

**1882**

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

O.O.S.No. 5 OF 1989 (PART - I)

REG. SUIT NO. 236/89

Bhagwan Shri Ram Virajman

and others

..... Plaintiffs

Versus

Rajendra Singh and others

..... Defendants

**STATEMENT OF O.P.W. 11**

**DR. SATISH CHANDRA MITTAL**

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EXAMINATION IN CHIEF BY WAY OF AFFIDAVIT OF DR.  
SATISH CHANDRA MITTAL O.P.W. NO. 11 UNDER  
ORDER 18 RULE 4 CODE OF CIVIL PROCEDURAL.

I, Satish Chandra Mittal aged about 65 years S/o Shri Chatur Sen resident of 6/1277, Mohalla Madhav Nagar, Town & Distt. Saharanpur, U.P. solemnly affirm and states on oath as under:

1. I obtained Post Graduate degree in History in 1959 from Agra University and in Political Science in 1962 from Punjab University, Chandigarh. Did Ph.D. in History in 1972 from Kurukshetra University, Kurukshetra.
2. The subject of my study & teaching had been modern Indian History. I was appointed as Professor of History in R.K.S.D. College, Kaithal, in 1959 and worked there upto August, 1974 was appointed as Lecturer of History in the year 1974 in the Deptt. of

History in Kurukshetra University. I got successive promotions & finally retired from the post of Professor in December, 1997 from there itself.

3. Under my guidance and supervision, 7 Research students got degree in Ph.D. & 30 Research students got M.Phil in History. I have written as many as 12 Research Books related to History out of which main books are (a) Freedom Movement In Punjab 1905-1929, New Delhi, 1977, (b) Haryana - A Historical Perspective 1761-1966, New Delhi, 1986, (c) A selected Innovated Bibliography of Freedom in India, Punjab & Haryana 1858-1947, New Delhi 1992, (d) India Distorted - A study of British Historians on India, 3 volumes, New Delhi 1995-1998, (e) Sources on National Movement 1919-1920 (alongwith Prof. B.N. Dutta), New Delhi published in 1985.
4. In addition to above books, I have written many Chapters & Research Articles in several books. The Historical part of Haryana State Gazetteer & Rohtak Distt. Gazetteer, have been written by me. So far about more than three dozens Research papers written by me have been published in prestigious magazines in the country.
5. I have participated in many seminars and conferences of History and also chaired some of such seminars and conferences at various places. I am a life member of many Historical societies and Research Committees. I have been appointed as member of the Indian Historical Record Commission by the University.

6. I Chaired the conference of Modern History Section of Punjab History Congress in 1996. I have been the Special Invitee in three Battles of Panipat Memorial Committee Haryana and Haryana University Education Board Bhiwani. I remained for three years the coordinator in postgraduate history in Distance Education Course. I had invited to various orientation & refresher courses, organised on History by various Universities and I participated in them.
7. I attended the workshop seminar organised by Indian History Cultural Society, New Delhi on Ayodhya in Ayodhya Research Institute, Ayodhya from 10th October, 1992 to 13th October, 1992 in which 40-45 Historians & Archaeologists participated. In that seminar two resolutions relating to Shri Ram Janam Bhoomi, Ayodhya were passed. The document No.118C-1/129 to 1/135 filed in this suit, I the resolutions passed in the Workshop-Seminar and the list of scholars who participated in the seminar. The document No.118C-1/132 contained my name and signature at S.No.12, which I recognise.
8. I have studied the Vishwa Kosh, Gazetteers by foreign authors, travel documents of foreign travelers and other reference books which are related to Shri Ram Janam Bhoomi so called Babri Masjid. In this connection I have studied the Encyclopedia of India and of Eastern & Southern Asia 1858 by Surgeon General Edward Belford, the 15th edition part-I of Encyclopedia of Hinduism London - first edition 1968 & second edition by Benjamin Waqar, the Gazetteers of the territories under the Govt. of East India Company by Edward Thorton, 1854, Historical sketch



of Tehsil Faizabad with the old capital Ayodhya & Faizabad. 1870, Gazetteers of the province of Awadh, 1877 - P. Karnegi, Imperial Gazetteers of India provincial services, United provinces of Agra & Awadh Vol. 2, 1881, Barabanki Distt. Gazetteers - H.R. Nevil, 1902, Faizabad Distt. Gazetteer - H.R. Nevil, 1905, Faizabad Distt Gazetteers of United Provinces of Agra & Awadh - H.R. Nevil, 1928, U.P. District Gazetteers Faizabad - Smt. Isha Basanti Joshi Allahabad, 1960, Early travels in India 1583-1619 ed by William, Forster London, 1921, History and Geography of India - Originally published in Latin - translated in French. Historic & Geography, D.L. Inde- English translation. History Antiquities - Topography & statistics of Eastern India Vol. 2 - Mount Gomari Martin, 1838, Hans Baker's Ayodhya 1986, Report on the Settlement of Land Revenue of the Faizabad Distt. - A.F. Millet, 1880, in which is mention about construction of so called mosque by demolition am Janam Bhoomi temple in its place. There is no mention about construction of so called Babri Masjid on the vacant land.

9. Encyclopedia is a world recognised which contains the on different subjects of various scholars in the world over. The No. 107C-1/120 & 129 filed in this suit is a copy of Encyclopaedia Britanica in which there is a mention about the construction of a mosque by Babar in place of Ram Janam Bhoomi. Paper No. 107C-1/111, filed in this suit is a copy of Encyclopedia of India & of Eastern & Southern Asia by Surgeon General Belfore.

10. I have also studied World & Encyclopedic Survey of Hinduism Vol. I, which contain the mention about the construction of a mosque in place of Shri Ram Janam Bhoomi temple by demolishing it. Photocopy 103 & 104 including the cover page of this book written by Benjamin Waqar, is enclosed as enclosure I.
11. The Gazetteers are the important sources of the history of modern India which contain the clear picture about the history of ancient as medieval period. The gazetteers of the Empire, Province or are the dictionaries or index of that place which provide data to history, society, Archaeology, trade etc. of that place. The of these gazetteers in India started from middle of 19<sup>th</sup> century. The detailed planning for the same was prepared in 1869, the regime of Governor General Lord MEYO, which was later on in 1881 in the name of Imperial Gazetteers of India. Initially the British Govt. and after the freedom, the Govt. of India as s the various state Govts. have changed, amended and published these Gazetteers under the supervision of various scholars of the ; by spending crores of rupees. For example, the scholars like Dr. S. Nurul Hasan, Head & Director, Dept of History in Muslim University Aligarh, Dr. S. Muzaffar Ali, Prof. & Head of Dept. of Geography, Sagar University, Sagar and Dr Govind Chandra Pandey Prof. of Ancient Indian History, Gorakhpur University, Gorakhpur etc. were included in the Advisory Board of Faizabad Gazetteers and who after going through the subject matter of various chapters relating to their respective subjects under their supervision & directions, had praised the publications.

12. The documents filed in this Suit are document No 107C-1/42, enclosure 45, Faizabad Distt Gazetteers, 1905, document No 107C- 1/49 to 53, Faizabad Distt Gazetteers, 1928, document No 107C- 1/54, 61, Faizabad Distt. Gazetteers, 1960 and Imperial Gazetteers Provincial series part 2, 1880 document No. 107C-1/127 to 130, in mention of Shri Ram Janam Bhoomi temple in Ayodhya & construction of a mosque by demolishing that temple has been made.
13. Mr. P. Karnegi, who was the officiating Deputy Commissioner i, in his book Historical Sketches of Distt. Faizabad with the old capital of Ayodhya & Faizabad, document No. 107C-1/1 7 to 24, has mention about three temples viz. Janam Sthan Mandir, Swargadwar Mandir & Treta Ka Thakur Mandir in Ayodhya in which a has been made about the demolition of Janam Sthan Mandir and construction of a mosque by Babar in its place Similarly there is also a mention about the above contention in the documents No 106C- 1/25 to 26, Gazetteer of Province of Awadh Vol. I, 1877, the book written by P. Karnegi filed in this suit.
14. Document No. 107C-1/40 & 41, filed in this suit is a copy of Barabanki Distt. Gazetteer which was published in the year 1902 under the direction from H.R. Nevil and in which a mention has been made about the demolition of Ram Janam Sthan Mandir at Ayodhya by Babar and construction of a mosque at that place itself. Similarly the paper No.107C-1/10 & 11, is a copy of Gazetteer of the territories under the Govt. of East India Company, 1854 & which was published under the direction from Edward Thorton,

has made mention about the of 360 temples in Ayodhya by Emperor Vikramaditya and of the construction of a mosque by Babar.

15. The European foreigner travellers who traveled around India and Ayodhya to time have made mention in their travel descriptions about & Shri Ram Janam Bhoomi Mandir at Ayodhya. A British Trader - William Finch traveled around India with Captain Hakins from 1608 to 1611. During this journey he had also gone to Ayodhya confirmed about the existence of old remains around Ramkot in Ayodhya where, as per the Hindu mythology Lord Rama had taken birth , thousands of years ago. This has been confirmed in the book edited " William Foster - Early Travels in India, 1538 to 1619, filed as paper No.107C-1/65 in this suit. This book had been published in London in the year 1921.
16. Joseph Typhen Thelor, an Australian Priest, during the period from 1766 to 1771, had travelled to Awadh area. He wrote a book in Latin language which was translated by Historic at Geographic D.L. Inde, Gene Barnal in French in 1785. Paper No. 107C-1/96 to 108, filed in this suit is a copy of the same. It is mentioned in the book that Babar by demolishing Ram Janam Bhoomi Mandir at Ayodhya where Hindus had been performing Pooja upto 18<sup>th</sup> century, got a mosque constructed by using temple columns. Hindus had been performing this Pooja at both the places i.e. open courtyard and inside the mosque itself. The description of this Pooja is available on a CHABOOTRA on the left (which was in vogue at that time) It is wrong to say that Hindus had started a new tradition of worship near the mosque.

17. Famous British Surveyor Mount Gomari Martin has written in his book History Antiquities Topography & Statistics of East India Vol. 2, the photocopy of which is filed in this suit as paper No. 107C-1/109- 110, has mentioned that the columns of the temple built by Emperor Vikramaditya, were used by Babar for building mosque and be satiating his religious frenzy he demolished idols made on those columns.
18. In addition to these travelling descriptions, a report on settlement of the Land Revenue of Faizabad Distt, 1880, was published by A.F. Millet the relevant papers No. 107C-1/28 to 30 of which are filed in this suit, in which there is a mention of Janam Sthan Mandir, Swarga Dwar, Treta Ka Thakur, according to which Babar had stayed for about a week in Ayodhya in 1528 and had got a mosque built on place of Janam Sthan Mandir by demolishing it.
19. Famous Dutch scholar Hans Baker in his book "Ayodhay" which was published in 1986 in two volumes, has clearly mentioned that the Bhoomi Mandir situated on the holy place where Rama had born, was demolished by Babar in 1528 and Mir Baqi constructed a mosque on its structure on which there were 14 columns made of black stone.
20. On the basis of material available, I am of the firm opinion that Babar had got a mosque constructed at the place of Ram Janam Bhoomi Mandir by demolishing it.

Dated 25.11.02

Sd/- Deponent  
Satish Chandra Mittal

## Verification

I Satish Chandra Mittal, the Deponent, hereby solemnly affirms that the statement made in para 1 to 8 & 20 are correct to my knowledge and para 6 to 19 are correct on the basis of my studies, and the knowledge acquired out of that and to my belief and no wrong statement has been made & no material information has been suppressed. God may help me.

Sd/-

Deponent

I Ajay Pandey, Advocate, personally know the Deponent, and he signed this Affidavit before me

Sd/-

Ajay Kumar Pandey

Advocate

25.11.2002

Solemnly affirmed before me 25.11.2002 at 9.30 am by the deponent who is identified by Shri Ajay Pandey, Advocate High Court Lucknow Bench.

I have satisfied by examining the deponent that he understands the contents of the affidavit which have been read over and explained by me.

Sd/-

K.G. Srivastava

Oath Commissioner

In the Hon'ble High Court of Judicature at Allahabad, Lucknow  
Bench, Lucknow.

Suit. No. 5 of 1989.

Bhagwan Shri Ram Lalla  
Virajman and others. ...Plaintiff

Versus

Rajendra Singh and others ...Defendants

Examination in chief Dr. Satish Chandra Mittal age about 65 years S/o Shri Chattar Sen R/o 6/1277, Mohalla Madhav Nagar, Town & Dist. Saharanpur, U.P. His affidavit (page 1 to 7) was taken on record and he made the following statements on oath:-

Cross examination on behalf of Nirmohi Akhara Defendant No. 3, \_ Ranjeet Lal Verma, Advocate).

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I had never gone to Ayodhya before 10th October, 1992. I had gone to Ayodhya on 10th October, 1992 on an invitation to attend a seminar. The organiser of that seminar was Dr. S.P. Gupta. I have no knowledge whether or not the above seminar was organised by some Institution. In my opinion there is no such Institution known as Ayodhya Shodh Sansthan I have mentioned in para 7 of my affidavit. As far as I remember that Seminar/workshop was held in a temple known as Janaki Mahal or in its near vicinity. We had also stayed there only. I do not know if any of the Historians or Archaeologists, from Ayodhya had participated in that seminar or not. Many sessions of that

seminar had been held and one of the sessions had been presided over by Shri S.R. Rao, Archaeologist. The first resolution passed by the seminar was that there was a temple in the name of Vishnu-Han existing in Ayodhya during 10th, 12<sup>th</sup> century. The basis for passing the Vishnu-Han temple resolution was installed in the temple. I, not being an Archaeologist, cannot tell the detail about other basis of the resolution. In addition to also appeared some proofs of temple existing on the bricks used for of a wall on the spot. Amongst the famous Archaeologist K.V. Raman, Shri R. Mehta (Gujrat), Shri R.R. Agarwal, S.R. Rao (Goa) etc. I do not know if or not any book by four Archaeologists, had been published before holding this on 10th October, 1992. Nor I know if or not any article of these four Archaeologists had been published.

The 2nd resolution passed by the above seminar was that the temple existing in Ayodhya on the disputed land was demolished in 16th century. The literature can be a source for knowing the history. It is not necessary for the modern historian to possess the knowledge Epigraphy. I certainly consider a gazetteer published by the Govt. a basis for knowing history Another source of knowing history is the travellers' account. If the travelers account is mentioned in some gazetteer and the same travelers account is published in some book, the correctness of both is not assessed on the basis of comparable basis rather the historians accept that publication as correct on the basis of cross examination in which more facts are revealed. I have read the book "Early History of India" by B.N. Smith as a layman because Ancient History is not my main subject. I have mentioned in my affidavit the names of those foreign authors whom I have read in the context of Ayodhya episode and which are as follows - William Finch, Typhen



Thelord, Mount Gomri Martin, and Hans Baker. So far as the modern India is concerned, Max Muller has not written anything about the same. The names of the authors, I have mentioned above, have written about Ayodhya, apart from Modern Indian History. The gazetteers, the mention of which I have made in para 8 of my affidavit, are published in respect of Districts, Pradesh and the Country as a whole. While preparing them, the Govt. set up contact, with various scholars. e.g. in the gazette of Awadh for the year 1960, an Advisory Board was set up, as I have mentioned in para 11 of my affidavit. On the basis of this Advisory Board the Gazette of Awadh was published in the year 1960. During British India, the basis for publication of the gazetteer were the sources and the people who were the scholars of the concerned subject. The Deputy Commissioner of the Distt. used to be the over all incharge of the gazetteer was prepared under his guidance. It is correct to say that the Deputy Commissioner used to make record of social, religions, Mandir, Masjid etc. in a district only after having confirmed the veracity of truth about them. It would not be correct to say that the gazetteer of 1970, about Ayodhya & Faizabad was published by the Deputy Commissioner after incorporating exaggerated things or false information. There is a mention of Rama & Ramayana in the gazetteer of 1870. According to me the meaning of Ramayana is "the story about the life of Rama", I have not studied the gazetteer about Vikramaditya in which there is a mention of 14 Vikramaditya because this subject, matter is related to the Archaeologists and not me. The gazetteer of 1870 in which the mention of Vikramaditya has been made, that Vikramaditya was the King of Ujjain. Of the Akharas mentioned in the gazetteer of 1870, one Akhara of Hanuman Garhi was seen by me on the spot.

That part of the book "Historical Sketch of Tehsil Faizabad with the old capital Ayodhya & Faizabad" by P. Karnegi & which is related to Ram Janam Bhoomi, had been read by me. I do not know that Kamegi Sahab had written a book namely "Important Religious Places of Ayodhya" in which he has compiled all the religious places i.e. Masjid Mandir etc. at one place. No discussion took place on the note 'known as Hojei note' prepared by Hojei Sahab, once a Deputy Commissioner of Faizabad in the Seminar held on 10th October 1992 in Ayodhya. I do not know personally Prof. Vijay Kumar Pandey, Awadh University Faizabad, Dr. Banke Bihari Mani, Senior Lecturer, Saket College. I do know Prof. LP. Verma but whether or not he was present in the seminar not recalled by me. It is wrong to say that if there are two school of thought on the subject, written in gazetteer, only the school mustering majority would be acceptable. For a modern historian the cross-examination detail of gazetteer is factually correct and that would be recognised. Most of the people, who attended the above seminar, had also gone to the disputed site. I had not gone to the Thakurain Tirath Mandir of Ayodhya. On the basis of the Gazetteers I studied, I arrived at the conclusion that Hindus continued to perform worship on the disputed site. When I obtained Post Graduate Degree in 1956, I had studied the history of all the period viz modern, medieval period and ancient period as well as the history of the world. It would be wrong to say that the detail of the ancient history starts from 6th century B.C. I do not agree with this opinion of Shri A.L. Washam that "It is in the sixth century that Indian History emerges from dubious tradition". The period of Bhagwan Budha is very controversial. I too could not draw conclusion of his period. It is said that Magasthaneze, came to India during 4th century B.C. According to history, this period cannot be

called Bodh period. Before Bodh period there was Upnishad period, Aranaya period and even before that it was Vedic period. I cannot establish the period of publication of Ramayana. I have heard the name of "Raghuvansh" a book written by Kalidas but I have not studied it and, therefore, I cannot tell whether or not that contain description of Rama Katha. I would not be able to tell the period of publication of Mahabharata either because many different dates have been mentioned in that regard. In my opinion I had gone to the same Ayodhya the mention which is available in Kavyas and Mahakavyas. The books and the gazetteers which I saw & read, there is a mention that the Hindus had got a CHABOOTRA constructed at the disputed site on which they performed Pooja. When on 10th October 1992, I went to the disputed site, I did not find the CHABOOTRA in the same shape in which I had read about that in the books I consider the entire area as a platform where all these constructions were existing but I did not find that platform there as had been described in the gazetteers as well as books Again said - Chabootra was there No temple made of wood was there on that Chabootra Only small tiny idols were placed on it When the Learned advocate cross-examining the witness drew attention of the witness towards the picture No 56 & 57 of the coloured Album paper No 200C- 1, the witness said, "when I had gone there in Oct, 1992, the shape of the chabootra was not like the one appearing in this picture After seeing picture No 66 of this very Album he said, "It is the same chabootra which I had seen in Oct, 1992 at the disputed site. I have not read Aine-Akbari. It is correct that it is mentioned in the gazetteers.

The medieval period is generally known from 1000 A.D to 1707A.D. It is correct that India was ruled by the

Muslim from the period 1206 AD to 1707 AD. The area of Ayodhya was under the influence of Delhi Sultanate after 1193 AD. I am not able to reply the question whether or not Delhi Sultanate secular from the period 1193 AD to 1707 AD. I shall also not be able to say that it was not under the complete influence of a particular religion because I have not made any special study on this subject. British rule started from 1757. East India company had come to India in the year 1600 but there were separate kingdoms in the separate areas which had its influence. But their influence on Ayodhya started in the year 1764. In 1856, Awadh Kingdom merged with British Rule and became one of its parts. There is no revenue record available for the year 1760. 1st revenue record which is available is for the year 1860. Again said that no discussion took place about that revenue record in the above mentioned seminar. It does not appear that the Britishers continued to make wrong entries in the record from the year 1861 to the year 1947 so as to keep the issue alive and the dispute between Hindus & Muslim go on persisting. It was also not discussed in the above seminar that the first capital of Awadh had been Ayodhya.

The prominent amongst the European foreign travellers who visited Ayodhya were Willium Finch, Joseph Typhen Thellor. Joseph Typhen Thellor, who was in the Ayodhya from 1766 to 1771, had written in his article that inside & outside of the disputed site as well as inside & outside of the mosque, the worship by the Hindus continued till 18th century. William Finch has made mention of Ramkot also. Again said - mentioned about the remains of Ramkot. I have not read the book "Gumgashte Halat e-Ayodhya" by Moulavi Abdul Qarim. I have no knowledge about calling or not calling Mohalla Ramkot by the name of

Akbarpur. Report of Prof. B.B. Lal was not read in the seminar of 10.10.92. Reference came about the excavation undertaken by him. It would not be correct to say that a resolution was passed with reference to that report. I have not read Faizabad Distt. Gazetteer by H.R. Nevil in the year 1909. I do not remember if in the above seminar, gazetteer was read or some discussion on it took place or not. When SHILA YATRAS etc. concerning disputed site were taken, I developed interest on this subject at that time. What ever I saw or read in this regard, has been mentioned by me in para 11 of my statement. I have not read or seen any other book except this. In the above seminar, nothing relating to a suit namely Raghupur Das versus Asgar Ali was referred nor any discussion took place over the same. When I went to the disputed site on 10th October, 1992, I did see a slab installed there but I did not see anything written on the same. Ram Janam Bhoomi etc. was not written even on its side. It was also not discussed in that seminar that the above slabs/stones were installed there by the Archaeological Survey of India. Amongst the holy places of Ayodhya, I had only been to Hanuman Garhi. There also I did not see any stone slab installed. In 1528, the place where Babar had stayed in or around Ayodhya, which I have mentioned in para 18 of my affidavit is 6-7 Kos away from Ayodhya. It is written as such in Faizabad gazetteer in 1928 and 1960 but the name of that place has not been mentioned in that gazetteer. I had seen the columns made of KASAUTI STONE on the disputed site and had heard the discussion of the Archaeologists concerned who were present in the above said seminar. According to them, those KASAUTI STONES pertained to the 10th to 12th century. If any historian writ' the history under the influence of Govt. machinery and the other historian writes history freely, it depend upon the person concerned as to whose

history he should give recognition. While remaining a part of the Govt. machinery Historian may write impartial history where as it is not necessary that Historian, independent from Govt. influence may write it impartially. Mount Gomari Martin has written that Babar was considered as religions bigot. I also agree with his opinion to some extent. Babarnama was written during the period of Babar. I have read Hindi version of Babarnama which was written by Rizvi. No mention is found in Babarnama about the disputed mosque. No mention of Babar's stay around Ayodhya is found in it either.

Question: What conclusion would you draw as Historian if a religions bigot like him did not mention any thing about constructing a mosque in his book Babarnama?

Answer: The book does not contained mention of the period from 1527-28. Obviously that particular period did not find mention.

Cross examination on behalf of Defendent No. 3 by Shri Ranjeet Lal Verma finished.

Verified the statement after reading.

Sd/-

Satish Chandra Mittal

25.11.2002

Typed by the stenographer in the open court as dictated by us. In continuation for further cross-examination on 26.11.2002. Witness should be present.

Sd/-

25.11.2002

**Dated 26.11.2002**

**O.P.W. 11 Dr. Satish Chandra Mittal**

(In continuation of 25.11.2002 before the Hon'ble Bench, the cross examination of O.P.W. 11 Dr. Satish Chandra Mittal Defendant No. 6 by Prof. Abdul Manan, Advocate).

