

**10006**

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

**OTHER ORIGINAL SUIT NO. 3/1989  
(Reg. suit no. 26/59)**

Nirmohi Akhara and others \_ Plaintiffs

Versus

Baboo Priya Dutt Ram  
and Others \_ Defendants

**STATEMENT OF D.W. 3/12  
SHRI RAM AKSHYAWAR PANDEY**

**10007**

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**OTHER ORIGINAL SUIT NO. 3/1989  
(Reg. suit no. 26/59)**

Nirmohi Akhara and others \_ Plaintiffs

Versus

Baboo Priya Dutt Ram  
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**EXAMINATION-IN-CHIEF OF WITNESS D.W. 3/12 SHRI  
RAM AKSHYAWAR PANDEY UNDER ORDER 18 RULE 4  
CODE OF CIVIL PROCEDURE.**

I Ram Akshywar Pandey, son of Shri Tilak Pandey, age approximately 70 years, resident of vill. Ramapur Bhagahi, Pargana Nababgunj, Thsil Tarabgunj, Dist. Gonda solemnly affirms on oath as under:-

1. I was about twelve when I started understanding things and since then I have been visiting Ayodhya, accompanying my grandfather Sh. Shiv Ram Pandey.
2. My grandfather was an educated and a religiously minded person. He told me that he had passed middle school. He knew Sanskrit and had plenty of knowledge about religious scriptures and that is why he used to visit the temples in Ayodhya regularly.

3. We have been residents of Rampur village for almost ten generations. I came to know about this from my grandfather. We always have plenty of arable land.
4. Ayodhya is approximately at a distance of three and a half 'Kosh' from our village.
5. I know that the country got independence on the August 15. For a year before that I had been going to Ayodhya for a bath in the river Saryu and for darshan. The country got its freedom 57 years hence.
6. Whenever I visited Ayodhya, accompanying my grandfather I visited Hanuman Garhi and Ram Janambhoomi temple. When I was old enough I used to visit Ayodhya for darshan and holy bath all by myself. I used to undertake/perform Chaudah (fourteen) kosi and Panch (five) kosi Parikrama. Three fairs are organized annually in Ayodhya. These fairs see a huge congregation of believers from different parts of the country and abroad. People come to visit the Shri Ram Janambhoomi temple and have a darshan of Lord Ram Lalla, establish a shrine in the temple.
7. The inner part of the iron grills and the place under the three domes, where the idol of Ram Lalla was pre established was attached two years after independence, when I was about 15 years old.
8. I have been having darshan of Lord Ram Lalla in the inner sanctorum, before the attachment took place. The management of the inner section was with the Nirmohi Akhara. The Akhara used to have lands

aplenty in Rampur, but these days they are left with about 2-3 hundred bighas only. There was an ancient temple of the Nirmohi Akhara at Rampur. The temple has been renovated and the established ancient idol have been reinstalled by the Akhara. The presiding deity of the Rampur temple is Lord Ram Janaki. So far as I remember the other temples of Nirmohi Akhara are the temple of Ramghat Vijay Raghav Bhawan, Naka Hanuman Garhi, Hanuman temple and there were others too but they were demolished. Some of them were adjacent to the Ram Janambhoomi temple, e.g. Sumitra Bhawan, Sita Koop temple etc. Ram Janambhoomi temple belongs to the Nirmohi Akhara.

9. Besides Raghunath Das I have seen Baba Baldev Das, Ram Laxhan Das, Jata Pal baba, Baba Ram (END OF PG 3) Dev Das, Ram Kewal Das, baba Girwar Das, Ram Vachan Das, Kamta Das, Baba Bhaskar Das of the Nirmohi Akhara. Mahant Bhaskar Das is the Mahant of the Akhara for the last 10-12 years.
10. The temples and the properties belonging to the Nirmohi Akhara are looked after in accordance with the Panchayati system. The Panch of the Akhara is the 'owner' of the property. Mahant is a temporal head and cannot undertake any transaction of properties by himself. The management of the Ram Janambhoomi temple has always being under the aegis of Nirmohi Akhara.
11. I was about twelve when I remember going for a darshan alongwith my grandfather for the first time. My grandfather introduced me to baldev Das and



Ram Lakhan Das Golki of Nirmohi Akhara. He told me that Golki is the priest of the temple. And Sadhu Bhaskar Das, Ram Dev Das, Pahari baba and 6-7 others saints were living there.

12. Whenever I used to visit the inner sanctum of the disputed structure before its attachment I saw the aforementioned sadhus there. The sadhus of Nirmohi Akhara used to take offerings from worshippers and used to offer them 'charamrit' (holy water). Baba Baldev Das, or Bhaskar Das or some other sadhus used to perform these functions. I had darshan of Lord Ram Lalla inside the temple before its attachment and had darshan through the installed iron grilles after attachment. After attachment the visiting devotees used to offer their offerings at the Ram Chabutra temple and these were accepted by sadhus of the Nirmohi Akhara.
13. Control of the outer premises of the birth place is with the receiver for the last 20-22 years but one can have darshan of Lord Rama.
14. Some structures in the inner and outer premises have been demolished about 10-12 years ago. But the deities of Lord Rama, Laxman and Hanumana are there for the visitors to see. The idols are under a tent like structure and are visible through a iron grill.
15. Right from the time I started visiting the temple I have always seen the idol of the lords there and people worshipping them.
16. The Ram Chabutra temple, the Shiv Durbar temple, a store room and the living quarters of the saints were

all located in the outer courtyard of the temple. For as long I can recollect the affairs of Ram Chabutra was controlled by the Nirmohi Akhara. The saints of the Akhara used to put up at the sant niwas bhandar. Members of the Akhara used to manage the affairs of the Chatti puja sthal and Shiv Durbar.

17. In the inner and outer premises of the Ram Janam Bhoomi temple about which I have detailed in my statement I have never seen any Muslim offering namaaz.

Dt. 24.5.2004

Deponent

S/d

Ram Akshyawar Pandey

Lucknow.

VERIFICATION

I, deponent Ram Akshaywar Pandey solemnly affirm that the contents of my affidavit from para 1 to 18 are true to the best of my knowledge and belief. Nothing has been concealed nor any thing false has been stated therein. May God help me.

Verified today 24.5.2004, at the Lucknow High Court.

Deponent

S/d Ram Akshyaware Pandey

Lucknow.

I know the deponent Ram Akshyaware Pandey who have signed this affidavit before me.

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S/d R.L. Verma

Advocate

**10013**

Before: . Commissioner Shri Hari Shankar Dubey, Addl.  
District Magistrate/OSD, Hon'ble High Court, Lucknow  
Bench, Lucknow

(Commissioner appointed by Hon'ble Special Full Bench,  
Lucknow vide order dated 21.5.2004)

**O.O.S No. 3/89**

**R.S. No. 26/59**

Ramanandiya Nirmohi Akhara Plaintiffs

Versus

Priya Dutt Ram and Others Defendants

**Dt 24.5.2004**

**D/W Ram Akshywar Pandey**

Affidavit filed in Examination in chief of Shri Ram Akshywar Pandey, age about 70 years, son of – Sh Tilak Ram Pandey, resident of Ramapur Bhagahi, pargana nababgunj, tehsil Tarabgunj, dist. Gonda, Uttar Pradesh, page 1 – 3 of Examination in chief affidavit has been produced and taken on record.

(Cross examination on behalf of applicant Sh. Ramesh Chandra Tripathi, defendant no. 17 of suit no. 4/89 and defendant no. 22 Sh Umesh Chandra Pandey, suit no. 5/89 by advocate Sh. Vireshwar Dwivedi)

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I have studied till the fifth standard but could not clear the examination. I left my studies thereafter but I do

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not remember in which year I left my studies. I was about 10 then. I started to attain maturity by 12. The Hanumana temple of Ayodhya is known as the abode of the Lord Hanumana. There is one such temple in Hanuman Garhi and another one at naka. Lord Shankar is to be found at his temple in Ayodhya. I do not know if there is any such temple dedicated to Wam Devi in Ayodhya. There was a temple of Sumitra, located behind the Ram Janam Bhoomi temple. This temple housed an idol of Sumitra. I do not know if the management of the hanuman Garhi temple is entrusted with the Nirvani Akhara or not. I do not know who all manages hanuman Garhi. Mahants manage the affairs of the temple. God necessarily does not owns the temple housing his deity. Panchayats look after the management of the temples and they are considered the owners too.

The temple of Ram Janam Bhoomi is very old. I am seventy and I have come to know that the idol of Lord Rama was ever present there. My grandfather told me that the idol was ancient. He did not clarify if it was 100, 200, 1000 or 2000 years old. My grandfather left for his heavenly abode some 25 years ago, at the age of 100. It would be wrong to term a temple as the 'residence' of god.

Question: It is said that the gods and goddesses whose idol is kept in the temple is the owner of that temple. What are your comments?

(On this point, learned advocate of plaintiffs of OOS no. 3/89, R.L. Verma objected on the ground that the party on whose behalf the learned advocate cross examining the witness has never raised this issue. This question has already been asked and the witness have already denied

the existence of any temple of any goddess in Ayodhya. So such questions should not be allowed.

Answer: It would be wrong to deduct that the god or goddess where an idol thereof is established is the owner of that temple.

I have read some Ramcharit Manas. It is writtin thence that “ Mandir Mandir pratikar soudhe” (transliteration) which literally means Lord Hanumana saw many temples in Ayodhya. In all probability the word temple in those lines may also refer to the houses of Lanka. A residence can be called a ‘Mandir or ‘makan’. The temple where the idol of Lord Shankara or Lord Rama is kept does not necessarily belongs to them. The temple belongs to the body that manages the affairs of the temple. Else documentary records should establish ownership.

Question: If the temple belongs neither to the panchayat nor are there any clear documentation clarifying ownership, who would become the owner?

(On this point, learned advocate of plaintiffs of OOS no. 3/89, R.L. Verma objected on the ground that only direct, factual questions could be asked during cross examination. Such questions that are detached from reality and based on imagination should not be allowed)

Answer: In such a situation the worshipper would be the owner.

I do not supervise agricultural or animal husbandry related activities of the Nirmohi Akhara. I have seen the temples and lands of the Akhara but not the documents

relating to them. Grandfather used to say that the Akhara owned thousands of bighas of lands in Ramapur. He said this some 20-25 years back probably. I reside in Ramapur and once during audit the mahant said that about 200-250 bighas of land are left with the Akhara, since the earlier system of ownership is no longer in practice. 57 years have passed since the country became independent. The zamindari system has been done away with. I don't know how long ago it has been abolished. I own some 100 bighas of land. 20 decimalis roughly equal to one bigha. Government has not attached my lands. My brothers, sons, myself look after the agricultural works. I have seen Baldev Das Golki, who have now passed away. I have seen mahant Raghunath Das, but do not remember exactly how many years before his death. Ram Kewal Das have also passed away. There may be various categories of mahants but I have seen only panchayati mahants. I have not heard of any category called the Jahira mahant. I must have been around 12 when I recollect visiting Ayodhya with my grandfather. The disputed premises were attached 2 years after independence, but even then daily prayers and rituals were performed by the Nirmohi Akhara. I was a regular visitor and one day the mahant told me that the structure has been attached but daily rituals are continuing as usual. I do not recollect exactly when I was told this. I would not hazard any guess as I do not have any memory of the time or date. I was told these things, when I was on a regular trip to the temple. Even these days I visit the place for darshan. The Nirmohi Akhara does not perform any rituals these days. Daily worshipping is arranged by the government. The government might have appointed the priest therein but I have no idea as to what his name is or to where does he belongs. The priest stationed at the place performs his rituals for Lord Rama, all the while staying behind the iron grills that separate the

sanctum sanctorum from the visitor's area. I am not aware of the antecedents of the priest. I do not know whether he sports a beard or not. Whenever I visit the place I offer some money at the seat of the Lord. All these are done from without the barricade. Sometimes there are other visitors, sometimes there are not any. I cannot describe the people present in the structure. It is an utter lie to state that I never went to the temple to have darshan and I do not go there these days.

