

IN THE HON'BLE HIGH COURT OF ALLAHABAD,
LUCNKNOW BENCH, LUCKNOW

OTHER CIVIL SUIT No. 3 OF 1989

Nirmohi Akhada ... Plaintiff

Versus

Babu Priyadutt Ram (Deceased) & Ors. ... Defendants

OTHER SUIT No. 4 OF 1989

Sunni Central Board of Waqf & Ors. ... Plaintiff

Versus

Gopal Singh Visharad (Deceased) & Ors. ... Defendants

DW-6/1-1

CHIEF EXAMINATION AFFIDAVIT OF MAHBOOB AHMAD
UNDER ORDER 18 RULE 4 CIVIL PROCEDURE CODE

I, (Haji) Mahboob Ahmad, Age about 67 years, S/o Late Shri Haji Fenku, Resident of Mohalla Tedi Bazar, City Ayodhya, District Faizabad, hereby declare as under:-

1. That deponent is the Defendant No.6/1 in another suit No.3/89 and is well conversant with all the facts and circumstances of the case.
2. That as per the order of Hon'ble Special Bench, A.S.I has excavated the disputed place and filed his final report before

the Court on 22.08.2003, on which in support of the objection filed by the deponent dated 8.10.2003 and supplementary objection dated 3.11.2003 request of the deponent mainly is as under:-

(A) That at the time when questioned report of the ASI dated 22.8.2003 was produced before the Court and at the time when disputed place was being excavated by the A.S.I., at that time Atal Bihari Bajai, Shri Lal Krishan Advani, Shri Murli Manohar Joshi and Shri Jagmohan respectively Prime Minister, Deputy Prime Minister/ Home Minister, Human Resources Development Minister and Minister Sanskrit Department, and A.S.I. is a organization under Govt. of India.

(B) That above four persons and Bhartiya Janta Party, Rastriya Swayam Sewak Sangh and Vishya Hindu Parishad etc. have gaining the political benefit from the last two decades and with a view to gaining political power, stating Babri Masjid as

Ram Janm Bhumi, tried to set the people of the whole country into fire of communalism, as a result of which thousands of the people have lost their lives.

- (C) That in August 2003 at the time of funeral of Shri Ramchander Parahans, Shri Atal Bihari Bajpai and Shri Lal Krishan Advani, has knowing fully that case of Babri Masjid- Ram Janm Bhumi is pending before the Court, gave speech to the gathering of people that Mandir will definitely made at the disputed place. It leads to the conclusion that in the questioned report of A.S.I. is made under the pressure of the then Prime Minister Shri Atal Bihari Bajpai and Deputy Prime Minister shri Lal Krishan Advanji and top leaders of Bhartiya Janta Party and as per their intention, which had nothing to do with reality. Intention of the above questioned ASI report was instead to made available the Hon'ble Court with reality but was to

please the then top leaders of Govt. of India and to destroy the communal harmony in the forthcoming election of some of the states, for their selfishness, to provide them an agenda. The speech given on 1st August 2003, was also published in Dainik Bhaskar on 2nd August 2003. Copy of its extract is annexed with this affidavit as ANNEXURE-1.

- (D) That Shri S.P Gupta and Shri Ashok Singhal has in the sponsored press conference of second week of August 2013 mentioned the various facts mentioned in the questioned A.S.I. Report dated 22.8.2003. Even also mentioned the "foundation of 80 pillars". Thus deponent came to the conclusion that questioned A.S.I. report prepared with the advice of Shri S.P. Gupta, because alleged ground given in favour of the Mandir mentioned in the ASI Report, above reasons were already in the knowledge of Sh S.P. Gupta and Shri Ashok Singhal, around 11 days prior to filing the report, whereas

above report is stated to be secrete till filing before the Court. Above statement of Shri S.P. Gupta and Ashok Singhal, was published in the Indian Express and Rastriya Sahara, copy of extract of the same is annexed herewith as ANNEXURE -2 AND 3.

(E) That at the time of excavation as disclosed by the archeologists present on behalf of the Muslim party, at the time of excavation A.S.I. has violated several rules retarding archeological excavation and in impugned report also in the east of the disputed place fact of having alleged mandir is said without any basis.

3. That the objections filed by the deponent in this regard at the time of excavation, his statement are true and in this regard deponent confirms the facts written in the above objections.

4. That above impugned report is not given by the A.S.I. on the basis of the evidence came in during the excavation but is

prejudice and is based on the conclusion given by the leaders associated with Ramjanm Bhumi movement and specialists such as Dr. S.P. Gupta etc.

5. That such conclusions are given in the above report that which are in support of the mandir movement being run by the Sangh parivar, on the basis of which it cannot be said that earlier there was any temple in the disputed place, whereas reality is just opposite. During the excavation no such evidence are received on the basis of which it can be said that construction of Babri Masjid was made by demolishing the alleged Mandir or replacing it.

6. That during the excavation whatever the floor found from the dispute place in which lime and surkhi etc. mixture is found. The wall found in the west side of the disputed place, has found mehrab and taak which clearly shows that above construction was related to the Muslim

period, it cannot be said that it has any concern with the Mandir.

7. That the construction at the disputed site, is stated to be a Shiv Mandir (alleged round worship place), nether it can be said Shiv Mandir and nor on the basis of which it can be concluded that earlier there was big mandir at that place. In this construction the place where parnala is stated, this place is made by scrapping the mixture of two bricks.
8. That the stones etc. received from the garbage of Masjid from disputed site, on the basis of which it will be totally baseless and unfair to say that carving and the picture etc. made in the above material can be said related to the temples of North India.
9. That malicious and bias of A.S.I. is also proved from the fact that a stone found during the excavation was earlier stated

as broken but later in the report it is stated as divine couple.

10. That during the excavation no such material or evidence is made available which can be said to connected with any old temple or which is related to any idol worship etc. other sources.
11. That alleged relics of criterion stone pillars which are received from the disputed site they were engaged in the Babri Masjid, which was demolished on 06.12.1992 and during the excavation these stones cannot be named residues found during the excavation.
12. That A.S.I. has not made any proper scientific study of the relics of the bright pottery and bones of the animals and humans neither found during the excavation nor gave any opinion in this regard that this pottery and bones can be said to related for which period.

13. That A.S.I. has in its impugned report did not pay any attention to the fact that any building cannot be constructed on the alleged pillar bases rather the above alleged pillar base stated to be inside the boundary of the babri masji, they are in fact made forged by cutting the filled bricks pile and shown as pillar bases and they cannot be said to be pillar bases in any manner.

14. That in relation to the alleged pillar bases, on behalf of the deponent and other Muslim parties, in which Mohammad Hashim Ansari and Sunni Waqf Board etc. were included, have filed several objections in which it was stated that alleged structural bases be demolished because it was the part of floor and attempt was made to fraudulently shown them as structural base. In this regard objection of the deponent dated 21.5.2003, 26.7.2003 and 2.8.2003 are notable. Objection dated 21.5.2003 bears the deponent of deponent

and on objection dated 26.7.2003 signature of advocate of deponent shri I.H. siddiui, Advocate and Shri Mohammad Hashim Ansari and Advocate of Sunni Waqf Board shri Jafarbab Jilani area appeared. On the objection dated 2.8.2003 signature of deponent and Shri Mohammad Hashim Ansari and Advocate of Sunni Waqf Board shri Jafaryab Jilani appeared. Deponent is the eye witness of these objections.

15. That on coming to the final report Musli party had also disputed that A.S.I. has dare to show forged pillar base.

16. That deponent is supporting the contents mentioned in the objections against the A.S.I. report, of Sunni Waqf Board and other plaintiffs of the original suit No. 4 of 1989.

17. That from the objections filed by the deponent and other Muslim parties against the A.S.I. Report dated 22.8.2003 it is clearly proved that A.S.I. Report is not only incomplete but also given in

violation of the orders of Court, rather this report is based on bias and is not based on the facts and relics received in the excavation. And report is appears to be only making the supporting atmosphere of the movement of Ram Janma Bhumi.

Sd/-
Deponent

Lucknow Dated
August 29, 2005

VERIFICATION

I, the deponent (Haji) Mahmood Ahmad, do hereby verify that the contents of para 1,2 (A,B, C, D) 3, 5, 7, 11, 13, 14, 15 and 16 are true and correct to my knowledge and belief and contents of para 2 (D), 4, 6, 8, 9, 10, 12 and 16 are true based on information of others and my belief. Nothing is false or concealed. God may help me. Verified today on 29 August 2005, at High Court premises, Lucknow.

Sd/-
Deponent

I, know personally the deponent (Haji) Mahboob Anmad and he signed in my presence.

(Advocate)

12407

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Commissioner appointed vide order dated
25.8.2005 by the Full Bench in (Another
Original suit No. 3/89 (Original Suit No.
26/59) Nirmohi Akhada Vs. Babu Priyadutt Ram
(Deceased) & Ors.

Another Original Suit No. 3/89

Original suit No. 26/59

Nirmohi Akhada & Ors. ... Plaintiffs

Versus

Babu Priyadutt Ram (Deceased) & Ors. ... Defendants

Date: 29.8.2005 DW-6/1 (Haji) Mahboob Ahmad

Affidavit in Chief Examination - page 1 to
9/3 of (Haji) Mahboob Ahmad, Age about 67
years, S/o Late Shri Haji Fenku, Resident of
Mohalla Tedi Bazar, City Ayodhya, District
Faizabad, is filed which is taken on record.

(Cross examination of DW-6/1-1 Shri Haji
Mahboob Ahmad, on behalf of the plaintiffs in
the suit No.3/89 starts by Shri Ranjit Lal
Verma, Advocate.

X X X X X X

www.vadaprativada.in

In the first and second line of para 1 of my affidavit of chief examination I have used the word facts of the case, in which my meant is the facts of the other original suit No.3/89. Order of excavation was passed in other suit No. 3/89. In my affidavit of chief examination Inn para 2 (A) fourth line Shri Jagmohan is referred by me, he is associated with Bhartiya Janta Party. In para 2 (A) of my affidavit of chief examination it is written that A.S.I is the organization under Govt.. of India. I cannot tell name of any other organization subordinate to the Govt of India. CBI is also a organization under Govt. of India.

Shri Atal Bihari Bajpai is associated with Bhartiya Janta Party. R.S.S. and Bhartiya Janta Party is one. Shri Lal Krishan Advani is associated with Vishya Hindu Parishad. At present Shri Lal Krishan Advani is the President of Bhartiya Janta Party. I cannot tell that at present Shri Lal Krishan Adavani is associated with Vishya Hindu Parishad or

not, but he is president of All India Vishya Hindu Parishad. As per my knowledge Shri Lal Krishan Advani is at present president of Vishwa Hindu Parishad.

In para No. 2 (A) of my chief examination affidavit in first and second line name of Bhartiya Janta Party Rastriya Swayam Sevak Sangh and Vishwa Hindu Parishad is mentioned. Who is the oldest organization is not in my knowledge, but they all are one. Again said Rastriya Swayam Sewak Sangh should be the oldest organization. I do not know when Vishywa Hindu Parishad was formed. At present I cannot tell that Bharitya Janta Party is a political party. Rastriya Swayam Sewak Sangh is cultural organization and Vishwa Hindu Parishad is a religious organization or not, but they three are one part and have one voice. But there is difference in their language. I cannot tell about them that Vishwa Hindu Parishad has any concern with the case spending before this court or not. Shri Ashok Singhal is associated with Vishwa Hindu Parishad. At present which

post he is holding in Vishwa Hindu Parishad is not in my knowledge.

Shri Atal Bihari Bajpai is associated with Vishwa Hindu Parishad. I cannot tell he directly connected with this organization or not. But he has relation with this organization. Similarly Shri Lal Krishan Advani is also associated with Vishwa Hindu Parishad. I know Murli Manohar Joshi. He is resident of Allahabad. In the year 2003 when excavation starts ,at that time was Minister of Human Resources Development. A.S.I. is under the Human Resources Development or not is not, I cannot tell. I do not have knowledge that A.S.I is associated with which department. It is the organization of Govt. of India, but associated with which Ministr is not in my knowledge. The four people whose name are given by e in my para 2 (A) of my affidavit of chief examination, they could influence the report of A.S.I. By the way CBi is an independent body, but nowadays Govt. or political party can put

pressure on it and this tradition of putting pressure is coming from old times.

In para 2 (B) of my affidavit of chief examination I have mentioned two decades, it meant two ten years. In page 3 para 2 (B) of my affidavit of chief examination I have written that "earned gain with a view of gaining political power Babri Majis is called as Ram Janma Bhumi", it meant is above both persons i.e. Shri Atal Bihari Bajpai, Shri Murli Manohar Joshi, Shri Lal Krishan Advani and Shri Jagohan, are saying Babri Masjid as Ram Janma Bhumi, the people used to changes this things according to the circumstances. Vol. Shri Lal Krishan Advani Ji has recently said in Pakistan that the day when Babri Masjid was demolished it was shameful day.

I have written in para 2 (B) of my affidavit of chief examination that "trying to set the people of entire country into the fire of communalism". This effort is making by above four people i.e. Shri Atal Bihari Bajpapi etc. All the people serving under Govt. of India,

have separate views. They are belongs to different caste, but each of the person has separate view. A Minister can put pressure over the organization under the govt. or employees working under the govt., but pressure will put on some persons, it is natural. The team of archaeological Department went Ayodhya for excavating, they were appointed by Govt. of India. The team of archaeological Department went Ayodhya for excavation, they were 37 people or not, is not in my knowledge, but they can be so. The team went for excavation, was consists of people of every state of the India as a archeologists, in Hindu, Muslim, Sikh, Christian etc. were. Order of excavation was given by the Hon'ble Court. But I do not know that in this order it was mentioned or not that name of each of the zone of A.S.I. be called. Prior the order of excavation the machine conducting x-ray of the land was used in the disputed site or not is not in my knowledge, because at that time I was in Mumbai, but something was happened in this regard, as known to me later. When I came back from Bombay, then

it came to know that Shri Jilani Sahab came at Ayodhya and he also went at disputed premises , but what was happened at that time, is not in my knowledge. I had not objected in the report of Tojo vikas Company. I cannot tell if my advocate had raise any objection or not. At that times my Advocate was Shri Mannan Sahab, Shri Jalani Sahab and Shri Mustaq Sahab etc. Prior to the order of excavation I did not give any application. So far as I heard in relation to the excavation advocates of the parties sought views from people. In this regard I do not have knowledge that my in this regard my advocate has filed any application or not that land should be excavated, so that the position beneath the land could be revealed. I do not have knowledge that any part of this case was raising any objection in relation to the excavation or not. As per my information excavation was conducted with the consent of both the parties.]After passing the order of excavation by the Court when Director General of the Archeological Department gave names of the archeologists participating in the

excavation then any objection was raised against their names or not, I do not have knowledge in this regard. I did not raise any objection in these names.

In para 2 (C) my affidavit of chief examination I have mentioned Ramchander Paramhans. He was not the party in other suit No. 3/89. This suit is of Nirmohi Akhada. Nirmohi Akhada has filed this suit for the entire part of the disputed premises i.e. regarding inside and outside both the parts. In this suit besides the govt officials, Muslim party are also impleaded as party. He died in August 2003. Excavation in the disputed site was starts in 2003. During the excavation I never seen Ram Chander Paramhans at the excavation site, on his behalf his advocate used to come at excavation site. Ram Chander Parahans has pressure over Shri Atal Bihari Bajpai and Shri Lal Krishan Advani. Whatever Shri Paramhans tells in his language they used do the same.

Ld. Counsel has drawn the attention of witness towards Annexure-1 of his affidavit of chief examination. Witness has seen and said that photocopy of the newspaper of Dainik Jagaran of 2 August 2003 is filed, in which news of 1 August is referred. To pay tribute to Ram Chander Paramhans, on 1 August 2013 Shri Atal Bihari Bajpai came, at that time excavation work as in the last stage of 2003. Report regarding the excavation was filed before the Court on 25 August 2003. It is incorrect to say that in para 2 (B) of the affidavit of chief examination and para 2(C) the things are written , were produced at the time of excavation. In the report of A.S.I. I have raise objection on 8.10.2003 and 3.11.2003. Shri Atal Bihari Bajpai and Lal Krishan Advani came together in the funeral of Shri Ram Chander Parahans. I have not seen but they people reached there. Shri Ashok Singhal was also accompanying them, as heard by me. But have not seen. Shri Swarajya Prakash Gupta was also theer or not is not in my knowledge.

I know S.P Gupta. He may be Director in A.S.I earlier, but now he has retired. What is his qualification is not known to me. But I know that he was in a higher post of A.S.I.

Ld. Counsel has drawn the attention of the witness towards annexure-3 of his affidavit and after seeing the same on questioning witness said that above the above newspaper title is "claim of archeologists associated with Vishwa Hindu Parishad". As a archeologists name of Swarajya Prakash Gupta and Arun Kuara Verma is given. Till 7 August 2003 in entire excavation was completed in north to south of makeshift structure. Most of the excavation was done in trench No. J-3 of the East side, this was about 11 ½ meter deep. Towards the south of the makeshift structure, most excavation was done in Trench No. G-7. What was the deep of this trench, is not remember to me, but this trench was the most excavated. Excavation was completed till 7 August 2003. Photography was continued along with the excavation. Photography was being made on day to day basis.

I have not seen anyone while making drawing at the excavation site. During excavation 4-5 experts remains present on behalf of the Muslim party. 2-4 persons nominated by the Muslim party surely present there. The nominated persons were Mahfooz, Khalid, Mumtaj, Banani. Apart from them several other boys also remain there, their names is not remember to me. Apart from the above persons Advocates also used to visit there. On behalf of Nirmohi Akhada, Bhaskar Das and Ld. arguing counsel also present there. On behalf of the Hindu party also experts present there, their number were sometime two or sometime three. They were continue present during the excavation. I do not remember names of these persons. I only remember that they were the expert on behalf of Vishwa Hindu Parishad. One Chaterjee journalist also remains present there. Although journalist were not permitted to go there. Whatever came out in the excavation form there, it is in the knowledge of above persons. Vol. nothing was found in the excavation. One chabutra was found from beneath the said site. At what deep this

chabutra was found is not in my knowledge. It was found at the deep of about 5 x 6. Length of the chatbutra would be 4 x 4 or 5 x 5, but I cannot tell exact length and width. This chabutra is look like square. There was floor beneath the said chabutra, and staircases like thing was made, it was appearing that earlier there would be any Bawli there. Small chabutra was covered with rocky stones. In the north side of this chabutra, a chabutra of red limestone was made. This chabutra was made by $1\frac{1}{2}$ - x $1\frac{1}{2}$ bricks, which was not seen by me, but there was floor of red lime, which was seen by me. This floor would be 8 f t deep from the surface of floor. Again this deep from the land would be about 5-6 ft. This floor as towards north side of gangway. North side of the gangway was also excavated.

Ld arguing counsel has drawn the attention of witness toward A.S.I. report Volume 2, document No. 204 C-1/2 page 1/7 witness said that in this picture above mentioned chabutra is seen. In the west of this chabutra, Calcrete

layer is seen in the picture. Beside the chabutra red lime floor is visible. In page 18 of the above report, mark of chabutra and floor on the chabutra and Calcrete layer is visible.

Ld arguing counsel has further drawn the attention of witness in page 29 of this report. Witness has seen and said that in the picture the staircase like part is visible, in which regard I had given statement above. in the west side of the makeshift structure, there was foundation wall. In the north side of the Ram Chabutra, the floor referred by me in my above statement, is seen in page 12 of the above report. In this picture foundation wall of east side is seen. Black stone is seen in this picture. Apart from this there is a stone outside the boundary of the disputed building.

In the above plate No. 12, choke are seen, the picture seen in the above plate No.4, in which one man is seen making drawing. From looking at the picture it is not clearing that south part of the makeshift structure is seen or not. Beneath the picture of this plate, in

south part (Southern area) is written. Iron stairs is seen in this picture. The man is seen standing in this picture, behind hi iron rod is seen. West side is covered with rod and some part is visible. In the middle phases of trench change are installed, but the writing on it is not legible. In this picture some part of the excavation site is seen. The manner in which draughtsman is seen in this picture, in this manner I had seen the draughtsman making this picture behind the dispute site in east part. On seeing the plate no 67 of this report, witness said that J-4 s written in this picture, and below the floor-2, floor-3 is seen written. Big size square corner are seen in Floor -3. In floor 3 also these corners are cut. Floor-2 is higher than floor 3 or not in this regard I cannot tell by seeing the picture. It I incorrect to say that corner are not in the floor-2 rather only gumma are visible.

Ld arguing counsel has draw the attention of witness towards plate No.25 of above report.

On questioning witness said that in this picture foundation wall i.e. Taakh situated in the west wall is seen. This taakh is referred by me in page No.5 para 6 of my chief examination affidavit. This taakh is seen in the west wall in this picture. This foundation wall is made by sleeper (earlier gumme). What was the length and width of this brick I cannot tell. Beneath the bricks carving on the stones is seen visible., which mostly had at the time of construction by Muslims. This period is after 1526. This Muslim period since prior to 1526. When it was starts I cannot tell, but it is too old. This Muslim period would be about 100 years prior to 1500. This period would not be less than it. I have seen the mosque made 100 years ago to year 1500. I have seen such Mosque in Jaunpur. This mosque situated in at Jaunpur City Kotwali. I have offer namaj in this masjid. At that time I went there to attend a marriage. Above masjid at Jaunpur, is made by stone slab and pebbles. I have seen stone slab, in which flower and leafs were made or not I did not consider. Stones are seen

outside this mosque but mosque is painted from inside.

Plate No.26 of the above report is seen to the witness and witness said that the stones shown below the gumme, in which some stones are plane and some are decorated stones. Again said these stones are of Babri Masjid. These stones were found from wreckage of the demolished mosque. These stones are not of the similar size. Three layers are seen in this picture, these are cut stones. The stone slab seen in picture No.25, same are in plate No.26. It is incorrect to say that the three layers seen toward above in plate No.26, are the gumme of brick. It is also incorrect to say that the gumme are seen in plate no 25, same gumme are seen in the a above plate No.26. Plate No.48 of the above report is shown by the Id arguing counsel and witness said that in this picture pillar base is not visible. Again said this has been made in this shape by the A.S.I. officials and this is called Pillar Base. This thing is said Pillar base by A.S.I. , there is no floor

in its left side. I cannot tell that there is any floor beside this base or not. Seeing the photo I cannot tell that half moon like floor is visible or not. Which has been called Pilllar Base, four bricks are seeing lying beside the same. These bricks are at the distance of each other, whereas pillar is adjacent with the bricks and should be lying one over one.

Question: The four bricks as stated by you lying in the round of base of pillar, is the outer position of the bricks is in original or not?

Ans. outer layer of the brick is not similar, entire is not covered with bricks.

Pebble's stones also lying there and it is not in round shape. Brick are not in round and pebble stones are visible lying in a corner . number of these stones is 2. I definitely seen these stones. I have not seen such stones and Pillar bases.

Ld arguing counsel has draw the attention of the witness towards plate No. 46 of above report, seeing the same witness said that the round shape is shown, in which there is no any pebble stones and look like brick piece. In the middle part I had told small piece of bricks. This is no soil. This part is right in the middle. It's a bit off from the side.

Ld arguing counsel has seen the plate No.37 of the above report and witness said that pillar base is not visible in it. Entire stone is cut in it. This type of stone is in two places.

On seeing the plate No. 30 of this report witness said that in this picture pillar is not visible. I do not consider it as pillar base. I have seen it at spot, in which something like pebbles was seen lying. The place where floor No.2 is written, it below parts is seen, it cannot be said pillar base, because bricks are lying. These bricks are kept by someone in this manner.

Ld arguing counsel has draw the attention of witness towards plate No. 47 of above report, seeing the same witness said that lying pieces of stones are visible in it.

I have mentioned in para 13 of my affidavit of chief examination that the pile of bricks is shown as pillar bases by the A.S.I.. I had seen while cutting the pile of bricks and giving the shape of pillar bases. Again said I had denied several time for doing the same and in this regard I had also given application and also made complaint in this regard. I do not remember how any applications were given by me in this regard, because about 2 ½-3 years have been passed. In every trench change Assistant Archeologists used to works or not, I cannot tell. Because all the archeologists were working. In this regard I had orally made complaint to Bhuvan Archeologists. Apart for this I also made complaint to Surjeet who was resident of Bihar. In this regard I had also made complaint to Sharma. In this regard the objection were filed in which name of the three

archeologists were written or not in this regard I do not remember at present. I do not remember at what time I had filed first objection. In this regard the first objection was filed was typed or handwritten , or was in Hindi or in English, is not remember to me. First objection was filed on 21 May 2003 or not is not remember to me at present.

Excavation of the disputed site was made by the archeological department in the year 2003. I do not remember if prior this excavation disputed site was excavated earlier or not. So far as I remember after about one month from the date of start of excavation I had made complaint in this regard. The excavation being made at the disputed site, its photography and video graphy was being made. Vol. on the basis of complaint tea leader Shri B.R. Mani was removed. I had no complaint against B.R. Mani since the beginning, when wrong deeds starts then I had complaint.

In para 16 of my affidavit of chief examination I have written that against the

12427

A.S.I report , Sunni Waqf Board and other plaintiffs of the original suit No.4/89, have supported the objection against the report. Apart from these objections other people had also objection. In these objections Hashim Sahab had also objected, who is also party in this case.

Statement readover and affirmed

Sd/-
29.8.2005

Typed on my dictation by the steno in the open court. In order to same put up for 30.8.2005 for further cross examination.

sd/-
Hari Shankar Dubey
Commissioner
29.8.2005

12428

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date:30.8.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated
25.8.2005 by the Full Bench in (Another
Original suit No. 3/89 (Original Suit No.
26/59) Nirmohi Akhada Vs. Babu Priyadutt Ram
(Deceased) & Ors.

(Cross examination of DW-6/1-1 Shri Haji
Mahboob Ahmad in original suit No.3/89,
continue from 29.08.2005 by Shri Tarun Ji Lal
Verma, Advocate on behalf of plaintiffs).

I came to know about the archeology from
seeing the excavation in the disputed site. I
do not know about the basic principles of
excavation. I cannot tell in this regard that
first principle for the excavation is to make
drawing or not. In relation to excavation I
have little knowledge about layer. I do not
have any knowledge in this regard that the
patri received during the excavation, it has
relevance in relation to the excavation or not.

www.vadaprativada.in

Yesterday in statement I have told about the leaders associated with Bhartiya Janta Party, Rastriya Swayam Sewak Sangh and Vishwa Hindu Parishad. Apart from them I do not have any knowledge about any other leader. During the excavation I was visiting at the disputed site. The work being undertaken by the Officials and employees of A.S.I at the excavation site, I used to observe it.

