

**9094:**

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

Other Original Suit No.3 of 1989

Panch Ramanandiay Nirmohi

Akhara & Others

...Plaintiffs

Versus

Priya Dutt Ram and others

...Defendants

**STATEMENT OF DW 3/3  
SRI SATYA NARAIN TRIPATHI**

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**MAIN STATEMENT WITNESS AFFIDAVIT UNDER ORDER 18  
RULE 4 OF CODE OF CIVIL PROCEDURE**

I, Satya Narain Tripathi Son of Shri Nageshwar Nath Tripathi, age about 72 years, Sakin Mouza, native of Mouza Mahavaon, Tehsil Bikapur, Distt. Faizabad, presently resident of Ram Nagar Colony, mohala, Ram Nagar, Faizabad solemnly give my statement as follows:-

1. I was born on 08 Sept. 1931 at my native village Mauza Mahavaon, Tehsil Bikapur, Distt. Faizabad, where my father have been living for many generations.
2. I and my family are the followers of Vaishnav Religion. Being a man of religious virtues since childhood. I have been visiting the famous temples of Shri Ram Janam Bhoomi, Hanuman Garhi, Kanak Bhawan and Nageshwar Nath situated in the religious city of Ayodhya and every time taking a

bath at Saryu. Ayodhya is located at a distance of 35 Kms. From my village.

3. I joined service in 1962 and was posted at Saraswati Shishu Mandir Pratapgarh as a teacher and I remained there for two years. After that I was transferred to Farukabad and lived there for four years. After that I was posted at Shishu Mandir Faizabad since 1967 and I remained there in service for almost 17 years. I retired from service at Ghonda in 1992. During this period I served at Ghonda, Baharaich, Tehsil Akbarpur. I retired as a Headmaster.
4. I could understand things at the age of 10 years and since then I have been visiting continuously the festivals of Ayodhya like Ramnavami, kartik Purnmasi, Chaudaha Kausi Parikarma and Panch Kausi Parikarma, Sravan Jhoola and Ram Vivaha with my parents till my youth. I used to visit the temple Shri Ram Janam Bhoomit which is under dispute and there I used to attend Aarti and take Charnamrit. When I used to visit Ayodhya with my parents I offered Prasad and flowers to God. In my youth I continuously visited Shri Ram Janam Bhoomi with my classmate friends the practice still continues.
5. Before I joined service in 1962, I used to visit Shri Ram Janam Bhoomi and take bath in Saryu twice or thrice every month. After joining service during my posting at Faizabad this process continued, but while posted outside, I visited Shri Ram Lala at Shri Ram Janam Bhoomi on the occasion of fair and festivals and returned every time continuously.

6. After my retirement, I lived at faizabad (Ram Nagar locality). I also visited my village on a regular basis.
7. The main entry gate way of this disputed temple is in the East. On reaching there at the main gate there are stones of Kasouti near the kasouti stone towards North and before East is a stone of 1 ½ or 1 ¾ feet in length and about 3 feet high, which I have been observing since my childhood. On it at serial no.1 “Shri Ram Janam Bhoomi Nitya Yatra” in Devnagri script and below it Janam Bhoomi in English is written and on that Kasouti stone kalash, Peacock, standing photo of Devi, idol and portrait of Hanumanji with Mahaviri could be seen. At the beginning when I started visiting the temple with my father, at that time some people told that it is called Hanuman Gate.
8. While going through the East gate, the courtyard (Sahan) was about 28-30 feet followed by a wall of bar and towards the west of the wall of bars, at a little distance from the courtyard could be seen the Garbhgraha, whose Darshan, Poojan, Prasad and Charanamrit was obtained by me from 1941 to December 1949 after doing the Darshan from a very close distance. After attachment in 1949 I have been doing the darshan and Poojan of god from the wall of bars since 1950 and after demolition of the structure in January, 93 I have been having the Darshan from the way under the control of central Govt. and god ram Lala is there till now, whose Darshan I have been having the continuously since 1941 till now.



9. The internal part is called Kurkshuda regarding Kurki I had seen two-three days before Khichdi of 1950 and the policemen allowed me to have darshan through the middle door of bars but sahan, Ram Chabutra mandir, Chhati Puja-sthal, Shiva Darbar which were within the outer Sahan (courtyard) I have had the Darshan, Pooja-Archana from very close the way it was in 1941 till 1992 upto the demolition of the structure, but in 1982 I had come know that the outer part will also attached due to the intersay dispute of Nirmohi Akhara, and the receivers were the same in internal as well as outer part. This fact was confirmed by the priests appointed there by the receiver.
10. I started Darshan with my father in 1941. before the freedom of the country, it was a well known fact to me that the disputed temple is under the possession of the Nirmohi Akhara and only the Sadhus priest of Nirmohi Akhara have been the receivers of God Ram lala in Garbhgraha and the Darshanarthi used to offer Prasad after taking Aarti and Charnamrit. I observed it among all Darshanarthi while having the Darshan. After becoming a youth, I used to offer Prasad and flowers myself and took Aarti and Prasad from the Sadhus of Nirmohi Akhara.
11. Thus, I myself and the other Darshanrthi could have the Darshan of Ram Chabutra Mandir from 1941 upto November, 1992 before the demolition of the structure on 6 December, 1992. Similarly Chhati Pooja-sthal, Shiv Darbars Darshan and Pooja could also be done. The Sadhus of Nirmohi Akhara were the receivers on all these places of worship.

12. I know Mahant bhaskar Das who is present in the court. I had seen him as a receiver of Shri Ram Janam Bhoomi Garbhgraha, Chhathi Pooja-sthal, Shiva Darbar on Ram Chabutara since 1946. when I started to have Darshan with my father in 1941 and from 1946 to 1949 before and after attachment, my father told that the receivers at this place were that of Nirmohi Akhara. And I had also seen their guru Baldev Dasji as a receiver (priest). Shri Baldev Dasji was well known to me as he was also the Mahant of Naka Hanuman garhi. I have seen baldev Dasji. Bhaskar Dasji, the Mahant of Hanuman Garhi, Nakamujaffara Faizabad is still the sarpanch of Nirmohi Akhara. I had seen Bhaskar Dasiji as a receiver in the Garbhgraha of the disputed temple and along with it, I had also seen him as the receiver of Ram Chabutra Mandir, but after the attachment of internal part, I had seen Mahant Bhaskarji from 1965-1966 on the outer Ram Chabutra the other Sadhu-sant of the Akhara were seen in the outer part.
13. I had seen that the sadhus of Nirmohi Akhara lived in Bhandargraha and Sant Niwas located in outer sahan courtyard on disputed campus, just after the Hanumant Door entry from 1941 to February, 1982. I had also seen them preparing the Prasad at that place. This Bhandargriha and Sant Niwas were extended upto the wall in the North and some open space was seen in the North from Hanumant Dwar.
14. After 1982, till the demolition of the structure there lived the workers of Receivers in the Bhandar and Sant Niwas. I came to know about it as I asked them about it.

15. All of the disputed campus, meaning the outer and the inner part was under the possession and ownership of Nirmohi Akhara, which is a religious trust, whose present sarpanch is Sh. Bhaskar Dasji and Shri Jagannath Das ji is the present Mahant. The manager of Bhagwan ram Lal is Nirmohi Akhara.
16. The disputed campus is not a Masjid and no Muslim has ever read Namaj as per my knowledge.
17. I had come to know fully regarding Nirmohi Akhara through my father and Shri Mahant Baldev Dasji step by step and because of my visits to Ayodhya I could know and see other Sadhus of different temples. I am aware that there are temples of vairagy sadhus of Ramanandiya community in Ayodhya Lord Rama is the God of Ramanand Vairagy Community. My God is also Shri Ram, So I firmly believe in Ram janam Boomi Mandir and this is my firm belief. I have seen the Arya Hindus Darshanarthis coming from throughout the parts of the country and worshipping God Ramlala and have seen the disputed campus being used as a temple since I had become sensible. I satya Narain Tripathi the witness give the above statement solemnly and confirm that the above statement from Sr. No.1 to 17 is correct to the best of my knowledge. I again attest that the facts of statement from Sr. No.1 to 17 are correct. Neither anything is false nor anything is hidden in this regard. May God help me. Attested on 30.10.2003 at High Court Campus Lucknow.

Witness

**9101:**

30.10.2003

Sd. (Satya Narain Tripathi)

D.W.3

I, R.L. Verma Advocate, know witness and oath taker  
Satya narain Tripathi was has signed on the Affidavit in  
my presence.

Lucknow

Sd. (R.L. Verma)

30.10.2003

Advocate

30.10.2003

In the presence of commissioner Shri Narendra  
Prasad Additional District Judge/OSD Hon'ble High Court  
Lucknow Bench, Lucknow.

(Commissioner appointed by the order of Honourable  
Pooranpeeth Lucknow Khandpeeth, dated 10.10.2003)

Other Original Suit No.3/1989

R.S. No.26/1959

Nirmohi Akhara and others ...plaintiffs

Versus

Priya Dutt Ram and others ...Defendants

Dated 30.10.2003

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D.W.3/3

Shri Satya Narain Tripathi

The Affidavit of main examination of Shri Satya Narain Tripathi, age about 72 years s/o Shri Nageshwar Nath Tripathi, Sakin Mouza native of Mauza – Mahavaon, Tehsil Bikapur, District – Faizabad, Presently resident of Ramnagar Colony, Mohalla Ram Nagar, Faizabad is put up on page 1-4 and which has been taken on the record).

(D.W.3/3 Shir Vireshwar Dwivedi Advocate started solemnly cross-examination of Shri Satya Narain Tripathi other original suit number 4/89 Defendant No.17 Shri Ramesh Chandra Tripathi and Defendant No.22 Shri Umesh Chandra Pandey)

The witness gave his statement on oath.

XXX XXX XXX XXX

I am intermediate pass. In intermediate, history was also one of my subjects. I passed intermediate examination in year 1951. Since 1941 when I started the Darshan, I came to know about Nirmohi Akhara. Since 1941 – till the year 2003 I could not know much about the history of Nirmohi Akhara, I know only a little I am unable to give an idea about the origin of Nirmohi Akhara. I myself said that Nirmohi Akhara belongs to Ramanandiya community. It is not in my knowledge when Ramanandiya community came into existence, but the Ramanandiya community came into existence during the time of Shri Ramanandiyaji. I don't know whether Ramanandiya community came into existence during the time of Ramanand.

Question: What do you mean by Akhara?

Answer: The place where the Sadhu of the community Sant and their Mahant used to live, the place was called Akhara.

Akharas were more than one.

Question: Akhara was only Nirmohi Akhara or other name was also there?

Answer: They were know by the name of Nirmohi Akhara only. No other name was given to them.

I came to know about this through Mahant Baldev Dasji and Mahant Bhaskar Dasji. Shri Baldev Dasji expired Some time in the year 1962-63. I don't know which temples in Ayodhya belong to Nirmohi Akhara. This is in my knowledge that I the city of Faizabad in Naka Mujaffara there is a temple of Hanumanji, which belongs to Nirmohi Akhara. I know the temple of Kanak Bhavan and Hanuman Garhi in Ayodhya.

Question: Whom does both the temple belong to? Do you know?

(The learned advocate Shri Ranjeet Lal Verma on behalf of the plaintiff objected that Kanak Bhavan and Hanuman Garhi-both are different temples and both are different Gods, therefore, one question regarding the both temples can not be asked at one time.)

Answer: perhaps Hanuman garhi belongs to Nirankaris and I don't know about Kanak Bhawan.

I have been visiting both the above temples since 1941 till date.

The suit for which I have come to this court to give the solemnly statement, has been filed for the rights. In this suit the dispute is between Nirmohi Akhara and Muslim people for right.

Question: in this suit does any group has tried to show his right?

(On this question Shri Ranjeet Lal Verma learned advocate of plaintiff objected that the witness is not supposed to know every aspect of the dispute and its details. General question has been asked and the same has been replied also.)

Answer: I don't know anything about it.

The learned advocate cross examining the witness showed the witness para 14 of his main examination on the Affidavit where in it was asked that who was receiver, residing there from 1982 till the demolition of the structure in 1992. On seeing it the witness replied that the receivers lived in there but who were those receivers, that is not in my knowledge. Shri Bhaskar Dasji was the receiver till the year 1982.

The learned advocate cross examining the witness showed the witness para 13 of his main examination on the Affidavit and he was asked whether some significant incident had taken place in the month of February of the year 1982.

After seeing it the witness said that the first Sahan (Courtyard) was to be attached due to the internal dispute of Nirmohi Akhara. The place which was attached was

inhabited by the people of the Receiver and before Attachment the Receiver of Nirmohi Akhara lived there in the shed constructed on the right side. The receiver of Nirmohi Akhara used to worship inside as well as outside. By inner side, I mean the place where God Ramlala is virajman. By inner side, I mean the western part of the wall of Bars. Till the month of February 1982, the receiver of Nirmohi Akhara did not worship in the inner part.

The Ramjanambhoomi and its temple have been in existence long back before I became a sensible person.

(Sh. Abdul Mannan the learned Advocate of Defendant No.11 objected on this point that this is Babri Masjid and it is not correct when he said the temple has been in existence for a long span of time.)

Question: Do you know whether Nirmohi Akhara came into existence first or the temple on Ram Janambhoomi.

Answer: The temple came into existence first.

I do not know who was the Receiver (Priest) of Ramjanambhoomi Mandir before Nirmohi Akhara came to existence?

Nirmohi Akhara is a trust and the property of Nirmohi Akhara is in the name of trust. The name of the trust is Nirmohi Akhara Trust. None of the property of Nirmohi Akhara is in the name of the Mahant of Nirmohi Akhara. The duty of Mahant of Nirmohi Akhara is only to look after the management of the Akhara. My father as well as the people who lived in the temple told me that the temple is the property of Nirmohi Akhara no body else told me about this. I have never seen anybody reading Namaz in this



place. I have never seen any body call to devout the prayer in this place. There were no Muslims in this area. I have not heard of any order regarding this disputed Bhavan from February, 1982 to 6<sup>th</sup> December, 1992. The Head of Nirmohi Akhara trust is Mahant jaggantaht Dasji. I have seen Mahant Baldev Dasji worshipping in this temple since the year 1945-46. Baldev Dasji was the Mahant. I have been Mahant Bhaskar Dasji worshipping in this temple after 1946 until 1966. I have seen him worshipping inside as well as outside the temple. The Garbh Graha was attached nearly in the year 1949. After the attachment Bhaskar Dasji did not worship in the Garbh Graha, but the people of receiver used to worship in the Garbh Graha, but the people of receiver used to worship. When Bhaskar Dasji used to worship at disputed land. Then two used to worship at Naka Mujjaffara, that I don't know. I know Shri Bhaskar Dasji since 1951. I have good friendship with Shri Bhaskar Dasji since 1951. it is not correct to say that by the bondage of this friendship I am giving false statement.

Originally, I have been a dedicated worker of Rashtriya Swayam Sevak Sangh and for the same I have worked in the Education Section with dedication. I helped in the establishment of many Shishu Mandirs. It is not like that I am angry with Vishva Hindu Parishad due to some reasons (on this point Shri Ranjeet Lal verma the learned advocate of the plaintiff objected that neither Shri Umesh Chandra nor Shri Ramesh Chandra are the correspondent of Vishva Hindu Parishad).