In my statement I have mentioned about owning some 100 'kuccha bighas' of land. This was owned by my father and now it is in the names of my brothers and me.

The aforementioned land was situated to the north eastern corner of the place from where I used to have darshan. Shiv Durbar was located to the south eastern side of the Ram Chabutra. The witness reiterated that the Shiv Durbar was located to the south eastern side of the Ram Chabutra and then said that there was a peepal tree adjacent to it. I have seen the Vijay Raghav temple belonging to the Nirmohi Akhara. This was located to the eastern side of the Ram Janam Bhoomi temple. I do not have any idea of the distance between these two places.

(On behalf of defendant no. 17, suit no 4/89 and defendant no. 22, Sh Umesh Chand Pandey, suit no. 5/89 cross examination by advocate Sh Vireshwar Dwivedi concludes.)

(In the case OOS no. 4/89, Sh Madan Mohan pandey, advocate accepted the cross examination by Sh Vireshwar Dwivedi, advocate on behalf of defendant no. 21 Suresh Chandra Das.)



(On behalf of plaintiff in OOS no. 5/89, cross examination by Sh Ajay Kumar Pandey, advocate begins.)

XXX XXX XXX XXX

I belong to 'Savarnya gothra'. I do not know with which saint this is related. E are 'Nitar Pandey'. I have stated in para 1 of my Examination in Chief affidavit that I attained some maturity when I was around 12 years old. I have stated in para 2 of my affidavit that my grand father had cleared middle school. He understood Sanskrit and had knowledge of various scriptures and that he used to be a regular visitor to Ayodhya. I think if my grand father was ignorant about the scriptures he would still have had visited Ayodhya. Grandfather knew about the Ramayana and Mahabharata. My great grand father's name was Parameswar. It is a possibility that I may not be able to recall the name of all ten of my forefathers who resided in Ayodhya, but I know the names of most of them. The three fairs in Ayodhya that finds mention in my Examination in Chief affidavit are: Ram Navami fair, Panch Kosi Parikrama fair and Choudah (fourteen) Kosi parikrama fair. Besides these Shravan Jhula (swing) fair is also celebrated. During these fairs Ayodhya becomes overcrowded. Participation in the fairs varies. They can number one – two thousand, ten thousand one lakh, maybe even ten lakh. I have stated in para 7 of my affidavit that devotees from world over comes to attend these fairs and see the birthplace of Lord Rama. Devotees go round the Ram Janam Bhoomi temple (parikrama). I have done it myself. The door of the temple is located on the eastern side and was called the Hanumana gate. Some devotees used to take complete parikrama along the outer premises but I followed the inner parikrama marg that surrounded Ram Chabutra. I have stated in the sixth

line of para 9 of my Examination in Chief affidavit about the installation of an ancient idol of the Lord by the panchs of Nirmohi Akhara. By that I meant that the idol of the Lord was shifted from the old, dilapidated temple of the Akhara to a new temple. The idol of the Lord was installed by the mahant in the new temple at Rampur. After the panch passed the proposal of reinstalling the deity priests were called for and they consecrated and reinstalled the deity. Whenever the deity of a temple is removed and reinstalled hymns are recited. The temple where the Lord was reinstalled was a new construction. In the fifth line of para 9 of my affidavit I have stated that “after some renovation of the idol of the ancient Thakurji, the idol was reinstalled in a new temple by the panchs of NNirmohi Akhara.” By this I meant that after constructing a new temple the deity was reinstalled therein. By Thakurji I meant the idols of Ram Janki and Laxman. There are many temples belonging to Nirmohi Akhara. One is in Rampur, Ram Janambhoomi is another, and again another is Hanuman Garhi, located at naka Muzaffra and Sumitra Bhawan. Besides these there was one more temple which used to be on the way to Ram Janambhoomi temple, where Falahari baba used to be the priest. I am not aware of any documents to this effect but have always seen people of the Akhara managing these temples conduct rituals therein. Among the priests of the Akhara were Baba Baldev Das, Bhaskar Das, Ramdev Das, Kamta Das, Rambachan Das, Ram Lakhan Das Golki (who used to be in charge of monetary offerings at the Ram Janam Bhoomi temple). These people I used to know by name. Besides them there were some four or five people whose names I do not remember. The aforementioned (END OF PG 18) Golki used to be in charge of the money offered at the temple on behalf of the panchs. By Golki I meant the owner of Golak, but he used to perform priestly duties

too. The work of priest and golki of the Akhara was not entrusted to the same person. A person cannot be a mahant and a priest at the same time. There was a mahant by the name of Raghunath Das and another person was the priest. Priests look after the temple and perform the rituals related to the idols. The priests are appointed by the panchs. It will be incorrect to term priests as servants of the temple. Badev Das was the priest of the hanuman Garhi temple located at naka Muzaffra. These days baba Bhaskar Das is the mahant of that temple. Ramdev Das is a saint of the order of Nirmohi Akhara and though not the mahant of the Ram Janam Bhoomi temple, he used to live there. He looked after the agricultural land belonging to the Akhara in my village. The cultivable land is called 'sir' in the local dialect. I cannot say when he was entrusted with the job but he used to visit our village to look after the 'sir'. How many years ago he got this responsibility I cannot say.

I have performed Choudah (fourteen) kosi parikrama twice or thrice. The places of importance those were on the way were not visited because everyone was in a hurry to complete the parikrama. Suraj kund and Jamthara was en route of the parikrama and people stopped by to sprinkle holy water on their own persons. Besides these two places I cannot recollect the name of any other places on the parikrama route largely because I never stopped by them. Ram Janam Bhoomi commands respect of people because they believe that the Lord was born here. Lord Rama was born in the Satya Yug. Old timers say that the Lord appeared in satya-treta and dwapar yug. If the lord was born in treat yug or not I cannot say but people say that he was born either in satya or treat yug. The lord did not appear before me, but people say and believe that lord Rama was born on the day Ramnavami is celebrated.

Ramnavami occurs during the month of Chaitra and is celebrated with pomp and gaiety in Ayodhya. The place has come to be known as the Ram Janam Bhoomi since the Lord was born there. I do not know when Nirmohi Akhara came into existence, but as far as I know it is a very old panchayati Akhara.

Question: Did the Nirmohi Akhara existed when Lord Rama appeared (was born)?

(On this point the learned advocate of plaintiffs OOS no. 3/89 objected on the ground the question was not relevant as the witness had stated that he did not know when Lord Rama was born but have only heard about it. Therefore such questions should not be allowed.)

Answer: The Nirmohi Akhara existed when Lord rama was born.

I do not know anything about the customs of Akharas. Akharas have panchs and they select a mahant. Mahant cannot bequeath any properties of the Akhara without the permission of the panchs. Panchs are choosen from the disciples of the Akharas. I do not know how many panchs can be selected from an Akhara with 100 disciples. I am not aware of the rules associated with this process. Panchs are appointed according to the rules of the panchayat. Only the saints can tell you about the rules of selection as it concerns them. I cannot say how many Akharas are there in Ayodhya. I visit the Ram Janam Bhoomi and Hanuman Garhi temple and never felt the need to consult anybody for this purpose. I was not present there when the disputed structure was demolished. I went there afterwards and saw that the structure lying demolished.

To the north of the building there was a gate. This gate had no doors. This gate was called Singhdwar. I never saw any Muslim in the disputed site neither any offering namaaz there.

(Cross examination by Sh Ajay Kumar Pandey on behalf of plaintiffs of OOS no 5/89 concluded.)

On behalf of plaintiffs of OOS no. 1/89, Sh Putu Lal Mishra was given an opportunity for cross questioning but he said he did not want to cross examine the witness and accepted the cross examination by Sh Ajay Kumar Pandey on behalf of plaintiffs of OOS no. 5/89.

On behalf of Akhil Bharatiya Sri Ram Janam Bhoomi Punaruddhar Samiti, who is defendant no. 20 in OOS no. 4/89 cross examination by Kumari Ranjana Agnihitri begins.

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I have passed fourth standard in school but my grandfather was more educated than me. My grandfather was a religious person. I am a religious person and a Brahmin by caste. I worship god and is a practicing Vaishnavite. Lord Rama is my favorite deity. My grandfather had vast knowledge of religious texts. He used to tell me stories whenever he was free. I started understanding things from about the age of 12 and since then I have been visiting the Ram Janam Bhoomi temple alongwith my grandfather regularly. I am a regular visitor till date. I go there because of my faith and belief that people attain salvation after visiting the temple of the Lord. I know a bit of Ram Charit Manas. I have read the

Sunderkhand part. My grandfather told me that Lord Rama was born at the site of the Ram Janam Bhoomi temple. I know this line of Ram Charit manas “bhai prakat kripala deen dayal kaushalya hitkari” (transliteration). The line means that Kaushalya had given birth to the Lord to whom people are paying their obeisance.

I was 13 years old when the country got its freedom. I used to visit Ayodhya on no moons and full moons to take a holy dip in the river Saryu and this practice continues. I used to make an offering of a garland of flower. I have heard that bathing during full moons and no moons in the Saryu river is considered very sacred. I cannot say what exactly is achieved by bathing in the river. I just follow my faith and beliefs. It is believed that seeing the Saryu river itself is very auspicious. Tulsidas have written in this context: “darash parash kari majjan pana, kate paap kahe ved purana” (transliteration). Thousands of devotees come to Ayodhya to see the Saryu river and to take a holy dip into it. Saryu flows through the northern side of Ayodhya. People visit the Ram Janam Bhoomi temple, Hanuman Garhi temple and the Saryu river of their own will, there are no compulsions or restrictions. Saying so these days police have been deployed on the disputed premises and the time for having darshan have been regulated. I have been a visitor to the place since a long time. I have been visiting the place since the time the three towers of the disputed building were built. Pillars placed there were black in colour and images of gods and goddesses were carved on them. The image of Lord Hanumana was carved on the pole adjacent to the entrance. The image of the Varaha (boar) god was carved on the four walls. Visitors used to have darshan of the boar incarnation.

I have not completed parikrama of the Ram Janam Bhoomi temple from all the sides. I have only gone around the Ram Chabutra. I am a witness in this case of my own free will. I have not been compelled to become a witness. Sometimes I used to be present at the temple during aarti time, when offerings were made.

Question: Did you offer prasad?

(The learned advocate of plaintiffs in OOS no 3/89, Sh. Ranjit Lal Verma objected to this question, saying that it is imaginary and should not be allowed)

Answer: Yes, I used to offer Prasad too.

(Except the advocates of defendants of OOS no. 4/80 and defendant 4, 5, 6 and 26 of OOS no. 5/890 no cross questioning was done on the behalf of any other defendants and therefore cross questioning, on their behalf is concluded. Therefore cross examination by advocate Sh Abdul Mannan on behalf of defendant no 11, Mohammed Farooque Ahamad begins.

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Babri Masjid was not there.

Verified after hearing the statement.

Sd/-

Ram Akshywar Pandey

Dated 24.5.2004

On my orders the stenographer typed in the open court. In continuation this witness may be present on 25.5.2004 for further cross examination.