Ld arguing counsel has drawn the attention of witness towards para 2 (E) of the affidavit of chief examination. Witness has read over and said on questioning that in the archeologists of Muslim side, Abid Sahab, Nayyar, Rizvi Sahab remains present there. On behalf of Muslim party 2-4 and archeologists were present at the time of excavation. On behalf of the Muslim Party about 20-25 archeologists have seen the excavation site during the excavation. Out of these archeologists some are mentioned in the list of witnesses. I have written in para 2 (E) of my Affidavit of Chief Examination that at the time excavation A.S.I. has violated the

rules of excavation at the time of excavation works. In this regard my experts can tell. Since my experts knows about these rules and hence I did not try to know that which rules of the archeology is violated by A.S.I. I have right mentioned in my affidavit about violation of these rules of archeology. My experts can tells about violation of these rules. I cannot tell about these rules. The archeologists of the Muslim party present during the excavation, they had no right to instruct the archeologists of A.S.I during the excavation. Court has not provide the right to interfere to archeologists in excavation, but they were present there and noted about the excavation. They people were also produced before the Court. Archeologists of the Muslim party have also filed objection before the Court during the excavation by archeologists. During the excavation specialist of the Hindu party would also visit there. I cannot tell in this regard that archeologists of the Hindu party had any right to interfere to archeologists at the time of excavation or right to give directions to the archeologists

of A.S.I. or not. During this excavation I was present their whole time. During excavation I had seen Gupta Sahab, whose full name is Dr. S.P. Gupta, while talking with Mani Sahab of the archeologist. In this regard I interrupt him and he said that Gupta ji is the retired officer of our department, I know him. during excavation I had seen S.P. Gupta two three times at the excavation site. Apart from him sometimes other specialists of the Hindu side were also seen talking with the archeologists. I have not seen archeologists of Muslim side while talking with archeologists of A.S.I. I cannot say on behalf of which party Dr. S.P Gupta came , but he came from Hindu side. When I saw Shri Gupta talking with the archeologists of A.S.I., seeing Shri Gupta and employees of A.S.I became silent. No more specialist went along with Dr. S.P. Gupta, I do not know his name. In this regard it found in records. The specialist went along with Gupta Ji, his name was S.C Joshi or not, is not in my knowledge. During the excavation visitors had vision from gangway and because of the excavation no

interruption came. Journalists used to go through gangway or not, I cannot tell in this regard. Visitors could not reach to the excavation site but they have to see the excavation site from the gangway. From gangway around the excavation site was seen. At the time of excavation I had not cause any hindrance in the work of employees of A.S.I they used to do their works and I was watching them while working. It is incorrect to say that during the excavation employees of A.S.I. have not violated any of the rules of archeology excavation. Employees of A.S.I have property undertaken their tasks or not in this regard my experts can tell. The rules violated by the Employees of A.S.I. during the exc., in this regard my expert had told me and on the basis of which I have field my objection.

Ld arguing counsel has drawn the attention of witnesses towards para 4 of the affidavit of Chief Examination. Witness said that whatever is written by me in this para is true. Attention of witness is drawn in part of para 5

of the affidavit of chief examinant of witness "no evidence was received during the excavation" and asked the following question.

Q. I say that during the excavation toys potteries etc. of related to Hindu religion were received such as - nandi, bull, elephant etc. in this regard what you have to say?

Ans. there these toys elephant-horse were found but they are not only related to Hindu religion, anyone can use the same as a toys, anyone I meant person related to any of the religion.

Ld. Arguing counsel has drawn the attention of witness towards A.S.I report volume 2 (Plates) document No. 204C-1/2 at plate No. 105. Witness said that any picture of the toys is not visible in it. I cannot tell that it is the idol of any lady or picture or not. In this regard I can only tell that it is the picture of a toy. What thing is visible in plate No. 127 of this report I cannot tell. By seeing plate No. 127 it is not clearing whether it is picture of elephant or is any other

picture. On seeing the plate No.129 of the above report, witness said that in this picture snake is visible or not I cannot tell.

Q. In the above shown plates, evidence of the sacred organism of the Hindu religion are received in the excavation, then on which basis you have stated in para 4 and 5 of your affidavit of chief examination that no evidence is relieved.

Ans. On the basis of seeing the photo I cannot say that above which pictures are in the above plates.

Toys received during the excavation, but it has not concern with the Hindu religion. The report of A.S.I. which is before me as Volume 2, this report is filed by the A.S.I .. The report of A.S.I. is in Volume -1 (Texts) and Volume 2 (Plates) is the report of A.S.I.

It is incorrect to say that during the excavation I have made the mind that whatever the report submitted by A.S.I. I will declare the report biased.

I have mentioned in second line of para No.6 of my affidavit of chief examination about Surkhi. Surkhi is made by mixture of pebble and by cooked it. The floor mentioned in by me in para 6 of my affidavit of chief examination, this is made by lime and surkhi. During excavation the floor was found was made by lime and surkhi. I have mentioned the mehrab and surkhi in para 6 of my affidavit of chief examination, such things is found in the house of 99% of Muslims. Mehrab and Taakh are found in the Mosque and houses. Apart from the Mehrab and Taakh other things are also found in the houses of other people.

Ld arguing counsel has drawn the attention of witness towards para 7 last two line of the affidavit of his chief examination. Witness said that the Parnala is mentioned in above para, this is not sown in the picture of annexure 28 of the objection dated 21.11.2003 filed by Nirmohi Akhada. Ld. arguing counsel has further seen the above picture to witness and witness said that in this picture Parnala

is not visible. In this picture stones lying above and below are visible. Some gaping appears in this picture, but Parnala is not visible. The part seen as a gapping this is actual broken stone. In this picture the cut stones are visible they are not gumme. In the picture of Annexure-27 of the objection filed by Nirmohi Akhada none of the part of Shiv Mandir is visible. In this picture attempt is made to made pillar base. In para 7 of my affidavit of chief examination, the alleged round shape worship place is mentioned by me, this place is not visible in Annexure-27. The picture seen in report of A.S.I. Volume-2 (Plates), plate No.60, this is not the Shiv Mandir, it is made. The picture seen in above Annexure-27, they both pictures are looking similar. The thing sown in plate No. 80, is not already made but it has been made and hence objection was raised on it. In plate No.60, upper left side E-8 and F-8 seen written. This is trench number. Plate No.60 is cleanly excavated or not I cannot say anything about it. But I know it has been made. The half moon

visible in plate No.60, it is made by cutting from middle.

Ld arguing counsel has drawn the attention of witness towards the para 8 of the affidavit of chief examination. Witness said that in the above plot No. 26 of above report Volume 2 (Plates) documents 204C-1/2, is carved on stones. Such carves is found in the mosque and also stated to be found in some of the temples of north India. Such carving stones are found in other mosque of the Ayodhya. Similar mosque is a Masjid Begu Barlas. It is incorrect to say that the such carving on the stones is also seen on plate No.26. Such carving is not found in mosque. It is incorrect to say that such carving on stones is found only in the temples.

Ld arguing counsel has drawn the attention of witness towards para 8 of his affidavit of Chief Examination. Witness said that divine couple is mentioned in it. In the report of the A.S.I. regarding plates Volume -2 page No. 235 sign of divine couple is visible or not, I cannot tell. In plate No.235 stone piece is

visible. In this picture any part of ornament of thigh is not visible, rather piece of stone is visible. I cannot tell that in plate No. 235 this is picture of ardhnarishwar or not.

Ld. arguing counsel had drawn the attention towards annexure 2 of the objection filed by the Nirmohi Akhara. Witness said that in this picture one stone is seen digged. This stone was installed out of the mosque. Annexure-7 of the above objection of the Nirmohi Akhara was seen and witness said that in this picture kasoti ka patthar is seen which is used in mosque and is found in the wreckage.

Ld arguing counsel has drawn the attention of witness towards plot No.2 of above report Volume-2, (plates) document No. 204C-1/2. Witness said that in this picture something like chulha which is out from the mosque is visible.

Ld arguing counsel has seen the plate No.137 to the witness and witness said that ' n p l' is written in it and one more word is written in front of it which is not visible.

Thereafter the writing is of which word is not understandable. This stone is not found inside the mosque and found outside the mosque. The chabutra was on the main gate, in its north side, at the corner, there was a deep trench in which this stone was found. Deep of this trench would be about 13 feet. I cannot tell that 'Anangpal' is written in this stone or not. I cannot tell that there was any ruler named Anangpal in the Gahadwal density or not. I know that during the excavation this stone was found outside the mosque.

Whatever is excavated during the excavation in which layer of the land was received. In this regard I have asked the people of A.S.I. they told me that it is called layer. I cannot tell about it that on the basis of the layer period can be counted or not. Exact details about the layer can give by my expert. Report of the A.S.I. is given in two volumes, I did not read it. I have casually seen this report.

Ld arguing counsel has drawn the attention of witness towards report of A.S.I., volume -1 (Texts) document No. 204-C 1/1 page No.37A. Witness said my expert can tell about this paper/ the period of various layer given in this paper, in this regard my expert can tell. During the excavation A.S.I officials used to made side note, which bears signature of all, but what was written in it, in this regard my expert can tell. We people used to go there as a party. Out experts remains there. they were kept there because whatever the details received during excavation, they see then same because they had knowledge about the same. The place where my expert used to make signature, I also make my signature there, because they signed it after understanding. Report of site note was being written. All the archeologists of each the trench used to keep site note book and the things written by the were not signed by anyone nor we see it. Our signature were made only in the report in which it was written that what work done today. This register

consists records of the articles found on each day.

Ld. arguing counsel has drawn the attention of the witnesses towards para 13 of his Affidavit of Chief Examination. Witness has after reading the same said that in this para making of forged pillar base is mentioned. The pillar base pointed by the A.S.I., are wrong, because some pillars are such where are looks like similar fro outside but building cannot be stand on it. Pillar base are not parallel and some are small and some are big.

Ld arguing counsel has drawn the attention of witness towards A.S.I. Report Volume-1 (Texts) Plate No.23. Witness said after seeing this picture I cannot tell anything about this picture. Three domes are visible in this picture. These domes cannot be said domes in true sense, because rest two domes which is beside the middle dome, it cannot be said dome. Plate No. 23 of this report is shown and witness said that seeing this it is not possible to tell anything. It is incorrect to

say that this pillar basses are made in a fixed height from stones and gumme. In para 14 of the affidavit of chief examination the objections have been mentioned, these objections were prepared at my instance by my advocate.

Annexure 1,2 and 3 were annexed by me in my affidavit of chief examination for the purpose that prior to filing of the report of A.S.I. how the facts written in it were published in the newspaper, because in this regard it was instructions that no fact should be came out in this regard.

Ld. arguing counsel has drawn the attention of witnesses towards the Annexure-1 annexed with the affidavit, witness said that I read this newspaper. It is incorrect to say that in this newspaper only personal views of Atal Bihari Bajpai, Advani and Sudershan are written and there is no any news regarding the report. Report of A.S.I. is exposed from Annexure-1. It is clear from annexure-1 that the facts told by above three persons, was on the basis of the report of A.S.I. From this

newspaper this report has been exposed. At the style of saying of above report it appears that they have given their vies after knowing the report.

Question. Is by reading of Annexure-1, report of A.S.I. is exposed?

Answer. From the report printed in this paper it is clear that on the basis of proof statement is made to construct the Ram Mandir and it is stated that wishes of Paramhans will be fulfilled and Mandir will be constructed there. He said that there is everything, whereas nothing was came out in the excavation.

It is incorrect to say that it does not appear from the Annexure-1 newspaper that any report of the A.S.K is exposed.

Question. The things written in Annexure-1 "obstructions in construction of Mandir will remove" "good sense will prevail in the mind of opposition" "mandir will construct" "dream of Paramhans will definitely fulfilled" "public may ask reply from the opponent of mandir",

12444

fro, which it does not appear that it expose the A.S.I. report.

Answer. In this regard my statement is that in which manner report of A.S.I came out and how the above people came to know that everything is belongs to Mandir, whereas nothing was found there as a proof of mandir. Therefore on this ground I said that Atil Ji ought not to have to give such speech, because at that time he was Prime Minister and it can spread uproar to the people. It clearly reflects that there is loopholes on the side of A.S.I. It does not have any effect if public said such things about his religion, but since at that time Atal Ji was Prime Minister and hence he ought not have to say such things.

It is incorrect to say that annexure-1 is filed suffering from prejudice of a particular party and it does expose anything leak from A.S.I. Report.

Statement readover and affirmed

Sd/-
30.8.2005

12445

Typed on my dictation by the steno in the
open court. In order to same put up for
31.8.2005 for further cross examination.

sd/-
Hari Shankar Dubey
Commissioner
30.8.2005

www.vadaprativada.in

www.vadaprativada.in

12446

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date: 31.8.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated
25.8.2005 by the Full Bench in (Another
Original suit No. 3/89 (Original Suit No.
26/59) Nirmohi Akhada Vs. Babu Priyadutt Ram
(Deceased) & Ors.

(Cross examination of DW-6/1-1 Shri Haji
Mahboob Ahmad in original suit No.3/89,
continue from 30.08.2005 by Shri Tarun Ji Lal
Verma, Advocate on behalf of plaintiffs).

Ld arguing counsel has drawn the attention
of witness towards Annexure-3 of Affidavit of
Chief Examination. After seeing the same
witness was questioned and he said that Shri
S.P. Gupta was aware of anything about the
report, this became clear from the contents of
Annexure-3.

Q. Does reading this full report it is not
clear that S.P. Gupta got full proof to give

such statement because he went at the spot several times.

Ans. Shri S.P Gupta was not the team-leader of excavators, therefore how he got information about this whereas during the excavation no such proof of alleged mandir was found.

During the excavation S.P Gupta had seen the disputed site prior to the month of August. Vol. at that time Shri S.P. Gupta had inspected the place of excavation at that time I and Ld. arguing counsel was also present there. prior to August 2003, during the excavation I went Mumbai for about a week. I cannot tell during my absence SP Gupta came at the excavation site or not. This fact can be revealed from the records, because entry of the persons came at the excavation were being made in the register. Ld arguing counsel has drawn the attention of witness towards Annexure-3 in the middle "in 12th centaury in Ayodhya..... professor Gupta said , floor is exposed, and asked that whether at the time giving of statement by Prof Gupta, al the pillar bases mentioned in the A.S.I.

were exposed or not? Witness said that pillar bases stating by A.S.I in which all the pillar bases were not exposed at that time, out of these some were exposed but they cannot be sale pillar base. At the tie when disputed building i.e. disputed majid (Ld arguing counsel asked disputed mandir) was made, at that pucca floor was made in the time inner and outer courtyard. Floor of inner courtyard were different and floor of outer courtyard was different. Floor in these courtyards were in two parts, one floor was below the dome part and another was in the courtyard. I says entire disputed premises as Masjid which is still exists. The difference between both the floor was that inner floor has cutting in which muscle were made and outer floor was plane. Below floor of the building was of lime in which something like plaster was made. This floor was smooth, such like cemented floor is made sooth like marble, it was similar floor. Marble is a stone. It comes in various colour. It is white, black, brown colour. Cement of the floor was

rubbed or not I cannot tell, but floor was looking like marble.

Q. The statement given by you above that look like marble what does it means that it was not of marble, rather was smooth?

(Ld. Counsel Shri Jafaryab Jilani, Advocate of the plaintiff No.1 in other suit No.4/89 has objected on this question that such question have been asked several times. Although they do not have any concern with A.S.I. Report or the objections filed against it therefore permission for asking such question should not be granted).

Ans. Floor was smooth and look like marble. I cannot tell whether this floor was of marble or not but it was smooth like marble.

Nothing like triangle was made in this floor. There were lining in the floor. Floor was not fully white, its lining were colorful. I do not recollect floor was white or black. I went all the mandir of Ayodhya and also went Knak Bhavan. Vol. I have good relation with

all. Kanak Bhavan is made with marble stone., but I cannot tell wither it is white or black. I cannot tell most of the stone in the mandir are white or black in one colour. Floor of the Sekhchki was of lime. Corners were made in outer courtyard and floor was pucci. These corners were of pebble or bricks is not remember to me. These corners were not of marble. Vol. After putting lock in mosque and after placing idol stone was kept outside, which was kept by the devotees by writing their names. The stones were also engaged in some numbers in the outer courtyard. I had seen these stones during excavation and not seen earlier. Outer party where there was chauka-belan, I had not seen such type of stone there, which is called Ram Chabutra. I did not saw any stones beside it. During the excavation of above floor, floor is found beneath the above floor. This floor was found only in the area of Mosque. My meant Mosque area with below the building of three domes, on the part of floor and seekhche. During the excavation on excavating the upper floor, below floor was

found was feet below. Its deep was one feet of 1 ½ feet or else is not remember to me. In my knowledge no other floor was found below the above floor. On excavation of outer part i.e. above the outer courtyard, floor was found, where there was Ram Chabutra, this place was excavated and one chabutara was found and below which floor was found, on which chabutra was made.

Q. Earlier you was asked about the report of A.S.I. Volum-2, (Plates) Plate No.12, this floor was found at the deep of 5-6 ft. from upper floor or not?

Ans. This floor was found, but what was the deep., in this regard I cannot tell.

On excavating the south side of the makeshift structure, several such floors were found or not I cannot tell.

Ld arguing counsel has drawn the attention of witness toward colour album document No. 200 C-1, picture No. 66. Witness said that black and white colour stones are seeing on the

floor. This is triangle or not I cannot tell. But these white colour corners types are made in the floor. This stones are like marble and also has black lining. One line is shown in this picture. Vol. this is the floor of outside the mosque. This picture No. 102 of this album, was shown by the Ld arguing counsel and witness said that floor is shown in this picture. Picture No. 156 of this picture of album is shown to the witness and witness said that black lining is seen in the picture. Vol. white colour floor and brown colour line is visible. There is no shape like triangle.

Q. In this picture you have said something brown lining and above the white floor in the upper corner triangular brown colour triangular is shown or not?

Ans. On seeing the above picture these think is not understand but nothing is like seen triangular.

Q. Was as the spot A. Hashi Zulfikar Ali, of A.S.I. Team has made any oral or written complaint against A.R. Siddiqui.

Ans. I had made complaint of Zulfikar Ali with Sujit. Julfikar was working in trench.

Vol. said dead body came from there and Zulfikar had tried to cover the same and then I had made complaint to Surjit. Besides I had not made any complaint against Zulfikar. I did not made any complaint of A. Hashmi, because he was working on upper side. I am not remembering about A.R. Siddiqui that who was he. A. Hashmi was doing the work of section cutting or not is not in my knowledge. The trench in which Zulfikar was trying to cover the dead body , this trench is in south side.

The dead body referred by me above, this was come out 2-3 feet below the land. South-west corner of the outer courtyard, papal tree is situated. This is near the Ram chabutra. In this regard I cannot tell that adjacent to this papal tree, in the south side there was south wall in the counter courtyard, this went towards west side. All the recluse people of the Ayodhya are wearing kanthi, some are wearing. I have seen wearing kanhi, but I

cannot said that this Kanthi is made by manka gole. There is whole in the Kanti, there were round dane, they were tasbih dane.

Ld arguing counsel has drawn the attention of witness towards A.S.I Report Volume -2 (Plates) Plate No. C 186. Witness said tehat this is soil of Kanthi and it is called beed or not is not in my knowledge.

On drawing the attention on plate No.181, this witness said that I cannot tell what is visible in it. Recluse Sadhu of Aydohya used to chant mala. Vol. we called it tasbih.

Q. The garland told by you that it is grainy and does it has holes?

Ans. Yes, the thread engaged in the grainy part, we called it Tasbih. Similarly Monk and every person who want to chant or worship, they use it. There is hole in the beads because without hole beads will not go ahead.

On seen the plate no 184 and 184, witness said that I had seen these types of beads but at that time it was not look such a big. Hole

is seen in it. These beads were of cooked soil. Monk and other people of Ayodhya used hemp and cold. It is the old thought, I do not have knowledge, but at present in comparison of these monks, public is using hemp and cold. I heard that in old time also Monks consumed hemp. On drawing the attention towards about Plot n. 203 and 204 witness said that below of the above pencil terracotta is written but what is it is not in my knowledge. Below plate No. 102 and 103 pencil Terracotta and pencil stone is written, but what is it is not in my knowledge. In No. 202 something like lodhe is visible. During the excavation from the wreckage terracotta and stone pencil were received. Vol. such types of articles can be met in the excavation of any place. I cannot tell that the place where excavation was made, there earlier monks were using grinding stone for rubbing the hemp or not. Vol. apart from this question of staying of Monk in the Mosque does not arise. Therefore use of grinding stone does not arise. There is no need of grinding stone in the mosque. I do not have knowledge to the

fact that slaves are living in the temple or not. There is no any restriction to the women in visiting to temple. Women went temple for darshan and worship, I do not have knowledge of their living there. When woman became Monk they used to life in Maiwada but maiwada is separate. Woman can go to Mosque and also can read Namaj. In this regard there is no any restriction. As per the shariyat woman has no right to live in Mosque. During excavation glass on several layers are found, somewhere found in the wreckage. Normally women wear glasses. I cannot tell that in Ayodhya Monk of Sakhi community are wearing bangles or not. I do not have knowledge about the monk of Sakhi community. I have knowledge about the mandir of Golaghat. During excavation earlier Muslim labour were not there but on our objection on the order of court one third labour are start keeping. Excavation starts on 12 March 2003., So far as I remember with regard to keep Muslim labuor we had objected twice or thrice when excavation starts. Again said Muslim labour

were kept and Muslim Labour was kept in excavation.

On 28.3.2003 the observer appointed by the Court start coming at excavation site. These observers were Shri Hari Shaakar Dubey and shri A.A. Siddiqui. So far as I remember on after the order of 14/15 march 2003, they starts coming. Till 26 March 2003 excavation was done in the east of makeshift structure. Excavation was starts in this site. I do not remember that 10 days time was spend in cutting the floor of east side or not. When pit start excavating, then two register were made. Out of them one was with the excavating employee of A.S.I., what he writes in it is not in my knowledge, but in second register the articles received by A.S.I. and entire of whole days works was made and in the evening all the parties used to put signature on it.

The things received during the excavation they were bring before the evening supervisor in presence of the parties and the register regarding the articles was sign by the

supervisor and the parties. Entry in this register was made by the employee of A.S.I, and after reading the same signature was being made. Again said we did not read it but put signature on it. The articles received in the excavation on that day in this regard people of A.S.I. tells and on the basis of their statement after signing by the observer I also used to sign the same. This register also has signature of observer. During the excavation above both observer were also present. I never made any complaint against these observers. Report of M.A. siddiqui was given separately, in this regard I have no knowledge. During excavation the report sent by the A.S.I. I do not have any knowledge about these reports or whatever the reports sent by the A.S.I. before the Court, these all reports were received by my advocate r not. The application given by me during the excavation at the spot, what report came on these applications, I did not think it necessary to know about it. Advocates would aware about the same. I cannot tell that the complains made by me at the spot in relation to

the excavation, the report sent by the supervisor on the same, were found false or not.

Ld. arguing counsel has drawn the attention of witness towards the report of observer in concerned paper book (letter no 1/2003 to 55/2003) which was read and witness said that in sr. No.55 dated 25.5.2003, in the objection filed by me regarding not making photography and videography . In this regard the report given by the observer in this regard I do not have any objection. Vol. said that I had raised objection and tell my things and observer has given report in this report. The objection mentioned at No. 163 to 167, bears signature of me and my advocate Jilani and also bears signature of Mohd. Hashmi. On the back of this objection Shri M.A. Siddiqui, supervisor has written report dated 8.6.2003. I never read it not know about it. I did not got information about this report from anyone.

It is incorrect to say that report of A.S.I. was transparent.

Q. Are you agree with the report of supervisor Shri M.A. Siddiqui that under a conspiracy against A.S.I. to defame the A.S.I. this application was given?

(Ld counsel Shri Jafaryad Jilani of plaintiff No.1 of original suit No.48/89 has objected on this question that since witness has already said that report of observer is neither seen by him nor he has knowledge about the same. Therefore asking question regarding the above report from witness is like to misleading him, which permission should not be granted.

Ans. I cannot tell anything about it.

Ld. arguing counsel has drawn the attention of witness at sr No.54 and 55 of the paper book, and seeing the same witness said that it bears my signature. This objection was filed on 21.5.2003. The drawing made at Sr. no 54 and 55, is made by me through expert. At present I do not remember the name of the expert. May be it as made by my expert Abid

Sahab. I have seen Abid Sahab while reading and writing.

Q. on the above objection dated 21.5.2003 handwriting on page No.3 and 4 is in English, is in the handwriting of Abid?

(On this question Ld. counsel Shri Jafaryab Jilani of the plaintiff No.1 in the original suit on.4/89 has objected that witness is not the specialist of handwriting and hence permission should not be granted to ask this question to him).

Ans. I cannot tell in this regard, because I am not handwriting expert.

In my above objection dated 21.5.2003 in page No.4 second and third line sand stone block is written, but in this regard I cannot tell. Stone means patthar. In the second para of my objection dated 21.5.2003, I cannot tell the meaning of English word brick bird. Ld. arguing counsel has drawn the attention on the second para of objection dated 21.5.2003 the part complete horizontal, which is read by

the witness and said that I cannot tell about this part, archeologists of each trench would made the note book.

Ld. arguing counsel has drawn the attention of witness towards a site note book of Archeological Survey of India, witness said that I am seeing this register first time. In the register R.A Siddiqui is written in upper side. Prior to filing objection before High Court, I was not told about the site note book. Sample of charkol was being taken and in this regard it was told that sample has been taken. Sample of natural soil was taken or not in this regard I do not remember. Burned bamboo piece sample was taken at the excavation or not I do not remember in this regard.

In the report of A.S.I. Volume -1 texts in the title of context, chapter 1 to chapter 9 are mentioned. In the summary of chapter 10 result is given. In front of each of the chapter purpose is given, which is in this regard that on which subject this chapter is related. What is written in front of chapter

10, from which it appears that gist of this chapter has been written.

Ld. arguing counsel has drawn the attention of witness towards the page No. 272 of Chapter 10 in last para last 10 lines, witness said I cannot understand what is written it. Although I can understand English. Again said nothing was recovered in the excavation and in the end summary he written that mandir is found below, but as per me nothing was found there.