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I have been the Teacher of History in Kurukshetra University. I was there on the post of Professor. I know that the dispute in question relates to Babri Masjid. As far as I know Babar had attacked India in 1519. Before attacking India, he had captured Kabul. After Kabul the frontiers of India were being attacked. He came to India, Punjab in 1526. The last battle of Babar with Lodhi took place in 1526. Lodhi was defeated in that battle. After that battle Babar captured Delhi. In that battle Lodhi had been killed and Babar captured Delhi. Babar did not go to South India. He fought with Rajpootas at Chanderi and Khanuwa battle fields. For how many days Chanderi battle lasted is not known to me. I do not know whether or not Babar returned back to Delhi after the battle of Chanderi. In addition to the battle of 1526, three more battles took place and these were Ghaghra, Chanderi and Khanuwa. The battle of Ghaghra took place in 1529. The battle of Ghaghra took place on the bank of Ghaghra river which even today is known as such. At which particular place the battle took place, is not known to me. I only know is that it took place on the banks of Ghaghra. I do not know that Ghaghra river start from Nepal Border, passing through 'Baliala' and ultimately merges with Ganga. I do not know at what place on Ghaghra river, the battle took place but this battle took place in 1529. After this battle Babar had returned back to

Delhi. After returning to Delhi Babar lived only for few days. Babarnama is a biography which was written from time to time. Babar used to write diary daily. Daily means whenever he got time, he wrote dairy. Some parts of Babar's diary upto 1529 are available. As far as I remember, his diary after the period 1529 is not available. Being the student of modern history, I have seen Babarnama in a casual manner and have not read it fully. Babar died in the year 1530. I have no information, whether or not Babarnama had been written 1530. Babari Masjid was constructed in the year 1528. Babar was alive at that time. According to gazetteer Babar was camping at a distance of 6-7 kos from Ayodhya, at the time, when he ordered the building of this mosque. This order was given by him to Mir Baqi. And thereafter Mir Baqi got the Babri Masjid constructed. After the construction in 1528, it remained as, for sometime. Again said - Babri Masjid was constructed at Ram Janam Bhoomi place and remained there only. The place where Babri Masjid was constructed is known as Ram Janam Bhoomi place. According new Babri Masjid was demolished on 6th December, 1992 I read about it in the news papers. I did not specifically study the manner in which the Babri Masjid was demolished. On 6th December, 1992, as per the news papers, some people were gathered there but their number was not three lakhs. I am not able to hazard any guess as to how many people were gathered there. I do not have any information about the fact that some people amongst these people had demolished Babri Masjid. I read in the news papers that Babri Masjid had been demolished. I was not there at the time of demolition of Babri Masjid. I got the news about its demolition through the news papers I was at Kurukshetra at that time. When I got the news paper next day, I in the morning came to know that the Babri Masjid had been



demolished. The 2nd battle of Babar, apart from Panipat, was the victory of Chanderi Fort. And thereafter, there took place the battle of Khanuwa. Khanuwa's battle was fought by Babar himself, this battle was followed by the battle of Ghaghra. I have no knowledge about the construction of any Mosque in Khanuwa by Babar. On this point the advocate cross-examining the case drew the attention of the witness towards, section 145 of paper No. 193 in the file, the witness seeing the same said that he could not tell as by whom that FIR had been lodged. After the battle of Ghaghra when Babar returned to Delhi, he remained alive for few days only. I have no knowledge whether or not Babar wrote anything about the mosque. Babar came to Delhi after the battle of Panipat and thereafter Chanderi and after Chanderi to Khanuwa. I have no knowledge whether or not Babar got a mosque constructed at Chanderi. After the battle of Khanuwa, the battle of Ghaghra took place. Babar had gone and stayed at 6-7 Kos away from Ayodhya in the year 1528, and he had returned to Delhi after the battle of Ghaghra. I do not know as for how many days the battle of Ghaghra lasted. I shall not be able to answer the question that for how many days Babar remained alive after returning back to Delhi, however, his death took place in 1530. After Babar, Humayun became the Ruler of Delhi.

(Cross examination on behalf of Defendant No. 6, by Shri Abdul Manan, Advocate, concluded.)

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I am an expert of the modern Indian history. Broadly the Modern Indian History pertains to the Britisher period and that period was from the year 1757 to 1947. I studied

1903

the history for the period before 1757 upto B.A. level and I just possess general knowledge about the same. I have not specifically studied 16th century history. I have not studied any authentic book on 16th century history, but I have studied on cursory basis a few parts of Babarnama. I had not gone to attend the seminar on 10<sup>th</sup> October, 1992 merely with a view to speak on some subject or writing some article on it rather I had gone to obtain historical and archaeological information with reference to Ayodhya. Before going to Ayodhya for attending that seminar. I had not conducted special studies of any book I had studied some gazetteers, the mention of which I have made in my affidavit. In my statement I have said that my interest on this subject developed only after taking the SHILA YATRAS that means SHILA YATRAS had started before 6th December, 1992. After Shila Yatras, my interest developed in this subject, and I had not made any studies before that about Ayodhya. From 1757 to 1947, which is considered as the period of Modern Indian History, the dispute of 1855 in that, was mainly related to the dispute of Ayodhya. There had occurred some dispute in 1855 about the disputed building and Hanuman Garhi, the detail of which I had read in the gazetteer. I have not read any description of it in any history book. Except the episode of 1855, I have not read any thing in Modern History which is related to the dispute of Ayodhya.

There are two kinds of source, of history. 1<sup>st</sup> source according to priority is primary source and 2<sup>nd</sup> is secondary source. Primary sources mainly comprise gazetteers, census reports, contemporary News papers, magazines and life sketch of individuals. Secondary sources mainly comprise the books written thereafter. These two sources which I have narrated, are from the modern history. The

sources of ancient and medieval period history would be different. The initial source of medieval period history could be the granths or documents written during that period and the secondary sources of that period are the books written in that contexts from that period onward to to-date. It is correct to say that the books written afterwards about the contemporary period would be more believable if these are written during nearby time of that period. From 1757 to 1800, no gazetteer was written, therefore, the question of availability does not arise. According to me, the first gazetteer was written in 1854. Since the publication of gazetteer started first time in the year 1854, hence these cannot be called the source of the history of medieval period. The initial source of modern history after 1757 till 1854 cannot be the gazetteer published after 1854. It is correct to say that it cannot be the initial source of history of the period before 1854. The census report was published first time in 1871. Before that census report was published in parts in 1868 but that was not a complete report. It is correct to say that census report cannot be called the initial source for knowing the history of the period before the census report. The first ever period for publication of news papers in India is taken as the year 1780. The year for publication of magazines are deemed to be the sources of knowing history of that period only from which their publication was started and not for the period before their publication. It is correct to say that gazetteer, census reports, papers and magazines cannot be the source of knowing 16th century history. In order to know the history of 16th century, "travell accounts" and books which were written in 17th & 18th century cannot deemed to be initial sources, but only the secondary sources.

Question: In comparison to the gazetteers written in 19th century will the travelers accounts and books of 17th & 18th century be more important secondary source of knowing 16th century history or not?

Answer. Such a division cannot be made.

Question: Whether the gazetteers published in 19th century have the same importance as is that of the 17th & 18th century travellers accounts & books.

Answer: It cannot be divided in respect of secondary sources.

Volunteer : - the period from 1526 to 1707 comes under medieval period. I possess only a general and not special knowledge of the history of this period. I have read the books mentioned in the affidavit to know the history of this period. I do not remember if I have read any other book than the books I have mentioned in the affidavit. I remember about the books read during the past 10 years. I have not read any other book on history of the medieval period i.e. of the period from Babar to Aurangzeb. I have not read any book during the last 10 years in which there is a mention of Mughal period except the books I have mentioned in my affidavit. I have done lot of work as the examiner of Ph.D. Research during the past 10 years. I have examined about 15 Ph.D. Thesis during the last 10 years. I do not remember if any of these 15 thesis pertains to history of Mughal Period or not. It have read the books written before 1956, by Dr. Ishwari Prasad, Historian. I have read the Movement in India History by Dr. R.C. Mazumdar, which is available in three volume In addition to this I have read British Paramountcy & India Renaissance Part-I, Struggle For Freedom Volume 10. No book of Dr.

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Mazumdar has been written on medieval period history. He has also not edited any book of this period (Medieval period). I have read the book "The History of India As Told By Its Own Historian" by Illiot & Dawson. I have heard that this book contains eight volumes. In my opinion some of the parts of this book, are related to modern history.

The books which I have read on modern history are as under - Mensar Nicholas Transfer of Power (1942 to 1947) 12 parts, Constitutional Assembly Proceedings, 12 parts, the book of S.V. Chaudhari "Civil Rebellion in British Rule" for the period from 1757 to 1858, "History of Mutiny" J.W., three parts, "History of Mutiny" by J.B. Melson, three volumes etc. In order to know the history between 1757 to 1857, I have read a book namely "Cambridge History of India" by H.H. Dadvel. In addition to this I have also read "Oxford History of India" by V.S. Smith and apart from this, many more books have also been read but are not being recalled now.

The subject matter for my research was "Freedom Movement in Punjab" between 1905 to 1929. The conclusion of my research was that the movement of freedom in Punjab continued with full gusto. I completed my research project within a period of four-five years and then drew my conclusion. I studied all the material available between 1905 to 1929 so as to complete my research work. It took me two years to write the report and thereafter drew my conclusion. I did not read the book Exhibit O.O.S. 5-3, on Ayodhya by Dr. T.P. Verma & Dr. S.P. Gupta. I have seen this book for the first time in this court. I had heard that the above authors have written the above book. The view point expressed by me in para 20 of my affidavit is my personal view point and the basis of this view point is the

available material which I have mentioned in my affidavit. Out of the books I have referred to in my affidavit and on the basis of which I have drawn the above conclusions, two or three books were read by me in the year 1992 and the remaining thereafter. This view point has been established by me in the year 2002. The books I had read in this connection in 1992, were the gazetteers. The books which I read later on, were not read at a time but in the duration of complete 10 years period, in intervals, and as per their availability. This view I held only in 2002. I had read Hans Baker's book in the year 2001.

Question: In your affidavit, vide section 19, you have referred Hans Baker's book and said about demolition of Mandir & construction of Mosque. Will you please show the page No. of Hans Baker's book - document No. 120C-1/2 regarding this?

Answer: After seeing Hans Baker's book - document No. 120 C-1/2, the witness replied that page No. 133 (last para), page No. 134, first 25 lines, page No. 137, twelfth line and footnote No. 8, on these three pages, the sources of above information are also mentioned.

The document No. 107C-1/109 to 110, referred to vide para 17 in my affidavit does not contain the reference of the page No. of the book. Probably this paper number is wrongly written. I do not know if the famous British Surveyor Mount Gomari Martin who wrote his book "History Antiquities Topography & Statistics of East India Volume-2", in 1838, was posted in Avadh area or somewhere else. Many surveyors like Mount Gomari Martin were posted in India at various places. I have no knowledge as in which

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year the British Govt. made first appointment of surveyor in India. The British surveyor Mount Gomari Martin was infact not historian but the book written by him is considered to be important from historical point of view. Mount Gomari Martin has written in his book that Babar had got a mosque constructed in 1528 by demolishing Ram Janam Bhoomi temple. It is written in 7th line of first para of Paper No. 107C-1/109 a mosque built by demolishing a temple in 1528. Statement in para 17 of my affidavit, that the construction of mosque by demolishing temple by Babar, is based on the book of Mount Gomari Martin, the extracted page of which is 107C-1/109. Today's statement is also being given by me on the reference of this book.

Question: In the first to third line of the above document No. 107C-1/109, the reference of which you have given in your statement, it is mentioned that many mosques were built by demolition of many temples. Can you tell the names of all such temples and mosques?

Answer: I do not remember the names of the temples which were demolished and the mosques which were built but it is mentioned that a mosque in Ayodhya was constructed by Babar.

Verified the statement after reading.

Sd/-

Satish Chandra Mittal

26.11.2002

Typed by the stenographer in the open court as dictated by us. In continuation of this, for further cross- examination appear before the commissioner on 27.11.2002.

Sd/-

26.11.2002.

**Dated 27.11.2002**

**O.P.W. 11 - Dr. Satish Chandra Mittal**

Before: Commissioner Shri Narendra Prasad, Additional  
Distt.Judge/ Special Executive Officer Hon'ble  
High Court Lucknow Bench, Lucknow.

(Commissioner appointed vide order dated 26.11.2002 by  
Hon'ble full Bench).

(In continuation of dated 26.11.2002 examination of  
O.P.W.- 11 Dr. Satish Chandra Mittal by Zaffaryab Jilani,  
Advocate.)

The witness was shown his affidavit, seeing that the  
witness said, "I in my affidavit have given the reference of  
gazetteers for the years 1854, 1870, 1877, 1881, 1902,  
1905, 1928 and 1960 and I have read these gazetteers  
only." I read all the above mentioned gazetteers between  
the year 1992 & year 2002. I had not read any gazetteer  
relating to Ayodhya before 1991. I have read some of the  
above mentioned gazetteers several times and the some  
others once or twice. I read the above gazetteers especially  
with reference to Ram Janam Bhoomi- Babri Masjid dispute.  
I wanted to conduct research on the subject to find out as  
to what was the true picture about the disputed building. I  
read these gazetteers from this point of view only. I made  
comparative studies of the above gazetteers and found  
most of the thing written in them as correct. Apart from the  
above have referred in my affidavit about the traveller  
account given in the book edited by William Foster. In that



book the travellers' account of Willi Finch only contain the mention of Ayodhya, hence I have studied only that one. In section 8 of my affidavit, the book namely History and Geography of India - originally published in Latin - translated in French - Historic and Geography - D.L. Inde (English translation), which has been referred to, contains the travellers account in respect of Joseph Typhen Thellor. I have made mention of this book in section 16 also of my affidavit. I have made the mention of only two above mentioned travellers' account and I have read only these two travellers accounts in respect of Ayodhya dispute because these two only could become available to me. I have read only one settlement report, which was published by A.F. Millet in the year 1880, the reference of which has been given by me in section 8 of the affidavit. The witness after seeing page 3, section 8 of the affidavit said that the word "YATRIYON KE " in the second line has been written wrongly. I have studied only three encyclopedias one of which has been written by Surgeon Edward Welford, the 2nd encyclopedia, 1978 is a part of 15th edition of Britannica and 3rd one is Hindu world encyclopedia by Benjamin Waqar. In these encyclopedias I have gone through the part related to Ayodhya only. I generally agree with the details given about Ayodhya in the above three encyclopedias. In section 8 of my affidavit, the words written in last three lines " KA ADHYAKSH KIYA HAI..... KOI ULLEKH NAHI HAI" have been written about all the books mentioned vide section 8 of my affidavit. Again said, "I, on the basis of all the books mentioned in section 8, have written that "Shri Ram Janam Bhoomi is not mentioned. The conclusion drawn above is my own conclusion and not the conclusion of all the books mentioned in section 8 of my affidavit. In the end of section 8 I have drawn two conclusions, out of which one is that

"the so called mosque was built after demolishing the temple" and 2nd conclusion is "the so called Babri Masjid was not constructed on a vacant land." After seeing his affidavit the witness said that the first conclusion drawn in section 8, is the same conclusion, as is mentioned in section 2 the vocabulary. The conclusion incorporated in section 20 the only difference is based on the books mentioned in section 8 of the affidavit. All the books mentioned in section 8 of my affidavit fall under the Modern Indian History category.

Question: If the books mentioned in section 8 of your affidavit and the gazetteers etc. fall in the category of Modern Indian History then why did you not study them before 1991 specially when you had been the Prof. of Modern Indian History?

Answer: These books are related to local or regional History, therefore, their mention is not found in the Modern Indian History. Joseph Typhen Thellor's account pertains to Ayodhya and Joseph Typhen Thellor visited Ayodhya from 1766 to 1771.

Question: Whether Joseph Typhen Thellor had come to India only to travel Ayodhya and whether his accounts i.e. traveller account contain the mention of other parts or areas of India, in addition to Ayodhya or not?

Answer: I have read only about his Ayodhya travel, as the book is French, I have read only its English translation.

I have not read the English translation of the entire book. I read four-five pages of the book which contained travel accounts of Ayodhya. I got the translation of French Language of Joseph Typhen Thellor done into English through my friend in Delhi, his name is Surendra Mohan, he has been a teacher but where was he teaching, is not remembered. I do not know if Shri Surendra Mohan was a teacher in some University or some College or was he a teacher of some primary school. He is still alive & resides in Ashok Vihar, Delhi. I got the translation into English done from him i.e. Shri Surendra Mohan, of four-five pages concerning Ayodhya of the book by Joseph Typhen Thellor, during the year 1995 or 1996. I did not have his signature put on the translation done by him. I do not remember if I had given the above translation to the Plaintiff of this suit Shri Devaki Nandan Ji or not. I did not have introduction with Shri Devki Nandan ji in the year 1995-96. I do not remember if I had met or not met late Shri Devaki Nandan ji, the former justice. About two-three years back I came to know first time that Shri Devaki Nandan ji was the Plaintiff in the suit in which I stand as a witness. I was told this by T.P. Verma Sahab. He also told me that I was to give witness in this suit and had asked me whether my name be included in the list of witnesses, on this I expressed my willingness. The translation which I got done, in 1995- 96, I had given that to the learned Advocate Shri Ved Prakashji. This translation was given to Shri Ved Prakashji about one year back. I met Shri Ved Prakashji, a year ago in Lucknow. I at that time, had come to Lucknow in connection with my own work, so I met him then. I did not know Shri Ved Prakashji before I had given this translation to him. I gave the above translation to Shri Ved Prakashji at his residence. Shri Gauri Nathji, one of my friends, had taken me to the residence of Shri Ved Prakashji. Gauri Nath does not have

any relation with this suit, he was a Lecturer in a college in Haryana. He now has since retired and is living in Lucknow. When I first time met Shri Ved Prakashji at his residence, I stayed in Lucknow for two-three days. During that sojourn I stayed with Gauri Nathji at his residence. I had asked Gauri Nathji as to who was the advocate in the on going Ayodhya dispute from Ram Janam Bhoomi side. Then Shri Gauri Nathji had told, after making enquiry, that Shri Ved Prakashji was the defence advocate and he i.e. Shri Gauri Nathji had taken me to the residence of Shri Ved Prakashji, after locating his residential address. I had told Shri Ved Prakashji that the facts narrated in connection with this dispute in Joseph Thellor book, were useful and I had got that translated and he should retain the same. I handed over three pages of the English translation to Shri Ved Prakashji along with a photocopy of original pages in French language. I do not know French language. The Learned advocate, cross-examining the case, showed the witness the paper No. 107C-I/96 to with 107C-I/104 and asked the question that, -

Question: Whether these pages were the photocopies of above original Book in French by Joseph Typhen Thellor, which you gave to Shri Ved Prakashji, one year ago at his residence?

Answer: I cannot say with certainty that it was the photocopy of the same pages of the same book.

The above shown papers No. 107C-1/97 to 107C-1/104, are nine pages in total. I do not remember if I had given these many pages to Shri Ved Prakashji or not. The Learned advocate cross-examining the witness showed the witness 107C-I/106 & 107C-1/107 and asked whether it was the same English translation which you (the witness) had

given to Shri Ved Prakashji, seeing that paper the witness said that he does not remember whether or not it was the same English translation.

The witness after seeing the paper No. 107C-1/106 and paper No. 107C-1/107, said that this does not appear exactly the same translation that I got had done from Shri Surinder Mohanji and which was given to Shri Ved Prakashji. The Learned advocate showed the paper No. 107C-1/108 to the witness and the witness, after seeing the same said that he couldn't say if the translation was which he had got done through Shri Surinder Mohanji and had given to Shri Ved Prakashji. I have retained a copy of the translation I got done through Shri Surindra Mohan but I have not brought that along, I have brought only its notes.

Question: The copy of above translation which you said to have given to Shri Ved Prakashji approximately one year back, did you see that copy or its photocopy by obtaining the same from Shri Ved Prakashji before preparing your Affidavit on 25.11.2002 or not?

Answer: I had seen its contents.

Question: So should I take it that you had not seen the copy of above translation?

Answer: I had seen the copy of the translation by procuring it from Shri Ved Prakashji.

The translation which I gave to Shri Ved Prakashji a copy of the same is filed in the Court with the suit. My advocate Shri Ved Prakashji had told me that the translation which I had got done through Shri Surindra

Mohan, had been filed in the Court. The witness was shown the affidavit of his examination in chief and seeing the same the witness said that the translation which I got done through Shri Surindra Mohanji, and a copy of which is filed in the court and is described as paper No. 107C-1/96 to 108. The book of Joseph Typhen was originally written in Latin language and its translation in French was done by Jean Bamal in the year 1785. The witness was shown the papers filed with list 107C-1/1 and after seeing the same the witness said that the papers o. 107C-1/96 to 107C-1/104, filed with the list are the photocopy of the book in French of Joseph Typhen Thellor. The first figure at page 6, 2nd line from the top, on my affidavit is 108, which should have been 104, it is wrongly written as 108. Paper No. 107C-1/105 to 107C-1/108 is the English translation of the same French translation. This English translation has been done by Surindra Mohan Sahab. What I have written at page 6 of my statement on oath that "usme jo ullekh hai ki..... Jo us smay prachalit thi" has been written by me on the basis of this translation. My statement on oath has been made in my own language but it is based on the above book of Joseph Typhen Thellor. Whatever information Joseph Typhen would have got about Ayodhya at that time he would have incorporated that in his book. I agree to some extent only with part of writings in Joseph Typhen Thellor's book about Ayodhya. I do not fully agree with the traveller's account of Joseph Typhen Thellor about Ayodhya. The witness was shown paper No. 107C-1/108 and after seeing the same he said that "I do not agree with the portion of 7th paragraph. "The Emperor Aurangzeb with three domes" and with the portion of last three lines of this very paragraph -. is said that King of Monkeys" and this portion of para 8 "subsequently Aurangzeb". I agree with all the remaining things said in above paper No. 107C-1/108.

My above disagreement is based on the mentions made in other books. My above said disagreement is based on the writings in the books - The historical sketch of Tehsil Faizabad with the old Capitals Faizabad & Awadh 1870, Province of Awadh Vol. II, 1877 by P. Karnegi, Faizabad gazetteer, 1902, Faizabad Distt. gazetteer, 1905, Faizabad Distt. gazetteer, 1928, Faizabad Distt. gazetteer 1960, Barabanki gazetteer 1902 published by P. Karnegi. The witness was shown paper No. 107C-I/106 by the Learned advocate, seeing that, the witness said that "I fully agree with first paragraph of this paper "the most remarkable King of Ujjain." The word "Swargadwari" in first line of this paragraph means "Swargdwar."

The witness was shown his statement at page 34 & 35 "meine jo anuvad shri ved prakash ji ko..... surrender mohan dwara kiya gaya hai" with reference to today's statement and was asked whether his statement was correct. The witness replied that his above statement was correct. In this connection the witness was shown the portion of his statement at page 33 "above shown papers No. 107 -----and was given to Shri Ved Prakashji" and seeing the same the witness said that his above statement was correct but at that time I did not know whether the papers mentioned in it were the same which I had given to Ved Prakashji but later on I recalled and, therefore, I gave the above statement as re at page 34-35. The witness, after seeing paper No. 107C-1/96 to paper No. 107C- 1/104, said that it was the same photocopy of the book of Joseph Typhen Thellor which I had given to Shri Ved Prakashji. I have not read the published of Joseph Typhen Theller's traveler's account and thus have no information about this. I have no information that how much respectable and famous the man was who translated travellers' accounts of

Joseph Typhen Thellor from Latin language to French language but who-so-ever would translate from Latin to French, must be a scholar to some extent. The witness was shown paper No. 107C-1/106 and he was asked as to what was the meaning in Hindi of what has been written in para 1 above. After reading the same, the witness replied "it is said that Rama had called upon all the citizens to head towards the heaven from this place which appears to be God's consent.