Question: is it that Vishva Hindu Parishad and 'Rashtriya Swayam Sevak Sangh are complementary to one another.

(Shri Ranjeet Lal verma the learned Advocate of the plaintiff objected on this point that Rashtriya Swayam Sevak Sangh and Vishva Hindu Parishad are the highest cultural institutes of the World. They have got no connection with this suit or politics and this question is irrelevant in the points of this suit.)

Answer: Yes sir.

Both these organizations are the leading organizations of Hindu religion, culture and are there for protection of Hinduism. It is given the importance as per my expectations. (Shri Ranjeet Lal Verma the learned advocate of the plaintiff objected on this point that without explaining the expectation of some person, his character can not be violated and plaintiff Ramesh Chandra and Umesh Chandra are not connected with these organizations and this question is irrelevant from the points of view of the suit.)

Question: I have to say that you are giving the wrong statement because of the anger. Have you to say anything about it?

(Shri Ranjeet Lal Verma the learned advocate of the plaintiff objected on this point that the witness had replied all the questions, peacefully in a normal course without showing any anger, which were asked by the arguing advocate. So, due to this, the fact does not arise that the statement is made due to anger and this question is irrelevant for the points of the suit.)

Answer: It is not correct to say like this on your part

(The learned advocate Shri Vireshwar Dwivedi completed the cross-examination of Shri Satya Narain Tripathi D.W.No.3/3 on behalf of Original Suit 4/89 Defendant No.17 Sh. Ramesh Chandra Tripathi and Defendant No.22 Sh. Umesh Chandra Pandey.)

(Shri Puttu Lal Mishra the Learned Advocate was given time for his arguments on behalf of plaintiff other original suit No.1/89, but he said that cross-examination is not required from the witness).

(The learned advocate Shri Ajay Kumar Pandey started the cross-examination on behalf of plaintiff other original suit number 5/89.)

XXX XXX XXX XXX XXX

There were pillars of back stone in the disputed Bhavan that was called the stone of kasauti. Idols were inscribed on these pillars, which were in worn-out state.

The learned advocate cross-examining the witness showed a colored album paper No.200 C-1's and Photo No.13, 14, 15 and 16 to the witness, after seeing them the witness said that towards the lower end of Photo No.13 picture of Varaha God is seen. The same picture is seen on Photo No.14, 15 and 16. this idol was on the right side of the wall, while going through Hanuman Dwar for Parikrama. The witness was also shown the Photo No.185, 186 and 187 of the album. On seeing them the witness said that a Kalash is seen just below the drawing No.185 and on upper side one leg is seen in Padmasan Mudra on the flowers and flower leaves, but the truck of the body is not seen. In Photo No.186 also a leg is seen in Padmasan mudra on the flowers and flower leaves, but

the trunk of the body is not seen. In Photo no.186 also a leg is seen in Padmasan mudra, but the trunk of the body is not seen and the same is in Photo No.187. The pillars seen in the Photos are set in disputed bhawan. The arguing advocate showed the witness black & white paper No.201 and its Photo No.100 and asked whether the pillars shown in the photo were installed in the disputed bhawan? On seeing it, the witness replied that it is correct. There is a Kalash under the pillars seen in the photo and above it are flowers and leaves and above it a leg is seen in Padmasan Mudra without trunk of the body. From the scene shown in the photo, it seems that trunk of the Padmasan Mudra has been removed from the pillars knowingly. There were a total of 12 pillars in the disputed bhavan, of which 12 pillars were installed in Hanumat dwar. Some idols were scribed on all the pillars, but some of their parts have been destroyed and others parts were safe.

I am the resident of a rural area, but presently living in a city. In the rural areas there is a place for Kali, Dih, Shayer, Brahm and other god and goddesses like Gram Devrta, Kal-Devta etc. On these places the concrete idols are Kaachi in the beginning, then they are made pukka and consecrated after painting. They are worshipped with full shradha and vishwas. These idols are both small and big. These idols belong to different gods and goddesses in different forms and mudres with their swaris (vahan). After these idols are worshipped every year, they are replaced by new idols. Similarly, when these idols get destroyed due to some reasons, they are placed by new ones. When any idols get broken, then new idol is consecrated and the old one is either buried in the earth or floated in water or placed there one on top of the another. When the people of the village become economically sound, they replace

the kaachi mud idols with stone idols, which stays for a long time. When they become even more economically sound, they replace it with metal idol or establish a temple. The idol may be of mud, stone, metal, gold or silver, when it is consecrated, then equal Aastha, Shradha and vishwas is established automatically without any discrimination. Some times empty space is covered with a thin layer of mud and they do dhoop and deep and the same shradha and vishwas is created automatically likewise in case of the idol.

There were 3 shikhars (Gumbads) in the disputed Bhavan and below the middle shikhar was consecrated God Ram Lala. It is correct that as per everlasting Aastha, Shradha and Vishwas of the Hindus, where the God Ram Lala is presently consecrated, at the same place his birth took place as the son of Dashrath. Hindus have always recognized Him as the incarnation of Lord Vishnu and they believe so now also. There was a way for Parikrama outside the disputed campus, where people used to complete their parikrama. I have also completed the parikrama. I have never seen any Muslim brother going to the disputed campus or reading Namaz in that area. The Hindu people used to have the Darshan of Ram Lala Ji in Ram Janambhoomi temple without any disturbance or checking. When any Hindu dies his head is kept towards North and legs towards south direction. Even if he is given Samadhi the position remains like that only that is head in North and legs in South. When any Hindu is given Samadhi then no brick is placed by the side of his head to right the head a little. But his head is kept straight so that head is generally turned a little towards south.

There are many Akharas of Rama Nandiya Community in Ayodhya. Generally after seeing the Sadhu, Sant and

Vairagis of these Akahras, I can't recognize to which Akhara they belong to unless anybody tells so. It is incorrect to say that I have given this statement under some pressure and it is also incorrect to say that I have given any false statement.

(The argument of Shri Ajay Kumar Pandey, the learned advocate on behalf of plaintiff other original suit No.5/89 completes here).

(Kumari Ranjna Agnihotir, the learned Advocate of Defendant No.20 Akhil Bhartiya Shri Ram Janambhoomi Renovation Committee other original suit No.4/89 was given time for argument, but she said that she does not want cross-examination to the witness).

(Except the other Defendants of other original suit No.4/89 and other original suit 5/89 and learned Advocate of Defendants 4, 5, 6 and 26 there was no one present on behalf of any other Defendant for cross-examination, so on behalf of Defendant No.11 Mohammad Farukh Ahmed of this suit, the cross-examination was started by Advocate Shri Abdul Mannan.)

X                      X                      X                      X                      X

I have been in Rastriya Swayam Sevak Sangh since 1945 and I hope to live R.S.S. through out my life. I was about 14 years old in 1945. I was born in 1931. I was about 16-17 years old at the time of assassination of Mahatma Gandhi. I have been to jail also. I had gone to jail in 1949 because of Satyagraha. Satyagraha took place after the assassination of Mahatma Gandhi and after that I had gone to jail. This Satyagraha was called by Rastriya Swayam Sevak Sangh. R.S.S. was banned after the assassination of Mahatma Gandhi. This ban continued for one year. After one year the Satyagraha was over and the Government removed the ban over R.S.S. R.S.S. was neither in politics at that time, nor is it in politics at

present. Individually any one can take part in politics, but not as the institute.

Question: With what motive RSS took part in politics?

(On this question the learned Advocate of the plaintiff Shri Ranjeet Lal verma raised objection that this question is not related at all to any of the item of the suit, so this question can not be asked.)

(The learned Advocate Shri Viresahwar Dwivedi on behalf of Defendant NO.17& 22 of other original suit NO.4/89 also raised objection on this question that this question is not relevant, because it has raised a question about the psychology of other people also in addition to the witness.)

(On this question, the learned Advocate of plaintiff of other original suit No.5/89 Shri Ajay Kumar Pandey raised the objection that the witness has already replied about R.S.S. taking part in politics or not, so permission should not be given for the same question to be asked again the again.)

Mahatma Gandhi was assassinated on 31<sup>st</sup> January, 1948.  
Ban on R.S.S. was removed in 1949.

Statement attested after reading

Sd/- Satya Narain

30.10.2003

Typed by Stenographer in open court on my dictation. Be present in this same order for cross-examination on 31.10.2003. The witness be available.

Sd/- Satya Narain

**Dated 31.10.2003**

**D.W.3/3 Shri Satya Narain Tripathi**

In the presence of Shri Narendra Parsad Commissioner or Additional District Judge/ OSD, Hon'ble High Court, Lucknow Bench, Lucknow.

(Order passed by the appointed Commissioner on dated 10.10.2003 for other original suit No.3/89 (original suit 26/59) Nirmohi Akhara and others versus Babu Priya Datt Ram and others).

(Solemn cross-examination of Shri Satya Narain Tripathi D.W.3/3 in connection to dated 30.10.03 by Shri Abdul Mannan advocate on behalf of Shri Mohammad Faruk Defendant No.11.)

Rastriya Swayam Sevak Sangh was banned after four days of assassination of Mahatma Gandhi. I don't remember if after the assassination of Mahatma Gandhi and the ban on R.S.S. whether any action was taken by R.S.S. regarding the ban on it. I was a student, when ban was imposed on R.S.S. I was student of 9<sup>th</sup> class. I could understand some politics at that time also. I had joined R.S.S. earlier to my education of class 9<sup>th</sup>. I had joined R.S.S. in 1945. When I joined R.S.S. in 1945, at that time people used to come to R.S.S. for playing and doing exercise and R.S.S.'s endeavor was the strengthening of the Hindus. By strengthening, I mean that we should share the ups and down of one another and be able to protect our selves, and in this way talks related to it, were the talks of the Sangthan. It also included the talk of self-defence. The talk of self-defence was never against any religion. When anyone comes to attack then the question of self-defence arose, but there was no one to attach. If



we don't talk our self-defence, then how will we defend ourselves from the attack. No religion teaches violence. When I joined R.S.S. in 1945, above it was the that facts stated inspired me to join the same. Since then the objective of R.S.S. has been the same as has been told above and there has been no change in the objective of R.S.S. The present prime Minister of India, Shri Atal Bihar Vajpayeeji joined R.S.S. in 1942-1943 before me. When I jointed R.S.S., before that Shri Atal Bihari Vajpayeeji had already joined R.S.S. I had seen Shri Atal Bihari Vajpayeeji first time in 1951-52. I saw him for the first time in Kanpur. In a meeting of R.S.S. I saw him for the first time. After that he joined Jansangh and hardly saw him once or so. I have never met Shri Atal Bihari Vajpayeeji personally. I have seen him only from a distance.

Question: When did you see Shri Lal Krishan Advaniji for the first time?

(On this question the learned advocate of the plaintiff, Shri Tarunjeet Verma objected that this question is not related to the contents of the suit. So, such question should not be asked.)

Answer: I saw Shri Lal Krishan Advaniji for the first time when the procession passed through Ayodhya.

I don't know whether Shri Lal Krishan Advani was there or not on 6 December, 1992, when Babri Masjid was demolished. After that he said, it was not a Maszid, but a Temple. The disputed Bhavan was demolished by Hindu to make it more dignified. Disputed Bhavan was never a Maszid I don't know whether the disputed Bhavan which was constructed in the year 1528 was a Maszid or not. I

have always seen the disputed Bhavan in a temple. Nobody have ever read the Namaz in the disputed Bhavan, nor as anyone gone there to do so. I have seen the disputed Bhavan a thousand times. Since 1941 till the date, I have seen the disputed Bhavan a thousand times.

The learned advocate cross-examining the witness showed the, witness the F.I.R. paper No.A-193 entered in the file of article 145 jabta faujdari and he was asked who has written this report. On seeing it the witness replied that it is not legible who has written this report. On seeing this same F.I.R. the witness replied that Shri Ram Dev Dubey has filed this F.I.R. Seeing this report witness said that at that time, Shri Ram Dev Dubey was the Incharge of Ayodhya Thana. In this report it has been written that by consecrating the idol, the Mazid was belied. I don't know clear that the report was written (filed). But after seeing the report it is clear that the report was written on 23.12.1949, but I don't know why this report was filed. I don't know whether some persons placed the idols or not after entering the Bhavan on the night of 23.12.1949. But the above fact is written in the F.I.R. I don't know whether any arrests were made or not in the disputed campus. On the night of 23.12.1949.

I don't know whether Babri Maszid was built by Meerbaki or not. I even don't know whether Meerbaki was the resident of Fargana or not? I don't know whether baba Maszid was built by Meerbaki on the order of Babar or not. I had heard that it was a temple since the time of Vikramaditya. There was no minars on the disputed land. I don't know whether there are any Masjids built without any Minars. I did not know that in the nations high snowfall with there are Maszids built without any minars. I

don't know whether Minars are destroyed by snowfall or not. I have never gone out of the country.

My village is located at a distance of 35-36 kms. From Ayodhya. I am the resident of Pratap Garh, Farrukabad, Baharaich, Akbarpur, which at present has been declared "District" and Previously was a Tehsil and I was principal at Faizabad. When I was a Principal in the above districts, I used to come to Ayodhya during my visit to my village. When I used to visit my village after a interval of a month or two on festivals, then I used to Ayodhya also. I used to go to Ayodhya on Parikrama, Chaitra Ramnavami, Jhoola festivals etc. When I used to visit Ayodhya, then I used to visit disputed Bhavan also. On festivals even if I did not go to my village, then also I use to visit Ayodhya. By Parva (festival) I mean fair and festival. 5-6 fairs (melas) are celebrated in Ayodhya. The fairs are celebrated throughout Ayodhya. I used to go to Ayodhya almost during every fair. When I used to go Ayodhya at the time of fair, then sometimes I used to stay at Faizabad and other times I used to go to my village. I don't know if there was any other land or not where Babri Maszid was located. I myself that I recognize that place as a temple and if was never a maszid. I know the disputed Bhavan as a temple, not as a Maszid.

I know Bhaskar Dasji since 1945-1946. Now he is the Sarpanch of Nirmohi Akhara. Before becoming the Sarpanch Bhaskar Dasji was the Receiver (Poojari) of Ramjanam Bhoomi. I don't know when Bhaskar Dasji became the Sarpanch of Nirmohi Akhara. It is not within my knowledge as to when Bhaskar Dasji became the Sarpanch of Nirmohi Akhara..

(The argument completed by advocate Shri Abdul Mannan on behalf of Shri Mohammed Farukh Ahmed Defendant No.11).

(The argument starts by Shri Jafar-yab jilani on behalf of Sunni Central Board of Waqf U.P. Defendant No.9.)