Sd/-

Hari Shankar Dubey,

Commissioner

Dated 24.5.2004

**Dated 25.5.2004**

**DW 3/12 Ram Akshyawar Pandey**

Before: Commissioner Sh Hari Shankar Dubey, Addl.  
District Magistrate/OSD, Hon'ble High Court, Lucknow  
Bench, Lucknow

(Commissioner appointed by Hon'ble Special Full Bench,  
Lucknow vide order dated 21.5.2004)

(In continuation dated 24.5.2004 on behalf of defendant  
no. 11, cross examination of Ram Akshyawar Pandey DW  
3/12 by advocate Sh Abdul Manna continue after oath.)

I am not a resident of Ayodhya. I live in Ramapur  
Bhagahi village. The distance between these two places is  
about 3-4 kos. Ramapur Bhagahi village falls in Gonda  
district. The Saryu river flows to the north of Ayodhya. To  
access my village I have to go through Ayodhya. The  
village have a population of about four lakh people. At  
times I visit Ayodhya weekly, some times once in a  
fortnight even once in a month or two months. I visit the  
place whenever I have time to spare. It takes me about  
half an hour on motorcycle to reach Ayodhya. On foot the  
journey takes about an hour and a half. (END PG 27). I  
use a cycle, or a motorcycle to visit Ayodhya, else I walk.  
On the occasion of fairs I have accompanied villagers to  
Ayodhya, otherwise I go alone. Fairs mark Chaitra  
Ramnavami, Kartik bathing ritual, and to mark the panch  
kosi and choudah kosi parikrama held in the month of  
Kartik. During Ramnavami and kartik full moon people take  
a holy dip. Parikrama starts on ekadasi (11<sup>th</sup> day) or  
Akshaya navami (9<sup>th</sup> day). I don't know exactly which date  
is Akshaya navami. When it approaches we come to know  
of it through the people and the priests. On the occasion I



leave for Ayodhya early and after the bath return back to my village by 12 or 1 in the noon. It takes about 15-20 minutes to perform ablutions at the river saryu. I usually use the Ramghat to perform ablutions. Ramghat is located in the northern part of Ayodhya. After the bath I return back to my village. I visit the ram Janam Bhoomi temple and the Hanuman Garhi temple in Ayodhya for darshan. Sometimes I visit the Kanak Bhawan temple too. The time taken by a person to complete the panch kosi parikrama depends on his age. An old man can use up the whole day but a young one can complete it in 4-5 hours. Panch kosi parikrama starts right from the boundaries of Ayodhya and goes all round it. It takes place once a year. The choudah kosi parikrama too is an annual affair. There is a gap of 3-4 days between these two parikramas. I do not know the English date when the panch kosi parikrama takes place. The parikrama takes place on a certain ekadashi. Choudah kosi parikrama takes place in the month of Kartika. I do not know which English month corresponds with Kartika. The month of Kartika heralds the beginning of winter and the air starts to cool down. The month of Kartika occurs at the same time each year. Panchkosi parikrama takes place on an ekadashi, which comes every fortnight. Some learned person says ekadashi repeats after 14 days. Even after calculations I will not be able to say how many ekadashis come in an year. With approaching ekadashi the priest tells us the exact date. On the date I take a bath and observe fast, taking only fruits. On normal ekadashis I bath in my own house. I do not visit the river saryu. I visit Ayodhya whenever I find time. While visiting Ayodhya I visit the Hanuman Garhi temple, the Ram Janam Bhoomi temple and the Kanak Bhawan temples. I do not know anything about the Babri Masjid. I have not heard of its demolition. There is no question of the Babri Masjid being located in Ayodhya,

because the Ram Janam Bhoomi temple existed there. I do not know if Muslims live in Ayodhya or not. I have visited the Ayodhya temple on numerous occasions but have never seen one single Muslim in the premises. Yes I have seen Muslims on the streets but never one in any temple. I do not know if 2000-2500 Muslims reside in Ayodhya or 4000-4500 Muslims live in Ayodhya, as I have seen some on the streets. Only the priests and holy men live in the premises of the Ram Janam Bhoomi temple.

I would not recognize a Masjid. I have seen one at my village but have not gone inside. I do not know how many Masjids there are in Ayodhya. I have visited Ayodhya many a times but exactly how many times is beyond my recollection.

In Ayodhya I stay near the katra chowk, at the place of my teacher Sh. Ram Subhag Shastri. I do not stay with him often. My teacher's home is at Ram Mahal, in Ayodhya. Sometimes I stay at his place for a few hours, sometimes overnight. I am a family man and so cannot overstay long. When I became a Vaishnavite I was initiated to the Ram mantra by my teacher (Guru ji). I have not learnt scriptures from him. When I was 18, I invited teacher to our place and got my initiation. The hymns of satya narayan were recited, offerings and prayers were offered on the occasion. I am 70 now and it happened all so long ago. I remember my teacher whispering the hymns in my ear and the sound of conchs and bells. Memories are not too clear. After my initiation I continued to visit him. He is still alive and should be about 80-85 years old. Each year on guru purnima I make it a point to visit him. Besides this whenever I feel like meeting him I travel to Ayodhya. I visit Ayodhya say an average of 15-20 times a

year. On a visit to Ayodhya at times I meet my teacher and at times I do not meet him. Whenever I visit him I sit with him for 5-10 minutes, present him with some gift and seek his blessings. He usually answers my queries about the scriptures and other things.

It would not be correct to say that there are 27-28 Masjids in Ayodhya. I have not entered a Masjid and cannot recognize one. I do not know anything about a mazaar. I have not seen any grave covered with a chaddar. I have seen graves of Muslims in my village, at manpur, Shahpur and Akbarpur.

On viewing a Masjid from its outer side I should be able to tell that it is a masjid. I have not seen any Masjids enroute to Ayodhya. I have never seen a Masjid in Ayodhya, even from a distance. I am 70 and have been living in Ramapur Bhagahi for the last 10 generations. I have heard about our family history from my grandfather. My teacher visits my place annually. I cannot recollect if he ever visited our place twice in a year.

The country got its freedom on August 15. I was around 12-13 years old at that time. There was a prevailing atmosphere of happiness and flags were hoisted. I do not know if the Babri Masjid existed on August 15 or not, but the Ram Janam Bhoomi temple very much existed. Lord Rama's temple was situated at the very place he was born. I do not know if Mirbaki built the mosque or not. I do not know anything of Babri Masjid, nor its dimensions. I have not come to know from any source that babri masjid was built in 1528. I have not seen the three towers of the mosque and so cannot comment on them. I have seen the temple. I have seen the Lords and Hanumana established thence. According to my

grandfather they were at the temple from time immemorial. When I was 12 I used to go there along with my grandfather. He told me that the place where the Lord's idol was sitting had three towers. From Ram Chabutra to the Ram Janam Bhoomi temple the inner dimensions were 60 measures of the forearm in width and 100 measures of the forearm in length. The covered structure had three doors. I have seen this place at least 100 times. I have seen the temple from the inside too. The idol of the Lord was established thence. There were no passages between the doors. On entering through the three doors one found that the depth of the western and the eastern side were 10 to 12 measures of the forearm. It could have been 8 measures of the forearm too. I cannot definitely say. The height of the structure would have been 35-40 measures of the arm from the surface.

I have not seen graves in Ayodhya. It would be wrong to suggest that the Babri Masjid was surrounded on three sides by graves. I do not have any information about the Babri Masjid and so would not be able to say if it was surrounded on three sides by graves or not. I have been visiting the disputed structure to have darshan of Lord Rama. So far as I know Lord Ram Lalla is established in the temple there since time immemorial. The Muslims never visit the place. There are no graves inside or adjacent to the premises of the disputed building. The witness was shown the file relating to section 145 of the criminal penal code paper no. 115, FIR dated 23.12.1949 and was asked the question whether the above FIR in question was written by Shri. Ram Dubey, SHO, police station, Ayodhya. The witness said that he knew nothing about it. After going through the document the witness said that this report was fictitious. After going through the last five lines of the report he said that the report does not

reflects the truth. I was not present there on the night of 23.12.1949 and no incident happened on that night. No FIR was registered. Shri Ram Dubey did not wrote any FIR and nothing happened. There was no Masjid there and as such no question of defilement of it arises. The witness after seeing the part of FIR wherein its written “....defiled the Masjid.....in Masjid”, said that as there were no Masjid, no defilement occurred. Shri. Ram Dubey, who was a Sub Inspector have registered a fictitious complaint. As to when it was penned I have no idea. I have no knowledge of the FIR and cannot say if devotional songs had been sung there for 2-4 days. He said that bhajan, kirtan was always performed at the shrine, as is customary. Even after seeing the FIR I cannot say whether it was written on the official paper of the Police station or not. It is not true that idols were installed on the premises on the night of 23.12.1949. Whether Ram Sakal Das, RamDas and Sudarshan Das placed idols in the shrine I have no knowledge. As far as I know the idols were already there. It is not true that the aforementioned three along with some 50-60 people placed the idols in the shrine on the night of 22/23.12.1949. There were three domes above the Ram Janam Bhoomi temple, which have been demolished some 10-12 years back. Two to four hundred people may have been present when the domes were demolished. I do not know at what time these were demolished. In my view there was not a congregation of one to two lakh people when the domes were demolished. A villager told me that the ancient domes of the Ram Lalla temple, which was in a dilapidated condition, have collapsed. Those people are from my village and thus I know them. Among those only Durga Singh was educated. When the disputed building collapsed these people were present there. They informed other people about the incident. I do not know the date on which the building

collapsed. It was on the day next to the day the building collapsed, at around 10-11 in the morning that people started saying that the temple of Lord Ram Lalla have collapsed. The building that collapsed had three domes but I could not see any other identification marks of a temple in the rubble.

At the time of independence I was old enough to understand things. I visited Ayodhya regularly, accompanying my grandfather. A kalash was placed atop the three domes. It must have been about 1-2 measures of the forearm in height. All the three domes of the building collapsed due to the heavy rush of the devotees and not because anybody demolished them. There were about two to four hundred people present there but they never tried to damage the structure. It collapsed by itself. I was not present there myself but have heard that the gathering consisted of devotees. Whatever I am saying is based on here say. I was not present at the spot so I cannot tell you about the time the structure collapsed. The gathering would have consisted of two to four hundred people. This incident took place some 10-12 years ago but I do not know the exact date. I do not know if there was some inscriptions in Arabic, urdu or Farsi on the disputed building. I have seen the disputed structure on many a occasion in its original state. When the kalashes (pots) on the domes fell there were no agitation or protest amongst the congregation. These pots may have been at a height of forty five lengths of the forearm from the surface. I have seen the pots from a distance and cannot say how big they really were. I was not present on site and cannot tell you of the sequence in which the domes collapsed or their impact. These domes collapsed because of the huge gathering of devotees and not because anyone demolished them. People told me that there was a

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gathering of two to four hundred people at that time. Nobody told me that two to four lakh people were present there at the time the domes collapsed. Amongst the gathering there were no acquaintance of mine. Durga Singh was in Ayodhya when the structure collapsed but even he was not present on site. This is what Durga Singh told me. He has just heard of the collapse of the temple of Lord Ram Lalla. He never told me how long it took the structure to collapse because he too heard it from someone else.

Verified after hearing the statement

Sd/-

Ram Akshyawar Pandey

25.5.2004

On my dictation the stenographer typed in the open court. In continuation of this witness to be present on 26.5.2004 for further cross examination.