Question: Is that the meaning of above paragraph that the name Swargadwar Mandir was given because it is said that Rama had uplifted all the citizens to the sky from this place. Am I correct?

Answer: If we take literal meaning, then the meaning to be drawn above appears to be correct.

Question: What is the meaning of "so deserted" in this paragraph and whether its reference relates to uplifting the people to the sky by Ramchandraji, as said in the above paragraph?

Answer: The reference of above word does not relate to the earlier sentence of this paragraph. The first sentence is based on faith and belief and the 2nd is giving geographical information. Both the sentences have wide difference. The second sentence is indicating that situation, when after many years, forests and public had depleted from Awadh, which was restored back by Vikramaditya, the main Raja of Ujjain



Question: The words "the city so deserted" in fourth & fifth line in the above mentioned paper No. 107C-1/106 are referring to which situation?

Answer: I have no knowledge to which situation these words are indicating.

It is wrong to say that I am making wrong statement on the point and it is also wrong to say that the reference of "so deserted" has been taken from that episode which has been written in the above sentence about uplifting the people to the sky by Ramachandraji. I am a little bit familiar with Balmiki Ramayana. Whether the mention about the episode of Ramchandraji's disappearance is mentioned in Balmiki's Ramayana or not, is not known to me. I do not know till date as to how Ramachandraji had disappeared or left for heavenly abode. I believe that Ramachandraji was born in TRETA YUG. TRETA YUG was before DUAPAR YUG and I do not know for how long Duapar Yug last I read nor heard as for how many lakhs years Duapar Yug last is considered to have been continued. KALIYUG is considered to be after MAHABHARTA. I do not know at present for how many lakhs years the Kaliyug is. Again said - I have no knowledge as for how many lakhs years the Kaliyug is. I have not read MANU SMARITI but I have heard the name of Manu Smariti. Manu Smariti has been written by Manu do not know when was Manu. I do not know when was Manu born. I also do not know whether Manu was born before the period of Ramachandraji or after that because I have no knowledge about counting of time (Kalganna). I have heard about Vedas, these are the oldest books. About Vedas, I know that these are four in numbers. I have not read these Vedas. The Vedas are considered to be ten thousand years old, and written by Rishis & Munies. Ten thousands years period is considered more or less as historical period.

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Question: According to you Vedas were composed about 10 thousand years ago and as per your version 10 thousand years period comes under the historical period, so can Vedas, according to you, be considered as historical books?

Answer: Yes Sir, in my opinion Vedas can be considered or taken as historical books.

The language, in which Vedas were written, is old form of Sanskrit language and there is no separate name for their language. I have no knowledge in which scripts Vedas had been written. I do not know if the language or script of Veda is the same today, as the language or the script in which these were written 10 thousand years ago because I have not read them. I have not read any special literature separately about Vedas. What ever I read about them, I read that upto class B.A., and nothing thereafter.

Verified the statement after reading,

Sd/-

Satish Chandra Mittal

27.11.2002

Typed by the stenographer in the open court as dictated by me. In continuation for further cross-examination be present on 28.11.2002.

Sd/-

Narendra Prasad

Commissioner

27.11.2002.

Dated 28.11.2002

O.P.W. 11 - Dr. Satish Chandra Mittal

Before: Commissioner Shri Narendra Prasad, Additional  
Distt. Judge/ Special Executive Officer, Hon'ble  
High Court Lucknow Bench, Lucknow.

(Commissioner appointed vide order dated 26.11.2002 of  
Hon'ble full Bench).

(In continuation of 27.2002, the Cross examination of  
O.P.W. Dr. Satish Chandra Mittal by Shri Zaffaryab Jilani,  
Advocate.)

The witness was shown paper No. 107C-1/106 by the  
Learned advocate, cross-examining the case, on seeing  
the paper the witness said that the temple referred to in  
Para 2 is known as Swarga Dwar temple but it stands  
dilapidated. I do not have knowledge as to where the above  
mentioned Swargadwar was situated. 'The temple was  
constructed at raised bank of the stream' as written in this  
paragraph, means that the temple was built at the bank of  
Saryu River. I have no knowledge as to when and by whom  
the temple of Swarga Dwar was constructed. The mention  
made in this paragraph that 'Aurangzeb got this temple  
demolished and had a Masjid built at its place' seems to be  
correct. The mosque built in place of Swarga Dwar temple  
still exists today. This mosque is situated at southern bank  
of Saryu River but I do not know on which Ghat it is  
situated because I have never seen it. It is written in this  
paragraph that two pillars of pointed stone are built in this  
mosque, but I do not know whether or not it is correct. The  
witness, after seeing Para 3 of the above mentioned paper  
No. 107C-1/106 said that - I have no knowledge about the

edifice mentioned in this paragraph and what it is and where it is located. In the same paragraph the reference of one Shri Nawal Rai has been made, he was the Lieutenant Governor of Awadh. This Shri Nawal Rai was appointed Lieutenant Governor by the East India Company. East India Company came to India in the year 1600 but I do not remember since when they started appointing Lieutenant Governor. I had the information that East India Company had appointed Lieutenant Governor in India. East India Company had appointed their Governors mainly in Bengal, Bombay & Madras. East India Company appointed its first Lieutenant Governor in Awadh in the year 1856. Before this East India Company had not appointed its Lieutenant Governor. East India Company appointed Lord Clive its Governor for the first time in Bengal in 1757. The Governors appointed by the East India Company in Bengal remained till 1857. Thereafter the Governor was appointed directly by Britisher. The East India Company appointed Governor in Madras for the first time in 1812. In Bengal also the Governors appointed by the East India Company remained and after 1857, the Governors were appointed by British Government. In the year 1820, Governor was appointed for the first time in Bombay by the East India Company. The Governor appointed by the East India Company remained there also upto 1857 and thereafter the Governors were appointed by the British Govt. The Sultanate of the Nawabs of Awadh started in the year 1720. These Nawabs were under Delhi Sultanat used pay taxes to Delhi Govt. In the year 1720, Nawab of Awadh was appointed by Delhi Govt. (Mughal Emperor). At that time Farukh Shier was the Emperor of Delhi i.e. Ruler of Delhi and Sadat Ali Khan was appointed the Nawab of Awadh. At that time the capital of Awadh state, was also Awadh. At that time the capital of Awadh was located in Lucknow.

Again said - I have wrongly said above that the capital of Awadh was Awadh. In fact the capital of Awadh was Lucknow. The capital of Awadh was never at Faizabad. The intervention of East India Company in the Kingdom of Awadh started from the year 1764. According to my information appointment of Lieutenant Governor in Awadh by the East India Company for the first time, took place in 1856. I do not recall presently the name of that Lieutenant Governor. I do not know which of the cities were included in Awadh state at the time of its carving out by the Mughal Emperor of Delhi and appointment of Sadat Ali Khan its first Nawab.

Question : Could you tell that in 1720, Lucknow, Barabanki, Faizabad, Sultanpur, Pratapgarh, Rai Bareilly, Unnao, Hardoi, Sitapur, Lakhimpur, Gonda, Bahraich, all these districts or some of these districts come under the jurisdiction of Awadh state or not?

Answer: I do not have full information about this. In my knowledge Lucknow, Faizabad, Behraich were included in Awadh state, I do not know about the remaining.

In 1720, Ayodhya was a part of Faizabad and not a separate Distt. I have not made any mention about any Hojei notes in my statement. During cross-examination, I had come to know about a Deputy Commissioner namely Hojei, except that I do not have any knowledge about him. I had not heard about Hojei Notes or Deputy Commissioner namely Hojei before 25.11.2002. The travel about which the book of Typhen Thellor has been written and the translation of the extracts of which are papers No. 107C-1/106, 107, 108, was upto the years 1766 to 1771. Between 1766 to

1771 also, Rule of Nawab of Awadh was in Awadh state which was a part of Mughal Rule. From 1764, the intervention of East India Company on Awadh state had started but the East India Company had not appointed Lieutenant Governor or Resident in the Awadh state upto 1771. At least upto the year 1800, no army of East India Company used to stay in Awadh state. My today's statement above that Shri Nawal Rai, whose reference has been given in this paragraph only, was the Lieutenant Governor of Awadh state and that Shri Nawal Rai was appointed Lieutenant Governor by the East India Company, was a correct statement. My above statement of today that - first Lieutenant Governor of Awadh State was appointed by East India Company in 1856, is also correct. Shri Nawal Rai would have been the Lieutenant Governor of Ayodhya province from 1856-1857. The above book of Typhen Thellor the extracts of translation of which is paper No. 107C-1/106, was published in 1785-86.

Question: The above book of Typhen Thellor which you are stating, to have been published in the year 1785-1786 and the translated extracts of which are you say is paper 107C-1/106, how come the name of Shri Nawal Rai, Lieutenant Governor of 1856-57 came in that?

Answer: My information, that Nawal Rai was the Lieutenant Governor of Awadh during 1856-57, appears to be wrong.

The statement made above by me that Shri Nawal Rai was Lieutenant Governor of Awadh during 1856-57, was wrong, due lack of knowledge. My this statement is also proved wrong due to lack of knowledge that the East India Company had appointed the first Lieutenant Governor in

1856. In fact I do not have correct information in this regard. I cannot say if East India Company ever appointed its Lieutenant Governor for Awadh state or not. None of the Nawabs of Awadh appointed his Governor. The Nawab of Awadh Province between 1766 to 1771 was Nawab Shujaudaula.

Question: As according to you Shuja-u-Daula was the Nawab of Awadh between 1766 to 1771, and no Lieutenant Governor had been there till then, therefore, showing Nawal Rai as Lieutenant Governor of that state in paper No. 107C-1/106, is completely untrue and misleading and/therefore does the credibility of the above book, because of such untrue accounts, not become doubtful?

Answer: British intervention had started by 1764 Awadh. I have no knowledge whether or not any officer was appointed there. On the basis of this the authenticity of this book does not become doubtful.

Question: If there had not been any post of Lieutenant Governor and/or no officer in the name of Nawal Rai would have been there at Faizabad-Ayodhya before 1766-1771, then also would you not treat the mention made in paper No. 107C-1/106 as doubtful?

Answer: If no Lt. Governor or the person in the name of Nawal Rai would have been there from 1766 to 1771 then I would treat Para three of paper No. 107C-1/106, as doubtful.

When East India Company appointed their officer for the first time in Awadh, then that officer was named as Resident. The Reside appointed between 1800 to 1804 i.e. during the period of Lord Weasly in Ayodhya.

Question: It is clear from your above statement that when any officer appointed by the East India Company before 1800 was not there even in Awadh, how can one be there in Faizabad or Ayodhya?

Answer: I have only said about the Resident, I do not know if any officer was appointed there even before or not.

Question: Have you then given a false statement that when East India Company appointed its first officer, they designated him as Resident?

Answer: No sir, I had said that Resident level officer was appointed between 1800 to 1804. I do not know, if any officer was appointed before that.

Question: Is it so that your statement was not recorded the way you had said?

Answer: My statement was recorded as it is. But I had not taken the meaning of officer for a Resident or Lt. Governor, rather whatsoever statement I gave, in that, I had no information about the appointment of any British Officer.

Question: My question is that your above statement that the 'East India Company' when appointed their officer for the first in Awadh he (the officer) was designated as Resident. Whether you had not included all officers in the word Officer while giving your statement?



Answer: With the officer I meant the officer of the level of Lt. Governor or Resident. But I do not have the knowledge if officers of the rank below the Resident were there or not.

The books I have mentioned in my affidavit, out of them the travellers' Accounts by Typhen Thellor, pertain to the period after the creation of Awadh state. I have neither read nor heard about the book "A journey through the Kingdom of Audh" (1849-50) by Major General W.H. Sliman.

At this point the witness was shown both the volumes of the above book of W.H. Sliman in original form and the Learned advocate cross-examining the witness filed the photocopy of the relevant extracts of above mentioned both the volumes as paper No. 311C-1/1 to paper No. 311C-1/9 & 311C-1/10 to 311C-1/19 respectively through list 311C-1 and after showing it to the witness, he was asked that -

Question: Whether the above book was written in 1852 and printed in 1858 and whether the Resident at the court of Lucknow, written on paper No. 311C-1/2 under the name of the Author Major General Sir W.H. Sliman in first volume, means the Resident of Awadh or not?

(The Learned advocate for the Plaintiff Shri Ved Prakash raised his objection on this point saying that the photocopy or the original book of the present record cannot be shown to the witness at the stage of counter examination and it is not acceptable as proof.)

(Under the said objection, the paper No. 311C-1/1 to 311C-1/9 & 311C-1/10 to 311C-1/19, filed through the said

list documents, paper No. 311C-1 can be placed on record as per the orders dated 20.3.2002, of the full Bench).

Answer: I have seen the said book and the photocopy filed in the case and seen that its preface dates back to 1852 and it has been published in the year 1858. The Resident at the court of Lucknow written below the name of the author, stands for Resident of Awadh or may be some other Resident of Lucknow about which I have no knowledge.

The Learned advocate, cross-examining the case, showed the witness paper No. 31 1C-1/7. After seeing Para 2 of its Roman page No. 13, the witness said that after going through this Para it is revealed that Col. Sliman had been the Resident of Awadh from 1849 to 1856. The witness was shown roman page 12 of this very paper No. 31 1C-1/8. The witness after seeing the same said that Governor General used to be one only and the first Governor General was Warren Hastings who was appointed under the regulating Act in 1772-73. The rank of Viceroy was created after 1857 with the Act of 1858. Annexation of Awadh in East India Company took place in 1856. The Governor General at that time was Lord Dalhousie. The Nawab of Awadh then was Vajid Ali Shah. The witness was shown paper No. 311C-1/3, which is a preface. Seeing the same the witness said that it appeared from the preface that it was a diary in which he might have written his personal memoirs. It appears from this preface that a report was written without the permission from the Govt. The reference of the book of W.H. Sliman was not read by me in any book. I have read the name of Sliman in connection with 'Thagi Pratha' (practice of deceivry) and 'Sati Pratha'.

I have no knowledge that after carving out Awadh as a state and upto 1856, the areas like Dariabad, Jahangirabad, Haidargarh, Khairabad, Mohamadi, Machhareta, Salon etc. were also called districts or not. I have no information whether Ayodhya had the historical importance till 1850 or not. I have not studied about this fact. Ayodhya was a religious city upto 18th century. The witness was shown paper No. 311C-1/18 and 19, after seeing them the witness said that there was no reference about Ayodhya in the letter written by W.H. Sliman to Word, which was written from camp Faizabad on 18th December, 1849. I have no information about the fact that the districts of Itawa, Farukhabad, Ajamgarh, Gorakhpur, Allahabad, Shahajhanpur etc. were included before 1801 in the area of Awadh state or not. A treaty was signed between the Nawab of Awadh and British Govt. which is called 'Sahayak Sandhi'. As per the terms of this treaty some army and one Resident were to be kept in Awadh and the expenditure on them was to be incurred by the Awadh Kingdom, and in lieu thereof the British Govt. had assured them about providing security. I have no knowledge about the above said Itawa, Farukhabad etc. districts, having been separated from Awadh area, under this treaty.

Question: Was it not so that around 1850, Kichhouchha, Rudouli, Ganeshpur etc. areas of Faizabad, would have more historical importance, in comparison to Ayodhya?

Answer: In this context the historical importance of Ayodhya was more than the above mentioned places.

Question: Does the non-description of Ayodhya and description of places like Kichhouchha etc. in

this book not prove that Ayodhya did not have any historical importance at that time?

(On this question the Learned advocate of the Plaintiff Shri Ajay Kumar Pandey raised this objection that the entire book of Sliman is not on record and the witness has already stated that he had not read Sliman's book ever, hence asking such a question just by taking photocopy on the record of few pages of the above book, tantamount to harass-the witness and waste the time of the court. The question is irrelevant and therefore, the permission should not be granted for asking such a question.)

Answer: I have already said that I have no knowledge about this book and hence I shall not be able to give any information in this regard.

I have studied about Ayodhya, situated near Faizabad, through the gazetteer for the period around 1850.

Question: Have you made special studies about the history related to Ayodhya for the period before 1850 and for 18th, 17th and 16th century or not?

(On this question the Learned advocate for the Plaintiff Shri Ajay Kumar Pandey raised the objection that such questions have also been asked earlier and, therefore, repeating such questions time and again to harassing the witness, confusing him and wasting the time of the court hence permission for asking such like questions should not be granted.)

Answer: In this context during the course of my examination in chief I have given the names of all the books

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in section 8 of my affidavit which I had studied about the history of Ayodhya and which provide information for the period 16th, 17th, 18th century and around 1851. In many of the books I have mentioned in my affidavit in section 8, provide mention of Sita's Kitchen. In those books Sita's Rasoi is located on the northern side of Ram Janam Bhoomi. Sita used to cook meal over there and the place is linked to the life of Sita, it is mentioned there.

Question: Is in the above books, in which you have read about Sita's kitchen, it is told about some temple or other building or not, and where such a building is located?

Answer: The description of the building of Sita's kitchen is given in those books and it was located adjoining Ram Janam Bhoomi.

Question: With Ram Janam Bhoomi you mean that building which is said to have been constructed as Babri Masjid in the year 1528?

Answer: Yes Sir.

Question: So on the north of this building where you are saying was the building of SITA RASOI, was that after the disputed building, across the path way, or was it completely adjacent to the disputed building, towards North?

Answer: This SITA RASOI was in the North of Ram Janam Bhoomi building after leaving little pathway.

I have not read any definite date of the construction of Sita Rasoi building and I do not know about that. The length of Sita Rasoi Bhawan would be 12 feet approximately, and width 10 feet approximately. Today there is no roof on this Sita Rasoi. I had last seen Sita Rasoi building in October, 1992. I have read about the Sita Rasoi Bhawan in the books written by Typhen Thellor, Hans Baker, gazetteer of Faizabad 1905. If I have read about it in some other books it is not presently recalled by me. The building of Sita Rasoi does not fall in main centre of Ayodhya. This place of Sita Rasoi Bhawan falls near the Western side boundary of Ayodhya city. It is about  $\frac{1}{2}$ — $\frac{3}{4}$  Km. away from SARYU river. This place of Sita Rasoi building is inside the city, and had always remained inside the boundary of Ayodhya City and not outside it.

Verified the statement after reading

Sd/-

Satish Chandra Mittal

28.11.2002

Typed by the stenographer in the open court on dictated by me. In continuation for further cross examination on 30.11.2002. Witness be present'

Sd/-

Narendra Prasad

Commissioner

28.11.2002

Dated 30.11.2002

O.P.W. 11 - Dr. Satish Chandra Mittal

Before: Commissioner Shri Narendra Prasad, Additional  
Distt. Judge/Special Executive Officer, Hon'ble  
High Court Lucknow Bench, Lucknow.

(Commissioner appointed by order dated 26.11.2002  
of the Hon'ble Bench).

(In continuation of dated 28.11.2002, the Cross  
examination on oath of O.P.W.-11, Dr. Satish Chandra  
Mittal by Shri Zaffaryab Jilani, Advocate begins.)

On this point the Learned advocate cross-examining  
the witness showed the witness paper No. 107C-1/106,  
seeing that, the witness said that there were five  
paragraphs in this paper. The Learned advocate cross-  
examining the witness showed the witness paper No.107C-  
1/99, seeing that the witness said that there were 6  
paragraphs in this paper and the 6th para was incomplete.  
Similarly the witness was showed paper No. 107C-1/10 the  
cross-examining advocate, and seeing that the witness said  
that in that paper also there were 6 paragraphs, in which  
first paragraph was incomplete. Similarly the witness was  
shown paper No. 107C-1/107 by the cross-examining  
advocate, seeing that the witness said that paper contained  
four paragraphs. The witness after seeing paper No. 107C-  
1/106 and 107C- 1/107 stated that in both the papers there  
were 9 paragraphs in total. In paper No. 107C- 1/99 & 101,  
there were 11 paragraphs in total. But the 11th paragraph  
was incomplete. I only understand that the English  
translation of paper No. 107C-1/99 & 101 were the paper  
No. 107C-1/106 & 107. The witness after witnessing the

paper No. 107C-1/99 and 101 as well as paper No. 107C-1/106 and 107 stated that the translation of para 6 & 7 of paper No. 107C-1/99 & 101 has been combined together and written in paper No. 107C-1/106 & 107 and the translation of para 11 has not been done in English. And parawise English translation of paper No. 107C-1/99 & 101, was in paper No. 107C-1/106 & 107. I shall not be able to tell the translation of paper No. 107C-1/99 & 101, as I cannot understand French language totally. The witness was shown paper No. 107C-1/96, 97, 98, 100, 102, 103 and 104, the witness, after seeing the same said that it was French language, but the English translation of them was not filed. I had not got the translation done of the above pages. Those pages of which I got the translation done through Shri Surendra Mohan, I accepted them correct as it is. I did not try to have it checked from any other source to see whether the translation done by Surendra Mohan was correct or not. After seeing para No. 4 of paper No. 107C-1/106, the witness said that "Sita Ki Rasoi" in it, has been written as "Wife of Ram", that is wrong and it appears that some word is missing. In first line of para 5 of this very paper, there appear some mistake in the language. The last sentence of last paragraph of this paper No. 107C-1/106, refers to its earlier sentence in which mention of 14 columns of black stones, has been made. The meaning of last para of this paper is that in it the mention has been made about the demolition of the Ramkot Fort by Emperor Aurangzeb and construction of a Muslim temple on that place. Ram Janam Bhoomi where Babri Masjid was constructed, was included in Ramkot Fort.

Question: You have told in above said paper No. 107C-1/106 about the demolition of Ramkot Fort by Aurangzeb and it is also said that the disputed



building was also included in this Fort. Please tell as to what was the size of this Fort and how many other buildings, which are said to have been demolished by Aurangzeb, were included in it?

Answer: I had told about the sentences written on this paper No. 107C-1/106 in which there is a mention of demolition of Fort of Ramkot by Emperor Aurangzeb and constructing a Muslim temple on it, the length & breadth of which is not fully known to me. The number of buildings in this fort of Ramkot was 7-8. But I have already denied the authenticity of these lines.

Question: Is the first sentence of first paragraph of paper No. 107C-1/106 based on historically wrong facts?

(On this question the learned Advocate of the Plaintiff Shri Ajay Kumar Pandey raised the objection saying that the witness is being harassed by asking him the same question time & again and as such the time of the Court is being wasted which is against the law and that the permission for asking such questions should not be granted.)

Answer: The first sentence of last paragraph is based on wrong facts.

The word Empans appearing in fourth line of last para of paper No. 107C-1/1 opinion might be some method of measurement about which I have no knowledge. In the third sentence of this very paragraph, 14 columns of black stones have been told to be existing, which is correct. It

has not been indicated in this paper No. 107C-1/106 that in which of buildings or building of the fort the black stone columns were installed. In the fourth sentence (5th & 6th line) of this very paper, the specific building or buildings have not been indicated. It is said in the last sentence of last para of this paper that the pieces of these columns which contain artistic creations were brought from Lanka by the king of Monkeys HANUMAN. I do not agree with this sentence and I have expressed my disagreement in this regard earlier also.

Question: The pieces of stones, of which you have made mention in your above statement, were these the complete columns, installed in the disputed building or were there pieces of those columns also, as appeared from the last sentence of last paragraph?

(On this question the Learned advocate for the witness Shri Ved Prakash raised the objection that the witness has already clarified that he does not know French language & this translation which is upto paper No.107C-1/105 to 108, he has already clarified in that regard that the translation had not been done by him and this English translation, the way it has been written or whatever is written in that, is a question for discussion. There is no point in asking the witness it's meaning, therefore, asking from the witness, the meaning of the translation in English, tantamount to confuse him and to distort the facts. The permission for asking such questions should not be given.)