Statement readover and affirmed

Sd/-
31.8.2005

Typed on my dictation by the steno in the open court. In order to same put up for 1.9.2005 for further cross examination.

sd/-
Hari Shankar Dubey
Commissioner
31.8.2005

12464

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date: 01.9.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated
25.8.2005 by the Full Bench in (Another
Original suit No. 3/89 (Original Suit No.
26/59) Nirmohi Akhada Vs. Babu Priyadutt Ram
(Deceased) & Ors.

(Cross examination of DW-6/1-1 Shri Haji
Mahboob Ahmad in original suit No.3/89,
continue from 31.08.2005 by Shri Tarun Ji Lal
Verma, Advocate on behalf of plaintiffs).

Ld. arguing counsel has drawn the
attention of witness towards A.S.I Report
Volume-1 (after the main page of texts on
first page. Witness said that name of Hari
Manjhi and B.R. Mani is written in it. Below
which names of some persons are written, in
this regard it is written that they had
contributed in preparing the report. Whose
signature is below in this page, I cannot
recognize. I cannot tell that this signature is

www.vadaprativada.in

of Hari Manjhi or not. The manner name of Hari Manjhi and B.R. Mani is written, it appears that report is prepared by the and help of the below written persons is in relation to report., but what is written in the report, I cannot tell. D. counsel has draw the attention of witness towards page 272 of above report and asked that below the last para of this page in the seventh line 'decorated bricks' is written, its means it is written above the bricks. But what is the intent to written I there, I cannot tell. In the seventh line from above of this para, word 'foundation wall' means foundation. This foundation wall means foundation of the Wall. Foundation wall was found during the excavation. This foundation wall is available at site, which is foundation of Mosque. This wall came from south side to direct west side. This is the boundary wall and is of mosque. Several potteries were found at the spot. I cannot tell that the pottery found during the excavation on which index was put by sketc pen or not. I cannot tell that separate archeologists have allot separate trench or

not. But I know that archeologists went there and work there. In this regard I do not have any knowledge that the Assistant Archeologists works there they were called trench supervisor or not. Trench was being excavate by the labour at the instance archeologists. All the trench were not excavated together, because it was not possible. Trench were excavated in serial wise, I do not have knowledge in this regard because excavating the trench was fully depends on the discretion of Archeologists. I did not know that the fact that the Archeologists lives near the trench, they keeps note book with tem or not and were noted down the things found in the trench, or not. I cannot tell that the note prepared by the various Archeologists', in the end they were complied and made a joint report or not. I remained present at the spot. Archeologists works on the directions of Court. Therefore I had no interest to know about these things. No one was stopping me to go at the trench where excavation was going on. The people excavating the trench, in which Muslims were also included by the order of Court.

During the excavation I had filed the objections. Apart from me other Muslim party have also filed objection. Besides e the other people who had filed he objection about excavation, I support their objectionns.

Q. Sunni Central Board has in his objection considered the disputed site, layer per layer four floor, in this regard what do you say?

Ans. Sunni Central Board has considered four layers of floor, I also admits

Excavation was not done just in front of makeshift structure. This excavation was done in north and south side. Excavation of these trench were 6-7 ft. deep and below the wreckage floor of mosque was came out. again said Ramlala has sat above the wreckage. Adjacent said trench wall is made. At present I do not recollect that crack was found during the excavation in above trench and the then Collector has send any report through Observers or not. I cannot tell in this regard that because crack was found in the walls and hence excavation on the above walls was stopped or

not. I do not have knowledge in this regard that Nirmohi Akhada has filed any application for excavation beside the above trench or not. In the excavation neither any pillar base is found nor alleged pillar base is in parallel distance and alleged pillar base is made in different manner. Sand stone found in the alleged pillar base or not how can I tell. Whereas I already said pillar base were not found.

Ld. arguing counsel has drawn the attention of the witness towards list of witnesses filed on behalf of Defendant No. 6/1 and 6/2 in original suit No.3/89. Witness said that in this regard my Advocate can tell. The name of eight witnesses given in page 3 of this application, in which my name is at Sr. No.1. Name of R.K. Chattopadhyay is at Sr. No.2 and name of Ku. Banani Bhattacharya is at Sr. No.3 and name of Mohd Aabid at Sr. No.4, Shri Amal Rai at Sr. No.5, Tishar Sarkar Sr. No.6, Nayyar Azam is at No.7 and Habib Manjar is written at No.8. They all people went at the excavation

site during the excavation and they people used to visit there. It is incorrect to say that R.K. Chattopadhyay and Habib Manjr did not went at the excavation site during excavation

It is correct to say that I do not have special knowledge on the archeological subject. I used to go at excavation view in the view of a party, and not as a specialist. It s correct to say that floor is found during the excavation. This floor was of red lime. It is incorrect to say that during excavation sufficient evidence are found in this regard that earlier dispute place was a temple. It is incorrect to say that A.S.I was not biased in submitting the report. It is incorrect to say that people of A.S.I. have not violated the rules of excavation at the excavation site. It is incorrect to say that during excavation the articles found from beneath the land they were of Nagri Genre. Vol. I do not have any knowledge about Nagri genre. It is incorrect to say that A.S.I Report is fair and based on the facts found in the excavation.

(Cross examination of the DW-6 -1/1 Shri Haji Mahboob Ahmad on behalf of the Plaintiffs in original suit No.3/89, by shri Tarunjit Verma, Advocate, is closed from 31.08.2005.

(Cross examination of witness on behalf Defendant No. 17 Shri Ramesh Chander Tripathi in original suit No.4/89 starts by Shri Vireshwar Dwivedi, Advocate.

X X X X

So far as I remember the sworn statement given by me before the Court, apart from this I have given statement in Advani case. Apart from this I have not given any sworn statement in any other case. I used to sign the sworn statement after reading and also verify the same at the end. The facts which are true as per my knowledge I write the same in my sworn statement that these facts are true as per my knowledge. The facts are based on others knowledge and in which regard I thinks the same is correct I writes in this regard that it they are correct. Thus I write both types of the facts together. It is correct that I writs the

facts as per the advice of advocate. In this regard I also writes this facts are true as per my information.

Ld. arguing counsel has drawn the attention of witnesses towards his affidavit of chief examination on page 7 para 12. Witness has read and said that the facts written in it are true. The facts written in para 12, are written as per my knowledge.

Ld. arguing counsel has drawn the attention of witness towards page no 7 and 8, witness has read the same and said that the facts written in para 14 are as per knowledge. Ld. arguing counsel has further drawn the attention of witness towards para 2 of the affidavit. Witness has read and said that the facts written in para 2 is as per my knowledge. Ld. arguing counsel has drawn the attention of witness towards paraa 9 of his affidavit of chief examination. Witness said that it is written in these lines of verification that para 2, 4, 6, 8, 0 10, 12 and 17 are true based on the information of others and my belief. It

is written that above are true and correct to the best of my knowledge and belief. Who are included in the word "other, is not explained by me there. I stated that these facts are true on the basis of my belief. I have stated above that the above para are true as per my knowledge. In this regard the fact written in the verification part of the affidavit of chief examination is true.

Q. In your statement that the fact you have stated to be true as per your knowledge, are you falsely saying it?

Ans. May be I have stated false that it is true as per my knowledge.

Q. Is it correct that while filing our sworn affidavit you did not pay attention that what is written in your sworn statement.

Ans. the sworn statement given by me before the Court, is correct, and in case I am arguing counsel is telling false anything then it can be he is stating correct.

Q. You have also written in your sworn statement that I reach to the concussion, in this regard what do you say?

(Ld. Counsel Shri Sayed Irfan Ahmad has objected on this question this question is vague. Therefore permission should not be granted to ask).

Answer. It is incorrect to say that I have written in my sworn statement that I reached to this conclusion.

Ld. arguing counsel has drawn the attention of the witness towards of the affidavit of chief examination para 2 (C) at page 3 5th line 'It concludes that', witness said that it is written in this para that from which it concludes that.

At present Human Resources Minister is Shri Arjun Singh. I am not saying that A.S.I. works to please the Minister of Human Resources. A.S.I. would works independently. I do not have knowledge that A.S.I works to

please the Minister of Human Resources or not. Again said that they do not work to please him.

I have written this fact on my own mind that nowadays is modern time, whatever I saw, writes.

Ld arguing counsel has drawn the attention of witnesses towards the verification part of affidavit of chief examination which is given page No.9. Witness said that I have written in it that contents of para 2 (C) of affidavit is true to the best of my knowledge. This is correctly written in the verification. In this regard to earn the knowledge I did not read any book, because it is not necessary to read a book for earning the knowledge. The name of four persons written in my affidavit, I had no talk with the A.S.I. in this regard. The conclusion taken by me , is written by me in my affidavit.

The issue in the cases pending before the Court, in this regard I have read the books. In this regard I read 'Babarnama'. Besides also read a book regarding Humayun, in which this

fact is referred. I do not remember the book related to the Humayun or its writer. 'Barnama' which I read , I do not remember its writer name. I do not remember when 'Barnama' was written. Title of the urdu book was 'Barnama'. I also read 'Barnama' ten year ago and also read one month ago.

I did B.A. which I read in English. I read general English in B.A.

Building has pillar bases. To stand the building pillar base are made and building stands on it. Pillar base are being stands on the land. I had seen 10-20 pillar base at the excavation place, where were made and seen during the excavation. In this regard I had asked to A.S.I> and they told that this is pillar bases. I asked then they did not seem to be pillar bases. In my view during the excavation no pillar base as seen.. I had seen the same pillar base which was made. In my view there was no pillar base in the excavation site. Foundation was found there, on which building would be stands. Entire foundation of

the south side was visible to me. This foundation was east to west side. This foundation was about 10-15 ft long. Its more lengthy foundation was not seen by me. This foundation was made from bricks and mud. It does not appear that any building was made on this foundation, because have not seen any building over the foundation, but building already has over it which I had seen. I came to the conclusion that there was Mosque and entire world was reached to this conclusion. I myself had seen . I had seen this mosque till 6 December 1992. Till the year 1949 babar namaz was being offered there. After placing the idol namaz is not read there. I myself had offered mamaz there till 1949.

Question. What age is written in your class 10th certificate?

(Ld. counsel shri Zafaryab Jilani, Advocate of Plaintiff in other original suit no 4/89 has objected on this question that in this regard since September 1996, when he was examined as PW-2, several questions have been

asked. Therefore permission for asking again same question should not be given).

Answer. I have already given statement before the Court about this question.

In the year 1961 I attended High School examination. That that time I was 22 years old. In high school certificate maybe my date of birth is written 1944.

I start offering Namaz at the age of 5 years.

In B.A. I have taken History, General English, Social Science. Under the Indian History, I read history of entire India. I had not read history of any specific period. I did B.A From Saket College Faizaabad. This college also gives degree. It is incorrect to say that I am telling lie in this regard. It is incorrect to say that Saket College has no right to give degree. I know that because of attach with the university this College has right to give degree. This college was attached with the University. It is incorrect to say

that college is not attached with the university. I not read archeology.

When A.S.I was excavating at that time I remain present at the excavation site. In my knowledge no such thing was found in the excavation to know that earlier there was any building there. excavation work was continue for about 6 months. The foundation I had seen at the excavation site, from which it reveals that there was a building. This building was Mosque. I had seen myself and every person knows about it. There was wall around the mosque.

Question. You said that at the time of excavation one foundation wall was found and now you are saying that Mosque was stand there, so should this be understand from this that Mosque was stand only in the foundation of a wall?

Answer. I was asked that whether there was a Wall and in reply I told that there was a wall of mosque. No building stands on a wall, any

house of mosque can never be stand on a wall.
It has walls in all four sides.

When I used to go Mosque for offering Namaz, I had seen the black pillars set up in the wall. I had not seen any picture in these pillars, because mosque does have any picture. In these pillars I had seen follower and leave. There is no idol of any creature in the mosque. No fish shape was made in this mosque. In outer wall fish shape and back gate i.e. on north gate. It was made for the beautification of mosque or not, I cannot say anything in this regard. Why the fish shape was made, I did not think it necessary to inquire.

Question. Had you seen any idol or picture inside the mosque.

(Ld. counsel shri Zafaryab Jilani, Advocate of Plaintiff in other original suit no 4/89 has objected on this question that at this time cross examination is being conducted only yon the statement given in the objection of A.S.I. Report. Therefore what was the position

prior to 6 December 1992, permission should not be granted to ask its related question).

Answer. Mosque has no any idol or picture. There was no idol or picture in this mosque.

Question. Was any type of stone idol, pillar or picture was found during the excavation or in the wreckage of excavation?

Answer In the wreckage pillar of mosque were found. No picture was found. In the excavation small picture of the toys for the paying of children, which are being made by the kumhar from terracotta, by coking, were found.

When building was made in the disputed site then it photo was taken, this photo was taken in colour and black & white both. A.S.I. has in its report also filed photo of the pillars found in excavation> I had seen old photographs and the photo plate given in the report of A.S.I. I cannot tell difference between the both.

Question. In the excavation apart from terracotta, pillar and toys idol of terracotta, what things were found.

Answer. Piece of bright pot, Parties, pillar of masjid and stone in which Allah was written, long stone piece in which ayats were written and Allah was written in cutting and various other stones were found , which are kept in custody there.

Allah is written in Urdu and Ayate are written in Arbi. Apart from both the languages and script, some pedel etc. in which something was written, which I do not remember, were found. Apart from this some coins were found, which were of Mugal period. These coins were in which language and script is not remembered to me. But I had seen these were of Mughal period. These coins were of Mughal period. In this regard expert had informed me. Vol. this thing was told to all the people. Such thing was found in the excavation and such thing is not found, in this regard A.S.I. had told. What can I say.

12482

Statement readover and affirmed

Sd/-
1.9.2005

Typed on my dictation by the steno in the
open court. In order to same put up for
2.9.2005 for further cross examination.

sd/-
Hari Shankar Dubey
Commissioner
1.9.2005

www.vadaprativada.in

www.vadaprativada.in

12483

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date: 02.9.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated
25.8.2005 by the Full Bench in (Another
Original suit No. 3/89 (Original Suit No.
26/59) Nirmohi Akhada Vs. Babu Priyadutt Ram
(Deceased) & Ors.

(In order to 01.09.2005 Cross examination
of DW-6/1-1 Shri Haji Mahboob Ahmad in original
suit No.4/89, continued by Shri REameh Chandre
Tripathi, Advocate on behalf of Defendant
No.17)).

My knowledge about the pendel is that it
is used in the neck with chain. I never wore
pendel.

I read newspaper and also ordered it. I
asked Dainik Jagaran, Times of India and Urdu
Sahara, from newspapers. I read English
newspaper Times of India' at a glance. Children
reads it, the English newspaper which I read I
understand it. I did not order Hindu sahara

www.vadaprativada.in

newspaper. A person in the adjoining shop ordered Daily sahara newspaper which I used to read. I do not know about Epigraphy. I do not know the word Numismatic. I heard word stereography. I do not know about chronologic. On behalf of Plaintiff No.1 of the other original suit No.4/89, the objection filed against the A.S.I. Report, I read it and also understand. After reading and understanding I reach to the conclusion that whatever is written in it is correct. The words just asked to me by the Id arguing counsel, are not mentioned in the objection of plaintiff No.1 of the above suit.

I heard Hindi word 'Amalak'. At present I cannot tell what is Amalak. I cannot tell that Amalak is the name of any person, or place or anything. I had not seen amla. I heard about gooseberry. I do not know that gooseberry is also called Amla. I know about the word 'safa'. 'Safa' and 'Safah' are different words. 'Safa' means page, and 'Shafa' is called for curing any illness. I am acquaintance about the shape

of gooseberry. It has round shape, but I do not remember it has lining. It is incorrect to say that in this regard I am concealing the fact. I have eaten gooseberry but I do not like its taste. I cannot tell that in case half part of the gooseberry is cut then its shape is seen in the top of every Mandir or not. In case this part of the Mandir are called Amalak, the I do not have knowledge about this. My daulatkahana is in Ayodhya. There are known 30-40 temples in Ayodhya. Besides every house where worship place is made it is called mandir. I used to see Mandir. What is the height of these temples, is not seen by me. But there is a urn on the top of temple, I have seen it. I have not seen whether in this urn or vase, mouth part remains or not. But I have seen urn on the top of the Temple. Flags are being engaged on the peak of the temple. Vol. this flags also engaged in the tomb. The most famous tomb in Faizabad is of Nawab Sirajutola, which is called Bahu-begaum ka Mkbara and flag is set up on it or not is not remember to me, because enough time lapse since I had seen it. In

Faizabad and Ayodhya in the tomb of Bijli Saheed flats are being installed. This mazar is on the back of the Beniganj. It is totally incorrect to say that Bijli Martyr was eunuch. (This question is strongly opposed by the witness and said that such question should not be asked in respect to an old man by advocate Shri Dwivedi Sahab, whom I called Chacha). Bijli sheed was an old man. Fair is organized there. Akeedmand used to go there. Thousand of peoples went there. I do not name of his sons. I have not seen his son or daughter. He is old aged and fair is held in his majaar. Vol. This place in the edged of daria, but daria did not stopped there and goes afar place. Babar was the son of Humayun. I know him because about him is written in history. I know about Babar and Humayun being the student of History. But Bijli Martyr was old man, but do not know about his family. Bijli Martyr as a muqads man.

I have not seen vase over the Mosque, but on the occasion of Barahwafat, I saw flat set up in the mosque, which is called parcham. I

have not seen any mosque in which vase is setup and also set up a flag.

In the verification of affidavit of my chief examination my signature is identified by my advocate Shri Azhar Siddiqui. Ld Arguing counsel has drawn the attention of witness towards Annexure-2 of the Affidavit. Witness said that I do not know the word 'Vallari' I also not know about 'Flax'. I cannot say if 'Vallari' was found during excavation. I had read Annexure-2 and understood. This is the newspaper of Indian Sahara Express. People called it Sahara Express and some Indian Express. It is incorrect to say that after reading the Indian Express written below the Annexure-2, I said the name.

Tojo Vikas International is a govt. organization. It appears that Tojo works as excavation. Makran is neither an animal nor a human, but I know that astrologer tells that this time this thing will happen. Whatever I told about the makar, I only know it.

Ld. arguing counsel has drawn the attention of the witness towards second column of Annexure-2 of affidavit of chief examination. I do not know about the words Amalak, Makar, Vallari, but the things are given in it are correct.

Q. During the cross examination just I had asked you about the a word 'Flax' whereas this is 'floods' and in Annexure-2 third column, third line from below, 'floods' words is written.

Ans. It is correct to say that in Annexure-2 second line of third column, words 'floods' is written.

(At this stage Shri Musthaq Ahmad Siddiqui, advocate has objected that Ld. arguing counsel has not asked about the above word Flax, and hence at this stage error cannot be corrected).

Ld. arguing counsel has drawn the attention of the witness towards fourth line of verification part (page 9) of the affidavit

of chief examination, and asked the following question.

Question. In the fourth line of verification you have written the word, true as per the information of others and my belief', which thing is correct on the basis of belief.

Answer. The facts written in the above verification that are true to the best of my knowledge, is written together and is correct.

Question. You have stated in fourth line of the variation of affidavit of chief examination that 'on the basis of belief' are true. On the basis of which belief you have written it as correct, is not written, what you have to say in this regard?

(On this question Id counsel Shri Zafaryab Jilani of Plaintiff in other suit No. 4/89 has objected that the language of the affidavit is generally used by all the deponents in the affidavit before this Court. Any argument about this language is irrelevant and asking this question to the witness just to

harass him. Therefore such permission should not be granted.

In my affidavit I have written that I think it correct as per my knowledge and in which regard I had asked to my counsel and my advocate has advised , and if I do not write the same in affidavit then which thing will write. Contents of Verification was written by me and after writing the same I had taken the advice from advocate.

Question. Your advocate has not advise you contents of verification is legally incorrect, in this regard what you have to say?

(On this question Ld counsel Shri Zafaryab Jilani of Plaintiff in other suit No. 4/89 has objected that conversation between the advocate and client is a privileged communication, which should not be asked in the cross examination. Therefore permission to ask such question should not be granted.

Answer. Whatever stated by me in the verification of affidavit is correct.

I heard name Prof. Irfan Habib. He was in Aligarh Muslim University. I heard about him. I do not have knowledge about this that what he was working in this university, but he was professor there. Speech of Mohd. Irfan Habib, would be publish in the newspaper. I cannot tell whether I had read or not his statement. Pro. Irfan Habib Sahab had written several statement about the A.S.I. Report, I do not have knowledge about this. During the excavation journalists used to visit Ayodhya. After completion of the excavation upon coming out journalists would have asked but none of the journalist had asked from me. It is incorrect to say that after coming out from the excavation journalist used to ask me. May be my name would be publish in the news papers.

Question. Your name was publish in the above newspaper or not?

Answer. My name is usually publish in the newspaper, but my name was not publish in relation to the excavation.

It is incorrect to say that statement of Mohd. Irfan Habib was also published in this regard and I am concealing the same and telling lie.

Question. Today your advocate did not told you why it is sworn affidavit?

(On this question Ld counsel Shri Zafaryab Jilani of Plaintiff in other suit No. 4/89 has objected that it is not proper to argue in relation to the communication between advocate and client. Therefore permission should not be granted for asking such question. Apart from this Shri Sayyed Irfan Ahmad, advocate has objected that this question is baseless, therefore permission should not be given to ask the said question).

Answer. Since it is my case and giving sworn statement is a rule of the court. Therefore I did not bring the sworn statement with the advice of my advocate then who will bring. I have filed my sworn statement before the court as per rule.

It is incorrect to say that I have not field the sworn statement as per the rule of the Court. In para No.2 © of the affidavit of chief examination, the speech of the persons is mentioned. This speech was given by them on 1 August 2003. This news was published next day in the newspaper. This news was given by the reporter of newspaper. I did not try to know the name of these reports. I did not wrote letter and ask from Atal Bihari Bajpai and Lal Krishan Advani. Because there was no need to ask this thing. This speech was given by then openly from a stage. With regard to this statement I have mentioned in my affidavit, but in this regard prior to filing affidavit before the Court no such application was given. I had not asked my advocate for filing of application. I treated this news as correct, because it was published in the newspapers. The statement given by Dr. Gupta and in this regard I have annexed the annexure, this statement was treated by me as correct because it was published in newspaper. Vol. in my presence also he had talked the people of A.S.I. in this

regard. This talk was made by Dr. S.P Gupta in the disputed premises with archeologists. Dr. S.P. Gupta were talking with archeologists and when I reached there, they became silent. Thereafter in this regard news published in the newspaper and hence I revealed that what talk would be made by Dr S.P. Gupta. It is incorrect to say that I have filed false sworn statement. It is also incorrect that I have disclosed my wrong qualification. In this regard I do not remember that there is no any university in Uttar Pradesh, in which history from the stone period till date is being read in B.A. It is incorrect to say that I have made false statement in this regard. It is incorrect to say that prior to 1992, no building was made at the disputed site, which was called by one Fakir Masjid and another Fakir Mandir, rather it is true that there was mosque at this place. It is incorrect to say that I have wrongly said that I offered Namaz in the disputed building in the year 1949. It is incorrect to say that at the instance of Plaintiff of the original

suit 4/89, I have filed false statement in this case

(cross examination by Shri Vireshwar Dwivedi, advocate on behalf of Shri Ramesh chander Tripathi Defendant No.17 in the another original suit No.4/89 is closed).

(Cross examination of witness on behalf of Defendant No.20 in another original suit No.4/89, starts by Sushree Ranjana Agnihotri, Advocate)

X X X X

I was born in the irreproachable land of Hindustan at Ayodhya In 1938. I am Indian.

Question. Are you first Indian and later something else?

(On this question Ld counsel Shri Zafaryab Jilani of Plaintiff in other suit No. 4/89 has objected that this question does not have any relevance with the cross being conducted at this stage and hence permission for asking such question cannot be granted. Apart from this on this question shri Mushtaq

Ahmad Siddiqui, Advocate has objected that this question is totally misleading. It has not been asked in the question that what is the witness later, and hence this question is vague and permission to ask the same should not be granted).

Answer. I am Hindustani.

Question. Is Haji is a degree of designation?

(On this question Ld counsel Shri Abdul Mannan, Advocate for the Plaintiff No. 9 and 10/1, Mahmood Ahmad and Farooq in other suit No. 4/89 has objected that general public has knowledge about the Haji and in it does not have any relation with this case, therefore permission to ask such question should not be granted.

Ans. Haji is designation, which came from Haj, is called Haji.

It is not correct that who deeply study the Islam religion is called Haji. My Advocate name is Shri Irfan Siddiqui, Azhar Sahab ,

Rafat Sahab. Jilani Sahab and Mannan Sahab are not my advocate. They are the advocate for Sunni Waqf Board. This affidavit is drafted by me.

Question. By this affidavit you tell your sorrow?

(On this question Ld counsel Shri Zafaryab Jilani of Plaintiff in other suit No. 4/89 has objected that this question is totally vague. It is improper to use the words 'darde dastan' under the above question before the Court. And permission to ask such question should not be granted).

Answer. It is not correct. The affidavit given by me is correct.

I feel pain on arrival the A.S.I. Report, because I had filed objection before the Court. I was present at the excavation site at the time of excavation and hence since no such thing was happened there and hence I had pain on arrival of report.

Question. When A.S.I report is filed before the Court, then it come that there temple relics of Hindus were found during the excavation, did you suffer for this reason.

(On this question Ld counsel Shri Zafaryab Jilani of Plaintiff in other suit No. 4/89 has objected that this is mixed question and is vague. Permission to ask such question should not be granted).

Answer. It is not the Report of A.S.I that any relics are found there, which shows that there was a temple.

Full name of A.S.I. in urdu is Asrekdim, who are called excavators. What is the full form of A.S.I I cannot tell. So far as I remember A.S.I. is called in Hindi "Tatwa Vibhag" but I cannot tell full name. Name of the above department which I stated in urdu, I saw it while writing. I read about it in the papers. In this regard I had read in Urdu newspaper 'Sahafat' and 'Sahara'. I saw name of A.S.I. written in Hindi and read, but I am not able to pronounce the same.

12499

Statement readover and affirmed

Sd/-
2.9.2005

Typed on my dictation by the steno in the open court. In order to same put up for 5.9.2005 for further cross examination.

sd/-
Hari Shankar Dubey
Commissioner
2.9.2005

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date: 05.9.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated 25.8.2005 by the Full Bench in (Another Original suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhada Vs. Babu Priyadutt Ram (Deceased) & Ors.

(In order to 02.09.2005 Cross examination of DW-6/1-1 Shri Haji Mahboob Ahmad in original suit No.4/89, continue on behalf of Defendant No.20 by Kumari Ranjana Agnihotri, Advocate).