X X X X

I went to Disputed Bhawan for the first time with my father in 1941 but I don't remember the day, month or season. I went there during the fair of Chaita Ram Navami. At that time I went to Disputed Bhawan directly from my village on foot. There were 5-6 people from my village who went to Ayodhya with me and my father. That day I reached Ayodhya at the time of sun-set. There was a Babaji who stayed near Vidhya kund & also at night all of us stayed in that hut of the Baba, who used to come to our village. The hug of that Babaji was near Mani-Parbat. Next day after taking a bath in Saryu, first of all, I went to the temple of Nageshwar Nathji, after that where I went, I don't remember, but in the last I went to Janambhoomi and after returning from there I visited Hanumangarhi. When I went for the first time, I visited both the Disputed Campus and the Disputed Bhavan. I reached disputed campus before 12 in the afternoon. After reaching the disputed campus, I first visited the Disputed Bhavan of three Gumbads. I went upto the Place just below the Gumbad and had the Darshan of God. I visited the place below the middle Gumbad. There I had the Darshan of Bal Bhagwan Ram. At that time that I sin the year 1941, When I visited the Disputed Bhavan, then on the space below the Middle Gumbad of the Disputed Bhawan, the idol of Bhagwan Ram Lala was set on a Throne of Silver. That idol was one Bhalisht high and people told me that it was an Idol made of Astadhatu and along with it was the idol of Laxman and Hanumanji. The idol of Hanumaji was made up of stone. That idol of Hanumaji was bigger than the idol of Ram Lalaji and the

idol of Laxman was smaller than the idol of Ramji. There was no other idol there except the three. The idols of Ramji, Laxmanji and Hanumanji were kept on one throne. This throne was at some height from the earth, but I don't remember, on what it was set, on wood, stand or on some other thing. I don't remember, when I last visited the disputed land. I don't know when the Disputed Bhawan was unlocked. The Disputed Bhawan was unlocked about 20-25 years ago. I have gone to the disputed Bhawan after it was unlocked for more than 2-4 times. The disputed Bhawan was unlocked on the order of Shri Pandeyji, the Judge of Faizabad. After unlocking of the Disputed Bhawan and before demolishing the structure on December 6, 1992, I might have visited it several times. The throne that I had seen in Disputed Bhawan in the year 1941, the same throne was seen by me for the last time before 1992 on my visit to the Bhawan. I had last visited the Disputed Bhawan a half or a month before the demolition of the Disputed Bhawan.

The learned advocate cross-examining the witness and white Album paper No. 201 C-1's Photo No81 & 82 and it was asked whether he had ever seen the view in the Disputed Bhavan, when is shown in the Photo. The witness replied that he had seen the above view in the Disputed Bhavan. In photo no.81 Ramji is seen sitting on the knees and Hanumanji's idol is also seen sitting and one more idol is shown in photo No.81, but that is not clear. In Photo No.82, something different from photo no.81 is shown, but in it also Ramji is clearly seen sitting on the knees, remaining idols are not clear. I am not in a position to tell clearly if the photo No.81 & 82 are of the same place or of different places. After seeing photo No.81, it seems that the Idols are kept in a Jhoola. The Jhoola shown in photo No.81 has been seen by me on the inside in the space below the middle Gumbad in the Disputed Bhavan. I don't remember that at what distance the Jhoola shown in photo no.81 was located from the Western wall of the Middle Gumbad of the Disputed

Bhavan. I cannot even imagine, the distance of the Jhoola shown in photo No.81 from the inlet through which I used to go to the Gumbad. There was no provision of the door for going to the space below the North-south Gumbad from the space below the middle Gumbad, but Mehrabs were there. The Jhoola shown in photo No.81 was located some what in the middle of the Northern and Southern Mehrab. I go to visit the Bhavan even after December 6, 1992 on a require basis place where the idol is kept is at some distance from the disputed place from where I have the Darshan, therefore that place where the idols are set is not seen clearly but the idols are visible. The jhoola shown in photo No.81, is not visible from the Disputed land from where I have the Darshan. I see some thing like a throne in the back and white photo No.82. I went call the throne like thing shown in the drawing a Jhoola. In the photo No.82 the God is shown sitting. I can't remember whether the throne shown in photo No.82 was located in the Disputed land or not. In photo No.82 God is seen in a sitting position but nothing else is visible. The Photo of Bhagwan Ram seen in photo No.82, seems to be set in a frame, but something below it is not visible.

Attested after reading

(Sd/- Satya Narain Tripathi)

31.10.2003

Typed by the stenographer in the open court after my having spoken. May report in the same order before the Honourable full Bench on Dated 3.11.2003 for cross-examination.

(Sd/- Satya Narain Tripathi)

**Dated 03.11.2003**

**D.W.3/3 Shri Satya Narain Tripathi**

(In continuation of dated 31.10.2003 D.W.3/3 solemnly cross-examination of Shri Satya Narain Tripathi by Advocate Zafaryab Jilani on behalf of Defendant No.9 Sunni Central Board of Waqf, U.P. before the Honourable Full Bench continues.)

Whenever I visited the Disputed Bhavan till 1992, I had seen the idol of God Ram Lala in Balroop on a throne shown in photo no.82 of album 201 C-1. That idol is not seen in this photo. That Idol of God Ram Lala was set in the spare below the middle of throne seen in photo No.82 remember whether the above photo of Ram Lala which is in a frame, cannot was there or not at that time. This situation of the idol of God Ram Lala has been seen by me since 1941. I had heard that the disputed Building of Gumbad was attached in January, 1950. I could not enter the Bhavan again after the attachment. The scene of photo NO.154/13 (Suit No.1/89) belongs to the lower space of Middle Gumbad of Disputed Bhavan. This situation pertains to before the year 1949. Before 1949 I had gone inside upto the stairs space below the Gumbad. I had also gone up to the shown in the photo. I don't remember whether the stairs seen in the photo were made up of stone, cement or mortar or wood. The idols and photos are visible on the top most stair, and Ram Lala, Laxmanji and Hanumanji are seen on it. The idols of Ram and Laxman in their childhood form are seen on a small throne placed on the top most stair. By the side of throne Hanumaji is seen in standing position. I don't remember whether except the three idols, there were any idols of

any other god and goddess. I don't remember whether the idol of Sitaji was set on the throne or above it or on the outer stair. In this photo some there framed photos are visible on the outer stair, regarding which I don't remember whether they were there or not. I even can't tell whether god-goddess the photos consecrated on the upper stair belongs to, I even don't know whether the photo was installed there or not. The scene on the stairs and the idols, that I have mentioned above shown in the photo that very scene I had observed from the year 1949 to 1982. I had observed this scene from the year 1941 to the year 1949 from the stairs, but after attachment till 1982, I had observed the scene from outside and could not go inside. I had observed the same scene of stairs from 1982 to 1992 that is before the demolition of structure I have been to the disputed place at least 20-25 times an year during 1949 to 1992. The idols of Ram Lala and Laxmanji were made up of Ashtdhatu. The idol of Ramlalaji was about one Balisht high and the idol of Laxmanji was smaller than that of Ramlalaji. Both the idols of Ashtdhatu which are shown on a throne on the photo paper No.154/13 (Suit No.1/89). I had seen in the same position and same place till 1992 and sometimes they were also seen on a Jhoola in addition to the throne. I don't remember the period which I had seen the Jhula kept in the disputed Bhavan. I had seen the Jhoola in 1941 and in the year 1992 also I saw the Jhoola in the same position for the last time. In the album paper No.200 C-1 photo No.155 same Jhoola visible in which I used to see Ramlala, in which the idol of Ramlala was brought upwards from the stairs, in the remaining photo No.152, 153, 154 I could not see properly because of my poor eye sight, so I am unable to tell as to which place and thing they belong to. As far as I remember the Disputed Bhawan was locked in 1949 at the time of attachment the lock was



placed on the door of the wall of the Bars. It was unlocked in February, 1986 on the order of the District Judge. After unlocking of and before demolition of the structure, I had gone about 50-60 times to have the Darshan and during this time also I had gone upto the three stairs below the disputed place of Gumbad, the photo of which is shown in photo paper No.154/13 (suit No.1/89). After unlocking there was no arrangement of police for Darshan or Pooja. After the unlocking the Darshanarthi used to enter through the Hanumat Dwar and the eastern gate of the wall of bars and they could go to all the places in the Bhavan that is they could go beneath the Northern and Southern Gumbad. I am unable to recognize whether the photo No.84, 85 and 86 of the coloured Album belong to any part of the disputed Bhavan or not. But the doors seen in photo No.99 & 100 belong to the Disputed Bhavan, but I can't tell to which place they belong to. The curtains on these doors were seen by me but 1950, not earlier to it. I can see policemen standing in both the photos, but I don't know since when their duty began there that is. I don't now since when the policemen have been posted in side disputed Bhawan?

I never saw any policemen standing in the Disputed Bhawan before the attachment. I never saw the policemen standing there before the attachment in 1949. After attachment and before the opening of the lock I saw the policemen standing in the disputed Bhavan at Hanuman Dwar, at the door of wall of Bars, Chhati Poojan Asthal and below the Gumbads. I can't even tell the strength of policemen at any given intervals of here. I can't even tell whether their number was ten – twelve or twenty or twenty-five.

## 9123:

After about a month of opening of the lock I had gone or the first time for Darshan to the Disputed Bhavan and I had gone upto the Gumbad. At that time there was no fair (mela) at the Disputed Bhavan. It had gone at about 10 A.M. for darshan. The scene in photo No.103 of the coloured Album seems to be of the space below the Middle Gumbad. In this photo the portion of the Disputed Bhavan starts from the black and white floor seen below. In this scene the space upto which five six persons can be seen standing, is the place till where Darshanarthi were allowed to go. The space upto which the Darshanarthi were allowed to go. The space upto which the Darshanarthi could go as seen in photo No.103, from here at a distance of ten fifteen feet towards west, the idol of ram Lalaji, was kept near the idol of Ram lalaji was the idol of Laxmanji and Hanumaji was placed close to the throne. After standing up from the small throne of the stairs, only the idol of Ram Lalaji was used to brought to Jhoola, and no other idols. There was the distance of 10-15 feet between the idols whether they were in Jhoola, or on the small throne set on the stair. From the opening of the lock until the demolition of the structure, I had visited the disputed Bhawan twenty or twenty five times. I don't remember that how many times I saw the idol Ramlala in Jhoola and how many times on stairs, but I am sure that during this period I have seen Ramlalaji on throne as well as on the stair. The floor seen in photo No.156 of coloured Album have not been seen in any Bhawan at Ayodhya. There was no door or bars on the Eastern gate of the outer wall of the Disputed Bhavan, but I don't remember whether there was any type of door or not on the door of Northern wall. I don't understand whether the scene shown in the photo paper No.154/4(suit No.1/89) belongs to any part of Disputed Bhavan or not. I am also unable to tell whether the seen shown in photo paper No.154/5 (Suit

**9124:**

No.1/89) belong to any part of disputed place or not. Perhaps the scene shown in photo paper No.154/6 (suit No.1/89) pertains to the backside portion of Disputed Bhavan.

Attested after reading

(Sd/- Satya Narain Tripathi)

03.11.2003

Typed by the stenographer in the open court after my having spoken. May be available in the same order on 4.11.2003 for further cross-examination.

(Sd/- Satya Narain Tripathi)

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**Dated 04.11.2003**

**D.W.3/3 Shri Satya Narain Tripathi**

(The solemn cross-examination of Shri Satya Narain Tripathi D.W.3/3 in connection to dated 3.11.2003 before the Honourable full Bench by Shri Zafaryab Jilani, advocate, on behalf of Defendant no.9 Sunni Central Board of Waqf Board of U.P. continues).

The witness was shown the photo paper No.154/7 (the original suit 1/89) by the learned advocate who was cross-examining the witness. On seeing it, the witness said that the photo belongs to the back side of the Disputed Bhavan that is towards the western side. In this photo the white part of buildings that can be seen is because of the white washing. I don't remember upto which time I have seen the Disputed Bhavan with a white wash. Before the demolition of structure that is before December, 1992, one month prior to it. I had gone for Parikrama and I had also gone towards the western side of the Disputed Bhavan. But at that time I did not see whether any type of white-washing was taking place in the Disputed Bhavan or not. Whenever I went to the back side of the Disputed Bhavan that is towards the western side, I had gone only for Parikrama, not for any other purpose. Whenever I went for Darshan, Parikrama was a must for me. Whenever I went for Parikrama I did not see the upper side of the disputed bhawan, so I have no idea whether white-washing was done or not. I never saw any laborer white-washing in the Disputed Bhavan. There was some slope towards Western side of the Disputed Bhavan, which is visible in this photo also, but I can't say how much deep it was. I even can't tell whether the slope was 20-25 feet or 40-45 feet deep.

I have come out through the Northern gate of the Disputed Bhavan. But I have never entered through that gate. I have come out through that gate a hundred times.

The learned advocate cross-examining the witness showed the witness photo No.154/9 of the black and white paper (other original suit No.1/89), seeing which the witness said that this photo belongs to the Northern part of the Disputed land that is this photo pertains to the Northern boundary wall of the Disputed Campus. The wall in the photo in which the gate was fitted is perhaps 10-12 feet high. The height of the wall was same towards North, East and South. I don't remember whether the similar boundary wall was there towards west or not or it was present in some space or not. The height of the gate in photo no.154/9 seems to be 18-20 feet. But the height of Eastern Gate was lower than this. There was about 5 feet open space was not a concrete road. After that open space there was a road towards north, which led to Hanuymangarhi from Daurahi Kuan. This road was at distance of 5-7 feet from Northern door. It is not correct to say that the northern road was at a distance of 20-25 feet from the northern door. It is incorrect to say that I am giving false statement in this regard. It is also incorrect to say that after the northern way of the Northern door, were any graves (kabra) of Muslims for a distance of 10-12 feet.