(In reply to this objection it was said by the Learned advocate cross-examining the witness that the Learned advocate of the Plaintiff, had infact made efforts to suggest

the answers of the questions being asked from the witness in course of cross-examinations which is objectionable. So far as the legality of the question asked with regard to paper No. 107C-1/106, 107, 108 is concerned, its legality is completely related to the mention made about the above said papers in para 8 and para 16 of the affidavit of the witness. Therefore, it is only appropriate to ask these questions because the witness has based his inference on the above mentioned papers.)

Answer: My contention in this regard is that there is mention of 14 pieces of columns installed by Aurangzeb with regard to Muslim Mandir. Above said these 14 pieces of the columns, in my opinion, were complete in themselves.

The witness was shown the first paragraph of paper No. 107C-1/107 by the Learned advocate cross-examining the witness and it was asked that -

Question: Do you think the language of the first paragraph of this page is correct and also the mention of BEDI therein also as correcty or not?

Answer: I do not accept as completely correct the translation from French to English of this paragraph but the mention of BEDI & CHABOOTRA is correct.

Question: The BEDI, in this paragraph, has been shown as a square box. But what do you mean by this square box?

Answer: I take the meaning of this as the length-breadth of Bedi. In my opinion the word square box is not correct and the use of word "Box" in it, appears

to be wrong. There is a reference of Chabootra in this paragraph. The word Box for the same is not correct.

The Learned advocate cross-examining the witness, showed the witness paper No. 107C-1/107 and asked whether para 1 of this paper had any relation with para 2 or was any word or sentence between these appeared to be missing, the witness seeing the above said paper replied that something looked like missing in para 1 & para 2. Seeing the same paper No. 107C-1/107, the witness said that there was description of a building in it. In my opinion, the building described in this sentence was the building of Ram Janam Bhoomi and the rooms adjacent to it. The building described in this sentence was the Ram Janam Bhoomi building and room adjacent to it, on which the disputed Babri Masjid was constructed. Adjoining this disputed building there were the Palaces of Sumitra, Kaikayi, Sita etc. With the rooms I meant those Palaces only. The rooms of Sumitra, Kaikayi and Sita etc. described by me above were the part of the disputed building.

Question: Sumitra Bhawan, Kaikayi Bhawan and Sita Bhawan described by you above were the part of disputed building upto which century or year?

Answer: The rooms adjacent to Ram Janam Bhoomi building were the part of the building upto the year 1528. Thereafter these got perished.

Sumitra, Kaikayi and Sita Bhawan did not remain as buildings from 1528. From 1528, Sita Rasoi remained there in a ruined state. The room of Sitaji as stated above by me, is being called by me as Sita Rasoi. I do not have any knowledge about the sizes of rooms of Kaikayi, Sumitra and

Sitaji which were existing upto year, 1528. The buildings of Sumitra, Kaikayi and Sitaji which were ruined in 1528, had been constructed by the Rulers of Gaharwal dynasty. The period of their construction is 10th to 12th century. During this period the King of Gaharwal Raja Chandra Dev started the construction of this building which was expanded to some extent by the subsequent Rulers also. With subsequent, I mean upto the 12th century. I know the name of last Ruler Jai Chandra. Raja Jai Chandra was the last King of this Gaharwal Dynasty. After seeing para 2 of paper No. 107C-1/107, the witness said that the 2nd sentence in it, starting from "afterwards" goes upto "On the ground".

Question: In the 2nd sentence of above said paragraph, whether the words "afterwards Aurangzeb", can be taken as the words of author himself and the words "According to some others Babar" can be the words heard by the author from others in the course of his journey?

Answer: Both these words "Afterwards Aurangzeb" and "According to some others Babar" as earlier, express both the meanings, and the words 'afterwards Aurangzeb' cannot be called the views of the author.

On the basis of other facts I consider the contention "according to some others Babar" as correct. The witness, after seeing the words 'nevertheless on the grounds' in 2nd sentence of this very paper No. 107C- 1/107, said that he was not able to get clear meaning of that because that was linked with the next sentence. It may be possible that some line would be missing in that and, therefore, that might be the reason for not getting clarity of the meaning. After seeing the sentence of this paragraph which from the words

"Both the" and goes upto "between", the witness said that the meaning of it was that both the places were having a low intensity wall, which had gaps in between. In my opinion, with words both places used in this sentence are meant for the Babri Masjid constructed on Ram Chabootra and Ram Janam Bhoomi. In this very sentence the words "low wall" used, are referring to the boundary wall constructed around the disputed building. In my opinion the height of the boundary wall of the disputed building would have been 8-10 feet. With the words "decorated with gaps in between" used in this sentence, I mean the gaps in the wall which were there at place to place. Again said - I am not understanding the meaning of above said "decorated with gaps in between". There is likelihood of some word missing over here. The witness, after seeing the last sentence of para 2 of paper No. 107C-1/107 said that the meaning of it was that we entered in the front hall through a small/low door.

In this sentence this hall represents the main Hall containing three tombs of the disputed building.

Question: Was in this main Hall of three tombs, any low door or all the three doors were high door only?

Answer: I have knowledge about the middle door only in this main Hall and I cannot say whether it was low door or high door.

The Learned advocate cross-examining the witness showed the witness picture No. 84, 85 & 86 of a coloured Album 200 C-i, and seeing the same the witness said that these pictures are one door of the disputed building. The picture No. 99 & 100 of this Album were also shown to the witness, who after seeing them, said that these pictures are

also of one of doors of the disputed building. On showing the black & white pictures No. 46 & 53 of the Album paper No. 201 C-1, to the witness by the Learned advocate cross-examining the witness, he said after seeing them that these pictures were also of the door of the disputed building.

Question: Was there any door of height less than the door shown in the above pictures in the disputed building with domes?

Answer: I, except one door, did not see the remaining two doors, therefore I shall not be able to tell whether the remaining two doors were more in height or less from the doors shown in the above pictures.

The doors shown to me in the above pictures were similar to one from which I had made entry into the disputed building having Gumbad. I can call these Dwar seen in the picture as Dar also. The Dar seen in the above mentioned pictures are to be called by me low Dar only. The height of the Dar seen in these pictures would estimated to be seven-eight feet.

Question: May it not be so that the height of doors shown in the above said pictures be not less than 15 feet?

Answer: It is not in my mind.

I would call a door of the height of 10 to 15 feet as a high door and a door of the height of 6 to 7 feet as a door of less height. In last line of 2nd paragraph of paper No.107C-1/107, the low door from which it is written about gaining the entry into the front Hall, refers to the door shown in the pictures. I cannot say that the reference of the Hall given in last line of para 2 of paper No. 107C-1/107 is

or is not of the building of three Gumbads but is of some other building. I cannot say if any of doors of the building of three Gumbad can be called low door or not.

The witness was shown paragraph three of paper No. 107C-I/107 by the Learned advocate cross-examining the witness and was asked to tell, at which side and at a what distance of disputed building that place might be situated of which the reference is made. Seeing the above paragraph the witness replied he does not have the knowledge of the same.

Question: Should I take it that you do not have personal information about the facts mentioned in para 3 of the above said page?

Answer: I just possess hear say knowledge in this regard. Some of Pandas of Ayodhya say that some black coloured seed of rice, which appear like small particles of small stones, comes out from inside the earth while digging it. But so far as the location of that place is concerned, I have no knowledge about that. Except this, I have not read it in any book too.

The paper No. 107C-1/105 was shown to the witness by Learned advocate cross-examining the witness and seeing it the witness said that it was also the English translation of the book of Typhen Thellor. After seeing paper No. 107C-1/98 and 107C-I/105, the witness said that paper No. 107C-I/105 does not appear to be the English translation of paper No.107C-I/98.



Question: Please tell of which page is the translation of paper No. 107C- 1/105 and if that page is filed in it, please tell the No. of paper also?

(The witness replied after seeing the papers filed through the List No. 107 C-1).

Answer: I am not able to locate that French page of which paper No. 107C-1/105 is an English translation.

I cannot say that paper No. 107C-1/105 is the translation or not of some page of the book of Typhen Thellor because I do not know French language.

Question: In 6th line of this paper No. 107C-1/105 and in first line of para three of this very paper, the figures 1786 written there, does not make it clear that this page cannot be the translation of the travellers account of Typhen Thellor because traveling of Typhen Thellor according to you took place between 1766 to 1771 and his travellers account had also been published according to you in 1786?

Answer: Figure 1786 has appeared twice in this paper No. 107C-1/105 - One is the year of translation and in the 2nd the French author Jean Barnauli had translated it. The word "To-day" in paragraph 3 has been given in his own words because it is in inverted comas, therefore, it cannot be called wrong.

In my opinion this paper No. 107C-1/105 can, be the translation of some page of the book of Typhen Thellor. I have written in para-3 and said about in 1786 written in bracket. It is not necessary that if the first word "to day" is removed from this paragraph then this paragraph will become incomplete but the addition of this word brings more clarity. I do not know with certainty as to when the translation from Latin to French Typhen Thellor's book took

place but it appears that it took place in 1785-86 and the word "in 1786" was written by the translator to make it more clear. In this very paragraph, in 2nd line, the word Faizabad denotes the same Faizabad which exists today but I have no knowledge about Bhangla. I have no knowledge whether or not there was a town or city from 1766 to 1771 near Faizabad. I have not read any such mention that there had been some Governor in Faizabad between the years 1766 to 1771. Hence what is written in 2nd & 3rd line of paragraph-3 of paper No. 107C-I/I05 that in new city Faizabad, the Governor set up his residence, is wrong. In third & fourth line of this paragraph, the mention is made of the settlement of residents of Awadh appears to be with regard to this new city of Faizabad. The witness after seeing the last paragraph of paper No. 107C-I/I05 said that "River sood" mentioned in this paragraph infact would be "river Saryu". I have no knowledge about the word "Of the Dewan" written in bracket after "River sood". I cannot say that the description which is made in last paragraph about construction of various buildings in the memory of Rama on the bank of river good, is about the building on the bank river or on the bank of sood called Sood river. I have not read anywhere that the buildings of various kinds had been constructed on the bank of river in memory of Rama.

Verified the statement after reading

Sd/-

Satish Chandra Mittal

30.11.2002

Typed by the stenographer in the open court as dictated by me. In continuation for further cross examination on 2.12.2002. Witness to be present.

Sd/-

Narendra Prasad

Commissioner

30.11.2002

**Dated 2.12.2002**

**O.P.W. 11 - Dr. Satish Chandra Mittal**

Before: Commissioner Shri Narendra Prasad, Additional  
Distt. Judge/Special Executive Officer, Hon'ble  
High Court Lucknow Bench, Lucknow.

(Appointed Commissioner vide order dated  
26.11.2002).

(In continuation of dated 30.11.2002, the Cross  
examination of O.P.W.-11, Dr. Satish Chandra Mittal by  
Shri Zaffaryab Jilani, Advocate on oath begins.)

On 30.11.2002 I had said at page 55 the parawise  
English translation of paper No. 107C-1/99 & 101 is at  
paper No. 107C-1/106 & 107, that I had said with due  
consideration because I had got the translation done of  
these pages, but because of not knowing French language I  
could not understand that the page in question was not in  
that. The witness was shown paper No. 107C-1/105, 106 &  
107 by the Learned advocate, cross-examining the case,  
and seeing the same the witness said that on these pages  
252, 253 & 254 respectively are typed. Similarly the  
witness said after seeing paper No. 107C-1/98-99 & 101  
that page No. 252, 253, 254 are printed on them. The page  
No. 252, 253 & 254 of French Book, which are paper No.  
107C- 1/98 & 99 and 101 but I understood the typed pages  
252, 253 & 254 as the English translation of paper No.  
107C-1/105, 106 & 107.

Question: Have you accepted the paper No. 107C-1/105,  
106 & 107, as the English translation of paper  
No. 107C-1/98, 99, 101, merely on the basis that

the documents of both the languages contain page Nos. 252, 253, 254 on them?

Answer: Yes sir, I have understood it like that.

The Learned advocate cross-examining the witness showed paper No.107C- 1/105 to the witness and after seeing the same, the witness said that the mention "Awadh" city in it appears to be correct in my opinion. At that time Ayodhya itself was known as Awadh. With at that time, I mean, in 18th century. I have no definite information as from which date Ayodhya was being called Awadh. 'Ayodhyan', is a word of Sanskrit language. 'Ayodhya' too appears to be the word of Sanskrit language. I do not know of which language the word "Awadh" is. The origin of Awadh Sooba is of the 18th century and not of earlier date. In my opinion when Typhen Thellor traveled around Awadh, Ayodhya was a Sooba at that time. Ayodhya was also the name of a city at that time. Ayodhya was a, and separate city at that time. During this period Faizabad too was a part of it i.e. of Ayodhya Distt. Faizabad was not a separate city. I am telling these things for the period during or before the travel undertaken by Thellor (1766 to 1771). At this point of time I do not know whether I am telling these things with regard to Faizabad & Ayodhya on the basis of any book, on the basis of gazetteer or on the basis of both. The Learned advocate cross-examining the witness showed the witness paper No. 107C-1/13 to No. 107C-1/16. The witness after seeing them said that all these pages appear to be a copy of Archaeological Report of 1862-63 but I have not read them. I do not know as by whom this report was written.

Question: Do you know that the book namely Archaeological Report 1862- 63, the extracts of which are said to be the above mentioned paper

No.107C-1/13 paper 16, was published by Archaeological Survey of India and the Vol. I of which was stated by the Plaintiff, to have been edited by Allexander Cunnigham.

(On this question the Learned advocate for the Plaintiff Shri Ved Prakash raised the objection that the witness had already stated that he had not read the original book i.e. paper No. 107C-1/13 to paper No. 107C-I/I 6, therefore, it is irrelevant to ask such question from the witness and permission should not be granted for asking the question.)

(In reply to this objection it was said by the Learned advocate cross-examining the witness that you have told yourself as the knowledgeable person and Professor of Modern History of India and have given your statement on the basis of various books and gazetteers related to the disputed building of Ayodhya, and that Babri Masjid was constructed by demolishing a temple, therefore it is fully relevant to ask the witness whether or not he has read an important report pertaining to Indian History and which is said to be published by the Archaeological Survey of India, and if he has not read/ then why has he not read. Hence the above objection of the Learned advocate for the Plaintiff is completely baseless and this also tantamount to making an effort to suggest reply to the witness).

Answer: I, under section 8 of my affidavit, have given detail of all the books, I have read. I have not read the above report because I have not been the student of Archaeology. I do not know if the above report was published by Archaeological

Survey of India & edited or not by Alexander Cunningham.

I did not ever hear the name of Alexander Cunningham in Modern Indian History. I have heard the name of Archaeological Survey of India but I have no information to the effect that it is an Institution set up by and run by the Govt. of India. It is not known to me that the books or gazetteers mentioned under section 8 of my Affidavit contains the reference of Alexander Cunningham or not.

Question: If paper No. 107C-1/13 to paper No. 107C-1/16 is a part of some report published in 1862-63 by an Institution set up by and run by the Govt. of India, then would you or would you not accept the facts mentioned in it as true?

(In respect of above objection the Learned advocate cross-examining the witness said that the above mentioned objection of the advocate of the Plaintiff is completely baseless because till such time the witness does not give categorical statement with regard to the so called report, he can be asked questions as the witness was suppressing the facts related to this book and giving distorted reply and not replying the questions clearly.)

Answer: I have already given my statement with regard to the above report which is said to be published by an Institution set up by the Govt. of India and have said that any book or report published by the Govt., not necessarily be fully correct. Therefore, I cannot say whether or not this

report is authentic and is mentioning the facts correctly.

Question: Will it be proper to say that between 1766 to 1771 and before this also, the capital of Awadh was Faizabad & Ayodhya was a part of it?

Answer: I have no definite information about it.

Question; Don't you have even general information about it?

Answer: It is not in my mind.

The witness was shown his statement at page 59, seeing the same the witness said that the statement given by him in that was correct. If it is said by the Plaintiff or other witnesses in this case that Sumitra Bhawan was existing in 1950, in my opinion that would be wrong. So far as the question of ruining of Sumitra Bhawan in 1528 or its existing till then, when I went in 1992 to Ayodhya, I did not see Sumitra Bhawan there. I do not remember if I have read about the destruction of Sumitra Bhawan in 1528 and its existence till then, in some book or not. The witness was shown the petition of original case No. 5/89 and the enclosure-2 filed with it by the Learned advocate cross-examining the witness and asked that on the lower side of this enclosure, the Sumitra Bhawan has been shown by the Plaintiff. Do you think the Sumitra Bhawan as shown on this paper, as per the site situation is wrong. On seeing the above said enclosure the witness replied that he had not seen that enclosure before it and I have also no knowledge about it. Therefore, it is not possible to say whether Sumitra Bhawan shown in it is correct or not.

Question: You have given the statement on oath that Sumitra, Kaikayi & Sita Bhawan did not remain

as Bhawans after 1528, whereas the Sumitra Bhawan in the above said paper, has been shown as Bhawan upto 1989, so is your statement on oath given above is wrong or the place Sumitra Bhawan shown on the above paper of the Plaintiff (enclosure-2 of petition) is wrong?

Answer: I have not seen the above enclosure earlier and have not seen Sumitra Bhawan while visiting Ayodhya myself hence my affidavit is not wrong.

Question: Are you not trying to suppress the facts by beating about the bush and not giving reply of my questions? I have not asked any question about the affidavit and you in reply are talking about the affidavit. Therefore please tell referring to your statement in which you had stated about none existence of Sumitra Bhawan since 1528 and taking that for true, how can you say that since you did not see Sumitra Bhawan on the spot, so you cannot say anything in that regard?

Answer: I have not tried to distort the facts even a bit. The word oath had come in the question, therefore, I talked about the affidavit. So far as I know, I have not seen Sumitra Bhawan, therefore, it is my contention that it was ruined in 1528.

Question: That means after Sumitra Bhawan was ruined in 1528, was the same again constructed by some one and it continued to exist upto 1989, as has been shown in above mentioned enclosure-2?



Answer: Whether Sumitra Bhawan was constructed again after 1528 or it was demolished and reconstructed in 1989, is not known to me.

Question: I did not ask the question whether Sumitra Bhawan was re constructed in 1989 rather my question was whether Sumitra Bhawan was re-constructed before 1989 and continued on the spot till 1989?

Answer: I have no information about it.

Kaikayi Bhawan was situated on the north of disputed building, inside the boundary wall. I do not know as to what was the length & breadth of Kaikayi Bhawan. I also do not know whether the length of Kaikayi Bhawan was 8-10 feet or 100-50 feet or 20-25 feet. Similarly I cannot tell about the width also, the width was 8-10 feet or 100-50 feet or 20-25 feet. Kaikayi Bhawan, was not a Bhawan as a palace, it was just a room, which was called Bhawan. In the travelers account of Typhen Thellor, the mention of Sumitra Bhawan and Kaikayi Bhawan is not found but mention of Sita Bhawan is there which is called Sita Rasoi. In Typhen Thellor's travellers 'Account, the mention of Sita Bhawan is not found as a palace. The Learned advocate cross-examining the witness showed the witness paper, No. 107C-1/17 to paper No. 107C-1/24, and seeing the same, the witness said that this are the extracts of 'Historical Sketches of Tehsil Faizabad with the Capital Ayodhya & Faizabad', I have read it. This book is of a gazetter type. So far as my information goes, this book is written by P. Karnegi. I have read only these pages of this book i.e. paper No. 107C-1/17 to paper No. 107C-1/24. I have not read the whole book. The witness was shown para below the heading 'AJUDHYA on paper No. 107C- 1/18, by the

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Learned advocate cross-examining the witness, seeing that, the witness said with the "highly mythical origin" written in it, I mean an origin of high grade Mythic. Mythic mean a period, the complete analysis of which cannot be made historically but which is in vogue traditionally. In this above mentioned very paragraph four of paper No. 107C-1/18, under the heading "AJUDHYA", that area of AJUDHYA which is given as 12 YOJAN or 48 KOS, is based on traditions. From 12 century to todate the area of Ayodhya has never been 48 Kos. The area mentioned in the above paragraph of above mentioned paper No. 107C-1/18 is written on the basis of traditions.

Question : Are you ready to accept such a tradition which you know or consider against the facts?

Answer : I do not follow such traditions as are not based on facts but the reference given is about the old Ayodhya, not with reference to 12th to 19th century.

Question : Was the area of Ayodhya ever 48 Kos as given in the above paper No. 107C-1/18 or not? What is your knowledge and belief in this regard?

I cannot say with certainty whether or not the area of Ayodhya was ever 48 Kos. With ancient period I mean period before Christ but I cannot tell whether hundred-fifty years before, thousand-two thousand years before or Lakh-two lakh years before, before Christ.

When Ramchandraji was born, that period would be called ancient period only. I have not read Manu Smriti and neither have I read anywhere else that it is written so in Manu Smriti that the birth of Ramchandraji would have

taken place seventeen lakhs fifty thousand years ago. It is known to me that Ramachandraji was born in TRETA YUG. I have no knowledge about the fact that as to how many years ago the TRETA YUG had ended. I also do not know that Dwapur Yug lasted for how many lakhs years. I never read Balmiki Ramayana. I also have not read Ramcharit Manas by Tulsi Das. I have not read any book specifically relating to the life of Rama's period.

Question : Did you read or did you not read any book depicting the personality of Ramachandraji as MARYADA PURUSHOTAMA or of some Incarnation, if so, please tell the name of the same?

Answer : I have not read any book separately in this regard but I have read it in the books mentioned in section 8 of my affidavit off and on.

I heard a lot about the life of Ramachandraji from my parents and on this basis I possess some knowledge and developed faith towards Ram. In my home there are idols of Rama. I do not worship them. I do have faith in idol worship. I do not worship any idol i.e. the idol of God. Ideologically I am connected with Arya Samaj. I and my parents are not Arya Samaji. I know Prof. Suraj Bhan Sahab, he has been my friend. My and Suraj Bhan's departments were separate. My department was called History Dept. in which Modern & Medieval Period History was taught. Since the date I have joined Kurukshetra University, I had the chance of working with two heads of History Dept. One of the Head was from 1974 to 1985, whose name is Prof. V.N. Dutta and the 2<sup>nd</sup> one after him was Prof. G.R. Khurana. At the time of any retirement, Prof R.K. Sharma was the Head of History Dept. I myself never remained the Head of my Dept. but the Vice-

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Chancellor had persuaded me for the same but I refused because I wanted to keep myself engaged in the research work only. The Vice-Chancellor had requested me in the year 1997 to become the Head and I retired in 1997 itself. I retired after 7-8 months of the persuasion of the Vice-Chancellor. The witness was shown paper No. 107C-1/18 by the Learned advocate cross-examining the witness, after seeing para 4 under the heading Ayodhya of the same, the witness said Ramchandra in it has been written as the Raja of Surya Vanṣha which is correct. It is also written in it that Ramchandra Raja was on No. 57 after Manu in his ancestry. I have no knowledge whether such a statement in it is correct or not. I have heard the name of Manu. He was a King. I do not know but he might be the King of Ayodhya. In above mentioned para 4 it is written that Raja Sumitra was 113th and last King of Suryavansh. I do not know about Raja Sumitra. I have no knowledge either that what was the name of last Suryavanshi Raja. I also do not know about the period of last Suryavanshi Raja. In the above mentioned fourth paragraph, it is told about Satyug, Tretayug and Dwapar yug in which the present yug has been told to be of two thousand years. In my opinion the two thousand years age of Kaliyug written here is not correct. In my opinion this period should be more. The first paragraph of "scenes from the Ramayana" of paper No. 107C-1/19 was shown to the witness by the Learned advocate cross-examining the witness and was asked the meaning of the first sentence of it, seeing the same the witness replied that the meaning of this first sentence which starts from 'With the fall' and goes upto 'Jews', is that Ay barren with the fall of last Ruler of Rama's Dynasty and the imperial dynasty scattered like yahoodies. In the first line of this very sentence the words "last of Rama's line" indicate to which Ruler or King, is not known to me. I

can also not tell that in which period or duration this last Raja was. The language of this first sentence appears to me as correct. The meaning of second line of this very sentence which starts from "Royal Race" and ends at "Jews" in my opinion is this that the way Yahoodies had scattered, the people of Rama's descendance also scattered in the same manner. The history and veracity about the second sentence of this very paragraph which starts from "From different" and ends at "decent" is not known to me. I have not read about it in any book. Neither I know who are the descendants of Rama in today's yug. The witness after seeing the first word of second para "Van Awadh" after "scenes from the Ramayana" of this paper No. 107C-1/19, said that its meaning is that Awadh might have been Forest or forest land for sometime, therefore, it has been "Van Awadh". After showing the next paragraph i.e. last paragraph to the witness, he was asked whether the credit of rehabilitating the deserted Ayodhya, was given to Vikramajit or (Vikramaditya. Seeing the same, the witness replied that there is a mention of rehabilitating the deserted Ayodhya by Vikramaditya. It is the same Vikramaditya on whose name the Vikrami Sambat was started. The witness was shown paragraph two of paper No. 107C-1/22, and after seeing the same, the witness said that he had no knowledge whether what is written in this Paragraph is correct or not. The witness was shown fourth paragraph which starts from "Babar Mosque" of the paper No. 107C-1/23. After seeing the same the witness replied that the mentions made in this paragraph seem to be correct. After seeing the above mentioned paper No. 107C-1/23 which starts from "Babar Mosque", the witness said that it is not written anywhere in it that the Babri Masjid was built by breaking Rama Mandir.