X X X X

I know Tushar Sarkar. He came on our behalf as a expert from Calcutta. I recognize

www.vadaprativada.in

him. List of witnesses filed by me, I filed the after saying to my advocate, in which list of eight witnesses is given. I know all the eight witnesses given in the list. I personally know these eight witnesses. Age of Amal Rai would be more than 60 years. I have given name of Banani Bhattacharaya at Sr. No.3 of the list of witnesses. It is incorrect to say that Banani Bhattaya is the fourth class employee in Calcutta. Since Banani Bhattacharya had worked at the excavation place and hence I gave her name in the list of Witnesses. Banani Bhattacharya is doing research subject of her research is Asrekdim. I cannot tell in this regard that the witness mentioned at sr No. 3 of the list of witness filed by me, has any degree or not. Banani Bhattacharya was working as Research Scholar and hence his degree is not mentioned in the list of witnesses. It is incorrect to say that Banani Bhattacharya was not the Research Scholar. I know in regard to the Banani Bhattacharya that at the time excavation was going on, she was Research Scholar. At Sr. No.3 of the list of witnesses in front of the

12501

name of Banani Bhattacharya, A.I.H.C. is written. I do not know that full form of A.I.H.C. I also not what subject is studied under it. Above witness has also filed affidavit along with the list of witness and also verified the same.

Question. I say that earlier affidavit dated 23.5.2005 filed by you in which C.N. Application No. 25 (O)/2005 is put, verifications of the para 5 of the affidavit filed along with it is made by you on the basis of your personal knowledge, whereas you do not have personal knowledge about the persons mentioned in page No.3. In this regard what you have to say?

Answer. It is incorrect.

Ld. arguing counsel has drawn the attention of witness towards para 2A of his Affidavit of Chief Examination. Witness has after reading said that my intention to write para 2A was that A.S.I. has given false report. I have given name of the then Prime Minister and Deputy Prime Minister in para 2 A of the Affidavit, and are true to my belief. Prime

www.vadaprativada.in

Minister came at Ayodhya and went in the funeral of Param Hans and he said in the open meeting that I will fulfill the desire and dream of Paramhans and will made temple there, whereas Prime Minister is for all. His this statement is not proper. The tie when he was giving speech, at that time I was in Naya ghat. I have full faith in the present Prime Minister, because he has not made such statement. I did not go to the funeral of Paramhans. I was sitting in the ghat of Gandhi Asharam and at the distance of one flang the then Prime Minister was giving speech. It is incorrect to say that I had sore relation with Paramhan, rather true fact is that I had good relation with Paramhans, because when needed he used to take money from my brother. My brother born in the jamidar family.

Ld arguing counsel has drawn the attention of affidavit towards para 2 of the affidavit of Chief Examination. Witness said that the facts written in it does not meant that the persons whose names are written in para 2A area

criminal. So far as committing of crime is concerned, I would like to tell about Advani hi that he has ruined entire country. The names of the persons given by me in par 2 of my chief examination, they are associated with Vishwa Hindu Parishad but out of these four Advani Ji is responsible for taking lives of Lakhs of people and to ruin entire country. The facts mentioned by me in para 2 B of my chief examination, they are correct. The four persons mentioned in this para are trying to set the entire public of the country into the fire of communalism, due to which thousands of people have lost their lives and it is true. It is incorrect to say that have leveled false allegation against the then Prime Minister and Deputy Prime Minister. It is incorrect to say that I have leveled such allegations because of my pettiness. The facts written by me in my affidavit are correct and I am not guilty of any punishable offence for the written facts.

Question. Fling of false affidavit against the great personality of the Country and

leveling allegations against them is a publishable offence under Indian penal Code.

(Shri Irfan Ahmad has objected on the above question that witness is not law expert and hence permission of such questioning may not be granted).

It is incorrect to say that the facts mentioned by me in my chief examination, is a crime under Indian Penal Code. In para 2 B, page 3 of my affidavit of chief examination I have used the word 'communalism', its means proving two religions against each other and to commit riots. This all come under communalism. Shia - sunni quarrel also comes under communalism.

Ld. arguing counsel has drawn the attention of the witness towards his chief examination para 2 A first four lines. In this regard Ld. arguing counsel has drawn the attention towards by CM Application No.26(O)/2004, alleged objection in original suit No.4/89. Witness said that objection of page No. 208 to 211 of the alleged mis.

Application is filed by me. This objection was filed on 24.2.2004. Prior to filing of this objection I had read it at a glance. In this regard my advocate has specific knowledge and he told me about the same. My advocate told me about the facts written in the objection and hence I do not have any knowledge about the same. In case this objection is not mentioned in my affidavit of chief examination, then its reason is not that the facts mentioned in this objection are not true. It is not necessary that while filing the affidavit of chief examination all the things should mentioned in it. I cannot tell that Muslim league is a communalism party or not. I told about that R.S.S. is communalism party. Who has partitioned the country, I do not have knowledge about it. It is incorrect that I am looking R.S.S. and Muslim league in two views.

. arguing counsel has drawn the attention of the witness towards para No.2 'C' of his affidavit of chief examination, and asked the following question.

Question. Annexure-1, which you referred in para 2C of your affidavit of chief examination, from which line it appears that A.S.I. has worked to please the senior leaders and spoiling the communal harmony made a issue to fulfill their selflessness.

Answer. From the speech of Atal Bihari Bajpai, which I heard from my ear, it is clear that A.S.I. were influenced from the speech of Prime Minister of India, that Temple will construct there. It is written in Dainik Jagaran Annexure-1, but there is no any difficulty that victory can be got. Construction of magnificent Temple at the Ram Janma Sthan was the last desire of Paramhans Ji, we will definitely fulfill the same, by these lines, the conclusion of the asked question came out.

It is incorrect to say that I am leveling allegation against the A.S.I due to my pettiness and no such thing is written in Annexure-1, from which it could clear that people of A.S.I. are not influenced from above persons. It is incorrect to say that my

allegation leveled against Lal Krishan Advani is rebutted from Annexure-1.

Ld. arguing counsel has drawn the attention towards the part of the fourth column of annexure-, in which Shri Advani said that pave the way for the construction of the temple, and asked that from which lines it appears that Advani has given inflammatory speech or tried to spoil the social harmony? Witness said that there is difference between profession and practice. Recently Advani Ji went Pakistan and there he said that I am shameful in demolishing Babri Masjid. Sometime he said something and some time some other thing. Therefore how can I believe that his speech is true.

Ld. arguing counsel has drawn the attention of the witness towards Annexure-1 third column part 'struggle of Paramhans for construction of Mandir..... Connected with this movement' and asked the question.

Question. In the above part of column No.3, from the speech given by Shri Atal Bihari

Bajpai, it does not expose that what is in A.S.i. Report? Rather desire of Shri Paramhans was to take all the religions together. Which reveals that he said to take the opponents together, what you have to say?

(Shri Abdul Mannan Advocate has objected on this question that this fact was to make mandir in the babri Masjid, why this fact is repeating again and again This Mandir can be made anywhere in Ayodhya and there is no impediment. Therefore permission to ask the above question should not be provided.

(Reply to the above objection is given by Shri Ajay Kumar Pandey, Advocate, that question is asked about the above part of annexure-1, in which Babri Masjid is not referred anywhere. Therefore above objection of the Ld. Counsel is baseless. There is no justification to raise such object and only to ruin the time of court such objection is raised).

Answer. First of all the speech of Atal Ji, who was Prime Minister, from their speech A.S.I. got boost. So far as construction of

mandir is concerned, A.S.I. has filed the report before the Court thereafter. So far mandir in Ayodhya is concerned, there are thousands of mandir in Ayodhya. The fact stated by Atalji referring to Paramhans, in which he said to construct mandir by demolishing Babri Masjid. This case is pending otherwise how I have any objection for construction of mandir. Hundreds of Mandir be construct, I do not have any objection. Objection is only to construct the temple by demolishing the Masjid. It is incorrect to say that I deliberately not giving answer to the asked question. It is also incorrect that I am misleading to Court. It is also incorrect to say that Paramhans wanted to take the opponents together. The time Paramhans has taken money from my brother, at that time he was not associated with this mandir dispute. He has taken money from my brother on the basis of friendship. He used to come at my house. When Paramhans Ji has taken money from my brother, I do not remember, I was small at that time, but Paramhans Ji had himself admitted

that he has good relation with the Haji family.
My brother is aged about 80 years.

Ld. arguing counsel has drawn the attention of witness towards Annexure-1, Column No.1 second para. President of Ram Janma Bhumi Trust, Paramhans.....> construct magnificent temple at the birth place, shall be the true tribute to Paramhans. Witness said about this part that some part of the above part is not readable., rest is clear. In case 2-4 words are left then their meaning can be taken out.

My elder brother would be 15-2- years old than me. It is incorrect to say that age of my brother 70 years.

Ld arguing counsel has drawn the attention of witness towards para 2 (E) of his affidavit of chief examination and asked that verification in regard to this para is made by you from your own knowledge and study. Whatever is written in para 2 (C) of affidavit is true.

Question. I say that the facts mentioned in para 2 (E) of the affidavit, , you do not have any knowledge of the same.

Answer. It is incorrect.

Question. Please tell in which rules are violated by the A.S.I during excavation.

(Shri Mushtaq Ahmad Siddiqui, advocate has objected on this question that witness has clearly stated in this para that as disclosed by the archeologists present there, he has stated about violation of the Rules regarding archeology excavation. Therefore asking of such question is totally improper and permission for asking such question should not be granted).

Answer. First of all A.S.I. has wrongly made pillar base their, whereas it has no concern there. Apart from this found of bones and to conceal the same and did not take the on record, there are such other things, on this basis of which I stated that concerned rules of the archeological excavation are violated.

Ld. arguing counsel has drawn the attention of witness towards para 3 at page 4 of his affidavit of chief examination.

Question. The facts mentioned in para 3 of the affidavit and stated that statement of deponent is true, how can you say that your statement is true and rest is false?

Ans. Whatever is written by me in para 3 of my affidavit is true because I was present at spot during excavation and above things were happened in my presence. I am not expert of A.S.I. I do not have excavation knowledge, but at the look it is clear that what is correct and what is not correct.

Question. Can you said what would found during the excavation of A.S.I, from which you thinks that there was temple.

(Shri Mustaq Ahmad Siddiqui has objected this question that witness is not the expert of construction of temple and hence permission to ask such question should not be granted).

Answer. In case any idol would found in the excavation or any relics of Hindu temple found then I would think that there was a temple. Since no such found and hence question of having any temple there does not arise.

I do not have the knowledge of sculpture. I have knowledge of idol. I have not read any book regarding the idol of Hindus. Idols are not made in Muslim religion. Here is no worship of idol in Muslim religion. As per my knowledge in Muslim religion knowledge for making the idol is not given. In case any Muslim is making idol from his profession, then there is no any obstruction in doing so. Nowadays gumma bricks are used in the construction of building. Bricks was used in the British ruling or not, but bricks are made in my kiln since 1901, I know this fact. Prior to the British ruling it was Mughal times. Lakhori bricks were being used in the Mughal period. During the excavation several layers of lakhori bricks were came found. One wall of the Lakhori brick was found from the excavation place. Thus

lakori bricks were seen in the wall constructed around the Mosque. Prior to the Mughal time lakhori bricks were used in construction.

Ld. arguing counsel has drawn the attention of witness towards para 7 (page 5 and 6) of affidavit of chief examination. After reading the same witness has told that in my presence the mixture used in the middle of bricks was scratched and same was given shape of Parnala. I do not know that these excavators are trying to give it shape of Shiv Mandir, but I know that they were cutting a round shape there. I asked them for doing so and then the officials of the A.S.I. present there has said that in this regard complainant or objection was made.

Question. You have stated in your statement that you do not have knowledge of sculpture and not have knowledge of architecture and also has no knowledge of the way of constructing temple, then how can you know that there A.S.I are trying to make parnala of Mandir by scratching. In this regard what you have to say?

Answer. In this regard firstly I say that this place is disputed. Excavation was being made there for the quarrel of mandir and masjid. Then it is natural that the people of the A.S.I. were asked to make something and take something, they were doing so. In this regard I already said that some people of the A.S.I. were sold and hence on having doubt, I asked them in this regard. Team leader of A.S.I. Mani Sahab was the first who sold, therefore team leader was removed from the post and his work was handed over to Manjhi Sahab. Despite that whatever the opinion given by the Mani Sahhab But one man person was Bhuvan Sahab who was active in this direction. I would not tell anything about Manjhi Sahab. I cannot say anything about Manjhi Sahab, but the report of A.S.I came, is totally false. Paranla was found at the time of Mani Sahab. On which date this Patnala was found I do not remember. Date or month of meeting the Parnala is not remember to me. In case in thing in this regard I would be note down. Parnala was found in the year 2003.

Question. In case B.R. Mani was working under the influence of Prime Minister or Deputy Prime Minister, then why B.R. Mani was removed from his post. What do you say in this regard?

(Shri Mustaq Ahmad Siddui, Advocate has objected on this that Ld. counsel knows that by whose order Shri B.R. Mani is removed, so far as taking of money is concerned, witness has not made any such statement, this question is being asked to mislead him and hence permission to ask such question should not be granted).

(Reply to the above objection is given by Shri Ajay Kumar Pandey, Advocate that witness said that some people of A.S.I. were sold, in which Mani Sahab was main, hence this question is not the misleading question, totally relevant question is asked).

Answer. Mani Sahab was removed from the post of team leader, but he was working there. Till excavation runs he was present there. Manjhi sahib was also present there. Sign was being made by Manjhi Sahab, work was being undertaken by Mani Sahab. It can be understand uneducated

man that why Mani Sahab was removed. My meant that one uneducated will also compel to think that if any person has been removed then why he is allowed to work there.

Question. You just said that Majhi Sahab used to sign and rest works undertook by Mani Saab, when Mani Sahab was removed then in this regard had you given any complaint or application before the Hon'ble High Court?

Answer. In case I or my advocate did not give any application in this regard then how B.R. Mani would removed.

I had made complaint regarding working of B.R. Mani despite of his removable, but he continued to work. This complaint was made by me to my advocate. In case application is not filed in this regard, then my advocate would have given application. When this application was given is not remember to me. This application should be on the record of Hon'ble High Court. I do not have any copy of such application. In this regard my advocate would know. In this regard I will ask my advocate and

will show the application to the Hon'ble Court. It is incorrect to say that no such application was given by me or my advocate. On selling of B.R. Mani and some people of A.S.I. I said, that I have not given any application about their selling. But in case any such thing was not happened then why the report of A.S.I. said to be false. I am telling this report is false. I do not know that In this regard any departmental proceeding was started against Mani Sahab or not.

Masjid was Martyr on 6 December 1992. I know the meaning of Martyr. Martyr means if anything is demolishing forcibly then it gives Martyr status. Similarly in case any person is died for his religion then in our religion he is given status of Martyr. Gazi is said to the person who alive in the battle. When battle with British was held then Chander Shekhar Azad and Bhagat Singh got Martyr. Again said Muslims also shahid in it. Gandhi Ji is not known as Gazi. He was killed by his own people.

It is correct that in case any person died for the country, he is said Martyr.

Question. When any man or any person, who has breath, and died in the battle with enmity for country , is he called Martyr.

Answer. It I correct to say.

Question. Is it necessary for being a Martyr the said person should be a human prior to his death.

Answer. Apart from the human in case any other living thing is died during the battle then he will also be called in the category of Martyr.

I heard about Chetak horse . I read about him. Horse and its rider both were Martyr. But horse cannot be said to martyr.

Nowadays the building came in the category of encroacher they are being demolished. All the building will not come in the category of martyr, because these buildings are made by encroaching. In case any foreigners attacked in the country with weapon, he is called

Terrorist. Terrorism is wrong thin. It is good to protest terrorism and it should be done.

Question. In case any persons opposing the opponent of terrorism, what should he be called.

Answer. He should be bigger terrorist than earlier.

I know Dr. S.P. Gupta personally. He used to come at excavation place. I had talked 2-4 times at the same place. I can recognize him. I did *sijda* in the Mosque of Agra, Delhi, Ajmer, where I go, I did *sizda* there. Apart from the Babri Masjid I have not seen pillars of kastoti in any other mosque or not, I do not remember. Kasoti stone is very precious, as people said. I went Jama Majid in Delhi. There I did not offer Namaz in the masjid of 'Qutubul Islam'. Today I first time listening this name. In case his mosque is at near the Qutub Minar then I do not have its knowledge.

Ld. arguing counsel has drawn the attention of this witness toward para 17 of his

cross examination, which is read by the witness and upon questioning said that in this para first line of page 9, I said that A.S.I. report is incomplete. My meant for writing of incomplete is that A.S.I. report is incomplete. Where this report is incomplete, my expert can tell.

Question. In Verification of para 17 you found it true on the basis of information of others and belief , then also how you are telling this report is incomplete, please tell?

(Shri Mustaq Ahamad Siddiqui, Advocate has raised objection on this question that this question is totally misleading. Nothing is understanding in this question that what Ld. advocate want to know, permission for asking such question should not be granted).

(On the objection Ld. Arguing counsel has said that still witness has not said that how the said report is incomplete. Deliberately because of perversion he did not want to give reply of this question. Question is completely unambiguous).

12522

Answer. The facts written in para 17 are correct and so far as excavation is concerned, what is found from there or not , in this regard my expert will tell. Report of A.S.I is false and they hatched conspiracy to ruin the country. Report of A.S.I. I produced by the order of Court.

Statement readover and affirmed

Sd/-
5.9.2005

Typed on my dictation by the steno in the open court. In order to same put up for 6.9.2005 for further cross examination.

sd/-
Hari Shankar Dubey
Commissioner
5.9.2005

12523

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date: 06.9.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated 25.8.2005 by the Full Bench in (Another Original suit No. 3/89 (Original Suit No. 26/59) Nirmohi Akhada Vs. Babu Priyadutt Ram (Deceased) & Ors.

(In order to 05.09.2005 Cross examination of DW-6/1-1 Shri Haji Mahboob Ahmad in original suit No.4/89, continue on behalf of Defendant No.20 by Kumari Ranjana Agnihotri, Advocate).

Ld. arguing counsel has drawn the attention of witness towards the statement dated 29.8.2005 para 12 first para, part "nowadayscontinuing, which is read over and on asking the question witness said that I myself not went to put pressure. But in this regard people knows that it is happening forever. I am seeing this tradition since my birth. Similarly Atal Bihari Ji has put pressure on A.S.I. Again said it was his Govt.

www.vadaprativada.in

12524

and hence I am telling so in this regard. Atal Biharii Bajpai or Murli Manohar Joshi did not go to excavation site for putting pressure to A.S.I. During excavation most of the time I remained there. Apart from me people of other parties also present there. I remained at the excavation site till the evening. Till that day when the things found in the excavation which were entered in the register, after sealing the same signature of both the parties made in the register. I also used to sign on the register. List of each of the article found in the excavation was made or not, I do not know in this regard. The articles came in front they were disclosed, I had knowledge about the same. The register in which my signature was being made, I know about this. Certain articles which were recovered in the excavation, same were not brought there. Articles received in the excavation were taken in before the observer and after disclosing about the same these articles were noted down and signature were made in the register. This signature was of observer and also of parties. Apart from then

www.vadaprativada.in

the nominated person of the parties present there his signature was also being made in the register. Search of the persons went in the place of excavation was being conducted by the police. Parties or people of A.S.I. can took anything from outside to the excavation site or not in this regard I cannot tell. I can only tell about me that my search was being conducted and hence it was not possible. There were various people who were not searched prior to going to excavation site. I would not like to tell about them. It is not correct that due to fear I am not telling so, because I afraid from God and not afraid from anyone else. The persons whose search was not conducted before going to excavation site, I would not like to any about them. It is incorrect to say that due to fear I am not telling about them whose search was not conducted before going to excavation site. It is incorrect to say that each of the persons, party and A.S.I. official searched before going to excavation site and it is also incorrect to say that at this stage due to pettiness I am giving false statement.

Ld. arguing counsel has drawn the attention of witness towards the Report of A.S.I Volume-1 (Texts) page 218, which has been read by the witness and said that in this page in register No.550 of Sr.3, article found in Trench No. G-7, Floor No.1, at -18 cm deep, is mentioned. It was found or not is not remember to me. In the same page at sr No.4, Register No. 551, Ld arguing counsel has read the detail and heard to the witness and asked that the above mentioned article received in the excavation was received or not? Witness said that I cannot tell what was found or not. Again said it can be expose by my expert. The day when these articles were found from the excavation site, on that day I was present at the excavation site or not, is not remember to me. I do not remember on 27.4.2003 I was present or not at the excavation site.

Question. During excavation was 62 human figurines and 131 animals figurines was found, did you know?

Answer. In the wreckage, Terracotta, which are made from soil, more than the above numbers of animal and human figurines were found, which the children playing in diwali etc. it can be given name of figurines or any other name. If things are dumped in the vacant land then it is called wreckage.

During the excavation soil made figurines of tortoise was found. I do not know that tortoise is the ride of Yamuna Ji or not. Tortoise is found in every river. Tortoise also found in Saryu. I do not know Hindus are worship Turtle incarnation or not. Figurine of snake fun and figurine of bobi was found. Figurine of horse would be found there. Worship of horse is being done in the Hindu religion and has recognize of incarnation of hay or not, in this regard I have no knowledge. Such is not happened with us. I had three horse but they were not worshiped. Figurine of horse is not kept to us. Figurine of the elephant trunk, which was terracotta, was there,, its size was small and was in the shape of toys of children.

I heard that elephant and its figurine is worshipped in Hindu religion. I celebrate Diwali, but I did not take the children for seeing diwali mela. Diwali is celebrate every day in Ayodhya. I have seen figurine of Ganesh Ji in the Diwali. I saw selling of figurine of each type in the shops. In Diwali I received so much sweets and laves etc. that I do not need to purchase the same. I did not purchase any figurine of terracotta and not taken to home. In the excavation figurine of the God and Goddess would be found, I am not denying. Everything is found in toys. It is incorrect to say that in Islam religion any of the figurines is not permitted to kept in the house. nowadays photo is kept in the houses in the form of calendar. There is difference between calendar and figurine, but there is no any restriction in islam to keep the same in home. There is restriction in Islam to keep the idol in home. I never seen any figurine kept in any mosque. But after 1949, I saw it in the Babri Masjid as a figurine. In the main gate of the of Mosque idol of Ganeshi ji is not kept nor such idol

was at the disputed premises. Any of the main gate of Mosque Ramyantr is not made. There is no any prakr mandir in any mosque. idol is not made in the wall or pillars of any mosque.

Ld. arguing counsel has drawn the attention of witness towards the Daily register dated 27.4.2003 page No.105, seeing the same witness said that after this page , page No. 106, 107, 108, 19 and 110 is given. Page 110 bears my signature. Below the signature I have put date. The things mentioned in page 105 to 110, they would came out in the excavation because it bears my signature.

Question . On 5 July 2005 one terrorist incident was occurred. In this regard what do you say.

(Shri Jafaryab Jilani, Advocate has objected on this question that this question has no concern with the objection filed on the report of A.S.I. nor is related to the issue of this case. Therefore permission of asking such question should not be granted.

12530

Answer. Yes this incident is embarrassing.

I am the first person who oppose this incident. I had made call to Commissioner. Commissioner has expressed unknowingness about the incident. Later he told in presence of all that Mahboob sahib had made me call in this regard.

I had told to commissioner that gunshot is firing at the disputed place. Apart from Commissioner I also made call to D.M. and Home Ministry, in this regard. In Home Ministry I had talked with Shri A.K. Singh., I had his phone number. He told me that he has received information in this regard. I made call at about 9.15 p.m. from my mobile. One year prior to this incident dispute had arisen with P.A.C. and C.R..F. Therefore I thought that similar type of incident happened. Therefore in this regard I had informed the people. This incident caused me great pain. In this regard I have not given any application before court. I cannot tell if any application is given by my advocate before the Court in this regard or not. But

www.vadaprativada.in

this incident has no concern with this case. It is incorrect to say that being Muslim and suffering from prejudice I have concealed the things and telling false and am not producing the true facts. It is incorrect to say that A.S.I. which is an autonomous and specific institution of India, maliciously I am leveling baseless allegations. It is incorrect to say that I have filed my affidavit of chief examination with communal spirit for creating the malice between two communities. It is incorrect to say that to malign the image of Vishwa Hindu Parishad and Rastriya Swayam Sewak Sangh, I have leveled false allegations against them. It is also incorrect to say that the then leveling the false allegation against the then Prime Minister and other people, I have filed false affidavit for stigma and discrimination view.

(Sworn cross examination of DW 6/1-1 Shri Haji Mahboob Ahmad, in original suit No.4/89, on behalf of Defendant 20 by Ku. Ranjana Agnihotri, is closed)

(In another suit No.4/89, on behalf of Defendant o. 2/1 Mahant Suresh Das, cross examination of witness by Shri Madan Mohan Pandey, Advocate, start).

X X X X X

I had filed objections against the A.S.I. Report. I have filed total 4-5 objections. These all objections were filed after coming the report before the court. The objections filed by me they were filed being personally being the party in the case and through my advocate. I this case my Advocates are S. Irfan Ahmad and Shri I.A Siddiqui. Apart from them Shri Fajle Alam is also my advocate. Above 4-5 objections filed by me through my counsel Shri S. Irfan Ahmad, Advocate. This fact is in my knowledge that Sunni Waqf Board has also filed an objection against the A.S.I. Report. Objection filed on behalf of Sunni Central Waqf Board is my meant that objection is also filed on behalf of Sunni Central Waqf Board. First I had filed objection against the report of A.S.I and thereafter Sunni Central Waqf Board has

filed objection. Apart from this Hashim Sahab has also filed objection against the report of A.S.I. Mohd. Hashim has also filed his objection being a party and his advocate is Shri Mushtaq Sahab. He has not filed the objection being independent party. Although opinion of all is one in filing the objection, but all have filed separate objection. I do not remember how many objections are filed by Sunni Central Waqf Board. Sunni Central Waqf Board would have filed more than one objection. The objections filed by me, are on the basis of opinion of experts.