Generally I can identity the Graves (Kabra). The courtyard seen towards the right side in the drawing paper No.154/5 can also be a grave or a Samadhi of Hindu Sadhu or Mahatma. I don't remember whether there was any Samadhi or Kabra on the way starting from the Northern wall of disputed campus upto the present Road in the North. I have been to Ayodhya to see the DIGAR

(worth seeing) places since 1941 I have seen the graves and graveyard of Muslims at many place. I don't remember whether the door on the northern wall was generally kept open or close. I don't remember that whether there was any carving or not on the inner Western wall of the Disputed Bhavan. I can not tell whether the carving seen in the photo paper no.154/12 pertains to Disputed Bhavan or not. I can not read the script of Urdu, Farshi or Arabi languages. I know Hindi and Sanskrit languages. The walls seen in photo paper no.154/14 and 154/15 are the inner walls of the Disputed Bhavan, but I am unable to tell to which part they belong to. I don't remember whether any thing was constructed or not between the wall of southern Gumbad of the Disputed Bhavan the southern wall of campus. I remember that space was empty regarding the small wall seen in photo paper No.154/16, I am unable to tell you whether parallel to it was there any space constructed for toilets or not. I had been to this southern open space. I had been there one month prior to December, 1992. the album photo paper No. 201 C-1's photo no.43 pertains to the disputed campus, but I am unable to tell to which part of the Disputed Bhavan is this. I am unable to grasp whether the door visible in the photo No.43 belongs to the part of Gumbad of Disputed Bhavan or not. The tree seen in the southern wall of the Disputed Bhavan and the southern wall of the campus. This tree was present near to the south-eastern corner of the Disputed Bhavan. This tree was no the platform constructed there. The tree seen in photo 44 is the same which I have mentioned in photo No.43. I don't remember whether there were any stairs constructed or not to go up near the tree as shown in photo No.44. I am unable to tell to which side of Disputed Bhawan the door as seen in photo no.46 belongs to, but it is correct that it pertains to Disputed Bhavan. I don't know

to which part of the Disputed Bhavan wall as shown in Photo No.47 which contains peekholes, belongs to. I never saw this wall during 1941 to 1992. I used to leave immediately after Darshan, so I did not get time to see this or that side or upper part of the Bhavan. The wall as seen in photo no.48 belongs to, the Disputed Bhavan, but I am unable to tell whether it belongs to North or Southern or East or West. As I never saw the walls with much attention while having the Darshan, so I am unable to tell whether the wall as seen in photo No.48 and the northern wall of the campus which had a door both were constructed at the same time and were similar or not. I never saw, any part of the Disputed Bhavan with much attention, I used to leave immediately after the Darshan. So, I am unable to tell the height of the eastern wall of the Disputed Bhavan. The stone as seen in photo no.49 was fitted in the upper part of the ceiling of the eastern wall of the Disputed Bhavan. The KATAHARE – wall was on the eastern side Disputed Bhavan in the disputed Campus, but there was no Kathahare – wall in the northern side. The kathare wall is seen in photo No.54 in this photo 2 windows are seen-one is on the left side and other on eastern side. I am unable to understand that the wall, with window close to the policeman with a rifle, pertains to the eastern or northern wall of the Disputed Bhavan. A moulshri tree is seen on the back side of the policeman, on the opposite side of the wall of the Disputed Bhavan. This Moulshri tree is actually there on the northern side of Disputed Bhavan it will be a wrong judgment to say that this moulshri tree is grown on the eastern side of the Disputed Bhavan. I myself said that this Moulshri tree was in the North-East corner of the Disputed Bhavan. To go inside the Disputed Bhavan. There was a door in the wall near the moulshri tree, which is seen in photo No.37. At a distance of about 15 feet from the moulshri tree towards

south, there was another door in the kathare wall. There was a northern wall of the disputed campus at a distance of about 15 feet from the Moulshri tree. I cannot tell whether the kathare wall was towards bath north and east sides or not, because I don't remember the location of the walls at this time. I am unable to understand whether some thing is written or inscribed or not on stone seen on the floor of photo No.35. In the photo No.37 in the lower portion of the Kathahare-wall the ibarats are seen written in black ink on the small stones. All these stones were not used before the attachment of the Disputed Bhavan, but some of them were there. I cannot remember which and how many stones were already in place before the year 1942 and how may are used after this as seen in photo No.37. None of these stones were there in 1941. I have never seen these stones under construction before or after 1949. I even don't know who and with the order of whom these stones were installed, but the same were fitted by the devotees. After seeing these stones and the Ibarats on them I thought that these stones might be fitted by the devotees only.

Attested after reading

(Sd/- Satya Narain Tripathi)

04.11.2003

Typed by the stenographer in the open court after my having spoken. May be available in the same order on 5.11.2003 in this context. Witness must be available.

(Sd/- Satya Narain Tripathi)



**Dated 05.11.2003**

**D.W.3/3 Shri Satya Narain Tripathi**

(Shri Zafaryab Jilani, advocate, on behalf of Defendant no.9 Sunni Central Board of Waqf Board of U.P. continues the solemn cross-examination of Shri Satya Narain Tripathi D.W.3/3 in context to dated 4.11.2003 before the Honourable full Bench).

A place in the disputed campus was known as Chhathi Poojan sthal and I visited that place whenever I went to have Darshan. This Chhathi Poojan-sthal was located towards the west of Northern door of the Disputed Bhavan. This place was in the form of a porch, earlier there was no ceiling over it, later on, a ceiling of tin was installed. On this spot the foot prints of God as well as His 4 brothers were inscribed and chauka, Belan and Chulha was also inscribed and it was known as the kitchen of Kaushalya. I shall not be able to tell you whether it was known as the kitchen of Sita, but I did not hear that it was ever known as the kitchen of Sita. Whenever I went to the Disputed campus from 1941 to 1992, I visited this place also and I went there considering it the kitchen of Kaushalya. Regarding this kitchen of Kaushalya I had a faith that the kitchen that used to be in the Bhavan of Maharani Kaushalya the same must be here also where the Bhavan of Kaushalya was located and where her kitchen was, I did not read about it in any book, only I have heard about it and on the basis of the hearing it was my faith that her kitchen might be in the same place. I have heard about it from my parents and other people with whom. I used to go for Darshan. I don't know whether anything is mentioned about the place or kitchen of

kaushalya in the Ramayan of Valmiki or Ramayan of Tulsi. I have never read the Ramayan of Valmiki or its translation, but I unusually used to read tulsi's Ramcharit Manas. I have also read its Hindi translation. I don't know whether any place in Ayodhya is known as Kaushalya Bhavan or Kaushalya place or not. Since the time of my visiting Ayodhya that is since 1941 till date, I have not heard that any place is known as Kaushalya Mahal or Kaushalya Bhavan in Ayodhya. I always used to go to Disputed campus through Hanumangarhi, on the way Manas Bhavan is situated. This Manas Bhawan is attached to the Disputed Bhavan. I don't know whether any place located between Hanumangarhi and Manas Bhavan that is in front of Manas Bhavan at a distance of 100 yards towards the right side in there is any which is called Kaushalya bhavan or not. In Ayodhya there are 1000 of temples and there is a temple in every house, so I did not try to know about the location of Kaushalya Bhavan. Kaushalyaji was the mother of Ram Chandrajai and because of this status. I did not try to know whether is there any Bhawan of this name or not. I don't know whether there is any place in Ayodhya known as Sumitra Bhavan or not. Similarly I don't have any knowledge about Kaikeyi Bhavan. I don't know whether there is any Mahal or Mandir known as Dashrath Mahal or Dashrath Bhavan in Ayodhya. Regarding Kanak Bhavan I have heard that this Bhavan was given to Sitaji by Kaikeyi on her "Face showing ceremony". I have not read about it in any book, but have heard about it from my father. This Kanak Bhavan is located at a distance of about half Kilometer in the East of the Disputed Bhavan. I can't say how old this temple is 100, 200 years or 1000 years. I even can't say whether Kanak Bhavan was much older or the Disputed Bhavan. I have no idea about the length or breadth of kanak bhavan. The length and breath of Kanak Bhavan is

more than the disputed campus. I don't know whether any place in Kanak Bhavan is known Grabhgraha or not. I am unable to tell about the length and breadth of the main place of Kanak Bhavan, where the idol is consecrated. Three idols are virajman in Kanak Bhavan which are the Bhagwan Ram, laxman and Sitaji. In addition to there other idols are also there, regarding which I am unable to tell at this time. All these three idols are consecrated in the same room and on the same throne. The place where these idols are set, it is surrounded by a boundary wall and a door, through which people have the Darshan. People have Darshan from outside the door. There sits a priest at the door and from that point people have the Darshan. The point after the place where the priest sits and from where people have the Darshan is called JAGMOHAN. I am unable to tell about the length and breadth of Jagmohan of Kanak Bhavan. I have visited that place thousand times only for Darshan and not for measurement. So I am unable to give even an idea about the length and breadth of Jagmohan of Kanak Bhavan. There is an open space while going through the main door of Kanak Bhavan, after that is located the Jagmohan, after that is the place for the priest and after that the room where the Bhagwan is virajman. I am unable to give an idea about the length and breadth of Kanak Bhavan. I had visited Kanak Bhavan for the first time in 1941. Whenever I had visited Kanak Bhavan, I had gone in the day time, never after sun set. Most of the time I have gone in the morning. I never cared about the time of Darshan and opening of the temple. I am unable to tell about the opening time of Mandir in morning as well as evening. Whenever I went to have Darshan at 12 or 1 in the afternoon, I found the temple closed. Two months ago I had gone to Kanak Bhavan to have Darshan for the last time. I am unable to tell how many and who have been the

priest at Kanak Bhavan since 1941. I am unable to tell their names. As I don't know the mahant of Kanak Bhavan, so I am unable to say whether mahant also used to sit or not in jagmohan addition to the priest. The place where Bhagwan is virajman in Kanak Bhavan, that is at a distance of about fifteen feet from Jagmohan. The three idols are visible clearly from that place. The idol of Ramlala is not there in Kanak Bhavan, but the idol of Dhanurdhari Ram is the idol of Ramachandraji is made of Ashtadhatu and is one foot high. In addition the idol of Sitaji and Laxmanji are also made in Ashtadhatu and both are one foot high. I don't know whether there has been any provision of light in that room of Kanak Bhavan where Bhagwan is virajman from 1941-1950. But now-a-days there is provision of electric light, and I have seen that room at up with electric light, but I can not tell since when this arrangement of light has been made. In 1941 when I went to Disputed Bhavan for Darshan for the first time, at that time there was no provision of electric light, but I don't know whether there was any provision of electricity during 1941 to 1950.

The importance of Chhathi Pooja sthal is related to the sixth day after the birth of Bhagwan Ram. As per our traditional belief the 6<sup>th</sup> day ceremony (Chhathi) of Bhagwan Ram was celebrated in Kaushalya Rasoi (kitchen). I don't know what is procedure for Chhathi poojan and which programmes are executed. I never participated in the chhathi poojan in my family or relations. I don't even know whether any pooja is done on Chhati Poojan or not. I even do not know whether the Chhati Poojan of Bhagwan Ram was done in Kaushalya Rasoi (kitchen) or outside it. I have never read about the Chhati Poojan of Bhawan ram in any religions book. Whatever I have heard from my parents regarding Chhati

Poojan of Bhagwan Ram, I have mentioned it above. I have been hearing about Chhati Poojan since 1941 and since then I have also been hearing the name of Kaushalya Rasoi (kitchen). I do not know whether Chhati Poojan is written somewhere is disputed campus or nearby or not. I have seen the name of Kaushalya Rasoi in writing.

In the photo no.39 of Album paper No.201 C-1, the Kaushlya Rasoi is written at the upper side. This is a throne like thing. I have been observing Kaushalya Rasoi since 1941 in this form. This throne is made of wood. The throne is set on a marble platform and many stones are embedded in it, which were not there in 1941. I do not know when they were installed. This marble platform is as big since 1941 as seen in photo No.39. Chulha, Chakla and Belan are seen in this photo, but not the Kharaon. Whether the Kharaon were pasted or formed on the upper side of the Kharaonje that I do not know we used to do the darshan at a distance of two yards from the platform. I was never able to see whether the Kharaon were made separately or were they pasted. I don't remember whether the Kharaon were made of wood, cement or stone. There was only one pair of Kharaon. The eight foot prints of the remaining four brothers were formed there. There eight prints are not clearly visible in photo no.39. all these eight prints were formed on the east side of the Belan in one line. I can't even estimate whether these foot prints were made of wood, cement or stone or any other material. I don't even have an inkling as to how old – Chakla, Belan and Chulha. I don't know since when these above mentioned things are formed or placed in the Chhati Poojan sthal. The chulha was made of plaster of paris. I am unable to say that how old is this Chulha, or since when it was made have never paid attention whether I the

curtain seen on kaushlya throne was used on special occasions or was always there. I don't even remember whether some idol was there behind the curtain or not. Whenever I went to visit this place, I always found the priest sitting there. There were times when I did not find any priest there. I don't know the name of her do I know him personally. I have sometimes seen Sh. Bhaskar Dasji sitting there. I sometimes saw Bhaskar Dasji sitting on the marble platform from 1945 to 1966. The right side wall in the photo No.39 that is the Northern wall of the Disputed Campus ends after going ahead that is it does not turn to south in the west. Photo No.38 also shows Kaushalya's Rasoi and in it on the right side, the Northern gate of the Disputed Campus is visible and on the left side of the photo the two windows of the Kathare wall are visible. In this photo the Chabootra seems to be covered with a tin shad. This is the tin shed of the upper part of Kaushalya's Rasoi. This tin shed was not there in 1941. it has been installed later on, when it was installed. That I don't know. Whether there was any other thing on the marble platform except Chulla, Chakla or Balan which people worship or had the Darshan. For 50 years I have not worshiped of any other thing except the above mentioned things on the Chabutra of Kaushalya Rasoi.

On the spot, between the Northern wall of the campus and the Northern wall of the Disputed Bhavan there is a empty place which is about 15-20 feet wide. A shad which was attached to the eastern wall was constructed for the residence of sadhus which was located between the Northern wall of the disputed campus and the Northern wall of the disputed Bhawan except this shade and the marble platform of Kaushalya's Rasoi there was neither any construction from East to West nor any type of Hindrance. From the marbel Platform of Kaushalya Rasoi

to the Northern Gate of Disputed Campus there was a distance of 8-10 feet. The gate seen in the Photo No.40 of this album seems to be the one whose photo was taken from the inner side of the gate, which is seen on the right side of photo no.38 and in the photo No.40 a railing is seen on the outer side which was installed in 1990. The distance of the Eastern wall in which hanumat door was there from the northern Fatak was about 25-30 feet. The shed attached to the Eastern wall which was meant for the living of the sadhus that shed was about 10 feet wide. I can not estimate what have been the length of the tin shed located against the Eastern wall which was meant for the living of the sadhus. In front of the Kathara wall the east bound outer wall as seen in photo no.37 was about 25-30 feet wide. In this courtyard from eastern gate to the northern wall there was no construction except the tin shed for the living of the sadhus. I can not say what was the distance and length and breadth of the tin shed of the sadhus from the policemen with a rifle as seen in photo no.37. From 1941 to 1992 some changes were made from time to time in this shade, earlier made of it was and converted to tin shade later on. I do not remember when the tin shade was installed at times for the protection from the scorching heat. The thatch roof was used to be installed over the tin shed in summer season. I never went in side this tin shed. I cannot estimate how much space was there and how many Sadhus could live in it. Except the eastern wall of the disputed Campus there was no other brick wall in the tin shed Ram chhabutra was located on the south side of the courtyard as seen in photo number 37. I even can not even estimate what was the distance of Ram chabutra from the tree or policemen seen in the photo. I can not even tell about the distance between the Northern and southern wall of the campus on the basis of my imagination. I have no idea whether this

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distance was more or less than hundred feet. I am unable to tell the distance between the wall of Hanumant dwar and the western wall of the Disputed Bhavan and I am unable to say whether it was more or less that 100 feet.

Attested after reading

(Sd/- Satya Narain Tripathi)

05.11.2003

Typed by the stenographer in the open court after my having spoken. Be available on 6.11.2003 in this context. Witness must be available.

(Sd/- Satya Narain Tripathi)

*www.vadaprativada.in*

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**Dated 06.11.2003**

**D.W.3/3 Shri Satya Narain Tripathi**

(The cross-examination of Shri Satya Narain Tripathi D.W.3/3 by Shri Zafaryab Jilani, advocate, on behalf of Defendant no.9 Sunni Central Board of Waqf Board of U.P. before the Honourable full Bench in context to dated 5.11.2003).