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Question : If it is written at any place in the above mentioned paper No. 107C-1/23 that Babar or Mir Baqi had constructed Babri Masjid on that place by demolishing any temple that sentence or line may please be indicated?

The witness replied after seeing the above mentioned paper No. 107C-1/23 that

Answer : Although there is no direct mention on this page about the demolition of temple by Mir Baqi & Babar but there is a mention of constructing a Masjid by Babar and the word Janam Sthan has appeared at two places which is related to this.

Question : Should I understand that in this entire record which is paper No.107C-1/17 to paper No. 107C-1/24, no mention has been made about demolishing a temple anywhere in Ayodhya by Babar or Mir Baqi?

By seeing the above document, the witness repeated that -

Answer : It is correct that in the above document there is no mention of demolishing any temple by Babar or Mir Baqi.

The witness was shown paper No. 107C- 1/31 by the Learned advocate cross-examining the witness, the witness after seeing the same said that its heading "Ayodhya Bhulatal and Shahat Mahat" is printed. The meaning of "SHAHAT MAHAT" is not known to me. I do not know the meaning of word "BHUILATAL" also.

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The witness was shown paper No. 107C-1/42 'Faizabad a Gazetteer volume 43, published in the year 1905', by H.R. Nevil, ICS, seeing the same the witness said that the full gazetteer is from paper No. 107C-1/42 to 107C-1/48. The witness was shown second paragraph which start from "Ayodhya is undoubtedly" and the witness seeing the same said that he does not agree with the sixth line from the bottom which starts from Aurangzeb and which is written about Ayodhya I agree with all other facts written in this paragraph.

Verified the statement after reading

Sd/-

Satish Chandra Mittal

2.12.2002

Typed by the stenographer in the open court as dictated by me. In continuation of this, for further examination tomorrow on 3.12.2002. Witness be present.

Sd/-

Narendra Prasad

Commissioner

2.12.2002

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**Dated 3.12.2002**

**O.P.W. 11 - Dr. Satish Chandra Mittal**

Before : Commissioner Shri Narendra Prasad, Additional  
Distt. Judge/Special Executive Officer, Hon'ble  
High Court Lucknow Bench, Lucknow.

(The Commissioner appointed vide order dated 26.11.2002  
of Hon'ble Full Bench).

(In continuation of order dated 2.12.2002, the Cross  
examination of O.P.W.- 11, Dr. Satish Chandra Mittal by  
Shri Zaffaryab Jilani, Advocate on oath begins.)

The witness was shown the sentence, which starts  
from first line and goes upto the fourth line i.e. that  
sentence which starts from "When the Capital" goes upto  
"Bangla" in paper No. 107C-1/44, by the Learned advocate  
cross-examining the witness. The witness after seeing the  
same said that he does not have clear cut information  
about the facts mentioned in the said sentence. The  
witness was shown the sentence of next line which starts  
from "With the departure" and goes upto "existence" of the  
same paper, seeing which the witness said that he does not  
have the clear information about the facts mentioned in that.  
He said that he was in agreement with the facts mentioned  
in next portion which starts from "probably the rise" and  
goes upto "particular persons" in first paragraph. With the  
"rival creeds" mentioned in the above said portion, I mean  
Vairagies and Sanyasies. The witness was shown in this  
portion "the dangerous strong hold of Hinduism" and asked  
why was Ayodhya called 'dangerous strong hold'. The  
witness, seeing the above mentioned portions replied that  
before the middle of 19th century, Ayodhya was called



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dangerous strong hold of Hinduism because that was the time of religious tension and religious turmoil. The religious tension and religion turmoil was spread in entire India. After the Charter Act of 1833, the activities of had increased in India. Because of this reason, the disturbance was spreading in India, where as in Ayodhya, it was not the main reason. In Ayodhya inter-religious rivalry and Hindu-Muslim tension were the main reasons. With the inter-rivalry, I mean the rivalry between Vairagies and Sanyasies. Before the middle of Nineteenth century, there had been Hindu-Muslim enmity because of Ram Janam Bhoomi issue though, I do not remember any specific incident of this period. The period before the middle of nineteenth century, about which I have made the above mention, was a period of more than hundred years. The reason for the tension which I have stated above was on the issue of Ram Janam Bhoomi between Hindus & Muslims, the mention of which has been made by Hans Baker in his book "Ayodhya" and in the Gazetteer of 1960, where in Hindu-Muslim disturbances for a long period have been discussed, though no incident has been mentioned. The above said Gazetteer is edited by E.B. Joshi. The witness was shown the book of Hans Baker paper No.120C-1 by the Learned advocate cross-examining the witness and was asked in which of the Chapters or parts of this book there is mention of Hindu-Muslim tension as stated by you, about Ram Janam Bhoomi. Seeing the above book, the witness replied that the above mentioned fact cannot be located in such a voluminous book at this time. I can tell about it later on after going through it. The witness was shown the U.P. District Faizabad Gazetteer, edited by E.B. Joshi paper No. 312 C-I/48 to paper No. 312 C-1/55 by the Learned advocate cross-examining the witness and was asked as in which of the pages or place of the above mentioned paper the mention of Hindu-Muslim

tension, as stated by you, has been made. After seeing the above papers the witness replied that in paper No. 312 C-1/53 (page 352 of the above said gazetteer), in thirteenth line from the bottom which starts from "subsequently Aurangzeb" and ends at "Hindus & Muslims" it is mentioned that there remained bitterness between Hindus & Muslims for a long time. Except this, I am not able to locate such a mention in the above mentioned paper.

Question : Is the incident during the regime of Aurangzeb referred by you in paper No. 312 C-1/53 about the reasons for so called Hindu-Muslim tension before the middle of nineteenth century, finds mention in the books of History or Not? If yes, what is the year of this incident?

Answer : It is written about it in history books but in which year it happened, I cannot tell. This I had read in the Gazetteer of Edward Thorton published in 1858.

Question : Is any authentic book in history, relating to the regime of Aurganzeb is not available?

Answer : Authentic books about Aurgngzeb are available but I have not read them. One of these books "Aurangzeb" by Yadu Nath, has been read by me which is available in five volumes, I have heard its name but have not read it. I consider that book of Yadu Nath Sarkar as an authentic book.

Whether the name of the book written on Aurangzeb by Yadu Nath Sarkar is "Aurangzeb" or something else I do not remember. The books written on the History of India, under the leadership of R.C. Mazumdar Sahab and published in "Bharat Bhawan Series", are there, and there

might be the mention of regime of Aurangzeb but I cannot say if these are authentic or not. I have read two parts of books published by Bharat Bhawan Series, the name of which is "British Paramouncy in India Renaissance" and "Struggle for Freedom". Except them I have not read the other books of this series. I cannot say anything about the authenticity of these books. So far as the book by Dr. Ishwari Prasad is concerned, that cannot be taken as fully authentic. Except the book of Yadu Nath Sarkar, I have no knowledge about other books written on Aurangzeb. The Learned advocate cross-examining the witness showed the witness the extract of Gazetteer of the treaties under the Govt. h is edited by Edward Thorton and which is paper No. 312 C-1/1 to paper No. 312 C-1/4, and asked that where was the mention of so called, above mentioned, incident during the regime of Aurangzeb in the above said papers. The witness seeing the above papers replied that ----- The mention of this incident is found in 2<sup>nd</sup> columns in 21<sup>st</sup> - 22<sup>nd</sup> line from the bottom which starts from "and according" to "Aurangzeb", in paper No. 312 C-1/3 (page No. 739). It reflects continuous religions tension and excitement. In it also the year of the incident is not given. I consider the sentence written on above said paper No. 312 c-i as correct. The witness was shown the sentence starting from the nineteenth line from the bottom "The falsehood of the tradition" to "Fifth in descent" of this very paper No. 312 C-i and was asked whether there remains any significance of above written sentence after the above reference and also whether what is written on it, can be accepted as correct when the author is calling it false himself. After seeing the above, the witness replied that the above contention of Thorton is not wrong, he has described about the demolition of the temple in 21 st & 22nd lines from the bottom whereas in the 22nd line he has given description of

a Masjid and held the prevailing tradition in that regard as false. Hence there is no difference or rivalry in both the contentions. After showing the above portion of paper No. 312 C-1/3 it was asked from the witness that the words "Native Traditions" written in it refers to both the facts i.e. to demolish the temple and to construct the mosque. Therefore, how can you say that the above contention of Thorton is for building the mosque only? On seeing the above portion, the witness replied that there is no difference in the contention of Thorton, on 21<sup>st</sup> line from bottom where in he has said about the demolition of the temples; in the nineteenth line from the bottom more clarity has been provided and has called the prevailing tradition as wrong and has proved it as correct through record and the 22<sup>nd</sup> line from the bottom is proved as false.

Question : You want to say that the Native tradition which Thorton had called false, was the tradition about constructing the mosque and had no relation with breaking the temple?

Answer : On the above said paper No. 312 C-1/3, Thorton has clearly evaluated the tradition, in which it has been considered correct to demolish the temples by Aurangzeb but in the 19<sup>th</sup> line from the bottom in the context of constructing a mosque by Aurangzeb, which referring to the same mosque in which there is a mention of 14 columns, it has been stated to be a wrong tradition.

I can say on the basis of books mentioned by me in section 8 of my affidavit that Aurangzeb got many temples demolished. In my opinion the language in the books by Typhen Thellor, P. Karnegi, Thorton and Nevil, in which the mention has been made about allegedly demolishing

temples, is not a similar type of language. The alleged incident of the time of Aurangzeb is between the period after 1658 and before 1707. The impact of this incident remained for a very long time. It continued even after the death of Aurangzeb and it remained so at least upto earlier part of the middle of 19th century.

Question : Did the incident of allegedly demolishing temples by Aurangzeb remained the above of contention of religious, tension and religious excitement between Hindus & Muslims, for 150 to 200 years, as has been said by you above?

Answer : The incident of demolishing temples including Ram Janam Bhoomi by Aurangzeb had its impact over a long period but there may also be some other reasons about which I have no knowledge.

The witness was shown paper No.107C-1/44 by the Learned advocate cross-examining the witness and was asked that, you have not been able to submit any concrete reason for calling Ayodhya in above mentioned book a "dangerous strong hold of Hinduism" in confirmation of this sentence. Can you cite some other reason for calling Ayodhya in the above book as "dangerous strong hold of Hinduism".

Answer : In this context I have told in my statement even today about the struggle between the Vairagies & Sanyasies and continuous bitterness which took place due to religions reasons between Hindus and Muslims and have quoted the reference of gazetteer of 1960 as well as the book of Hans Baker. Except these two reasons I have no knowledge about any other reason.

The witness was shown the words "at the time of Musalman conquest" written in seventh line of second paragraph of paper No. 107C-1/44 by the Learned advocate cross-examining the witness and seeing the same, the witness said that - The Muslim conquest in it, means 12th century.

Question : If conquest you mean 12<sup>th</sup> century, then please tell I which of the Muslim Ruler had occupied Ayodhya in twelve century?

Answer : In the end of 12th century Mohd. Gouri and his successors and relatives had occupied Ayodhya.

India at that time stood divided in different Kingdoms and in Ayodhya Gaharwal Dynasty was ruling at that time. The Ruler of Ayodhya area was Jaichand.

Question : I am asking about that Muslim Ruler of 12<sup>th</sup> century who, according to you had, conquered Ayodhya?

Answer : Mohd. Gouri who had defeated the Ruler of Delhi Prithvi Raj Chauhan. He had invaded Ayodhya area in the end of 12<sup>th</sup> century and had attained victory.

Mohd. Gouri can be called the first Muslim Ruler who invaded Ayodhya and got victory. At the time when Mohd. Gouri invaded Ayodhya, its King was Jaichand who was called the King of Kanauj and Ayodhya was also under the jurisdiction of Kanauj. The battle between Mohd. Gouri & Jaichand was fought at a place known as "Chandawar". I do not know how far "Chandawar" was from Ayodhya but it was between Kanauj & Ata. At that time the reign of Kanauj was

spread upto Ayodhya. At Chandawar Mohd. Gouri had defeated the King of Kanauj, Raja Jaichand of Gaharwal Dynasty and attained victory over entire Kanauj kingdom in which Ayodhya was also included. After victory over Kanauj Mohd. Gouri did not set up any separate Capital for Kanauj. After the above victory Mohd. Gouri appointed his Governor for looking after Ayodhya, the name of whom is not known to me. Mohd. Gouri remained alive till 1206. His rule continued upto that period or even after that. The first Ruler appointed by Mohd. Gouri in Ayodhya was Qutub-ud-din Abak from the Das Dynasty, who was ruling Ayodhya also. Mohd. Gouri made Qutub-ud-din Abak, the King of Delhi in 1206 and Ayodhya being part of Delhi Govt., the rule of that place was also given to him. Qutub-ud-din Abak and Mohd. Gouri both did not go to Ayodhya ever. From 1206 to 1394, Muslim Rulers ruled Ayodhya. After 1394 Ayodhya was ruled by Sharki Dynasty. The Rule of Sharki dynasty on Ayodhya continued upto the time of Behalol Lodhi. Behalol Lodhi remained the Ruler upto the year 1488. Therefore, during his regime Ayodhya again came under the jurisdiction of Delhi. After Behalol Lodhi, Sikander Lodhi & Ibrahim Lodhi ruled over Ayodhya. Ibrahim Lodhi was defeated by Babar. At the time when Babar defeated Ibrahim Lodhi, Ayodhya was being ruled by Ibrahim Lodhi. At that time Ibrahim Lodhi might have appointed his Governor for Ayodhya whose name is not known to me.

The Learned advocate cross-examining the witness showed the witness the sentence starting from the 10th line from the bottom of 2nd paragraph of paper No. 107C-1/44 "In 1528 AD Babar came to Ayodhya and halted here for a week." The witness after seeing the same said that - With regard to this contention I, in my earlier statement, have said that Babar had come and stayed at a place 6-7 Kos

away from Ayodhya which was a part of Ayodhya for one week in 1528. That place was a hunting ground near Ghaghra River but I do not know in which direction. Ghaghra/ Saryu rivers are on the western & north side of Ayodhya. The population of Ayodhya is on both sides of Ghaghra & Saryu but where and which side of Ghaghra had Babar stayed, is not known to me with certainty. Major chunk of population resides on south of Ghaghra. Normally Ramkot etc. are on this side and there is more population. Some population of Ayodhya also reside on the north side of Ghaghra. I have no knowledge about the number of houses in the North side of Ayodhya. I do not have certain information as to how much was the population of Ayodhya or how many house were there during 16th century. I do not have information whether or not there was any population on the North of Ghaghra in Ayodhya during 16th century.

Question : Babar never mingled with the population of Ayodhya. Did he stay on the north side of Ghaghra near Ayodhya in 1528 AD?

(The objection was raised on this by the Learned advocate of the Plaintiff Shri Ved Prakash saying that the question was misleading and meant to confuse the witness. Hence the permission should not be granted for asking such question).

(On the objection from the advocate of Plaintiff, the Learned advocate cross-examining the witness stated that there is no confusion in the above question. Therefore, it is wrong to say that the question was being asked to confuse the witness in any way.)



1966

Answer : I have already told that Babar had stayed about 6 or 7 Kos away from Ayodhya at a hunting ground on the bank of Saryu. Hence he had not gone to the area of population at that time.

Question : You said that Babar demolished temple in Ayodhya, so you mean that he demolished the temple in these 6-7 days when he (Babar) had stayed near Ayodhya?

Answer : I have stated in my earlier statement that Babar had ordered Mir Baqi to demolish the temple at Ayodhya by going there. The episode of demolition of temple appear to have taken places some time at a later stage, after his stay near Ayodhya.

I do not remember if I have read in any book about the time of demolition of temple or not i.e. that the temple was demolished after the happening of Babar's stay near Ayodhya.

Question : Is it written in any of the gazetteers or books that any temple was demolished while going back after his (Babar's) stay near Ayodhya or at a later stage?

Answer : In this connection it has been stated almost in all the gazetteers that Ayodhya's Ram Janam Bhoomi temple was demolished on the orders from Babar and a mosque constructed at its place. I do not know whether the temple in Ayodhya was demolished during Babar's stay near Ayodhya or after his return.

1967

The incident of demolishing the temple in Ayodhya took place a few days later after leaving of the hunting ground by Babar.

Question : Your this contention that above said temple was demolished soon after the return of Babar from Hunting Ground near Ayodhya is based on which book or Gazetteer?

Answer : It is almost in all the Gazetteers that on orders from Babar, Mir Baqi who was made the Ruler of Ayodhya, demolished this temple, its year is given but date is not given.

Question : I am not asking date, I am asking the basis of the statement given by you that - "the episode of demolishing temple in Ayodhya is of the period soon after leaving of Hunting Ground by Babar."

Answer : I do not remember at present, as on what basis I have made the above contention.

Question : My contention is that is there no mention in any of the authentic book of history that a mosque was built by demolishing a temple in Ayodhya during the Rule of Babar?

Answer : My contention in this context is that the books mentioned by me under section 8 of my Affidavit, contain the information that by an invasion or through Mir Baqi, Babar got Babri Masjid built in Ayodhya. On the basis of this I can say that your view point is not logical.

1968

In paragraph 8 of my affidavit I have given the name of Hans Baker who made research in the context of Ayodhya for 10 years and wrote this book.

Question : Do you recognise any other book mentioned in section 8 of your affidavit as a book on history except Hans Baker's book?

Answer : I have already recognised all the books mentioned in section 8 of my affidavit, as the historical source books. Hence their detail can be called historical.

Question : My only question is - which of the books mentioned in section 8 of your affidavit, you can call a book on history? I am not asking about the source of history.

Answer : In this context there is no such detail in Modern Indian History books.

Verified the statement after reading it

Sd/-

Satish Chandra Mittal

3.12.2002

Typed by the stenographer in the open court as dictated by me. In continuation for further cross-examination tomorrow dated 4.12.2002. Witness be present.

Sd/-

Narendra Prasad

Commissioner

3.12.2002

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**Dated 4.12.2002**

**O.P.W. 11 - Dr. Satish Chandra Mittal**

Before: Commissioner Shri Narendra Prasad, Additional  
Distt. Judge/Special Executive Officer, Hon'ble  
High Court Lucknow Bench, Lucknow.

(The Commissioner appointed vide order dated 26.11.2002  
of Hon'ble Full Bench).

(In continuation of order dated 3.12.2002, the Cross  
examination of O.P.W.-11, Dr. Satish Chandra Mittal by  
Shri Zaffaryab Jilani, Advocate on oath begins.)

There is a difference between the book of history and  
source of history. There is also a difference between book  
of history or a historical book and Gazetteer also.  
Encyclopedia / Vishwa Kosh and book of history have  
difference. The Learned advocate cross-examining the  
witness showed section 8 of the affidavit of the witness to  
him and asked that what all books were mentioned in that  
paragraph. Seeing the above paragraph the witness replied  
that Hans Baker's book 'Ayodhya' is a history book, with  
regard to the remaining books mentioned in the above  
paragraph, none of them can directly be called the  
historical book. Of all the Gazetteers mentioned in this  
paragraph, the Gazetteer of Faizabad by Edward Thorton is  
oldest one of the year 1854. The witness after seeing  
section 8 of his affidavit said that there is a mention of 8  
Gazetteers pertaining to Faizabad in this paragraph. In this  
counting of Gazetteers, I have not counted the Gazetteer of  
Barabanki.

The Learned advocate cross-examining the witness showed the witness the 5th, 6th & 7th paragraphs of paper No. 107C-1/25, the heading of which is "The Janam Sthan and other temples" and three paragraphs of paper No. 107C-1/22 & 107 C-1/23 under the heading 'The Janam Sthan and other temples and asked that

Question: Is the mention made in paper No. 107C-1/22 & 23 under the heading "The Janam Sthan and other temples" the same as 5th, 6th & 7th paragraph of paper No. 107C-1/25?

Answer: Yes sir, it is correct.

The mention made on paper No. 107C-1/25 under the heading "Janam Sthan & other temples", is also reproduction of mention on paper No. 107C-1/22 & 23. Similarly the Learned advocate cross-examining the witness, showed the witness the mention made in both para 4 & 5 of paper No. 107C-1/23, under the heading "Babar Mosque" as well as both para of paper No. 107C-1/25 & 26 under the same heading, and witness seeing the same said that - the mention under the heading "Babar Mosque" on paper No. 107C-1/25 & 26, is the reproduction under the same heading on paper No. 107C-1/23. Similarly the witness was shown after paper No. 107C-1/23, under the heading "Hindu & Musalman differences" the mention made upto the end of this page and till the mention upto the end of paper No. 107C-1/26 under the heading 'Hindu & Musalman', seeing them the witness said that - as compared to paper No. 1 07C- 1/23, two and a half lines are extra on paper No. 1 7C- /26, which starting from "a second attempt" end upto "Hanuman Garhi". The remaining matter on both the papers is the same i.e. paper No. 107C-1/23 is the reproduction of paper No. 107C-1/26.

The witness was shown paper No. 107C-1/27 with paper No. 107C-1/30 by the Learned advocate cross-examining the witness, seeing that the witness said that all these papers are parts of the report on settlement of the land revenue, which is edited by A.F. Millet and published in 1880. After seeing paper No. 107C-1/29 & 30 which has gone upto the back of paper No. 107C-1/30, the witness said that the mentions made on them under the heading, "The Janam Sthan & other temples", "Babar Mosque", "Hindu & Musalman Differences" & "The Jam Hierarchs", are different from the Gazetteer of 1877 of Faizabad to the extent that the two and a half lines written in the Gazetteer of 1877 are not in this paper. The remaining matter in both the papers is the same. In this way the matter in this paper No. 107C-1/29 & paper No. 107C-1/30, under the above mentioned headings, is the same as in the Gazetteer of 1870 (paper No. 107C-1/22-23).

I am an author and I have written many books. In my books if I have reproduced some portion of a writer or the book, I have given the reference of the same in my book.

Question: While writing or quoting the extracts from some other writer's book or article do not you give the acknowledgement of that book or its author?