Those are the same experts, who were remained present at the excavation site as my nominee. Apart from them nominee of Sunni Central Waqf Board also remained present there. According to me excavation proceeding was run for about 6 months. During excavation I myself, my advocate, my nominee and my experts were present there. Such people of all the parties were present there. Nominee, advocate, experts of Sunni Central Waqf Board also remained

present there during the excavation. Mohd. Hashim and Nirmohi Akhada, Paramhans Ram Chander Das etc. party their nominee, their advocates and experts were also remained present there. Upon starting the excavation proceeding by the order of the Hon'ble High Court two judicial officials were present for the supervision of the excavation proceeding at the excavation site till the end of proceeding. Excavation work was being undertaken as per the order of Court. Photography and videography was made every day in the excavation site, but at the time of proceeding parties were not present there, but it was known to the parties that proceeding is going on there. colour and black & white both type of photography were conducted there. The parties present there were also signed on the daily register. All the findings came out in the excavation were being brought by the A.S.I. at the time of signing and their entries were made in the register in which signature of all the parties were being made. Signature of nominee and advocate were also made in this same. The photo prints told by the

A.S.I officials, which also contained the signature. I can only say that during the entire excavation the articles received, in which all the articles were not taken on record by the A.S.I officials. It came in hearing that some articles are not taken on the record by the A.S.I despite they are found from there. In this regard my expert had told me and I also know that some article were found during the excavation but same were not taken on record by the A.S.I officials. In this regard when I filed objection before the observer and Court and in this regard also told orally. I do not remember that I have objected about which findings that these things are came out in the excavation but are not taken on record by the A.S.I., but I had told. Again said bones were found in the excavation, which were neglected by the A.S.I. on which later dispute arose. Apart from the bones which findings were which the A.S.I later recorded or besides there were some findings which the A.S.I has not taken on record despite found in excavation. This time I do not remember that apart from the above some

bright pottery (glazed ware) were came out in excavation which the A.S.I. has not taken on record even after rising objection. Later in this regard objection was raised and A.S.I. starts taken the same on record. Recording of bones starts after 2-3 days from raising objection.

The objection filed by me against the report of A.S.I. is on the basis of my view and as disclosed by the expert. When expert came at excavation site and they told about the same then on the basis of the their opinion I had filed the objections. During excavation the things which I thinks incorrect, against the same I have filed objection. The objections filed by me during the excavation, I have filed these objections on the basis of opinion of experts. The objections filed by me during the excavation, same are mentioned by me in my affidavit. During excavation my nominees were safe. During excavation none of my nominee was specialist of archeological. Again said Naiyar, Abid Sahab, Banani and one or two my nominee

were expert. It is not correct that I am telling the nominees of Sunni Waqf Board as my expert. The nominees appointed by me for looking the excavation during the excavation because they had knowledge in this regard. I had asked them how excavation is conducted. I got information from them about the pit which are called trench and layer. They told that the excavation is being conducted in which layers are found and which period they belongs. I had not asked these experts about the procedure of excavation by the A.S.I . Out of those specialists any of one was regularly present during the excavation. In relation to the excavation being made at the at spot, these experts had told that there is no anything in this excavation on the basis of which it can be said that there was any temple. After submitting the A.S.I. report before the court I had asked from the specialists. They told that this report is not correct and it has mentioned the rigmarole facts. This opinion was given by my experts on phone and meeting after seeing the report. After filing the report before the

Court I had talks with the experts within one week. On the basis of opinion of experts and on my conscious and opinion of the advocates, I have filed the objections. It is incorrect to say that in my objection I have only supported the objection of Sunni Waqf Board and leveled various allegations against the Bhartiya Janta Party and other people. I have written in my objection that from the statement of Shri Atal Bihari Bajpai, which was given by him on the occasion of funeral of Paramhans Ji, which was given by him prior to filing of report before the Court, that as per the desire of Shri Paramhans Ji, I will construct temple there. This statement has encouraged the courage of A.S.I.. He had stated in his speech that such facts are found in the excavation from which it appear that there was any temple at the disputed place. therefore in this regard also I had filed objection. I have filed this objection. Shri Atal Bihari Bajpai, Shri Advani Murli Manohar Joshi etc. the four persons about whom I have stated in my affidavit, same is correct. Apart from the leader s the facts

stated about the stone in the report, in this regard also I have filed objection. The method of excavation adopted by A.S.I, I also had objected in this regard. Once the things stated by the A.S.I. as stone later it was said 'couple'. The nomination made by the A.S.I. to the received articles, apart from these I have file objection on other things. In these objections speech of Shri Ataji Ji I also included.

I have knowledge about the Archeological Survey of India that it is a organization of Govt. Who is the head of this organization is not remember to me. I do not remember that Director General is the head of this institution or not. This is under the cultural department. At present A.S.I. is under which department, I do not have its information. I do not remember that at present A.S.I. organization is under Ministry of Information and Broadcasting or not. At the time when Atalji Ji went in the funeral of Parahans Ji, at that time report was filed before the Court.

Till that time proceeding of excavation was going on. excavation proceeding was continued till August 2003. This was starts in March 2003. The facts mentioned by me in affidavit of my chief examination, same were written by me on the basis of the speech of Shri Atal Bihari, which was published in newspaper and apart from his speech which was heard by me. In para 2 C of my affidavit apart for the above speech, the facts mentioned by me these facts are related to newspaper and as hear by me. In para 2 E of my affidavit I have written about violation of regarding archeology excavation, I have knowledge about these rules but in his regard my expert can tell specifically. A.S.I officials were violating the rules of archeological excavation in the manner that they were making pillar bases which was not actually. Seeing these things I stated about violation of the rules. A.S.I. was making pillar bases at the excavation site, in this regard I gave written application to Observer and Court during excavation. In this regard the application given by me before the Court, on

which any order was passed by the order or not, it can be said by my advocate. The application given by me before the Observer, in which definitely action was taken, but what action was taken at present I do not know. It is incorrect to say that AS.I were making pillar bases and in this regard neither I gave application to the observer nor gave any application before the court during the excavation.

Ld. arguing counsel has drawn the attention of witness towards para 6 of his affidavit of chief examination ' at disputed site... related to the Muslim era. My meant for Muslim era is starts of 12th Century. In 1526 was the Muslim Era. Earlier to that was the same era. In my affidavit of chief examination in para 6 , the wall found in west side of disputed site, is referred. This was the wall of mosque. This wall was constructed in 1526 i.e. this wall was made in 1526. My meant is that when this wall was made in 1526 this time was Muslim era because this wall was of Mosque.

Ld. arguing counsel has drawn the attention of witness towards para 9 of his affidavit of chief examination. Witness said the word used in this para 'divine couple' means piece of idol. This stone was found in the excavation and found outside the mosque. At that time I was present, which was shown to me and all the people present there had shown.

Ld. arguing counsel has drawn the attention of witness towards para 12 of his affidavit of chief examination and witness said that the bones received during the excavation, in this regard I had given an application to observer and the Court. In this regard dispute arose because earlier A.S.I were not keeping these bones on records. I gave application for scientific study of the bone. This application was given by me during the excavation proceeding. I do not remember any order was passed by the order on it or not, but such order would be passed. Because bones were preserved. I do not remember in this regard that A.S.I has stated about how many pillar

basses in his statement. As per idea they stated about 10-12. But I cannot tell about the same. South wall of the disputed structure, outside the north wall, was also excavated and A.S.I. has stated in its report that pillar bases found there. I do not remember that about the north side of the disputed structure, the pillar bases found in the north side, were told by my experts. It is not correct that the pillar bases found in the north side of north wall of disputed structure, were made by the A.S.I. The Pillar found outside the disputed structure, I cannot tell about the same, but the pillar bases stated by the A.Ss.I. inside the disputed structure, they are false. My expert had told me about the pillar bases, apart from this I have also seen on the basis of which I say that this is not pillar bases. Word 'structural bases' may be used in my affidavit. It meant I understand that the cutting made by the A.S.I in making pillar bases, this is it. As a pillar bases, A.S.I has made the round shape cutting I am telling the same structural bases.

Ld. arguing counsel has drawn the attention of witness towards para 14 of his affidavit of chief examination. Witness said that on 21.5.2003, 26.7.2003 and 2.8.2003 objection was raised about the structural bases. But besides I have also made objection about other things.

I know Dr. S.P Gupta, prior to starting excavation. He was director in the museum at Allahabad and is very close to Advani Ji and Shri Murli Manohar Joshi, I know. I heard that Shri S.P Gupta was the Director in National Museum situated at Allahabad, in the year 1961 to 1968 he was in various posts in the Museum, is not in my knowledge. But he was in Museum as I Know. National Museum is a independent department or not and it has any concern with A.S.II or not, I do not know about it. Dr. S.P. Gupta, were ever working or no I do not know. But I have seen him at excavation site that A.S.I. people were given him great respect and were telling everything to him aside. During the entire excavation I had seen Dr. S.P.

Gupta, 3-4 times at excavation site. The day when Dr. S.P. Gupta visits at the excavation site, on that day he stated there for little while and after talking went from there. Next day he did not went to the excavation site and whatever he has to tell, he went after telling. His thing tell by him was being followed. A.S.I. people were giving respect to S.P. Gupta and Shri S.P. Gupta used to tell to A.S.I. people, on the basis of which I concluded that Shri S.P. Gupta has influenced the report of A.S.I. I had people of A.S.I that Shri S.P. Gupta has relation with Murli Manohar Joshi and Advani and he is his close man. On the basis of this information I stated the things about Murli Manohar Joshi and Advani. People of A.S.I. told me about them. I have mentioned about pressure tradition in my affidavit. It is correct, whose government is under whom department are working, some people of these departments have pressure of the government. At present Congress and Left have government in Centre At that time the department would be

under the government they would have government pressure.

It is incorrect to say that in my objection I have not raise any objection about the excavation procedure and the streetgraphy, findings and pillar bases and supported the Sunni Central Waqf Board. It is incorrect to say that during the excavation nor thereafter I have filed any objection in relation to the rules of excavation. It is incorrect to say that circular shrine, pillar bases and divine couple were found at spot. I have knowledge about the Hindu God - Goddess and Temple because I resides in Ayodhya. It is incorrect to say that I do not have knowledge about the temple and Parnala, and to raise the objection I objected. It is incorrect to say that in my affidavit I raise objection at the instance of others and not written the facts on the basis of my own knowledge. It is incorrect to say that I have made false allegations against Bhartiya Janta party, Rastriya Swayam Sevak Sangh and Vishwa Hindu Parishad, and its

12547

associated leaders Atal Bihari Bajpai and Shri Lal Krishan Advani, just to disregard them. It is incorrect to say that A.S.I has given correct report and suffering from the prejudice I have given false statement.

(cross examination of witness on behalf of Defendant No. 2/1 Mahant Suresh Das in original suit No. 4/89, by Shri Madan Mohan Pandey, Advocate, is closed).

Statement readover and affirmed

Sd/-
6.9.2005

Typed on my dictation by the steno in the open court. In order to same put up for 7.9.2005 for further cross examination.

sd/-
Hari Shankar Dubey
Commissioner
6.9.2005

12548

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date: 06.9.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated
25.8.2005 by the Full Bench in (Another
Original suit No. 3/89 (Original Suit No.
26/59) Nirmohi Akhada Vs. Babu Priyadutt Ram
(Deceased) & Ors.

(In order to 06.09.2005 Cross examination
of DW-6/1-1 Shri Haji Mahboob Ahmad in original
suit No.4/89, continue on behalf of Defendant
No.13/1 by Shri Rakesh Pandey, Advocate).

X X X X X

Ld. arguing counsel has drawn the
attention of witness towards para 12 of his
affidavit of chief examination and asked that
the four persons mentioned in this para,
besides them, is other general Hindu public
also saying the Babri Masjid as Ram Janma Bhumi
Mandir? Witness said that it is not correct
general public and Hindu of Ayodhya are saying
Babri Masjid as Babri Masjid. Janm Bhumi is

www.vadaprativada.in

different place, which the Hindu called Janm Bhumi. It is incorrect to say that apart from the Ayodhya other Hindu of the country are saying Masjid as Ram Janm Bhumi. The four persons mentioned in this para, apart from there are other people who are saying Babri Masjid as Ram Janm Bhumi. In my view the people who are associated with the politics, they says Babri Masjid as Ram Janm Bhumi. It is correct that since dispute arose regarding the disputed premises, since leaders of both the parties are saying something. The four persons mentioned by me in para 2 (A) of my affidavit of chief examination, apart from them Vinay Katiyar, Singhal, Uma Bharati etc. there are various people who are associated with Vishwa Hindu Parishad and have relation with Bhartiya Janta Party and also with Sangh Pariwar, are stating about the same.

I heard name of S. Shahabuddin. He was Ex M.P. This Sy. Shahbuddin was M.P. from Baraich or not, in this regard I do not have any knowledge

I have read speech of S. Shahabudin in newspaper. S. Shahabuddin is Muslim leader. He has given speech stating the disputed place as babri Masjid. Above four persons whose names are mentioned in para 2 (A) of my affidavit, they are giving their speech before coming to court. Such speech are giving by the people prior to the order of excavation. Vol. Advani has taken out the chariot in this regard. In his regard the conclusion taken by me is on the basis of statement of these four, as he happened in our country, on the basis of which taken. Speech of the above people and due to which influence the communal harmony in the country, in this regard I am stating my conclusion.

Question. The name of the persons stated by you in para 2 (A) of your affidavit, apart from their statement, which were the reason, on the basis of which you have taken this conclusion?

Ans. To commit riots at difference place of country is the aspect of it, what can be the

basis more than the same, due to which entire country is burning.

After martyr of the Babri Masjid, doing worship in the a disputed premises is the basis which shows that everything is happening wrong. Martyr means house of God i.e. demolishing the mosque and in this regard the Muslim died, they are called martyr. According to me there is no other meaning of martyr. At the time when mosque was demolished, at that time houses were burned in Ayodhya and 16 people were killed, they were killed by the Car sevak form the Muslim community, they keeps status of martyr. At the time of demolishing the mosque none from the Muslim community went there. At that time no death of any Muslim was caused at the disputed place where mosque was martyr.

How many members were in the A.S.I. team I cannot tell. There were Sardar, Hindu and Muslim people in this team, as I saw.

Ld. arguing counsel has drawn the attention of witness towards para 2 (C) of his affidavit of chief examination, this para is

read over to the witness and attention of witness is drawn at Annexure-1, which was read by the witness and said that I have annexed the edition of the Dainik Jagaran News paper of 2 august 2003 as Annexure-1, is read over, and said that apart from this news paper I had heard the written speech. In the annexure-1 there is no mentioned about the A.S.I. Report or above any archeologists. But after the said statement A.S.I. has changed its attitude and prepared the report at this account. Shri Atal Ji has clearly stated in his speech that as per the desire of Shri Paramhans temple will definitely be constructed at the disputed place. At that time A.S.I report was not come. Therefore in this regard Prime Minister of the Country is giving speech in this manner then it will definitely influence the AS.I. report. In annexure-1 three ways are given in relation to construction of temple. Apart from these ways suggestion is also given or not, in this regard what I would say, because man is saying something and doing something. Whatever I say I do it. The ways mentioned in Annexure-1, in

this regard what I will say, the persons who did not respect his own version, I do not believe on his suggestion and in the situation when case is pending the question of suggestion does not arise. Because whatever the court will done same will be valid. It is incorrect to say that Shri Advani has said to act as per the law and order. Because if he do so, then why the entire country was ruined.

The excavation conducted by the A.S.I in 2003, prior to this in the back side the mosque i.e. in west side once excavation was conducted. This excavation was held in the year 1976 to 1980 or not I cannot tell. Any Muslim leader or religious pundit has not given any such speech as per my knowledge that earlier there was any construction below the disputed site. This excavation was conducted prior to 2003 this exc was made by Prof. B.B. Lal. I cannot tell that on the basis of excavation of Prof. B.B. Lal, Pr. S.P. Gupta is saying or not that there was any construction below the disputed building. Vol. the excavation made by

the Prof. B.B. Lal, was made separate from the mosque. I have not seen the report of Prof B.B. Lal nor read. But I heard in this regard. I have seen at my own the excavation of Prof. B.B. Lal, because its adjoining entire land is ours.

Ld. arguing counsel has drawn the attention of witness towards Annexure 2 which observation of S.P. Gupta is given, is wrong. Dr. S.P. Gupta has made the ground of excavation of Prof. B.B. Lal or not, in this regard I cannot say anything. But the statement given by him is false. It is incorrect to say that the things came out in the excavation , on the basis of which Shri s.P Gupta had given his statement. I do not remember in this regard that any stone in the shape of lotus was found or not. I know about ' Amalak' I seen it, but when I have seen it I do not remember. Amalak was found in the excavation or not is not remember to me. Nothing in the shape of crocodile was found in the excavation or not I cannot tell. During the excavation pieces of

wood, idol of playing of children were found in the wreckage. I have seen the stone of kasoti. Kasoti stones are used apart from the disputed place, in musa ashiakan, in which foundation of the Babri Masjid was kept, and who was a old age and was digged near his mazar. On 6 December 1992 when Mosque was martyr, at that time some people took the stone by excavating. They people had concern with Vishwa Hindu Parishad and Bhartiya Janta Party and Sangh. Musa Anshika were from which period I cannot tell, but I heard that he had kept the foundation of Babri Masjid. Near the mazar of Musa Ashina, above stone was wrought which was wrought on land. Mazar of Musa Ashkian is still exists. The place where mazar of Musa Ashkan is situated, there is a Kabristan, where Hindu and Muslim came on the day of Jumerat. There is no any building at near above mazar. Black stone is not set up in any of the building. Now dead bodies are not buried in that kabirstan. It is incorrect to say that there is no any kabirstan at above place.

Ld. arguing counsel has drawn the attention of witness towards para 2 (A) of his chief examination part ' ASI has violated.... archeology excavation. Witness said that in case excavation is conducted in wrong manner i.e. something is found in the excavation and it is called something else, then it is violate of rules. I cannot tell about the rules concerning to archeological excavation. According to me the wrong work done by the excavation , I says it violation of rules. Apart from this I cannot tell about any rule. I was watching A.S.I. people working from long time. Therefore I was understanding something about their works. I do not have study about archeological subject. On asking to the people of A.S.I. and on their disclosing I got knowledge about this. I was told by the people of A.S.I and apart from the my experts were also present there and they also told me about this, from which I got information. Shri SP. Gupta were not in the team of excavation, but he used to come at the excavation site. In which capacity he came he would be know.

Ld. arguing counsel has drawn the attention of witness towards para 2 -C (page 4) of his affidavit of chief examination, which he read and witness said that in the A.S.I. Report I did not read the thing of 70 pillar bases in the A.S.I. report. In this regard I heard from my advocate that there is no pillar base. I says that Pillar base were made by the A.S.I. I cannot tell what is in the A.S.I. report in this regard. I had asked from the A.S.I. people about the pillar base at the time working there and they told that this is pillar base. I had objected that this is not the pillar base because it is somewhere higher and somewhere below as seen during the excavation, there was no pillar base, whatever the thing was it as not of similar size, it was made by the A.S.I. I saw there some bricks, rocks and chabutra like things, but pillar base was not there. A.S.I, were trying to give shape of pillar case by cut and crook, but it was not pillar base.

Ld. arguing counsel has drawn the attention of witness towards para 17 of his

affidavit of chief examination and asked the following question.

Question. You have said in para 17 of your affidavit that 'report is appears to be made only to make atmosphere in support of movement of Ram Janma Bhumi' Thus you used the word appears, and said that you yourself are not sure that report is prepared for making the environment in support of the movement. In this regard what do you say?

Answer . It appears, means obvious. It has been stated in it that report is false.

I said that the report is complete it means that report is faulty because nothing was found there. Naturally this report will be incomplete. It is not correct that I want any specific thing in the report and because A.S.I. has not mentioned the same in the report and hence I am telling so. Court had asked the A.S.I. that whether Mosque is made over the temple. A.S.I did not find any proof of Temple below and hence I says that report is faulty and incomplete and excavation was require and

in this regard ASI or expert can be said. I have written in the above para that report has given in compliance of the orders of Court. Court has told the A.S.I to bring the truth, which is not done by A.S.I. On this ground I am saying that orders are not complied. My meant for compliance of order is that report has been given contrary to the orders of Court and A.S.I. has given false report. For not complying the order of Court I have not filed any contempt petition. I had told my advocates to file the complaint, they did so or not, I do not know. I have not signed any contempt petition. In case i had signed then why I asked to my advocate. It is incorrect that since no contempt was made and hence I have not filed any contempt petition.

The things received during the excavation were come before the Observer. I had seen the same. Since excavation is starts, I was continued remained at the excavation site. In the end I was out for a week. Excavation was starts from 12 March. I heard about G.P.R.

survey, but G.P.R. survey was not conducted in my presence. I only know about Tojo Vikas International that during excavation some of their people were there and I do not know anything in this regard. The dates when I was not present at the excavation site, during this what was found, I cannot tell. Whenever I was present on the day of excavation on that day my signature was being made. I read the summary report of A.S.I. and apart from this the report filed by the A.S.I. I causally read the same and in this regard I had asked my advocates. I have little knowledge of English language and I can read English.

Ld. arguing counsel has drawn the attention of witness towards para 7 of his affidavit of chief examination and on asking to the witness he said that the place which the A.S.I. has said in his report as round shape worship place, I have seen said place. This place is in the south side of the disputed place. This place was in south side, In this regard I can only tell. This place was at the

distance of 150-200 from makeshift structure. Above place is made in square. And made by round shape bricks but is not fully round. The shape in which it was found by A.S.I., in the same shape it was kept by the A.S.I or not, I cannot tell about this, because I did not remained every time at near the trenches. The type of round shape seen by e in the shape of well in Mosque. I have not seen round shape place in the mosque, but the round shape place stated by the A.S.I., this was not round shape, this place was far from the mosque. I have seen various Shiv Mandir. There are many Shiv Mandir in Ayodhya. I went in the temple and saw Shivling. In my religion there is no prohibition to go such places. We do not offer worship. I have relations with every temple of Ayodhya and every mahant knows me fully. I used to visit Mandir to meet them. They used to sat me there. Since I have seen Shiv Mandir, and on the basis of which I have stated in above para 7 that this is not Shiv Mandir.

Question. Can you disclose any reason that why the A.S.I has told the Shiv Mandir to the round shape place as mentioned in para 7 of your affidavit.

(Ld. Counsel Shri Jafaryab Jilani, in other original suit No.4/89 has objected on this question that this question has already come then permission for repeatedly asking the question should not be granted).

Answer. By making any platform it cannot be said Shiv Mandir, till it is not established.

Establishment means the manner in which Shiv Ling should be and same is taken by 10 people and established. Since there were no such size and hence how can it be called Shiv Mandir. Since this was not Shiv Mandir and how can it come within the boundary of Mosque. Therefore it cannot be said temple. There was Mosque and it is recorded and hence I am saying it as mosque.

Question. Since you are saying the disputed place as Mosque and hence you are denying that existence of Shiv Mandir there?

Answer. There was no Shiv Mandir. This is the Mosque area and there was Mosque.

It is not correct that earlier Shiv Mandir was established at the above place and later this place was pressured under the garbage.

In para 7 of affidavit of my chief examination in the construction the place stated to be Parnala, I have seen it This was made by cutting. At that time I was present. The distance between to bricks, this was more than 2-3 inch. The length of the round from which Parnala was came out was 2- ft. in which the parnala was made its length was similar, in which there is a brick and this length was 8-9 inch. The place stated to be a temple, I said its length 2-3 ft. whereas it was not Shiv Mandir. Excavation in my house was being done with the help of shovel and knife. The thing that A.S.I. people were making something by

scratching the round, in this regard I had told to Observer. I do not remember in this regard I had given any written application or not. In this regard I had made complain to sisddiqui, Observer and another judge. This compliant was made by other Muslim party, I do not know in this regard. A.S.I people were asked in this regard or not I cannot tell. It was direction that A.S.I people should not be disturbed and hence in this regard I asked to the A.S.I and silently make complaints. It is incorrect that Parnala was not made and in the position it was found in the same position it was shown by the A.S.I. people. It is incorrect to say that the manner I am telling I have not seen such things and hence I did not give any written application.

Ld. arguing counsel has drawn the attention of witness towards para 13 of his affidavit of chief examination, on asking witness said that in this para I have stated about that by cutting the floor or bharau bricks forged pillar base are shown by the

A.S.I. Such work is did by the A.S.I. at different places. In para 13 of my affidavit of chief examination I have state about making of forged pillars, its number was 15-20, which I had seen. I cannot say if they were more in number or not. I have seen such makes pillar bases in the mosque (inside the disputed place), the number stated by me above, its number was more than 15-20. In this regard I cannot tell. I do remember in this regard.

Question. In case number of the bogus made pillars were more than 15-20, then you cannot tell, in this regard what do you say?

Answer. In case number of such types of made pillars bases is more than 15-20, I cannot tell in this regard.

Alleged Pillar bases were not in uniform pattern. Stone of kasoti was the part of Mosque and it was fixed in the wall of Mehrab. Dome was made on bricks and were above the wall. The stone of kasoti were belongs to which era, I n this regard I was not told by any expert. Because in this regard I had not asked from

anyone. When Mosque made in 1528, these were made in daron for show. Such fixed stones are not seen by me in any of the mosque. Picture were made in the stones of kasoti and flower and leafs were made. I had seen floor and leafs made in the stone. This was in the form of carving if any other thing was made in the stone, I did not saw. I have seen entire stone. I have also seen these stones found in wreckage.

Ld. arguing counsel has drawn the attention of witness towards para 200 -C1 picture No.. 181 f the colour album and witness has seen the picture and said that apart from flower and leafs nothing is visible. Again said in the year 1949 when idol was kept in the mosque. Thereafter what was done in these stones I cannot tell. Earlier apart from the picture noting was in the said pillars. It is incorrect to say that there is urn in this picture and also made other picture, which I am not able to recognize. In case same A.S.I. report would come in the ruling any other govt.

and report is false, then how can I treat the same as correct. In Ayodhya I have acquaintances with the Saints and have sitting with them I know Gopal Das Ji, Jugal Kishor Falahari, Santn Ra Das Ji, Ram Chander Das Ji, Murli Das Ji, Mahant of Qila, name is not remembering to me this time, Mahant of Gopal Ghat, Kishori Charana and Mahant Dharamdas Ji. Nowadays they all sit on dharna.

Question. Out of the above persons, which is the person who is not associated with politics?

(Shri Jafaryab Jilani Advocate has objected on above question that this question does not have any concern with the excavation being conducted by A.S.I. or with any issue of the suit. Therefore permission for asking such question should not be provided).

Answer. According to me out of above persons, out of 1-2 all rest are associated with the politics.

Sant Ram Das, Murli Das and Ram Chander Das are the persons who are not connected with Politics.

Question. Above persons in whose regard you have stated to connected with politics,, their purpose is not to get power, in this regard what do you say?

Shri Jafaryab Jilani Advocate has objected on above question that this question does not have any concern with the excavation being conducted by A.S.I. or with any issue of the suit. Therefore permission for asking such question should not be provided).

