Photo No.154/9 submitted with other original Suit the witness told that the photo was of the northern gate of the disputed building where the tin-door was visible. The door has been painted with white lime. Said himself that there are lions made on the both sides of the door above it and a Garur or Peacock between them. He was shown Photo No.154/7 and 154/10 and he identified that those were the photos of the rear side of the disputed building and white washing had been done there also. These photos were also taken in 1950. At that time Mahant Raghunath das of Nirmohi Akhara arranged the white washing of the disputed building. Since I came in the disputed premise, the white washing was done every year. The white washing was done on the entire disputed building. Even after the attachment, the boundary wall was white washed from outer and inner sides. The rear part of the disputed building was white washed before 1950 and after that there was no white washing. The witness was shown Photo No.154/11 and he told that it was the photo of the outer wall below the middle dome of the disputed building where a big stone on the wall was visible. Something was written on the stone. The language was not Hindi or Sanskrit, it was some other language, Arabic or Persian but not English. The lotus flowers were depicted on the either sides. The witness was shown photo No.154/14 and 154/15 and he replied – “Three flowers are seen here and something is written between the two flowers, what is written that I cannot tell. Said himself – “Ram, Ram is

written in Hindi at the lower part. This Ram, Ram appears to be handwritten". After seeing photo No.154/16 he said – "The wall is seen here but the place of urinal is not visible to me. This wall was joined with the south wall of the disputed building. There is Chabutara at higher level than the courtyard at the front of the dome of the disputed building which had a wall seen in this picture. The witness was shown photo No.43 of the black and white album and he replied – the outer courtyard of the domed portion and the south wall of the outer boundary wall is seen here. The door below the south dome of the disputed building is also seen here in this picture. Having seen the photo No.44 of this album the witness replied "The margosa tree in the southern part of the disputed building and the stairs leading to upside are seen here. When I lived in the disputed premise in 1950 these stairs were in use till the demolition of the disputed building. I cannot tell whether the people climbed on the building by using these stairs on the day of its demolition. Dome was the roof of the disputed building and its lower portion is seen in the photo No.77 and 78 of the black and white album.

I used to go to the disputed building once or twice in a month between the period after delocking the disputed building and its demolition Ram Chabutara was attached in 1982 and the priests appointed by the receiver lived at Ram Chabutara during 1982-1992. During this period many priests were appointed but I do not remember any of them by name. A Criminal Case was fought between Nirmohi Akhara, Dharam Das and Siya Raghav Sharan in which Ram Chabutara was attached. In addition of Criminal Case a Civil Case was also fought between Nirmohi Akhara, Dharam Das and Siya Raghav Sharan which is still going on. The Criminal Case is no more. Nirmohi Akhara had lodged a complaint against Dharam

Das and his companions in the Criminal Case. It was reported that Dharam Das and his Companions committed dacoity at Ram Chabutara. The dacoity occurred in 1982 and according to my memory in the month of February. Nirmohi Akhara had filed a suit to make declaration that Ram Chabutara belonged to Nirmohi Akhara and Dharma Das had no relation with it and Siya Raghav Sharan was the priest on behalf of Nirmohi Akhara. I do not know whether any document of that Civil Suit has been submitted or not in this case for which I am deposing as a witness. The same receiver was appointed for Ram Chabutara in 1982 who was the receiver of the disputed building. The witness was shown Photo No.79 and 80 of the black and white album No.201 C-1 and he replied to see it – There is a “Chhatra” which like an umbrella. I do not know when this “Chhatra” was installed but it was installed after 1950”. He was shown photo No.81 and 82 of the same album and he told “The throne is seen here. This throne was already in the disputed building before 1950. It was there for the last 10 years before 1950. It was there in 1950 also but not attached. Nothing was there in the disputed building except this throne which was not attached. The photos depict a photo in the throne which is of Ram Lalla Ji. The idols of Ram lalla is also seen on the throne. There were two thrones in the disputed building, one was swinging throne and the other was staired throne. The throne seen in picture 81 is the throne which was beside the stairs and the throne seen in Picture No.82 is the front throne below the middle dome. The throne in picture No.81 is the throne which was in the south of the throne in Photo No.82. The idols are seen in Photo No.82. Two idols are also seen in Photo No.81. Both the idols are of Ram Lalla Ji. Photo No.82 also depicts two idols. One is Ram Lalla’s “Utsav Murti” and the second is the static idol. Picture No.82 shows one idol

which is Ram Lalla's metallic idol. It is about 6 inch high. Picture 81 shows two idols which are metallic idols of Ram Lalla. One was 6 inch and the other 4 inch high.

Question:-According to your statement one idol of Ram Lalla Ji was kept on that stair which was shown to you in document nO.154/13? Whether the idols of Ram Lalla in document No.201 C-1 and Photo No.81 and 82 as told by you were kept any time on the stairs which have been shown in document No.154/13?

Answer:- The idol of Ram Lalla was carried through the stairs shown in document No.154/13 to the throne shown in Photo No.82 of document No.201 C-1.

Question:-You have stated above – “There were two thrones in the disputed building, one was swinging throne and the other was a throne beside the stairs. The throne seen in picture no.81 is the throne beside the stairs”. Do you mean by this that two thrones were kept beside the stairs which have been shown in Photo No.81 and 82.

Answer:- The throne depicted in Photo No.81 and 82 is a swinging throne and the throne shown in Photo No.154/13 is the throne beside the stairs.

Question:- Do you mean to say that the throne seen in Photo No.81 and 82 are two photos of the same throne?

Ans:- Yes, Sir.

Question:-If photo No.81 and 82 are the Photos of the same throne as you have told subsequently,

how only one idols being seen by you inn Photo No.82, while you have seen two idols in photo No.81?

Answer:- Photo No.81 depicts a metallic idol of Ram Lalla and the other a picture of him.

Question:-You have told in your statement above "Photo No.81 depicts two idols and these two are metallic idols of Ram Lalla, one idol is 6 inch and the other 4 inch high". Is this statement is wrong?

Answer:- I can see only one idol in Photo No.81. I have told about two idols above inadvertently. An idol of 6" height is seen to me this photo No.81. No other idol having 4" height is seen there.

There were two idols of Ram Lalla in the disputed building. One was placed on the throne and the other on the stairs. Both the idols existed there even before 1934. Photo No.81 and 82 shows to me the idols of Hanuman, Sita or Laxman. Document No.154/13 shows the stone idol of Hanuman. Sita's idol is not seen there. The idol of Laxman is seen to me which is 4" high. It is on the upper most stair. Hanuman's idol is 1 ½ feet high. There are three idols and one Photo on this stair. The idol of Ram Lalla on this stair is 6" high. The photo of Ram Lalla mounted on a wooden frame with glass is also placed here. The photo of Ram Darbar is also hanging on wall beside the stair. Ram, Sita, Bharat, Laxman, Shatrughana and Hanuman can be seen in the photo of Ram Darbar. I have seen this photo here since 1946 when I came in the disputed building. I had seen this photo hanging on the wall till 1986. There is no idol on the second and third stair but only a Garur Ghanti (bell having its top with the mark of aquila) is placed there. The throne seen in the

aforesaid Photo No.81 and 82 was placed below the middle dome of the disputed building. It is wrong to say that this throne was kept there in 1986 after delocking the disputed building. It is also wrong to say that the umbrella seen in Photo No.79 and 80 was installed there after delocking the disputed building in 1986.

Question:-Is it right to say that the idol of Ram Lalla seen in document No.154/13 which is shown to have placed in 1950, was the same idol which was placed in this throne in 1986 in after opening the lock which is visible in Photo No.81 and 82.

Answer:- It is wrong to say so.

It is wrong to say that there was no idol inside the disputed building before the night of 22/23 December before 1934 but the exact year is not known to me. Who placed it there is also not known to me. I have heard it from my ancestors that the idol was kept there before 1934. I will not be able to tell that how many years after the construction of three domed disputed building in 1528 (which was known as Ram Chabutara and where the idol of Ram Lalla was placed) the idol was kept there. There were idols of Ram Chandra, laxmna, Bharat, Shatrughana, Saligram, Laxminarayana, Narsingh and Hanuman. The idol placed on Ram Chabutara was 6" high and made of eight metals. The idol was many hundred years old. The sage of Nirmohi Akhara had placed it there. During the period of Akbar the sage of Nirmohi Akhara placed it there but I do not know his name. I came to know about this from my ancestors and have not read anywhere about it. All the idols in Ram

Chabutara were placed there during the period of Mughal Emperor Akbar. During the period of Akbar also the area of this Chabutara was 17 feet X 21 feet, and was covered with thatched roof even at that time like 1950. A suit was filed about Ram Chabutara in 1885. The suit was filed by Mahant Raghuvar Das who was a Mahant of Nirmohi Akhara. The case was filed in the Court of Sub-Judge, Faizabad and previously the decision was in favour of Raghuvar Das. Later on he lost the case in an appeal. The appeal was not made by Raghuvar Das. The second appeal was filed in Lucknow after that decision in District Judge Court. I do not know whether the first appeal in the district Judge Court was filed by Mahant Raghuvar Das or not, it is also not known that the second appeal in the court of Judicial Commissioner, Lucknow against the decision of District judge was filed by Mahant Raghunath Das or not. Mahant Narottam Das succeeded Mahant Raghunath Das as the Mahant of Nirmohi Akhara. Baldeo Das was the predecessor Mahant of Raghuvar Das was the Mahant of Nirmohi Akhara Ram Chabutara was called janam Sthan and not Janambhoomi. It has been called Janambhoomi since hundred years back only. The area of this Ram Chabutara was 17 x 21 feet even at that time. Mahant Raghuvar Das filed the Suit on the ground that there was no roof on the Chabutara which give harm to him during the summer and rainy season so the permission may be given to put a roof on the Chabutara. I do not know whether Mahant Raghugar Das had sought any permission from any officer for the roof before filing the suit or not. At that time also the three domed building existed in the same position as in 1950. The window-bar wall was built

during the time of Wazid Ali Shah which was in position even in 1885 and 1950. I have heard about it and not read in any book. I was told that there were frequent skirmishes and quarrels during the period of Wazid Ali Shah therefore, the window-bar wall was raised there. The intention was to avoid such quarrels but it could not be successful. Hindu and Muslim used to quarrel frequently.

Statement verified after reading

Sd/

Mahant Bhaskar Dass-

5.9.2003

Typed by the stenographer in the Open Court on my dictation. In continuation of this attend the Court for further cross-examination on 8.9.2003.

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Sd/-

Narendra Sharma

Commissioner

5.9.2003

Date: 8.9.2003

D.W.3/1 Mahant Bhaskar Das

Before - Commissioner, Shri Narendra Prasad, Additional District Judge/Office on Special Duty (O.S.D.) Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under the order dated 29.8.2003 passed in connection with other Original Suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara Versus Baba Priya Datt Ram and others)

(In continuation of dated 5.9.2003, the cross-examination of D.W. 3/1 Mahant Bhaskar Das on Oath was continued by Shri Jaffaryab Giliani, Advocate on behalf of Defendant No.9 Sunni Central Board of Waqf, U.P.)

During the period of Wazid Ali Shah there were frequent Skirmishes and quarrels between Hindus and Muslims, therefore the window-bar wall was constructed. The Muslims wanted to enter the disputed building to read namaz there and they were not allowed to enter it by priests. This was the reason of dispute. I cannot tell whether the Muslims came there from Ayodhya or outside. The dispute had been there since 1528 when the disputed building was constructed. My ancestors told me about it and I have not read it in any book. The quarrel had been there for 76 times. There is a history of quarrel right from the period of Babar to the Britishers and year 1934 was the last year of this incident. Namaz could not be offered in the disputed building for the period of Babar to till date. Ram Lalla is seated in the disputed building even before 1934 but how many years before is not known to me. I do not have any knowledge if Ram Lalla was seated or not there since the time of Babar to 1934. I have read the

book written by Pt. Ram Gopal Pandey "Sharad" about the history of Ayodhya. The title of the book is "Ram Janambhoomi Ka Raktrajit Itihas" (Sanguinary history of Ram's Birth place). I have heard the name of book title "Ayodhya Ka Itihas" (History of Ayodhya) by Lalla Sitaram, a resident of Ayodhya but have not read it. I do not know what is wrong and what is right in that book. The witness was shown a book by Dr. Radheshyam Shukla submitted with other original suit no.5/89 as a document No.107 C-1/54 and the witness replied that he neither had seen nor read the book earlier. I have read Valmiki Ramayana and Ramcharitmanas by Tulsi Das. I have gone through the couplets etc., without understanding the meaning of it.

Question:-Should I take it that your knowledge about Ram katha is based on the facts heard from the ancestors only and not based on any study or observation of the books.

Answer:- I have heard from the stories and from the learned people and my knowledge of Ram katha is based on it.

I did not make efforts to understand the meaning of Valmiki Ramayan's slokas. I did not make efforts to understand Valmiki Ramayana except to read it's salokas. I have gone through Ramcharitmanas and tried to understand it because it is in Hindi. I can understand the couplets to some extent without reading the Hindi commentary.

Question:-Is there any mention of Ram Janambhoomi temple?

Answer:- Lord Ram says himself – "Janambhoomi Mam Puri Suhawani, Uttardishi Saraju Bah Pawani"

which means Ayodhya is the birth place of Ram Chandra where Saraju flows to its north.

The entire Ayodhya is Ramchandra's birth-place and palace. There is nothing more than this, Ayodhya has a vast area. I do not know whether Valmiki Ramayana describes the area of Ayodhya but according to me there is Gorakhpur in east, Lucknow in west, Nepal boarder in the north and Allahabad in south of Ayodhya, and I have read this in Anand Ramayana also. Anand Ramayana is within Valmiki Ramayana and Pt. Narayan Datt Shastri has written its commentary. The aforesaid area of Ayodhya have been since the time of Ramchandra. When Ramchandra left for Saketdham, Ayodhya became desolate and nothing remained there and Kush reconstructed Ayodhya. The entire Ayodhya city went with Ram to Saketdham. The subjects followed him like mute idols, the gold turned into heap of soil, Ayodhya became ruins without any human being and creatures. There were golden walls around Ayodhya with pillars of quartz and the courtyard was studded with jewels. Quartz means some shinning material which emits light and is precious like diamond and jewels. Saketdham means heaven. When Lord Ramchandra reached near Guptar Ghat he asked Brahmaji to give the place to his subjects in heaven equal to him. Lord Rama & Brahma departed to heaven in a divine aeroplane. Lord ram did not shed his carnal body. He went with that body. Rest of the people shed their carnal bodies and went in a divine form to heaven in the aeroplane. Kush rehabilitated Ayodhya after this incident. I cannot tell after how many years viz 100, 200 or 1000, 2000 Kush rehabilitated Ayodhya. Rishavdeo rehabilitated Ayodhya in the last, because the Ayodhya rehabilitated by kush also got destroyed. I cannot tell when Rishavdeo rehabilitated it. The age of Ramchandra was Treta which

had a span of more than 950 lakh years. Some people are of the opinion that Ramachandra's incarnation was not in 28th Treta but in 24th Treta which goes back to 175 crore years. Ramachandra may belong to any one period. I have only heard and not read about it. Anand Ramayana also describes so which I have read. I did not read in Anand Ramayana that the period of Ram Chandra was 950 lakh years back or 175 crore years back. Only Lord Vishnu take incarnation whether it may be in the form of Ram or Krishna.

Question:-Some people are of the opinion that Ram Chandra was not incarnation of any God but Vishnu was the incarnation of Ramachandra, do you agree with it?

Answer:- I agree with it.

Question:-You said above "only Lord Vishnu take incarnation whether it may be in the form of Ram or Krishna". Are you not wrong that Ramachandra was the incarnation of Lord Vishnu?

Answer:- Vishnu incarnated him in the form of Ram.

Question:- Have you said it wrong that Vishnu was the incarnation of Ramachandra?

Answer:- It is true that Lord Vishnu incarnated him as Ram Chandra.

Vishnu is eternal and Ram Chandra incarnated later on. The creation of the earth started with Manu. It happened many crore years ago but I cannot tell the time. I have read a little Manusmriti. I do not remember whether it is written in Manusmriti that Ram Chandra belonged to the 7th Manu age. I do not know whether the present

Kaliyug is of 7th Manu age or any other age. I do not know what is the period of one Manu. There is no deluge after a Manu and before the other successive Manu. How many deluges have occurred I do not know. The great deluge is inevitable. When it occurs the earth gets inundated and Lord Vishnu assumes the form of a small baby lying on a banyan leaf and sucking the toe of his foot. Everything gets destroyed in the deluge. Ayodhya also gets submerged in water because the great deluge is a comic phenomena. Ayodhya again got destroyed after rehabilitating it by Rishav Deo. Rishav Deo jain Trthankar and King Rishav Deo who rehabilitated Ayodhya were two different persons. After the destruction of Rishav Deo's Ayodhya, King Vikramaditya rehabilitated Ayodhya. He was the same Vikramaditya who initiated Vikrami Samwat. So far as I know King Vikramaditya had come for hunting and to avoid the scorching heat of the noon he took shelter under the shade of a mango tree. In the meantime he noticed a black man with black clothes riding on a horse. The man got down from the horse and entered into Saraju river. When he came out from the river his body got transformed into a divine form and the black clothes turned into royal clothes, black garland also turned white. Vikramaditya was surprised to see it. He went near him and holding the rein of the horse asked him who he was and what was the reason of that transformation. He was Prayagraj Tirth (holy shrine of Allahabad) and replied – The people take bath in Triveni (confluence of three rivers) on Maker Sankranti and shed their sins in the river. Due to their sins I become black. I came to Ayodhya on the day of Ram Navami to take bath in Saraju river to get riddance from the blackness and thus regain my divine body and luster. All the sins are washed away in Saraju. Vikramaditya asked – “Where that sin goes at last? Prayagraj replied – “There is a sea fire at Laxman Ghat

and sins get burnt and destroyed in that fire". Prayagraj asked Vikramaditya to reconstruct Ayodhya. He gave one book and one Kamdhenu cow to Vikramaditya and instructed him to graze the cow in the forest And identify the birth place of Lord Ram on the basis of dropping milk by the cow at that place. Where the cow dropped the milk was the birth place of Lord Ram and where she dropped the cow dung it was Mani mountain. The book contained instructions and descriptions about river Saraju, the historical places etc. on the basis of all this Vikramaditya constructed the city of Ayodhya. It is written in Rudrayamal which I heard from the scholars. It is in Sanskrit and I never tried to read it. The Ayodhya built by Vikramaditya is not destroyed but still going on. Vikramaditya built Janambhoomi and modifying other temples he built Chabutara and identified the places where and what to build. No building constructed by Vikramaditya is in existence in Ayodhya. The buildings built by Vikramaditya is in existence in Ayodhya. The buildings built by Vikramaditya have become now 2500 years old to met their natural destruction and the Janambhoomi temple was demolished in 1528. It was the original building built by Vikramaditya with some modifications and repairing at the later stage.

It is wrong to say that the disputed building was constructed in 1528 without demolishing any temple. It is also wrong that there was no temple at that time on that site. I have heard it from the ancestors and not read anywhere that the disputed building was constructed in 1528 by demolishing the temple.

The Learned Advocate showed him para 10 of the affidavit of his main examination and asked that it was written here "All the facts stated above became known

from Akhara, old Nagas, old Sadhus and Guru maharaj". I mean to stated above is that all the facts given before para 10 of the affidavit. Having seen the last part of para 10 of his main examination from 1946 to 1949.....used to perform Arati" the witness said that the statement relates to him. My Guru performed worship etc., and I helped him. This part of the statement relates to my Guru Baldeo also. The priest of Chabutara was changed from time to time. In the beginning of 1948 Raghunath Das was the priest of Ram Chabutara. In the last half of 1948 Baldeo Das was it's priest. Baldeo Das became priest after Raghunath Das in 1948. The Learned Advocate showed him the extract of page 73 of his on 3.9.2003 "Hari Das was the priest of Chabutara till 1947 and Baldeo Das succeeded him as the priest" and asked whether it was his right statement. The witness replied that it was his right statement. What I have stated above that Baldeo Das became the priest in 1948 after Raghunath Das is also correct.

Question:-If Raghunath Das the priest before Baldeo Das, why you have not mentioned him after Haridas in your above statement at page 73?

Answer:- I could not remember at that time. Having seen his statement at page 73 "but I started the work of worshipping etc., after 1948" he replied that it was also correct. My statement "but my appointment was made to work at Ram Chabutara in 1959" at Page 73-74 is also correct.

Question:-If your statement at page 73-74 is correct, how you have written in para 10 of the affidavit that you performed worship and Arati as a priest in Ram Chabutara mandir from 1946 to 1949?

Answer:- I have stated this in the affidavit about working as an Assistant priest.

Question:-If you worked as an Asstt. Priest why you have not mentioned so in the affidavit?

Answer:- Asstt. Priest is called priest even if being an Asstt. Priest. All are called priests

Question:-You have stated clearly at page 73 that you started the work of worshipping etc., after 1948. Doest it not mean that you had already started to work as an Asstt. Priest?

Answer:- Yes, Sir.

Question:-You have told in your statement that your appointment as a priest was made by the Receiver in 1952 while in para 10 of the affidavit you have written that you performed worship and Arati in the inner part of the main temple as priest from 1946 to 1949.

Answer:- Prior to 1949 I performed worship as an Assistant and after the attachment in 29.12.1949, I was the appointed priest since 1952 by the receiver.

Question:-You have stated in para 10 of the said affidavit about worshipping etc., as a priest of Nirmohi Akhara, while at page 64 of your statement you mentioned that your appointment as priest of the disputed building was not on behalf of Nirmohi Akhara, which of the statement given by you is correct?

Answer:- Before 1949 the building was not a disputed building and after that it became disputed.

Question:-What was the period of Govind Das as a priest of the disputed building?

Answer:- There were many changes but I cannot tell what was his tenure as a priest? I do not know when he became the priest first of all and when he became the priest for the last time. It is wrong to say that he had never been a priest of disputed building.