As I have said in my affidavit that on the two Kasauti stones of eastern Dwar that is Hanumat Dwar there was an idol of Hanumanji. I said so, as I have seen Mahaviri on both of them, and heard from people that they were the idols of Hanumanji. By "Mahaviri" I mean the saffron (Genrue) colour. Saffron (Genrue) colour was there on these pillars, so I grasp that they were the idols of Hanumanji. I don't remember whether there was any print of Idol on the Mahaviri covered part or not. After seeing the photo No.47-48 of the pointed coloured Album paper No.200 C-1 from the learned Advocate who was cross-examining the witness, the witness said that on these pillars "Mahaviri" is visible clearly on the lower side and due to the colour on the pillars no idol is seen on the covered area. As seen from this photo no idol is visible even on the other area of pillars which are not covered with "Mahaviri" after seeing the photo No.49 to 54 of this album, the witness said that these pictures belong to the pillars of Hanumat Dwar. There is no idol of any god-goddess clearly visible on photo No.49 to 54. In photo No.54 a vague idol is seen next to the Kalash. In photo no.49, 50, 51, 52 and 53 not even a vague idol is visible. I don't know about the issue of Jay-Vijay.

I am unable to tell that the idols of which god & goddess, were there on the twelve pillars which were located in the Gumbad portion of Disputed Bhavan. I have seen idols on all 12 pillars among those some were in broken state. At the door of Middle Gumbad there were two pillars and similarly two pillars were also there on the door of the right and left Gumbad. They were at the door towards the outer side. Similarly there were two pillars inside also at each door. I do not remember how many times I have gone to the lower portion of Northern and Southern Gumbad. But I remember I have visited the middle Gumbad more as compared to the other two. I even do not remember whether I have gone 10-12 times or 100-200 times to the lower portion of Northern and Southern pillars. But I am sure that I have gone to the lower portion of Northern and Southern Gumbad more than once or twice. After seeing the photo No.103 of this Album paper No.200 C-1 the witness said that this photo belongs to the lower door of the middle Gumbad in which two outer pillars of Kasauti are visible but in this photo, the pillars on the inner side are not visible. The photo no.99 & 100 of this album do not pertain to the door of lower portion of the middle Gumba. This portion belong to lower door of the Northern Gumbad or it belong to the lower door of the Southern Gumbad – this also I am unable to say. But I can say that photo No.99 & 100 belong either to the lower door of Norther or Southern Gumabad. In photo No.99 the pillars of Kausauti stone are visible or not in photo No.100, that I am unable to understand. After seeing photo No.117 of this album, the witness said that it is not clear whether this photo pertains to the lower door of the middle Gumbad of the Disputed Bhavan or not. In this picture the pillar of Kausauti is seen towards outer side, but the inner pillar is not visible. After seeing photo no. 116 of this album, the witness said that it

pertains to the lower door of middle Gumbad. The painting of Bhagwan Ram seen in photo No.116 was fixed on the western wall of the Gumbad Bhavan. This painting was fixed on the lower part of the western Gumbad. I don't know at what height the picture was fixed on the wall from the floor. It is wrong to say that this picture of Bhagwan Ram Lala was fixed on the eastern wall of the Disputed Bhavan. It is wrong to say tht the Kasauti pillars are not seen on the door in photo no.99 and 100. it is also wrong to say that there were no pillars of the Kasauti on the door on the spot.

The kasauti pillars are not seen on the doors in the photo no.84, 85 and 86 of the coloured album paper no.200 C-1. I am unable to say whether the door visible in the photo No.86 pertains to the lower door of the southern Gumbad or not, but it belongs to disputed Bhawan. Only four pillars were there on the lower door of the middle Gumbad and inside on either side of the lower doors of both the Gumbads there were four pillars set for each door. By mistake I have mentioned above that Kasauti pillars were set on all the three outer doors. Whenever I used to go through those doors, I never saw whose idol was there on the pillars. As seen in the photo mentioned above, that there were idols on the pillars, on that basis I am estimating that there were idols on all the pillars. I now don't remember whether I have myself seen any idol on any pillars. As I seem to remember the idols were middle tribanghi Mudra. I had seen such idols on 1 or 2 pillars only, which were installed outside. After seeing photo no.103, I am unable to say that I had seen any idols on the 2 pillars located in the front side, but it is correct that I used to see these pillars during my visit. Due to my poor vision I am unable to see clearly the pillars in photo no. 104-108 and say whether any idols were there or not.

My vision is poor for the last 2-3 years. Similarly I am unable to see any idols on the pillars of photo no.109-114. I am also unable to see any idol in the photo no.115-120 and photo no.121-127. No idol is visible in photo No.136-147. Similarly no idol is visible on the pillars seen in photo No.157-167. Similarly no idol is visible on the pillars seen in photo No.126-200. The door visible on the front side of the photo no.201, I am unable to understand to which part of the Disputed Bhavan it pertains to. I am unable to understand the full photo and tell to which part it belongs to. I used to go inside through the Southern door of the inner Kathara wall of the Disputed Bhavan. I don't know whether after entering through this door, there was any space on the left side for keeping the water pots etc. or not. Whenever I entered the Disputed Bhavan I used to go through the door of Kathara wall which was located in front of the middle Gumbad of the Disputed Bhavan. The photo no.36 of the colored album paper number 200 C-1 seems to be pertaining to the lower portion of the middle Gumbad of the disputed bhawan.

I have been a primary school teacher. The schools in which I used to teach were known, as "Saraswati Shishu Mandir" and the syllabus of these schools was much different from the schools of District Councils. More attention was given to the study of Sanskrit and English in Saraswati Shishu Mandir than the District Council Schools. The book of History were also taught in these schools. I had been a teacher for one year and after that I had been a headmaster. After becoming headmaster, I was not assigned the teaching work. I had read the books prescribed in the syllabus of Sarswati Shishu Mandir. In the book of History there was a chapter on Ramchandraj. In the book of History of Class 2, there was a full chapter regarding Ramachandraj, but there was no chapter in the

History book of class 5<sup>th</sup>, but there was a chapter in the Hindi book of class 5<sup>th</sup> on Ramachandraji. All the books of history of the schools Saraswati Shishu Mandir" were added by "Shishu Education Management Samiti", This samiti is different from the organization of "Rashtriya Swayam Sevak Sangh" that organization is called – Vidya Bharti. This vidya bharti organization has no connection with "Rashtriya Swayam Sevak Sangh". It is a fully independent organization. I am unable to tell names of the persons who have been the chairman of Vidya Samiti since 1952 to the date. This organization of Vidya Bharti Samiti was formed in 1952. My appointment was given by "Bal Kalyan Samiti" of pratap bagh. I was again appointed by "Bal Kalyan Samit" Farrukabad.

In the syllabus of history of class 2<sup>nd</sup> as mentoied above, there were full details of history of Ayodhya's related to Ramachandraji there were no details but regarding his birth place. In the same chapter there is full detail about the birth of Ramachandraji and it is also mentioned that Ramachandraji was born in the Palace of Raja Dashrath. It is not mentioned in the books of Saraswati Shishu Mandir that the temple of Ramjanamsthan was demolished in Ayodhya. I passed my intermediate in the year 1951 – 1952 and I also studied the subject of history in my curriculum. I have read about Mughal Emperors and Babar in History. I have never read in any of my syllabus that Babar had demolished any temple or Ramjanambhoomi Mandir at Ayodhya. I have never read in any book that babar had been to Ayodhya. I have also not read that Babar got any Maszid constructed in Ayodhya. I don't remember that I have ever read in any book that any emperor of Mughals from Babar to Bahadurshah Zafar had been to Ayodhya or have ever attacked Ayodhya. I have also read history before the

Mughals in the books of history. I don't know that it was famous that Aurangzeb got Maszid constructed after demolishing the temple of Thakur of Treta. I have never read so in any book. I have always seen the Disputed Bhavan as a temple and its form has also been always the same. I have seen this form (Swaroop) only after 1941. I am unable to say that the form of the Disputed Bhavan has always been the same, in which I have seen it or it was in a different form earlier. Neither I have heard nor it is in my knowledge that same people say that this Disputed Bhavan might have been built after demolishing the temple during the region of Babar. Neither I have seen nor I have read that some people say that Ramchabutra in the disputed campus was built after the construction of Disputed Bhavan. Since the time I started visiting this temple, I have always seen the Ramchabutara. The form of the Chabutara have been the same as I saw it first time.

The Ramchabutra as seen in the photo no.56 and 57 of the coloured album paper no.200 C-1, I have always found it in the same form. I don't know what has been its form prior to 1941. the black and white tiles seen in the front, they were not always there and were pasted later on, I don't know whether they were pasted after 1950 or earlier. I don't remember whether there were any shops etc. or not out side the Hanumant Dwar of the Disputed Bhavan, when I started visiting Ayodhya in 1941. the Seen as visible in photo No.58 belongs to the Cave below the Ramchabutra and the stones with some inscriptions which are seen in the photo, when they were constructed (arranged), either before 1950 or after, I am unable to say. In the photo No.58 there are three idols in red colour,

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I am unable to understand to which god or goddess they belong to. I had seen this cave a thousand times, but I am unable to remember to whom the idols pertain to. The cave seen in photo no.58 is the same as cave one of the two cave in photo no.57 on right and left side. I remember that in one of the caves were the idols of Kausalya with Bal Ram and Hanuman in the lap and the idol of Bharatji was there in the other Gufa and there were other idols also, to whom they belonged to I do not remember.

Attested after reading

(Sd/- Satya Narain Tripathi)

06.11.2003

Typed by the stenographer in the open court after my having spoken. May present on 7.11.2003 in this context. Witness must be available.

(Sd/- Satya Narain Tripathi)

**Dated 07.11.2003**

**D.W.3/3 Shri Satya Narain Tripathi**

(Solemn cross-examination of Shri Satya Narain Tripathi D.W.3/3 by Shri Zafaryab Jilani, advocate, on behalf of Defendant no.9 Sunni Central Board of Waqf Board of U.P. in context to dated 6.11.2003 in the presence of Honourable full Bench).

After seeing photo No.66 of the coloured album paper no.200 C-1, the witness said that this photo belongs to the back portion of Ram Chabutra and the photo No.64 of this album pertains to the wall by the side of the chabutra and similarly the photo no.63 of this album also pertains to the wall by the side of Ram Chabutra. In all these 3 photos the thatch roof is visible. When I used to go to the spot, at that time this thatch roof was visible I don't know since when this thatch roof had been installed. I don't remember whether this thatch roof was there or not, when I went there the first time in 1941. this thatch roof was there, when the Disputed Bhavan was attached in 1949. The thatch roof visible in photo No.56 of this album is the same thatch roof which is visible in photo No.63, 64 and 66. the tin shed visible in photo No.56 by the side of the thatch roof, I don't know since when it is installed there. I don't remember whether this tin shed was in existence or not at the time of attachment of the Disputed Bhavan. I also don't know whether this tin shed was there or not when I went to this spot for the first time in 1941. Kirtan was performed under this tin shed. The stones visible in photo No.59 and 60 of this album and on which something is inscribed that place is known as shiva Darbar. These stones were not installed in 1941, but



installed later on. These stones were there at the time of attachment of Disputed Bhavan. The idols consecrated in Shiva Darbar are visible in photo No.61 of the above album. I don't remember whether the idols visible in photo no.61 were made of stone or mud or metal. Of which metal they were made of, I am unable to tell it. Nothing can be told since when these idols have been consecrated there. Since when these idols are virajman there, I am unable to tell the same. I have seen these idols at that place since the time I started visiting that place. Disputed Bhavan was constructed by Vikramaditya. I don't know that these idols are there since the time of Construction of this Bhavan or were consecrated there later on. The photo No.62 pertains to the western portion of Shiva Darbar. The wall visible by the side of the tree in the left of this photo, is the southern wall of the disputed campus. It is not clear that the wall visible at the front in the photo, to which side of the Disputed Bhavan, it pertains to. In this very photo a Havankund is visible near the tree. I have seen this havankund since 1941, the time since when I have been that place visiting. I have never seen any have taking place there. This Havankund was towards the southern side of Ramchabutra, but I am unable to tell the distance of it from there. This havankund is on the west side of Shiv Darbar I am unable to tell the distance of Havankund from Shiv Darbar. What is its distance form the southern wall of the disputed campus, I am unable to tell. The south-eastern corner of the wall of the bars is visible in photo No.63. I don't know at what distance the Havankund was located from the south-eastern corner. Whenever I went to the campus for Darshan, every time I visited Shiv Darbar also. I did not find always the priest at Shiv Darbar, but saw them sometimes. Whichever priest I met, I do not remember the names of those priests.

Photo No.128 and 128 of the above album paper No.200 C-1 pertain to the lower portion of the western wall the Gumbad of the Disputed Bhavan. Both these photos belong to the western wall of the lower part of the middle Gumbad of the Disputed Bhavan. These photos belong to the same place that is they are the photos of the same place of the wall. In these both photos the painting with 'Pagari' was not there at the time of attachment, but might have been fixed later on. I am unable to tell when this painting was fixed. This is the painting of Shri gurudut Singh who was posted as city magistrate. I am unable to tell when was Gurudutt Singh's posted there. I am unable to tell why the painting of Gurudutt Singh was fixed there. Darshanarthis did not offer flowers and garlands to his painting.

I am unable to tell to which portion of the Disputed Bhavan the photo No.131 of this album belongs to, perhaps this photo belongs to the lower wall of the southern Gumbad. This photo seems to be of the western wall. I don't remember whether the pictures visible in this photo are the actual idols or photos of the idols or they pertain to any framed photo or calendar affixed on the wall. I don't remember whether I saw these paintings on the spot or not. I never went to have the Darshan of the places, which are visible in the photo No.131. I don't remember whether I have seen any person going towards these photos or not for worshipping.

I don't remember whether photo No.173 of this coloured album belongs to the Meharab in the middle of the lower Gumbads or not. This photo belongs to the lower portion of the Gumbad of Disputed Bhavan, but I am unable to tell whether this is the photo of the lower portion of the Middle Gumbad or Northern or Southern Gumbad.

Similarly I am unable to tell that the wall visible in photo No.169 and 177 belongs to Mehrab of which Gumbad. Both this photos belong to the lower portion of the western wall of the Disputed Bhavan. I don't remember since when the fans visible in photo no.169, 172 and 175 were installed there. I can't remember whether these fans were there or not at the time of attachment. I am unable to tell as to which part of the Disputed Bhawan photo No.170 belongs to. I am unable to understand whether it is the photo of upper ceiling of the Gumbad or some other place. Photo No.174 belongs to the lower portion of the Gumbad, but I am unable to tell to which of three Gumbad it belongs to.

Statement attested after reading

(Sd/- Satya Narain Tripathi)

07.11.2003

Typed by the stenographer in the open court after my having spoken. The suit be put up before the commissioner on 10.11.2003. Witness must be present there.

(Sd/- Satya Narain Tripathi)

**Dated 10.11.2003**

**D.W.3/3 Shri Satya Narain Tripathi**

In the presence of Commissioner Shri. Narendra Prasad, Additional District Judge/O.S.D. Hon'ble High Court, Lucknow Bench, Lucknow.

(The order passed by the appointed commissioner dated 7.11.2003 in case of other original suit – 3/89, (original suit no.26/59) Nirmohi Akhara and other versus Babu Priya Dutt Ram and others).