Answer. The persons I have stated to connected with politics, they all are associated with the government. Mahant Nrtya Gopal Das Ji, is also the President of Ramjanmbhumi Nyas, who are appointed in place of Ram Chandaer Paramhans. Therefore how can I believe that above person is not associated with politics.

Above all the persons are connected with Ram Janma Bhumi movement therefore they will

12569

talk in this regard. Above all the persons are saying the disputed place as Ram Janma Bhumi.

Ld. arguing counsel has drawn the attention of witness towards statement written today at page No. 102 and 103 the part 'apart from them whether general public who are according to me are connected with the politics, they are saying. the Babri Masjid as Ram Janma Bhumi. Witness said that it is correct that the people who are connected with the politics, they are saying the disputed place as Ram Janma Bhumi.

Statement readover and affirmed

Sd/-
7.9.2005

Typed on my dictation by the steno in the open court. In order to same put up for 8.9.2005 for further cross examination.

sd/-
Hari Shankar Dubey
Commissioner
7.9.2005

12570

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date: 08.9.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated
25.8.2005 by the Full Bench in (Another
Original suit No. 3/89 (Original Suit No.
26/59) Nirmohi Akhada Vs. Babu Priyadutt Ram
(Deceased) & Ors.

(In order to 07.09.2005 Cross examination
of DW-6/1-1 Shri Haji Mahboob Ahmad in original
suit No.4/89, continue on behalf of Defendant
No.13/1 by Shri Rakesh Pandey, Advocate).

Question. Are you connected to the Babri
Masjid movement?

Answer. Every Muslim is connected with this
movement and I am also connected. I am party in
this case.

My interest in the disputed place is
because of the its mosque. This interest has
every Muslim. Mahant Gopal Das Ji and other
monks Saint whose name were is told by me in my

www.vadaprativada.in

yesterday statement they are connected to the Ramjanma Bhumi, whereas my father was connected since the beginning and were taking care of the mosque. After my father I made party in this case. Shri Ram Janma Bhumi is a separate place and Babri Masjid is a separate place. Above persons whose name is disclosed by me above, are connected with disputed place. Thus we all are stating that disputed place is ours. I have stated that above persons are connected with Shriram Janma Bhumi but prior to connecting with this movement also they were connected with the politics. The names of the persons stated by me in my yesterday statement at page No.116, out of them Mahant Nartya Gopal Das Ji is connected with this movement since 1986, when lock was opened. I and other persons are also connected with this movement. From the year 1990-92 they became more active. Baba Abhiramdas Ji has placed the idol in 1949. This idol was placed by him on 20-22 and 23 December of 1949 in the night. And from the said date lock was put. I have not seen Abhiramdas Ji, while placing the idol, I heard about him.

In page No.116 of my yesterday statement in third part I have mentioned the name of Mahant Ramchander Das, he is the mahant of a patti of Hanumangarhi and he is not connected with the movement of Ramjanbhumi. I do not remember in which patti of Hanuman garh he is Mahant. It is incorrect to say that above Ramchander Das was the mahant of Digamber Akhara. The above said persons stated by me to connect in politics, prior to connecting with Ramjanm Bhumi movement, they were doing politics or not, I do not know. I cannot tell that prior to above persons connecting with the Ramjanma Bhumi movement, they had political activities or not. I am connected to the Babri Masjid movement and hence connected to the politics.

Question. Since you are connected to the Babri Masjid movement and hence you are also connected with politics?

Answer. I am connected to the Babri Masjid movement and hence I am connected to the politics.

Question. Since you are connected to the politics and hence the affidavit filed by you of chief examination is also inspired by politics?

(Shri Jafaryab Jilani, Advocate, has objected this question that this question does not have any concern with the affidavit filed by the witness nor in this regard there is any issue in suit, and hence question is totally irrelevant and should not be allowed to ask).

(on the above objection Id. Arguing counsel has replied that witness has stated in para No.2 of the affidavit that Bhartiya Janta Party, Rastriya Swayam Sewak Sangh etc. earning the political gain, in view to the get power, saying the Babri Masjid as Ram Janma Bhumi, trying to set the entire country into the fire of communalism. Apart from this witness has also said that Monk of the Ayodhya, whose names are disclosed by the witness in his yesterday's statement, are connected with the politics and hence above question is fully relevant).

Answer. The affidavit filed by me has no concern with the politics.

The facts written by me in para 2 B of the affidavit, are correct, Since the day the Mosque is martyr and in that place Ramlal has been sat, nobody visit there. Viewers went from the gangway for darshan which is disputed.

Question. Whether the viewers went to the disputed place for darshan and worship?

(Shri s. Irfan ahmad, Advocate has objected the above question, that there is no dispute nor in this regard anything is stated in the affidavit, besides by the order of Court status quo is maintained at the spot. Therefore there is no justification to ask the above question , and hence permission to ask such question should not be granted).

(In reply to the above objection Shri Rakesh Pandey, Advocate has said that yesterday witness has stated in page No. 202 of his statement dated 7.9.2005 the leaders named by the witness in the chief examination apart from

this there are some people who says it Ramjanma Bhumi and the people who are connected to the politics, they says is Ramjanma Bhumi. To clarify this fact it is necessary to ask this question).

Answer. When Babri Masjid was Martyr thereafter neither there is any Shriram Janma Bhumi nor Babri Masjid. Babri Masjid is in record. There is no any record of Ram Janma Bhumi for this place, then how can I say that the people who are treated the disputed place as Shriram Janma Bhumi, is Shriram Janma Bhumi. I deny it. In which record disputed place is written as Babri Masjid, it is in record, which can be seen. But I have not seen.

Question. Can you not tell in which record disputed place is written as Babri Masjid?

Answer. The cases are pending in this case, in the record this can be seen. What can I tell about this specific record, whereas case is pending. In this regard I have knowledge and hence I am telling.

Question. Since you do not have any knowledge about the above record and hence you are not able to tell about the same?

Ans. I do not have any knowledge about this record. On seeing the cases filed by Nirmohi Akhara and Sunni Central Waqf Board, in this regard, it will reveal that disputed place is mosque or not.

It is not written in the record that disputed place is Mosque. It is incorrect to say that Babri Masjid is not written in any of the record and in this regard I am giving false statement. Vol. in case there would not be written in this regard then why this is pending today.

Area of the disputed place is may be 2. 7 bigha and the part in which Mosque is stand is 80 ft x 40 ft. in which we offered Namaz. I have filed case for the Mosque. I cannot tell that I have filed the case for whole or not. I have filed the case or 2.7 bigha.

Question. At what deep virgin land was beneath the layer of disputed place?

Ans. There was no such land beneath the Mosque, this entire land is of mosque.

My two experts remains present at the excavation site and I used to get information from them. Both the parties get information in relation to the excavation and not, upon asking this witness said that I can tell about me, but I cannot tells about others. I used to get information about the excavation from myself or through experts. I cannot tell that other parties had any obstruction of impediment in getting information about the excavation or not. I can tell only about me. Whatever the information I had about the excavation, was on the basis of myself watching and as disclosed by the experts. On remaining present at the time of excavation I had knowledge in this regard.

Question. Which party had given application for excavation?

(Shri Jafaryab Jilani, Advocate, has objected on the above question, that this question is related to the record and earlier also such question has been asked. Therefore permission should not be granted to ask such question).

Answer. This excavation is conducted on behalf of the Court. May be both the parties had given application for the excavation, but in this regard I do not know.

I am party in this case.

Question. Did any side has protested for excavation?

(Shri Jilani has objected on above question that above question has already been asked from the witness. Therefore permission should not be granted to ask this question).

Answer. According to me Mushtaq Sahab who is advocate of Hashim Sahab, had opposed the exc.. This was protested by him prior to start of excavation or later, I do not remember.

There was no temple around the disputed place. Temple was situated at some distance away.

Question. Ram Chabutra and Sita Rasoi was adjacent to the disputed place.

(Shri Jafaryab Jilani Advocate has objected that this question does not have any concern with the A.S.I. report, argument has already took place on this in 1996. Therefore permission to ask these question should not be granted).

(Above objection is replied by the Ld. Counsel that Ram Chabutra is mentioned in A.S.I. report and therefore above question is relevant).

Answer. There is a road between Sita Rasoi and Babri Masjid which are adjacent. Sita Rasoi is not adjacent to the Babri Masjid. This place is at some distance from the road. Ram Chabutra, is separate from the Babri Masjid.

Question. I had asked that Sita Rasoiya and Ram Chabutra is adjacent to the disputed place or not?

Answer. Sita rasoi is not adjacent to the disputed place. Ram Chabutra is at some distance from Mosque. May be it can adjacent or said aside.

At what distance of the disputed building which I sated 80 x 40 ft., sita rasoi and Ram Chabutra is situated, I have no idea.

Question. What is your view on the above or you do not want to tell.

Answer. I did not sit with inch tape to measure the said distance and tell.

The area of 80-40 ft of disputed building stated by me, I have seen and in the related record and in this regard is mentioned. There is record in this regard with me that in which area Mosque (disputed) was made.

Question. Have any record or not that disputed building is made in the area of 80 ft-40 ft.?

(Shri Jafaryab Jilani, Advocate, has objected that this question has been asked several times, and now there is no relevance to ask it again, therefore permission to ask this question should not be provided).

Answer. In this regard there are records, where are the records, its information can be given to the court.

Question. Can you not tell about your idea that at what distance Sita Rasoi and Ram Chabuta is situated from the disputed place?

(Shri Jafaryab Jilani, advocate has objected that this question has been asked from the witness several times, therefore permission to ask this question should not be granted).

(Ld. Arguing counsel said that witness is deliberately not giving the answer to this question, therefore it is necessary to ask this question).

Answer. I already told that I did not sit with inch tape, to tell this distance.

Question. If I say that Ram Chabutra was situated at the distance of 5 inch from the disputed place, what do you say?

Answer. Ram Chabutra was not situated at the distance of five inch from disputed place, it is at more distance.

Question. You are saying that that Ram Chabutra is at the distance of more than five inch from the disputed building, but did not want to tell the correct distance even as per idea. What do you say in this regard?

Answer. Ram Chabutra was situated at the enough distance from the building of mosque.

It is incorrect to say that I am not telling the above distance because I did not went at the disputed place. My expert can tell better about the making the pillar base by A.S.I. When A.S.I. were working in the trench, then I used to ask them what is this? They said that it is pillar base. I said that are the pillar bass are made in this manner. It is incorrect to say that I have not seen the

A.S.I. giving shape of Pillar bases. I had seen giving this shape from knife. Blade of these knives were 5-6 inch. First tranches were excavated through labours, when any works was to starts, the A.S.I. officials were using the small equipments apart from knife and did the work, whatever the name of the said equipment, I cannot tell. Apart from the pillar base knife was also used in the other parts or not, I cannot tell. Because I was not present with the all the times. After clearing the knife A.S.I. officials clean the place with brush or not, I cannot tell. A.S.I. officials and Labour were carrying brush in their hand., but I did not saw every time that wheat they are doing. When I cross aside the trench, I saw that A.S.I. employees are cleaning through brush, after cleaning from brush they also washed the said place or not I cannot tell. I used to sit with the parties, nominee, observer at the excavation site. I always not remained at the trench, what they did was not known to me. In the evening when people of A.S.I. came to Observer along with the received articles, then

people of all the parties sign in the concerned register. I used to every trench at the excavation area, but I did not see in every trench that what the A.S.I. people are doing, because it was their task.

Question. Are you always not went to the trench because, people of A.S. were quietly doing their work as per the rule?

(On this question shri Mushtaq Ahmad Siddiqui, Advocate has objected that this question has been asked several times.. Witness is misleading, At the place about 100-150 workers and 50 people of the department were remained present, work on being done in several trenches. Till the advocate will not ask his clearly for any specific trench or specific side, till then permission for asking such question should not be granted).

(Above objection is replied by the Ld. Arguing counsel that by this objection suggestion is given to the witness and way is telling hat in which manner reply is go be given. Witness has not mentioned in para 2 or

any other paras about any trench or any specific place, in which regard rules are stated to be violated. Hence this question is absolutely correct).

Answer. I am not an expert. Being the party I went there to look after and was looking after. The thing which I thinks wrong, I said it. In this regard my expert can be asked.

In which manner pillar was taken out and in which manner made, it can be stated by my expert But in my understand these are neither look like pillar base nor are.

Ld. Arguing counsel has drawn the attention of witness towards the verification part page 9 of his affidavit of chief examination and asked the following question.

Answer. You have said in second and third line of verification part that contents of affidavit of par 1 and 2 (A B C DM E) 3, 5, 7, 11, 13, 14, 15, 16 are true as per the your knowledge and study. But you are saying that in this

regard your expert will tell. Why? In this regard what do you say?

(Shri Jafaryab Jilani, Advocate has objected this question, that in this regard several questions have already been asked earlier. Therefore there is no justification of reiteration of the same questions. Therefore permission of asking such question should not be granted).

(This objection is replied by the Id. Arguing counsel that this question is for the specific question and this question is necessary for the reliability of the witness).

Answer. I have already stated in my statement that whatever is written by me in the affidavit is true and the paras 2 (A, B, C, D, E) are also true. Whatever is stated in my statement is also correct and pillar base are wrong. In this regard I have stated that my expert will tell better because they can disclose more better in this regard.

The pillar bases which I stated to be made by the A.S.I., these pillar bases were found at the disputed place, somewhere at the one ft deep from layer and some where two-three deep. The land beneath the alleged pillar bases, is some are of lime and somewhere of soil. The place where Ramlala are sitting, there is floor at the about 8 ft deep in the vase. What can I tell that at what distance below alleged pillar bases were found, whereas they were not the pillar bases. Masjid area i.e. where disputed building was situated, there A.S.I. has not stated any pillar base, They have stated pillar bases within the boundary. Area of the mosque is not so, where Ram Lala sat, this area is more than. Pillar bases are made in the area of mosque, as I already stated. Pillar of black stone are 5 and 6 in numbers which were kept at near the excavation site. One pillar is laid in the east side of the main gate in Masjid premises. When mosque was stand, it has 12 pillars. I have stated about 6 black pillars, apart from the same where are rest pillars, I cannot tell

about them that they are buried in debris or where are the same. Black pillars were installed in every door of the mosque. In the side of these door one-one pillars were installed. Thus 12 pillars were installed there. After the martyr of Mosque I had seen 6 pillars. When this building was made, I had seen 12 pillars. It is incorrect to say that rest 6 pillars are kept in excavation place and I have not seen them.

Question. Whether a article which has no life i.e. is inanimate, can it be martyr?

Answer. Demolishing of house cannot be said martyr of house. Since mosque was the house of God and hence its fall is called the martyr of mosque. Everything is of God. Everything is made by the God. Everything in the word i.e. tree, pant, animal and human all are made by Allah.

Question. Are you saying that by the falling everything in the land is called Martyr?

Answer. Whatever is in this land is of Allah. It is written in Quran that everything is Fani, will destroy and everything is happened as per the desire of God.

Disputed structure, which I am saying mosque, is also fall with the desire of God.

Question. In case fall of mosque was with the will of God, then why the protest?

Answer. The things which falls at its own and the things fall forcibly, there are difference in it, in the first case it will call the will of God whereas not in the later case. How can I assume by forcible falling that it was the will of God. By the way I say that everything is happened with the will of God.

Coming of terrorists ate near the disputed place was also happened with the will of God. Again said a thief is also called the name of God and one priest i.e. worshiper is also named the God, whatever it be treated. The terrorist martyr was also with the will of God.

Question. In July 2005 in terrorist reach at the disputed place and explode bomb or made explode from any exposure substance, then what things you said to destroyed?

Answer. Once terrorist incident is shameful and is wrong in any case, and what they will do what I can say.

In case terrorist destroy anything in the disputed place by explode then what thing will be destroyed, in this regard I cannot say anything.

Question. In case in a terrorist incident anything is destroyed by explode at the disputed place, then you say it that temple is destroyed or Mosque is destroyed?

Answer. Disputed place is the land of mosque and there is no land of temple. In case someone is forcibly said it as temple then I did not agree with it.

Question. Is any Muslim will attempt to destroy the Mosque by using any explosive substance or try to destroy it?

(Shri Jafaryab Jilani, Advocate has objected this question that it is totally irrelevant and it has no concern with any issue, thus it should not be allowed to ask)

(Above objection is replied by the Ld. Arguing counsel that witness is repeatedly saying that Babri Masjid is martyr and in this context these questions are being asked.

Answer. Terrorists do not thinks what they are doing, how many Muslims have damaged the mosque, the people who are terrorist, they can damaged the mosque< because they are Muslims only for names, in case mosque will martyr then I will say it martyr because it is the house of Allah.

Area of the mosque where prayer is being offered, this is the house of Allah. Entire world i.e. entire universe is the house of God. In case there are 10 mosques are in a city, then 10 mosques will be called house of God, wherever Namaz is offered, this is the place of Allah and entire place is of Allah.

Question. In case all the place are of God or Allah then why are you saying any specific place as house of Allah?

Answer. The manner in which Temple is a specific place where worship is being made daily, similarly mosque is also a specific place where *namaz* is being offered and this is the house of Allah.

The place where Ramlala is placed, this is place of Mosque and hence this is specific place. It is not correct that this place became unholy. Again said that I give respect to Lord Rama and every religion.

Question. The terrorist came at near the disputed place in July 2004, they could not destroy the place of Ramlal, then it has the will of God.

(Shri Jafaryab Jilani, Advocate has objected the above question that this question is totally irrelevant, and has been asked several times, therefore permission should not be grant to ask).

Answer. I am not saying how and why these terrorist came, despite that it is the will of God, which not happened is good, because everything is happened with the will of God.

Question. The black stone received from the excavation, did you try to know that in which era they were belongs.

(Shri Jafaryab Jilani, Advocate has objected the above question that this question is totally irrelevant, and has been asked several times, therefore permission should not be granted to ask).

Answer. I cannot tell that these stones belongs to which era, but when Mosque made in the year 1528 then these stones were used.

In which area such black stones are found, I do not have its knowledge. In this regard I heard. Such black stones are found in Garhwal-Kumaun area of Garhwal or not. Such black stones are not seen by me in any other mosque of Ayodhya. I have not seen such specific black stones used in any temple.

Question. Above specific stones are only used in the temples, what do you say?

Answer. The manner in which these stones are made, I have not seen such stones in any temple. So far as using in the corner of the floor is concerned, I saw him using in the temple and also in the mosque.

I have not seen anywhere using stone of kasauti.

Question. Is it not in your knowledge that that such type of black stone are used in any other temple or religions place or not?

Answer. I cannot tell in this regard.

I do not remember, A.S.I. in its report told about which ear of the rulers. In the report of A.S.I. about which era or time is written in the report. Since I am not expert and hence I cannot tell. It is incorrect to say that I am not telling about this, because I did not read the report. I have little knowledge about the history in the same manner in which others have. I read history. I have read Indian

History. Earlier I said that I have read history from stone era to the till date. I read about the Maruya, Shung, Kushan and Guptkaal or not, I do not remember. Because enough time has been lapse since I read. I do not have idea how many years ago has Maurya dynasty, Kushan dynasty and Gupta dynasty.

Question. In which year you did your B.A.?

(Shri Jafaryab Jilani Advocate has objected on the above question that this question has already been asked. Therefore permission should not be given to question again).

Answer. I passed my B.A. in the year 1965 of 1966.

The reason of not remembering the things read or heard 40 years ago is that I did not do job and I do not need these things. Hence question to remembering the same does not arise. In case it needs then it would remember to me.

A.S.I has added in his report something with the specific era, I cannot tell about these things. In this regard my expert can tell. It is incorrect that I cannot tell in this regard because I did not read the A.S.I report. I read A.S.I report when it was public I got its copy from court. And then I read it. How much time ago I read it is not remember to me. When report came , I read it. I read it about 2 years ago or not is not remember to me. It is incorrect to say that things of two years ago is remembered. I remember every thin when time came I will disclose.

Question. You said that you remember everything. Today is not the time to disclose, what do you say?

Answer. I do not want to tell anything in this regard.

Question. Did you not think that it is the correct time to disclose it?

(Shri Jafaryab Jilani, Advocate, has objected on the above question that one

question is being asked repeatedly. Therefore permission to ask the same should not be granted).

(Reply to the above question is given by the Id. Arguing counsel that when time come and he will tell, and hence this question is being asked).

Answer. I had filed objection against the A.S.I., when this thing will final by my advocate then I will tell.

After taking advice from the advocate I will tell later. Now my expert will come and I will give full report that where is mistake and on their explaining I will tell to the court. In case there were no any mistake in the report then why I will place my part in this regard.

Question. Is this fact was not in your knowledge that what error has in this report, as you said that after taking advice from the advocate I will tell later about the errors.

Answer Earlier I have stated that pillar base are wrong. Apart from this the material

12598

found in it and which has been shown by the A.S.I. is also wrong. I says that I will take the advice of expert and then tell that what is the loopholes in the report.

Without taking the advice of expert I can tell because in case I would not tell then why said that pillar base is wrong.

Question. Without the advice of expert and at your own discretion, you cannot tell about the report of A.S.I?

Answer. I can tell some things about the A.S.I. report.

Question. Can you only tell the said things about the A.S.I Report which were told to you earlier by advice?

Answer. It is incorrect.

Statement readover and affirmed

Sd/-
8.9.2005

Typed on my dictation by the steno in the open court. In order to same put up for 9.9.2005 for further cross examination.

sd/-
Hari Shankar Dubey
Commissioner
8.9.2005

12599

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date: 09.9.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated
25.8.2005 by the Full Bench in (Another
Original suit No. 3/89 (Original Suit No.
28/59) Nirmohi Akhada Vs. Babu Priyadutt Ram
(Deceased) & Ors.

(In order to 08.09.2005 Cross examination
of DW-6/1-1 Shri Haji Mahboob Ahmad in original
suit No.4/89, continue on behalf of Defendant
No.13/1 by Shri Rakesh Pandey, Advocate).

Question. Which facts can you disclose
about the A.S.I. Report.

(Shri Jafaryab Jilani, Advocate, has
objected the above question that this question
is vague and hence permission to ask such
question should not be provided).

(Reply to the above Objection is given by
Ld. Arguing counsel that witness is saying that
he can disclose some things of the A.S.I.

www.vadaprativada.in

Report, therefore it is appropriate to ask this question).

Answer. In relation to the above report of A.S.I. I can say that the statement given by Shri Atal Ji in Ayodhya that as per the desire of Paramhans, completing his dreams, temple will be constructed. This affected the report. Apart from this the material found at excavation site and the bones found and bright pottery found, they were neglected. It clearly proves that rigmarole report of the A.S.I has been filed.

Apart from this I cannot tell anything about the above report because this is the reason on the basis of which I am saying that report is false. ASI has not mentioned the bright pottery. Later in this regard objections were filed and then they mentioned it. What has been mentioned by the A.S.I. about these bright potteries, what I can I tell. I can only tell that thereafter A.S.I start mentioning it. What has been written by the A.S.I about these bright potteries, my expert can tell. I can say

about these bright potteries that this is from Muslim period and this thing was concealing by the A.S.I. officials. What is written by the A.S.I. about it I cannot tell. I cannot tell A.S.I. has mentioned that above bright potteries were belongs to which era, or not. But these bright potteries are from Muslim period. I have seen these bright potteries. These bright potteries were found in broken condition. It appears from seeing that these are the piece of potteries. In case above is added then it will be the shape of a plate or Lota. No such glazed ware was found which was in whole. Since they were buried in debris, and hence were in broken condition.

Question. This glazed ware were of which metal?

(Shri Mushtaq Ahmad Siddiqui has objected on the above question that Ld. Arguing counsel has arguing about the potteries, are asking that there potteries are of which metal. I think, asking such question is for misleading the witness. Asking such question is contrary to the obligation of advocate. Therefore

permission of asking such question should not be provided).

(Reply to the above question was given by Ld. Arguing counsel that I have not mentioned potteries in my above question. Counsel for objector has answered this question in the suggestion.

Answer. They were made from soil which are panted. These bright potteries are called glazed ware.

Art of making such glazed ware was start in Mughal period. Mughal period starts in the year 1526. Earlier also was the Muslim period, in which such potteries were being used. Prior to the Mughal period how many ago use of these potteries were stars I cannot tell. So far as I think its use was starts in year 1200. This art of making the potteries was in India, because there was Mughal ruler. This art is not come from any other country or not I cannot tell. Such types of pottery were found in Mughal era, from which it is clear that Muslim were living in that area. It is also clear that Muslim

reside there and it was their Mosque. Because where the Muslim resides their prayer house also remains there.

Question. The lives of Muslims can be judged by pieces of pottery?

Ans. In Muslims house pottery is considered as Sunnat and hence I am saying that these pottery were of the use of Muslim. It is less used by Hindus and they are being thrown.

Hindus are also using such pottery. On the occasion of fair in Aydhya pottery is being purchased by both Hindu and Muslim, but Hindus throw it after using the same, whereas same are used in Muslim. My conclusion is not based only on above, but I said it as an example.

Question. You said in the above statement that Hindus are also using the glazed ware, then on which basis you said that Muslims reside there?

Answer. Apart from the reason it is the also reason that most of the Muslims i.e. 90% Muslims used meat and found of bones at the

disputed place which clearly reveals that there was Muslim population.

It is incorrect to say that the glazed ware received from the disputed place they were used by the Hindus and by throwing the ware are using, they were in pieces.

Question. Glazed ware which are found in the excavation they were not found in whole, this is the proof of fact that there was no Muslim population because according to you Muslims did not broke the glazed ware are using and kept in safe, what do you say in this regard?

Answer. Excavation was being conducted at the excavation site after long years. It is not possible to found whole potter. There everything is found in piece. Apart from this food cannot be cooked in the glazed ware.

In the report of A.S.I. glazed ware is mentioned or not, I cannot tell. It is incorrect to say that I am not telling because I did not read the report of A.S.I.

I understand the structural base that which is made from pillar bases, is called structural base or pillar base. In reference to the disputed structure, structural base is the same meant which I have stated above. Structural base is the same which is stated by me that it make by cutting the pillar base.

Question. What was the structural base of Babri Masjid (disputed structure) ?

Ans. It clearly reveal that walls are found from excavation site on which Mosque was stand. Foundation of the mosque is on it. There are walls around which is called structural base. Apart from the above nothing is come in the structural base.

Floor of the disputed building was 5-6 inch thick. Floor is one but in case floor is deteriorated then new floor is put over the same. This floor is made by lime and gravel. In this period same was used in making the floor. such type of floor is called single or double. I do not remember that any other floor was below the floor of disputed building or not.