Ram Subhag Das had been the priest of the disputed building even before 1934, but I do not know how many years back since 1934 he was the priest there. He was the priest of the disputed building till 29.12.1949 except some change during the period. He was never a priest after 29.12.1949. Ram Sakal Das became priest of the disputed building for the first time in 1946 or 1947 and remained the priest till 1951. He was appointed priest by the Receiver also after 29.12.1949. Sudershan Das became the priest of the disputed building for the first time in 1947. He was the priest of the disputed building till the attachment i.e. 29.12.1949 of it and after that he was also appointed priest by the Receiver. Even after that he had been the priest by the Receiver. Even after that he had been the priest of the disputed building for 8-10 years. Brindaban Das became the priest of the disputed building for the first time in the beginning of 1949 and continued there for 8-9 years. Ram Sakal Das, Baldeo Das, Abihram Das and Sudhershan Das were the "Sant" of Nirmohi Akhara and also the priest of the disputed building. Said again – Abhiram Das was not the priest of Nirmohi Akhara, it is wrong to say that nobody among Govind Das, Ram Subhag Das, Ram Sakal Das, Sudershan Das, Brindabad Das and Baldeo Das or any other person had been even the priest of the disputed building till 1949. The

Learned Advocate showed Photo No.81 and 82 of the back and white album Document No.201-C-1 to the witness who replied that the throne seen in these photos was kept in the disputed building after 1934. But I cannot tell the period for how many years after 1934 it had been kept in the disputed building. But the throne shown here was kept in the disputed building before 1949. I would not be able to tell here how many years before 1949 it was kept there. He was also shown the extract of page 107 of his statement dated 5.9.2003 which reads as "There were two idols of Ram Lalla in the disputed building. One was on the throne and the other on the stairs. These two idols have been there before 1934", and asked whether this statement given by him was right? He replied that his statement was right.

Question:- If the above statement is correct, according to you the idol on the throne was there even before 1934. How can you now that the throne was kept there after 1934.

Answer. The Lord went there on this throne during Sawan Jhoola.

Question: If this throne was not available on that place before 1934 how the idol of Ram Lalla was sent on that throne during Sawan Jholla?

Answer.: It was taken from the adjacent Chabutara.

Question: To which throne the idol was replaced from the adjacent Chabutara, was that any other throne except the throne showed above in photos No.81 and 82?

Answer: It was different from the throne shown in Photo No.81 and 82. The throne was on the stair.

Question: In your above statement at page 107 you have stated that the idol kept on the stair was different from the idol kept on the throne, why are you mixing the idol kept on the stairs with the idol on the throne, when you have stated these two idols were separate.

Answer: Ram Lalla used to swing on the swinging throne coming from the stair throne.

He was shown all the photos of coloured album document No.200 C-I and black and white album document No.201-C-I and asked -"Is there any photo of that swinging throne which you are describing?" After looking at all the photos of both the albums he replied - "Photo No.154 - 155 of the coloured album and Photo No.81, 82 of black and white album are the photos of that thronig having swing.

Question:-So, it should be constructed that the idol of Ram Lalla was picked up during sawan Jhoola from the stair and placed on the throne with swing and the same idol was placed again on the stair removing from the throne as the picture No.81, 82 depict so?

Answer:- After Sawan Jhoola the idol was placed on the stair but during other time also the idol was kept on the throne from time to time for swinging because it was the idol of a child God.

Question: So it should be constructed from your statement that there was only one idol of Ram Lalla in the disputed building which was replaced on the throne from the stair and vice-versa from time to time?

Ans:- Yes, Sir.

Question:- You have stated today "There was only one idol of Ram Lalla in the disputed building which was kept on the throne and the stair from time to time". You have given a statement at page 107 on 5.9.2003 that "There were two idols of Ram Lalla in the disputed building.....these two idols had been there even before 1934". In the context of the above statement given today, your this statement become wrong, what do you want to say about it?

Answer:- In my above statement on 5.9.2003 two idols means one Ram Lalla's idol and the other of Laxman's idol.

Question:- Do you say Ram Lalla's idol to Laxman's idol?

Answer:- No, Sir

Question:- Then how can it be taken right the statement given by you at Page 107 which reads – "There were two idols of Ram Lalla in the disputed building"?

Answer:- I told about two idols of Ram Lalla inadvertently while there was only one idol of Ram Lalla and other was laxman's idol.

Two idols of Ram and Laxman had been there even before 1934.

Question:- Should it be constructed from your statement at page 107 which reads – "One was kept on the throne and the other on the stair" that at one place there was Ram Lalla's idol and on the other of Laxman's idol?

Answer:- Ram Lalla Laxman Lalla were side by side on the stair and taken to the throne for swinging.

The throne seen in Photo No.81, 82 was distinctly visible in 1946 through the window bar wall. The people who visited the place in 1946 had a glance of it after entering the disputed building. Both the doors of the window bar wall were kept open for the visitors in 1946 and people had a glance of it till the time of closing the temple doors. The temple was open from 8 to 12 in temple morning and 4 to 9 in the night. During the riots of 1934 no harm was inflicted to the disputed building but the outer boundary wall of the disputed premise was damaged. I was told that riot tax was imposed on Hindus after that riot. The revenue collected from the riot, tax was utilized for repairing the damaged wall of the disputed premise and the damaged houses of the Muslims during the riot. The wooden window bar wall was replaced by an iron window bar wall. The iron window bars were fixed in 1934 and the iron bars were purchased with the money of riot tax. But I do not know who performed this work. I do not remember whether the doors of the window bar wall were already made of iron or replaced in 1934. During 1946 Ram Lalla was below the dome and offerings were given there. During 1946 there was no police guard.

The Learned Advocate showed him para 30 of the affidavit of his main examination and asked – You have written in the paragraph – “The window bar wall was in three directions in the inner courtyard of the disputed building”, please tell me if there is available any photo of the window bar wall towards to south in these Document No.200 C-1 and Document No. 201 C-1. Please show it, if it is available. After seeing the para 30 of the affidavit and the albums he replied – “There is no such photo in these

documents but there was a railing (iron grill) towards the south adjacent to the wall and after that there was north-south wall close to the window bar wall.

Statement verified after reading

Sd/-

Mahant Bhaskar Das

8.9.2003

Typed by the stenographer in the Open Court on my dictation. In continuation of this attend the Court for additional cross-examination on 9.9.2003.

Sd/-

Narendra Prasad

Commissioner

8.9.2003

www.vadaprativada.in

Date: 9.9.2003

D.W.3/1 Mahant Bhaskar Das

Before - Commissioner, Shri Narendra Prasad, Additional District Judge/Office on Special Duty (O.S.D.) Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by order passed on 29.8.2003 regarding other Original Suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and others Versus Baba Priya Datt Ram and others)

(In continuation of dated 8.9.2003 the cross-examination on Oath of D.W. 3/1 Mahant Bhaskar Das was continued by Shri Jaffaryab Giliani, Advocate on behalf of Defendant No.9 Sunni Central Board of Waqf, U.P.)

It is wrong to say that the window bar wall outside the inner courtyard of the disputed building was in east and north directions only and not in south direction. There was a raised platform (Chabutara) in the south of the disputed building and after that there was southern wall of the premises. Said himself – There was a wall towards the west of that Chabutara and a railing in the north of the Chabutara. The Learned Advocate showed him Photo No.34 of Document No.201 C-1 and the witness replied – This photo depicts the southern part of Ram Chabutara of the disputed building. Having seen the photo No.41 the witness replied – “This photo is of the corner of the disputed building in the north of “Maulsri” tree. The Learned Advocate showed him photo No.76 of document No.200 C-1 and he replied to see it – “This is the photo of that part “which is depicted in photo No.41 of the black and white album. Having seen the photo No.62 of the coloured album the witness replied – “This photo depicts

the southern part of the eastern side of the disputed building. A small Gondi tree is seen in this picture. The southern and western wall of the disputed building is also seen here, having a tree at the corner. He looked at the photo No.56 of the coloured album and told that a thatched roof on the Chabutara and a tin shed were also seen in it. This tin shed was constructed after 1950. Kirtan (devotional songs) was organized in that tin-shed. This tin shed was close to the southern side of the southern gate of the window bar wall of the disputed building. After seeing the photo No.201 of the coloured album the witness replied – “This is the photo of the southern gate of the Window bar wall. After the attachment, this gate was kept closed and opened only for the priests at the time of offering food to the deity. The tin-shed seen in photo No.56 of the album was close to the southern gate of the window bar wall. The tin shed which is visible in photo NO.56 is not visible in Photo No.201 of the coloured album. A full railing towards south of the southern gate and a part of other railing are visible in this photo No.201. The tin shed seen in photo No.56 was in the north of the south railings of the southern gate of the window bar wall. It means the tin shed was between the south gate of the window bar wall and the southern railings. The south wall of the southern gate of the window bar wall seen in Photo No.201 was about 14-15 feet long. Having seen the Photo No.63 of the coloured album the witness said – “The rear part of Ram Chabutara and the window bar wall are seen in this picture. The distance between Ram Chabutara and the window bar wall seen in this picture may be of 5-6 feet where parikrama of Ram Chabutara was performed. The tin shed seen in Photo NO.56 was not at a distance of 5-6 feet from the window bar wall but was close to it. It is wrong to say that there was no tin shed or Chabutara close to the southern door seen in photo No.201. it is also

wrong to say that the tin shed was towards south at a distance from the open space seen in the picture.

The Learned Advocate showed para 29 of the affidavit of the main examination of the witness and he replied – “I will not be able to tell if the tin shed mentioned in the para is the same or not as is visible in Photo No.56. I mean with the outer wall mentioned at para 29, the wall where Hanumant Dwar is built. The tin shed mentioned in the para was in the main eastern gate of the disputed building i.e. towards the north of Hanumant Dwar where Kothar Niwas, Dhooni and water providing platform were located. Kothar Niwas means where flour, pulse, rice etc., were stored. I cannot tell the length and breadth of Kothar Niwas by assumption. “Dhooni” means the fire place. The fire was used for basking during the cold season and fire was available there round the clock and round the year. It was under the tin shed. Dhooni was circular having a diameter of 1 ½ - 2 feet where the fire was burnt. There was a hearth in the north of the Dhooni. The tin shed over the Kothar Niwas was many hundred years old. I have witnessed its existence since 1946 to 1986 continuously. The tin shed of Kothar Niwas was there for the last many hundred years. The other tin shed under which kirtan was organized, was built after 1950. The Kirtan tin shed was built within 6-7 years of the attachment. Our Mahant Raghunath Das had taken permission from Municipality, Faizabad to built tin shed for Kirtan.

Question:-Have you made a reference of the same permission in line 3 para 27 of your affidavit which has been made a document No.39-C-A/22 to 39-C-A/25.

Answer:- I cannot tell the document number, but the map is enclosed.

Question:-Please show the document or map mentioned in para 27 above of your affidavit from court's record?

Answer:- I will not be able to locate the map in the record of the court.

After checking his record submitted with the suit the witness told – “I am unable to locate the document No.39 C-A/25 mentioned in para 27 of my affidavit. I do not remember the total number of documents mentioned in para 27 of my affidavit as Document No.39-A/22 to 39 C-A/25. I have seen these documents in Faizabad before filing the affidavit of my main cross-examination. I got no opportunity to see those documents in the court. The witness was shown the extract “My Guru Baba Baldeo Das... at this Chabutara..... was Naga disciple” mentioned at para 27 of the affidavit of the main examination and asked which was that Chabutara mentioned here? Having seen the Photo No.56 of the coloured album the witness replied that the tin shed depicted in this photo was that Chabutara which had been mentioned in the affidavit. The Chabutara shown in Photo No. 56 is higher than the ground level. It was 1 ½ feet high. The length and breadth of this Chabutara was about 7-8 feet. I have never measured this Chabutara. Its measurement may be 8 ½ - 9 or 7 ½ feet also. After going through the para 26 of his affidavit the witness said that the measurement of Kirtan Chabutara mentioned as 8 X 8 feet was based on assumption not on practical measurement. On seeing para 27 of his affidavit the witness told that the agreement mentioned therein was written. The Photostat copy of this agreement has been submitted in this court. The documents submitted in the court were shown to the witness and he replied that he was unable to locate the agreement mentioned in para 27

of his affidavit. He was shown para 28 of the affidavit of his main examination and he replied to see it that the suit mentioned in this para belonged to post 1959 period. The suit was filed on behalf of Nirmohi Akhara against Ram Lakhan Saran. The suit was filed oust Ram Lakhan from the Chabutara. After Ram Lakhan's death the case got dismissed itself. How many years after filing the suit, Ram Lakhan expired, I cannot tell but twenty five years have passed since his death. The copy of the report and the order of the commission mentioned in Para 28 of my affidavit has been filed in the Court but I could not find it out from the record. I do not remember when the copy of the report and the order was submitted in the court. I also do not remember when this document of the suit was filed for which I am deposing as witness, and I do not know if it was submitted during the trial in Faizabad Court or on it's transfer to Lucknow High Court. Similarly I do not remember whether the Document No.39 C-A/22 to 39 C-A/25 mentioned in para 27 of my affidavit were submitted in Faizabad or the High Court, Lucknow. I also do not remember whether the original or the photocopy of the document as mentioned in para 27 and 28 of my affidavit was submitted in the Court. The Learned Advocate showed the witness para 26 of the affidavit of the main examination and he replied that the Ganga-Jamuni throne mentioned therein was placed inside Ram Chabutara Mandir. He was shown all the photos of Document No.201 C-1 of the black and white album and asked if the Ganga jamuni throne was visible to him in the Ram Chabutara in any photo of the album. After seeing all the photos of the album the witness said – "Ganga jamuin throne is seen inside the middle door in Photo No.29 and 30. The foot prints are not seen in both the photos but there were two foot prints inside the middle door and the idol of Hanuman in the side. The idol is kept in Ram Katha Kunj. After

seeing photo No.83 and 84 of this album the witness replied – “The floor of the disputed domed building is seen to me in these photos, this was the ground floor where people walked. About photo No.81 and 82 he told – “The throne visible in these photos seems to have placed on the floor below the dome of the disputed building. The throne seen in these two photos was never kept on Ram Chabutara. The witness was shown para 25 of the affidavit and he replied that whatever is written in this para that is correct.

Para 25 was shown to him and asked whether the throne depicted in Photo No.81 and 82 of the black and white album, belongs to Ram Chabutara?

The reference of Photo No.81 and 82 given in this para has become wrong due to typing mistake. Showing him the same para 25 he was asked that the mention made by him about Photo No.83 and 84 belongs to which upper part. The witness replied that his statement in para 25 has become wrong. He was shown para 24 of the affidavit of the main examination and asked – which is 2414 black and white photo and to which album it belongs. He replied that photo NO.2414 has been written wrongly. It may be photo NO.24 or 14 or 41 or any other number. the witness was shown the extract of para 24 of the affidavit which reads – “Janambhoomi opposite to which there was batasha Shop, 29-30 Chabutara” and he was asked its meaning. He replied that it had also been written wrong. It is written wrong due to typing mistake. He was shown the extract of the same para “42 Kirtan wala Chabutara” and asked – where the Kirtan wala Chabutara is seen in Photo No. 42? He replied to see the photo No.42 of the black and white album that kirtan wala Chabutara was visible in that photo. He said – one door is visible to me and one

constable is also standing there in this photo. It is not the photo of the eastern main door of the disputed building. This is the photo of southern gate of the window bar wall. I have not reading spectacle with me today so I cannot tell whether Shri Ram Janambhoomi is written or not at that gate. Tomorrow I will tell it after reading the same with my spectacle. The book "Ram Janambhoomi" ka Raktranjit Itihas" by Shri Ram Gopal Pandey "Sharad" has been brought out in many editions. It was published first before 1987. It was published much before delocking the disputed building. It is wrong to say that the book was published after delocking the disputed building. Shri Ram Gopal pandey "Sharad" was the resident of Ayodhya. Now he has expired. I have read the book many times. According to me some facts are correct and some are wrong in the book. Ram Chabutara was in existence during the time of Auragzeb. During his period the Ram Chabutara was demolished and a pit was dugged there, when the Chabutara was broken there was an idol of Ram Lalla Ji on it. I cannot tell what happened to the idol. There is no mention of that idol in the book of Ram Gopal Pandey.

Question:-According to you the Chabutara was demolished during the period of Aurangzeb and a pit was dugged there. When this Chabutara was constructed again?

Answer:- During his period it was constructed again. The Chabutara was constructed by Nirmohi Akhara. I do not remember the Mahant who reconstructed this Chabutara and when constructed it? I did not find any mention about it also in Ram Gopal's book. I do not know when the idol of Ram Lalla was placed on the throne.

Recently excavation work was done in Ayodhya at the disputed site and a small white Chabutara measuring $4 \frac{3}{4} \times 4 \frac{3}{4}$ feet was found under the place on excavation. The surface of this Chabutara was made of lime mixture and not of stone. But this mixture is still in good position. I have no knowledge when and who constructed this Chabutara. What was the purpose of constructing it is not known to me. During the excavation 10-12 floors of concrete stones have been found. I do not know who constructed these floors, said again – only Nirmohi Akhara constructed it but when that I do not remember. I do not know whether Ram Chabutara is called “Bedi” in some books but Chabutara is called Bedi also. Small and big Chabutara both will be called “Bedi”. The aforesaid Chabutara measuring $4 \frac{3}{4} \times 4 \frac{3}{4}$ feet can be said Bedi, it is not wrong to say it Bedi. I have not read any other book relating to the history of Ram Janambhoomi except “Ram Janambhoomi Ka raktranjit Itihas” by Shri Ram Gopal Pandey “Sharad”.

The statement verified after reading

Sd/-

Mahant Bhaskar Das

9.9.2003

Typed in the Open Court by the stenographer on my dictation. In continuation of this attend the Court on 10.9.2003 for further cross-examination.

(Narendra Prasad)

Commissioner

9.9.2003

Date: 10.9.2003

D.W.3/1 Mahant Bhaskar Das

Before - Commissioner, Shri Narendra Prasad, Additional District Judge/Office on Special Duty (O.S.D.) Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under order dated 29.8.2003 passed in Other Original Suit No.3/89 (Original Suit No.26/59) Nirmohi Akhara and others Versus Baba Priya Datt Ram and others)

(In continuation of dated 9.9.2003 the cross-examination on Oath of D.W. 3/1 Mahant Bhaskar Das was continued by Shri Jaffaryab Giliani, Advocate on behalf of Defendant No.9 Sunni Central Board of Waqf, U.P.)

The Learned Advocate showed Photo No.42 of black and white album document No.201-C-1 to the witness and asked – Can you see the word Shri Ram Janambhoomi written on the arch of the door in this photo as you have brought and putting on the spectacle today. He replied to see it – “Shri Ram Janambhoomi is written on it”.

Question:-The photo No.42 of the aforesaid black and white album and Photo No.201n of the coloured album are the photos of the same gate?

Answer:- The two photos are of the same gate.

Question:-The photo of which side eastern or the western of the gate mentioned by you is visible in these photos?

Answer:- Photo No.42 is the photo of south gate of the window bar wall and the photo in front of Hanumant Dwar. Photo No.201 is the photo of Northern gate of window bar wall.

The witness was shown extract of the statement at page 131 dated 9.9.2003 which reads – “After seeing the photo No. 201 of the same coloured album.....It is the photo of southern gate” and he was asked whether his statement of yesterday was wrong because he has described today the photo No.201 as the north gate of the window bar wall. He replied – the statement of yesterday seems wrong to me. On seeing Photo No.42 the witness said – “about one foot high Chabutara is visible to me opposite the gate. The width of the Chabutara may be 4-5 feet. One stone is also seen in front of the Chabutara at some height. Two pieces of stone are also seen below the photo. The witness was shown photo 56 of the coloured album and photo No.42 of black and white album and asked – “Is the tin shed seen in Photo No.56 looks new and the tin shed in Photo No.42 looks old and mutilated? After seeing the aforesaid photos the witness replied – “In Photo No.56 there is a wooden throne close to the western side wall of the Kirtan Chabutara. The tin shed seen in both the photos is one and the same.

Question:- You are looking this time both the photos with your glasses and even then you are unable to see the tin shed in photo No.42 as uneven and twisted?

Ans:- No, sir.

The witness was shown Photo No.39 of the album and he replied – “Kaushalya Rasoi is written there on the throne like object seen in the picture. Kaushalya Rasoi is written on the wall in this picture. It is written on the southern wall of the disputed building. No throne is being seen by me in Photo No.39 but a Chabutara is visible to me in this photo. This Chabutara is towards the north of the southern wall. Something written in black on the white marble is visible to me on this Chabutara. A wall towards the north is visible in this picture.

Question:-It is the north wall of the disputed building or the wall of any other building in the photo No.39 above?

Answer:- I would not be able to tell distinctly if it is the north wall of the disputed building or the wall of any other building.

I do not see any curtain below the writing “Kaushalya Rasoi” in this picture. “Chauka, Chulah and Belan placed on the Chabutara are visible to me in this picture. The foot prints are also there on this place but not clearly seen. When I used to go at the disputed site 8 marble foot prints were there on the Chabutara which are not seen clearly in this picture. Except the things mentioned above nothing is visible to me in this Chabutara.

Question:-Do you still take your above statement correct “Kaushalya Rasoi is written on the wall, it is

written on the south wall and it is written on the south wall of the disputed building?”

Answer:- Yes, Sir.

Question:-Do you see the southern wall of the disputed building on the Chabutara visible in the above photo No.39?

Answer:- Yes, Sir.

Question:-What is the measurement of the southern wall seen by you in the above Photo No.39?

Answer:- This is the window bar wall south to Kaushalya Rasoi.

Question:-I want to say that neither the south wall of the disputed building nor the window bar wall is seen in the above photo No.39 but an object like a throne placed on the Chabutara is visible clearly and Kaushalya Rasoi is written on it and not on the south wall. You are giving wrong statement in this connection?