(The Solemn cross-examination, by Shri Zafaryab Jilani, advocate, on behalf of Defendant no.9 Sunni Central Board of Waqf Board of U.P. in case of Shri Satya Narain Tripathi D.W.3/3 connection to dated 7.11.2003)

The witness was shown photo No.75-76 of coloured Album paper No.200 C-1, by learned Advocate who was cross-examining the witness seeing which, the witness said that these photos belong to Disputed Bhavan and the photos pertain to the part near the Moulshree Tree. Near the Moulshree Tree in Photo No.75, a Policeman is visible behind whom is a scene with Tin Shed, but it is not understood, what this tin shade? Photo No.75 the part where tin shed is visible, it is the northern part of the Disputed Bhavan. In this photo No.75, where the Moulshree Tree is visible, in the west of it, a wall is visible. But it is not clear as to which part of the disputed Bhavan it pertains to. After seeing photo No.76, the witness said that a wall is visible in this photo also. It seems that this photo pertains to the Northern part of the Disputed Bhavan. It seems that the wall visible in photo no.76 pertains to the Northern-Eastern wall. This Northern-

Eastern wall is the same one, where singhdwar is affixed. The witness, on seeing photo No.77 of this Album said that the wall of Katghara and a small door near it, to go inside are also visible. I am not able to understand whether it is northern or the southern door of the Katghara wall. On seeing photo No.79 of this album paper No.200 C-1 the witness said that the mid campus of the wall of the katghara and wall with Singhdwar is visible in photo No.79 the wall with Singhdwar is also visible. On seeing photo No.80 of the album the witness said that the scene of photo No.80 and 79 is the same and about which I have mentioned above. I can see singhdwar in photo No.80 also. On seeing photo No.83 of this album the witness these stairs lead to. On seeing, photo No.84 of this album the witness said that the stairs are visible in it, but I do not know where these stairs lead to. On seeing photo No.84 of this album the witness said that the curtain visible over the door, could not be seen in the doors of the lower portion of all three Gumbads. The curtain was not there over the door of the lower portion of Middle Gumbad, but similar curtains were there on the other two doors. I do not remember whether the curtains were there or not before the attachment of the Disputed Bhavan or not. On seeing the photo No. 84, 85 and 86 of this Album the witness said that he had seen similar curtains on these doors as seen in these photos and the same were also on the spot.

I had also sometime seen the curtains sometimes in open position. I shall not be able to tell whether the doors visible in photo No.84, 85 and 86 pertain to Northern door of southern door. After seeing the photo No.148 and 150 of this album, the witness said that the umbrella like thing visible in these photos was on the place where the throne of Bhagwan was situated. The face visible in photo No.148

must be of the priest. I do not know the names of any of the priests of the Disputed Bhavan appointed the Receiver after opening of the lock in the year 1986 till 1989-90. I don't know whether any priest named Lal Dasji had been there during this period that is from the opening of the lock till 1989-90.

The witness was shown the black and white album paper no. 201 – C's photo No.26 and 27 by learned advocate cross-examining the witness, on seeing them, the witness said that he is unable to tell whether the pillars as seen in these photos belong to the inner side of Bhawan or the outer side. I am unable to understand whether there is any idol in photo no.26 and 27. After seeing photo no.55 to 66 of this album, the witness said that pillars are visible in these photos and the pillars seen in these photos belong to the inner part of the three Gumbad of the Disputed Bhavan. My eyes start watering when I see the photos, so I am unable to whether idols are inscribed on these pillars or not. My eyes start to water when I see too many photos and I have told the same in my statement on previous dates also. I could not see the idols of Hanumanji on the two pillars of Hanumatdwar, where there was mark of sindoor and on having heard from others, I had told that the idol of Hanumanji was there. I can see the same mark of sindoor in photo No.55 to 66 as I had seen in the pictures on the pillars of Hanumantdwar. On seeing photo No.71 to 76 of this album, the witness said that the pillars seen in these photos no.86 to 91 of this album the witness said that pillars are visible to him in the photos and these pillars belong to the inner part of the middle Gumbad of Disputed Bhavan. Idols are not visible to me on these pillars. After seeing photos No.95 to 106 of this album the witness said that the pillars are visible to him, but he is unable to

understand whether these pillars belong to the inner or the outer part of the Disputed Bhavan. Because of watering of my eyes, I am unable to tell whether there are any idol or not on these pillars.

Before the year 1962 from my house I used to go to the Disputed Bhavan for Darshan-pooja once or twice month. I used to go to the Disputed Bhavan sometimes by cycle, sometimes by train and sometimes by Bullock- cart on the occasion of the fair. When I joined service in 1962, after that I could not go to the Disputed Bhavan every month. After joining the service I used to go the Disputed Bhawan either on the occasion of the festivals or whenever I went to my village. While entering the disputed campus through the eastern door, the breadth of the courtyard from east to west is estimated at 25-30 feet, and which is located between eastern door and the wall of the Katghare, but I have no idea of the length of the courtyard from North to South. I have told the above breadth of 25-30 feet on the basis of my estimation, I have not measured that.

I have no idea about the length and he breadth of Ramchabutra.

I was not there on 6<sup>th</sup> December, 1992, so I am unable to tell whether the idols of the Disputed Bhawan were buried under the debris during the demolition of the Disputed Bhavan or they were transferred to another place. I did not even try to ask anybody about it. I am unable to tell for sure but my idea is that the idols which are Virajman in the disputed place in the present are the same idols which were already there until the demolition of Disputed Bhavan on 6<sup>th</sup> December, 1992. The basis of my idea is that the priest must have taken the measures for the protection of these idols, but I have not talked to

the priest about it. I have not even enquired about it from any person including the priest.

The witness was shown the last two lines of para 8 of his main examination's affidavit that "And Bhagwan Ram Lala is still there and whose Darshan. I have been doing from 1941 to the present times" by the learned advocate who is cross-examining the witness and it was asked what does he mean by this extraction. Seeing the above the witness replied that people say that the idols which were there in the Disputed Bhawan, the same idols are now present at the disputed place and because of the same I have written the above statement.

The learned advocate cross-examining the witness showed the witness the extraction of para 9 of the affidavit of his main examination "The inner part which ..... the policemen" and it was asked what does he mean by this? Seeing the above the witness replied that by the above extraction he means that the policemen did not allow him to go in. the Khichdi falls on 14<sup>th</sup> January and the above mentioned statement is about two-three days before 14<sup>th</sup> January, 1950 and by that time the Disputed Bhavan was already under attachment. The witness was shown the extract "His Darshan Pooja Archana - - - - - till the demolition of the structure" of paragraph 9 of the affidavit of his main examination by the learned advocate cross-examining the witness and it was asked that whether the details mentioned in the belongs to the Bhawan of Gumbad of Disputed Bhavan or not. Seeing it the witness said that the above details does not pertain to the inner part of the Gumbad Bhawan of the Disputed Bhavan. Seeing the above para 9 the witness replied that he came to know in the year 1982 that the outer part has also been attached. I had come to know about it from the priests of



that place, but I don't know their names. The sadhus who used to worship there, through them only I came to know that they were appointed as priests by the Receiver, but I neither recognized the receiver nor any other persons appointed by him. Perhaps Sh. K.K. Ram Verma was the Receiver in 1982. the learned advocate showed the witness the extract "This was told to me by the appointed priests (by the receivers)" from the affidavit of his main exams and it was asked whether the statement given above by him today" I neither recognized the Receiver nor the priests appointed by him" contradictory to the above statement? Seeing it the witness said that I do not see any contradiction in the both the statements, because I had heard the name of K.K. Verma, but I do not recognize him. Since 1950 to the time the Disputed Bhavan was not demolished in 1992, it was under the possession of the Receiver, but during this period that is from 1950 until the demolition of the Disputed Bhavan, I neither come in touch of any Receiver nor the name of any priest appointed by the Receiver was not known to me.

The learned advocate cross-examining the witness advocate, showed the witness the extract of paragraph 13 of his affidavit of main examination "from 1941 to February, 1982..... preparing the Prasad" and asked whether he could tell the names of the priests mentioned in the extract. Seeing it the witness replied that he knew only bhaskar Dasji and he did not know the name of any other Sadhu. The witness was shown para 14 f his affidavit of main examination and he was asked whether he could tell the names of the workers of the Receiver and what was their strength. Seeing it the witness said that he was unable to tell the names & strength of the workers.

Since the year 1941 when I started to visit to the Disputed Bhavan, from that time I started offering Prasad, flowers etc. I was 11-12 years old in the year 1941. When I went there for the first time with my father, then my father bought Prasad for himself as well as for me. My father offered the Prasad with his hands and I had offered the Prasad with my own hands. At that time I had not attained the age of my youth. The learned advocate showed the witness the last two lines of para 10 of the affidavit of his main examination "on becoming youth I myself - - - - - used to receive Prasad and it was asked that the statement about youth made in the extract denotes what age. Seeing it the witness replied that it relates to the age when I was 16-17 years old. I don't know what was the situation before my youth, but as far as I remember even before becoming a youth I used to offer the Prasad myself.

Question: So it is that you have written a wrong statement in the above extract – "On becoming youth I myself used to offer Prasad, Flowers etc"?

Answer: I have not written wrong statement.

Question: Is contradiction not there in your above statements, because at one place you have said that you attained youth at the age of 16/17 years and at other place you told that you offer Prasad at the age of 10-11 years, while in the affidavit you have given in writing that you yourself used to offered Prasad etc. on becoming youth.

Answer: There is no contradiction in my statements, because on becoming youth I for sure used to

offer Prasad, flowers etc. myself and before becoming youth as far as I remember I offered Prasad, flowers etc. myself only.

On seeing the para 11 of the affidavit of his main examination, the witness said that the Sadhus and priests of Nirmohi Akhara used to live at Chhathi pooja – sthal and Shiva Darbar, I had come to know about it through Bhagwan Dasji. I don't remember the year when I came to know about it. Then he said that his parents told him that the people of Nirmohi Akhara used to live there, I came to know in some year during 1941 to 1947 that this Disputed Bhavan is under the possession of Nirmohi Akhara, but I don't remember that in which year I came to know about it. I met Mahant Bhaskar Dasji first time at Hanumangarhi, Naka Mujaffara, Faizabad. This meeting with Mahant Bhaskar Dasji took place in the year 1945-46. I saw mahant Daldev Dasji for the first time at Hanumangarhi, Naka Mujaffara, Faizabad, but when I saw him for the first time that don't remember. I don't remember whether I met Mahant Baldev Dasji & Mahant Bhaskar Dasji for the first time on the same date or at different dates. I don't remember whom I saw first. Bhaskar Dasji was the pupil of Baldev Dasji. Bhaskar Dasji & baldev Dasji both lived in Ayodhya & sometimes they used to go to Hanumangarhi Naka Mujaffara and lived there.

The learned advocate cross-examining the witness showed the witness para 15 of affidavit of his main examination and was asked about his having written "Disputed Campus is not a Masjid", on which basis you have written that. Seeing it the witness said that Whenever he went there, he always saw the performing the Pooja & on the basis of same he had written that statement.

Question: You told that upto 1962, you had gone to the Disputed Campus once or twice a month, it means that only during that one or two days of the month you had observed pooja & Darshan in the Disputed campus. Besides that when you did not go there, how can you say, how that Bhawan was utilized and in what way?

Answer: Where pooja – Archana is performed, at that place some other person can perform any other work, it does not seem possible.

Question: Where you have written in your Affidavit that Namaz was not read at the Disputed Bhavan it might be related only to those days and time when you visited that place. Have you to say anything about it?

Answer: Where an idol is consecrated, there any other community will go and do the pooja – archana, I have not ever heard so. On the basis of this only I say that any reading of Namaz never took place at that place.

By the time I started to understand the matters, since then I sometimes used to read the newspapers. I was in a position of understanding things in 1949-50. By 1961 whenever I could get newspapers then I used to read it, newspaper was not available in my village. I don't remember whether I had read any news regarding the happening of 22/23 December, 1949 in the Disputed Campus or not.

Whenever any person of Central leadership of Rashtriya Swayam Sewak Sangh used to come to Faizabad, then attending his programme was must for me, but sometimes I could not participate.

Question: What do you mean by sometimes that is in which programme you could not participate?

Answer: I don't remember it.

I don't remember the year, but once honourable Madhav Rao Sadashiv Golevarker "Shri Guruji" the Sarsanghchalak of Rashtriya Swayam Sewak Sangh visited Faizabad. He visited Faizabad after a long time since the independence of the country. I am unable to give even a idea about the year in which he came. At that time I was about 18-19 years old. A very big Meeting was conducted by him at Government Inter College, Faizabad. The programme of "Shri Guruji" was only for one day and he came in the morning and returned in the evening. Besides him another Sarsanghchalak of Rashtirya Swayam Sewak Bala Sahab Devras also come to Faizabad. I don't remember exactly, but he came to Faizabad in 1964-75. The programme was also for one day and his meeting also took Sarsanghchalak of Rashtirya Swayam Sewak Sangh, no other Sarsanghchalak of Rashtriya Swayam Sewak Sangh visited Ayodhya or not when they came to Faizabad. I never read any news in newspaper regarding visit of any Sarsanghchalak of Rashtirya Swayam Sewak Sangh to Ayodhya.

I had only heard that Disputed Bhavan was constructed by Vikramaditya, I have not read it in any book. I know that the kingdom of Vikaramaditya was 2060 years ago from present.

Question: Then as per your statement was the Disputed Bhavan constructed 2000 years go.

Answer: I can't say so.

In the north of Disputed Bhavan there is another temple named Janmasthan mandir. I am unable to tell how much old is this Janamasthan Mandir. I even cannot say whether this Janamasthan Mandir is 250-300 years, 100-50 years or 20-25 years old. I don't remember whether Sita Rasoi is there or not in that Janamasthan mandir because I have visited mandir hardly once or twice, not more than that. I have not heard that there is any Sita Rasoi in the Janamasthan Mandir.

I can not even estimate hw many years ago the birth of Ramachandraji took place. Ramachandraji was born in Triata Yug. I don't remember how many yeas Traita Yug contained. After the Traita Yug came the Dwaper yug. I do not even know that how many years were there in Dwaper yug. Dwaper Yug got over about 5-5 ½ thousand years ago. I don't remember whether the period of Dwapar Yug was for about 450 lacs years or not. I don't even remember whether the period of Traita Yug was for about 8 ½ lacs years or not. I have read Ram Charitmanas. This much I remember that Ramachandraji was born on the Navami of Chaitra-Shukla, but how many years ago, this I don't remember. I don't even remember for how many thousand years his kingdom continued. I have no idea whether the kingdom of Ramachandraji's period, was 1000 years earlier or lac years earlier.

In Ramcharit Manas there is no mention of any special place regarding the birth of Ramachandraji, but only a mention about Ayodhya Tulsidasji lived in Ayodhya for a long period for writing Ramcharit Manas. The place

in Ayodhya where Tulsi Dasji sat while writing Ramcharit Manas that place is known as Tulsi – Chaura.