There was floor of mosque below the pillar base, which the A.S.I wanted to cut and made pillar base. There was no floor below the pillar base. There was soil which was cut and wanted to make pillar base which is wrong. I have already stated some where there was floor below the pillar base and some was soil floor. The place where there was floor below the pillar base, how thick it was I cannot tell, but it was floor, and not the pillar base. In this regard I am not expert. The thing which the A.S.I has said pillar base , this is not a pillar base. A.S.I has said no pillar base is of similar size. A.S.I has made 20-22 pillar base, somewhere 2 ft and somewhere 3 ft. I am telling as per my idea. The pillar base made by A.S.I. it was made by breaking lakhori brick and stone. I have not seen using of any mixture in these pillar base.

Ld. Arguing counsel has drawn the attention of the witness towards para 14 of the affidavit of his chief examination which is read and on questioning to the witness he said

that the fact of breaking the structural bases is mentioned in fourth and fifth line of this line. For which structural this is related is not remember to me. Because there are several structural babes like this. I have seen several times this. It is incorrect to say that in this regard the objections were made, in this regard I have no knowledge. It is incorrect to say that in this regard without having o know I have written these facts in the affidavit.

Ld. arguing counsel has drawn the attention of witness towards para 15 of his affidavit of chief examination and asked the following question.

Question. You have written in para 15 of affidavit of chief examination that A.S.I. has dare to show forged pillar base, please tell that which mixture i.e. surkhi, lime etc. articles were taken by the A.S.I at the excavation place for making pillar base, and made there.

Answer. A.S.I official did not bring surkhi, lime or any other things at the excavation

site. The people who were excavating, they directs to labour to excavate in the manner that it can be given base of pillar base. Hence I am saying that they were not the pillar base and A.S.I. have falsely shown it. This suggestion would be given

by Shri S.P. Gupta and hence this report is written false.

Floor of the mosque which I stated to be 5-6 inch thick, this is made with red lime. There was only surkhi and lime in the floor, which was put over the small ballast. How many small these ballast were, I cannot tell. I can even not tell the size of ballast from my the idea. Whole brick is not used for making the floor. breaking the bricks the manner soil is made, and making plaster over the ballast, floor of surkhi, lime is made. In the walls adjacent the floor lakhori bricks were used. Lakhori bricks were used in the wall. The wall of the disputed building seen by me, was made from lakhori brick. When this mosque was stand then I saw and when it was fall then also I

saw. When excavation was start then also I saw. At that time I saw that wall of the disputed building is made from lakhori brick. Plaster was applied in these walls. Somewhere plaster was broken, which reflects that wall is made from lakhori brick.

Ld. arguing counsel has drawn the attention of the witness towards colour album picture no 200C-1, picture No. 34 and 35, and after seeing the same witness said that a long rock is seen in the picture, this was of stone. This is not made with lakhori brick. In picture No. 34, big stones are seen in small size. These are pieces of stone. They are not made from lakhori brick. The things seen in picture No. 34 they also are not made from lakhori bricks.

In picture No.33 stones are seen and lakhori bricks are also seen. The brick seen in picture No.33, this is lakhori brick and it is not called gumma.

Ld. arguing counsel has also drawn the attention towards picture No.72 of this album

and witness said that in this picture the place is shown, what is it called I cannot tell.

I saw Kaushalya Rasoi. The manner in which picture No. 72 is seen, I did not see there in this manner. Again said what was made after putting lock in the mosque, I cannot tell. It was not so at that time when I had seen that place, at that that it was in the north side of the mosque. The place showing at picture on. 72 is also disputed. This is the part of disputed area. In the south side wall of mosque is seen. In this picture plaster of this area is seen broken. Lakhori bricks are also seen there.

Seeing the picture No. 77 of this album witness said that in this picture also in the part of broken plaster lakhori bricks are seen.

I have told in my statement that have friendship with the saint of Ayodhya. I lives in Ayodhya and hence I have relations with them. I went to Nirmohi Akhara and Digamber Akhara. Mahant of Digamber Akhara was Mahant Paramhans Das Ji, Jagmohan Ji and Bhaskar Ji in Nirmohi Akhara. Bhaskar Das Ji is paramount. I

have seen lakhori bricks and gumme in both the Nirmohi Akhara and Digamber Akhara. Kaushalya Rasoi was seen by my first time when I was 9-10 years old. There was no any dispute about Kaushalya Rasoi or not I cannot tell.

Question. You said that I had seen Kaushalya Rasoi first time when I was 10 years old. In this regard you said that this place was not disputed. You have not heard any dispute about this place then why you saying it disputed?

Answer. The place which is called Kaushalya Rasoi, was the area of the masjid where we offers Namaz, whereas this place was the area of masjid and what was this place or not, in this regard I cannot tell, and hence I have given above statement.

Sita rasoi is also separate. But people also called Kaushlya Rasoi as Sita Rasoi. Below the place of Kaushalya Rasoi may also was excavated. May be means I am not sure for it. It is incorrect to say that I do not have knowledge of entire are and hence I am not able to tell about this. I have knowledge of

everything of there. In the north side of the disputed place, there is stair at the side of road, which we used to access the disputed place. This stair is adjacent to the road. This road goes from Dorahi kuan to Hanumangarhi.

Ram Jana Sahthan Mandir is separate from Sita Rasoi. This temple is adjacent to the disputed premises, aside the road in north side. The road is beside to the disputed premises, its width is 10-15 ft. and adjoining to the same above birth place temple is situated. When I went to the disputed premises at the age of 10 years, at that time worship was not offered at the Sita Rasoi. People only called that place as Sita Rasoi but nothing was happened there. I never say offering floor leafs there.

Question. Was there any chabptura at one side of the disputed place?

Ans. This Chabutra is outside the courtyard of mosque.

At that time i.e. when I was 9-10 years old, at that time people called it Ram chabutra, but I have seen there while worshiping. Who comes at that place I do not know, but know that this place is called Ram Chabutra;. This place was outside of courtyard of Mosque. I do not know that there were more adjoining temples in that place. I have not seen adjoining temples at that place. I have seen Ram Chabutra. It is incorrect to say that Ram Chabutra, Kaushalya Rasoi religious place of the Hinuds were adjoining, rather it is correct that this is the area adjoining to the mosque. There was a vestibule outside the area of Mosque, in which at one side Chabutra is stated to be located, which still today says so.

Ld. arguing counsel has further drawn the attention of the witness towards para 13 of the affidavit of his chief examination. According to me the land inside the mosque or floor was cut and people of A.S.I. have tried to made it as pillar base, but they were not pillar base.

Whatever I have stated in para 13 of affidavit, is correct. I have stated in para 13 of the affidavit of chief examination that 'alleged pillar base which were stated to be found inside the boundary of mosque' my mean is alleged pillar base were in the boundary wall of Babri Masjid. Boundary my means boundary of Mosque. Boundary is still exists. In the east of this boundary there is vacant land and at some distance there is temple. In the west side of boundary wall has mounds and vacant land and my land. In North side Kabristan and road and in south side another Kabirstan. Earlier also this boundary was available and still exists. In the north side of the boundary kabirstan is still situated. Entire south said was Kabristan, which has been destroyed by bulldozer. This is kabristan in record. I cannot tell if outside the boundary is recorded as Kabristan. South side land of the boundary is recorded in the record of Nazul and Tehsil as Kabristan. These records of Nazul and Tehsil are of Faizabad district. In which khata number this is recorded, I do not know. It incorrect to say

that I do not know that in which form above land was recorded. It is also incorrect to say that I have said things at my own and it is the produce of my mind. Temple and Kabristan can be adjoining. Various temples are adjoining to the kabirstan. Mosque and kabristan can also be adjoining.

Question. You said that by cutting the floor pillar base is made, and floor was made by small ballast. Thickness of the floor is stated at 5 inch. Height of Pillar base is stated to 3 ft. then tell that cutting the floor of 5 inch, how can 3 ft pillar can be made.

(shri Jafaryab Jilani Advocate said on this question that statement of the witness has been placed by distorted, therefore without confronted the statement question cannot be asked in this regard).

Answer. When excavation of the trench is made through labours, then below of the floor is also excavated and from below of the floor shape of pillar bases is given which is wrong.

Various pits were excavated which were excavated upto enough deep.

I have already stated that the place where floor was not found, there also soil was excavated and tried to make pillar bas and which were not pillar base, and which were upto the height of 4 ft. in which also soil layer or floor thick is included.

Big stones were found at the excavation site, the mosque were demolished in which stones were found which were kept separately.

Ld. arguing counsel has drawn the attention of witness towards para 8 of the affidavit of his chief examination. Witness has after reading said that in this para the stone received from the wreckage in which I had seen picture were made and flower and leafs were made by carving. There was a stone in which aayete of quran were written and 'Allah' was also written and was kept there in safe. I have knowledge of Urdu, Farsi, and Arbi. And also read the Ayate. And I can read and tell the same. I only remember that 'Allah' was written

in a stone. I have not seen any such stone, in which idol of God Vishnu was made. How many Ayaten were written. I can only tell that Aayten were written in that stone. These Aayten were written in width. How many lines in it I do not remember. Since width of stone was two yarn. Word of Ayat were thick in Haruf. This Haruf was in the form of cutting of stone. I have not seen any other picture apart from flower leafs on the stones received from the excavation site I cannot say anything about this that someone has digged picture in the stones. After 1949 it was difficult to do so, because it was kept as a record. At the time of excavation after 12 March 2003 it were found, I had seen it in which Aayte were written. I had seen flower leafs in black stone and not seen else.

I cannot tell in this regard that about found of black stone I have stated in my statement, this is found in the temple constructed by Garhwal dynasty or not. Such block stones are used in any mosque or not in

this regard I cannot tell. It is incorrect to say that the black stone of kasoti are not the black stone of mosque I know the subject burned brick. When its trend was starts I do not know. I can only say that in the year 1901 we had kiln and such bricks were made. Brunt brick was used in the mosque which I have seen. In the year 1934 a riot was happened in Shahahanpur. At this time damage was caused in the mosque and its one dome was demolished. At that time fine was imposed to the people and govt. has got repair the broken part, in which brick of my kiln were used. I was born in 1934, but when in March 2003 I saw the above brick at excavation site. I said that this brick is of my kiln as mark was made in it. I know this thing at the place of excavation. At present I do not have kiln. A.S.I.has written in its report or not that burnt brick were used in the Pillar base. In this regard I do not have knowledge. Apart from the dome in the mosque bricks made in my kiln were used or not. I have not seen. I was not involved in the demolition of the disputed building. I have seen

12619

demolishing the mosque. It is incorrect to say that I am telling concocted thing about my kiln.

Statement readover and affirmed

Sd/-
9.9.2005

Typed on my dictation by the steno in the open court. In order to same put up for 12.9.2005 for further cross examination.

sd/-
Hari Shankar Dubey
Commissioner
9.9.2005

www.vadaprativada.in

www.vadaprativada.in

12620

**BEFORE Hon'ble SPECIAL FULL BENCH, HIGH COURT
LUCKNOW**

12.9.2005

DW-6/1-1 (HAJI) MAHMOOB AHMAD

(In order to 09.09.2005 oath cross examination of DW-6/1-1 Shri Haji Mahboob Ahmad in original suit No.4/89, continue on behalf of Defendant No.13/1 by Shri Rakesh Pandey, Advocate).

I have stated in my statement that A.S.I. has broken the floor and on the ground the pillar bases and shown. I have stated this fact in para 14 of my affidavit that alleged structural pillar base be broken because on this attempt is made to sow forged pillar base. Again said there is no any pillar base. I had objected to broke all the pillar base, because they are not pillar base. Again said pillar base which came within the scope of Mosque, I asked to broke them. It will be incorrect to say that I had told to broke the pillar base so that there would not be any evidence at that place. The objections raised by me regarding the pillar bases, same are mentioned in para

www.vadaprativada.in

No.14 of my affidavit. Apart from the above objections I have also made objections regarding bones, bright pottery which came out in the excavation etc. etc. I have three objections regarding pillar base, which are mentioned in para 14. Apart from this I also orally objected during the excavation. The objections jar mentioned by me in para 14 of the affidavit, in this regard some more objections were made during the excavation but same were not made by me. It is correct that in the last statement given before the Court I have stated that lakori bricks were used in the building. In para 7 of my affidavit I have mentioned that mixture between two bricks were scratched and made parnala. There would be gap of 3-4 inch in between these bricks and same mixture was made parnala by scraping. Again said I had objected for scraping by people of A.S.I. Gap between the two bricks of above parnala was less, which would be 1 or 2 inch, which were broken. In between the bricks of alleged Parnala, mixture of 3-4 inch was at the

same place, which was scrapped and made Parenala. There was gap in the rest place.

Question. I say that you have stated in para 2C of the affidavit that A.S.I. has to please Shri Lal Krishan Advani and Atal Bihari Bajpai and top leaders of B.J.P., gave this report, then in case any Prime Minister, who says this in the election campaign that my party will come in power and then his party come in power, then credit of this victory shall be given to the Election Commission ?

Answer. Election Commission has no concern with the present dispute.

It is incorrect to say that the facts stated by me in my affidavit, I do not know about the same. It is also incorrect to say that these facts are stated by suffering from any prejudice and under influence.

(Cross examination on behalf of the Defendant No.13/1 in another original suit No 5/89 by Shri Rakesh Pandey, Advocate, is closed)

(Cross examination on behalf of suit No. 5/89, by Shri Ved Prakash, Advocate.

X X X X

Place of Haj is makka moazzama, which is in Saudi Arab Country. Stitched clothes are not wear in the Hajj rather Ihram is ware. In the Hajj, haji tied open lungi and put a separate sheet over the body. In the Hajj, Haji is not tied the stitched lungi. It is correct to say that Haji was treated the hajj place as holy. At the time of Haj travel no oath is taken at the holy place and only dua is requested. After the Haj travel there is no any trend that Haji should keep the beard or ware paijama above the knee. It is correct to say that it is crime for the Muslim voters to grab the land property of each other.

It is correct that after the death of my father I impleaded as party in original suit No. 3/89 in place of my father. In my sense I know that there was a mosque at the disputed place and if below which there were any construction like idgah, kanati mosque etc. I

do not have its knowledge. I have written in my affidavit that the objections filed against the A.S.I. Report, I agree with the same. In the objections filed against the A.S.I. report, Idgah or Kanati Masjid is not mentioned, rather wall of the idgah is stated. I have seen these walls at the time of excavation and thereafter first time. It is correct to say that prior to the excavation I do not have knowledge to the fact that below the Mosque there was no wall of Idgah or Kanati Masjid. At the time of excavation I had not seen Kanati Masjid and hence I cannot say that Kanati Masjid was below it or not. At the time of excavation I had not seen mosque below the disputed place. In this regard there is no any doubt that Masjid is very holy and is house of Allah.

Attention of witness is drawn towards the report filed against A.S.I by the Sunni Central Waqf Board, in para 4 (11), and asked;-

Question. Was Ball-14 was found in the excavation and other found construction in

which taakh etc. were, any mosque or idgah were broken and constructed the Babri Masjid?

Answer. I heard from some expert people that from below this mosque ball and moldings Babri Masjid or structure of below of Idgah, and there was no any temple below it. Babri Masjid was not constructed by demolishing any of the construction. The date when court has ordered for excavation on that day Prime Minister of India was shri Atal Bihari Bajpai and till the filing of A.S.I Report he was Prime Minister. During this B.J.P. was not in the centre rather was govt. of mixed parties. It is correct to say that in these mixed parties some parties were against the proposal of making temple at the disputed place I had not made complaint against these parties that A.S.I. gave their report because of the influence of leaders of Bhartiya Janta Party. I do not know appointment of A.S.I. was made by the Court or not. At the time of appointment of A.S.I. Govt. of Shri Atal Bihari Bajpai was in the Centre. At that time I had no doubt in the fairness of A.S.I.

During the excavation when A.S.I. has start removing Pillar bases, then I had doubt on his fairness and raised objection. According to me here were no pillar base below the disputed place in excavation. It is possible that I have objected only against 19 pillar bases. It is correct that I have filed objections against the pillar bases on 21.5.2003 and 23.5.2003. In these two dates apart from me , any other had not filed written objections, but orally observer has said that they are not pillar base and are forcibly shown as pillar base. I only knows that as per the order of Court it was necessary to file only written objections. It is incorrect to say that I was making oral objections so that work of the A.S.I. be interrupted.

I do not know who makes appointment of officials of A.S.I. I do have knowledge that A.S.I. is a organization whose officials and employees are giving salary by Govt. of India.

I have not seen officials of A.S.I while excavating apart from the disputed place. I

also not have knowledge to the fact that it is the claim of Hindus that Babri Masjid was constructed by demolishing the temple. This fact was not in my knowledge till 1949. But in 1949 when Hindus had kept the idols insides the Mosque then first time I came to know that that it is the claim of Hindus that this disputed building was constructed by demolishing the temple. It is incorrect to say that in the year 1949 and thereafter claim of Hindus was correct that Mosque was constructed by demolishing the temple.

(At this stage by the order of the Court cross examination of the witness DW-6 1/1 (Haji) Mahboob Ahmad is deferred. Parties will be informed later for further cross examination.

Statement readover and affirmed

Sd/-
12.9.2005

Typed on my dictation by the steno in the open court.

sd/-
Hari Shankar Dubey
Commissioner
12.9.2005

12628

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date:19.10.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated
30.9.2005 by the Full Bench in (Another
Original suit No. 4/89 (Original Suit No.
28/59) Sunnil Central Board of Waqf, Uttar
Pradesh Vs. Gopal Singh Visharad & Ors.

(In order to 12.09.2005 Cross examination
of DW-6/1-1 Shri Haji Mahboob Ahmad in original
suit No.5/89, continued by Shri Ved Prakash,
Advocate, on behalf of plaintiffs)

Question. When excavation was conducted in
your house, was Lakhori bricks were found ?

(Shri Jafaryav Jilani, Advocate has
objected on the above question. that this
question is vague and hence permission for
asking the same should be provided).

Answer. Excavation never took place in my
house.

Ld. arguing counsel had drawn the attention of the witness towards his statement dated 7.9.2005 at page No.113 sixth line and 7th line part "my house was excavating with the help of spade and knife. Witness said that I have given this statement in relation to the excavation conducted in the trench. I have not given statement that excavation was taking place in my house with the help of spade and knife, rather excavation was taking place at disputed place. This statement is written wrongly that excavation was taking place at my home. Since I have not given above statement and hence I cannot tell that this statement was typed wrongly with the mistake of typist or on the dictation of my special officer this mistake was happened. Again said I only stated that excavation was took place in trench. This excavation was being taken place by the A.S.I. with the help of knife and spade. I understand difference between knife and dagger. Knife is of a small size and people used it for own, but dagger is used for cutting of fruit and vegetable. The knife being used by the A.S.I.

it was like dagger and its blade was of 6 inch, The knife being used by the A.S.I. it bade was straight or some turn. I cannot tell But it was dagger type. It is incorrect to say that I have not seen the knife of A.S.I. during the excavation

I have been seen Lakhori brick and gumma both (Witness said that this question has already been asked). Lakhori brick is about 5-6 inch long and its width is about 1 inch. Although this brick is found in different size, the lakhori brick seen by me its thickness was maximum 1 or 1 $\frac{1}{4}$ inch. Gumme are not of the same size. Separate gumme are being made in the different kiln. I have seen at least 10 inch gumma. Length of gumma is 9 inch or 10 inch. Thickness of gumma is about four of five inch. Width of the gumma is also around 4 inch. Babri Masjid was made by Lakhori brick: The place where plaster of Babri Masjid was broken, there lakhori brick was looking, as seen in picture No.33 and 34. I cannot say that stones are seen in above picture 33 and 34, they were used in

the walls of disputed building of not. In the year 2003 excavation was conducted in the disputed place in which the stones as shown in the picture No.33 and 34 of the trench were looking. Similarly I saw a trench. I do not remember the number of that trench. This trench was situated in the south side at excavation site I am not telling that the photo showing in picture No.33 and 34, are from the said trench or not, but similar stones were seen by me at the time of excavation in trench. During excavation I have seen such stones. The walls seen in picture No. 33 and 34 was seen by me at the deep of about 8-10 ft from the layer of land, where excavation was took place. It is incorrect to say that these walls were the temple walls. Again said that question of existing of any temple there does not arise. I am not telling that the wall shown in picture 33 and 34, this was the wall of Idgah or not. The wall shown in picture No.33 and 34, this is not the wall of below the disputed building, because this wall is found on the south side of the disputed place where there was courtyard.

This land was under the mosque. In picture No. 3 and 34 the type of part is shown , this type of part was seen by me, in which lakhoti bricks were used. And small and big stones were also visible used. The part visible in picture No. 33 and 34 would be a part of any old building. This building was not the part of mosque and was separated from the same. It was part of any building. I cannot tell which building part was it. Again said it was not the part of any temple. Since mosque was there and taakh was found there would be old colony and on the basis of which I am saying that this wall was not the part of any temple. Witness said that since Ld. arguing counsel is stating it as part of the temple and hence I am saying that it is not the part of temple. Since mosque was there on which courtyard of the mosque was there, therefore this wall was the boundary wall of mosque. On seeing this Wall it appears that this is the boundary wall of mosque. Since excavation not took place ahead thi and hence I cannot tell the length width of the wall. The wall I had seen in the trench, this wall was

about 7-9 ft long. I cannot tell the width of this wall. I cannot tell even by idea. In this regard A.S.I. official can tell.

Question. Did I understand that the disputed building demolished, its below 10 ft. boundary wall was made?

Answer. The mosque martyr , its wreckage would be 10 ft high, what is beneath it I had not seen because excavation not took place below this wreckage.

Question. Disputed building which has fall, was its boundary was made 10 ft. below of the surface (floor) of this building.

Answer. The mosque martyr, its boundary was 10 ft below the building or not, I do not remember.

Witness again said that in the above picture 33 and 34 the stone of wall are seen, I have seen them 8-10 ft below the surface of land in the excavation.

I have not seen the above part shown in picture No. 33 and 34 in the disputed building,

because this part was seen separate from the disputed building, in the boundary of the disputed building.

My father used Haji before his name and he do so because he went to Hajj. My father went Hajj in 1952 and earlier also. They trevelled 5 times Haj during his life time. Prior to 1952 when my father went for Hajj I cannot tell, but I am telling that he went Hajj in the year 1952 because at that time I also went with him for Hajj. The time my father first time went for Hajj, I cannot tell that time even for my idea because till that time I was not born. I cannot tell that when my father went Hajj for second time. At that time I was small. My mother did not went with my father for hajj. I cannot tell when my father went third and fourth time to Hajj. My mother also went Hajj three times. My mother used Hajjan before her name after her going Hajj. When in 1952 my father went to Hajj at that time I and my mother also went with him for Hajj. In my house, my father, my mother my elder brother and chacha, Haji Fayak Sahab went

to Hajj. My elder brother is 10 -12 years older than me. My elder brother would know better than me about the disputed place. He is elder to me. He not remained well. I am seeing my brother rill from the last 10-15 years. He is continued under treatment. It is incorrect that my elder brother is 15-20 years older than me, rather he is 10-12 year older than me. It is incorrect that I am giving false statement about the age of my brother. He is only 10-12 years old than me. It is also incorrect to say that my brother is not ill. He remained ill from the last 10-15 years. My elder brother is also party in this case. It is correct to say that my elder never came in the context of this case. It is incorrect to say that he clearly said that I will not come to court for telling lie. Again said when cases was pending at Faizabad, then case was contested by my chacha and big brother and Hujur Shaba, Fayan Sahab and Acchan Mihan. It is incorrect to say that all the Muslim henchman in Ayodhya and Faizabad, they all are of my family. I do not remember that when this came to Lucknow High

Court from Faizabad. Again said in 1996 I came to court on summoning by the court for giving evidence. I know it only. It is correct to say that in the year 1991 I had no knowledge about the cases pending in relation to the disputed place. I do not know that this case came from Faizbad to High court in the year 1989 or not. Name of me and my brother came as a party in the suit after the death of my father, but when it was happened, I do not know. In the year 1989 health of my brother remained deteriorating. When my elder brother went to hajj I cannot tell. It is incorrect to say that since my father used Haji word before his name, and hence I also start using Haji word before my name. again said the people went to Hajj, there is govt. record in their regard. It is incorrect to say that my brother using haji word before his name because my father was using Haji word before his name rather it is correct that he did Hajj and hence he used Haji word before his name.

Question. People went to Hajj for which purpose?

(Shri Abdul Mannan Advocate, Shri Jafaryab Jilani, Advocate and Shri Irfan Ahmad, Advocate has objected on the above question that it is totally irrelevant and cross examination is being conducted in relation to the excavation. Therefore permission should not be given for asking such question).

Answer. In case any person is able to did Hajj, then he should did Hajj. Doing Hajj is a obligation. Who has money, hajj is duty.

Question. Money is not only important for doing Hajj, rather haj is did for bringing holiness in the life. In this regard what do you say.

Answer. In case any person has capacity then Hajj is duty for him . His children can also did Haj. In this regard this thing is not applicable that sin person who did sin go to Haj then his sin will be washed.

I understand the meaning of entitlement. Entitlement means, clean, honest, do not sheer to others and not do any evil, under which not telling lie, do not make to tell lie and to understood the human. Under which it also come not to accuse any person without any reason.

Question. You have stated in page 105 of your statement that on 2 August 2003 in the tribute assembly of Ramcander Paramhans, Shri Atal Bihari Bajai etc. leders have given speech. Thereafter A.S.I officials have changed their attitude and on the basis of which prepared their report. Prior to 2 August 2003 were you fully satisfied with the work of A.S.I.

Ans. prior to 2.8.2003 whatever the work undertaking by A.S.I in which they were doing little wrong, After the speech given by the Prime Minister of India, that I will construct Temple at the disputed place and will fulfill will of Paramhans and Mandir will construct there, inflecting from the same they start working against. Again said where there was no

pillar base they start making pillar base there.

Question. According to you when first pillar base was found by A.S.I.

Answer. When there was no any pillar base within the boundary of mosque then question of found of any pillar base does not arise.

At the excavation site wall was found in the west side. I cannot tell what was the length, of wall. It was 1000 ft long or not. Length of this wall was in south- north direction. It incorrect to say that the wall found in west side, I have no concern with it. I have concern with this wall. From compound of mosque, m means because this area was of mosque. This wall was of the compound of mosque. This is the boundary of mosque. West wall is the boundary of mosque. Disputed building i.e . mosque was 80 x 45 ft. Apart from this 80 x 45 ft. other was also the part of mosque. It was the part of the mosque in which namaaz was being offered. Asad Masjid was

80 ft. long in south-north side. In East-west side it was 45 ft.