Answer:- I have never seen throne like object placed on the Chabutara where Kaushalya Rasoi is written.

I have never seen this photo No.39 before except in this court. I had not seen in the even at that time of submitting affidavit. The Learned Advocate showed him the following extract of Para 24 of the affidavit of the main examination – “No. 39 foot prints, Chhatti Pooja Sthal” and asked whether has he not made a reference of Photo No.39 in his above affidavit and is it a typographical mistake?

Answer:- Having seen the affidavit of the main examination the witness replied – No.39 has

been written wrongly but foot prints, Chhatti Pooja sthal is correct.

Question:-Please tell on the basis of which photo you have not a mention of foot prints, Chhatti Pooja sthal in the affidavit if not on the basis of Photo No.39?

Answer:-I have not mentioned it on the basis of photo.

Question:-Have you mentioned the photos and other descriptions related to them in para 24 above without seeing the photos?

Answer:- After seeing para 24 above the witness replied – “I did not see the photo and their numbers but the description in para 24 is correct”.

Question:-Have you made the description about the photos in para 24 of your affidavit on the basis of your memory?

Answer:- Yes, Sir.

Question:-When you have seen for the last time all the photos mentioned in para 24 before recording your affidavit?

Answer:- First I had a cursory glance at the album. I did not see it very attentively. Before recording my affidavit I have seen the album in 1-2 months in advance but I saw it only once. At that time I had a cursory glance on some photos of both the albums coloured and black and white. I did not see all the photos.

Question:-Then, have you written the photo nos of Para 24 of the affidavit only on your assumption?

Answer:- My advocate Shri Ranjit Lal Verma has shown the photo numbers in this para after checking.

Question:-Should I take it that the facts given in para 24 of the affidavit are not true to the best of your knowledge and the advocate has written the same which may be true to his knowledge.

Answer:- The statement given in para 24 is true to my knowledge also. My advocate has only put the numbers and it may be possible that the numbers are wrong due to typing error.

The witness was shown "from 87 bell pillar" an extract of the third line of the Para 24 of the affidavit and asked it's meaning. The witness replied that – "I mean with this the pillars of the touchstone in the wall.

Question:-I am of the opinion that you have signed the affidavit without reading the statement from para 24 to 30 of the affidavit and not verified it?

Answer:- After reading para 24 to 30 of the affidavit the witness replied that it was wrong to say so.

The Learned Advocate showed him Photo No.71 and 72 of album Document No.200 C-1 and asked whether the place seen in the photos was the Chhatti Poojan Sthal for him?

The witness replied – "I call the Chhatti Poojan Sthal. I have been witnessing the things seen in these photos since 1946 to 1986. The throne seen in these photos was not in the disputed site before 1986. It may be that the throne was placed in the disputed building after it's delocking in 1986. The things seen in Photo No.71 and 72 are not different from the things seen in Photo No.39 of black and white album. There is a throne like object in all

the three photos written kaushalya Rasoi on it and in addition to it other things were in existence there till 1986. Something is written on the white marble stone in all the three photos, these stones were fixed on the site after 1950, a few stones were fixed there earlier. There were eight foot prints on the Chabutara seen in these photos which were many hundred years old. I cannot tell whether the foot prints on Ram Chabutara were old than the foot prints seen in those photos or belonged to the later period of it, but the foot prints of both Chabutaras were many hundred years old which my Guru Ji told me. The "Chuka, Chulah and Belana" (dough spreading board and rolling pin) were made of marble but the hearth was made of lime mixture. The Chulah (hearth) was also as old as the foot prints or Chakla-Belan. The Ayodhya of Lord Ram lala's period is no more and these foot prints and Chalka Belan also do not belong to the period. The place seen in the above three photos is called Sita Rasoi also. This place bears three names – Chhatti Poojan Sthal, Sita Rasoi and kaushalya Rasoi. I have not read these three names in any book but only heard about it. I do not remember whether there is any mention of these three places in Shri Ram Gopal Pandey "Sharad's" book. The Learned Advocate showed him para 31 of the affidavit of his main examination and the witness replied – "Whether is written in this para is correct". The extract "Listed attachment..... Was seated" from para 31 was shown to the witness and asked – "Do you mean by it that two idols of Ram lala made of eight metals were recovered from the disputed building on 29.12.1949?" Having seen the extract the witness replied – "I mean to it that one idol of Ram Lala and the other of Laxman Lala were found there. Then, was it wrong to write "two idols of Lord Ram lala made of eight metals, one small and one big were found?" It was wrongly written. Indeed it was one Ram Lala's idol and the

other of Laxman Lala. "Listed attachment" means the list of attachment made on 29.12.1949. I have not seen the list of attachment at the time of preparing the affidavit of my main examination. I have seen I that list of attachment but when that I do not remember.

The aforesaid list of attachment was prepared by Babu Priya Datt Ram, Receiver. Whether Shri Tulsi Ram Verma and Shri G.N. Mishra signed the list as the witnesses or not I do not remember. I only remember that the list was prepared in my presence and the articles four below the domed building were entered in it. The list of attachment was made on 5th January, 1950.

The learned cross-examiner showed him document no. A-24 of the suit under section 145 of Cr.P.C. and the witness replied to see it – "There is mention of two idols of Ram lala, one small and one big, at Serial No.1. At that time this mention was correct.

Question:- you declare the mention of Ram Lala's two idols to be correct in the above list prepared by the Receiver but today and yesterday (9.9.2003) you told in your statement that only one idol of Ram Lala was found in the disputed building. The other idol was of Laxman Lala, what do you want to clarify about it?

Answer:- Both are Lalas, Ram lala and Laxman lala we have been calling them always Ram lala and Laxman lalla.

Question:-Are you still right to say in your statement that at the time of the attachment of the disputed building only one idol of Ram Lalla was found and not two idols, as a Receive Shri Priya Datt

Ram has written in his items recovery report dated 5.1.1950?

Answer:- Babu Priya Datt Ram might have written two idols of Ram Lala but these two idols were one of Ram Lala and the other of Laxman Lala.

The idol of Ram Lala was bigger but Laxman Lala's small in size.

The Learned Advocate showed him para 31 of the affidavit and asked – “You have written 6 god Saligram, do you mean by it that there were 6 idols of god Saligram? The witness replied – I mean with 6 Saligram is that there were 6 idols of Saligram. These idols were not bigger than half finger, or were of small Anwala (Emblic microbalan Fruit) size put in a samput (Small box). This samput was made of German-silver and was of a small bowl size with a lid. The lid of the Samput was removed during the day and the idols were given bath and sandal paste, flowers were offered. The witness was shown photo No.81 and 82 of the Document No.201 C-1 of the black and white album and he replied to see them – “The idols of Saligram in the Samput are not seen placed on the aforesaid throne but the idols Saligram are placed on the silver throne which was on the stair and Ram Lala and Laxman Lala were seated there.

Having seen the photo No.10 Document No. 154/13 submitted with other original Suit No.1/89 the witness said – “The idols of Saligram were placed on the throne seen in this picture. This throne was kept on the upper most stair, till the time when I used to go in the disputed building. Till that time I have seen the idols kept in that place. The throne seen in document No.154/13 was about two feet high. Its width was about 1 ¼ feet and length

was also about 1 ¼ feet. All the idols below the dome were kept in this throne which was on the stair. It was made of silver. The witness was shown the extract – “In addition to it these are the clothes and ornaments of Prashad God” given in the 6th and 7th line of para 31 of the affidavit and asked – “What do you mean by all this extract?”

After seeing the above extract he replied – “I mean with all this was the ornament and the dresses to be adorned to the god, and pitcher, lota, glass, samput, bell, aratidani, dish, bowl etc., which were used to give bath to the god. All these items were kept on the stair during the time of giving bath to the god and after that removed from that place. One Pirha (wooden Chair without back-rest) was placed there before the god on which water, bell and argh were kept. The items mentioned in para 31 of the affidavit belong to the pre-1949 period. They were kept there before 1949.

No incident occurred in the disputed building during the night of 22/23rd December, 1949. The Learned Advocate showed him the book “Shri Ram Janam bhoomi Ka Rakt Ranjit Itihas” by late Pt. Ram Gopal Pandey “Sharad”, the title page of the book and the photo copies of its pages no. 14, 15, 31, 33, 34, 95, 96, Document NO.44 C-1/1 enclosed Document No.44 C-1/8 and asked – “Is that incident on 22.12.1949 did not occur which has been mentioned at page 95 of the book? The witness replied – The God incarnated Himself when required, He appeared on the earth many times there is no question of 22/23 December, 1949. It is wrong whether has been written there. He was shown the extract – “Shri Umesh Pandey, an youth..... was opened at 5.20 PM” from Page 96 of the aforesaid book and asked – “Is the statement is

correct?" Having seen it the witness relied – "The mention of opening the lock is correct but there is no such mention in the book of Ram Gopal Pandey "Sharad". I have not read the book after 1986 and the edition which I have read had no mention of opening the lock.

The Learned Advocate showed him the extract of Page 139 of his statement dated 9.9.2003 which reads – "At the time when Chabutara was demolished..... there is no such reference" and asked "Do you agree with the description given at Page 31 of the aforesaid book – "At that time the idol of Mindarastha God was concealed with the efforts of the priests". He replied – "The idol might had been concealed but I have no such knowledge".

Question:-I want to say that you deposed yesterday at page No.139 – "There is no such mention about that idol in the aforesaid book of Ram Gopal Pandey" while there is a clear mention about the aforesaid idol at page 31 of the book. Do you still consider your statement at page 139 above as correct?

Answer:- I could not recollect yesterday (9.9.2003) whether such mention was there in the book or not.

The Learned Advocate showed the document no.44 C-1/5 to the witness and after seeing it he replied – "The mention made at this page is correct."

It has been mentioned in the Document No.44 C-1/5 "During the period of Nawab Wazid Ali Shah, Man Singh, the King of Ayodhya got permission of build the Chabutara again by the Hindus after persuading Wazid Ali Shah and a small three feet temple of Khas screen was built on the

8823:

Chabutara". Do you agree with this fact written on this page? The witness replied – "I agree with the fact written above".

Statement verified after reading

Sd/-

10.9.2003

Typed by the stenographer in the Open Court on my dictation. In Continuation of this attend the court on 11.9.2003 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

10.9.2003

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Date: 11.9.2003

D.W. 3/1 Mahant Bhaskar Das

Before – Commissioner Shri Narednra Prasad, Additional District Judge/Officer on Special Duty, O.S.D., Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by order dated 29.8.2003 passed in Other Original Suit No. 3/89 (Original Suit No. 26/59 Nirmohi Akhara and others Versus Babu Priya Dutt Ram and others).

(In continuation of dated 10.9.2003 the cross-examination on Oath of D.W. 3/1 Mahant Bhaskar Das was continued by Shri Jaffaryab Gilani, Advocate on behalf of Defendant No.9, Sunni Central Board of Waqf, U.P.)

The Learned Advocate showed para 12 of the affidavit of the main examination to the witness and asked – “You have mentioned Nazul number of the disputed premise, please tell that Nazul number?” He replied – “I have no knowledge about the Nazul number of the disputed premise. There may be one or many Nazul numbers of the disputed premise. I have written in this para 12 that the mutation in the name of Mahant Raghunath Das on the Nazul number of the disputed premise was done in 1945 and I saw it's document for the last time two months prior to submitting the affidavit of my main examination. I do not know the Nazul number of the plot on which the disputed building was constructed. I have no knowledge whether it's Nazul number was 583 or any other number. I do not remember the Nazul number of the mutation in the name of Mahant Raghunath Das whether it was 579, 580, 581, 582, 582, 584, 585 etc., or

not. I do not remember the Nazul number of the plot on which foundation stone was laid in 1989. I also do not remember whether the mutation of this land was done in the name of Mahant Raghunath Das or not. I had seen the mutation document in the name of Mahant Raghunath Das but do not remember if it was Khasra or Khatauni or the paper of other's name. I do not know what was the designation of the officer who ordered the above mutation. I know that the document of mutation has been submitted in these suits on behalf of Nirmohi Akhara. But I do not remember whether these documents were submitted during the proceedings of the cases in Faizabad or in Lucknow after the transfer of the cases.

Question:-Can you identify that document after perusing the papers submitted by Nirmohi Akhara in connection with the case subjudice in this court, please show it if you could identify that document in the record of this court?

(On this question the Learned Advocate of the plaintiff raised the question that the witness cannot search and identify the document from the array of papers and the specific document indicated to the witness, if identified can help in cross-examination only in the context of the document and not about contents).

(In reply to the objection the Learned Advocate cross examining the case said that the objection of the Learned Advocate of the plaintiff is completely baseless because the witness is giving witness in this case as a plaintiff and he himself has also told about his being Sarpanch of the plaintiff Akhara. Therefore, if he says about a paper that he has submitted it or it has been submitted on his behalf,

the Advocates cross-examining the case have got the full right to cross-examine about that document)

Answer:-After seeing the documents of Nirmohi Akhara in the Court the witness replied that he could not show it after searching.

The Learned Advocate showed him para 13 of the affidavit and asked – “You have written about registering the customs and rituals of Nirmohi Akhara in the form of a book in the office of Registrar, Faizabad and submitting a photocopy of the same, can you tell me where is the photocopy of the book in the record and when it was submitted?” after seeing the record of Nirmohi Akhara the witness replied that it was submitted before submitting the written statement and bears the document No.43-C-1 and mentioned at Serial No.5 of the list. The witness after seeing para 14 and 15 of main examination’s affidavit told that the Documents of 10 March, 1949 mentioned there were submitted in these Suits. I cannot search and see the Documents of Nirmohi Akhara and cannot tell where are they enclosed and when submitted but the Documents were submitted in the suits and I can identify if shown to me. These Documents were submitted when the cases were transferred to Lucknow. Having seen the para 15 of main examination’s affidavit the witness replied- “After all the details have been given” there is a mention in this paragraph at Serial No.1 to 4 which has been mentioned separately. This mention is not in the Document of the March, 1949. The reference of the wall is given at Sl.No.1, it was the eastern wall of the disputed premise and at Sl.No.2 the length of window bar wall is given about 100 feet, which was the length of eastern part of the window bar wall where two gates were made. 90 or 92 feet has been written at Sl.No.4 which is a typographical error, it

should be 10-12 feet and this distance of 10-12 feet is between two doors made in the window bar wall.

The Learned Advocate showed Para 16 of main examination's affidavit to the witness and after going through it he replied – "There is a mention of it's being always in the possession of Nirmohi Akhara, it infers to the period before 1982. I have included that time also during which this part was in the possession of Ram Lakhan Sharan (Bhagat). The twelfth line of the same paragraph describes "A shop measuring 25-30 feet to the west of the parapet" the shop word is written wrongly it should be "slope". After going through the 16th and 18th line of the paragraph the witness said – "There is a mention of the photo numbers of the coloured album which were written by my advocate. I have not seen these photos at the time of drafting my main examination's affidavit. The witness was shown Para 17 of the affidavit and going through it he replied – "The Documents of the coloured album as show 20 C-2 and 20 C-1 were got written by my advocate. I will not be able to tell whether any Document bearing the name 20 C-1 or 20 C-2 has been submitted with these suits or not. The witness was shown "Photo No.45 not readable, No.44, No.9 are visible" an extract from para 17 and asked what he meant by it. He replied – "45, 44, and 9 are beyond my understanding". "Ten at eastern gate..... is written" of this para was also shown to him and asked – "Whether have you mentioned it with reference to any photo or without any photo?" He replied – "I have seen it in the photo and in reality on the site also and that stone still exists there. The Learned Advocate showed photo No.44, 45 and 46 of the Documents No.200 C-1 to the witness and asked – "Have you made a reference of the Shilapat (stone board seen therein, the para 17 and 18 of main examination's

affidavit?" The witness replied to see it – "The aforesaid stone-board is seen in all the three photos. Having seen the Photo no.25 of the Documents No.201 C-1 of the black and white album the witness replied – "The stone board seen in Photo No.44, 45 and 46 is seen in photo No.25 also. "Janam Bhoomi" is clearly readable in photo No.44 of the aforesaid coloured album and Photo No.25 of the black and white album but other things are not readable. "Janam Sthan Ramachandraji" is not readable in the above four photos but it is readable on the stone-board of the disputed site.

Question:-I want to tell "Janam Sthan Ram Chandra Ji" is written nowhere on the stone board of the disputed site which is depicted in the aforesaid photographs No.25, 44, 45 and 46?

Answer:- It is wrong to say so.

Having seen the first line of para 18 of the affidavit the witness said – "the photo number given as 12, is not correct".

He was shown para 19 of the affidavit and after going through it he replied – "The word Ishan-Kon" means the north-east corner. When we come on the main road through the "Ishan Kon", the Sakshi Gopal temple can be seen towards right hand, i.e. in the north, and the main temple part of it is still in existence, the remaining part was demolished by the Government in 1991. The witness was shown the extract of Para 19 – "And Gudartar Sita Rasoi of Janamsthan of temple". The witness replied – "I mean Janam Sthan Gudartar Sita Rasoi" which is to the north of the disputed building. He was shown para 20 of the affidavit and asked "There was given a Photo No.154/3, does he mean 154/13 where the photo of the stair is

depicted. He replied to see it – “I mean with the photo No.154/13. This number 154/3 written in para 20 of the affidavit is correct or not that I cannot tell but the photo no.154/13 is shown to me and I am concerned with this photo and I mean with this photo. Having seen the extract “In 154/3 the stair... God is seated in the red stone which looks like a throne...” of para 20 he replied – “I mean to say that the throne is on the stairs and God Ram lala, Laxman, Saligram, hanuma are seated on the throne and a picture is on it. Red stone has been used in the aforesaid extract in the context of stairs. “Red stone God” has been written due to typographical error. There is a mention of Photo No.59, 60, 57, 58, 61, 62, 63, 64, 66 and to which album they belong I cannot tell. The Learned Advocate showed him the third line of para 21 of the affidavit and asked what did he mean by “Pasar” word. He replied that “Pasar” means the marble stone. Having seen Para 22 of the affidavit the witness said – “There is a mention of the idol of Kaushalya, it was moveable idol. The Learned Advocate showed him para 32 of the main examination’s affidavit and asked “There is a reference of building tomb in the name of sages, please tell in this connection who were those sages in whose memory the tombs were built in and around the disputed building by the Panchas as Nirmohi Akhara. The witness replied that no tomb was constructed by the Panchas of Nirmohi Akhara but the tomb were in existence for the hundreds and thousands years. It is written wrong that the Panchas of Nirmohi Akhara also lived in and around the Janam Bhoomi mandir by constructing tombs in the name of Sages. Samadhi (Tomb) does not mean that some one was buried there but Samadhi means that place also where one can meditate. The burial place is also called Samadhi. Lomas Chabutara, Sage Markandeya, Sage Angira were such Samadhis where people used to sit to

mediate. Said himself – When the God incarnated himself all the sages visited the place and the places where they sat and mediated was given the name of the respective sage. The incarnation of God dates back to about 9 ½ lakh years. The Samadhis were reconstructed by King Vikramaditya. The Learned Advocate showed him para 34 of the affidavit and asked- “Was a criminal case filed against you in 1950 for demolishing the graves around the disputed building? He replied – “A case was filed against me, one Muslim was the Deewan of that place who filed a false case against me alleging that I demolished the graves and I was challenged. Dilawar Hussain was the name of that Deewan. I was sentenced by the Magistrate and I was released on appeal. Having seen the para 34 of the affidavit graves and I was sentenced by the Magistrate. There were other exonerating me from the sentence on appeal. The copy of the first order has not been filed in this court but the copy of a second order exonerating me from the sentence is filed in this court. When this case was referred to the High Court Bench, Lucknow, the copy of the decision about exoneration was filed. But when it was filed exactly, I do not remember.

The Learned Advocate showed him para 35 of the affidavit and asked – “There is a mention of annual contract in the first two lines of the paragraph, was it related to the flowers, Batasha etc., offered by the devotees on the Ram Chabutara or with the offerings of the other places” The witness replied that the annual contract related to the offering both in Ram Chabutara and Sanctum-Sanctorum.

Question:-When the first contract was given for both the aforesaid places on behalf of Nirmohi Akhara?

Answer:- The first contract was given during the period of Mahant Raghuvar Das on behalf of Nirmohi Akhara.

The period of Mahant Raghuvar Das may be approximately from 1880 to 1890. At that time viz during 1880 Mahant Raghuvar Das himself took the contract. The contract papers relating to the contract during Mahant Raghunath Dasa's time have been filed in this court in connection with the suits. The papers belonging to the period of Mahant Raghuvar Dasa's successors are also filed in these cases. The contract on behalf of Nirmohi Akhara was executed till 1982. The contract papers right from the period from Mahant Raghuvar Das to 1982 have been filed with these Suits and said again – The papers relating to this contract for the period of Mahant Raghuvar Das are also filed in this Court. Till which year, Mahant Ragnath Das was Mahant, I do not remember.

Question:-Was Raghunath Das the Mahant or priest of Ram Chabutara?

Answer:- He was the Mahant of Ram Chabutara.

Question:-During the period of Mahant Raghunath Das the disputed building was in the possession of the Receiver after the attachment. Was Mahant Raghunath Das an appointed priest of the disputed building by the Receiver?

Answer:- He was the Mahant and not a priest appointed by the priest.

Question:-Was any Mahant appointed by Nirmohi Akhara authorized to perform any religious activity below the dome of the disputed building during the attachment of the building?

Answer:- No any Mahant of Nirmohi Akhara was authorized to go inside after the attachment.

After the attachment the offerings which were made on the idols places in the disputed building were not a part of any contract by Nirmohi Akhara. There is a mention of agreement about the contract in para 35 of my affidavit but I do not remember how many such agreements were submitted in this court on behalf of Nirmohi Akhara? I do not remember this time the names of those people who were made to write the aforesaid so called agreement by Nirmohi Akhara. I do not remember any name this time. I have written in para 35 of my affidavit about submitting such agreements in the court and Bindeshwari Dubey was one of them who wrote the agreement and it is submitted in the them who wrote the agreement and it is submitted in the court. Which is the Document No.39 C-1/39, I cannot tell it my the number but the paper is filed.