S/d

(Hari Shankar Dubey)

Commissioner

25.5. 2004

**Dated 26.5.2004**

**DW 3/12 Ram Akshyaware Pandey**

Before: Commissioner Shri Hari Shankar Dubey, Addl.  
District Magistrate/OSD, Hon'ble High Court, Lucknow  
Bench, Lucknow

(Commissioner appointed by Hon'ble Special Full Bench,  
Lucknow vide order dated 21.5.2004)

(In continuation dated 25.5.2004 for further cross  
examination of DW 3/12 Ram Akshyaware Pandey by  
advocate Shri Abdul Manna on behalf of defendant no. 11)

Durga Singh is a resident of my village. On the day  
the structure collapsed I do not know how long he stayed  
in Ayodhya. When he returned I do not know. He told me  
about the incident on the morning of the following day. He  
told me that the Ram Janam Bhoomi temple have  
collapsed. He did not say how it collapsed. I did not ask  
Durga Singh for any details. I do not know the names of  
the villagers of my village who was present there on the  
day the structure collapsed. In Ramapur there are 27  
'pukhe' (cluster of houses). In my pukhe there are about 4-  
5 houses. Some 50-60 people stay in these houses. Out of  
these only Durga Singh went to Ayodhya on the day the  
structure collapsed. There were some 4-5 other people  
present too when Durga Singh was narrating the incident  
to me. To my knowledge no villager from my village was  
present in Ayodhya on the day the structure collapsed.  
Durga Singh never told me that he was present at the time  
the structure gave way. I do not know the sequence in  
which the building collapsed. I have not heard of the  
presence of political leaders on the day the structure  
collapsed. After the said incident I have visited Ayodhya.



Exactly how many times I have visited Ayodhya after the building collapsed I do not recollect. I saw the iron barricades and the idol of lord Ram Lalla there. I did not notice anything else there. When I revisited Ayodhya I stayed there for 2-3 hours. I visited Ayodhya about one month after the collapse of the disputed structure. I do not remember the time of my revisit.

I have studied till the fourth standard and have a bit of idea about history and geography. The three domed structure collapsed some 10-12 years back, but this is an assumption as I am guessing the time. Nobody demolished the structure. It was in a dilapidated condition and caved in under the pressure of the crowd of devotees.

(Cross examination by Sh Abdul Mannan, advocate, on behalf of defendant no. 11, concluded)

(Cross examination by Shri Zaffaryab Jilani, advocate, on behalf of defendant no. 9 Sunni Central Board of Wakf).

XXX XXX XXX XXX

I have already stated that the population of my village is about 4000. This population consists of Hindus, Muslims and people of other castes. About one third of the population of my village is Muslims. They would number 1000-1200. Our neighboring village also has a sizeable Muslim population. I do not know where the Muslims of my village or the adjacent village go to offer namaaz. I have never visited the house of any Muslim. Muslims used to come to my house. I had no Muslim friend in the village. The present headman of my village is a Harijan, named Ram Sunder. Before him one Vinod Singh, belonging to the thakur community was the headman. My grandfather

was also a headman. No Muslim had been the head of our village. My village panchayat consists of 11 members. No Muslim has ever been a member of my village council. I do not know if Eid or Bakri-id are the main festivals of the Muslims.

After death Muslims are interred in the graveyard. I have never joined the funeral procession of any Muslim. I have never attended the marriage of any Muslim. There is only one graveyard in my village. There are no mosques in my village. However there is a mosque in our neighbouring village of Kolhampur and all Muslims go there to pray. This mosque is located at a distance of one and a half kos (that is about 3 km) from my village. There are no other mosques near my village.

I have been participating in the Assembly and Lok Sabha elections right from the first polls, till date. I used to help one of the candidates contesting the polls. I have also extended my cooperation to the Congress candidate. In the elections held on April, 2004 I had voted for the Congress. The candidate was a resident of the Gonda dist. I have always been voting for the Congress party. I do not remember the name of the candidate. In the last Lok Sabha elections the Samajwadi Party candidate Raja sahib, son of Anand Singh had won. BJP candidate for Gonda Lok Sabha seat Ghansam Shukla died on the election day in an incident. Most of the people of my village voted for the BJP. My assembly constituency segment is Diksir. Lalmani (with the elephant symbol) had won the assembly elections.

In the year 1990, nobody from my village went to Ayodhya to perform kar sewa. I do not recollect whether

kar sewa took place in 1990 or not. I have heard the term but is ignorant of the meaning thereof.

Question: When you do not know what is kar sewa then how can you say that nobody from your village took part in the kar sewa in Ayodhya?

Answer: Due to a slip of tongue I said that nobody did kar sewa from my village.

I have heard that the foundation stone laying ceremony was held in Ayodhya in 1989. I had heard that this would be done at the Ram Janam Bhoomi. But I do not know at which place it was done. I have not heard if in 1990 near October end or the beginning of November curfew was imposed in Ayodhya and some people got killed. In the month of October, November and December 1990 I did not visit Ayodhya. My eyesight is weak and I can read only a bit of the newspaper. My sight has started weakening since the last 5-6 months. Even prior to this I was not a avid reader of the newspaper as my eyesight had started declining since the age of 40. In spite of the little education I have got I do not find it difficult to read news papers. I have never tried to know the names of the person who reads the newspaper in my village. Nobody else in my family reads a newspaper. My brother works in a bank and stays outside, and his children are all still small. I have not subscribed a newspaper in my house for the last 50 years. I do not have a radio in my house. I never purchased any. I keep myself busy with my work. Durga Singh and Thakur are the two persons in our village who have television sets in their house. None of my ancestors ever possessed a radio. There is a tea shop at Khadhua village, which is about two kilometers from my village. I do go there but neither do I take tea nor eat

anything there. I have not seen a radio there either. I do not stay there for long and have never seen any person reading the newspaper there.

Curfew was imposed in Ayodhya on the occasion of parikrama only once during the last fifty years. Exactly when I am unable to recollect. For how long it was in place, ten days, one month or two month I do not know. I have no idea on what was the reason for the imposition of the curfew. After how many days of lifting of the curfew I went to Ayodhya I do not remember. What I do remember is that it was a Tuesday. It may have been a week or two after the curfew was lifted. I never enquired why the curfew was imposed. I cannot say if the curfew was imposed after the collapse of the disputed structure on Dec. 6, 1992, or not. How many months are there in a year I know but do not know about the English calendar. I do not know if November comes first or December. Or if March comes first or April or if January or February is the first month of the English calendar. I do not know if lakhs of people were invited to do kar sewa. I do not know if this invitation was extended by the Vishwa Hindu Parishad or not. I have never heard of the name Vishwa Hindu Parishad. Neither have I heard the name of Rashtriya Swayam Sewak Sangh. I have heard the name of Jan Sangh party.

Whenever I visit Ayodhya I visit three temples, namely the Ram Janam Bhoomi, Kanak Bhawan and Sumitra Bhawan. I might have visited other temples too, but their names I do not recollect. Besides these three I know about the other ancient and important temples of Ayodhya, like Rang mahal, Sumitra Bhawan. Rang Mahal comes on the way to the Ram Janam Bhoomi temple and is located to a distance of half a kilometer from the

Eastern side of the Janam Bhoomi temple. The idols of Rama and Laxman are kept there. A sacred stone of Shaligram sits beside. Besides these there are noother idols. The idol of Laxman is there at Sumitra Bhawan, along with the idol of Sumitra. The temple have collapsed. Whether it collapsed on its own or was razed to the ground by a crowd I do not know.

I have said in my statement that sometimes I read the 'sunderkhand' episode of the Ram Charit Manas. I understand parts of it and parts I do not understand.

The witness was shown the original Gutka paper no. 258 C-1/2/2 of Ramcharitmanas and was asked to tell how many choupais and dohas are there in Sunderkahnd. The witness said that he is having an headache and his eyes are red and he will not be able to read the gutka. I cannot say in which page Sunderkhand begins and in which page it ends. I cannot turn to page 462 of this book now. On the page being turned the witness said that he was able to read it. The first couplet was thus written:

"Jamwate ki bachan suhaye. Suni hanumant hriday ati bhaye." (transliteration)

It meant that Hanuman was happy to hear the words of Jamwat. What is written before this choupai in Sanskrit I am unable to read. After turning top page 463, which contained the doha no. 2 the witness said that he could not read this as he was having a headache. After reading doha no. 38 in page no. 483 he said – I am unable to interpret the meaning of this one correctly due to my headache, and will tell you the meaning later. I read the Ramcharitmanas regularly. Nowhere it is written thence about the location of the palace of queen Kaushalya.

During the reign of King Dashrath, neither its dimensions. I have heard from holy men that Kaushalya Bhawan was located in Dashrath durbar during his reign. The large area and Dashrath mahal are one and the same place. It is the erstwhile court of King Dashrath, where Lord Rama, Laxman, Bharat and Shatrughna sat. Whether Kaushalya's residence was situated therein I do not know.

In Kaushalya used to sit with Lord Rama on her lap on the less elevated portion of the chabutra. In the cave like formation in the chabutra an idol of Kaushalya with an infant Rama in her lap used to exist, I believe that was Kaushalya Bhawan. Maybe Kaushalya Bhawan was a bigger place when it existed during king Dashrath's time. Dashrath mahal was situated at a distance of about a kilometer to the east of the disputed structure. It was 100-150 yards to the west of Hanuman Garhi temple. I used to reach the Ram Janam Bhoomi temple by passing the Dashrath mahal and the Amawan temple then taking a turn towards the west and a final turn towards the south. The disputed structure is located at a distance of more than one kilometer from the Hanuman Garhi. Hanuman Garhi is old, how old I don't know but I believe that the Ram Janam Bhoomi temple was older. I do not know who built the hanuman Garhi. I have not read about it, neither anyone has told me about it. The disputed structure had three domes. I do not know who constructed it. Kanak Bhawan lies barely a kilometer from the Hanuman Garhi. The king and queen credited with building Kanak Bhawan belonged to Teekamgarh. I do not know if it too 100 or 200 years to build Teekamgarh. I do not know if Kanak Bhawan finds any mention in Valmiki's Ramayana or Ramcharitmanas. Some people even believe that Kanak Bhawan was gifted to Sita after her marriage. To the eastern side of the disputed structure Sita well was located. And the Sumitra

Bhawan was located to the east of the well. I have been to Sumitra Bhawan. Idols of Sumitra and Laxman were kept thence. This place was constructed during the reign of king Dashrath, or at least people say so. There is a big palace of king Dashrath in Ayodhya, but I will not be able to tell if the palace in Dashrath's time was bigger or smaller. I do not know anything about the boundary of the Dashrath palace. I do not know if the abode of Lord Rama and Sita were located within the campus of Dashrath's palace or not.

I do not know if king Dashrath ruled over Ayodhya 9-10 lakh years hence or 15-16 lakh years hence. The Hindu faith speaks of four Yugas, Satyayug, Treta, Dwapar and Kaliyug. I do not know if Satyayug was 16.5 lakh years long or not. Neither can I affirm if Dwapar was 4.25 lakh years long. I do not know how old Kaliyug is now. Maybe five thousand years, maybe less. I am unaware of the reign of king Dashrath, because my knowledge of the Ramayana is not up to the mark. It is because of faith and belief that I utter 'Ram-Ram' and one of my belief is that Lord Rama was born in Ayodhya. I do not know if Valmiki mentioned it or Ramcharitmanas said it, I just believe it.

The witness was shown extract of his cross examination dated 24.5.2004, which started from line 5 of page 16 "I have heard from my grandfather ..... Bhagwan... Kaushalya..." and asked if the statement was his. He agreed. I have not read these lines of Ramcharitmanas "bhai pragat...kripala hitkari" but have heard my grandfather and others reciting them. Similarly I have not read in Ramcharitmanas that Lord Rama was born in Ayodhya but have come to know from learned persons that thus are contained in the Ramcharitmanas.