Answer: We only give its reference and do not give the acknowledgement.

Question: Do you copy in his own language, in your book the portion of other person's book or article without mentioning in it, that the language is of other writer's books or of article?

Answer: We keep that portion of that author's book or article in inverted comas & simultaneously refer the name of the author as well as the book. That reference I give in the end of the chapter whereas some people give that reference on the same page.

Question: Whether in the paper No. 107C-1/25 & 26, related to Gazetteer of 1877, those portions of paper No. 107C-1/22 & 23 related to Gazetteer of 1870, which are reproduced, are shown, in inverted comas and whether any reference related to them of the old Gazetteer is given or not?

Answer: Because the Gazetteers of 1870 & 1877 are written by the same person, hence giving reference or placing them in the inverted comas was not required.

Question: Whether the paper No. 107C-1/29 & 30, related to Report of 1880, those parts of Gazetteer of 1870 & 1877 (paper No. 107C-1/22 & 23 & paper No. 107C-1/25 & 26) which are reproduced, have been shown in inverted comas and any reference on them of the old Gazetteers has been given or not?

Answer: On paper No. 107C-1/27, the reference of P. Karnegi, has been given. But this reference has not been given on paper No. 107C-1/29 & 30 nor have these been shown in inverted comas.

In paper No. 107C-1/27, nothing is said about special chapter or paragraph. Rather it is only said in it that report and notes of P. Karnegi are partly included in it.

The witness was shown by the Learned advocate cross-examining the witness, the last paragraph of paper No. 107C-1/36 which starts from "It is locally affirmed" and end at "Faizabad Museum" and paper No. 107C-1/22 & paper No. 107C-1/23, seeing them the witness said that the first line of paper No. 107C-1/36 and first line of last paragraph of paper No. 107C-1/22 are similar. On seeing second sentence of paper No. 107C-1/36 which starts from "On the first of these" and end at "is name", the witness said that he agreed with the same. In this sentence the period of construction of Masjid has been given as 930 Hizri which according to me or is read by me is 935 Hizri. In this sentence word "Mir Khan" has been given which according to me is wrong. According to me it should be Mir Baqi. Seeing the next line of this numbered paper which starts from "this court temple" goes upto "fine one" the witness said hat - I agree with it. The meaning of this sentence is that the old temple should be beautiful or may be beautiful one.

Question: Whether the meaning of "must have been" could be, "might be".

Answer: The meaning of "Must have been" is "might have been very beautiful."

Question: In "must have been" which of the words you have taken for a "very beautiful"?

Answer: I, after reading the words "must have been" I read the whole sentence and then took it for a "beautiful".



1974

Question: I have not asked the meaning of full sentence, I have asked the meaning of only "must have been", which may please be told?

(On this question Shri Ved Prakash the Learned advocate for the Plaintiff raised this objection that the word, of which the meaning is being asked from the witness, has been used in a sentence and the witness has already replied that with that reference. Hence the witness is being asked, the question time and again, without separating the words, and without giving reference of the sentence, which is being done to confuse the witness and the permission for asking such questions should not be given.)

(In reply to the above objection of the Learned advocate for the Plaintiff, the Learned advocate cross-examining the witness stated that the witness was deliberately telling the wrong meaning of three words. Hence it is necessary to cross-examination in a different manner to know the correct answer and there is no repetition in the same.)

Answer: The meaning of "must have been" is that "aisa raha hai".

Question: My contention is that the meaning of "must have been" can be only one and that is "hona chahiye". Do you agree with it?

Answer: I do not agree with it.

Question: Is the meaning of "must have been" as told above by me is wrong?

Answer: It does not appear to be correct with reference to the sentence.

Question: Can the word meaning of "must have been" told by me above, be wrong?

(On this question Shri Ved Prakash, the Learned advocate for the Plaintiff raised t is objection that the meaning of any word used in a sentence could be as per the intension of using it. The meaning should be taken accordingly. The witness has already given the meaning of "must have been" keeping in view the complete sentence. Asking the word meaning is just to confuse, harass the witness and such questions cannot be asked. Hence the question that he should tell the word meaning of "must have been" should not allowed to be asked)

Answer: I do not consider it correct.

Question: Do you consider any wrong thing as correct also?

Answer: I do not consider any wrong thing as correct.

Question: So, is there any difference between not accepting a thing as correct & calling the same thing as wrong?

(On this question Shri Ved Prakash, the Learned advocate for the Plaintiff raised the objection saying that question was hypothetical, which had no connection with any facts of the case. Such questions are being asked to harass the witness and permission should not give for asking such questions.)

Answer: Generally the events based on facts are considered to be correct in the History. There certainly is some difference between not

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accepting a thing to be correct and accepting it to be wrong. I am not understanding the question i.e. a difference between accepting a thing to be wrong and not accepting the same thing to be correct.

Question: Keeping in view the statement given by you today that - "I do not accept any wrong thing to be correct". Then again your contention that - You feel difference between "not accepting as correct and accepting as wrong". Are you not making a false statement in this regard?

(On this question an objection was raised by Shri Ved Prakash, the Learned advocate that - appreciating a statement, what so ever given by the witness comes under the jurisdiction the Hon'ble Court. Therefore, it is does not come under the purview of the witness. The Court would be seeing the statement, whatever, given by the witness. Therefore the permission should not be given to ask such questions from the witness.)

Answer: In this regard I solemnly affirm that I have not made any wrong statement.

The witness was shown the 2nd sentence of the seventh paragraph of paper No. 107 C-1/25, which starts from "the swarg goes upto "burned", by the Learned advocate, cross-examining the case. Seeing that, the witness said that he had no knowledge about the mentions made in that sentence.

Question: Don't you know that it is said about Ramchandrajji that he immersed in river Saryu? Hence any

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mention of consigning His body to the flames is not found?

Answer: I have no knowledge about the same.

Question: Did you ever try to find out this from your parents or from Sadhu or Sants, how Shri Ram Chanderji left this world?

Answer: I did not try to find out from my parents or any Sadhu-sants as to how and where Ram Chandraji left for heavenly abode.

The witness was shown last paragraph of this paper No. 107 C-1/25, the heading of which is "Babar's Mosque" seeing the same the witness said that - I agree partly to the mention of "Ladene's Memoirs of Babar" I do not agree with this part of paragraph "two or three Kos" and "28 March". I agree with the remaining portion of this paragraph.

The witness was shown the 2nd paragraph of this paper No. 107 C-1/26, which starts from "if Ayodhya was" and ends at "intermediately" by the Learned advocate cross-examining the witness. The witness after seeing the same said that - I agree with what is mentioned in it. I do not possess any knowledge about first line of this paragraph which starts from "if Ayodhya" and ends at "Wilderness" and also not agree with the ending part of this paragraph which starts from "to my thinking" and ends at "Banaras else where". I agree with other things mentioned in this paragraph. The witness was shown the portion of third paragraph of paper No. 107 C- 1/26 which starts from "at the gate of which-75" ends at "Hanumangarhi" by the Learned advocate cross-examining the witness, the witness said after seeing the same - I partly agree with the above

said portion. I have no knowledge about the portion "Eleven Hindus were killed". I have not read about it either. I have read about the remaining things of this portion and I treat them as correct. The witness after seeing the sentence of above said portion, which starts from "it is said" and ends at "Mosque temple said that - The mention in it is for the period of beginning of 1855. When this period starts, I have not read that description in the books.

Question: What do you mean the above said sentence which starts from "it is said" & end at "Mosque temple" i.e. according to the detail given, how both the communities would have been performing IBADAT in Babri Masjid?

Answer: With the above sentence I mean that the people from both the communities used to perform Pooja, but how would they do it. I have no knowledge about that.

Question: Do you have any knowledge about performing Pooja by the Muslims - Do you have the knowledge of pooja system also except performing Namaz in Masjid?

Answer: I have no knowledge about any Pooja system i.e. I have no knowledge about the pooja systems of both Hindus or Muslims.

I have never seen any body performing Namaz with my own eyes. I have seen only in pictures.

Question: Have you seen anybody performing pooja before an idol?

Answer: I have seen people sitting before an idol. But I do not know whether they were performing pooja or just sitting there.

When I went to the disputed building of Ayodhya in Oct., 1992, I saw the people standing there before an idol, duly folding their hands.

On that day, I also saw the people wandering here and there inside the disputed building in addition to the people standing there with folded hands.

The witness was shown the portion of first three lines of fourth paragraph of this very paper No. 107 C-1/26, which starts from "The two other old mosque and ends at "Ruins" by the Learned advocate cross-examining the witness and was asked - Whether Aurangzeb was also known by the name Nourang Shah - how far you agree with it. The witness after seeing the above portion replied that - I have no knowledge about it.

Question: Have you read it in any book about the location and description of two Masjids said to have been built by demolishing temples, by Aurangzeb.

Answer: I am not recalling whether or not I have read such thing in any of the books.

I have not read the Report of the Archaeological Survey of India from the period 1862 to 1865, edited by Alexander Cunningham. Therefore I cannot say to what extent that can be used as a source material of history. "Historical Sketch of Faizabad with the Old capitals Ayodhya & Faizabad-1870", by P. Karnegi, can be partly used as source material of history.

Verified the statement after reading it

Sd/-Satish Chandra Mittal

4.12.2002

Typed by the stenographer in the open court as dictated by me . In continuation of this for further cross examination on tomorrow dated 5.12.2002. Witness be present.

Sd/-

Narendra Prasad

Commissioner

4.12.2002

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Dated 5.12.2002

O.P.W. 11 - Dr. Satish Chandra Mittal

Before: Commissioner Shri Narendra Prasad, Additional  
Distt. Judge/Special Executive Officer, Hon'ble  
High Court Lucknow Bench, Lucknow.

(The Commissioner appointed vide order dated 26.11.2002  
of Hon'ble Full Bench).

(In continuation of order dated 4.12.2002, the Cross  
examination of O.P.W.-11, Dr. Satish Chandra Mittal by  
Shri Zaffaryab Jilani, Advocate on oath begins.)

Dr. T.P. Verma is an Expert on Ancient Indian History.  
It is not known to me as to who are the people at present,  
the Expert of Ancient Indian History. I consider Dr. T.P.  
Verma an Expert of National level on ancient Indian History.  
The History for the period of Ramachandraji and history for  
the period of Ramayana, come under Ancient Indian History.  
I have no knowledge about a person who is considered to  
be an authority on Balmiki Ramayan. I also do not know as  
to who are the people who are expert on Balmiki Ramayan.

The Learned advocate cross-examining the witness  
showed the witness paper No. 107 C-1/10 & 11 and asked  
that –

Question: Is the paper No. 312 C-1/3 & 4, the photocopy of  
these papers?

Answer: After seeing all the papers the witness replied yes  
and said it is correct.

The witness said after seeing the paper No. 312 C-1/4 that it is a portion of Gazetteer written Edward Thorton. The Gazetteer was published first time in 1858. I have read this Gazetteer. This Gazetteer which I have read would be approximately in eight-nine hundred pages. It was reprinted in the year 1993 and is available at present in the market. After seeing paper No. 312 C-1/3 & 4, the witness said that the second paragraphs of col. first of paper No. 312 C-1/3, which start from the Heading Oude & goes upto the ninth line of first col. of paper No.312C-1/4, contain mention about Ayodhya. The Gazetteer is an Encyclopedia type. In the above Gazetteer no entry except the above entry/notes mentioned about Ayodhya, have been read. I have made mention about this Gazetteer in paragraph 8 of my affidavit. I have given reference of the above Gazetteer in seventh, eight line of para 8 in my affidavit and in eighth line the year of the gazetteer has, inadvertently been written as 1854 which in fact should have been 1858. The witness after seeing para 8 of his affidavit said that the book studied by him in connection Ram Janam Bhoomi and so called Babri Masjid find mention in this paragraph and the conclusion drawn on the basis of above studies by me, has been written by me in the last two lines of this very paragraph.

Question: The conclusion drawn by you in the last two lines of section 8 of your affidavit, is only with regard to such books as are mentioned in the said paragraph in which mention is made to the effect that the mosque was built by demolishing the temple. But is there any such mention in those books that proves that Shri Ramchandraji was definitely born at the disputed site?



(On this question Shri Ved Prakash Learned advocate for the Plaintiff raised the objection that - there is no such point framed in this suit in which it needs be proved; whether Ram was born on that place or not, the points of the suit were framed on the basis that there was a temple on Ram Janam Bhoomi site and whether the mosque was built by demolishing the temple. In the above mentioned situation, the question that Ram was born there is not appropriate to be asked from the witness. The permission for asking such a question should not be granted.)

(In reply to above objection of the Learned advocate for the Plaintiff, the Learned advocate cross-examining the witness said that - It has amply been made clear in petition paper of case No. 5/89 and petition paper of case No. 4/89 as well as the petition of case No. 1/89, 2/89, 3/89, that the Plaintiffs of case No. 5 as also other Hindu parties in the case have categorically stated that the birth of Shri Ramchandrajji took place at the disputed site and therefore this is also one of points in the suit that - is the disputed site the birth place of Shri Ram? The Hindu parties in the case also tried to strike off this point from above case and there took place a long discussion on it but the Hon'ble full Bench, disagreeing with the cross-examinations especially that of Shri V.K.S. Chaudhari, Senior Advocate, upheld the continuity of this case point, hence the above objection of the Learned advocate for the Plaintiff is completely baseless and it appears that he has raised the above objection without going through their petition paper and case points.

Answer: Yes Sir, such mention is found in the books mentioned under section 8. One book of them is Hans Baker's book "Ayodhya".

The witness was shown the Hans Baker's book Ayodhya - Paper No. 120 C-I/2 -, and was asked that - Where is the mention about Ramchandraj's birth at disputed site in this book. Seeing the above said book, the witness stated that he could tell it later on after consulting the book thoroughly because it would take time to see it. Apart from Hans Baker's book whether or not such a description is found in other books referred under section 8 of my affidavit, I do not recall at present.

The witness was shown the 25th line of first column of paper No. 312C-1/4 which starts from "This author supposes" and end at "King of Ujjain" at 35th line, by the Learned advocate cross-examining the witness and was asked that -

Question: Does it appear from the above portion that the writer of this Gazetteer Edward Thorton has accepted that Ayodhya was found by Vaivashvat about 1366 years B.C. Do you agree with the above opinion of Thorton?

Answer: I neither have any knowledge about this nor have I made studies on it.

I do not know if 7th Manu is called Vaivashvat or not.

Question: If, Dr. T.P. Verma Sahab, in his statement in this court has said that the period of 7th Manu was about 12 crore years before and he had been the founder of Ayodhya, would you agree to accept this contention?

(On this question Shri Ajay Kumar Pandey the Learned advocate of the Plaintiff raised the objection that the witness has already given his statement with regard to Manu above, hence to ask the same question in different ways, is to confuse the witness to harass & embarrass the witness and to waste the time of the court, thus the permission to ask such question should not be granted).

Answer: Whatsoever statement Dr. T.P. Verma has given may be correct but I have no knowledge in this regard.

The witness, after seeing the portion from 25th line to 38th line in first col. of paper No. 312C-1/4 as asked above again, stated that I do not agree with this portion. I completely disagree with this portion.

Question: It is written in the above portion about Ramchandrajai that His Rule had ended in A.C. 775 (775 B.C.) can you tell some other year or century in this regard as to when Shri Ramchandra's period might have ended?

Answer: I have no knowledge about this.

Question: If you do not possess knowledge about the period (775 B.C.) written by Thorton then how did you express disagreement with that contention?

Answer: In my earlier statement I have stated that the period of Ram was Treta Yug but during which year or century it fell, is not known to me. Therefore, 775 B.C. is not in my knowledge and I do not agree with the opinion of Thorton.

Question. Since you have expressed your inability to tell about TRETAYUG, as to how many thousands or Lakhs years before, it was, hence how can you disagree with the opinion of Thorton?

Answer: Because I have stated that after Treta Yug it was Dwapar Yug and after Dwapar I have stated Kaliyug. Hence it cannot be 775 B.C., thus I have expressed my disagreement.

Question: About three yugas, Treta, Dwapar and Kaliyug, can you say something definite about their periodicity i.e. whether their period was One Thousand years, Ten Thousands years or one Lakhs years or less than that or more than that?

(On this question, Shri Ajay Kumar Pandey Learned advocate for the Plaintiff raised this objection that the witness was being harassed, embarrassed and confused by asking him the same kinds of questions repeatedly which is against the law. Hence there should not be any permission for such questions).

(In reply to above objection by the Learned advocate for the Plaintiff, it was said by the Learned advocate cross-examining the witness that the objection of Learned advocate is completely baseless because no question is being repeated, rather on the basis of information becoming available through the statement of the witness, it became necessary to ask similar type of questions of and in order to know the facts as well as to test his knowledge).

Answer: I have already stated in my statement that I have no knowledge about the calculation of period. Hence I cannot tell whether the duration of the

YUGAS was one thousand years, ten thousand years or one lakh years or more than that or less than that.

Question: If the period of Dwapar Yug is accepted as five hundred years and if Kaliyug also have lasted for five hundred years, then Treta Yug can be accepted to have started one thousand years before and in that situation can the period of 1366 years written in so called portion of paper No. 312 C-1/4, be treated as correct?

(On this question Shri Ajay Kumar Pandey, Learned advocate for the Plaintiff raised the objection that the witness has given his answer regarding calculation of duration earlier, the question is completely hypothetical and same kind of questions are being asked repeatedly. Because of this the time of court is being wasted besides the witness is getting embarrassed, harassed & confused. Therefore permission to ask such questions should not be accorded.)

Answer: History is based on facts there is no place for 'if in that. Therefore, I have already stated that I possess no knowledge about calculation of period.

Question: In your statement, whatever you have said with "if", is that contention of yours not made as a historian?

Answer: As far as I recall, I have not started my statement with t if so, then it cannot be called a complete reality.

The Learned advocate cross-examining the witness showed the witness 31st line starting with "that being the reality" upto 35th line ending with "King of Ujjain" and asked that –:

Question: What is your opinion about Vrihadwala in this portion the description of whose rule is of 512 B.C. Its description in above mentioned portion is correct or not?

Answer: I have no knowledge about it.

After showing portion starting from "Tod however" in 35 line of column first and ending at "One of its Suburb" in 41st line of paper No. 312 C-1/4, it was asked that –

Question: How far you agree with what is written in this portion?

After seeing the above paper, the witness replied that

Answer: I have no knowledge about it.

Question: Was it so that "Suburb" of Ayodhya was once Lucknow? Is that completely wrong or is there any likelihood of such happening in ancient period?

Answer: I have not read it at any place. Nor have I any knowledge that Lucknow was "Suburb" of Ayodhya ever.

Question: What is your opinion as a historian on what is written in above mentioned portion.

(On this question, this objection was raised by Shri Ajay Kumar Pandey, Learned advocate for the Plaintiff that once a question is replied, asking it again & again by changing it, is not lawful. Hence the permission to ask such question should not be accorded.)

Answer: I have already stated that I have no knowledge about the Ancient History. Therefore, I have no knowledge about this period also. Nor have I read anything about it. Hence no question arises of agreement or disagreement on it.

I have no information about the fact that when did Ayodhya habitat first of all. I can also not tell whether Ayodhya was habitated first two-four thousand years before, 10-20 thousand years before, Lakh-two lakhs years before. I have read in the Gazetteer that Ayodhya got deserted many times but how many times and when it is not known to me.

Question: In the Gazetteers in which you have read about desertion of 4 Ayodhya, whether in that Gazetteer or some other Gazetteer did you not read about Ayodhya's habitation?

Answer: I have read about habitation of Ayodhya in Gazetteer but I do not know at what intervals Ayodhya got habitated. I do not recall at present as in which gazetteer I had read about habitation and desertion of Ayodhya.

Question: Had you accepted the so called stories about the desertion and habitation of Ayodhya, as read in the Gazetteers right or wrong?

Answer: In my earlier statement I had accepted at some place about the frequent desertion of Ayodhya but had not deemed the so called long interval as correct. With long interval I mean period of thousands of years.

Question: You have said in your statement today that you have no knowledge about the ancient history whereas on 27.11.2002, you have said at page 38, in your statement that Kaliyug is deemed to be after Mahabharata. Is Mahabharata period not included in ancient period?

Answer: I have said in my earlier statement about the start of Kaliyug after Mahabharata, I have said so on the basis of general knowledge as I have already accepted that I do not possess knowledge about Ancient History.

Question: Does your statement of today that you have no knowledge about the ancient history not covered or referred to your general knowledge?

Answer: What I have said about the general knowledge does not cover the ancient history.

Question: Is your general knowledge about Ramchandraji period and Ramayan period not like that of your general knowledge about Mahabharata?

Answer: My knowledge about the period of Ramchandraji or period of Ramayana, is only limited to the information that Ram had been born in Treta Yug. About my general knowledge, I have only to say that I possess no knowledge about Ramayan period and Ram being there in Treta Yug.



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Beyond this I do not possess any knowledge in this regard.

Question: You in your statement at page 39 have also said that Vedas are generally 10 thousands years old and were written by Rishi-Munnies. Is the period of 10 thousand years not related to the ancient period?

Answer: My statement at page 39 that the Vedas were generally written 10 thousand years ago is a subject matter of ancient history, which has been given by me as a general knowledge.

Question: Your statement given today on oath that 'you have no knowledge about the Ancient History', whether even after giving the statement "any knowledge" you possess general knowledge about the ancient period and whether the word "any knowledge" is not included in general knowledge?

Answer: In the word "any knowledge", general knowledge is included, and with not having knowledge about the ancient history, I mean, the studies based on facts in the Ancient Indian History is not known to me.

Question: Do you mean to say that you have not done studies based on the facts of Ancient Indian History?

Ans. Yes Sir.

Question: It only means that you have not studied the facts about the so called Ram Janam Bhoomi because that is also related to the ancient period?

Answer: I have already stated that my knowledge is limited to the books mentioned under section 8, and except that it is not based on any other history.

Question: If on the basis of some books i.e. the books in section 8 of your affidavits you possess some knowledge about Ancient History, then your statement that "I have no knowledge about the Ancient History" is completely false?

Answer: I have already stated that neither was I the student of Archaeology nor that of Ancient Indian History. Therefore, whatever knowledge I could gain from the books mentioned in section 8 of my affidavit, cannot be called complete knowledge of Ancient Indian History.

Question: Please reply the above question categorically and do not try of suppress the facts in this regard. The question is very clear and there is a variation in both your statements of today because at one place you have said that "you have no knowledge of Ancient History" and at second place you have stated that "my knowledge is based on the books mentioned in section 8" and except that it is not based on any other history of ancient period"?

Answer: There is no contradiction in both of my statements. The encyclopedias, traveler accounts or gazetteers which I have mentioned under section

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8, all these are considered to be the sources of Modern History and in these books I have stated from time to time of not having knowledge of Ancient History. In today's statement, with reference to the gazetteer of Thorton, I repeatedly stated about my unfamiliarity with most of the material related to the Ancient History. I would, therefore, say that I do not possess knowledge of Ancient Indian History.

Question: Should I understand that the Travellers Account of the foreign tourists, Gazetteers, Settlement Reports, Encyclopedias etc. books, mentioned by you in section 8 of your affidavit, cannot be the source of Ancient Indian History.

Answer: Under section 8 of my affidavit, all the books have been placed as a source material of history but because of not having knowledge of Ancient Indian History, these cannot be taken as main source material.

Question: Do you consider the books mentioned in section 8 of your above said Affidavit the secondary source and not the primary source of Ancient History?

Answer: I have already accepted this that the books etc. mentioned under section 8, cannot be the primary source for Ancient Indian History, therefore, these can be called secondary source. There is no difference in word "agar" and word "yadi" in my opinion?