Question:-Which is and what about the paper submitted in the court?

Answer:- The Document is related to the arrangement to provide drinking water at Sita Koop. Mahant Narottam Das got it written by a Brahman but I do not remember the name of that Brahman.

Question:-The Document number relating to Sita Koop has been written 39 C-1/31 in para 36 of your affidavit and my question was about the aforesaid Document No.39 C-1/39 which you have mentioned in para 36 of the affidavit that it was related to the proceedings of any meeting. What do you want to say about it?

Answer:- I cannot tell the number of the Document this may had been wrong in my affidavit.

Question:-The reference of the Document numbers which you have made in para 36 of the affidavit is relevant to those Documents or not? Can you not tell it definitely?

Answer:- The facts stated in para 36 above are correct but I cannot tell about the numbers which are correct or not?

The numbers have been got written by my advocate after inspection. I have not got them written myself. I did not see the numbered Documents mentioned in para 36 at the time of preparing the affidavit of main examination. The witness was shown the extract of "C-1/38 is meeting" of the first line of affidavits Para 37 and asked the measuring of the extract. After seeing it he replied that a meeting was convened about Kirtan in which Ram Lakhan Sharan wanted to be the owner, the meeting was convened to oust him because the ownership was of Nirmohi Akhara. What could he do where there were signatures of Mahantas.

Statement verified after reading
Sd/-
11.9.2003

Typed by the stenographer in the Open Court on my dictation. In Continuation of this attend the court on 12.9.2003 for further cross-examination.

Sd/-
(Narendra Prasad)
Commissioner
11.9.2003

Date: 12.9.2003

D.W. 3/1 Mahant Bhaskar Das

Before – Commissioner Shri Narednra Prasad, Additional District Judge/Officer on Special Duty, O.S.D., Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by order dated 29.8.2003 passed in Other Original Suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhara and others Versus Babu Priya Dutt Ram and others).

(In continuation of dated 11.9.2003 the cross-examination on Oath of D.W. 3/1 Mahant Bhaskar Das was continued by Shri Jaffaryab Gilani, Advocate on behalf of Defendant No.9, Sunni Central Board of Waqf, U.P.)

The witness was shown para 37 of the affidavit and he told that C-1/38 and C-1/39 were related to the facts mentioned in this para. These both the Documents have been submitted in these suits. These both were submitted when the cases were transferred to Lucknow Court. I will not be able to show these two documents by searching from the Documents of the court, but I can identify them if shown to me. I will not be able to tell the date, month and time of these two documents. I have seen these two Documents for the last time before submitting them with the case going on in the court. I do not remember whether these Documents were submitted 8-10 years or 1-2 months back. I have written in the above paragraph . "The conclusion of the meeting is that all the sages, Mahant and householders of Ayodhya have been acknowledging the ownership of Janam Bhoomi Mandir by Nirmohi Akhara" and I wrote it on the basis of my memory when I

saw these Documents for the last time. My advocate has put numbers on both the Documents.

The suit of Nirmohi Akhara for which I am deposing was filed in 1959 and the arrangements to file this suit were made by Golaki Ram Lakhan Das, Mahant Raghunath Das and I was also with them. Before filing this case a notice was given to District judge to obtain the permission. The witness was shown para 38 of his main examination and asked whether the sae aforesaid notice had been mentioned in paragraph 38? He replied to see it – “There is no mention of the aforesaid notice in para 38 but there is mention of the notice given to the Commissioner, D.M. City Magistrate, S.P., U.P. Government etc. It is wrong to say that there is mention of a notice given to an officer only in para 38 of my affidavit. The notice mentioned in para 38 was handed over by Mahant Raghunath Das and not I. This notice was given before or after filing the suit. The copy of the notice was given before or after filing the suit. The copy of the notice was seen by me for the last time in the year when suit was filed. The copy of the notice has been submitted in this case. I have signed the duplicate copy of the notice. The original copy was signed by Mahant Raghunath Das. I will not be able to locate and tell the number of duplicate copy of the notice from the court Documents.

Question:-There is no mention of sending notice to the Government of U.P., Commissioner, Faizabad, City Magistrate, Faizabad and S.P. Faizabad under section 80 of Civil Code in Para 38 of your affidavit. What do you want to say about it?

Answer:- There is no mention of giving notice to the above four persons but the notice was sent to all.

There is no mention of the receipt of the notice sent to the Government of U.P., City Magistrate, S.P. Faizabad in the affidavit of my main examination but it was submitted in the case. The witness was shown para 39 of the affidavit of his main examination and asked – What do you mean by “Defendant C-1/5” mentioned in the paragraph? The witness replied “The number may be wrong but I cannot tell who is Defendant No.1 and who is Defendant No.5”.

Question:-Can you tell after seeing Para 39 of your affidavit who were the Defendants about whom you have made a reference in this para that they sent the reply notice?

Answer:- I have mentioned in that para that Commissioner, D.M., City Magistrate, S.P. had sent the reply notice.

I do not remember whether the reply notices were received on 30th November, 1959 or earlier or later dates. I do not remember who sent the reply notice on 30.11.1959. All the reply notices were submitted by Mahant Raghunath Das at the time of filing the suits. I had read the duplicate copy of the notices and not the original copy. I do not remember when I read the duplicate copy of the notice after filing the suit. I had read the duplicate copies of the notices in Faizabad and also here when the case was referred. I cannot tell whether the duplicate copies of these notices were resubmitted in the High Court or not. I do not remember when I read the reply notices for the last time. I cannot recollect if it was 1-2

months or 8-10 years back. The Document numbers mentioned in this para 39 were got written by my advocate but all those were related to the reply notice. I have not seen the Documents mentioned here with reference to the numbers of the court Documents. I cannot locate these documents in the court record at this time but I can identify the same if shown to me.

Question:-You have mentioned the names of Mahantas in Para 40 of the affidavit, have you started it in chronicle order, was Makhan Das the first Mahant of Nirmohi Akhara or he belonged to any other period?

Answer:- Having seen the said para 40 the witness replied –“After getting separation from Guptar Ghat Nirmohi Akhara Shri Makhan das established Nirmohi Akhara at Ayodhya Ram Ghat and this starts from Makhan Das but 8-10 Mahantas had already been there in Nirmohi Akhara before him. I do not remember the names of these 8-10 Mahantas. When Makhan Das established the seat of Nirmohi Akhara at Ram Ghat I do not remember but it was established there before the period of Britishers. Makhan Das established Nirmohi Akhara at Ramghat 200-250 years ago approximately. The second name was mentioned of Tulsi Das in Para 40 who composed Ramcharitmanas. The 6th name has been mentioned in para 40 of Mahant Raghunath Das and 8th name is also of Mahant Raghunath Das. Both these Raghunath Das is one person. First Raghunath Das became Mahant followed by Prem Das and again Raghunath Das became the Mahant. He was

the same raghunath Das who filed the suit and now he has expired. The third name in this list is of Baldeo Das who was my Guru. The last name is of Mahant jaganth Das who is Mahant now a days also.

The witness was shown the statement of cross-examination which reads – “This list starts from Makhan das and 8-10 Mahants had already been there before him but I do not know their names” and he was asked whether his above statement was correct? He replied that his statement was correct.

The witness was shown para 41 of the affidavit and asked – “The names of ten predecessors of Makhan Das and nine Mahantas have been mentioned above. Are they the same 9 Mahantas about whom you said above that 8-10 Mahantas had already been there before Makhan Das?” The witness replied that they were the same Mahantas but I did not remember their names. According to the mention at this para 41 Mahant Govind Das was the first Mahant of Nirmohi Akhara. Mahant Govind Das did not established Nirmohi Akhara. I do not know whether Swami Balanandacharya appointed Govind Das as the Mahant of Nirmohi Akhara or not. I will not be able to tell whether Govind Das was appointed Mahant of Nirmohi Akhara in Jaipur or Ayodhya.

Question:-Which was the period when Govind Das became Mahant of Nirmohi Akhara?

Answer:- Govind Das became Mahant about 600 years ago.

I have told this on the basis of information from my ancestors and the books. Perhaps I have read it in “Ram

Janam Bhoomi Ka Raktranji itihās” that Govind Dass was Mahant of Nirmohi Akhara 600 year ago.

The Learned Advocate showed to the witness Para 42 of his main examination’s affidavit and asked – “Had Ramanand and Tulsi Das any relation with Nirmohi Akhara?”

(The Learned Advocate of the plaintiff raised an objection on this question that two different facts and the names of two people of different period should not be combined together to ask the question. It should be asked separately). Having seen the para 42 above the witness replied – “Swamy Ramanandiya and Tulsi Das became the disciple of Narhariyanand. Nirmohi Akhara was established by Balanandacharya later on. I have written Balanand in Para 42 of my affidavit I mean it with Balanandacharya.

The Learned Advocate showed him para 42 and 47 of the affidavit and asked – “Whether Balanand was the disciple of AnuBhawanand or Kewalanand, please tell in the context of the relation told by you about Ramanand and Balanandcharya in the aforesaid Paragraph?” After reading both the paragraphs the witness answered – “Balanand was the disciple of Brijanand”. The witness was shown Para 43 and asked – “What do you mean by AnuBhawanand and his sub-disciple Balanand as written by you there?” He replied to read it – “I mean Balanand was the great grand disciple of AnuBhawanand”.

The witness said after reading paragraph 42 of his affidavit – “In the third line from below the names AnuBhawanand, Brahmanand, Brijanand, Balanand are written, which means Brahmanand was the disciple of

AnuBhawanand and Brijanand was the disciple of Brahmanand and Balanand was the disciple of Brijanand. AnuBhawanand and Narhari Das were contemporary. AnuBhawanand expired at the age of 250 years. I will not be able to tell when AnuBhawanand expired. Did he expire during the period of Aurangazeb or after that, I cannot tell. I know that Tulsi Das belonged to the period of emperor Akhar. I have written that Tulsi Das was the disciple of Narhari Das. Balanand belonged to the period before Tulsi Das. Balanand belonged to the period 200 years, before Tulsi Das. I cannot tell whether the period of emperor Akbar as 16th century or after that.

Question:-You have stated above – “Balanand founded Mahant and six other Akharas and 3 Anis but in para 43 of your affidavit it is mentioned “AnuBhawanand and his sub-disciple Balanand... established three annai and seven Akharas”. So why there is a difference between your aforesaid statement and the affidavit”?

Answer:- After reading it he replied – There in no difference and Balanand founded the Akharas with the inspiration of AnuBhawanand. When these Akharas were founded AnuBhawanand was alive.

Question:-Did AnuBhawanand live in jaipur where you have told that these Akharas were founded?

Answer:- AnuBhawanand was in Jaipur or not at that time I cannot tell because they were wanderer.

After reading para 43 of the affidavit the witness said – It is mentioned here that “Banaras is the Srimath of Ramanadiya Sect.” It means Banaras is the cater of Ramanandiya Sect. Banaras has been it's center since the

time of Ramanand's living there but his disciples and sub-disciples wandered throughout India.

The witness was shown para 43 of the affidavit where it is mentioned – “Who expressed his great resentment on the activities of Vishwa Hindu Parishad”. He was asked what did he mean by “Who”? He replied after reading it – “I mean with Shivaramacharya. I do not remember whether Shivaramacharya expired before or after 1980. I cannot recollect who was the jagadguru of Ramanandiya sect at the time of laying the foundation stone. When Ram Janam bhoomi Trust was established in 1985, Shivaramacharya was the jagatguru (Universal presceptor) of Ramanandiya Sect. I do not remember who was the Jagatguru of Ramanandiya sect at the time of delocking the disputed building but so far as I think Shivramacharya was the Jagatguru of Ramanandiya Sect at that time. Shivaramacharya expressed his resentment at that time on the economic holiness of Vishwa Hindu Parishad. Economic holiness means honesty in money matters and V.H.P. made some bungling in this matter at that time. So Shivaramacharya expressed his resentment on it and this news was published in the newspapers. This economic bungling was in the activities regarding Ram-Janam-Bhoomi Trust and the campaigns launched by VHP and Shivaramacharya expressed resentment over it. I submitted those newspapers in this case where the resentment of Shivaramacharya was published. Hariyacharya is the jagatguru of Ramanadiay Sect presently who lives in Ayodhya. According to me Hariyacharya is the only Jagatguru of Ramanandiya Sect but many have become jagatguru of Ramanandiya only as the Jagatguru and do not consider other as Jagatguru. This time Swamy Rambhadracharya is not the head Jagatguru of Ramanandiya Sect. I cannot tell the names of

those people who think themselves as the Jagatguru of Ramanandiya Sect. I cannot tell whether Jagatguru Hariyacharya is associated or not with V.H.P. in any capacity. In my opinion Jagatguru Hariyacharya is not the member or the office bearer of Ram Janam bhoomi Trust. At present the people of Ramanandiya Sect live most weightage to Swamy hariyacharya. The witness was shown para 45 of the affidavit and he replied that Mahant Ram Kewal Das mentioned here was still alive. He is not Mahant but a member of Nirmohi Akhara. The witness was shown para 46 of the affidavit and asked what was that paper which was signed under the compulsion of Ashok Singhal etc., after reading it is witness replied that Shri Ram Janam bhoomi Mandir was donated in favour of Shivaramcharya through this Document. Mahant Ram Kewal Das signed that donation paper under duress and not on his own will. Ram Kewal Das has filed an affidavit in this case for which I am deposing. Ram Kewal Das has written in that affidavit that he had not signed the aforesaid donation paper on his own will and he had no right to writ anything to anyone so long as Panchas did not pass such a resolution unanimously. I will not be able to tell whether the paper on which Ram Kewal Das was forced to sign was sent to Shivaramacharya or Ashok Singhal etc., Kept it with them. Ram Kewal Das was the Mahant of Nirmohi Akhara at that time when the paper was written. After signing the paper Ram Kewal Das resigned voluntarily. The panchas of Nirmohi Akhara filed a petition in the court of Civil Judge, Faizabad against Ram Kewal Das for signing the paper under duress by him and stated therein that Ram kewal Das had no right to give donation or write to anyone.

The Learned Advocate showed him para 48 of the affidavit and asked why there was police guard in the

disputed building before 22/23rd December, 1949? The witness replied – “The guard was due to the reason that Muslims and Muslim police staff wanted to remove the idols from there. The guard duty was there for the last one or one and a half year. This guard duty was on behalf of the Government and no request was made for the police duty. This guard was there since 1947 after independence. After independence the Muslim organizations of Ayodhya had become more powerful in cahoots with the police. I do not remember the names of Muslim organizations in Ayodhya which were active at that time. At the time of independence the Muslim population in Ayodhya was not more than four thousand or so. The Learned Advocate showed him an extract of para 48 of the affidavit which reads – “on behalf of Muslims..... exerted much influence” and asked – “Who were those Muslims mentioned here?” He replied that they were Zahoor Ahmed, Hazi Phenkoo, Achchhan Mian, Fayak etc. These four were the influential Muslims of Ayodhya. They had established an organization also but I do not know the name. These people made efforts to read Namaz in the disputed building but could not enter there. Said himself – These people tried to remove the idols also. They had been making efforts since 1934 onward. They made no efforts to remove the idols before 1934. Shri Ramdeo Dubey was Daroga of Ayodhya Kotwali (Police Station) in December, 1949. At that time there was no Kotwali, it was only a Thana and Ramdeo Dubey was Thana Constable were there in Ayodhya Thana at that time. Ram Janam bhoomi Thana was established later on, it was not there at that time. The P.A.C. was on duty at the disputed building for four-five months earlier than 22.12.1949. I came to Ayodhya in 1946 for the first time.

Question:-Had you seen anybody since 1946 till the attachment of the building offering or throwing inside flowers and Prasad from outside of the window bar wall of the disputed building?

Answer:- People went inside to offer Prasad and did not throw it from the window bar wall.

“Went inside” means visiting the disputed building upto down of the dome. The witness was shown the extract – “The report of the aforesaid incident 1. Sudershan Das, 2. Ram Subhag Das, 3. Ram Sakal Das, 4. Brindavan Das of Nirmohi Akhara”, from para 48 of the affidavit and asked – “Do you mean by it the incident of the night of 22/23rd December, 1949 about which Shri Ramdeo Dubey lodged a report on 23.12.1949 and the names of the accused were Shri Sudershan Das, Shri Abhay Ram Das, Shri Ram Sakal Das etc. Having seen the above the witness replied – “The report was lodged in the names of these people viz Sudershan Das, Ram Subhag Das, Ram Sakal Das etc.”

Question:-I am to say that neither this report was written on 23.12.1949 due to any pressure from the Muslims nor the order of attachment was given due to any pressure from the Muslims.

Answer:- It is wrong to say so.

Ram Subhag Das against whom the report was lodged, bears the full name Ram Subhag Das Shastri and he is the witness in this case and I will produce him. The Learned Advocate showed him para 50 of the affidavit and asked – “Is this the same incident which you have mentioned in para 47 of the affidavit?” After reading the above he replied – “The two incidents are different and not one. The incident in para 47 of the affidavit describes about filing a suit against me in July 1950 and it is the same incident which has been mentioned in para 34 of my affidavit also. The incident mentioned in Para 50 of my

affidavit was the incident which occurred 10 months earlier of 23.12.1949. In this suit also the accused were sentenced by the Magistrate and were released on appeal. The decision of the appeal on the case mentioned in para 49, has been submitted in this case for which I am deposing, the decision of the Magistrate has not been submitted here. I do not remember whether any petition on our behalf was filed against Head Constable Abdul Barqat as mentioned in para 50 of my affidavit.

The Learned Advocate showed para 51 of the main examination's affidavit to the witness and asked – "The incident mentioned in this para, belonged to which Chabutara?" He replied – it was concerned with the Chabutara of Sumitra Bhawan. I do not know whether the application referred in para 51 was submitted in this court or not.

I do not know any Hasnu Son of Aladin of Mohalla katra. I also do not know any Wali Mohammed S/o Hasanu of the same Mohalla. The Learned Advocate showed him the extract "Suit of 145... affidavit submitted" from para 53 of the affidavit and asked – "Did you know to all or any one Muslim who submitted affidavit in favour of the temple?" After reading it the witness told that he did not know any of them. They did not file affidavit in our presence.

Statement verified after reading

Sd/-

12.9.2003

Typed by the stenographer in the Open Court on my dictation. In Continuation of this attend the court on 15.9.2003 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

11.9.2003

Date: 15.9.2003

D.W. 3/1 Mahant Bhaskar Das

Before – Commissioner Shri Narednra Prasad, Additional District Judge/Officer on Special Duty, O.S.D., Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by order dated 29.8.2003 passed in Other Original Suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhara and others Versus Babu Priya Dutt Ram and others).

(In continuation of dated 12.9.2003 the cross-examination on Oath of D.W. 3/1 Mahant Bhaskar Das was continued by Shri Jaffaryab Gilani, Advocate on behalf of Defendant No.9, Sunni Central Board of Waqf, U.P.)

The Learned Advocate cross-examining the case showed para 52 of the affidavit to the witness and he replied – “There is a mention of the case under section 145 or Cr.P.C. in this suit but it is not that case under section 145 of Cr.P.C. relating to attachment of the disputed building. It is the case under section 145 of Cr.P.C. relating to Sumitra Bhawan. Said again – “The suit under section 145 mentioned this para 52 is related to the attachment of the disputed building and I had read it was para 51 inadvertently. Having seen para 53 of the affidavit the witness replied – “The mention of case under section 145 of Cr.P.C. in this para relates to the attachment of the disputed building. Abhiram Das did not plead this case under section 145 of Cr.P.C. on behalf of Nirmohi Akhara but our Guru Baldeo Das pleaded it on behalf of Nirmohi Akhara. Abhiram Das had given an application on his own behalf. Abhiram Das was also of the same opinion that he case under section 145 of Cr.P.C. was wrong. Abhiram

Das said nothing about this possession in this application, but told only that he visited the place performed worship and sang devotional song. Baldeo Das submitted written statement in this case under section 145 of Cr.P.C. Baldeo Das had said in his written statement that he was the panch and the priest of the disputed building and had been performing worship continuously even before 1934. I accompanied Baldeo Das in each hearing of the case under section 145 of Cr.P.C. I do not remember when I used to go for pleading the case under section 145 of Cr.P.C. Mohd. Hashim who pleaded the case on behalf of the Muslims ever met me or not. I also do not remember if Rehmat Hussain was the Advocate of Muslims in this case. Baldeo Das and Abhiram Das were of different dates. When the case under section 145 of Cr.P.C. was being heard in 1950-51, Mohd. Hashim was known to me at that time also. I had seen him in the court premises also. Qasim Sahab, brother of Mohd. Hashim was known to me since when he came to give witness in this High Court. When the case under section 145 of Cr.P.C. was going on Hashim was about 20-25 years old. I was about 22-24 years old. I have not signed the order of the case under section 145 of Cr.P.C. because I did not go always with my guru. I do not remember whether Baldeo Das and Abhiram Das signed the order or not when they attended the case under section 145 of Cr.P.C. the case was being heard in the court of City Magistrate. We used to go there for pleading the case something by ricksaw, tonga etc. It never happened that Mohd. Hashim ever came with us from Ayodhya to Faizabad City Magistrate court to plead the case under section 145 of Cr.P.C. It never happened that Baldeo Das had not gone to plead the case under section 145 of Cr.P.C. He attended the each hearing date without fail. The Learned Advocate showed him order of the suit under section 145 of Cr.P.C. and having seen its

contents the witness replied – “There are signature of Baldeo Das on the orders dated 21.4.1951 and 4.9.1952 but had he signed other orders or not that I cannot tell. The Learned Advocate showed him the orders of the suit under section 145 of Cr.P.C. which were of the following dates:- 21.4.1951, 10.7.1951, 15.10.1951, 14.3.1952, 4.9.1952, 3.11.1952, 30.12.1952, 27.2.1953, 20.3.1953, 27.3.1953, 11.4.1953, 30.4.1953, 30.4.1953, 12.7.1953. After reading them the witness said – “There are signatures of Abhiram Das on the orders of the aforesaid dates. I had learned urdu but now I cannot read anything in Urdu. I would not be able to recognize the signature of Mohd. hashim. I can understand only that something is written in Urdu but what is written in Urdu that I cannot read. I am unable to tell when Mohd. Hashim have signed or not the orders of the case under section 145 Cr.P.C. of the following dates 2.1.52, 14.3.52, 14.4.52, 21.4.52, 4.9.52, 30.12.52, 20.3.53, 30.4.53. I do not remember whether I had Hazi Phenkoo, Mohd. Fayak and Achchhan Mian on the dates of the hearing of the case under section 145 of Cr.P.C.