That Lord Rama was born inside the disputed premises I have not read it from anywhere. Again I heard it from scholars and saints and my grandfather. I do not know if king Dashrath's palace used to be at the disputed premises, nor if there was any midwifery centre at that place neither if any palace of Kaushalya was located inside it. I have heard that the Lord was born under the dome, the middle dome of the structure. He was not born on the Ram chabutra. I do not know if Valmiki Ramayana reflects the facts or not. I accept the interpretation of scholars and saints. I have not read Valmiki Ramayan. I have heard religious discourses which made mention of the Valmiki Ramayan and drew references from it but which discourses they were exactly I do not remember. Whether Hindus consider the Valmiki Ramayan an authentic book or not I will not be able to say. I consider Tulsidas's Ramcharitmanas authentic. The description of Ayodhya given in Ramcharitmanas appears to be correct even today. I do not know about the dimensions of Ayodhya during the period of Lord Rama, neither can I tell you the present dimensions. Saryu flows to the north of Ayodhya and can be considered as the northern boundary, but as to the boundaries on the other three sides I will not be able to say. It is absolute falsehood to say that I never visited Ayodhya and that is why I am unable to guess its dimensions. There is one Sankat mochan ghat in Ayodhya. I know most of the ghats in Ayodhya but I bathe at Tyeh Ram ghat only. I have never taken a bath at the Sankat mochan ghat. At which location Lord Rama led his followers into the Saryu and went to his heavenly abode I do not know. After the Lord left Ayodhya it became a deserted place. I am unaware of any Hindu belief that puts the period of the Lord's birth to sometimes 9.5 lakh years ago. I do not know how old Ayodhya is. I have no knowledge of the so called belief that after Lord Rama



Ayodhya was destroyed and rebuilt a number of times. I have heard the name of king Vikramaditya. I do not know if he became king 500, 1000 or 2000 years ago. I have heard from scholars that he was the king of Ayodhya. I do not know if Ayodhya was his capital or just a part of his kingdom. I have heard that Vikramaditya belonged to the family of king Dashrath. I have heard these things in relation to the disputed site.

Kamdhenu was with a saint. To which period or yuga she belonged to I don not know. Kamdhenu was said to be in Ayodhya. But I do not know anything about her save for the fact that she was a cow.

Verified after hearing the statement

*www.vadaprativada.in*

Sd/-  
Ram Akshywar Pandey  
26.5.2004

On my dictation the stenographer typed in the open court. In continuation of this the witness may be present on 27.5.2004 for further cross examination.

Sd/-  
(Hari Shankar Dubey)  
Commissioner  
26.5.2004

**Dated 27.5.2004**

**DW 3/12 Ram Akshyaware Pandey**

Before: Commissioner Sh Hari Shankar Dubey, Addl.  
District Magistrate/OSD, Hon'ble High Court, Lucknow  
Bench, Lucknow

(Commissioner appointed by Hon'ble Special Full Bench,  
Lucknow vide order dated 21.5.2004)

(In continuation dated 26.5.2004 for further cross  
examination of DW 3/12 Ram Akshyaware Pandey by  
advocate Sh Zaffaryab Jilani on behalf of defendant no. 9,  
Sunni Central board of Wakf)

To visit Ayodhya I used to come to nyay ghat, then to  
Hanuman garhi via singarhat from there I used to proceed  
to the Ram Janam Bhoomi temple, bypassing Dasrath  
mahal and Amawan temple on the way. I do not remember  
if I ever heard the name of Manas Bhawan, leave alone  
visiting it. There was a perimeter wall to the northern side  
of the premises and beyond it was the road. To the north  
of that road is the Ram Janam Sthan temple. I have never  
visited that temple. There is a road between the Janam  
Sthan temple and the disputed structure that leads to a  
westward direction. I do not know where it leads to. I had  
gone down that road early in my life, maybe some 20-40  
years ago, but do not recollect any details. I know nothing  
about the Dorahi kuam mohalla or for that matter any  
other mohalla in Ayodhya. I know nothing about any  
palaces except Janam Bhoomi temple, Hanuman Garhi  
temple and the kanak Bhawan. Earlier when I used to  
accompany my grandpa I used to visit these three shrines  
only. When I went to Ayodhya accompanied my  
grandfather for the last time I was 12 years old. I was very

young when I went to Ayodhya accompanying my grandfather. The portion of my statement dated 24.5.2004 "I attained the age of understanding.....my grandfather" is true. What I said today is also true. By "...very young..." I meant 12 years old. I accompanied my grandfather to Ayodhya several times when I was 12 years old. After attaining the age of 13 years I used to visit Ayodhya alone.

Question: On your way to the disputed structure, through Amawan temple did you see the Kaushalya Bhawan?

Answer: I do not recollect if Kaushalya bahawan is on the way or not.

I have not seen Kaushalya or Kaikeyi Bhawan on my way to the disputed structures. I have never seen the three domes from behind the structure. I had been behind the disputed structure but do not remember what I saw there.

After seeing picture no. 4 of the B&W album, appear no. 201 C-1, the witness said that this is not the front portion of the Rama Janam Bhoomi temple. Picture no. 7 is the front portion of the temple. The portion appearing in this picture is the fontal portion of the structure through which the entry existed. Ram Janam Bhoomi was written thence and a policeman is seen. In picture no. 7 a gate is seen. This is the same gate upon which Ram Janam Bhoomi was inscribed. This gate was called Hanuman Dwar. The outer wall of the disputed structure was made of bricks. The eastern wall can be seen in the picture no. 8 of this album. It must have been about 7-8-9 lengths of the forearm in height. To the inside of the wall appearing

in picture no. 8 there was a wall with barbed wire. It is the same wall that appears in picture no. 37 of this album.

Question: My contention is that the gate on which 'Ram Janam Bhoomi ' was inscribed was part of the barbed wired wall and not the outer wall, as is presently seen in picture no. 8.

Answer: It would be wrong to say that the gate was affixed to the inner barbed wired wall and not on the outer perimeter wall.

Picture no. 9 of the album depicts a lion. This one was carved on the 'Singha dwar' after Kaushalya's kitchen.

Question: Are the picture no. 9 and 10 of the same places?

(Upon this Ranjit Lal Verma, learned advocate of plaintiff of OOS no. 3/89 objected on the ground that two things are being asked in the query. Two queries cannot be clubbed in a single question.)

Answer: I cannot remember if these two pictures are of the same place or not.

Picture no. 11 is of the southern part of the Ram Lalla temple. The tree present in the picture gives that impression. There is also a wall in picture no. 11. The image in the picture no. 12 belongs to a part of the disputed structure, but which part thereof exactly I cannot recollect. The rear half of the Ram Janam Bhoomi temple is shown in picture no. 5 and 6 of the album. All the three domes are visible in these pictures. Picture no. 13 is also

a picture of the same building as two domes can be seen in it. The land behind the Ram Janam Bhoomi temple appears in picture no. 13. As to whether this land was plain or uneven I do not recollect anything. I have seen a tree behind the building but I have not seen any agricultural activity being carried out there. There were no flowering plants nor was this place being used as a garden. Picture no. 15 depicts a part of the ram Janam Bhoomi temple but it is definitely not the rear portion of the temple. Picture no. 19 shows a part of the building but neither is this the rear half. Picture no. 20 shows the bass relief of two fish in the top half. In picture no. 21 and 22 parts of the disputed building appears but I do not recollect which part they are. Picture no. 23 similarly depicts a part of the disputed structure but I do not remember exactly which part. In picture no. 24 there is a tin shade but I do not understand to which part this picture belongs to. It would be wrong to say that this picture is not of the disputed structure. Picture no. 29 and 30 are of the same place, the Ram Chabutra. Three doors appear in the picture. these were wooden doors and they were under the shed and something was painted on them. Two of the doors led to the seat of the priests and eth third door led to the idols. These idols were of Lord Rama, Laxman, Bharat and Shatrughna, besides there was a Shaligram stone. These idols were placed on a brass throne. The idol of Lord Rama was of his childhood and so were the other idols. The idols were made from an alloy of Astdhatu (8 metals). The idol of Lord Rama was a bit bigger than the other idols, which measured 6-8 inches. I cannot recollect the exact size of eth idols. There was no idol of Kaushalya on the Chabutra. However in the cave below there was a sitting idol of Kaushalya, with the Lord on her lap. I have always seen the same idol of all the Lords in the same place right from my first visit to my last. In picture no. 29

and 30 wherein a guard is standing one can see a cave. This is the cave to the eastern side. It is definitely not a picture of the cave to the western side. I cannot see part of the eastern cave beside the place where the guard is standing. After seeing picture no. 21 of the album the witness said – I cannot say of which place this is a picture. It is not a picture of the cave below Ram Chabutra. The dimensions of the cave appearing in picture no. 29 and 30 were about one and a half feet by one and a half feet. The cave was not 3 feet high and 4 feet wide. The Shiv Durbar appears in picture no. 32. picture no. 33 is also showing the Shiv Durbar. Picture no. 32 is of Shiv Durbar. The same structure appears in picture no. 33. I have found the Shiv Durbar as it is seen in picture no. 32. White marble stones are to be seen adorning the walls of the Chabutra. Something is written on the white marble with black ink. These stones were not placed after 1950; neither was the Chabutra a construction of 1950. Picture no. 34 and 35 are pictures of the disputed structure but I cannot recollect which part they belong to. Picture no.35 can be of the barbed wire lined wall, but I am not too sure about it. Picture no.35 and 37 depicts different parts of the structure. Picture no. 37 is a photo of the Ram Janam Bhoomi but I cannot remember of which portion.

Question: Just a while back you said picture no. 37 the barbed wire lined wall is appearing, whereas you are saying that you cannot recollect the place. Are you giving a false statement?

Answer: Yes I had stated it, and now I recollect that picture no. 37 is the picture of the barbed wire lined wall.

Question: Is your memory so weak that you forget things that you have said a little while ago?

Answer: My memory is not weak but sometimes due to headache I feel giddy.

In picture no. 37 of the same album, there are some writings in black ink on the white wall but I am unable to read what is written. These stone were always there. These stones were not planted after 1950. I can see two doors on the wall. It is falsehood to state that there is only one door visible in picture no. 37. A neem tree appears in the picture and there is a guard seen near the tree. Whether this tree is still standing or have fallen I do not remember. I do not see any door in front of the tree. I am unable to see the northern door in the barbed wire lined wall. The wall, parts of which, appears in picture no. 37 had two doorways. The southern door of the wall, with its inscription of 'Ram Janam Bhoomi' does not appear in picture no. 36. Picture no 41 is not of the barbed wire lined wall, but I do not recollect to which part it belongs to. Picture no. 42 is of the Hanuman gate of the disputed building and definitely not of the barbed wire lined wall. In my view no part of any wall appears in picture no. 54. It is not clear to me. Picture no. 38 belongs to a part of the disputed structure but I am unable to recollect of which section. There was no place by the name of Sita's kitchen on the disputed premises but there was definitely one Kaushalya's kitchen, located in the northern side of the disputed premises. However some people called the later Sita's kitchen. There was no tin roof over Kaushalya's kitchen. Utensils like rolling pin and oven made of marble was kept there, along with the image of a woman. Besides there were imprints of the Lords' footstep in that place. However I do not remember how many foot imprints were there. Picture no. 38 does not depicts the Kaushalya Bhawan or Kaushalya's kitchen. The portion I am referring to has always been known as Kaushalya's kitchen or Sita's kitchen and by no other nomenclature. Except mortar, pestle, rolling pin, dice and the foot imprints there was nothing else there. There were no idols in Kaushalya's

kitchen. I used to have darshan of the place from my earliest memories to 1992. I have no idea what A.D. (Anon Domini).

Question: Should I understand from your statement that you do not understand when the years 1947, 1950 and 1992 came?