Question. The wall found in the west side, which was north-south side, its length was 150 ft?

(Shri Mushtaq Ahmad Siddiqui, Advocate has objected on the above question that this question is asked for misleading the witness, when and where wall was found, till it is not mentioned, till then answer of such question cannot come. Therefore be not allowed to ask such question).

(In reply to above objection Shri Ajay Kumar Pandey, advocate has objected that witness himself is a party and he was present there during the excavation. It is also his statement. Witness has given statement about the asked question. Hence after the question giving details of the wall is not necessary).

Answer. I already told that what was the length of wall, I cannot tell. But the main

mosque was, in which namaz was being offered, it was 80 x 45 ft.

Question. The Wall found During the excavation of west, and which length according to me, is north-south 150 ft. in which apart from the 80 ft long north-south part of original mosque, the rest part is , you people have no concern about it, in this regard what do you say?

(Shri Jafaryav Jilani, Advocate, has objected on this question is vague and mixed, several questioned asked together. Therefore permission for asking the question should not be granted).

Answer. It is incorrect to say that I have no concern with respect to other part, rather it is correct that this is the compound of mosque and is part of the mosque.

Statement readover and affirmed

Sd/-
12.9.2005

Typed on my dictation by the steno in the open court.

sd/-
Hari Shankar Dubey
Commissioner
12.9.2005

12642

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date:19.10.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated
30.9.2005 by the Full Bench in (Another
Original suit No. 4/89 (Original Suit No.
28/59) Sunnil Central Board of Waqf, Uttar
Pradesh Vs. Gopal Singh Visharad & Ors.

(In order to 12.09.2005 Cross examination
of DW-6/1-1 Shri Haji Mahboob Ahmad in original
suit No.5/89, continued by Shri Ved Prakash,
Advocate, on behalf of plaintiffs)

Statement readover and affirmed

Sd/-
19.9.2005

Typed on my dictation by the steno in the
open court. In the same order put up for
further cross examination for 20.10.2015.

sd/-
Hari Shankar Dubey
Commissioner
12.9.2005

12643

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special
Executive Officer High Court
Allahabad, Lucknow Bench, Lucknow.

Date:20.10.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated 30.9.2005 by the Full Bench in (Another Original suit No. 4/89 (Original Suit No. 28/59) Sunnil Central Board of Waqf, Uttar Pradesh Vs. Gopal Singh Visharad & Ors.

(In order to 12.09.2005 Cross examination of DW-6/1-1 Shri Haji Mahboob Ahmad in original suit No.5/89, continued by Shri Ved Prakash, Advocate, on behalf of plaintiffs)

Ld. arguing counsel has drawn the attention of witness towards A.S.I report (texts page 48-A. witness has seen it and said that I am not understanding this site plan. I did B.A. In 1965-66. I pass High school examination in 1961. Ld. arguing counsel has drawn the attention of witness towards his statement given on 2.9.05 page 54, first para . Witness said that this time I do not remember that in the High School Certificate what my

www.vadaprativada.in

date of birth is written. Again said now I remember that my birth year is written in it 1944. When I had passed high school at that my age was 22 years. Again said my age at that time was more but it was shown less in certificate. In Certificate my age was shown about 6 years less. I was born in Ayodhya in 1938 I was born on 1938. In this regard documents can be found in Municipal Corporation Faizabad. My house was burnt in 1992, therefore in case there was any document for date of birth then same would be burned. Certificate of class 10 was saved, which is still with me. My documents were kept in one place, but some documents were kept in another place, out of them some were saved. In the year 1992 my whole house was burned, but some part was saved. The high school certificate which was safe, was kept in the almirah of Godrej. Godrej almirah was kept in the room of my wife. Its handle lock was broken. On 6 December 1992 my house was also burned and also looted. At that time all the houses of Muslims in Ayodhya, besides 2-4house all houses were burned and looted. On

that date houses of Muslims were burned and 2-4 houses were saved, they were also followers of Islam. I do not have licensed gun. My brother has licensed gun. Whenever brother required he used the licensed gun. My brother was ill prior to 1992. On 6 December 1992 he was not able to use gun, he was lying on cot. It is incorrect to say that I used to walked on the roof taking the gun of my brother. My brother was living in old house. I reside in the house at in front of police station. My house is at tedi bazaar road. Beside the road PS Ram Janma Bhumi i.e. police station is adjacent. My entire house is on the back. I touch the gun of my brother. I did not use gun of my brother. It is incorrect to say that when I use gun then I used without licensed gun.

Question. Do you have pain of this fact that your name is not in A.S.I. Report ?

Ans. I do not have any trouble.

Ld. arguing counsel has drawn the attention of witness towards his statement given on 2..9.05 at point I was present at the

excavation sitesuffer pain on coming the report". Witness said that I had hope that A.S.I. report would be correct. There no such thing was taken out in the excavation which was in favour of the Temple. A.S.I have written in the report that some facts are found in the excavation which give ideas that there was a Mandir there and hence I suffer from the A.S.I. report. Because despite of not having anything, A.S.I. have written in this regard.

Question. Did you mean to say that A.S.I. has excavated for six months and nothing was found apart from soil ?

Ans. Terracotta were found in the excavation , bright pottery and coins were also found in excavation. Apart from ayat of Quran written on the stone and Allah written was found. Apart from this pendent was also found which clearly shows that apart from the mosque nothing was there. I did feel pain by these things that A.S.I. has not written report as per my will, rather feel pain because they have not written truth rather written in rigmarole. In case

nothing was found in the excavation pertaining to mosque, then despite that A.S.I. would write the mosque in their report, then also I would feel bad. I know that what is the order in relation to excavation. It was ordered by the court that whether there is any construction of building of temple below the Mosque, which was not found there, because there is nothing apart from mosque. It was not the order of court that mosque is made by breaking the temple or not, report be file in this regard. Court has not made any issue in this regard nor in this regard I have any knowledge. I have not given any application after the excavation order by the court or thereafter that there is no any mosque below the masjid.

Question. You did not give any application because you thinks that babri masjid was made on the plane land? What do you say?

Ans. When Mosque is made, it is made on the plane land. Apart from this land is the holy land and Mosque is not made on the disputed land.

It is correct that when Babri Masjid was made then any temple, or any other construction was not demolished.

Question. Whether this type of statement was given by your leader Shahbuddin?

("Shri Jafaryav Jilani, Advocate, has objected on above question, that alleged statement of any other witness which is not on record, in this regard permission should not be granted to ask the question).

Answer. Sayyed Shahbuddin is not my leader nor I know what statement was given by him.

Sayeed. Shahabuddin is also connected with the Babri Masjid movement, because every Muslim is connected with this movement. Our Tanjee and whose name is Bari Masjid Action Cmmittee,, Sy Shahbuddin is not connected with it.

Ld. arguing counsel has drawn the attention of witness towards his affidavit of chief examination Annexure 2- Part " Singhal sed.... Shahbuddin..... was built over a temple. Witness has read and on questioning said that

S. Shahabuddin Sahab has not given any such statement. I do not know in this regard nor I read about it.

Question. Had Shahbuddin given such type of statement that if it is proved that any Temple was broken and then Babri Masjid was made, then he will demolish the said building with hammer and will help in constructing the temple.

(Shri Jilani has objected on the above question that Sy. Shahbuddin is neither the party in this case nor this witness has made any statement about his alleged statement nor any record is filed before the Court regarding such statement of Mohd. Shahbuddin, and hence permission of asking such question should not be provided).

Answer. Sy. Shahabuddin has given any such statement or not, I cannot tell about this.

I am the member of Babri Masjid Action Committee.

Question. Is all the people of Islam follower are the member of this Babri Masjid

Action Committee or some specific persons are the members?

Answer. So far Babri Masjid is concerned, Muslman of entire country are connected. Babri Masjid Action committee is a committee which is operated by some people.

There are more than hundred member in Babri Masjid Action Committee. We are not taking any donation for the same. We spend from our own pocket. There is no any rule in the Babri Masjid Action Committee, regarding removing of any person. I do not know whether Babri Masjid Action Committee is registered or not. No rule of Babri Masjid Action Committee are made out, and there is no any intention to make any rule. It is not correct members are made as per the desire of some people so that whenever wishes they will be removed from membership. It is incorrect to say that when any Islam follower tells right things, I feel good. It is incorrect that if any Islam follower says that there are twelve idol in the

disputed place and also says that since there are 12 idols and hence it cannot be a mosque.

Ld. arguing counsel has drawn the attention of witness towards picture 16, in which any tail is not made nor any foot are seen. In this picture stomach is also not seen. I cannot tell that stomach is seen in picture No.10. In front of stomach foot are seen or not. in this regard I cannot tell. In picture No.10, something like neck is seen, but what is this I cannot tell. In this picture mouth, eyes and nose like something is seen. I cannot tell that picture No. 13, 14 15 are taken from side. It is photo or not. I cannot tell which photo is it. I cannot tell that the photo is in picture No.16, it is taken from side is picture No. 13, 14, and 15 or not. Whose photo is in this picture No.16 I cannot tell.

Question. After seeing the picture No.16 of above album, most of islam followers says that this idol which photo is, the place where this idol is situated, there cannot be any mosque. What do you say in this regard.

IShri Jafaryav Jilani, Advocate, has objected on the above question, that question is vague and imaginary and hence permission to ask such question should not be given).

Answer. There was no idol in the mosque nor has any idol in the mosque.

From seeing this picture it does not appear that this picture is from inside the mosque. This can be of outside, but the question of its being from the mosque does not arise.

I do not know about any order given by the Court in the year 1990, in which any such order of the Uttar Pradesh Archeological Department is given to go to disputed place and take photo and make video graphy of the said place.

Ld. arguing counsel has drawn the attention of witness towards picture No. 204 of above album. Witness said that I know the people seeing in this picture. In this picture Jilani Saab and Eklakh sahib are seen and in this picture Mannan Sahab is also seen. I

cannot tell when this photo was taken. But from seeing this picture it appears that it is any part of area of the mosque. At that time I was not in Ayodhya, when this photo was taken. I never asked Jilani Sahab that when he has taken this photo of picture No. 204. Once my statement was recorded before the court in 1996. During this statement I was shown above picture 15 of album or not. is not remember to me. But so far as I remember this picture was not shown to me.

I did not met daily to Hashim Sahab, but I met him. Hashim Sahab never told m that in the year 1990 any photograph was done by the order of Court at disputed place or not.

I do not remember that prior to 2 August 2003 the things which the A.S.I. was stating Pillar bas, has already been found. In this regard my expert can tell I do not know that in March, April, May 2003, A.S.I. has taken out the alleged Pillar base from excavation or not. I do not remember that the things which the A.S.I. was stating as pillar bas, in this

regard when I had objected in relation to the pillar base. My expert had told me that A.S.I are wrongly making pillar base, then in this regard I had filed objection in writing. I made this complaint in writing and oral both the types. The pillar base which the Expert had to be made in wrong manner, in this regard I had filed complainant. According to me Pillar base are not correct and nor they are pillar base. At that time the expert who told me their name is Jaya Menan, Verma and Aobit Sahab. When Manan has told me about the pillar bases, I do not remember the time. But he told me that this all is wrong.

Question. Had Jaya Mnan has told you that the pillar bases are wrong, the pillar bases which she was looking or he she said that the work undertaken by the A.S.I. is wrong?

(Shri Jafaryav Jilani Advocate has objected on the above question that above question is vague and permission to ask such question should not be given).

Answer. Jaya Menan has said that during her presence in the excavation site whatever the pillar bases stated by the ASI inside the mosque they are all wrong.

I do not remember about whose pillar bases Supriya Verma had informed me. I do not remember, but she said that whatever the pillar base are stated in the mosque are wrong. Abid had also tells similar things.

Question. Do I understand that above three experts were looking any specific pillar base or they have told about any specific pillar base?

Answer My expert had to me that pillar bases are being made in the mosque, they are wrong and are not pillar base.

In the above expert Abid Sahab were my nominee. Rest two Hashim Sahab was the nominee of Sunni Central Waqf Board., but I do not remember who was whose nominee. My experts used to tell me about the pillar bases being made in the mosque by AS.I. and at the same time I also made complaint. In this regard I have already

stated. It is incorrect to say that I know about pillar bases upto the extent that are tells to me by my expert, rather true is that it appears from a look that any person can tell, even blind can also say that this pillar base is wrong. Vol that blind is phrase. It means that who does not know can also said.

Question. Does your experts also tells you that in which manner A.S.I. is making pillar base.

Answer. When trench was excavated at that time labour excavates the trench and on coming some small thick bricks they give it round shape and A.S.I. said it pillar base.

My expert said that these pillar bases are made by excavating pit below the pillar base and giving them round shape stating it pillar base. The pillar bases shown by me they were made at the deep of 2 ft and somewhere at 3 ft deep. Labour were working everywhere. I cannot be present at near every trench. Therefore it was no possible for me to see each of pit.

12657

Question. How many pillars bases were before you, which were excavated.

Answer. Various pits were excavated. I have seen making 10-15 pillar bases inside the mosque. Although around 90 trench were excavated.

Statement readover and affirmed
Sd/-
20.10.2005

Typed on my dictation by the steno in the open court. In the same order put up for further cross examination for 21.10.2015.

sd/-
Hari Shankar Dubey
Commissioner
20.10.2005

Before: Commissioner Shri Hari Shankar Dubey,
Addl. District Judge/ Special Executive
Officer High Court Allahabad, Lucknow
Bench, Lucknow.

Date:21.10.2005 DW-6/1-1 (HAJI) MAHMOOB AHMAD

Commissioner appointed vide order dated 30.9.2005 by the Full Bench in (Another Original suit No. 4/89 (Original Suit No. 5/59) Sunnil Central Board of Waqf, Uttar Pradesh Vs. Gopal Singh Visharad & Ors.

(In order to 20.10.2005 Cross examination of DW-6/1-1 Shri Haji Mahboob Ahmad in original

www.vadaprativada.in

suit No.5/89, continued by Shri Ved Prakash, Advocate, on behalf of plaintiffs)

Ld arguing counsel has drawn the attention of witness toward statement dated 30.10.2005 page 180 part when trench was excavated..... A.S.I used to say it pillar bases. Witness has read and said that the pillar bases taken out by the A.S.I. they all were round, in which some were long. My complaint is regarding the pillar bases made by A.S.I. in the Mosque area. There was no pillar in the mosque area. Therefore whatever the pillar bases are stated in this area they all are wrong. The specific area of the mosque where at present Ramlal is established, behind it excavation was not done. Excavation was done at its front trench F-3 ad F4 in which floor of the mosque was came out, which is still exists. Ld. arguing counsel has drawn the attention of witness towards the statement given on above date at page No. 182, "various pits were excavated... around 90 trench were excavated. Witness has after reading it said that mosque area where Ram Lala is

established, apart from this how many pits were excavated is not remember to me. But so far as my idea, in this area 20-22 trench were exc. The pillar base found outside the mosque area, I do not have complaint for it.

Ld. arguing counsel has drawn the attention towards the statement given above date at page No.180, ' the pillar base shown by me.... were making in deep. Witness has read and said that my statement is correct. I have seen using spade for excavating the trench. I had seen spade in the hands of labour while excavating the trench.

Q. Whatever the pits excavated was parallel brick were made or the ballast filled in it, from which pillar base is made.

Ans. A.S.I. people have excavated the pit and gave it shape of pillar. I asked them what it is this and then they said it is Pillar base and then I had made its complaint.

Q. Had A.S.I. earlier excavated 2-3-5 ft deep pit and then applied bricks in it and then put

soil which was of floor and then make it round or gave square shape. In this regard what do you say that A.S.I has made pillar base in this manner, is your statement is correct?

(Shri Jafaryab Jilani advocate has raised objection non above question that this question is totally vague , the facts asked above, are again asking. Therefore permission of asking such question should not be provided).

(Reply to this objection is given by Ld. arguing counsel that my above questions are not properly replied by the witness and gave rigmarole reply to the above question. And hence it is necessary to ask this question).

Ans. A.S.I. has not stated pillar base in every trench, the place where pits were being excavated, there at the side they start giving shape of pillar and start saying it pillar base. I gave its information to observer. I said that pillar bases were not being made in all the pits. In some pits pillar bases were being make which is wrong.

Q. I am asking only about these pillar bases for which you says that they were made by A.S.I. Are you saying about only those pillar bases.

Ans. whatever the pillars bases made within the mosque, my objection is for all, because there was no pillar base.

Q. Did you say that whatever the pillar base made by the A.S.I within the mosque, as stated by you, they were excavated upto 2 ft, 3 ft and 4 ft.

(Shri Jafaryav Jilani, Advocate has objected on above question that it is a compound question. By asking this question witness is misleladed. Therefore permission for asking such question should not be given).

Ans. I already said that the pillars shown by the A.S.I within the mosque, they all are wrong.

Q. All the pillar base made within the mosque by the A.S.I., in which pits of 2. Ft, 3 ft and 4 ft were excavated?

(Shri Jafaryav Jilani, Advocate has objected on this question that this question has already been asked, therefore permission for again asking the same question should not be given).

(Ld. arguing counsel has replied the above objection that pits were excavated at deep, its answer is not given by the witness. Therefore arguing counsel has right till the answer of question not come, asking of question is necessary).

Ans. I have already stated that the trench excavated by A.S.I. and given the shape of pillar , was excavated from above and in a side stated that it is pillar base, whereas it is not correct.

The pillar base stated by A.S.I. they were of small brick and soil.

Q. It is not that in the pillar bases gumme were made from above to down?

Ans. In case bricks are kept in line then why I denied for its being pillar bas. It can be

possible that I admits the same pillar base, but since A.S.I has wrongly give it shape of pillar bas and hence I denied that same are pillar base.

It is wrong to say that the manner I am stating that A.S.I.has made the pillar base, in this manner they have not made the pillar base. The pillar base made by the A.S.I. in which little bricks were kept randomly, in which are given support of soil and A.S.I. gave it shape of pillar base, which I am denying.

Q. Do you say that the pillar base made by the A.S.I, in wich Gumer are not made in parallel.

Ans . In this regard I say that these are not pillar case and in this regard if anything has to ask the it can be ask from my expert.

It is incorrect to say that whatever is told to me by my experts about pillar base, same statement is giving by me before the Court. I am giving such reply because I did contract works and I know how the pillar base

are made, and who are called. Prior to making pillar base pits are excavated and then putting the soil it is strengthened and then bricks are applied. It is incorrect to say that a big stone are kept at the top, rather it is correct that after placing the foundation and bricks iron is put and after reaching to the height it is closed for 2-3 ft height, and same is called pillar base.

Ld. arguing counsel has drawn the attention of witness towards A.S.I. report volume -2 (Plates_ plot No. 10. Witness said that this picture is of the edge of Mosque. The part came in the north side of the disputed place, this is their picture, which is the specific part of mosque. It has no pillar base, and it is made. In this picture beside the alleged pillar base floor is seen. I saw this stone lying there. I had not made complaint against the pillar base see in plate No.10. whereas in fact this is not pillar base and by cutting the floor it is given shape of pillar base. I had made 4-5 written complaints about

the pillar base. Several times I made oral objections. How many times I orally complained is not remember to me. I know that I had made oral complaints. I would have made oral complaints 10-5 times. At the time of making Pillar base by A.S.I. I had asked AS.I and immediately makes it complaint. Whatever the pillar bases made by the A.S.I. in 2003 within the Masjid I have made complaint about these pillar bases immediately. Whatever the oral complaints made by me, I did not made written complaints of all. Because there was instructions not to interrupt A.S.I. in their works. My objections is available before the court, which I filed in writing and bears my signature. My advocates remained present at the excavation site. It is wrong to say that after long time experts have after thought filed the objections rather it is correct that objections were filed immediately. Pillar bases were not made by the A.S.I. in one day rather made gradually and give it shape, in which several days were used. I came to know on first day that A.S.I. is giving shape to the pillar base

because some people from the A.S.I. used to tell me about the same that pillar bases are giving shape. i.e pillar bases are being made. The labour working there was Hindu and Muslim both and I came to know in this regard from them. I cannot tell at which height of pillar base they were making in one day , because they did work for some inch in a day.. I remained present at the excavation site every day but I was not following the A.S.I. nor I make any interruption in their work. I do not remember how many oral complaint made by me in relation to the pillar base. I used to make complaint to observer, and it put effect on the A.S.I. or not in cannot tell in this regard. I used to make complaints to Observer and it was his duty to look it. It is incorrect to say that whatever the statement given by me about pillar base is false.

Q. You said that on 2 August 2003 when AS.I. were influenced from the speech of Shri Atal Bihari Bajpai, then apart from this A.S.I was also influenced with other things?

Ans. I have already stated that apart from the speech of Shri Atal Bihari Bajpai,, A.S.I. was also influenced from S.P. Gupta because he used to come at excavation site. I saw him 2-3 times at excavation site He used to give instructions to A.S.. and under his pressure this entire work was done. Shri Atal Bihari Bajpai was connected with Bhartiya Janta Party. S.P Gupta was in archeology department and got retried from there. There he has influence.

Earlier Bhartiya Janta Party would be Bhartiya Jansangh.

Question. Whether Jansangh party or late Bharatiya Janta Party was demanding equal Civil code.

(Shri Abdul Mannan, advocate and Shri Jafaryab Jilani Advocate has objected the above question that this question is totally vague because no such issue is made in this suit nor there is any pleading in this regard. Therefore permission of asking such question should not be granted.

Ans. I cannot tell anything in this regard

Question Was Bhartiya Janta Party says that Path, doctrine and religion are only for spiritual peace or personal.

(Shri Abdul Mannan, advocate and Shri Jafaryab Jilani Advocate has objected the above question that this question is totally vague because no such issue is made in this suit nor there is any pleading in this regard. Therefore permission of asking such question should not be granted).

Answer. I cannot tell in this regard.

Q. You offer namaz in the Mosque and you got happiness peace, can you stop it.

(Shri Abdul Mannan, advocate and Shri Jafaryab Jilani Advocate has objected the above question that this question is totally vague because no such issue is made in this suit nor there is any pleading in this regard. Therefore permission of asking such question should not be granted).

Ans. I went to Mosque to prayer for me and others and it can understand by God and give its fruit, in this regard what can I say else.

Q. The happiness and peace you got by offering namaz, can you distribute to others.

(Shri Abdul Mannan, advocate and Shri Jafaryab Jilani Advocate has objected the above question that this question is totally vague because no such issue is made in this suit nor there is any pleading in this regard. Therefore permission of asking such question should not be granted).

Ans. I have already given answer to this question. Allah is Rajik Allah his Lafani.

Q. The happiness and peace you got by offering namaz, can you give it to your wife.

(Shri Abdul Mannan, advocate and Shri Jafaryab Jilani Advocate has objected the above question that this question is totally vague because no such issue is made in this suit nor there is any pleading in this regard. Therefore

permission of asking such question should not be granted).

Ans. When I go Mosque and read namaz, the relax I feel there, I pray Allah to give his relax to all.

Q. The law made by the govt. is for the improvement of society and to operate the same?

Ans Earlier the law made by the govt. was correct but nowadays after making the same it has been changed and hence what can I say about it.

In case any new problems came before the society, then govt. Makes law for its disposal.

Q. Bhartiya Janta Party says that the people lives in the society may be Hindu or Islam followers, or Christian followers, for their ladies, male, children similar law should be e but Islam is not ready for the same since the beginning. Is it correct?

(Shri Abdul Mannan, advocate and Shri Jafaryab Jilani Advocate has objected the above question that this question is totally vague

because no such issue is made in this suit nor there is any pleading in this regard. Therefore permission of asking such question should not be granted).

(Shri S. Irfan Ahamd, advocate has also objected the above question that this question is totally vague because no such issue is made in this suit nor there is any pleading in this regard. Therefore permission of asking such question should not be granted).

Ans. it is correct to say.

It is correct to say that after making Bhartiya Janta Part I am opposing the same. In this party nobody talks for the Muslim or for the country. In a time Shri Atal Bihari was the Foreign Minister.

Q. Since Bhartiya Janta Party want to apply Uniform Civil Code, and you are opposing it and hence you are leveling false allegation against Bhartiya Janta party, in this regard what do you say?

(Shri Arfan Ahmad Advocate has objected the above question that this question is totally irrelevant Therefore permission of asking such question should not be granted).

Answer. There is no any principle of Bharitya janta Party, and in this regard what can I say.

It is correct to say that I am opponent of Bhartiya Janta Party since the beginning because it has no principle. Bhartiya Janta Party do not want to enforce Uniform Civil Code, it is only selflessness and want to earn benefit.

Q. In case Bhartiya Janta party applies Uniform Civil Code, did you support or oppose it?

(Shri Abdul Mannan, advocate and Shri Jafaryab Jilani Advocate has objected the above question that this question is totally vague because no such issue is made in this suit nor there is any pleading in this regard. Therefore permission of asking such question should not be granted).

Ans. In case Bhartiya Janta Party came in power then I will talk about it.

Q. Are you opposing Uniform Civil Code and you says that it is against our religion.

(Shri Abdul Mannan, advocate and Shri Jafaryab Jilani Advocate has objected the above question that this question is totally vague because no such issue is made in this suit nor there is any pleading in this regard. Therefore permission of asking such question should not be granted).

Ans. Whatever against the religion I am against it.

Q. You think religion is superior?

Ans. Yes

It is incorrect to say that since I think that religion is superior and hence I am opposing each of the person of Bhartiya Janta Party. It is incorrect that A.S.I was not influenced form the speech given by Shri Atal Bihari Hajpai in the tribute assembly of Shri Ram Chander Paramhans. It is also incorrect

that I am telling wrong about making pillar base.

Q. On 2 August 2003, in the tribute assembly of Ram Chander Paramhans, Shri Lal Krishan Advani has given three suggestions, are you agree with it.

(Shri Abdul Mannan, advocate and Shri Jafaryab Jilani Advocate has objected the above question that this question is irrelevant and make to harass the witness. Therefore permission of asking such question should not be granted).

(above objection is replied by the Ld. arguing counsel that the affidavit filed by the witness and the annexure annexed, I think after reading the annexure, it was filed. Because he is not saying that he has annexed the annexure without reading and hence the three things stated by Advani Ji to resolve this issue, in his regard there is no objection to convince the witness.

12675

Ans. I am not agree with the suggestion of Advani. I cannot be agree with his false statement.

I already said that in case Advani Ji tells to construct temple at the disputed place, I cannot agree. I have read the suggestion given by Advani.

Statement readover and affirmed
Sd/-
21.10.2005

Typed on my dictation by the steno in the open court.

sd/-
Hari Shankar Dubey
Commissioner
21.10.2005