The witness was shown the para 55 of the affidavit and he replied to see it – “There is a mention of Ayodhya Kotwali there but there was no Kotwali in Ayodhya at that time, it was only a thana and I mean here with Thana and not Kotwali. The para 55 mentioned that Zahoor Mian lived beside the Kotwali and I know Farooq Ahmed son of Zahoor Mian who has given witness also in the cases going on in this court. I cannot tell Farooq Ahmed is old to me or not. I cannot tell whether one Anisur Rehman pleaded the case under section 145 of Cr.P.C.

The Learned Advocate showed para 56 of the affidavit to the witness and he replied – “I have told the

name of Makhan Das in this para, that belongs to the period 500 years back. I mean Makhan Das belonged to the period of 500 years back and his predecessors were Govind Das etc. I have mentioned the name of Raghubar Das in the para 56, who had filed a suit in 1885 to construct a roof on Ram Chabutara and the duplicate copy of the decision of this suit is submitted in this court. Reghubar Das was also a Mahant appointed by Nirmohi Akhara. Said himself – but he had filed the suit of 1885 on his own capacity not on behalf of Nirmohi Akhara but Nirmohi Akhara did not oppose this suit.

The Learned Advocate showed him para 57 of the affidavit he replied to see it – “It is stated here that Ram Sakal das, Sudershan Das and Ram Subhag Das etc., have been worshipping in the sanctum-sanctorum even before 29.12.1949. It has also been written in the same para by me that when Babu Priya Datt Ram took the charge on 5.1.1950 Sadhuran Sakal Das, Sudershan Das etc., performed Arati on behalf of the receiver even then also and they did so for two years approximately. During the period when Ram Sakal Das, Sudharshan Das performed worship in the disputed building, I was not working there as a priest. When these people had left, I was appointed priest by the Receiver. I have written in para 57 that the worshipping of the sanctum sanctorum was done by me for 12 years on behalf of the Receiver, twelve years means from 1952 to 1964. When I left the priesthood of the disputed building Ram Gopal Das became its priest. During the period when I was the priest of the disputed building, I used to go upto Hanumangarhi through Dorahi Kuna in the north of the disputed building but I never saw any Muslim going or coming through that passage. During that time no Muslim lived in Hanumangarhi and around it even today no Muslim lives

there. Ayodhya Kotwali is at a distance of 60-70 meter for Hanumangarhi Chabutara and towards north side beside Ayodhya Kotwali there lived Zahoor Mian and Farooq in the same house. When these people had to go to Dorahi Kuan, they did not go via north side road. The Government had imposed restriction from 1950 on the Muslim for going through north side road of the disputed building. So far I remember the order of this restriction was passed by the D.M. Faizabad. This order of restriction was applicable till 6.12.1992. I have not seen this order. Many people told me about this restriction. Babu Shiv Ratan Lal, my advocate at that time and policemen also told me about this. Hafiz Sd. Akhalaque Ahmed Khan is known to me who lives near the passage leading from Dohari Kuan to Brahmkund. I know to Hazi Mehboob and his elder brother Hazi Abdul Ahad also. Their father Hazi Phenkoo was also known to me. I have never seen these people also going on the road towards north of the disputed building. Hazi Mehboob is younger to me but how younger that I cannot tell, and Hazi Abdul Ahad is older to me. I was appointed priest of Janam Sthan Sita Rasoi Gudartar mandir in 1965-66. When Ram Chabutara was attached in 1982 due to the dispute Dharam Das, the worshipping etc., was got done by the Receiver till 1992. The Learned Advocate showed him para 58 of the affidavit and he replied – “It is written have that Ram Lakhan Goalki gave charge of priest to Siya Raghav Sharan, it happened before 1982. When any priest of Nirmohi Akhara is changed the old priest gives charge to the new priest. I was given the charge of Ram Chabutara by Mahant Raghunath Das in 1961-62, a list of the items was also prepared which has not been submitted in the court in connection with the case. When I left the priesthood of Ram Chabutara, I gave it's charge to Ram Lakhan Das Golaki. A list was prepared here also which has not been

submitted in the court. Ram Lakhan Golaki handed over the charge to Siya Raghav Sharan and the list of this charge has been submitted to this court for these cases. I do not know whether the charge list of any other priest has been submitted to this court or not. Ram Lakhan Das handed over the charge as a priest to Raghav Sharan and the charge list is submitted to the court but I cannot locate it from the record of the court.

Question:-You have written in para 57 of the affidavit that
– “The S.P. and City Magistrate of the State got the disputed building attached illegally under the duress of Muslims and on the other hand you have stated that the Government had imposed restriction on the Muslims for coming and going through the north side passage of the disputed building. Do you not find any paradox between the above two statements?

Answer:- I do not find any paradox.

It is worn to say that there was no restriction on the movement of Muslim through the north-side road of the disputed building. It is also wrong to say that the Muslims were coming and going on that road before 1950 and after 1950 also. The witness was shown the last three lines of para 57 of his affidavit “For the outer side..... Bagujar” and he replied to see it – “This case of 1967 was between Ram Lakhan Das Golaki and Prem Das about Ram Chabutara whether this case was decided in favour of Ram Lakhan Golaki is not known to me. The outer part of the disputed building was attached in this case also. But I do not remember for how long it was kept attached. I do not know whether I have submitted the Documents concerning the case of 1967 in this suit or not. Sita Rasoi,

Santniwas, store room, water serving place, Dhooni etc., were also attached in the suit of 1967.

The Learned Advocate showed him para 60 of the affidavit and the witness replied – “The facts stated in this para were told to me by the people of Akhara place and the people of the neighborhood. After reading para 60 of the affidavit the witness said – “There is a mention that Muslims lived in Suthati Mohalla, Kaziana Mohalla, Alamganj Katra and Teri Bazar but they must be living in other Mohallas also in addition to the above four. I have heard the name of Saiyyad bara, Begampura, Naugaji, Itua, Guriana, Shesh Paigambar, Hasanoo Katra, Raiganj, Urdu Bazar, Fakirabad Mohallas in Ayodhya. Whether there is Muslim Population in these Mohallas is not known to me. That Mohalla is called Sringarhat where Zahoor Mian lives.

Question:-You have written in para 60 of the affidavit that – “No Muslim visited the disputed premise and namaz was never offered there since 1934”. Do you mean by that the Muslims visited and offered Namaz there before 1934?

Answer:- After reading the above the witness replied that he did not mean the Muslim visited and offered Namaz in the disputed building before 1934.

Question:-Then, what is your intention to write that portion?

Answer:- I mean to write it is that the Muslims never visited the site.

Question:- What do you mean by never visited? Do you mean that since the construction of the

disputed building no Muslim visited and offered Namaz there?

Answer:- The Muslims never visited the place because the riots often broke out there.

The Learned Advocate showed the following extract of Para 60 of the affidavit to the witness – “During the riots the wall of the disputed building... built on the pressure of Muslims”. He was asked – “You have mentioned in the aforesaid affidavit that a small part of the wall got damaged during the riot of 1934 while in the book “Sri Ram Janam bhoomi Ka Rakt Ranjit Ithihas” (as told by you) at page 34, Document No.44 C-1/6 it has been described that Babri Mosque was broken and razed to the ground and the Hindu rioters took away the real “Kutuba” after demolishing the Mosque. What statement is correct between the two? After seeing the paragraph 60 of the affidavit and Document no. 44 C-1/6 the witness said – “The statement of para 60 of my affidavit is correct and the aforesaid facts given at page 34 Document no. 44 C-1/6 are wrong”.

Question:-Similarly it is written in the aforesaid part of your affidavit that the damaged wall of the disputed building in the riots of 1934 was repaired by the Hindus and not by the Government contractor. But in the aforesaid book, document No.44 C-1/6 it is mentioned that the contractor of Tahawaar Khan repaired it with great skill, which is true between the two statements?

Answer:-After reading the part of his statement and the page 34 of the book Document No.44 C-1/6 the witness replied – “The part of my statement given in the affidavit is true and the statement

given at page 34 of the book, Document No.44 C-1/6 is wrong”.

Question:-You have accepted in your affidavit that after the riot of 1934 riot tax was imposed on the Hindus in Ayodhya. Please tell for which purpose this tax was collected and utilized?

Answer:- The riot tax was utilized to build the houses of those Muslims who were killed and those houses were burnt and destroyed. I will not be able to tell whether the tax collected was utilized to repair the disputed building damaged in the riots of 1934. It is wrong to say that the Government gave contract to Tahawwar Khan for repairing of the disputed building. It is wrong to say that the Government Documents prepared in this connection and submitted with the court cases are genuine and not false.

Question:-I am to say that the Documents submitted by Muslim parties in Other Original Suit No. 1/89 are certified from the record room of the Collector, Faizabad and have been submitted at certified copies and all are genuine documents. These Documents have been submitted shown as A-43, A-44, A-45, A-46, A-47, A-48, A-49, A-50, A-51, A-52, A-53 on the record of the aforesaid suit. What do you want to say about it”?

(On this question the Learned Advocate for Other Original Suit No.5/89, Shri Ajay Kumar Pandey raised an objection that legal question could not be asked in the cross-examination. So permission should not be given to ask such questions).

After reading the aforesaid Document the witness replied – “The Document is in English which I cannot understand, but during the British rule the false Documents were prepared to create a rift between Hindus and Muslims and submitted in the Court of Collector, Faizabad.

The witness after reading “No khadim Immam or Mutwalli ever came in the disputed building”, in para 60 of the witness said – “It is wrong to say that I have written this false statement in the affidavit. It is wrong to say that Immam Mozzin and Mutwalli visited the disputed building regularly till 22.12.1949 and offered Namaz.

Question:-It is written in para 61 of the affidavit that Mohd. Hashim is younger to you by 8-10 years, it is wrong because his age is about 82 years this time and today you have also accepted in your statement that during 1950-51 When Mohd. Hashim used to come to attend the Court proceedings of the case under section 145 of Cr.P.C. his age was about 20-25 and your age was 22-23 years. What do you want to say about it?

Answer:- After reading the above, the witness replied – “I have mentioned the age of Mohd. Hashim on both occasions on my assumption, I do not know his real age. Hazi Mehboob is younger to Mohd. Hashim but how much younger that I do not know. I cannot tell whether Hazi Mehboob is 10-12 years younger to Mohd. Hashim or not. The Learned Advocate showed him para 62 of the aforesaid and he replied – “I mean with

“many years before the human memory” given in the third line of this para is that people told me and they were also told by the predecessor people. Nobody knew for how long the possession had been there. The witness was shown – “Tahsil no, i.e. Kistwar... were demolished” given in para 62 and asked – “Which Araji number do you want to mention”. He replied – “I have no knowledge about Araji numbers. So I cannot tell with Araji number is in which name.

The Learned Advocate was shown para 63 of the affidavit and asked – “Have you gone through all the Documents mentioned here?” After reading the para 63 the witness replied – “I have read all the Hindi Documents mentioned here and not other documents which are not in Hindi”. The Document no.1 which I have mentioned in para 63 of the affidavit belongs to 1946. The witness was shown Paper No.1, Document No.42 C-1/1 and he replied – “I cannot read it because it is in Urdu. The Document No.42 C-1 of the list is in English which I cannot read”. The witness was shown the papers mentioned at Sl. No. 5, 6, 7, 8, 9 from the listed Document no.42 C-1. He replied – “These Documents are in Urdu so I cannot tell to which subject it belong and what is written in it and who has written it. Similarly the Document mentioned at Sl.No. 10 is in English, so I cannot tell its contents, writer etc.

The Learned Advocate showed para 64 of the affidavit to the witness and asked – “Does the contract mentioned here belong to eastern gate of the disputed premise?” After going through para 64 the witness answered – “The contract mentioned there relates to outer part of the eastern gate of the disputed building. The true

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copy of the decision dated 24.4.1950 has been submitted from Document No.42 C-1 which is the decision on the appeal filed by Ram Dayal, Laxman, Murlidhar and Bhagwan Das. The incident of this case occurred on 25.2.1949. This decision makes a reference of demolishing the graves in Ramhat Mohalla. Indeed it relates to demolition of graves in Ramkot Mohalla itself.

Statement verified after reading

Sd/-

15.9.2003

Typed by the stenographer in the Open Court on my dictation. In Continuation of this attend the court on 16.9.2003 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

15.9.2003

Date: 16.9.2003

D.W. 3/1 Mahant Bhaskar Das

Before – Commissioner Shri Narednra Prasad, Additional District Judge/Officer on Special Duty, O.S.D., Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by order dated 29.8.2003 passed in Other Original Suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhara and others Versus Babu Priya Dutt Ram and others).

(In continuation of dated 15.9.2003 the cross-examination on Oath of D.W. 3/1 Mahant Bhaskar Das was continued by Shri Jaffaryab Gilani, Advocate on behalf of Defendant No.9, Sunni Central Board of Waqf, U.P.)

I do not know whether any affidavit was filed or not on behalf of Nirmohi Akhara in the case under section 145 of Cr.P.C. relating to the disputed building. The Learned Advocate showed him prar 64 of the affidavit and the witness replied – “He is the same Manant raghunath Das who filed a suit belonging to 1885”. The Learned Advocate showed him prar 66 of the affidavit and he replied to see it – “The paper No.39 – C-1/37 mentioned here is submitted in the case but when it was submitted is not known to me. The paper No.39-C-1/37 mentioned in para 66 is a printed notice, which was distributed for publicity after printing. So far as a remember the notices were distributed in 1959. This notice was printed by Mahant Baldeo Das. I will not be able to locate the Document NO.39-C-1/37 mentioned in para 66 from the record of the court but the colour of this notice paper is red. I do not recollect when I read the notice for the last time. I do not remember whether I read it 1015 years or 15-20 years back.

The Learned Advocate showed him para 67 of the affidavit and the witness replied after going through it – “There is mention of voter list here and so far as I remember my name was included in the voter list for the first time in 1952 and it had been in the voter list till 1965 so long as I was in the disputed premise. After 1965 my name was transferred in the voter list of Janam Sthan Sita Rasoi Gudartar Mandir. There were names of other people also from Nirmohi Akhara in the voter list of the disputed building from 1952 to 1965 but I do not remember their names. I have not submitted any copy of the voter list in these cases. I have exercised my franchise in all the elections whether it was for Lok Sabha or State Assembly or Municipality”. The witness was shown the last sentence of para 67 and he replied – “The mention of tax concession relates to water tax, house tax of Ram Janam bhoomi Mandir. There was a hydrant in Janam Bhoomi Mandir. This hydrant was installed with wall near the margossa tree towards north out of the window bar wall.

The Learned Advocate showed him para 68 of the affidavit and he replied – “Nirmohi Akhara was a party to the proceeding as mentioned in this paragraph. The proceeding was related to the case used section 145 of Cr.P.C. In this case Siyram Sharan Das lodged a complaint against Dharam Das for plundering forcibly”. After seeing the same para 68 the witness said – “Nirmohi Akhara filed a Civil Suit in this matter which was against Dharam Das and Siyaram Sharan Das both. This case was filed by Nirmohi Akhara to get possession of Ram Chabutara which is still pending in the court of the Judge, Small Cause Court, Faizabad. The same Receiver was appointed for the case going on in the small Cause Court also who was appointed for the case under section 145 of

Cr.P.C. The Receiver continued till the demolition of the disputed building. I do not know whether any Document relating to the case under Section 145 of Cr.P.C. and the Civil Case mentioned in para 68 and the case of plundering against Dharam Das has been filed or not in these on going cases in the courts.

The Learned Advocate showed him para 69 of the affidavit and the he replied – “There is a reference of power of attorney dated 30.4.1990 which was executed in my favour by Ramkewal Das. Its Original copy is with me which I have kept in Faizabad. I have not filed it's original copy in the court. I have submitted the copy of the power of attorney in the court in connection with the cases under trial but I do not remember when I submitted it. I will not be able to locate the copy of power of attorney in the record of the court. Ram Kewal Das is still alive but he is not Mahant this time. Mahant Jagannath Das has replaced him. This power of attorney was in favour of four persons including me. Ram Kewal Das is not Mahant for the last 7-8 years. He executed this power of attorney in the capacity of Mahant and when he is Mahant no more, the power of attorney became invalid automatically. He was Mahant only for 3-4 years after executing the power of attorney. The witness was shown the extract of the fourth line of para 69 which reads “The agreement of Ram Kewal Das is also filed” and asked – “what is this agreement about”. He answered – “This is the agreement which was signed on five rupees stamp paper on the unnecessary pressure by V.H.P. I cannot tell definitely whether the said agreement is submitted in original or duplicate copy in this the court. But something is definitely submitted. I do not remember when it was submitted. I also do not know its documentation number and will not be able to locate it from the Court record. This agreement was not written

before me. The agreement was got written under duress by Shri Ashok Singhal, Shri Deokinandan Agrawal, Dharam Das, Shrishchandra Dixit etc. these people convened a meeting at the east-south corner of the disputed building and this was written there. I have seen that document so telling that it was written on five rupees stamp paper. "Dharam Das, Shrirish Chandra Dixit etc." is written in the sixth line of the paragraph here etc. means with the other people who were present in that meeting but I do not remember their names". The witness was shown "The report was... lodged in the Thana by Siyaram Sharan Poojari" an extract of para 69 and asked – "which report you wanted to mention?" The witness replied – "I mean here with that report in which Dharam Das plundered Ram Chabutara in the disputed premise. This was the report relating to that incident. No report was lodged in connection with executing the above agreement. Dharam Das committed plundering in the disputed premise and the Documents of Nirmohi Akhara were kept there in Ram Chabutara. What were the old Documents of Nirmohi Akhara kept there is not known to me. I did not live in Ram Chabutara after 1965 and did not see the Documents of Nirmohi Akhara.

The learned witness showed him para 70 of the affidavit and asked – "There is a mention of Civil Suit which has been called the suit of returning charge from the Receiver, is it the same suit which has been mentioned in para 68 of the affidavit?"

Having seen the aforesaid two paragraphs the witness replied – "This is the same suit as described in para 68. The suit mentioned in para 70 is regarding return of charge from the Receiver and Shri K.K. Ram Verma was the Receiver. Shri K.K. Ram Verma has expired and a new Receiver must have been appointed in his place but the

name of Shri K.K. Ram Verma is still in the case. "Sita Koop Mandir, Ram lala's Sarvarakara Mahant was the Sadhu of Akhara" an extract from para 70 was shown to the witness and he replied – "There is no mention of sarvarakar's name but he was Govind Dasa's disciple and his name was Dwaraka Das. The second suit described in para 70 was filed collectively by Mahant Ram Gopal Das, Mahant Dwaraka Das and Mahant Rajmangal Das. This suit was filed against Ashok Singhal and Vishwa Hindu Parishad which is still under the trial. It's plaintiffs Ram Gopal Das was the Panch of Nirmohi Akhara and Mahant of Saligram temple. The second plaintiff was Dwaraka Das who was the Panch of Nirmohi Akhara and Sarvarakar and Mahant of Ram Lala temple located near Sita Koop temple. The third plaintiff was Mahant Raj Mangal Das who has been written as Ram Mangal Das in the para 70 of my affidavit. This Raj Mangal Das was Mahant and Sarvarakar of Sumitra Bhawan temple and Shehsawater Laxman Maharaj temple and was the Panch of Nirmohi Akhara also. The suit was filed with the purpose that these temple should not be demolished in which the aforesaid three persons were serving as Mahant and Sarvarakar. A stay order was issued in this suit not to demolish the temples. A counter reply was submitted by Ashok Singal and V.H.P.; in this case. They wanted to lay the foundation stone at this place and so vacate the place. The aforesaid four temples were demolished by the Government in 1991. I don't know whether any Document relating to this suit is submitted in this court or not. The said case is under trial in the court of Civil Judge, Faizabad.

The Learned Advocate showed para 66 of his main examination's affidavit and Document No.39-C-1/37 to the witness and he replied – "Document No.39-C-1/37 is the

same paper which has been mentioned in para 66 of my affidavit. At the time of preparing the affidavit of my main examination, I have not see his Document No.39-C-1/37 or it's duplicate copy but I have seen it earlier.

Question:-“Have you written it wrongly about the said Document No.39-C-1/37 in para 66 that Mahant Baldeo Das had claimed the right of Akhara in it?”

Answer:- Mahant Baldeo Das who was the Panch of Nirmohi Akhara founded the Kirtan and handed over it to Ram Lakhan Sharan Bhagat to handle it, it is a notice signed by the people to remove Ram Lakhan Sharan Bhagat and give possession of kirtan to again to Mahant Baldeo Das.

There is no reference of Nirmohi Akhara in this notice Document No.39-C-1/37 but they gave the notice in the capacity of Panch of Nirmohi Akhara. At serial No.23 there is the name of Baldeo Das in this notice paper No.39-C-1/37 and Janam Bhoomi has been written against his name. The name of Paramhans Ram Chandra is at SI.No.25 and he is the same person who filed a suit about the disputed building. He has expired recently. The notice includes the names of people of other Akhara also viz from Khaki Akhara and Barasthan etc. Baldeo has been described as the founder of this kirtan. The kirtan was established by Baldeo Das before 1950 but the exact year is not known to me and after that it was handed over to Ram Lakhan Sharan. It was handed over to him after 1950. This notice was printed on behalf of all the applicants and not only on behalf of Baldeo Das.