Answer: The country got its independence on August 15, 1947, and the schoolchildren celebrating this event every year makes it easier to remember. I do not know about what happened in 1950 and 1992.

Question: Kindly tell me about the place you are referring to as Kaushalya's kitchen. When was the last time you saw it before the demolition?

Answer: I had visited the Kaushalya's kitchen about a month before the demolition took place.

I do not recall the exact time I had visited the Kaushalya's kitchen. I do not recollect what was written in black ink on the white marble walls of the Chabutra. Kaushalya's kitchen was in similar conditions when I saw it for the first time and the last time. Kaushalya's kitchen did not have a tin shed over it when I saw it for the last time.

Verified after hearing the statement  
Sd/-

Ram Aksyawar Pandey  
27.5.2004

On my dictation the stenographer typed in the open court. In continuation of this the witness may be present on 27.5.2004 for further cross examination.

S/d  
(Hari Shankar Dubey)  
Commissioner  
27.5.2004



**Dated 1.7.2004**

**DW 3/12 Ram Akshyaware Pandey**

Before: Commissioner Sh Hari Shankar Dubey, Addl. District Magistrate/OSD, Hon'ble High Court, Lucknow Bench, Lucknow

(Commissioner appointed by Hon'ble Special Full Bench, Lucknow vide order dated 21.5.2004)

(In continuation dated 27.5.2004 for further cross examination of DW 3/12 Ram Akshyaware Pandey, under oath by advocate Sh Zaffaryab Jilani on behalf of defendant no. 9, Sunni Central board of Wakf)

I attained some maturity by the time I was 12, as compared to when I was 6 or 7. I used to accompany my grandfather to Ayodhya when I was a bit grown up. I was too young to understand anything when I was about 6 or 7. It must have been about 12 years when I began to understand things. Extracts of the statement made by the witness in page 48, dated 27.5.2004 was read out to him – “By very small.....I meant 12 ....”The witness said that this part of my statement is wrong. My original statement is wrong because I started to understand things by the time I was about 12 years old. Exactly when I started going to Ayodhya I do not remember, but I was visiting Ayodhya along with my grandfather till I was 12 years old. I do not know for how many years I had been visiting Ayodhya with my grandfather. I do not readily recollect the incidents that happened before I was 12 years old. I had gone to Ayodhya when I was 9. I do not recollect if I visited the place when I was 8. I do not remember things that have happened when I was 8. I had accompanied grandfather to Ayodhya when I was 9, 10, and 11 respectively. I do not

recollect when was the exact first time I visited Ayodhya, or if I was 9 years old then. I do not remember on which year I was born. My family priest Shaligram purohit told me that I was 70 to a question I asked him about my age. He must have been around 90 years old. My horoscope is with him. I had conversed with him a year ago. My priest does not reside in my village. He resides in Pahali village, which is located at a distance of about a kos from my village. I never went to any proper school. A temporary school was there and I studied in it upto the third or fourth standard. This school was run by the government. I do not know my date of birth as was registered in the school. My grandfather admitted me to the school. I must have been around 5 when I was admitted to the school. The school was located under a tree in my village. After the death of my father I stopped attending school. I was about 9-10 years old . I remember the year the country got its freedom. It was on August 15, 1947. I remember the date because it was celebrated in school. It has been 57 years since the country got its freedom. When I started going to Ayodhya along with my grandfather at about 9-11 years of age I was young. I started understanding things by the time I was 12. That I never visited Ayodhya prior to 1950 is a lie.

Panchkosiparikrama usually starts from a ghat, such as Ram ghat, Laxman ghat or Bharat ghat. Through which places of Faizabad the parikrama route I cannot recollect.

Question: What route does the panch kosi parikrama takes?

Answer: I cannot say.

Panch kosii parikarama passes through Faizabad, but I cannot recollect the exact route.

Question: Should I understand that you have not taken part in the panch kosi parikrama and that is why you are unaware about the route ?

Answer: That is not correct.

I have completed panch kosi parikrama some 10-20 times. The last time I did it was this year. I do not even recollect the first time I completed it. I cannot recollect my age at that time.

Chowdah kosi parikrama starts from a ghat too. This parikrama ends at the same place from where it had begun. I cannot recollect the exact route of the chowdah kosi parikrama. I used to follow the people before me. The route passes through Faizabad, but on what roads I do not recollect. I must have taken part in the chowdah kosi parikrama some 10-15 times. I do not readily recollect the first or the last time I completed chowdah kosi parikrama. I went on the parikrama all by myself and was not accompanied by my grandfather.

In para 9 of my affidavit mention has been made of the word 'kurki' (attachment). By this I meant that the government took over the entire disputed premises. When this proceeding was completed the government handed over the management of the disputed building to the Nirmohi Akhara. Thence rituals were performed by the Akhara. But I cannot say if Nirmohi Akhara was appointed the receiver of the disputed property after attachment or not.

Question: My contention is this that after attachment Babu Priya Dutt Ram was appointed receiver of the

disputed building and he used to manage the day to day functions there?

Answer: This would be a wrong assumption.

I have never heard the name of Babu Priya Dutt Ram. I do not know in which year the order of attachment was passed. Mahant Raghunath Das informed me about the fact that the attachment order has been passed. I was about 15 years old then. I visited Ayodhya some 15-20 days after the order was passed. I do not remember what season it was. Mahant Raghunath Das, Baldev Das Golki, Ram Lakhan Das, Nirmal Das, Ramdev Das, Kamta Das, Ram Charan Das briefed me about the attachment order. These people frequented my village and I have heard them talking on the subject of attachment. Raghunath Das told me about this in Ayodhya, while the others spoke about this in the temple of Ramapur. I do not recollect the source I received information from first. There is a temple on the land of Nirmohi Akhara in my village. This was very old and was in a dilapidated condition. At the time of attachment the mahant of Nirmohi Akhara was Raghunath Das. At times he used to sit at my village temple. But mostly he used to sit at the Nirmohi Akhara's temple or the Ram janam bhoomi temple in Ayodhya.

Question: When you visited the disputed building after attachment, did you go inside the three railings built outside the three domed building?

Answer: No, I did not go inside the railings. I handed my offerings to the priest and got the Ambrose from him.

The wall cordoned off by the railing had two doors. I did not notice if they were locked or not. A policeman was

standing there. I saw priests and saints using that door. I did not saw priests and saints using that door every time I visited Ayodhya after attachment, I saw them occasionally using that door. I was told that the ongoing litigation with the Muslims for rights to the premises was the reason for the attachment. I was never told of why exactly the litigation is continuing. Maybe Muslims wanted to forcibly occupy temple of Lord Ram, that is why the litigation was continuing. I do not know if the litigation had been filed under section 145 CRPC or not. I only know that the litigation, filed by Nirmohi Akhara is still going on.

The witness was shown black and white album, page no. 201 C-1, picture no. 81 and 82. After seeing them the witness said that because of his weakened eye sight he cannot verify if the idols showed therein was in place at the time of attachment or not. In picture no. 79 and 80 a ceremonial umbrella (Chhatra) appears, which was there in the disputed building at the time of attachment. I do not remember whether this umbrella was placed the way then as is depicted in the pictures no. 79 and 80.

Question: Was a similar picture prevailing at the disputed premises when it was attached as is reflected in the pictures no. 152 to 156 in the coloured album no. 200 C-1?

Answer: I am unable to see due to my poor eyesight.

Question: Just a while back you have said that you see the ceremonial umbrella appearing in picture no. 79 and 80 and with reference to the other pictures you are saying that your eyesight is poor. Should I conclude that you do not wish to answer certain questions and that is why the excuse of a poor eyesight?

Answer: When I am unable to see properly I should say so. When I was able to see it I have identified things. I am after all 70 years old.

The witness was shown picture in paper no. 154/13 filed in the suit of Gopal Singh Vishashad vs Jahoor Ahmad. After seeing the pictures the witness said there appears to be an idol kept on the stairs.

Question: Have you seen a similar idol kept in the three domed building as is appearing in picture no. 154/13?

Answer: After attachment I had seen from outside the railings a similar idol kept on the stairs under the three domed building. I do not know if this is the same idol that I have seen there. I am unable to recognize the idol of Ram Lalla. The stairs were made of stone.

Before attachment I had visited the area under the three domes, maybe about 10-20 times. I had seen a similar type of idol, as appearing in picture no. 154/13, sometimes placed on a swing, and sometimes kept on the stairs under the place covered by the three domes. If these two were one and the same idol I cannot say with any amount of certainty. If there was any other stair under the domed portion I do not recollect.

Question: My contention is that there were not any other stairs, under the domed structure except the one appearing in the picture no. 154/13. What do you have to say about this?

Answer: I have not seen any other stairs except the one being discussed under the three domed structure.

It will be wrong to assume that I am unable to say anything definitively about the stairs because I have never visited the place before 1986. In picture no. 154/10 the temple of Lord Rama is seen. Whether the picture is of the front or rear portion of the temple is not quite clear. Whether picture no 154/12 is of the western walls of the domed section I am unable to say because of my poor vision. Picture no. 154/5 belongs to a part of the disputed structure, but which part I am not quite clear about it.

When I visited the aforementioned portion for the first time I saw the idols of Rama, Laxman and Hanumana there. Besides these I had not seen any other idols there. The idol of Lord Ram was made of ashta dhatu (alloy of 8 metals) and was about one bitta (maximum distance between point of thumb and forefinger when they are fully stretched further from each other) tall. The idol of Lord Laxman was made of the same alloy but was a bit smaller. The idol of Lord Hanumana was made of brass and was more than one 'bitta' but less than a foot in height. The idols of the two lords were kept on the stairs and on the step below them the idol of Lord Hanumana was placed. The idols of Lord Rama and Laxman were sometimes placed on a swing but the idol of Lord Hanumana remained on the stairs. These idols were kept on the site from ancient times. My grandfather used to tell me that the idols were in place since 5-6 generations before him. When the disputed site was built I do not know, but I believe that the idols predates the structure under which they were kept. The building itself was old and in a dilapidated condition. I do not know who built this building. Maybe some ancient mahant of the Nirmohi Akhara built it.

Whatever information I have about the building I got it from my grandfather. As I am not much educated I have never read about the origins of the building from anywhere. The statement that the idols were kept under the disputed three domed structure on the nights of December 22/23, 1949 is completely incorrect. The statement that after attachment only the receiver's priest performed worshipping in the shrine and no one from Nirmohi Akhara was involved is incorrect.

After attachment I used to make offerings from the doorway built in the railings. This door was to the southern side of the structure. I used to hand over the offerings to the priest present there. Whenever I visited the shrine I saw the priest, Baba Bhaskar Das sitting there. He is the mahant of the Hanuman Garhi naka in Faizabad. Some portion of lands of the Akhara in my village came under the land ceiling act and portions were occupied by tenant cultivators. Nirmohi Akhara was left with about 200-300 bighas of land in my village. At present Baba Ram Das is looking after the agricultural activities of the Akhara. I am not cultivating any land belonging to the Akhara these days. I have my own lands to look after. The lands of the Akhara in my village are registered to three persons, namely Bhaskar Das, Dinendra Das and mahant Jagannath Das. Along with them there are lands in the name of panchayati Nirmohi Akhara. Sumitra Bhawan is located near Sita's well, at about a distance off 100 steps to the eastern side of Hanumana gate. That gate and Sumitra Bhawan have collapsed. When it collapsed I do not know. Neither I know if the structure collapsed by itself or was demolished. Extracts of my affidavit of Examination in Chief "That Ramapur temple.....Sita's well etc." is correct.



Question: In the aforementioned extract of para no. 9 of your affidavit about which temples you have written that they were demolished?