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The Learned advocate cross-examining the witness showed the witness, the portion of paper No. 312 C-114, first column, starting from 35th line the word "Tod however" to ending with "largest cities of Hindustan" in 44th & 45th lines seeing the same the witness said that he did not have the knowledge about the matter contained in this portion. The last five lines of first paragraph of the first column of this very paper starting from "Present population" and ending at "long.82'11" were shown to the witness, seeing the same, the witness said that - I have no knowledge about matter mentioned in this portion. The witness was shown by the Learned advocate cross-examining the witness, the portion from the fourth line from the bottom of column of paper No. 312 C-1/3, starting from "A quadrangular coffer" and ending at fourth line of first column of paper No. 312 C-1/4 with "devotion of Hindus" and was asked that - what do you mean by what you have written in this portion, seeing the same the witness said that the description is with reference to Ram Chabootra. All the things mentioned in this portion are about the Ram Chabootra.

Verified the statement after reading it.

Sd/-Satish Chandra Mittal

5.12.2002

Typed by the stenographer the open court as dictated by me. In continuation of this for further cross- examination on 9.12.2002. Witness be present.

Sd/-

Narendra Prasad

Commissioner

5.12.2002

**Dated 9.12.2002**

**O.P.W. 11 - Dr. Satish Chandra Mittal**

Before: Commissioner Shri Narendra Prasad, Additional  
Distt. Judge/Special Executive Officer, Hon'ble  
High Court Lucknow Bench, Lucknow.

(The Commissioner appointed vide order dated 26.11.2002  
of Hon'ble Full Bench.)

(In continuation of dated 5.12.2002, the Cross examination  
of O.P.W. 11, Dr. Satish Chandra Mittal by Shri Zaffaryab:  
Jilani, Advocate on oath starts.)

The witness was shown the portion starting from "a  
quadrangular" in column two of paper No. 312 C-1/3 and  
ending at "devotion of Hindus" in forth line of paper No. 312  
C-1/4, by the Learned advocate cross-examining the  
witness, the witness seeing the same said that - the word  
meaning of said portion is that, it is a four armed stone of  
the shape of a box, duly white washed, 5 Also in length, 4  
in width and 5 or 6 inches above the earth. In it was said to  
be the 'PALNA' of 'RAM' who is called 7th incarnation of  
Vishnu and many Hindu devotees and tourists respect it  
greatly." I have no knowledge if Thorton had given the  
above detail at that time on the basis of on the spot  
situation or on the basis of books. It is not fixed that the  
mention of such situation in the gazetteer is given, as per  
the situation prevailing on the spot or on the basis of books.  
It may be possible that Thorton might have given the above  
detail on the basis of somebody's narration or on the basis  
of books. Between 1850-60, the Chabootra was there as  
per my knowledge but what was its shape, it is not known  
to me. I cannot say if the situation of Chabootra as detailed

by Thorton in the above mentioned portion of Gazetteer, was there or not on the spot, between 1850-60. Hans Baker has mentioned in his book about the existence of Chabootra and he had stated about the existence of it during the regime of Akbar. Except the book of Hans Baker, I have not read about the existence of Chabootra in any other book or Gazetteer. The written statement of Hans Baker that the said Chabootra came into existence during the regime of Akbar appears to be correct. I did not read history of Akbar's regime or later regimes in regard to know about the existence of Chabootra during Akbar's regime. Nor did I feel necessity to read it. In Hans Baker's book also nothing is mentioned about dimension, shape and place of Chabootra "Ain-e-Akbari" and "Akbarnama" have not been read by me, therefore I cannot say if detail about Chabootra, have been given in them or not. I have read in it that Nine RATNAS were said to be there in Akbar's DARBAR, but I cannot say if any one of the nine ever came to Ayodhya or not. I have not read it in any other book, article etc. that Maharaja Akbar, his wife Jodha Bai, Man Singh & Todar Mal had ever come to Ayodhya or not. Hans Baker has written in his book that at the instance of some Hindu officer, Akbar got the above chabootra constructed so that Hindus could perform worship there. I do not know if Hans Baker in his book has given any source relating to this incident or not. I do not recall Hans Baker in his book has given this detail or not that the above Chabootra was constructed inside or outside courtyard of Babri Masjid.

During the regime of Akbar, the partition made with the iron railing was not there. This partition was made during the period of Britishers. During Akbar's period both the external gates would have been on the north & east side in the Masjid. Goswami Tulsi Das had composed,

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Ramcharit Manas around the period of Akbar. During Akbar's regime no conflict on the disputed site took place between Hindus & Muslims. I have not read it anywhere that conflict between Hindus & Muslims would have ever taken over on the disputed site during the regime of Jahangir or Shahanjhan after Akbar. I have no knowledge if or not the conflict would have taken place between Hindus & Muslims over the disputed site during the Rule of Aurangzeb. In Hans Baker's book where the reference has come about demolishing Babri Masjid, it appears that the above mentioned Chabootra was set up in the boundary of disputed site which had East & North gate.

Question: My contention is that you are making a false state in respect of Hans Baker's book because Hans Baker's book was published in 1986 and Babri Masjid was demolished in 1992. Hence the question of availability of detail in respect of demolition of Babri Masjid in Hans Baker's book does not arise?

Answer: I have not made any false statement in this regard. With Babri Masjid I meant that Masjid which was constructed by Babar by demolishing Ram Janam Bhoomi Mandir. Han has made the description on the above mentioned basis, in which description of Ram Chabootra as well as moulding coins relating to Ram-Sita by Akbar has also been mentioned by Hans Baker.

In Hans Baker's book, mention has not been made about demolition of Babri Masjid in 1992. In Hans Baker's book no mention has been made about demolition of Babri Masjid even before 1992. Hans Baker in his book has made

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mention of breaking the temples during Aurangzeb's period, but whether anything relating to demolition of Babri Masjid or any buildings around it, has been mentioned in the book or not, is not recalled by me. In his book Hans Baker has written about demolition of Swargadwar Mandir and Treta Ka Thakur Mandir by Aurangzeb. The above Chabootra might be existing at the same place, where it was said to be constructed during Akbar's Regime. I have no knowledge whether or not Aurangzeb ever came to Ayodhya. During Aurangzeb's period Ayodhya was under Mughal Sultanate. During Aurangzeb's period the administration of India was run by dividing the country into Soobas (Prants). How many Prants (states) were there in India at that time is not known to me. I have no knowledge under which state of India Ayodhya was at that time or was it a state itself. The above statement by me by which I have stated about the demolition of temples of Swargadwar and Treta Ka Thakur during Aurangzeb's time, was read by me in Hans Baker's book. I have no knowledge about referring or not referring to the source of History in Hans Baker's book regarding demolition of above mentioned two temples. It is not in my knowledge whether it is written or not written in Hans Baker book or any other book that Aurangzeb got both the above mentioned temples i.e. Swargadwar & Treta Ka Thakur, demolished by sending army from Delhi or these were got demolished by the army residing in Ayodhya or around it or demolished through an officer. I have not read about any such context which states that there had been conflict amongst Hindus & Muslims even after Aurangzeb and upto the year 1850, in which people would have been killed. I have read about a conflict between Hindus & Muslims in 1855 with regard to the disputed building, in which some people had died. That I have mainly read in a Gazetteer. Such a mention is found in Hans Baker's book



also but it is only on the question of Hanumangarhi. On this point the Learned advocate cross-examining the witness showed the witness, the 3rd para on paper No. 312C-1/16, which starts from the Heading Hindu & Musalman, in sixth line of it which begins from "The Hindus" and ends at the ninth line "were killed", seeing the same, the witness said that this statement is concerned with conflict taken place in 1855.

On this point the witness was shown by the Learned advocate cross-examining the witness "British Paramouncy and Indian Relations" part-2, which has been edited by R.C. Mazumdar and published by Bhartiya Vidya Bhawan and the relevant extracts of this very book were filed as list paper No. 313 C-1. Seeing the same the witness said that he had read this book while studying Modern Indian History. This books gives detail of the period from 1818 to 1905.

Witness was shown the paper No. 313 C-1/5 to paper No. 313 C-1/14 by the Learned advocate and was asked that –

Question: In this part of the book (the page number of photocopy of which is given above), the mention has been made about all the important conflicts taken place, during 19th century in India, but mention of Ayodhya's conflict of Hindu-Muslim in 1855 as stated by you, is not found here. Is the above conflict of 1855 mentioned in the Gazetteer and told by you, was based on local stories and it is not an historical fact?

Answer: I have already stated that the Gazetteers give more information on the local or regional history. In the context of overall Indian History, the local

events get insignificant importance. The book which is shown to me now and photocopy of which is paper No. 313 C-1/5 to paper No. 313 C-1/14, which though contain details of some of the Hindu- Muslim riots, yet in it there is no mention of the conflict which had taken place in 1855.

The witness was shown the portion of 2nd line of first paragraph of paper No. 313 C-1/6 which starting from "early in Nineteenth century" and ending at seventh line "were put to death" by the Learned advocate cross-examining the witness and was asked that - in this portion there is a mention of Aurangzeb's mosque, whether it is situated in Banaras or in Ayodhya. The witness after seeing portion of the above mentioned paper replied that - On reading the above said portion it appears to be Aurangzeb's Masjid at Banaras but I have no definite knowledge. The witness was shown first three lines of para 2nd of paper No. 313 C-1/6 which starts from "communal riots" and ends at "1871-72", by the Learned advocate cross-examining the witness and was asked whether in the perspective of 1857, does it contain the mention of riots which had taken place in U.P.? Seeing the above, the witness replied that there is a general mention of communal riots and tension in 1857, it is not restricted to the context of U.P. only but it contains the detail of riots taken place during 1871-72 in Bareilly at other places in U.P. about which I have no knowledge.

The witness was shown the portion of 5th to 8th line of paper No. 313 C-1/7, which starts from "The year" and end at "Miyanwali, Distt. Punjab" by the Learned advocate cross-examining the witness and was asked that -

Question: Does the portion contain the detail of riots taken place at various places in various states?

Seeing the above portion the witness replied that -

Answer: Such mention is found in the above portion but I have no knowledge about it.

The witness was shown the paper No. 313 C-1/12 to paper No. 313 C-1/14 and was asked -

Question: In the above pages, the mention of riots taken place alongwith the reasons at various tiny places of India is given. Why, therefore, the mention of so called Hindu-Muslim riots in Ayodhya given in Gazetteer and told by you, during this period (i.e. 1855) is not given in these paper?

Seeing the above papers, the witness said that -

Answer: In the book namely British Paramouncy & Indian Renaissance, the photocopy of which is paper No. 313 C-1/12 to paper No.313 C-1/14, detail of some prominent riots has been given but it does not mean that only these riots had taken place. I do not know why the detail about the riots of 1855, in Ayodhya, has not been given.

Question: If prominence can be given to the riots taken place in Bhivandi, on the occasion of Ram Navami for taking the idol of Bithoba, a local representative of Ram and in Baroach for an altercation with- a Parsi and in 1877 at a place known as Janjira place for stepping of sangeet

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on the occasion of Ganpati as well as in Gaya for forcibly snatching and getting released the animals of some Muslim butchers, why cannot the riots taken place at so called Ram Janamsthan in Ayodhya in 1855, be not called prominent?

Answer: A brief mention has been made in these papers of the prominent riots taken place in 1837, 1857. I have not made any detailed study about them and I have no knowledge also as to why such a prominent riot was not mentioned in them.

Verified the statement after reading it.

Sd/-

Satish Chandra Mittal

9.12.2002

Typed by the stenographer in the open court as dictated by me. In continuation of this, further examination for tomorrow i.e. 10.12.2002. Be present.

Sd/-

Narendra Prasad

Commissioner

9.12.2002

**2002**

**Dated 10.12.2002**

**O.P.W. 11 - Dr. Satish Chandra Mittal**

Before: Commissioner Shri Narendra Prasad, Additional  
Distt. Judge/Special Executive Officer, Hon'ble  
High Court Lucknow Bench, Lucknow.

(The Commissioner appointed vide order dated 26.11.2002  
of Hon'ble Full Bench.)

(In continuation of order dated 9.12.2002, the Cross  
examination of O.P.W.11, Dr. Satish Chandra Mittal by Shri  
Zaffaryab Jilani, Advocate on oath begins.)

Also was a scale of measurement but how many feet  
and how many yards one Alse would be, that information is  
not known to me. I too have no knowledge that Alse was an  
Indian scale, English scale or the scale of which country. I  
in my statement of yesterday at page No. 119, had told 5  
Alse length, so I cannot tell how many feet or yards that 5  
Alse would be. My statement of yesterday, on 9.12.2002, at  
page 119 about Ram Palna was for Ram Chabootra i.e.  
Ram Chabootra was deemed to be as Ram Palna. While  
explaining the meaning of some lines written in Thorton's  
Gazetteer, I had told about a rectangular stone. That  
reference of stone was given because the Chabootra was  
made of the stone. The mention has also come in Thorton's  
book that Ram was the seventh incarnation of Vishnu. I  
agree with the opinion of Thorton as given in paper No. 312  
C-1/3 & 4 that there was a Chabootra there but I do not  
possess any knowledge about other detail such as length &  
breadth of Chabootra and whether Ram was incarnation of  
Vishnu.

On this point the witness was shown the portion starting from word in second column of paper No. 312 C-1/3 and ending with the words "devotion of Hindu", in forth line of paper No. 312 C-1/4, by the Learned advocate cross-examining the witness and was asked that

Question: You in your statement at page-119, in the translation of above portion have stated these words " jisme ram ka palna..... Bataya jata hai" what do you mean by that? Do the people call Chabootra itself the Palna of Ram?

Seeing the above, the witness said that –

Answer: I was asked to tell the word meaning of above lines, in my view, Ram Palna denotes that Chabootra only which is made of stone.

I do not know if Ram Chandraji was or was not the incarnation of VISHNU. I accept Ram Chandraji as MARYADA PURUSHOTTAM. I do not accept Ram Chandraji as Bhagwan or God.

The witness was shown black & white Album, picture No. 29 & 30 of paper No. 201 C-1, by the Learned advocate cross-examining the witness, seeing which the witness said that he cannot say with certainty that the Chabootra appearing in these pictures is or is not the same Chabootra the mention of which has been made by Thorton in paper No. 312 C-1/3 & 4. Seeing the above pictures the witness said that its height from the ground appears to be more the 5'-6'. At this stage the witness was shown the coloured Album, picture No. 56 & 57 of the paper No. 200 C-i, by the Learned advocate cross-examining the witness. Seeing

them the witness said that these pictures appear to be of the same Chabootra which I had seen now i.e. picture No. 29 & 30 of paper No. 201 C-1. Seeing picture No. 56 & 57 of black & white Album paper No. 200 C-1, the witness said that he cannot say with certainty that the height of Chabootra, appearing in these pictures is or is not two-three feet above from the ground. Seeing the above mentioned four pictures, the witness said - he is not recalling if the Chabootra appearing in these pictures was seen or was not seen by him on the spot on October, 1992. The Chabootra seen in these pictures appears to be made of stone from bottom. Of what stuff its upper part is made of, is not clear from these pictures. It is not in my knowledge if Hans Baker in his book has called or not called this chabootra as Ram ka Palna anywhere. I have no knowledge either that Hans Baker has stated or not stated this chabootra to be made of stone in a shape of Box.

The book of Hans Baker is in three parts. I have gone through the detail of some relevant portion of part-1, & part-2. The witness was shown Hans Baker's book - paper No. 120 C-1/2, by the Learned advocate cross-examining the witness and was asked as to which of the parts of the book, he had studied. Seeing the above book, the witness said - I have read mainly chapter 3 and chapter 8 of part one. The introduction chapter of this part has been read cursorily. I have not read chapter 1 of part 1 of this book and read chapter 2 on cursory basis. I have not read chapter 6 & 7. Seeing part 2 of this book the witness said that he had mainly read chapter 21. Chapter 24 had been read on cursory basis. Whatever Hans Baker has written in his book, I can say only after seeing its relevant portions whether I agree or I do not agree with them. I have read some portions of this book relating to 11th century to 18th

century and some relating to 19th century. I cannot say whether or not I fully agree with the portions I have read.

The witness was shown the portion starting from Heading "AWADH" in first column of paper No. 312 C-1/3 to portion upto 15th line of 2nd column of the same page, by Learned advocate cross-examining the witness, the witness said after seeing that in this portion there is description mainly about Ayodhya. The mention in it is made about Ghaghra river, Faizabad, Hanumangarhi and Ayodhya, and about the houses made of mud & CHHAPPAR. In the said portion, there is also a mention about fixing of annual rent by SHUJA-U-DOULA. It has also been mentioned here that rent in question was distributed amongst 500 Vairagies, religious Sadhus and other Hindus. The spirit of writing 15th line of Column two of this portion was no Muslim was permitted to go inside Hanumangarhi. Out of this I only agree with the mention about Hanumangarhi being at large building, the annual rent of which was fixed as Rs. 50,000/-. I do not have knowledge about the rest. I agree with upto first and second sentence (river Ghaghra) of above column of above portion in which there is mention about this city being near to Faizabad. I agree with 6th line from "Fort of Hanuman" to the last line "of Rama" of column 2 of the above said portion. The witness was shown the portion starting from 16th line "other establishment" and ending with 24th line "legend of India" in paper No. 312 C-1/3 by the Learned advocate cross-examining the witness, the witness seeing the same said that he had no knowledge about the mention made in the said portion. I do not know if a fort namely SUGRIV KA KILA exists in Ayodhya or not. I do not know either that there are or there are not the ruins of buildings on the right side of Ghaghra river and these



are or these are not called the ruins of the Fort of Ram Chandraji.

The witness was shown the portion starting from 24th line "Bukanan Observes" and ending with thirty-sixth line "two thousands years" of column two of paper No. 312 C-1/3, by the Learned advocate- cross-examining the case, the witness seeing the same said that he had no knowledge about what was mentioned in that. I do not know who was Bukanan whose observations have been given in this portion. I too have no knowledge whether or not Ayodhya was once called Mohammedans Ayodhya as is mentioned in this portion. I have read it somewhere that some ruins were there from two thousands years before. After seeing the portion starting from 36th line "the ruins" and ending with 48th line "demolished by", of this very paper No. 312 C-1/3, the witness said - I agree with its 41<sup>st</sup> line starting from "it remain" and ending with 45th line "360 temples". I have no knowledge about the rest. I have no knowledge about the words Ramgarh or "Fort of Ramgarh" used here. I have no knowledge about the 38th line of the sentence starting from "The most" and ending with 41st line "this city" of the above mentioned portion.

Question: The word "it" in 42nd line of the above portion is referring to the same place, the mention of which has been made from 38th line to 41st line. Therefore, if you possess knowledge about 42nd and 43rd line, then how far it is true when you say that you do not possess knowledge about the place mentioned from 38th line to 41st line?

Answer: In my earlier statement also I had said that I did not know about version of Ram's going towards

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the sky and taking alongwith him all the citizens of the city and take the meaning of "it" by the city called Ayodhya. Therefore, I do not find any difference in both the versions.

The witness after seeing the portion starting from 14th line from the bottom, "The mosque and upto the 8th line from the bottom "Lanka & Celone of paper No. 312 C-1/3 said - I agree with this portion starting from 14th line from the bottom with the word "The mosque" 10<sup>th</sup> line from the bottom ending with the words "Hindu Fans" and I do not agree with the 10th line from the bottom starting from the words "to which" and ending at 8th line from bottom with the words "Celone".

Question: What is the basis of your above agreement and disagreement?

Answer: The points which seems to be factual or the portions about whose authenticity is given appears to be factual, and I express my agreement.

Question: Do not you find the mention factual and authentic in which Hanumanji has been called "Monkey General" and the pillors mentioned above said to have been brought from Lanka or Celone?

Answer: As far my study goes, both the above mentioned narrations do not appear to me as authentic.

The witness was shown the sentence starting from 8th line from the bottom with the words "altogether" and ending at 41<sup>st</sup> line from the bottom with the word "remote period", of this very paper No. 312 C 1/3, the witness said after seeing the same that he had no knowledge about the

mention made in that sentence. The witness was shown the — portion starting from 6th line of first column with the words and percept and ending at 10th line with the words “unknown” of the paper No. 312 C-1 /4, after seeing the same he said that he has no knowledge about the mention made in that either. The witness said after seeing the portion starting from 13th line of first column of paper No. 312 C-1/4, with the words “Bukanan conjectures” and ending with the words “West” in 24th lines, that - I have no knowledge about the portion mentioned in this part also. The witness was showed the complete detail given under the Heading “Awadh” in paper No. 312 C-1/3 & 4, seeing which the witness said that under this heading of “Awadh” the mention about “Ram Janam Bhoomi Mandir” “Ram Janam Bhoomi” or “Place of birth of Shri Ram”, has not been made.

Question: In both these papers (paper No. 312 C-1/3 & 4), is there mention at any place about demolition of Ram Janam Bhoomi and on its place constructing a mosque, by Babar, has been made under the heading Audh?

Answer: There is mention of conquering a temple and constructing a mosque by Babar but it has not been written Ram Janam Bhoomi Mandir.

Question: In which of the pages and columns as well as in lines of paper No. 312 c-1/3 & 4, the detail of “conquering a temple by Babar and constructing a mosque” has come?

Answer: It is revealed from nineteenth line from the bottom, starting from “Who built” and ending at sixteenth lines “the conqueror Babar” of cot. 2 of paper No.

312 C-I/3, that after conquering a temple Babar constructed a mosque and the proof of that has been given as a record on the wall of the mosque.

Question: I have to state that the 19th lines from the bottom as told by you in the above mentioned portion refers to Aura and in order to brand the detail given in two lines above the 19<sup>th</sup> line and nineteenth line, as false, the detail from sixteenth to eighteenth lines from the bottom has been given. In none of these lines there is a mention about constructing a mosque by demolishing a temple and in this context you are taking the recourse of falsehood?

Answer: I am not resorting to any falsehood in my statement. What is said in the question about the upper two lines above the nineteenth line, the detail of demolishing temples refers to Aurangzeb and while the nineteenth line from the bottom initially refer to Aurangzeb, and in the next very line, the statement of Aurangzeb has been branded to be false on the basis of mentions on the wall by stating it as the "Work to the Conqueror Babar" and by narrating the specialty of the mosque, the mention of 14 pillars installed on it, has been made. My statement, therefore, is not incorrect.

Question: The word "the work" in sixteenth line from the bottom of the above portion, is referring to the demolition of the temple or construction of the mosque?

2010

Answer: In the nineteenth and twentieth line from the bottom in above mentioned detail, reference of demolishing the temple, is being made and in nineteenth line, the same thing has been repeated. Therefore, 'the work' is referring to construction of a mosque by demolition of a temple.

Question: In the above detail, "the work" denotes that work, the mention of which is proved by the inscriptions installed in the wall. Is the mention, therefore, of demolition of temple is found in the inscriptions?

Answer: The above detail can be known on the basis of the word "demolish" in twentieth line from the bottom and the word "built" from the nineteenth line from the bottom, and this inscription has been referred to certify this and in the context of Aurangzeb, to prove the false tradition that it has been made not by Aurangzeb but by Babar.

Question: I have to say that there is no mention in the extracts of Gazetteer i.e. paper No. 312 C-113 & 4 about the demolition of Ram Janam Bhoomi temple and construction of a mosque on its place. In section 8 of your affidavit, you have referred to this paper to make your point which is totally untrue?

Answer: I have to state that whatever is said with reference to paper No. 312 C-1/3, that is based on the detail. In it Ram Janam Bhoomi word has not

2011

come but there is a mention of constructing a mosque in place of a temple by Babar and it is in accordance with the contention of section 8 of my affidavit. I have drawn my conclusion by going through all the books, which is not wrong.

My opinion in the last two lines of paragraph 8 of my affidavit, is based also on this Gazetteer of Thorton. The extracts of which is paper No. 312 C-1/3 & 4.