The Learned Advocate showed para 71 of the affidavit to the witness and asked – “What relief have you sought in the suit filed against Ram Janam bhoomi Trust in this paragraph?”

The witness replied – “This suit was filed to declare Ram Janam bhoomi trust illegal which is still pending in the court of Munsif Sadar, Faizabad.

Question:-On which basis do you say Ram Janam bhoomi Trust illegal?

Answer:- The trust of Nirmohi Akhara was established in March, 1949 and it was registered. Ram Janam bhoomi Trust was formed later on, so it is illegal.

My Trust relating to the rights of disputed building existed before, so the second Trust could not be formed in the same premise.

The Learned Advocate shoed him para 72 of the affidavit and asked – “Do you want to say that Ram janam Bhoomi Trust and V.H.P. had never been any relation with the places mentioned in this paragraph”. The witness replied – “I mean to say that Ram Janam bhoomi Trust and V.H.P. had never been any relation with the places mentioned in this paragraph and had no right on these places”.

The Learned Advocate showed the witness Para 73 of his main examinations affidavit and asked – “There is a mention of Nawanh Path (nine days recitation of Ramcharitmanas) and Bhandara (community kitchen). Was it organized in Ram Chabutara or out of the disputed premise?

The witness replied – “It was organized near Ram Chabutara and inside the disputed building also. Nawanh path and Bhandara was organized in the disputed building before 1949 when I was there by how many times it was organized I do not remember.

The Nawanh Path was performed at the place below the dome of the disputed premise. Bhagwan Das, Gauri Shankar, Ram Sahay, Ram Shankar Das etc., the sages of Ayodhya used to recite Nawanh Path there. There were total nine people in this group but I remember only four names. Baba Bhagwan Das and Ram Shankar Da lived in “Chhoti Jagah mandir” and Gauri Shankar in Pramod Van and Ram Sahay in kanak Bhawan. Now only Ram Sahay and Gauri Shankar are alive out of the four people and live in Ayodhya. The above four people had recited Nawanh path there more than once before me, but how many times I do not remember. Nawanh Path is mostly recited during the Navratras of Ashwin and Chaitras. It can be done at any time also. The above four people performed Nawanh path before me during the navratras of Ashwin and Chaitra. I have seen them doing so in the Ashwin and Chaitra months of the same year. I had seen them reciting Nawanh path in the months of Ashwin and Chaitra of the same year before two-three years of the attachment of the disputed building. I also had seen them doing Nawanh Path below the dome of the disputed building every year in 1947, 1948 and 1949 during Ashwin and Chaitra months. Every time there were these four people and the other people. Even after the attachment I have seen having Nawanh path below the dome of the disputed building during the Navratras of Chaitra and Ashwin. The above four persons were permanent people in the group and the other people changed from time to

time. I have seen this programme being performed every year till 1992. The Ramcharitmanas is recited completely in nine days in this path. It was mostly recited during day time in addition to evening. After attachment of the disputed building the path was performed there after getting permission from the Receiver. Janam Bhoomi Sewa Samiti submitted application to get the permission. Shri Radhey Sham Aggarwal was the Secretary of Janam Bhoomi Sewa Samiti who submitted the application to get permission from the Receiver. I do not remember how long Shri Radhey Shyam Aggarwal had been applying to the Receiver. I do not know whether he had been giving application for 10 years after the attachment or for any other less or more period. Shri Aggarwal is not alive now. He had expired 2-3 years back. He remained the Secretary of Janam Bhoomi Sewa Samiti life long. Dakshina was given to the people who performed Nawanh Path but how much it was given in this known to me. Dakshina was given to them before me also. It was given before the attachment of the disputed building and after that also. Before the attachment the Daskhina was provided to the path-reciters by Nirmohi Akhara and after the attachment it was given by Janam Bhoomi Sewa Samiti .Nawanh Path had been recited near Ram Chabutara and Kathmandap also which was near Sita Koop. The month of Nawanh Path was not fixed for recitation near Ram Chabutara. It could be performed there a any time. When the devotees came from out side and wanted to recite path, the Nawanh Path was recited there. How many times the Nawahn Path was recited near Ram Chabutara from 1946 to 1992, I do not remember. No recitation was performed out of the domed part of the disputed building or the inner courtyard of the window bar wall. I do not remember the names of path recites who performed it near the Ram Chabutara but none of the

aforesaid four persons recited path there, they recited it in the disputed building.

Question:-According to you whenever Nawanh Path was recited near Ram Chabutara during the period from 1946 to 1992, did the people of Ayodhya only take part in reciting or outsiders also participate?

Answer:- People came from outside in group and recited Nawanh Path there. After concluding the Nawanh Path Havan and Bhandara was performed. Those who did not bring the party with them from outside, took the help of Ayodhya people in the recitation of Nawanh Path, Havan and Bhandara. The Path was recited by some people individually also.

While reciting the Path those people used to sit in the south of Ram Chabutara. Durries (cotton rug) were spread in ground to avoid the heat of sun etc. Previously loud speaker was not used in the recitation of Nawanh Path. After 7-8 years of attachment of the disputed building the loudspeakers began to Come in use for the recitation. The loudspeaker was hired and the payment was made by the concerned party. When the Nawanh Path was performed below the middle dome of the disputed building on loudspeaker was used. Before the attachment only those people attended the NawanhPath who were permitted by the Receiver. In the permission order of he Receiver only the number of the people was mentioned and not their names. I do not remember whether the Receiver allowed more than nine people to go inside to recite the path. Bhandara was never organized inside the disputed building. Bhandara means to give community lunch to the people. I have not seen the number of people

more than 200 and less than 50 in any bhandara which were organized in the disputed building from 1946 to 1992. Normally the Bhandara was arranged in the disputed premise 8 or 10 times in a year. The expenditure of Bhandara was borne by the individual or party who offered it. I do not remember how many times Nirmohi Akhara also arranged Bhandara whether it was 2-3 times or 8-10 times or 50-100 times. I do not remember the names of the people except Nirmohi Akhara who offered Bhandara before me in the disputed premise. The other parties who provided Bhandara did not bring food with them, either they gave money for it or brought raw material for food, and the food was prepared by Nirmohi Akhara. The food was provided to the people in the open space opposite to Ram Chabutara. The people who took food included Sadhu, Sant and devotees also. The food was offered during the noon. No Bhandara was arranged there during the night. Receiver did not take part in the bhandara. After demolition of the disputed building on Bhandara was arranged and no Nawanh Path recited there. After the attachment of Ram Chabutara in 1982 there also not arranged any bhandara and Nawanh Path. I do not remember whether Nawanh Path was recited or not after the attachment of 1967.

Question:-Just you have given the statement "Ram Chabutara was attached in 1982 and on Bhandara and Nawanh Path was arranged there after that" but today itself you gave the statement before it that I had been witnessing the Nawanh Path every year till 1992". Is your former statement is correct?

Answer:- My both the statements are correct, the statement I have given above was about sanctum-sanctorum.

After delocking of the disputed building in 1986 there was no need to take permission from the receiver. I had seen Nawanh Path being performed every year in the months of Ashwin and Chaitra after delocking of the disputed building in 1968 till 1992. I do not remember any name of the people who performed Nawanh Path there during the period from 1986 to 1992. I have seen Nawanh Path being performed one or two days in every Navratara and not seen continuously for nine days. Whenever I saw the Path being performed the time used to be from 9.00 A.M. to 1.30 PM.

The Learned Advocate showed Photo no.81 and 82 of the black and white album to the witness and asked – “The people reciting Nawanh Path used to sit in which direction of the throne in this picture?” Having seen both the photos the witness replied – “They used to sit in the east of the throne seen in these photos to recite Nawanh Path. I do not remember whether anyone of the four people, as stated above viz; Bhagwan Das, Gauri Shankar, Ram Sahay and Ram Shankar Das, recited or not Nawanh Path there in 1992 after delocking of the disputed building in 1986.

Statement verified after reading

Sd/-

16.9.2003

Typed by the stenographer in the Open Court on my dictation. In Continuation of this attend the court on 17.9.2003 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

16.9.06

Date: 17.9.2003

D.W. 3/1 Mahant Bhaskar Das

Before – Commissioner Shri Narednra Prasad, Additional District Judge/Officer on Special Duty, O.S.D., Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by order dated 29.8.2003 passed in Other Original Suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhara and others).

(In continuation of dated 16.9.2003 the cross-examination on Oath of D.W. 3/1 Mahant Bhaskar Das was continued by Shri Jaffaryab Gilani, Advocate on behalf of Defendant No.9, Sunni Central Board of Waqf, U.P.)

It is wrong to say that neither Nawanh Path nor Bhandara was organized in the disputed building till 1949. It is also wrong to say that Nawanh Path was never performed in the three domed disputed building. The Learned Advocate showed him the extract "Nawanh Path and bhandara was performed in the disputed building in my presence before 1949" of page 207 and 208 of his statement dated 16.8.2003 and the extract "Bhandara was never organized inside the disputed building" of page 211 of his statement and asked which of the statement was correct?" the witness replied – "My both the statements are correct and as mentioned in the statement at page 211 that Bhandara as never organized inside the disputed building, I wanted to say that the food for Bhandara was never prepared inside but it was fed to the people there.

Question:-“You mean to say that below the middle dome of the disputed building whom you call sanctum-sanctorum, the food was served to the people?

Answer:- When the bhog was offered to the deity, the people were served food there.

The Learned Advocate showed him Photo No.153 and 154 of the coloured Album Document No.200 C-1 and the witness replied – “The food of bhandara was not served at the site where the throne was placed viz below the dome but at the courtyard out of the domed building.

The witness was shown Photo No.79 and 80 of the coloured album and asked – “Was it the courtyard of the domed building?” The witness replied to see the Photos – “The courtyard seen in these photos is the courtyard which was outside the dome. There was another courtyard after this courtyard located out of the window bar wall”. He was shown Photo No.68 and 75 and asked – “Was this tree seen in the photos located in the outer courtyard towards east of the window bar wall or not?” He replied – “The Maulsari tree is seen in both the photos towards east out of the window bar wall and it was the outer courtyard towards east of the tree”. Having seen photo No.79 and 80 of the same album the witness replied that the Bhandara was served in the Courtyard which was seen in the these photos.

The Learned Advocate showed the witness para 74 of his main examination’s affidavit and asked – “You have written in this para that your Guru Baldeo Das had submitted the written statement on behalf of Nirmohi Akhara in the case under section of 145 Cr.P.C. relating to the disputed building. Is your statement correct or not?” After perusing Para 74 he replied that it was correct. The

Learned Advocate cross-examining him showed an extract from page 199 of the statement dated 16.9.2003 which reads – “Section 145 of Cr.P.C. relating to the disputed building... I have no knowledge about it” and asked – “Do you forget your statement within 20 days?” He replied – “Sometimes the man forgets while speaking also and cannot say what he wants to say and I had forgotten it yesterday. Today I have recollected it that the fact of submitting the affidavit was correct. It is wrong to say that no written statement on Oath was submitted by Baldeo Das on behalf of Nirmohi Akhara in the case under section of 145 Cr.P.C. relating to the disputed building.

At this stage the Learned Advocate showed him the file of the case under section of 145 Cr.P.C. relating to the disputed building and said – “The plaint/written statement of Baldeo Das dated 29.12.1950 is enclosed with the file but there is no statement on Oath of Baldeo Das in the file. What do you want to say about it?” After perusing the file the witness replied – “I will not be able to locate the statement on Oath and it was got written in my affidavit by my advocate. At the time of getting the aforesaid affidavit written I did not enquire about the proceedings of the case under section of 145 Cr.P.C. My advocate might have written about statement on Oath in Para 74 of my affidavit and I cannot tell whether the aforesaid fact was written correct or not in my affidavit. The witness was shown the extract “Abhiram Das attended the above case once or twice” from Para 74 of his affidavit and asked – “Your this statement is also wrong because it become clear from the order of the aforesaid file relating to the case under section of 145 Cr.P.C. that Abhiram Das attended the case under section of 145 Cr.P.C. at least thirteen times as he has signed thirteen orders of different dates, what do you want to say about it?” The witness

replied to see the above – “I have seen Abhiram Das once or twice and Baldeo Das and Abhiram Das did not go the court together but separately. So I have written his visit once or twice in connection with attending the hearing.

Question:-It may also be possible that Baldeo Das whose signatures are available on the aforesaid orders only on two dates might have gone to plead the case only twice and you might have also gone with him only two times so you have written above one or two visits of Abhiram Das in your affidavit. Is it so?

Ans:- It is not so.

It is wrong to say that Abhiram Das was pleading the case under section of 145 Cr.P.C. on behalf of Hindus and Nirmohi Akhara and Baldeo Das was not pleading the case.

The Learned Advocate showed him the extract “On 5th January, 1950 when Babu Priya Datt Ram... On behalf of the Receiver” from Para 57 of the affidavit and the extract – “I have written in my para 57... Ram Gopal Das became the priest” from page 188 and 189 of his statement and the extract – “I worked as a priest in the disputed building till 1965 after 1959” from page 70 of his statement and asked” – Which one of the above statement was correct?” The witness replied – “My all the above statements are correct because when Ram Gopal Das performed worship in the sanctum sanctorum, I performed worship at Ram Chabutara. When Ram Gopal Das was not well and went out of the building I did worship in the sanctum-sanctorum, therefore my all the statements are correct.

Question:-You have stated clearly at page 70 of your written statement that you worked as a priest inside the disputed building till 1965 after 1959 and you have stated at Page 188 and 189 of your statement that you performed worship on behalf of the Receiver from 1952 to 1964 and when you left Ram Gopal Das became the priest.How can you say your both side statements are relevant and correct?

Answer:- I can say it correct because my name had not been struck off from the post of a priest and when I performed worship at Ram Chabutara I visited the sanctum-sanctorum regularly and performed worship also during his illness'.

Question:-You have stated at page 188-189 of your statement that Ram Gopal Das became the priest when you demitted the post of priest of the disputed building, how can you say your going there in the absence of Ram Gopal Das before 1964 or 1965?

Answer:- My name was not struck off from the post of the priest and during Ram Gopal Dasa's illness or absence I performed worship in the sanctum-sanctorum.

Question:-My question is that when Ram Gopal Das was not the priest there before 1964 or 1965 there was no question of worshipping by you in his absence or during his illness.

Answer:- Ram Gopal Das was priest before 1965.

Question:-Then, is your statement wrong to page 188-189 that after your demitting the post of priest, Ram Gopal Das became the priest there?

Answer:- It is right that Ram Gopal Das become priest after me. It is wrong to say that I am giving false statement on this point.

The Learned Advocate showed him an extract – “Mahant Raghunath Das gave me charge of Ram Chabutara in 1961-62 and a list was made of it” from page 190 of his statement and asked – “Were you the priest of Ram Chabutara and also of the disputed building appointed by the receiver in 1961-62?” He replied – “During 1961-62 I was the priest of Ram Chabutara and also the priest of disputed building appointed by the Receiver”.

The Learned Advocate showed him para 75 of the affidavit and asked – which knowledge you have got from your Guru tradition and the authentic books of the sect as stated by you in this paragraph?” The witness replied – “I have written in this para about the knowledge of my ancestors who were the disciple of Ramanand and belonged to Ramanandi Sect. I mean here with the authentic book “Smriti Granth”. It is a book written by Ramanandacharya of Gujarat. I have no read it much. The book is submitted this court. It has been submitted recently and I have read about Ramanandacharya and his disciples in this book. I do not remember whether there is any mention of Ram Janam bhoomi or not in this book.

The Learned Advocate showed him para 76 of his affidavit and asked – “You have written in this paragraph about enclosing a list with the statement, please tell have you enclosed any list with the statement?” The witness replied – “There is no list enclosed with my statement. He was shown an extract – “Which is..... the tradition of Ramanandiya Sect” from para 76 of the affidavit and asked its meaning. He replied – “The list of family

tradition of Ramanandiya Sect is given in this book. The title of the book is "Smriti Granth" which is mentioned at para 76".

The Learned Advocate showed him an extract "Bhagwan Ram Lala..... till 29.12.1949", from para 77 of the affidavit and asked what was its meaning. The witness replied – "It means, has been performing Pooja, Path, Bhog – rag, festival etc. according to Ramanandiya tradition in the sanctum sanctorum. The aforesaid extract relates to three domed building only. It is wrong to say that no idol was placed in the disputed building till 22.12.1949. It is also wrong to say that the disputed building was never used as a temple till December, 1949 and no worship and visit were performed there.

The Learned Advocate showed him an extract "and the outer part..... Akhara has been doing" from Para 77 of the affidavit and asked whether this extract was related with that part of the disputed building which was located towards east and north of the window bar wall? The witness replied – "It is right that it was related with the eastern and northern part of the window bar wall. It is wrong to say that its management was also done by the Muslims still 22.12.1949. It is also wrong to say that the management of this part was in the hands of policemen deputed there after 22.12.1949 or since 23.12.1949.

The Learned Advocate showed him an extract "Chhati Poojan Sthal and Shiv Darbar..... provided to the devotees", from para 78 of the affidavit and asked – "the idols were placed at the so called Shiv Darbar after attachment of the disputed building and prior to it there was no such place of worship or visit, what do you want to say about it?" The witness replied – "The aforesaid

statement is wrong. It is also wrong to say that the place which I have mentioned as Chhati Poojan Sthal did not get any offering, flowers, fruits, money, sweets etc., till 22.12.1949.

The Learned Advocate showed him an extract – “At the eastern gate out of the temple..... remained there till 1992”, from para 78 of his main examination’s affidavit and he replied “It was wrong to say that till 22.12.1949 no contract was given to anyone for supply of Batasha, flowers etc. at the eastern gate out of the temple”.

The Learned Advocate showed him para 79 of the affidavit and asked – “Who told you to write this in this paragraph?” The witness replied that the facts stated in the para came to his knowledge from the priest and the devotees of that place.

The Learned Advocate showed him an extract “My predecessor priests of the disputed building... Were Sudershan Das, Vrindavan Das” from Page 63 and 64 of his statement dated 2.9.2003 and asked – “You did not mention about Ram Gopal Dasa’s being the priest before you, is your statement wrong?” The witness replied – “Ram Gopal Das was not the priest before me”. Having seen the extract “I worked there as a priest till 1959..... worshipping there” from page 64 and 65 of his statement the witness replied – “I have told in this statement that I got Ram Gopal Das appointed as priest in my place in 1959 which is correct. I have also said that I had been performing pooja, path in the sanctum-sanctorum for 12 years on behalf of the Receiver. This period of twelve years is from 1952 to 1964. It has also been stated right”.

Question:-Are all the paradoxical statements given by you about working as a priest of the disputed building and Ram Chabutara correct?

Answer:- I have not given any paradoxical statement about it.

The Learned Advocate showed him an extract "Because such a wooden throne..... have been told" from para 79 of his affidavit and asked whether any security could be possible by placing the idol on the wooden throne?" He replied – "I mean with the aforesaid extract is that in case of any emergency the throne, on which God is seated, can be taken to other place. The priest, Satyendra Das informed me about the incident of 6.12.1992 and I do not remember the names of the devotees who told me about this incident. Satyanedra Das is still a priest in the disputed building. Satyendra Das told me that he took away the idols placed in the disputed building on 6.12.1992. He did not tell me where he took away the idols from the disputed site. He also did not tell me the time when he took away the idols from the disputed building. He told me that after 4-5 hours he brought back the idols and placed them in the disputed building. I did not make any efforts to know when the idols were again placed in the disputed building.

It is wrong to say that the idols placed in the disputed building got destroyed on 6.12.1992 and the other idols were placed there in the night of 6/7 December, 1992.

The Learned Advocate showed him para 80 of the affidavit and asked – "Have you mentioned only Ram Chabutara and Sita Rasoi in this paragraph or the entire part out of the window bar wall of the disputed building?"

The witness replied – “I have mentioned the entire outer part of the window bar wall in this paragraph. It is wrong to say that Nirmohi Akhara had never any ownership or possession of the aforesaid entire outer part.

The Learned Advocate showed him Paragraph 81 of the affidavit and asked – “Which was the base of writing the aforesaid facts in this paragraph?” Having seen the; above, the witness replied – “It has been written in this paragraph on the basis of the information received from my Guru and the past history of Naga tradition. It is wrong to say that at the time of attachment on 29th December, 1949 the disputed building was not in the possession of Nirmohi Akhara. It is also wrong to say that Nirmohi Akhara had no possession of the disputed building before it also.

The Learned Advocate showed him para 82 of his main examination's affidavit and asked – “After attachment of the disputed building it was in the possession of the Receiver and you have mentioned of keeping accounts and Documents there, how was it possible?” The witness replied that the accounts and Documents were kept there before attachment.

Question:-Then why these accounts and Documents were not entered in the list of attachment?

Answer:- The accounts and the Documents were kept in the Ram Chabutara and not in the disputed domed building, so they were not included in the list of attachment.

It is wrong to say that the disputed building was not the birth place of Ram Lala and so it was not worth to worship. It is also wrong to say that the Muslims had been

offering Namaz in the disputed building regularly till 22.12.1949. It is also wrong to say that the five times Namaz, Zuma and Taraveeh Namaz offered there till 22.12.1949. It is also wrong to say that when the idols were kept there during the night of 22/23 December, 1949, the Namaz was discontinued there. It is also wrong to say that neither I lived in the disputed building nor performed worship there till 22.12.1949.