Answer: The temple of Lord Hanumana, Sita's well and Sumitra Bhawan have collapsed. I have not written that they have been demolished. I do not find any difference between the words 'collapsed' and 'demolished'.

I had last seen Sumitra Bhawan some 5-6 years ago. It was not demolished before 1992. The length of Sumitra Bhawan may have been a 100 yards or 10 yards. Inside Sumitra Bhawan there was an idol of Sumitra with Lord Rama on her lap. In para 10 of my Examination in Chief affidavit I have written the name of those persons with whom I was well acquainted, because the agricultural lands of the Nirmohi Akhara are located in my village. Amongst them Baba Bhaskar Das is alive, but the others have died. At the time of settling of accounts (Dakhil Kharaj) I came to know about the panchayati management system in force at the Nirmohi Akhara. In the documents too "panchayati Nirmohi Akhara" is written, and this too forms my basis of saying that the panchayati system of management is followed in the Akhara. The mahant himself has no direct right to the properties. I have mentioned in my affidavit that the outer part of the disputed premises was controlled by a receiver since some 20-22 years. Functions in the part under the control of the receiver were controlled by the Nirmohi Akhara even after the attachment.

Question: My contention is that after the attachment only the receiver controlled the domed structure and there is no question of anybody else controlling it.

Answer: It would be wrong to say so.

Extract of page 56 of statement dated 27.5.2004 says "The part of which I am saying Kaushalya's kitchen ..... is not known by any other name," after seeing the statement the witness said – this is not correct because the place was also called "Chatti puja sthal". It appears that I had forgotten about this and so said that this place is known only as Kaushalya's kitchen or Sita's kitchen. The Chatti puja place was some 4-5 hands in length from north to south and some 5-6 hands in length from east to west. I believe that Lord Rama was bathed in that place and offerings were made there. This function was performed some 6 days after Lord Rama was born. This function was not performed at Dashrath's palace but at the aforementioned place, in the shrine wherein Lord Rama sits. The place which I have mentioned as 'bhandar grih' and 'sant niwas' was some 35-40 hands in length and 8-10 hands in width and was covered by a tin roof. In the black and white album no. 200-C1, picture no. 69, I do not understand to which place this picture belongs to. In the same album, in picture no. 75 I am unable to tell which portion of the building is shown. Due to my poor eyesight I am not sure about which place is shown in picture no. 73, but seems like it is the same place. Picture no. 78. is of the Hanumana gate. Picture no. 77 belongs to some part of the disputed building but I am unable to say which part. In picture no. 84 to 90 the idol of Lord Rama is seen to be sitting behind the curtain. But I am not quite sure as to which parts the other picture belongs to. Picture no. 78 does not show the Hanumana gate. Picture no. 84 and 85 are not that of the door behind which the Lord's idol is seated, as I have said in my statement. These pictures are not of the door under the southern dome. The portion under the middle dome was the place where the idols were

kept against the backdrop of a curtain. Picture no. 99 and 100 are pictures of the door under the middle dome and not that of the door under the southern dome. It is incorrect that I have visited the site only a few times and thus my statement is not true. I do not know if the idols were removed or not when the domes were demolished. What I can say is that when I visited the building after the demolition, the idols were very much there, where they used to be. It is not correct that the idols placed there were buried under the debris on December 6, 1992 and the idols seen now are new ones. The statement that there were no sant niwas or bhandara or that no sadhus used to live there after 1950 is wrong. In para 17 of my examinee affidavit I have stated that the outer premises, i.e the courtyards were attached due to the ongoing dispute. I do not know the parties or persons involved in the dispute.

Question: When you do not know between whom the dispute occurred why did you write that the situation arose because of a dispute?

Answer: Mahant Bhaskar Das told me that because of the dispute the property has been attached. At that time I had not asked the mahant about the parties involved in the dispute. The statement is based on facts, as I have stated to my advocate Sh. Ranjit Lal Verma.

The building that was demolished on December 6, 1992, called a mosque by the Muslims – I have never heard about it. I have always been treating the place as a temple. Muslims never offer prayers at a temple.

Question: When you said that the disputed building is a temple then why did you write in para 18 of your Examination in Chief affidavit that you never saw any Muslim offering prayers there?

Answer: The dispute started because the Muslims claimed the place to be a mosque. That is why I have written that I have not seen any Muslim offering prayers there. Since when they have been fighting for the disputed structure I do not know. Whether it was 40-50 years or 100-200 years I do not know. It shall be wrong to say that I am giving a false statement. It would similarly be wrong to say that the disputed structure was Babri Masjid. It is absolutely false that prayers were offered there till the night of December 22, 1949. It is also untrue that there were no idols prior to the night of December 22, 1949 and that the disputed premises have never been the Ram Janam Bhoomi.

(Cross questioning by Sh. Zaffaryab Jilani, advocate on behalf of defendant no. 9, Sunni Central Board of Wakf, Uttar Pradesh concluded.)

(Cross questioning by Sh. Mushtaq Ahmed Siddiqui, advocate on behalf of defendant no. 7 in OOS no. 4/89 and defendants no. 5 in OOS no. 5/89 Muhammad Hashim begins.)

XXX XXX XXX XXX

There are temples dedicated to both Gods and Goddesses. Sumitra was not a goddess but a queen. Kaikeyi's temple shall not be called a temple of any goddess because she was the queen of king Dashrath. A temple of the goddess is located in Vindhyachal and the temple of goddess Durga is in my village. There are so many goddesses but I know the name of the two aforementioned ones only. Vindhyachal is the name of a place and Vindhya basini devi is the name of the goddess whose seat exists there. I have heard the name of goddess Vaishno devi too. Lakhs of people go there to pay their obeisance. I am unable to recollect the name of any

other goddesses. There are several temples of goddesses, and it is becoming difficult for me to remember their names. There are temples of goddess Kali, that is also a temple of a goddess. There is a place at my village called Kali ji ka Chora but no temple have been constructed there. People revere the place, worship her and do parikramas too. I have myself done so. There are numerous temples of goddess Durga. But exactly how many are there in Ayodhya I do not know. I have not visited any temple of goddess Durga in Ayodhya. There must be a temple of goddess Kali too, but I have never visited it. The witness was shown para 15 of his Examination in Chief affidavit. After seeing it he said – the lines written here “10-12 years before....Lord was sitting at the same place....” is correct. In this paragraph mention has been made of having darshan through the iron barricades. These barricades were put in place since the domed structure collapsed. In para 10 of my affidavit I have mentioned the names of some persons with whom I have been meeting because of some agricultural lands of the Nirmohi Akhara being in my village. Amongst the names mentioned in this paragraph Jagannath Das and Ramkewal Das were mahants and the rest were panchs. Mahant Ramcharan Das was a mahant. He was a predecessor of mahant Raghu Nath Das. He was not blind from his birth. He developed some eye problems and lost his sight at a young age. After losing his eyesight he did not remain a mahant. After him Rameshwar Das became the mahant. He was succeeded by Ramkewal Das. Rameshwar Das was the mahant for about a year. He was removed from the post due to some reason. Mahant Ramcharan Das resigned from the post after losing his eyesight. He did not file any litigation that he was forcibly removed from the post of the mahant. I do not know where mahant Ramcharan Das belonged to. I only know this

much that he was a disciple of Nirmohi Akhara and he used to stay there or at the Ram Janam Bhoomi temple or at Ramapur. One disciple used to be with him to offer physical support since he was blind. There is a place of Nirmohi Akhara at Ramghat. It is quite spacious. It may have contained 8-10 residential quarters. All the mahants used to live there. These people also went to the numerous temples they were associated with. Bhaskar Das lives at Hanuman garhi temple located at Muzaffra. Whether Nirvani Akhara is located in Ayodhya or not, I do not know. The saints of Nirmohi Akhara do not follow any such dress code. Those who apply tilak on their foreheads usually apply a symbol of 'shri' between the white tilaks. This ritual of applying tilaks in a particular way is followed by the Ramanandiya saints. There are many categories of saints but I cannot tell how many or who all they are. Other saints apply tilaks (marks on the forehead) too but I am ignorant about the type of tilak they apply .

Verified after hearing the statement.

Sd/- Ram Akshyaware Pandey

1.7.2004

On my dictation, the stenographer typed in the open court. In continuation witness to be present on 2.7.2004 for further questioning.

Sd/-

Hari Shankar Dubey

Commissioner

1.7.2004

**Dated 2.7.2004**

**DW 3/12 Ram Akshyawar Pandey**

Before: Commissioner Sh Hari Shankar Dubey, Addl.  
District Magistrate/OSD, Hon'ble High Court, Lucknow  
Bench, Lucknow

(Commissioner appointed by Hon'ble Special Full Bench,  
Lucknow vide order dated 21.5.2004)

(In continuation dated 1.7.2004 for further cross  
examination of DW 3/12 Ram Akshyawar Pandey, under  
oath by advocate Sh Mushtaq Ahmad Siddiqui on behalf of  
OOS no. 4/89 – plaintiff no. 7 and OOS no. 5/89 defendant  
no. 5 Mohammed Hashim to continue.)

I was acquainted with mahant Ramcharan Das when  
his eyesight was okay. I maintained my contact even after  
he lost his eyesight. I had come to know him about a year  
or two prior to when his vision was lost. Ramcharan Das  
was a mahant of Nirmohi Akhara and was a learned  
person. I do not know if he was formally educated or not.  
In para 15 of my Examination in Chief affidavit it is  
mentioned that - "...crowds demolished the inside and  
outside portions..." By this I meant "collapsed due to the  
crowd" and not "demolished by the crowd." I do not know  
what is Aavid Bhasa (non legal language). I have not  
thoroughly read Tulsidas's Ramcharit manas. I understand  
the meaning of some hymns and couplets. I do not  
understand the meaning of this line – "Mandir mandir  
pratkar sodha" (transliteration). I do not understand what  
has been referred to in these lines. It is not that I am  
making a false statement. Extract of my statement dated  
24.5.2004 of page 6 "Tulsikrit Ramcharit manas....had  
darshan of many temples" is correct. The statement that I

made on 24.5.2004 were correct and the one I am making today is correct too. I was upset about something today and that is the reason I said that my statements were correct so forcefully. On being asked a question – I will answer based on whatever information I have.

Question: An idol is installed in a temple after its 'pran pratistha.' Does it becomes mobile (chal) or remains immobile (achal)?

(On this point learned advocate of OOS no. 3/89 Sh. Ranjit Lal Verma objected on the ground that the present witness is not an expert and does not know the connotation of 'chal' and 'achal' and therefore such questions should not be allowed.)

Answer: After pran pratistha (invoking of life in the deity) the idol installed in a temple becomes achal (immobile). Whether that idol is then called a Vighraha (another synonym of idol) I do not know.

I do not know whose disciple was mahant Raghunath Das. He became the mahant after Ramcharan Das. I am not acquainted with Raghav Saran, neither with Janki Jeevan Saran. Besides Ramapur there are properties of Nirmohi Akhara scattered across other villages too. One amongst these villages is Khurdabad, anoteh ris Jaffarpur. I do not know if there is any property belonging to the Nirmohi Akhara in Naseem Rajapur village. The Akhara had some property at Itmadpur village too. I do not know about Sikrora village and Sikrola village.

In OOS no. 3/89, paper no. 45 C-1/1/9 filed by Mohammad hashim at serial no. 1 Jaffarpur Pargana



Nawabgunj is written. (After the earlier reply learned advocate Sh. Ranjeet Lal Verma drew attention to the fact that the witness replied after seeing paper no. 45 C-1/1/9. The witness read the document before replying.) At serial no. 3 of this paper Itmadpur Pargana and tehsil, district Majkur is written.