The learned advocate cross-examining the witness showed the witness original Gutka paper No.258 C-1/2 of Tulsidas Ramcharitmanas, he was shown 5<sup>th</sup> or 6<sup>th</sup> Chaupai of Proverb No.32 Balkand and the meaning of these lines was asked:

“Ramkatha ke miti Jagnahi. Asi pratiti Tinha ke man mahi.

Nana bhanti Ramavtrara, Ramayana set Kauti Apara.”

Seeing this, the witness replied that the incarnation of go happened many a times as per the “Kalpa-bhed” and in the same way people have written the Ramayana in their own emotions.

Question: What do you mean by “Sat kauti Apara” in 6<sup>th</sup> Chaupai does it not mean hundred crores and more Ramayana?

Answer: Seeing it, the witness said that it is correct.

It is incorrect to say that there was no idol in the Disputed Bhavan upto 22 December, 1949 and it is also incorrect to say that upto 22 December, 1949 there used to take place Namaj of five times and Namaj of Juma in the Disputed Bhavan. It is also incorrect to say that Disputed Bhavan which was built during the time of Babar had been used as Masjid upto 22 December, 1949. It also incorrect to say that on the night of 22/23 December, 1949 some idols were placed there secretary. I am unable to say whether the idols consecrated in the Disputed Bhavan till 6<sup>th</sup> December, 1992 got destroyed to not at the time of demolition of the structure. I also do not know whether the idols consecrated in the Disputed Bhavan at present the

same old idols which were present there at the time of demolition of the structure. It is incorrect to say that being an active worker or Rastriya Swayam Sewak Sangh I am giving false statement in the favour of the temple.

(Shri Zafaryab Jillani advocate completed the argument on behalf of Defendant No.9 Sunni Central Board of Waqf (U.P.)

(Shri Mushtak Ahmed Siddiki advocate started the argument on behalf of other original suit No.4/89's plaintiff No.7 and other original suit No.5/89's Defendant No.5.)

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I have been a member of Rastriya Swayam Sewak Sangh since the year 1945. At this time I am not an office bearer of Rastriya Swayam Sewak Sangh, I am only a Swayam Sewak (volunteer). As a Swayam Sewak I am a active worker of Rastriya Swayam Sewak Sangh. The name of Mahant Bhaskar Dasji's Guru was Mahant Baldev Dasji. Baskar Dasji is the Mukhtar of Nirmohi Akhara. The panchayat of Nirmohi Akhara nominated Bhaskar Dasji as their Sarpanch, but I don't know about it properly. Since the time of my joining service my employers kept on changing. Originally I joined service in Saket (Faizabad) under "Shishu Shiksha Prabandh Samiti". Saket is also the other name of Faizabad. The jurisdiction of Shishu Prabandh Shiksha Samiti is through out U.P. Since my joining service till the retirement, I had been under this institute. I joined this institute in 1967. I joined the service for the first time in 1962. I was first appointed as a teacher at Saraswati Shishu Mandir .I stayed there for two years at Pratapgarh. After that I resigned from there and I joined Saraswati Shishu Mandir, I stayed there for tow years at Kayamganj in Farrukhabad, where this Mandir



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was established by me and I remained there for four years. I was there for four years as a Headmaster and I said myself that at that time that committee was not related to Shishu Shikshak Prabandh Samiti. There I established the school upto 5<sup>th</sup> class. Before my joining there, this school was not there in Kayamganj at Farrukabad. During my time at that school there were a total of 8-9 teachers. All were salaried teachers and I also used to take salary. Prabandh Samiti used to pay the salary.

Statement attested after reading

(Sd/- Satya Narain Tripathi)

10.11.2003

Typed by the stenographer in the open court on my having spoken. The suit be present on 11.11.2003 in this context. Witness be available.

Sd/-

**Dated 11.11.2003**

**D.W.3/3 Shri Satya Narain Tripathi**

In the presence of Commissioner Shri. Narendra Prasad, Additional District Judge/O.S.D. Hon'ble High Court, Lucknow Bench, Lucknow.

(The order passed by the appointed commissioner dated 7.11.2003 in case of other original suit – 3/89, (original suit no.26/59) Nirmohi Akhara and other versus Babu Priya Dutt Ram and others)

(In context to date 10.11.2003, D.W.3/3 the Solemn cross-examination of Shri Satya Narain Tripathi other original suit no.4/89's Defendant no.7 and original suit No.5/89's Defendant No.5 Mohmed Karim's advocate Shri Mustak Ahmed Siddiqui continues the argument.)

The learned advocate cross-examining the witness showed the witness para 2 of the affidavit of his main examination, seeing which, the witness said that the temples – Ramjanambhoomi and Kanak Bhavan where is the idol of Ramchandraji is there are mentioned in this para, so by virtue of my shradha and Bhakti in Ramachandraji I used to go to there temples. Where ever there is the idol of Ramachandraji or his temple, the Shradha of followers of Ramachandraji would be there. Wherever there is a temple of Ramachandraji, his followers will go to the temple for Darshan. Other temples are also there in Ayodhya, where the idols of Ramachandraji are consecrated, but the above two temples are more famous, so I have mentioned both the temples in the above paragraph.

There was a road in the North of Disputed campus and there was open space between the gate of Disputed campus and the road. The Janamsthan Madir is attached to that road in the North. There is an idol of Ramachandraji in this Janamsthan Mandir also. The followers of Ramachandraji have some shradha for this janamsthan mandir like the other temples of Ramachandraji. According to me this temple of Janamsthan Mandir is less famous. From the time Ramachandraji was born, since then this is called Janambhoomi Mandir. I do not know whether the Ramchabutra Mandir in the disputed campus was called Janamsthan Mandir or not.

There is Saraswati Inter College in the Sahebganj Mohalla of Faizabad, which I know of Shishu Prabandh Samiti does not govern this Sarswati inter College of Sahab Ganj. This Saraswati Inter College has its own Committee, which administers its management, but I do not know about it. When I went to Farrukhabad and established an institute at Kayamganj, at that time my friends had invited me. I did not go there as per my own wishes Shishu Shiksha Prabandh Samiti at that time was not at all related to that institute of Kayamganj which I had established. When I established the institute of Shishu Siksha Mandir at Kayamganj, then there were only three teachers including myself. The friends who had invited during the first year me also helped me in the establishment of this institute and they also paid the salary etc. to the teachers. After serving in that institute at Farrukabad. I come to faizabad and there also I established the Saraswati Shishu Mandir. That Shishu Siksha Mandir exists now also in Nanakpura Mohalla. This Shishu Siksha Mandir is upto high school and a Kanya Vidyalaya also runs in it. There are 4-5 schools by the

name 'Saraswati Shishu Mandir' in Faizabad. My contribution has been for Saraswati Shishu Mandir at Nanakpura, beside this I have also given my cooperation to Saraswati Shishu Mandir at Ramnagar. I said myself that the committee of Saraswati Shishu Mandir, Nanakpura got affiliation from state level committee for Shishu Mandir and after that I became the employee of that Shishu Mandir. The Saraswati Shishu Mandir of Kayamganj Farrukabad was not affiliated to the state committee at that time, and later on whether it was affiliated or not I am not aware of it. Shishu Shiksha Prabandh Samiti Uttar Pradesh is the state level committee. Most of the Saraswati Shishu Mandirs are affiliated to this "Shishu Shiksha Prabandh Samiti". Shishu Shiksha Prabandh Samiti charges fees from the students and the schools are run from that amount. This committee does provide financial assistance to any school, but provides guidance. The teachers are appointed in the schools affiliated to this committee after taking the permission from this committee. The state level committee published an advertisement for the appointment of teachers and after that, as per the demand offers appointment to the selected teachers. The teachers who are appointed by the state level committee, they work under this state level committee only. In the appointment of teachers by the state level committee, there is no link with Rashtriya Swayam Sewak Sangh.

I know Gandhiji. He is known as Mahatma Gandhi "Mahatma" is not the part of Gandhiji's name but Gandhiji was later on called as Mahatma and Gandhiji is also known as the father of the nation Gandhiji had worked a lot for the independence of the country and for this reason people have a lot of respect (Shradha) for him and started calling him Mahatma and 'Rashtrapita'. Gandhiji was

assassinated after about six months of attaching independence of the country. When India was not independent, at that time Gandhiji was very popular and he is now also. Some people are fickle minded and what comes to their mind, no one can say and Gandhiji was assassinated by one such fickle minded person. There has been no deterioration in the popularity of Mahatma Gandhi after the freedom of India.

Question: Do you think that it might be possible that after the independence of the country, because of the clash between different views and view of Gandhiji, he was assassinated?

(On this question the learned advocate of plaintiff other original suit No.5/89 Sh. Ajay Kumar Pandey objected that whatever questions were asked by the witness, among them except a few, the rest were irrelevant and contrary to the points of the suit, they have got no connection with this suit. So, permission should not be given to ask such questions, because by asking such questions a lot of precious time of the court is wasted and the witness also gets disturbed and confused?

Answer: the assassinator may be aware of it, I am not aware of it.

Rastriya Swayam Sewak Sangh was established in 1925. At that time the freedom movement was going on. I have read about it. Gandhiji has had a pact with Muslim organizations and all Hindus & Muslims along with Gandhiji participated in the freedom movement. The people of Rastriya Swayam Sewak Sangh also participated in the freedom Movement. The people of Rastriya Swayam Sewak Sangh cooperated with Gandhiji and were taking this movement ahead. Thus, Rastriya

Swayam Sewak Sangh also participated in the Freedom Movement till the independence.

I have a little knowledge about how worship (pooja) is performed in temples. In a pooja Jaagran bath, Deep, Arti, Bhog etc. of Bhagwan, are executed. This pooja is performed by the priest appointed by the temple for this purpose. Darshanarthi do not do pooja like it, but they have the Darshan. I have never been a priest of any temple whichever temple. I go to, I immediately return after the Darshan. The Prasad offered by the Darshanarthi is also considered a pooja.

The Disputed Bhavan was in a form of a Gumbad, there was the idol inside the temple and this formation was that of a temple, not of a Masjid. I have seen many temples out side Ayodhya also. There were three Gumbads in the Disputed Bhavan. All three were of the same size. I do not remember that I had seen any other temple in Ayodhya like it which had three Gumbads in one line. I do not remember whether I had seen such a temple outside Ayodhya or not where there are three Gumbads in one straight line. I do not remember whether in Ayodhya's Nageshwar Nath temple, Kanak Bhawan and Hanumangarhi's three Gumbads are in one line or not. Whenever I went to Ayodhya, I visited these three temples also. Whenever I went to Ramjanambhoomi temple, then every time I visited these three temples also. I had seen three Gumbads in Disputed Bhavan and there is no Gumbad in Nageshwar Nath and Hanumangarhi and they are in the form of a Shivalaya. How is Kanak Bhawan from upper side? I have not seen it. By "dhyani nahin" I means I do not remember. It is false to say that I am hiding the truth at this point.

I am not aware whether the temple of Janamsthan in the North of Disputed Bhavan is also called the "Guddartar" or not. I am not aware who are appointed the Mahant and priest of that Janamasthan Mandir.

I am not aware who take care of the Management of Kanak Bhavan temple and I am also not aware who are appointed the Mahant and the priest of that temple. Similarly I do not know who take care for the management of Nageshwar Nath temple and who are appointed the Mahant and priests of that temple. I have no idea about the area of nageshwar Nath temple. I also have no idea about the area of Kanak Bhawan temple.

The suit in which I am a witness, that is between Nirmohi Akhara versus Muslims. This suit is prosecuted for the right of the Disputed Bhawan. In this suit, the Muslim supporters say that they have the right over Disputed Bhawan whereas the people of Nirmohi Akhara say that they have the right over Disputed Bhawan. In this suit the Muslim supporters say that Disputed Bhavan was a Masjid and the people of Nirmohi Akhara say that it has always been a temple. I am not aware since when this suit is going on. I am aware of this suit since 1950. I have no knowledge if there is any suit under section 145 C.P.C. regarding Disputed Bhavan, but I know that Disputed Bhawan is under attachment. I do not know under which article it was attached. I am not aware whether any suit was filed or not after attachment regarding the Kurki (attachment).

I am a witness on behalf of Nirmohi Akhara in this suit. I don't understand plaintiff or Defendant, so, I am unable to say whether Nirmohi Akhara is plaintiff or Defendant in this suit. I am not aware of the fact whether one or more suits are pending in this court regarding the

Disputed Bhavan. The title of this suit is Nirmohi Akhara versus Priya Dutt Ram etc. The witness was shown the first page of his statement by the learned advocate, seeing it the witness said that in this, below the other original suit No.3/1989 it is written as:-

Panch Ramanandiya Nirmohi Akhara ...plaintiffs Versus  
Priya Dutt Ram and others ...Defendants

After seeing it I have understood who is plaintiff and Defendant. The person who files the suit is called plaintiff and the suit in which I am a witness that suit has been filed by Nirmohi Akhara. I had heard that Priya Dutt Ram was the receiver of the Disputed Bhavan. He was the resident of Faizabad and he was also the Chairman of Faizabad Municipality and he was a respectable person. I am aware of the fact that earlier, there was only one municipality for Faizabad and Ayodhya. Priya Dutt Ram Sahib was a Hindu. He was the believer of Shri Ramji, had faith in Him and was a follower of Shri Ramji. I know Parmahansa Ramchandra Dasji. He expired a few days ago. He was a saint. I know that Parmahansa Ram Chandra Dasji was a saint, but I am not aware whether he was a Vairagi or not. The panch, mahant and priests of Nirmohi Akhara are saints but I do not know who are called the Vairagis. There are lot of saints in Ayodhya among the saints living in Ayodhya, some belong to Ayodhya itself & other saints might have come from outside of Ayodhya.

I am aware of the word "Trust". Trust is an institute which is formed for some purpose after registration. Trust can put anything for its purpose as per the wish of the trust. The binding and limitations of trust is that all purpose



should be justified. Trust are also religious as well as commercial.

Question: Where is a trust registered?

(On this question the leaned advocate of other original suit No.5/89' plaintiff side Shri Ajay Kuamr Panday objected that this question is completely illegal. So, permission should not be given to ask such questions from the witness.)

Answer: I think the registration of the trust is done in the society registration office. I don't know whether Nirmohi Akhara is a registered trust or not.

Question: Recently you have given the statement that "trust is an institute which is formed for some purpose after registration". Did you write that Nirmohi Akhara is a religious trust in the para-15 of the affidavit of your main examination without knowing whether it is registered or not?

Answer: I did not make an effort to know whether Nirmohi Akhara is registered or not. I think every trust must be registered, but at the time when Nirmohi Akhara came into existence, I don't know whether during that period trust was registered or not. I am not aware of it. I don't know since when the registration of trust began. I don't even know when Nirmohi Akhara became a trust.

Question: Without knowing when the registration of trust began and when Nirmohi Akhara became a trust you gave the statement that when Nirmohi Akhara became trust at that time, there may not be the rule of registration, have you said so only to justify your statement?

Answer: It is not like this

Question: Do you reply the questions as per your convenience without giving the answer in the context of the questions?

Answer: It is not like this.

I have read Ramcharit Manas written by Tulsi. It is in Hindi language. "Rachna" is a word of Hindi language. To start anything or to start writing a book is called "Rachna". The producer of anything is called "Rachnakar".