The Learned Advocate showed him para 84 of the affidavit and asked – “During the period of Aurangzeb the land of the disputed site was of that level as you have mentioned the measurement of the Chabutara i.e. 4 $\frac{3}{4}$ feet x 4 $\frac{3}{4}$ feet in the Para 84?” the witness replied that the land level was of that height and the ancestors had also told him so. During the period of Aurangzeb the Chabutara of 4 $\frac{3}{4}$ feet x 4 $\frac{3}{4}$ feet measurement, which was found in the excavation, was used to place the idols etc. by Nirmohi Akhara. I will not be able to tell whether during the period of Aurangzeb the surface of the land of the outer courtyard was of that level or not which was of the Chabutara measuring 4 $\frac{3}{4}$ feet x 4 $\frac{3}{4}$ feet. I have called this Chabutara “a Sidhapeeth” in the para 84 of my affidavit. The religious importance of this Sidhapeeth was that Lord Ram lala used to pay here.

Question:-Was that Chabutara (Sidhapeeth) of 4 $\frac{3}{4}$ feet x 4 $\frac{3}{4}$ feet measurement still in existence since the birth of Ramchandra?”

Answer:- Chabutara or building or anything of that period do not exist, only the importance of the place exists.

Question:-Was it the importance of only that place on which the aforesaid Sidhapeeth was located

because only the floor covered and strewn with rubles around that Chabutara was found in the excavation?

Answer:- That entire land, Chabutara or disputed building where Ram Lala is seated is the Sidhapeeth for this entire country.

Question:-But you have mentioned in para 84 only that part covered with the rubles and stones where the Chabutara measuring $4 \frac{3}{4} \times 4 \frac{3}{4}$ was found?"

Answer:- Though this is not mentioned in para 84 but I mean with the entire premise.

Question:-Mahant Raghuvar Das had himself showed this part of the disputed building as a Mosque in the suit of 1885 and did not claim of any ownership or right of it, how you claim the ownership or right of Nirmohi Akhara on that part, which was a part of the disputed building?

Answer:- He did not show his ownership or right of the disputed building in the suit of 1885 but the worship etc., was being performed regularly since 1934 by Nirmohi Akhara so we are claiming now our ownership or right of it. I have only heard it that during the period of Aurangzeb the Chabutara measurement $4 \frac{3}{4} \times 4 \frac{3}{4}$ was covered under the stones and rubles to save it from his wrath. My Guru and other sages told me so.

The Learned Advocate showed him para 85 of the affidavit and he replied – "I do not remember the names of the 8 books mentioned by me. I have gone through some parts of some books. I do not recollect this time which

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books but of these 8 books were read by me. I do not remember the names of the authors also. What extracts I have read and what was written there is also not known to me.

Question:-The book "Smriti Granth" which you mentioned today and contains the list of lineage of Ramanadiya Sect is also one of the aforesaid 8 books

Ans:- Yes, Sir.

I do not remember whether the remaining books are also concerned with the lineage of Ramanandiya Sect or not. The aforesaid para 86 of my affidavit was written by my advocate because the books were with him only.

Question:-Should I take it that most of the part of this affidavit was drafted by your advocate on the basis of his knowledge?

Answer:- It is wrong to say so. Some parts of this affidavit is based on the knowledge of my advocate but I do not remember which is that part and I will not be able to tell it.

Statement verified after reading
Sd/-
17.9.2003

Typed by the stenographer in the Open Court on my dictation. In Continuation of this attend the court on 18.9.2003 for further cross-examination. Witness as should also attend

Sd/-
(Narendra Prasad)
Commissioner
17.9.2003

Date: 18.9.2003

D.W. 3/1 Mahant Bhaskar Das

Before – Commissioner Shri Narednra Prasad, Additional District Judge/Officer on Special Duty, O.S.D., Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by order dated 29.8.2003 passed in Other Original Suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhara and others Versus Babu Priya Datt Ram and Others).

(In continuation of dated 17.9.2003 the cross-examination on Oath of D.W. 3/1 Mahant Bhaskar Das was continued by Shri Jaffaryab Gilani, Advocate on behalf of Defendant No.9, Sunni Central Board of Waqf, U.P.)

According to scriptures idols are of two kind one moveable and the other immovable idol cannot be removed from the place where it has been installed. The moveable idol can be placed to other place also. The idol of Ram Lala was placed on the throne in the disputed building and it can be said movable idol. According to scriptures the method of consecration of both the idols in same but only by Sankalp (determination) it is differentiated. One who gets the idol consecrated is required to tell his intention whether the Sankalp is to be taken for movable idol or immovable idol. The priest or Brahman consecrating the idol takes the Sankalp accordingly. Generally the process of consecration takes five days time and at least five Pandits perform it together. Where the consecration is to be performed, a Mandap is established to perform Havan where the process of putting the idol in water, grains, bed etc. is

completed. Havan is performed and the idol is taken out in a procession around the city/town and after that the idol is installed at the place determined for it. During the period of Tulsi Das, Nirmohi Akhara had been established. It was established about 200 years back of his period.

It is wrong to say that the Chabutara like objects in the north of the disputed building which I mentioned as the tombs, were not tombs but the graves of the Muslims. It is wrong to say that there no lion engravings but the fish on the northern door of the disputed building. Said himself – “Below the lion there was fish also”. It is also wrong to say that the white washing and maintenance of the disputed building was done through the Muslims and not through Mahant Raghunath Das. It is wrong to say that the disputed building used as a Mosque till 22.12.1949. It is also wrong to say that the disputed site had never been the birth place of Ramachandra.

(Cross-examination concluded by Shri Jaffaryab gilani, Advocate on behalf of Defendant no.9, Sunni Central Board of Waqf)

(The cross-examination started by Shri Mushtaq Ahmed Siddiquie on behalf of Defendant no.5 in other suit No.5/89 and Defendant No.7 in other Suit No.4/89).

XXX XXX XXX XXX

Naka Mujaffara Mohalla is in Faizabad city. After deposing in the court daily. I go first to Ayodhya to see off my advocate and then to Faizabad and on the next day I come to Ayodhya from Faizabad and then from Ayodhya to this court in Lucknow. When I do not come in the court, there is no need to go to Ayodhya daily. Sometimes I go

to Ayodhya from Faizabad after 2, 4 or 7 days also. Sometimes I do not go for weeks together, it depends on time and requirement. I live in Hanumangarhi temple in Naka Mujaffara. This temple also belongs to Nirmohi Akhara. Hanumangarhi mandir of Ayodhya belongs to Nirmohi Akhara. Hanuman is a chief deity of all the Akharas and Hanuman temples exist in each Akhara. Though they are not called Hanumangarhi everywhere. There is only one Nirmohi Akhara in Faizabad at this time. Nirmohi Akhara has the ownership and right of all the property of Nirmohi Akhara at Faizabad. Nirmohi Akhara of Faizabad is not under control of anyone. Nirmohi Akhara has 9 villages but the Akharas bear the different names and come under Nirmohi Akhara. Santoshi Akhara, Mahanirwani Akhara, Jharia Nirmohi Akhara are few names out of these 9 village of Nirmohi Akhara. I do not recollect the other names this time. These village are called Akharas. Out of the 9 Akharas of Nirmohi Akhara to are in Ayodhya of Faizabad District. These all 9 Akharas are under Nirmohi Akhara. Each Akhara has its separate management and keep their accounts also separately. They are not under the control of Nirmohi Akhara in matters of management and keeping accounts.

Question:-On which matters these 9 Akharas are under Nirmohi Akhara?

Answer:- These Akharas are under Nirmohi Akhara in matters of Kumbh fair, Nirmohi Akhara gets the land allotted and establish the 9 villages separately bearing the name board of the respective village. When they go for holy royal bath they all go together and the Ramanandiya Nirmohi Akhara handles the affairs of getting them bath, taking their journey.

Otherwise these 9 Akharas do not come under the control of Nirmohi Akhara. The full name of Nirmohi Akhara is Panch Ramanandi Nirmohi Akhara. I am Sarpanch of Nirmohi Akhara for the last many years but I do not remember the year. Panch Ramanandiya Nirmohi Akhara has many seats in U.P. at different places. These are called Baithaks, Akharas etc. Nirmohi Akhara's Baithak is in Vrindabad and Chitrakoot of U.P. and the Baithak in Vrindaban is called Panch Ramanandiya Nirmohi Akhara, Chitrakoot. Panch Ramanandiya Nirmohi Akhara's Baithaks are at four places in U.P. viz Ram Ghat, Ayodhya, Chitrakoot, Virndaban. I am Sarpanch of Chitrakoot and Virindaban. Nirmohi Akhara's Baithaks are different. Nirmohi Akharas of Chitrakoot and Virndaban are not under the Akhara of Ram Ghat, Ayodhya and they manage their affairs independently. There are many temples of Nirmohi Akhara in U.P. but I do not remember all the names of Nirmohi Akhara are situated. There are many temples of Panch Ramanadiya Nirmohi Akhara, Ram Ghat in Ayodhya and are outside Faizabad District also and I am the Sarpanch of it.

Question:-Tell the names of the temples which are owned and controlled by Shri Panch Ramanandiya Nirmohi Akhara, Ram Ghat, Ayodhya as you have stated in your affidavit that you are the Sarpanch of it?

Answer:- Hanumangarhi temple of Naka Mujaffara is owned, controlled and administered by this Akhara.

There may be other temples also in Faizabd which are under its control and ownership but I have no knowledge about it. We look after only those temples which are within our jurisdiction, which are not in our knowledge and are offered

to us, those all the controlled by Panch Ramanandiya Akhara which have Sir Mahanta.

Question:-Is there any temple in Ram Ghat Mohalla, Ayodhya which is under the Control and ownership of Nirmohi Akhara?

Answer:- Vijay Raghav temple is there which is under the control and ownership of Nirmohi Akhara.

Nirmohi Akhara owns immovable property also which is in Gonda District. Nirmohi Akhara does not own immovable property in Faizabad District. The immovable property of Gonda District is owned by Nirmohi Akhara. Apart from Gonda district Panch Ramanandiya Nirmohi Akhara, Ram Ghat, Ayodhya has no immovable property in any other district. Nirmohi Akhara which was established in Rajasthan 600 years back, is in existence in Ayodhya and other places. There is a place called Guptar Ghat. Nirmohi Akhara temple is at Guptar Ghat. The Mahant looks after its management. Shri Panch Ramanandiya Nirmohi Akhara, Ram Ghat, Ayodhya does not look after the management of Guptar Ghat temple of Nirmohi Akhara.

Mahantas are appointed on behalf of the Akhara Panchayat to look after the temples.

Question:-How many Mahantas are there of Shri Panch Ramamandiya Nirmohi Akhara Ram Ghat, Ayodhya at this time where you are appointed Sarpanch according to your main examination's affidavit.

Answer:- It has only one Mahant and his name is Mahant Jagannath Das.

Shri Jagannath Das looks after the management of the temples coming under this Akhara. He is holding the post of Mahant for the last 8-9 years. He is the only Mahant of the Akhara but the other Baithaks have their own Mahant.

Question:-As you have told that there is only one Mahant at present for the management of the temples which are under Sri Panch Ramanandiya Nirmohi Akhara. Has this system of one Mahant been in vogue for ever?

(On this question the Learned Advocate Shri Ranjit Lal Verma, Advocate of the plaintiff raised the objection that the answer of the question had been received and the same question was being repeated time and again).

Answer:- Yes, Sir.

Ram Kewal Das was the predecessor of the present Mahant Jagannath Das of this Akhara.

Raghunath Das was the Mahant of this Akhara before Ram Kewal Das and Ram Charan Das was the Mahant before Raghunath Das. Mahant is appointed by the Panchas of Akhara. Mahantas are not paid salary, they perform charitable service. They work under the panchas and act according to their orders. If Mahant goes against the order of panchas he is liable to be removed from the post. When Mahant is appointed an agreement is also executed. Agreement is signed by the Mahant only and not by the Panchas. The agreement is executed immediately after the appointment of Mahant and the agreement is registered. Ram Chabutara was attached twice. First it was attached in 1967 and for the second

time it was attached in 1982. When Ram Chabutara was attached in 1967 the dispute was between Prem Das and Golaki Ram Lakhan Das. I do not remember properly. Ram Chabutara remained attached after 1 ½ - 2 years and attachment was lifted only after court's order. Shri Harihar Das, Mahant of gudartar Janamsthan was appointed Receiver at that time and the courts verdict was in favour of Golaki Ram lakhan Das and possession was also given to him through the court. After that Prem Das did not appeal in any higher court against this order and no Civil Suit was filed at that time. When Ram Chabutara was attached in 1982 the dispute was between Siya Raghav saran, priest of Nirmohi Akhara and Dharama Das. Other people were also there with Dharam Das but I do not remember their names. That case under section 145 of Cr.P.C. is still pending in the court. Said again – The proceedings of criminal case were concluded but the Civil Suit is still pending which is between Nirmohi Akhara, Siya Raghav Saran and Dharam Das. When the case under Section 145 of Cr.P.C. was filed in 1982 the priest Siya Raghav Saran was on behalf of Nirmohi Akhara. The same Siya Raghav Saran became against Nirmohi Akhara in the Civil Suit. This Civil Suit was filed in 1982. Siya Raghav Saran had been the priest of Ram Chabutara for the last many years but exactly how long I do not remember. Siya Raghav Saran was the priest of Ram Chabutara in 1982. Priest is not a paid servant. He is not paid any salary. He is given food, clothes, medicine, material or money for worship according to requirement. When a priest is appointed written Documents are prepared for it; also, and Nirmohi Akhara gets such papers signed by the priest who takes on Oath on the "Charhaw" of Akhara is called naga and under whom they take an Oath is called "Atit". Charhaw means Kumbh. Naga and Bairagis are same. They all are "Virakt" (detached). If

any householder abandons the family life he can be a Naga. These who go to become a Sadhu first become the disciple of any Guru and after that they become Naga. In Ramanandiya Sect all the Sadhus are detached and nobody is householder. Akhara does not run on inheritance. The Sadhus who are not in the Akhara may have inheritance but he Sadhu who is in the Akhara cannot have any heritance, the property belongs to the Panchayat not to the Sadhu. Those who are not the Sadhus of any Akhara of Ramanandiya Sect their property will be inherited by their disciples after their death. The Ramanandiya Sect was founded by Swami Ramanand. The system of detached Sadhus is also in existence since then. In other Hindu Sects also the system of detachment prevails. In the case under section 145 of Cr.P.C. of 1967 Prem Das called himself Mahant of Nirmohi Akhara and Ram Lakhan Das Golaki was in his opposition. At the time of attachment of Ram Chabutara in 1967 a list was prepared of attachment and Golaki Ram Lakhan Das was given the possession on Court's order. The articles were conciliated with the list of attachment. This case under section 145 of Cr.P.C. was of 1966 or 1967. But so far as I remember the attachment was done in 1966 before Ram Niwami. The attachment was done in 1966 but I have said it to be in 1967 inadvertently. There was a wooden temple in Ram Chabutara till 1992 with temple shaped tin shed. The suit under section 145 of Cr.P.C. in 1966 was about this Ram Chabutara and the entire disputed premise was written as Ram Janam bhoomi in the Documents.

In the case under section 145 of Cr.P.C. of entire disputed premise was not a disputed place. Only Ram Chabutara was disputed. In the case of 1982 under section 145 of Cr.P.C. only the part of Ram Chabutara was attached and it was called Ram Janam bhoomi temple in that case also

and the entire place was called Ram Janam bhoomi temple but only Ram Chabutara was disputed.

Question:- Please explain which entire area was called Ram Janam bhoomi temple according to you?

Answer:- 2.77 acre area is treated as the area of Ram Janam bhoomi temple.

I am telling it on the basis of the area acquired by Kalyan Singh Government in 1991 which was 2.77 acres. Said again – 2.77 acres of area which is disputed is of that entire area.

There is a Janam Sthan Sita Rasoi Gudartar temple in the north of the northern road of the disputed building, the word Gudar was after the name of Ramdas, Gudari Baba who suffixed Gudar word with his name and constructed the temple. Tar means the place of the organization where money is deposited and when any Mahant expires and his bhandara is organized, the money is given in the proportion of the deposited money, paras is given to that Sthan, Paras means the wrapper or container in which laddoo, Kachauri are wrapped. The Mahant of that seat is called “Taradheesh” and after that the letters of the Bhandara are sent to that Taradheesh. The letters are got according to the amount deposited there and they take Prasad from that place where the Bhandara is arranged. I had been priest of this janam sthan temple for 18-20 years. So long as I was the priest in this temple there was only one Mahant named Mahant Harihar Das. He was the “Taradheesh” of that place. Letters were sent there which were distributed by the Kotwal. This Tar included at least 25-50 – “Sthan” all of Ayodhya. This is the organization of the places of Ayodhya only so there is no outside “Sthan” included. The letters are given

according to the amount deposited by the Sthan and he takes the paras. The Sthans of Ayodhya include in it are Fakire Ramji Sthan, Lav-Kush temple, Ram Kachehari, Bara Sthan, Shanti Bhawan etc. Bara Sthan is called Ram Prasada's Akhara. It is called Dasharath Mahal now a days. The temple of Ram Chabutara was not included in Gudartar. Ram Chabutara temple is also a Tar which is called Ratan Simhasan. How many "Sthans" are included in it is not known to me but all the "Sthans" are of Ayodhya, Ratan Simhasan Tar includes Nirmohi Akhara, Rang Mahal, Anand Mahal, Bari Jagah Sthan etc.

"Bara Sthan" temple is called "Bari Jagah". Bara Sthan temple is given recognition by all so it is called "Bari Jagah".

Gudartar temple has also immovable property. The immovable property is in Faizabad, Gonda and Basti districts also. Bara Sthan has immovable property in many places but I do not remember the names. It has immovable property in U.P. and out of U.P. also. People who offer the property to God with devotion becomes the property of the Sthan. Gudartar temple is not called Janam Bhoomi temple but the old name of Janam Bhoomi temple was Janam Sthan and later on it become known as Janam Bhoomi and it is recorded as Janam Sthan in the Documents. This Janamsthan was called Janam Bhoomi since thousands years back. How this change occurred is not known to me. Sadhu Bairagi and Ramanandiya Bairagi are same. Sadhus belong to Ramanuji Sect also but they are not called naga. Those Sadhu are also detached. When any householder becomes a Sadhu, he keeps no relations with his family, his gotra (lineage) gets changed. Every thing becomes different.

Question:- Whether any householder is treated as deceased after he become Sadhu and his property is inherited by his successors on this ground?

(On this question an objection was raised by the Learned Advocate Shri Ranjit Lal Verma that the question was entirely irrelevant because after becoming a Sadhu who will inherit his property is not relevant).

(In the reply of this objection the Learned Advocate cross-examining the case told that the most of the part of the statement relates to Sadhus, bairagis, Nagas, Atit Nagas and their traditions and on that basis the relation was being maintained with the disputed property, so the question is entirely relevant).

Answer:- After becoming a Sadhu his family members do not treat him as deceased and his property is not inherited immediately by his successors. When the person who becomes Sadhu gives in writing his will, the property is inherited immediately by his successors, otherwise they inherit it only after his death.

I am not telling this on the basis of the rules of scriptures but on a general ground that only the brother, nephew or any other member will inherit his property.

The Learned Advocate shoed the witness para 6 of his main examination's affidavit and asked whether it's extract "Akhara is a public religious Trust itself" was right?" the witness replied that it was right.

Question:-Have you stated the above in relation to Shri Panch Ramanandiya Nirmohi Akhara Ram Ghat, Ayodhya?

Answer:- It is for Nirmohi Akhara also and also for other Akharas of Ramanandiya Sect.

I mean with the "public" word in the aforesaid extract is that public comes in the Akhara without an restriction to anyone. The word "Trust" means it's "Parickayak" (introductory) organization.

Question:-you have stated that a building was constructed after demolishing the temple at the disputed place in 1528 by Babar. How long this building was in existence?

Answer:- Worshipping etc., had been performing there before 1934 so it is a temple and that building was demolished in 1992.

In 1528 the temple was demolished to construct a Mosque and after that janam Sthan Rasoi Gudartar temple was built, I do not remember how many years after 1528 the Gudartar temple was constructed. There is Sita Rasoi in that Gurdartar temple, having the idol of Sitaji, hearth, rolling pin, dough board etc., but I do not remember whether foot prints are there or not. It is towards the south of this Janam Sthan temple. That road is much lower than the level of Gudartar temple. So a Parapet has been constructed towards the south of Gudartar temple. There is land towards south between the parapet and wall which is 6-7 feet wide. It is a passage to go to the houses in the upper side. There is a toilet in the west which is in use and parapet is at the side. I did not notice what is the width of the parapet. There was parikrama in the west of the disputed building and Parapet was by it's side and in

the west of the parapet there is slope of 25-20 feet, it is a deep slope. Similarly towards the south of the Janam Sthan temple there is slope or low level land. Mahantas are appointed in Gudartar Janam Sthan temple but no agreement is got executed by the Mahant because it is not a Panchayati Trust. The priests are also not required to execute any agreement who are appointed there. The Head of the Janam Sthan temple is called Mahant or Sarvarakar. When any Mahant expires in Gudartar temple, a Bhandara is arranged and all the people attend it and the eligible disciple of the deceased Mahant is appointed Mahant of that temple. This system prevails in Bara Sthan temple and other temples of Ayodhya. Our temple has also the same system but Mahant is selected by the Panchas and the document is signed by all the Panchas of the "Sthan" and other people. In other temples the agreement is got executed by Mahant if the system is Panchayati otherwise not.

Statement verified after reading

Sd/-

18.9.2003

Typed by the stenographer in the Open Court on my dictation. In Continuation of this attend the court on 19.9.2003 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

18.9.2003

Date: 19.9.2003

D.W. 3/1 Mahant Bhaskar Das

Before – Commissioner Shri Narednra Prasad, Additional District Judge/Officer on Special Duty, O.S.D., Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed by order dated 29.8.2003 passed in Other Original Suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhara and others Versus Babu Priya Datt Ram and Others).