Question: You have mentioned in your statement about the Nirmohi Akhara owning properties at village Itmadpur Jaffarpur. Are these the same villages the names of which comes up in paper no. 45 C-1/1/9 at serial nos. 1 and 3?

(On this point learned advocate of plaintiffs of OOS no. 3/89 Sh. Ranjeet Lal Verma objected on the ground that the paper in question was a typed translation which is neither attested or signed by the translator and the learned cross examiner had no right to ask a question with reference to that paper. Being a village of same name, the names of the Pargana and Tehsil should also be mentioned.)

Answer: I have not mentioned Jaffarpur in my statement. I have mentioned about the existence of Nirmohi Akhara's property in Niwadpur instead of Itmadpur.

I do not know defendant no. 2 in paper no. 45 C-1/1/1. Amongst the persons, whose names have been mentioned as defendants, I am only acquainted with defendant no. 1 Raghunath Das, disciple of Dharam Das, defendant no. 3 Raghunath Das disciple of Mangal Das, defendant no. 4 mahant Baldev Das, disciple of mahant Mohan Das, defendant no. 5 Sukhram Das, disciple of

Jagdev Das and defendant no. 7 Ram Lakhan Das, disciple of Ram Padarath Das.

There are two saints by the name of Raghunath Das. One of them is mahant Raghunath Das. But whose disciple both these Raghunath Das were I do not know. Amongst these two who was the mahant I am unable to say. I only know that one Raghunath Das became the mahant after Ramcharan Das.

I saw the boar god (varaha avtar), in the picture hung on the wall adjacent to the Hanumana gate in the disputed building. Besides this I never saw that image anywhere else. At which locations the temple of the boar faced god is located I do not know. He is worshipped because he is an incarnation of the Lord. I have not gone on pilgrimage to anywhere except Ayodhya and so cannot say whether there is any idol of the boar faced god in any other place. I have never heard nor read about any place where the idol of the boar faced god existed. I have only seen it in Ayodhya till the time the aforementioned wall existed. The idol of the varaha looked like a pig. All body parts were clearly visible.

Question: After going through all the pictures in the black and white album (paper no. 201 C-1) can you tell us in which picture the image of the boar faced god is appearing?

(On this question the learned advocate of plaintiffs of OOS no. 3/89, Sh. Ranjeet Lal Verma objected on the ground that the witness has neither taken the photographs neither processed them, so such questions cannot be allowed.)

Answer: I am 70 years old and because of the glare I am unable to say in which picture the image of the boar faced god is appearing.

Question: After going through all the pictures in the coloured album no. 200 C-1 can you tell in which picture the image of the boar faced god is appearing?

(On this question the learned advocate of plaintiffs of OOS no. 3/89, Sh. Ranjeet Lal Verma objected on the ground that the witness has neither taken the photographs neither processed them, so such questions cannot be allowed.)

Answer: I am 70 years old and because of the glare I shall be unable to say in which picture the image of the boar faced god is appearing, even if I go through the album.

I understand the meaning of the word "Vigraha" – it is to quarrel with someone. The witness was shown extract of his statement, dated 24.5.2004, page 11 – "when in some vigraha.....pran pratistha ritual is ...." On shown his statement the witness said that it is correct and similarly the statement he is making today with regard to it, is correct too.

I know Bhaskar Das since my childhood, i.e from age 12. He used to visit Ramapur. Whenever I visited ram Chabutra I used to pay him a visit. I used to meet him, Baldev Das and other saints there. I used to hand over my offerings to any saint that was present there. It may be Baldev Das, Bhaskar Das, Ram Lakhan Das golki, anyone who was present there at that time.

Question: Was Bhaskar Das the priest of the Ram Janam Sthan temple for many years?

Answer: Bhaskar Das was the priest of Ram Janm Bhoomi temple and Ram Chabutra.

I have never visited Ram Janam Sthan temple, although this was in Ayodhya. I used to visit Ram Janam Bhoomi and Hanuman Garhi temple after taking a dip in the river Saryu. It is not true that Bhaskar Das was the priest of the Ram Janam Sthan temple for 5 years.

Ram Janam Sthan temple is located to the north of the road that passes adjacent to the northern boundary of the disputed premises. The disciples of ramanandiya Nirmohi Akhara make a mark of the 'shri chinha' along with white tileak on both sides of their foprehead. What type of tilak other saints use I do not know. Just by seeing their tilaks I shall not be able to say to which Akhara they belong to. I shall bow before him, a saint commands respect. There is no need to identify them.

As far as I understand Receiver is appointed by the government to keep a check on something. People say the receiver has come and he will conduct an inquiry. Attachment takes place. Extract of para 14 of my Examination in Chief affidavit – "Some 20-22 years hence.....was passed." The word 'receiver' used in this context was to mean that even after attachment the government gave back the control of the outer portion to the saints of the Nirmohi Akhara.

Question: What do you mean by this sentence in the same paragraph – "the outer portion too was controlled by a receiver"?

(On this question the learned advocate of plaintiffs of OOS no. 3/89, Sh. Ranjeet Lal Verma objected on the ground that the question is not clear and unless the whole paragraph is not read out to the witness, such questions should not be allowed.)

(After this objection, the learned advocate conducting the cross examination read out the entire paragraph 14 of the Examination in Chief affidavit to the witness and asked him – what do you mean by the sentence - “the outer portion too was controlled by a receiver”?)

Answer: Due to some dispute between the saints of Nirmohi Akhara, the government took over the building, that is attached the building and handed it over to the Akhara. They used to perform rituals and took away offerings. Due to this dispute the place was taken over and then handed back to the Nirmohi Akhara.

Extract of the statement dated 16.5.2004, page 14, -  
“After attaining some maturity at the age of 12 I used to visit the Ram Janam Bhoomi temple along with my grandfather regularly, and still do so.” Was read out to the witness. This statement is correct, nothing is incorrect in it.

I am aware of the word ‘akshay navmi’. I do not know in which month it occurs. Bathing in the Saryu washes away sins. I have heard people saying – “darash parash kari majjan pana, fatah paap ved purana.” These are parts of scholarly discussions on scriptures. I am not educated so I have not read these anywhere. Scholars explained the meaning of the sayings. One following the family path cannot become a saint/ascetic. One who has renounced

family life is known as a saint/ascetic. There are many family men in Ayodhya.

The witness was shown the extract of his statement dated 25.5.2004, from page 22 – “only saints/ascetics live in Ayodhya...” He said that the statement is correct, and said as the question was regarding saints he said it. Vaishnavs are those who get initiated to the ‘mantra’ of Lord Rama. The persons initiating them are worshipped as guru (spiritual master). I cannot say if people belonging to other sects of Hinduism can become a vaishnava. The vaishnavites worship Lord Rama. I used to worship him even before my initiation. I know about guru purnima, on that day gifts are offered to the spiritual master and he is worshipped. Today is guru purnima. On this day I worship my spiritual master and offer him almonds and such gifts. Today is full moon of the month of Ashad. Guru purnima always occurs on Chandra paksha in the month of Ashad.

Every gate does not necessarily have a frame or a door. The extract of my statement dated 25.5.2004, page 25 – “the temple located.....had three doors” is correct. On 6.12.1992 there might have been some festival in Ayodhya. that may be the reason why so many people assembled there. I do not know which festival it was or how many people assembled there. the headman of my village told me that due to jostling among the crowd, Ram Janam Bhoomi temple crumbled. I mean that the old structure could not take the weight of so many people and it collapsed. I had studied till the 4<sup>th</sup> or 5<sup>th</sup> class. I have not passed any school examinations. I have been studying privately and a teacher used to teach me. I was not issued any certificate by the teacher. I have seen a mosque in my village and can recognize a mosque if I see it. A wall like

structure is built in it and people read something before it. What they read or say i do not know.

Question: Besides mosques, cow sheds, residential buildings, temples, dharamshalas and Gurdwaras all have walls. Can you specify on the basis of which you understood that the building in question is a mosque?

(On this question learned advocate of plaintiffs of OOS no. 3/89 Sh. Ranjeet Lal Verma objected on the ground that this is a composite question with many questions clubbed into one. Three fourth of the question is imaginary. Such questions should not be allowed.)

Answer: Cow sheds, Dharamshalas, Temple and Gurdwaras have roofs and the Lord sits in the temple. There are no pictures or images in a mosque. There people come to offer prayers. There is no roof in a mosque. Temples have domes but mosques have none. I have not seen any mosque with domes over them. I do not know about minarets. The temple of Lord rama is in the domed and disputed structure, and so there is no question of a mosque existing there. i am not saying this because there was a roof over the structure but because the disputed building was of ancient vintage, maybe of King Dashrath's time or older and such I heard from my grandfather. The place have been worshipped as the Ram Janam Bhoomi since 2-4 generations. I visit Faizabad regularly. There are mosques in Faizabad. I do not know about them. Whether any mosque falls on the parikrama route I do not know. I have heard that the idol sare made of Ashtadhatu, an alloy of eight metals including gold.

Question: Did you offer offerings at the disputed site or just threw it.

(On this question learned advocate of plaintiffs of OOS no. 3/89 Sh. Ranjeet Lal Verma objected on the ground that the word 'throw' is being used with the intention of blasphemy and it should not be allowed.)

Answer: I used to offer the offerings properly, did not throw it.

The witness was shown extract of his statement dated 24.5.2004, page 8 and 9 – “Now I have darshan from outside the railings and .....I throw it...come back after darshan.” The witness said that this statement is correct. Earlier there was the Hanumana gate in front of the disputed building through which entry was gained. That gate was not known by any other name. During parikrama, on reaching Suryakund and Jamthara I used to sprinkle water on my forehead. These places are on the route of the choudah kosi parikrama. There is a place in Ayodhya called Ramkali sthan. I have heard about it. There is a temple of Devkali, but I have never visited that temple.

Question: Whose idol is there in the Devkali temple? Have you heard about it from anybody?

(On this question learned advocate of plaintiffs of OOS no. 3/89 Sh. Ranjeet Lal Verma objected on the ground that this question is based on hearsay and therefore should not be allowed.)

Answer: Since I never visited the temple I cannot say whose idol is installed thence.

I do not remember if the mosque in the village adjacent to mine have a roof or not. I usually see that mosque enroute to Nawabgunj, but it has no roof. It is not correct that I did not visit Ayodhya before 1950. It is also a



lie that I have manipulated my age. It is similarly wrong to say that the disputed building belonged to a mosque. It is wrong to say that on the night of December 22/23, 1949, the idols were forcibly and clandestinely kept in the disputed building. It is also wrong that namaz (prayers) used to be offered at the disputed site prior to the night of December 22/23, 1949. It is also wrong that Azaan (calling the faithful to prayer) used to be performed at the site before prayers. Friday prayers were not offered regularly on the disputed site. It will be falsehood to term my statement as false, arising out of any ill will.

(Cross examination by Sh. Mushtaq Ahmad Siddiqui, advocate on behalf of plaintiff no. 7 in OOS no. 4/89 and defendant no. 5 Mohammad Hashim in OOS no. 5/89 concluded.)

(On behalf of defendant no. 6/1 and 6/2 of OOS no. 5/89, Sh. Fazle Alam, advocate accepted the cross examination by Sh. Abdul Mannan, Advocate, Sh. Zaffaryab Jilani, advocate and Sh. Mustaq Ahmad Siddiqui.)

Cross examination on behalf of all defendants/parties concluded. the witness is discharge.

Verified after reading the statement.

Sd/- Ram Akshyawar Pandey.

2.7.2004

On my dictation, the stenographer typed in the open court.

Sd/-

Hari Shankar Dubey

Commissioner

Dated 2.7.2004