The learned, advocate cross-examining the witness showed the witness original Gutaka paper No.258 –C1/2 of Ramcharti Manas by Tulsi, in which ahead chaupai of Bal Kand's Doha No.34 was written as follows:

**"Rachi Mahes Nij Manas Rakha,**

**Pai Susmav Siva San Bhasa."**

Showing this, it was asked whether this chaupai is an extract of original book of Ram Charit Manas written by Tulsi Das. Seeing it is witness said that it is the extract of the same. Tulsi Dasji has used Doha Chaupai and Chhand in Ram Charit manas.

**"Rachi Mahesh Nij Manas Rakha"**

Means the Shankar Bhagwan has made up a view in his near. The original writer of Manas is Tulsi Das, but the facts have been told in the book have been told by Shankarji. So one concludes can that the original writer of Ram Charit manas is Shankarji. Saints & Vairagis are one and the same those who leave their house and devote themselves to Ram Bhakti are called Sadhu Vairagi. Today in my statement, I said that I don't know who sadhu and vairagi are but it was by mistake. Besides, the saint of

Ramanandiya Vairagi Community, I also know the Vairagi Saints of Digumber Community, I don't remember about the saints of any other community at this time. There is no difference in the clothing of the vairagi saints of Ramanandiya Community and Vairagi saints of Digumber Community, so no body can differentiate between them through their clothing. Mahant Paramhansa Ram Chandra Dasji belonged to Digumbar Akhara and in this context I have told about the suits of Digumbar Community. I am not aware whether Digumber Akhara is a part of Ramanandiya Community or not. I don't know much about the Ramanandiya trend. I am unable to tell how many temples are there in Ayodhya, which belong to the Vairagi Saints of Ramanandiya Community. I am also unable to tell whether there is only one or more temples of the Vairagi's Sadhus of Ramanandiya Community. The ultimate God of Digumberiya Sadhus is also Bhagwan Rama.

The attestation of affidavit of my main examination was done in the presence of Oath Commissioner. Whatever is written in the affidavit that was attested by me after reading and understanding. There may be some change in my memory power because of my illness during the last 15 days. I do not know whether there has been any change in my memory power during the last 15 days or not.

The learned advocate cross-examining the witness showed the witness para-17 of his affidavit. "I know that there are some temples of Vairagi Sadhus of Ramanandiya Community in Ayodhya and it was asked that whether it is correct. Seeing it the witness replied that it is correct. I am not aware when Mahant Bhaskar Dasji become the pupil of Mahant Baldev Dasji for the first time. The witness said after seeing the para-15 of his affidavit

that Jagannatha Ji mentioned in his para is the Mahant of Nirmohi Akhara. This Mahant Jagannath Dasji is also a saint of Ramanandiya Vairagi Community and Baldev Dasji and Mahant Bhaskar Dasji is also the saint of same community. Jagannatha Dasji lives in Ayodhya. Jagannath Dasji lives in Nirmohi Akhara. I don't remember the name of the mohala in which this place is located, but this place is located on the way from Digumbar Akhara to Ramghat I have visited Jagannath Dasji only a few times. I met Jagannath Dasji been the last time one or two month ago. He is elder to me in age. When I met Jagannatha Dasji 1-2 months ago for the last time, he was looking healthy. He is a saint as well as a learned person.

When Sarvasanghchalak Param Puja Madhav Rao Sadashiv Rao Golebalkar 'Shri Guruji and Param Poojaniya Bala Sahib Devas Came to Faizabad and conducted a meeting at Inter College Faizabad, in those meetings people came from other districts also, but no swayam Sewak came from outside Uttar Pradesh. Both these conferences were that of Divisional level. I had participated in both the conferences, where the speeches were delivered by the both Sarvasanghchalaks and not by any other person. In both the meetings, the speech continued for 45 minutes by the organizer Sarvasangh Chalak. I don't remember on which points he stressed on in his speech. The point of Ramjanambhoomi in Ayodhya was not there in their speech. I don't remember that in which decades they both came to Ayodhya. The Vishva Hindu Parishad and Rastriya Swayam Sewak Sangh are co-related to each other. Banwashi kalyan Asram is also a co-institute of Rastriya Swayam Sewak Sangh. Akhil bhartiya Vidyarthi and other institute are also a co-institute these institutes Parishad is also a co-institute of R.S.S. I am a worker of R.S.S. only, not of their co-

institutes. The functions of R.S.S. take place on district level, state level and all India level also and these conferences are held out of India also, but not by this name, but by different names. I have participated in District and State level functions of R.S.S., but not in all India level or out of India organized by different names. The speeches and proceedings of these conferences are published in the newspaper. There are magazine related to R.S.S.. I have not seen any daily magazine of R.S.S. but seen weekly and monthly magazines. These magazines include "Panchjanya" and "Rashtra Dharm". There may be other paper and magazines related to R.S.S., but I cannot remember. At-present organizer is also a magazine of R.S.S., which is published in English. I don't remember in which conference of R.S.S. I participated last. I don't remember when the last conference of R.S.S. was organized, but I remember that it was organized last at Faizabad, but I don't remember who was the chief of this conference. I think this conference was organized at Faizabad three years ago. I have never heard R.S.S. people saying that the Disputed Bhavan of Ayodhya is a matter of national insult. I have never even read such news.

Question: Do you consider that Disputed Bhavan of Ayodhya in the country is a matter of national shame, what is your view.

(On this question learned Advocate Shri Ajay Kumar Pandey on behalf of plaintiff of other original suit number 5/89 objected that this question is not related with the matter in issue and it is also not related to any point of the suit. The questions related to R.S.S. and such questions which are being asked, this is harassing, troubling and confusing the witness and such questions are being asked

to waste the time of the court. So permission should be given to ask such questions.)

(In the answer to this question, the learned arguing advocate said that questions related to R.S.S. were also asked by the earlier learned arguing advocate from the same witness and my learned friends raised an objection on that question).

Answer: I have not thought over it.

In Ayodhya besides the saints and vairagis other married people from various castes also live there, among them educated people are also there. When Darshanarthi go to the temple, the Prasad that they have to offer is given to the priest. The priest shows the Prasad to the idol, keeps some Prasad with him and the remaining Prasad is returned to the Darshanarthi. In the temple of Shankarji like in the temple of Nageshwar Nathji the Darshanarthi go and offer the water to the idol directly, in other temples the Darshanarthi give the Prasad to the Priest for offering to the God, as I told above.

The learned advocate cross-examining the witness showed the witness photo No.39 and 42 of the coloured album paper 200 C-1, seeing them the witness said that the both photos pertain to the Disputed Bhavan and belong to the Northern gate of the disputed campus. I can also see a jungle in photo No.42 and I am not grasping what is there in the photo, but this photo contains the door, the photo of which can be seen in photo No.39 also. In Photo No.42, the half gate of Northern wall is visible and in photo No.39 the full upper half portion of the same gate is visible. The witness was also shown photo No.43 of this coloured album, seeing it the witness said that this scene also pertains to Disputed Bhavan, but he is unable to tell to which part of the Disputed Bhavan, photo No.43 belongs to. It is can not be said clearly whether this part has

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been taken from the outside of the campus or inner side. The witness was also shown the photo NO.44 of this coloured album, seeing it the witness said that this photo also pertains to the Disputed Bhavan and it pertains to Eastern gate. The Northern pillar of this gate is visible in this photo. A stone is constructed in it, something is written on the top as well as on the bottom of this stone, but because of the watering of my eyes so, I am unable to understand what is written on it. In this the no is written in digit and that one digit is in Hindi. Something is seen by the sides of this photo, but I am unable to understand what is it. The pillars seen in the photo are marked with Mahaviri, where idol of Hanumanji was there. On this pillar in the photo on other shape of animal-bird or human being is visible.

Attested after reading

(Sd/- Satya Narain Tripathi)

11.11.2003

Typed by the stenographer in the open court after my having spoken. The suit be put on 12.11.2003 in this context. Witness be present.

(Narendra Prasad)

Commissioner

11.11.2003

**Dated 12.11.2003**

**D.W.3/3 Shri Satya Narain Tripathi**

In the presence of Commissioner Shri. Narendra Prasad, Additional District Judge/O.S.D. Hon'ble High Court, Lucknow Bench, Lucknow.

(The order passed by the appointed commissioner dated 7.11.2003 in case of other original suit – 3/89, (original suit no.26/59) Nirmohi Akhara and other versus Babu Priya Dutt Ram and others).

(In connection to date 11.11.2003, D.W.3/3 Shri Satya Narain Tripathi Solemn cross-examination and other original suit no.4/89's Defendant no.7 and other original suit No.5/89's Defendant No.5 and on behalf of Mohmed Kashim, by Shri Mustak Ahmed Siddiki, advocate.)

The learned advocate cross-examining the witness showed the witness photo No.45-46 of the coloured album paper No.200 C-1, seeing them the witness said that both the photos pertain to Disputed Bhavan. These photos belong to the Main Eastern Gate and hanumat Dwar. On these picture below the spots marked with Sindoor Kalash, flowers and leaves are visible, but I don't see the photo of any animal, bird or human being in any of the two photos. The photo No.47 and 48 of this very coloured album were shown to the witness, seeing which, he said that pillars are visible in these photos which belong to the Disputed Bhavan. On these pillars, as seen in these photos on scene of bird, man or animal is visible to me. Photo No.50, 51 of this coloured album were also shown, seeing them, the witness said that pillars are visible to him in these photos. A Tribhangi idol is visible to me on the pillars of photo No.51 in photo No.49 & 50 no scene of man, animal or bird is visible to



me. In photo No.51 the pillar marked with sindoor below that, beneath the Kalash, some idol in the Tribhangi form is visible. In photo No.51, where the form looking like Tribhangi is visible is not Lata ballary. At this moment, I can see clearly but I am looking if at anything continuously, it causes watering of my eyes. The photo No.52, 53 and 54 of this very coloured album were also shown, seeing which the witness said that the pillars are visible to him. No scene of man, animal or bird is visible to him on the pillars in these photos. By Tribhangi I mean a photo of some one with one hand on the upper side, the other is placed down wards and the person is standing with one leg lifted. It is not a posture, but a sort of Mudra.

I had not gone to Ayodhya on 6<sup>th</sup> December, 1992, after that I did not go to Ayodhya on 6<sup>th</sup> Dec. of any year. I have heard 6<sup>th</sup> December is celebrated as "Shorya Diwas" every year in Ayodhya after that incident of 6<sup>th</sup> Dec. 1992. The "Porush" done is called the "Shorya". I don't know for which "Porush" 6<sup>th</sup> December is celebrated as "Shorya Diwas" every year in Ayodhya. I have not read that on the day of "Shorya Diwas" great people from outside come to Ayodhya. In 1984 I was posted at Faizabad. I don't remember whether any Rath Yatra was launched or not from Sitamadhi. I have heard that on 7<sup>th</sup> October, 1984 some people took a resolution standing by the bank of a river in Ayodhya. But I am not aware of that resolution. I don't know whether it a movement related to Ramjanambhoomi or not, because I did not go there. I have also not read about it in any Newspaer. When the last conference was held in Faizabad by R.S.S., in that there was a speech related to Sangh & how to strengthen the Sangh. There was no mention of Ramjanambhoomi in that conference. I am aware that some people in India are involved in the Ramjanambhoomi Movement now also. Sh. Ashok Singhal is known as the Chief of this movement and his other colleagues are Giriraj Kishoreji, mahant Awaidhya Nathji, Mahant of Ahyodhya Sh.

Nrityagopaldasji etc. The name of Togadiya it is also mentioned in this context. Among the persons mentioned above, Ashok Singhalji was related to R.S.S., but whether now he is related to R.S.S. or not I am not aware of it. I don't know whether Giriraj Kishore and Togadiyaji are related to R.S.S. or not. I have not heard Ashok Singhalji in any function of R.S.S. I have seen Masjids from outside. The main Gate of Masjids is in the East. I have never seen any one reading Namaj. I don't know whether Namaj is read in sitting or standing position. I never got any chance to go to Graveyard with procession of dead body after the death of a Muslim. After the death of some Hindu, when the body is buried, I had a chance to attend such funeral procession. After death of any Hindu I have never participated, in the case of formation of Samadhi. It is in rare chance that Samadhi is formed after the death of any Hindu.

Except Shri Jaggan Nathji, Baldev Dasji, Bhaskar Dasji of Nirmohi Akhara, I have not met any other Mahant, panch, Sarpanch of Nirmohi Akhara. I don't know any Mahant Panch or Sarpanch of Nirmohi Akhara except the above three persons. I am not aware whether any "Prakatya Diwas" is celebrated in Ayodhya or not.

I have heard "Ajan". Disputed campus is located in Ramkot Mohalla, but I am not aware in which Rajasva Gram it falls in to. I am also unaware about the communities surrounding to the disputed campus. I don't know how many Muslims, Hindus and other community people inhabit the place around the disputed Campus.

I am not related to Vishwa Hindu Parishad, I have never been related to it. When I visited the Disputed Bhavan for the first time, at that time my father told me that this the Janmbhoomi of Ramachandraji and since then my faith was established which is the same till date. My father must have been told it by his father-grand father. I did not ask my father

whether the above fact might have been told him by his father-grand father, he himself also did not mention it to me. I am unable to tell about the faith and its intensity is among others and when such faith grew, but the faith of Hindus is Bhagwan Ram and his Janamsthan has been there for all times. The faith in Bhagwan Ram comes to a Hindu immediate after birth and this faith everlasting when Hindu people grown up, then they come to know that there was Janmbhoomi of Ramachandraji on the disputed place. How and when others come to know about it, this can be told by them only. I am not in a position to tell that.

It is incorrect to say the bhawan demolished on 6<sup>th</sup> December, 1992 was a Masjid. I am not aware whether the Disputed Bhavan was built in 1528 or not, I don't know whether till the night of 22<sup>nd</sup> December, 1949 the five times Namaj, Juma ki Namaj and Ajaan was performed in the Disputed Bhavan or not. It is also incorrect to say that before 1949 Disputed Bhavan was not called a temple by any one. It is also incorrect to say that there was no idol in the Disputed Bhavan before 23<sup>rd</sup> December, 1949 and I have given a false statement. It is also incorrect to say that I have given false statement in a prejudiced way.

(The other original suit No.4/89, Sh. Mushtak Ahmed Siddiki plaintiff No.7 advocate completed the argument on behalf of Md. Hashim Defendant No.5 (Other original suit No.5/89).

Shri Irfan Ahmed, advocate on behalf of Defendant No.6/1, Shri Fezley Alam, advocate on behalf of Defendant no.6/2, and

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on behalf of other original suit No.5/89 Defendant No.26, Shri T.A. Khan advocate adopted the arguments given by Shri Abdul Mannan advocate, Sh. Zafaryab Jillani advocate and Shri Musktak Ahmed Siddiki.

The argumntation completed on behalf of all Defendants/ supporters.

Statement attested after reading

(Sd/- Satya Narain Tripathi)

12.11.2003

Typed by the stenographer in the open court after my having spoken.

(Narendra Prasad)

Commissioner

12.11.2003