(In continuation of dated 18.9.2003 the cross-examination on Oath continued by Shri Mushtaq Ahmed Siddiqui on behalf of plaintiff No.7 in Other Original Suit No.4/89 and Defendant No.5 Mohd Hashim in other Original Suit No. 5/89)

Siya Raghav Saran who lodge a complaint against Dharam Das on behalf of Nirmohi Akhara in 1982, is in Ayodhya these days or not that I do not know. Said again – He is not in Ayodhya now a days. He lived at Janam Bhoomi in Ayodhya and was there till 1982 when Ram Chabutara was attached and after that shifted somewhere. He was the priest of Ram Janam bhoomi. After the attachment of Ram Chabutara other priest was appointed by the Receiver. I have not seen Siya Raghav Saran in Ayodhya for the last 4-5 years. He was also Ramanandiya Bairagi. He was the disciple of Janaki Jiwan Saran and Naga of Ram Kewaldas i.e. Ram Kewal Das was "Ateel" and Siya Raghav Saran was his Naga Raghav Saran was the priest of Ram Chabutara. The case under section 145 of Cr.P.C. of 1966 between Premdas and Golaki Ram Lakhan was about only Ram Chabutara and Ram

Chabutara was written Ram Janam bhoomi Mandi in that suit. The acquisition was done in 1991 during the period of Kalyan Singh, Chief Minister and Nirmohi Akhara filed a writ petition in the High Court against it. This petition was about disputed building and Ram Chabutara etc., viz for the entire 2.77 acre land and even today Nirmohi Akhara stakes his claim for this 2.77 acre land.

There were pillars of touch stone on the both sides of Hanumat Dwar (main eastern gate) of the disputed premise and the picture of Hanuman was engraved alongiwth different arts viz., flower, leaves, Kalash etc., on the pillars. Some people say it the picture of Hanuman and the others say it was the picture of Jay-Vijay. That picture (idol) was not clear and was broken however it appeared to be an idol. We called that picture of Hanumanji. The picture of Jay-Vijay is like human body having diadem on the head and a stick in the hand. The picture made on the pillars did not appear to me of human being. When the Mosque was constructed after demolishing the temple the pictures (idols) of both the pillars were broken. The picture was not in the full pillar, flowers and leaves etc, are also engraved but only that portion having the picture was broke. Due to breaking the picture the pillars became rough and uneven. The Nirmohi Akhara, where I am holding seat of Sarpanch is fighting three other cases in Faizabad also in addition to this. One of the case is related to Dharam Das in 1982. One is against Ram Janam bhoomi Trust and the third is against V.H.P. I have no information about other cases except those which I have mentioned in my statement.

The Learned Advocate showed him the extract "Ramachandra, as incarnation of Lord Vishnu was born at this place" from Para 8 of the affidavit and asked – "birth"

and “incarnation” words have been used there. It happened 9 ½ lac years back according to you, please tell the “birth” and “incarnation” both occurred at the same time or on different period”. The witness replied – “when the God displayed his four armed form to mother Kaushalya it as an incarnation and when she prayed him to get transformed in a child form and abandon the four armed form, he turned himself into a child and came in the lap of Kaushalya. When he came in the lap of Kaushalya it was his birth.

Question:-According to you the belief of the people that Shri Ram got birth from the womb of mother Kaushalya, is wrong?

Answer:- It is not wrong, but right.

There is no different between my above two statements. Nageshwarnath Temple is also one of the oldest temple of Ayodhya in addition to the disputed building which was demolished on 6.12.1992. The consecration of Shiv in Nageshwarnath temple was performed by Kush, son of Ram Chandra. I cannot tell how old the Nageshwarnath temple is which exists today.

I am Mahant of Hanumangarhi temple of Naka Mujaffara, Faizabad. I am it's Mahant even before becoming Sarpanch of Nirmohi Akhara. There are three “Baithaks” of Nirmohi Akhara in U.P. and it's one Baithak is in Jagannath Puri, Orissa.

The Learned Advocate showed the witness an extract “there are four Baithakh of Panch Ramanandiya Nirmohi Akhara in U.P.” from page 236 of his statement dated 18.9.2003. The witness replied – “I have told it inadvertently that there were four Baithaks of Nirmohi

Akhara in U.P. indeed there are only three Baithaks in U.P. A temple without Receiver does not maintain the list of priests. As I have told about my name being in the list of priests of the disputed temple, which means the list prepared by the Receiver about the priests. I have not told this about the period when I was the priest of Ram Chabutara on behalf of Nirmohi Akhara. No New construction work or repairing work was carried in the disputed building or in its periphery during 1946 to December, 1949. There was only a tin shed where store room and kirtan place was located. When this tin shed was built I do not remember. I cannot tell any period whether it was 30 or 40 or 60 years back or so. But it must be at least 40 years old. The disputed building was white washed regularly during the period from 1946 to 29.12.1949. it was white washed almost every year. How much expenditure the whitewashing entailed I cannot tell. I also do not know how much time it took and how many labourers were engaged for white washing. The labourers used to come from Ayodhya for white washing. I have not seen anybody being buried nearby the disputed building from 1946 to 29.12.1949.

The land which is allotted for Kumbh by Nirmohi Akhara is not allotted by me but by shri Mahant of Nirmohi Akhara. Similarly as I have stated that Ramanandiya Nirmohi Akhara makes arrangements to take them all the take the bath. I myself do not handle this affair but it is done by Shri Mahant of Nirmohi Akhara.

Question:-Should I take it that Panch Ramanandiya Nirmohi Akhara, Ram Ghat, Ayodhya is not independent and is under someone?

Answer:- It is under the "Panchas" and all these Panchas belong to Nirmohi Akhara. This Panch

Ramanandiya Nirmohi Akhara, Ramghat,
Ayodhya is not under any outer authority.

The witness was shown an extract "These matter.....
and return", from page 235 of the statement and asked –

Question:-Is there any difference between the aforesaid
statement and the statement given today?

Answer:- There is no difference between my two
statements.

The Panch Sarpanch and Mahant of Nirmohi Akhara
have never called the disputed building as Mosque. There
is a ground towards east of Sita Koop. It is wrong to say
that there are graves in the north, west and south of Sita
Koop and it is also wrong to say that the Panch, Sarpanch
and Mahant of Nirmohi Akhara have been calling it
graveyard. It is wrong to say that there sare graveyards in
the east, north and south of the disputed building. It is
wrong to say that the Panch, Sarpanch and Mahant of
Nirmohi Akhara have been calling it graveyard. It is also
wrong to say that the Panch, Sarpanch and Mahant of
Nirmohi Akhara have been calling it graveyard in the
Documents and the proceedings of the case and in their
statements. It is also wrong to say that the office bearers
and sant of Nirmohi Akhara have been calling the disputed
building as Babri Mosque till 1949.

The priest of the temple is called "Sibait" also. The
Learned Advocate showed him Document no. 109 C-1/3
submitted in Other Original Suit No. 5/89 and asked
whether the plaintiff No.2 was the same Siya Raghav
Saran who had lodged a complaint in 1982 against
Dharam Das and others on behalf of Nirmohi Akhara? He
replied that he was the same Siya Raghav Saran.

The Learned Advocate showed him the extract “Nirmohi Akhara under which I submitted” from para 13 of the affidavit and asked –“You have mentioned about writing and registering the rituals and customs of Ram Chabutara temple of Nirmohi Akhara registered in the same way? The witness replied to see the aforesaid para – “The rituals and the customs of Nirmohi Akhara and Nirmohi Akhara are the same. I have submitted the rituals and customs of Hanumangarhi in this court. It was perhaps written in 1961. I will not be able to tell whether the length and breadth of Hanumangarhi is written here or not.

Question:-You have told that after independence of the country the Muslims started to register their right on the disputed building which resulted in the dispute and the police and the P.A.C. forces were deputed there much before 29.12.1949. Please tell after how many days of 15.08.1947, when India got freedom, the Muslims began to do this?

Ans:- After 1 or 1 ½ years, i.e. they started to do so after 1948 itself.

The police was deputed there since January, 1949.

I will not be able to tell whether the rituals and customs of Nirmohi Akhara were registered before 10.3.1949 also or not. I do not know when the rituals and customs of the Akhara are written, the length and breadth of the Akhara is also mentioned or not.

The Learned Advocate showed him para 15 of the affidavit and asked whether the boundary was written

unnecessarily in the Document of 10.3.1949? he replied that it was not written unnecessarily. I do not remember whether the above Document of 10.3.1949 includes the descriptions of the temples and properties of Nirmohi Akhara or not. It is wrong to say that as the Muslims started the dispute so the Document of 10.3.1949 was written as a witness and that description was given in it. I did not take part in writing the Document of 10.3.1949. This Document was written for all the Sant, Mahant and panch of Nirmohi Akhara. It was written by Mahant Raghunath Das and was written for Akhara only. Raghunath Das wrote this Document in favour of Nirmohi Akhara. It is wrong to say that I do not have any knowledge about this Document. It is also wrong to say that the Document was written in favour of Nirmohi Akhara by Raghunath Das as stated by me was wrong. It is wrong to say that no property was donated or made Waqf through this Document. A case of the property of Nirmohi Akhara was in the court in 1941 between Mahant Ram Charan Das and Mahant Raghunath Das etc., an agreement was made in this case and Mahant Raghunath Das was accepted the owner of the disputed building on behalf of Nirmohi Akhara in this case.

Question:-In the list of agreement regarding disputed property it is written at list A- one temple, with land, Janam bhoomi Babri Mosque, Mohalla Ramkot City Ayodhya Ji, Paragana haveli, Tehsil Avadh, District Faizabab, Boundary Jail, in the east barren and graves, west-Babri Mosque, north road-Pokhta, South-graves. It is the description of this Ram Chabutara temple?

Ans:- I do not know .

Qestion:-It is mentioned at Serial No.3 of this list – “One Kita chah pokhta Mausuma Sita Koop Muuttalika Janam Bhoomi Wakai Mohalla Ramkot City Ayodhya Ji, Pargana and Tehsil and Zila Mazkur Hasb Chauhaddi Jai, East-graves, south Chabutara Sumitra Bhawan.Is it the same Sita Koop mentioned as Chah Pokhta Sita Koop here and as mentioned by you n the suit?”

Answer:- It must be the same Sita Koop.

The Learned Advocate showed the witness Para 12 of the affidavit and asked – “Who was the officer issuing the order for mutation and when the order was issued to substitute the name of Raghunath Das? The witness replied – “I cannot tell the name of the officer who issued the order of mutation. Perhaps Ram Charan Dasa’s name was substituted by the name of Raghunath Das. I do not know whether this mutation was for one Nazool number or for many Nazool numbers.

The Learned Advocate showed him Photo No.47 and 48 of the coloured album paper No.200 C-1 and the witness replied – “there is seen the picture of hanuman on the pillars which has been broken. The picture of Hanuman is visible in this photo. The area of Hanuman’s picture on the pillars is seen besmeared with vermilion. The picture (idol) was broken but vermilion was besmeared there to display that it was the picture of hanuman. The witness was shown Photo no.51 of the same album and he replied –“Here also the pillars is besmeared with vermilion where the picture of Hanuman was broke. I have only seen the broken and vermilion besmeared picture on the pillars. Every part of the idol was broken but still it displayed that it was a picture or

idol. It was a picture which was broken vermilion is besmeared there which indicates that picture was there, all the signs of the idol were destroyed. The Learned Advocate showed him picture No.50 and 54 of the album and the witness replied that there was picture where the vermilion was seen besmeared. The picture was destroyed beyond recognition. Said again – vermilion was besmeared where the picture existed. Vermilion was offered to the deity on every Tuesday. When I was there I also besmeared the vermilion paste. I applied it where it was already besmeared. Nobody, who are alive today have seen the idols being broken because it were broken long time before. The duplicate copy of the decision of the case under section 145 of Cr.P.C. between Mahant Premdas and Golaki Ram Lakhan Das has been submitted in this court. I do not know whether the duplicate copy of the list of attachment has been submitted in this court or not. It is wrong to say that these copies were not submitted as Nirmohi Akhara had no relation with the disputed building and it made this relation clear. It is wrong to say that the idol was kept in the disputed building in the night of 22/23 December, 1949 stealthily. It is also wrong to say that Ram Lala Ji appeared there in the night of 22/23 December, 1949. The Learned Advocate showed him Document No.842-C reference made of “appearance ceremony” in this paper relates to the disputed building? The witness replied that it was about Ram Lala Utsav (festival) and related to Janam Bhoomi. Ram Lala is in the Ram Chabutara as well as in the disputed building. Having seen the aforesaid paper he replied that it was the newspaper of January, 1989. Having seen Document No.842-C, the witness replied-“It is written here” the 40th appearance festival of God Ram Lala was celebrated with great fan fare in the world

famous Shri Ram Janam bhoomi temple on 12th January".
It is written correctly.

Question: If the 40th appearance festival was celebrated
in 1989, it means the first appearance festival
was celebrated in 1949?

Answer.:It proves that the first appearance festival was
celebrated in 1949 but it must had been
celebrated before it also which got no
publicity in the paper.

There is an organization called Shri Ram Janam
bhoomi Sewa Samiti in Ayodhya. I cannot tell whether
this institution is functional still today or not. When it was
founded is not known to me. This organization had
assisted in the case of Gopal Singh Visharad for
sometime, and now it is doing nothing. The office bears of
Nirmohi Akhara have no relation with it.

Statement verified after reading

Sd/-

19.9.2003

Typed by the stenographer in the Open Court on my
dictation. In Continuation of it appear in before the Full
Bench for further cross-examination on 22.9.2003.
Witness should also come.

Sd/-

(Narendra Prasad)

Commissioner

19.9.06

Date: 22.9.2003

D.W. 3/1 Mahant Bhaskar Das

In continuation of dated 19.9.2003 the cross-examination of D.W.3/1 Shri Mahant Bhaskar Das before Hon'ble High Court, Lucknow Bench was stated by Shri Mushtaq Ahmed Siddiqui on behalf of plaintiff No.7 in Other Original Suit No.4/89 and plaintiff No.5 of other Original Suit No. 5/89)

Ayodhya is inhabited by general public in addition to Sadhus and Bairagis. Brahman, Kshyatria, Bania, Mali, Kurmi, Lala etc., are constituents of this population. Paramhans Ram Chandar Das, Abhiram Das, Dharam Das, Baldeo Das, Ram kewal Das etc., are not the original residents of Ayodhya, all they came from outside and became Sadhus. Gopal Singh Visharad who filed a suit (O.O.S. 1/89) also came from outside. I remember when the suit under section 145 of Cr.P.C. was filed there was no name of any party and objections from the Hindus and Muslims of Ayodhya were invited. I do not know how many people filed the objections. Babu Priya Datt Ram who was appointed Receiver, was a respectable person of Faizabad. He was the Chairman of Faizabad Municipality. There was only one municipality at that time for Ayodhya and Faizabad. He was the flower of Lord Ram. All the Hindus of Ayodhya were and are the followers of Lord Ram. So far as I remember in the case under section 145 no Hindu or Sadhu of Ayodhya registered his objection except Gopal Singh Visharad and some Bairagi. In the suit in which I am deposing before the court, Priya Dutt Ram is Defendant No.1. I do not remember whether he has filed his written statement in his case or not. I also do not know whether he has refused the statements of the written statement. It is wrong to say that only the Bairagis on Ayodhya raised this dispute and no respectable Hindu

came there to register his objection. After the death of Priya Dutt Ram, Shri K.K. Ram Verma was appointed Receiver of the disputed property. It is not in my knowledge that any application as pending against him in the High court charging him of bungling or disorder and on which the High Court ordered the District judge to look into the case.

I have written in para 11 of my statement that no Muslim went to offer Namaz in the disputed building from 1946 to 1949 and no Namaz was offered there. According to my knowledge pooja-path was performed there even before 1946. There is also parikarama in Janam sthan Sita Rasoi mandir Gudartar which is in the north to the northern road of the disputed building. I mean there is a passage for Parikrama. This parikrama passage is in the middle of the building and temple from all the side. There was also Parikrama road around the disputed building. There was also Parikrama Road around the disputed building. There is no outer Parikarma passage in any other temple of Ayodhya except the disputed building. The temples have round and oblong pinnacles and some temples are without pinnacles also having only a plain roof. All the three pinnacles of the disputed building were in a row and were of round shape. No other temple of Ayodhya has such pinnacles in a straight row. The temple premise includes Parikrama, Pinnacle and courtyards etc., where the god is seated in the temple is called sanctum-sanctorum. In addition to it there are foot prints in the temples. Shiv temples have separate shiv Darbar, Bhandara, Sadhus' residence etc. The temples have oblong, round pinnacles alongwith the aforesaid attributes described by me above. The water supply arrangement is also necessary and so many other things are also necessary which I cannot tell this time. This

affidavit was got written on 29.8.2003 and typed and verified on the same day. No paper was shown to me at the time of preparing affidavit. It is right that I have said in my affidavit – “The paras from 1 to 85 of my statement are correct to the best of my knowledge”. The facts stated in para 17, 18 and 25 of my written statement are correct. The Learned Advocate asked the witness – “Just you have given the statement that “No paper was shown to me at the time of preparing affidavit” which your statement is correct either given in para 17, 18 and 25 or the statement given above today? After looking at the paras of the aforesaid affidavit the witness told that the photos mentioned above in the para were shown to me earlier but not at the time of preparing the affidavit. The ritual and the custom of Nirmohi Akhara which I have mentioned at para 32 of the affidavit is oral and not written and every Panch has the right that he can build a separate temple on his own will but the temple will be under Nirmohi Akhara. I did not build any temple separately. I came to Ayodhya in 1946 and since then no new temple was built in the disputed building and all these temples were already built there in the vicinity of the disputed building. Sumitra Bhawan was built by Shri Ram Das who was Panch of Nirmohi Akhara, it was built long back about 70-80 years ago. Sita Koop temple was built by Baba Govind Das. It was in the north of Sita Koop at a distance of 15-20 steps. Ram Lala temple was already built. Who built it, is not known to me. Ram Lala was seated in the said Sita Koop temple. Ram Lala temple was not a different temple but it was Sita Koop temple itself which I have mentioned at para 32 of my affidavit. Saligram temple mentioned at para 32 of my affidavit was in the north of Sita Koop. It was also in existence since long. The graves which I have mentioned at para 34 of my affidavit were in the north, south and west of the disputed building. There was no

grave in the east of the disputed building. I was alleged of demolishing 9-10 graves. It was a false charge against me that I demolished the graves. Reality is that these all were tombs. I was alleged of demolishing the graves and not the tombs. There was no shop in the west of the disputed building. In para 16 of my written statement it is written – “There was a shop of 25-30 feet in the west of the parapet”. The word “Shop” was written instead of “Slope”. It is true that I have gone through this para before verifying the statement but I could not realize the mistake at that time.

I cast my vote in the election. This time I am in the voter list of Naka Hanumangarhi. It is right that the man gets his name in the voter list of that place where he resides.

The riots broke out 30 times during the period of Aurangzeb in Ayodhya. Aurangzeb was Muslim Emperor. Aurangzeb's Wrath brought the demolition of Ayodhya's temples. Janam Bhoomi temple and the temple near Ahilyabai Gaht were demanded. According to my knowledge no other temples were not damaged due to the wrath of Aurangzeb. Janam Bhoomi mandir located at Chabutara was demolished. At that time also the temple was on the Chabutara. It was made of wood which was demolished on the order of Aurangzeb.

The temple which was demolished on 6.12.1992 was also of that size which was demolished during the period of Aurangzeb. I will not be able to tell whether the demolished temple located at this place during the period of Aurangzeb was built on the same level of this temple or not. What has been stated at para 84 of my affidavit is correct. I will not be able to tell whether the Chabutara measuring $4 \frac{3}{4} \times 4 \frac{3}{4}$ mentioned in that para was of

the period of Aurangzeb or earlier to it. I have told it that para that the "Chabutara was covered with stones and rubles". It was done so to save it from the sight of Aurangzeb. When I saw the Chabutara mentioned in this para after excavation it was not broken.

In the Civil case of 1941-42 these temples were not disputed. These temples were built by Panchas around the Janam Bhoomi temple which have been mentioned at para 32. these temples were mentioned in the boundary of the property relating to the case of 1941 which has been mentioned built by Panchas in para 32. there was no dispute of Sita Koop in that Suit. Ram Chabutara temple was disputed before the agreement in the case of 1941. It is true that Sita Koop temple was also disputed before the agreement in that suit.

I worked for 20 years as a priest in the Janam Sthal Gudartar temple north to the road. There had been only one Mahant during that period of 20 years. No doubt I was a trust-worthy and reliable priest. The Documents of that temple were not with me but the ornaments etc., of the God were in my supervisions and custody.

My knowledge about the Mosque does not go beyond this that I have seen it from outside only. The disputed building which was demolished on 6.12.1992 was not a Mosque but a temple. It is wrong to say that the disputed building which was demolished on that date was a Mosque. It is also wrong to say that five times Namaz and Zuma Namaz was offered regularly in that building since its construction to the night of 22.12.1949. It is also wrong to say that Azan was performed during that period and Immam was appointed there or public Namaz was offered. It is also wrong to say that during that period of Namaz of

Ramzan-Taraweeh was performed in that building. It is also wrong to say that the building was not a temple. It is also wrong to say that the property to three villages was given on behalf of the Government to meet the expenses of the said Mosque.

(The cross-examination concluded by Shri Mushtaq Ahmed Siddiqui, Advocate on behalf of plaintiff No.7 of Other Original Suit No.4/89 and Defendant No.5 of Other Original Suit No.5/89).

(Shri Irfan Ahmed, Advocate on behalf of Defendant No.6/1, and Shri Fazale Alam, Advocate on behalf of Defendant No.6/2 adopted the cross-examination made by Shri Abdul Mannan, Advocate, Shri Jaffaryab Gilani, Advocate and Shri Mushtaq Ahmed Siddiqui, Advocate).

Cross-examination concluded on behalf of all the Defendants/parties. The witness is released.

The statement verified after reading

Sd/-

Bhaskar Das

22.9.2003

Typed by the stenographer in the Open Court on my dictation.

Sd/-

(Narendra Prasad)

Commissioner

22.9.2003