The witness was shown paper No. 312 C-1/10 & 11 as well as paper No. 312 C-1/3 & 4, by the Learned advocate cross-examining the witness, seeing them the witness said that there was no difference in both the papers. In section 8 of my affidavit, the meaning of so called Ram Janam Bhoomi Mandir is that place which is considered to be the birth place of Ram which means Ram Chandraji was born on that place.

Question: You mean to say a temple was constructed on the place where Ram Chandraji was born and that temple, as per your version was demolished by Babar?

Answer: My contention in this context is that there was a temple on the place where Ram was born which was demolished by Babar and a mosque was built.

The event of Ram Chandraji birth is before the advent of Ancient History. I not read anywhere as to when and where Ram Chandraji was born.

2012

Question: When you did not read anything any where that at which place Ram was born, how are saying that the disputed site was his birth place?

Answer: In the books mentioned in section 8 of my affidavit and particularly in Hans' Baker's book, I read it on the basis of facts that Ram birth took place in Ayodhya and in that book, that place is also mentioned, where the birth of Ram is said to have taken place. That place was where a mosque was built by Babar.

Question: Your contention is that you read in Hans Baker's book that Ram was born in Ayodhya, which proves your today's statement as false, in which you have said that the 'event of Ram Chandraji's birth is a matter before the advent of Ancient History. I have not read anything any where as when and at which place Ram was born' What you have to say in this regard?

Answer: I have given my statement in the context of Ancient History, on which I have and an book. More over I have also said that my knowledge is base on the books mentioned in section 8 of my affidavit. Therefore, I did not make any false statement.

The book of Hans Baker has also been mentioned in section 8 of my affidavit. Therefore I have not stated anything false. In Hans Baker's book, while using various historical sources, some extracts have been given from the ancient History but I have not read those extracts separately anywhere. When Ayodhya came into being since

2013

when its history is available, this subject matter relates to the ancient history. I do not possess knowledge whether or not there is any mention in Hans Baker's book about the fact that the present Ayodhya is that Ayodhya only or not, the mention of which is made in Balmiki's Ramayana.

The witness was shown chapter 1 of paper No. 120 C-1/2, 1st part by the Learned advocate cross-examining the witness and was asked whether there was description of Ayodhya in that chapter, seeing the same, the witness replied that - I have read the heading of this chapter which has been written as "The History of Saket/Ayodhya from 600 B.C. to A.D. 1000". The Ancient History of Ayodhya may be given in it which I have not read. For knowing about the birth place of Ram Chandraji, I did not consider it necessary to read Ancient History of Ayodhya.

Verified the statement after reading it.

Sd/-

Satish Chandra Mittal

10.12.2002

Typed by the stenographer in the open court as dictated by me. In continuation of this for further cross-examination tomorrow i.e. 11.12.2002, Witness be present.

Sd/-

Narendra Prasad

Commissioner

10. 12.2002



2014

**Dated 11.12.2002**

**O.P.W. 11 - Dr. Satish Chandra Mittal**

Before: Commissioner Shri Narendra Prasad, Additional  
Distt. Judge/Special Executive Officer, Hon'ble  
High Court Lucknow Bench, Lucknow.

(The Commissioner appointed vide order dated 26.11.2002  
of Hon'ble Full Bench.)

(In continuation of order dated 10.12.2002, the Cross  
examination of O.P.W. 11, Dr. Satish Chandra Mittal by  
Shri Zaffaryab Jilani, Advocate on oath starts.)

The system of composition of Gazetteers started during the British Rule and their specific purpose was to reflect the situation of the time, religious places, customs-traditions, the condition of land, the climate etc. of that area, the history in brief, comprised in it. The first Gazetteer written during British period was in year 1858 by Thorton. This first Gazetteer was co piled under the orders from East India Company. I do not know who Edward Thorton was, also I do not know whether he was an officer, Director or what in the East India Company. Again Said - I do not possess the information about its size it may be of 800-900 pages, time consumed in compiling it might be one to two years. This Gazetteers provide information about all such Provinces as well as kingdoms in India which were under the direct control or under the domain of East India Company. But it appears that the description of places and subjects in this Gazetteer has been done in alphabetical order and not in statewise order. I am not able to tell as to where in India Thorton Sahab used to live. I have not read anything in this regard. I have no information about the

2015

sources or basis of Thorton's writings in his Gazetteer. The second Gazetteer is of P. Karnegi, of 1870. It is connected with Faizabad District only. This Karnegi Sahab was the Settlement officer and officiating Deputy Commissioner of Faizabad at that time. The Gazetteer edited by Karnegi Sahab was reprinted again or not, is not known to me. I must have read this Gazetteer of Karnegi Sahab in the year 1995-96. I read it in Delhi in National Archive. I obtained its photocopy from there. I obtained photocopy of its 15-20 pages. I had only read the relevant portions of the said Gazetteer. The portions I read were relevant to Ayodhya and I got photocopy done of those portions which were related to Ayodhya. I have read that Gazetteer on 1-3 times. Last time I read it when I came to Lucknow to record my in the Court.

The witness was shown paper No. 107 C-1/17 to 24, by the Learned advocate cross-examining the witness, the witness seeing the same said that - this photocopy is not the photocopy of that which was obtained by him from the Gazetteer of P. Karnegi. I had come to Lucknow to record my evidence on the basis of the photocopy of the Gazetteer of P. Karnegi, obtained by me. That photocopy is not in my possession which I had got done in Delhi. Above said all the photocopies are with me at Saharanpur. When I came first time in Lucknow, I had brought them and when I came again to Lucknow, I left them at my house at Saharanpur because I did not feel the necessity of bringing them here. I do not remember for certain as of how many pages that photocopy is. All the copies of this Gazetteer which are filed in the court, are available with me. In addition to the photocopy of paper No. 107 C- 1/17 to paper 107 C-1/24, the photocopy of another 4-5 pages are with me at Saharanpur. Paper No. 312 C-1/5 to paper No. 312 C-1/12,

is the photocopy of those pages of which is the photocopy of paper No. 107 C-1/17 to paper No. 107 C-1/24. I do not know by whom and where from the paper No. 312 C-1/5 to paper No. 107 C-1/12 and paper No. 107 C-1/17 to paper No. 107 C-1/24 which all are the photocopies, were obtained. The paper No. of above said papers recorded by me in my affidavit, has been told to me by my advocate Shri Ved Prakash Ji. The photocopy of the 4-5 extra pages of the Gazetteer of above said Karnegi, in my possession, does not contain the cover page, Printer's page, and introductory pages. When I studied this Gazetteer in National Archives in Delhi, as far as I know I had studied that in the context of Ra Janam Bhoomi and the mosque constructed by Babar. I do not remember if I had obtained or not obtained a photocopy related to Ayodhya, Ram Janam Bhoomi, Babri Masjid etc. or only one of them.

Paper No. 107 C-1/18 to paper No. 107 C-1/24 was shown to the witness by the Learned advocate cross-examining the witness, seeing which the witness said that - these pages contain only the detail under section 3, under the heading "Ayodhya" of the 'Ancient Capital Ayodhya & Faizabad'. The complete detail under the above mentioned section and heading is not available in the above papers. I do not remember that the said section and heading runs into how many more pages. I do not know at this point of time if the detail of Rama Chandrai's life period and exile etc. is also found or not in other pages of the of above Gazetteer of Karnegi, which are not filed in this court. This Gazetteer of P. Karnegi would be of 200-250 pages. The certified photocopies of the books available in 'National Archive Delhi' are available there but I did not obtain certified copy of any of them. I do not remember if the Gazetteer contains the mention about the sources, it is

2017

based on. It is not in my knowledge whether or not the mention of Thorton Gazetteer is made in this Gazetteer. I also do not know whether or not the mention of any historical book has been made in this Gazetteer. I have no knowledge either, if or not the mention of any historical book such as Ramayana or Ramcharit Manas etc. has been made in the Gazetteer of P. Karnegi. I have not read any such thing in this Gazetteer, which may reveal that some great men or important individuals of that time, might have been mentioned as a result some information in this regard would have become available.

The witness was shown the paragraph starting from the heading "Babar's Mosque in forth paragraph of paper No. 107 C-1/23, the witness after seeing the same said that - in it is the mention of "Ladene's Memoirs of Babar" which is the name of an historical book and which is the translation of Babar's Memoirs.

Question: Your above mentioned statement that - "I do not remember whether or not the mention of any historical book has been made in this Gazetteer" is wrong because the above said 'Memoir of Babar' being an historical book has been accepted by you only now, and questions regarding this have been asked earlier also from you during the cross examination?

Answer: My contention in this context is that - when I was asked about the mention of any book earlier, I had said that I did not remember but when I was shown paper No. 197 C-1/23, in which there is a mention of the translation of Ladenes Memoir of Babar, which is not an original work of Ladenes

2018

and is only a translation of Babar's memoir but the line in which "Ladenes Memoirs of Babar" was mentioned, was not in my mind then. Hence I have not given any wrong statement deliberately.

The witness was showed first paragraph of page 79 by the Learned advocate cross-examining the witness and was asked that -

Question: On 2nd December, 2002, you were shown during the cross examination fourth paragraph of paper No. 107 C-1/23, which starts from "Babar's Mosque and in which there is a mention of "Ladenes Memoirs of Babar's" and after reading you had replied the questions asked from you. Do you forget the things read by you in a period of 10 days?

Answer: Today I did not remember the above said mention.

It is possible that when an authentic mention is made in the Gazetteer of Karnegi, a reference of historical source might have been given, in that regard. It is not possible that any mention about Raja Vikramaditya would have been made in any other paper except paper No. 312 C-1/5 to paper No. 312 C-1/12, in P. Karnegi's Gazetteer. I have not read any mention about Raja Vikramaditya in any other part or on any of the page of the Gazetteer except mentioned on the above mentioned papers, because of this reason I am saying that it does not appear likely that there would be mention about Raja Vikarmaditya separately in the above said Gazetteer anywhere. I have read only section 3 of this Gazetteer, which provides historical detail in respect of Ayodhya. Except the above section 3 the mention about

2019

Raja Vikarmaditya is not there in other sections because in other section, the information pertaining to Geography, Revenue etc. is given. I can say without reading any other parts except section 3 of the Gazetteer of P. Karnegi, that there is no mention about Raja Vikarmaditya in them. Similarly I can also say that mention about Ramchandrajii too is not found in any other part in the Gazetteer except paper No. 312 C-1/5 to with paper No. 312 C-1/12.

Question: Have you intensively studied the detail written on the pages of paper No. 312 C-1/5 to paper No. 312 C-1/12 or have studied only cursorily or studied only some of its portions?

Answer: I have completely studied the paper No. 312 C-1/10 & 11 of the above mentioned papers, the remaining pages I have studied cursorily.

Question: In paper No. 312 C-1/10 & 11, it is no where written as at which place Ram had born. Have you expressed your above opinion only on the basis of mention made in both these papers that - the Babar after destroying the Ram Janam Bhoomi temple site, constructed mosque by using its material, the mention of which you have made in para 20 of your Affidavit?

Answer: In paper No. 312 C-1/11, the mention of Janam Sthan Mandir, the place on which Babar got a Masjid constructed in 1528 has been made and it has also been mentioned in it that the Janamsthan is a place where Rama was born. Therefore, it appears from this mention that I have not stated anything wrong in section 20 of my affidavit.

2020

Question: According to you, you have called Janamsthan as Janam Bhoomi?

Ans. Yes Sir, it is correct.

Question: Do you know there is a temple situated on the north of disputed building across the road which is called Janamsthan temple?

Answer: Yes Sir, I know it.

Some people presume that the Janamsthan Mandir situated on the north of disputed building, across the road is the birth place of Ram Chandraji. The birth place mentioned in paragraph three of paper No. 312 C-1/11, does not refer to temple situated on the North side of disputed building across the road. This I, am telling on the basis of conclusion of comparative study by Hans Baker. He has called the temple situated on the North side of disputed building as new Janamsthan Mandir and has accepted the birth place of Ram as disputed building.

Question: You have accepted as correct the so called Janamsthan of Ram Chandraji, as written by P. Karnegi, in paragraph three of paper No. 312 C-1 / 12. In the same paragraph P. Karnegi has written about the cremation of Ramchandra's body, which according to Hindu Mythology and Hindu faith is completely wrong. How can you then believe upon the mention of P. Karnegi about the birth of Ram Chandraji and mainly when no reference has been given in it of any source?

2021

Answer: In the above mentioned paragraph where, as per the Hindu Mythology Ram's body has been told to be cremated at Swargadwar,

I have no knowledge about the same and as far as the Janam Sthan is concerned, in para 8 of my affidavit as well as in other books, the Ram's Janam Sthan has been called "Janamsthan" or "Janam Sthan Mandir". Hence my this contention that Ram's birth, took place at the place called "Janam Sthan Mandir" appears to be correct. Janam Sthan is called the same place where the child is born. In the context of Ram Chandraji also, the Janamsthan would be called the same place, where he would have been born. It is likely that the residence of the parents and the place of birth of their child may be at separate place. Raja Dasharath and his wife Kaushalya, may be living together in one palace. I have not read so but I presume that Raja Dasharath & Kaushlyaji would be in one place together. The other two queens of Raja Dasharath, Kaikei, Sumitra might also be living in other parts of the same palace. I have no information whether or not some of the places at Ayodhya today are known as Dasharath Mahal, Kaushlyia Bhawan, Sumitra Bhawan & Kaikei Bhawan. I have absolutely no knowledge, how big the palace of Dasharath would have been and what would have been its length & breadth. I have no knowledge, about the Mahal of Dasharatha would be spread from which place to which place, that today's Hanumangarhi, Kanak Bhawan, Sumitra Bhawan etc. would be included in that or not. I do not have even that knowledge whether or not in the palace of Dasharath there would have been a Labour Room. There would be a place of birth of Ram Chandraji in the disputed building which I am saying on this basis that there is a mention in the books of a temple at the disputed place, to



which many people have traditionally been presuming as the place where Ram was born, and it is said so also in the books which have been read in this context. This place is said to be the birth place of Ram. I have neither read it nor heard it that a building or ruin of Ram Chandrajī's period exists somewhere here in Ayodhya I have not read any such book in which it is written there existed a building or its ruin of the period of Ram in present Ayodhya.

I accept Ramchandrajī as Maryada Purshottam. With Maryada Purshottam I mean such a great person who cares for the accreditations & limitations and honour them. Many great men have born in the world, but I cannot recall if a Maryada Purshottam like Shri Ram Chandrajī has ever born in the world. I cannot recall, if at any place, such great men would have born. I know that Swami Vivekanand had born in a small house, in a street called Vivekananda street, in Calcutta. Similarly Mahatma Gandhi had born at Porbander in his parental house where, it is written before a room that Mohan Chand Karamchand Gandhi was born over here. Because of this reason I call that room as the birth place of Mahatma Gandhi. It is said about Shivaji that he was born in the Fort of Shivneri in a small room shown as the birth place of Shivaji. Similarly Swami Dayanand was born in a place called Tankere Village in Kathiawar. On which specific place Mahatma Budh, Guru Nanak, Lord Mahabir was born is not known to me. About Krishan, my opinion is that he was a Great Man and not the incarnation. I have no knowledge whether or not Vishnu was God and whether or not there were his incarnations. Similarly I do not possess knowledge about Lord Shiva and Lord Brahma whether they were Gods or not and were there some incarnations of them or not. I have not heard the name of Narad Muni and I possess no knowledge about him. In my

opinion Hanumanji was a powerful man. He was a human being and his figure is symbolic one. I have no knowledge about the detail of life and exile etc. of Ram Chandraji in Balmiki Ramayana. The stories we hear at home in this regard only have been heard.

Question: How far you know and what is your belief about the description which is generally made about Sitaji's abduction and burning of Sri Lanka by Hanumanji, as well as bringing back Sitaji to Ayodhya by defeating Ravan by Ram Chandraji?

(On this question Shri Ved Prakash the Learned advocate for the Plaintiff raised the objection saying that the witness is a Historian and is giving his evidence in this capacity only. He has also described those sources on the basis of which he has expressed his opinion as historian. The questions being asked are neither related to the facts involved in the case nor is there any prosecution point. Such questions are being asked to harrass the witness. Hence the permission should not be granted to ask such questions.)

Answer: As far as my knowledge in this regard is concerned, I possess very little knowledge about it and it appears to me that this description is in an ornamental language but there is element of truthfulness in it because there is long tradition continuing behind this. So far as the question of belief is concerned, I accept Ram as Historical Great Man who has given highest place to the dignity of the society. Hence I have faith upon him. The information that I have given in this regard also is my belief.

In my opinion there is no difference between having a belief and having a faith in Maryada Purshottam. There may be both the things in some person. The basis of faith is belief but it may have been facts also. It is also possible to have faith without analysing the fact.

Question: Is your faith related to the birth of Ram Chandraji only and not with his life and departing to heavenly abode because as told by you, you possess no knowledge about his life as well as his departing to heavenly abode etc.?

Answer: So far as the question of faith is concerned it is for the reason of Ram Chandraji's being Maryada Purshottam about which I have heard from my parents. Apart from this, I have no faith as to how did he expire.

Ram Chandraji did not become Maryada Purshottam since birth but he became Maryada Purshottam in his capacity as a Prince, or in his familial dealings or as a Ruler. My faith generally is that Ram Chandraji used to spend his life befitting Hindu propriety or conduct. His behaviour towards his brothers, towards his father, towards his mother, towards his teacher (Guru) was such as is expected even today in Hindu society. Therefore, I adore him as a Maryada Purshottam. I have heard a marriage of Ram Chandraji with Sitaji, though I have not read it. I have stated above about the behaviour of Shri Ram Chandraji with his Mother, Father, Gurus, Brothers etc. that I have only heard and not read.

Question: You have accepted Ram Chandraji as Maryada Purshottam only on the basis of hear say?

Answer: I have been told by my parents from time to time about such things which have formed impression in my mind and on the basis of them, I accept them as true that is why I have faith on them and on the basis of these I have accepted Ram Chandraji as Maryada Purshottam.

I have no knowledge, where was Sitaji born. I also do not know where was the birth place of Bharatji and Laxmanji but I have heard that their birth place was also in Ayodhya. I have no knowledge about the birthplace of Raja Dasharath and Kaushalyaji.

Question: Is it in your knowledge or have you heard that the Rule of Raja Dasharath lasted over sixty thousand years, as is mentioned in Balmiki Ramayana?

(On this question Shri Ved Prakash, the Learned advocate raised the objection saying that the witness is a Historian, as he has said in his statement. He has also stated that he has not read Balmiki Ramayan, Ramcharit Manas himself. The question being asked is just to harrass the witness and to waste the time of the Court. The permission to ask such question should not be granted.)

(In reply to the above mentioned objection, it was said by the Learned advocate cross-examining the witness that since the witness in his affidavit and the statement given on oath, has stated that the disputed site was the birth place of Ramchandraji and he could not give the reference of any historical source in this regard. Hence it is essential to ask from him about his knowledge in respect of birth of Ramchanraji and the period etc. of his parents so that the court could take a decision, as to how far the statement of the witness and the affidavit are based on false statements and how much these can be relied upon. Hence it is essential and appropriate to ask such questions.)

Answer: I have neither read it nor heard it that Rule of Raja Dasharath continued for sixty thousand years. I have not read Balmiki Ramayan either.

Even if it is written in Balmiki Ramayana that the Rule of Raja Dasharath continued for more than sixty thousand years, I shall not believe upon that because for that more facts are required, only then it could be accepted. I have no knowledge about the commencement of human habitation.

I have heard the name of Prof. B.B. Lal, he is an Archaeologist. I only know about him that he is an eminent Archaeologist, I have neither seen nor read his report in respect of excavation in Ayodhya but there is a mention about B.B. Lal at many places in Hans Baker's book. Even in Hans Baker's book I have not read it, that since when habitation in Ayodhya commenced because I have read about the developments from 11th century upto 19th century only.

I had studied the Encyclopedia by Surgeon General Edward Welfore in National Archives, New Delhi. In this Encyclopedia, I studied the entry related to Ayodhya only. This entry regarding Ayodhya would I half page, I had obtained a photocopy also of the same. This study too was conducted by me in the year 1995-96. That Encyclopedia is in one volume only and it contains around one thousand to one and a half thousand pages. In the encyclopedia, of Edward Welfore, another special thing on Ayodhya is about the site of three temples out of which one is Janam Sthan also. There is no mention in it about demolition of a temple and construction of a mosque. Ramji's name has appeared in the Encyclopedia but no separate version about the birth place of Ram has come. I do not know if mention about the importance of Ayodhya is included in the Encyclopedia or not. I, at page 3 of my affidavit in 3rd & 4th line of

paragraph 8, have made the mention of this very Encyclopedia. In fifth line of section 9 of my affidavit, the reference of paper No. 107 C- 1/111 has been given which is a photocopy of the same Encyclopedia, which I have told to have read in National Archives, Delhi. My advocate Shri Ved Prakash had told about the number of this paper and I compared the photocopy of it with the photocopy, which I had in my possession. The witness was shown paper No. 107 C-i/111 by the Learned advocate cross-examining the witness, seeing that, the witness said that in the 2nd column of this page in the paragraph containing 'Ajmod' heading in third line, Ayodhya is written, which is not legible and ahead of it the words "On the Right Bank" to "Vikramaditya (A.D. 57)" are legible, a word again is not being read thereafter and then "Many Jain Temple" words are legible again, thereafter, many lines are not legible and then 'Musoleum' to 'Audh' words are legible. There after a word 'AJUDHN' is written which is in Pak Pattan Punjab.

Verified the statement after reading it.

Sd/-

Satish Chandra Mittal

11.12.2002

Typed by the stenographer in the open court as dictated by me. In continuation of this for further cross examination tomorrow i.e. 12.12.2002. Witness be present.

Sd/-

Narendra Prasad

Commissioner

11.12.2002

**Dated 12.12.2002**

**O.P.W. 11 - Dr. Satish Chandra Mittal**

Before the full Bench, In continuation of 11.12.2002, the Cross examination of O.P.W. 11, Dr. Satish Chandra Mittal by Shri Zaffaryab Jilani, Advocate on oath begins.

On this point, the attention of the Witness was drawn towards paper No. 107 C-1/111 and was asked that - whether or not the mention of constructing a mosque by demolishing temple in Ayodhya by Babar is made in the document? The witness replied after reading the document - there is no mention of constructing a mosque by demolishing a temple by Babar, in this document. There is no mention of existence of birth place of Ram Chandrajai on the disputed site in the document but there is a mention of "Janamsthan site" in it where Bhagwan Ram was born. In 13th line from bottom, in right column, it is written like this - 'Janamsthan on the site where Rama was born'. This line can be read, though ink is spread on it. This paper is a part of "Encyclopedia of India and of Eastern & Southern Asia" which is edited by General Edward Welfore. In Encyclopedia, different people give their article differently which is edited by the Editor. It is not written in the Encyclopedia as to which entry has been made and by whom. It is also not mentioned in this document that an entry relating to Ayodhya in it has been made. There is no mention in this document that the different versions of the entries are based on which sources. Volunteer: that - normally there is no such tradition in the Encyclopedia.

On this point the Learned advocate cross-examining the witness drew the attention of the witness towards paper No. 298 C-1/1-5, the witness after seeing the same replied

that - this is a photocopy of "An Encyclopedia of Indian Archaeology" edited by A. Ghosh. On this paper No. 3 (298 C-1/3), after finishing the entry, Prof. B.B. Lal is written. Similarly at its 2nd page i.e. paper No. 298 C-1/4, there is entry relating to "Kannauj" and in the end of which on paper No. 298 C-1/5, Sharma - 1969 is written. This perhaps is the name of person who carried out the excavation work on site which is not found in general Encyclopedia. In this encyclopedia, the name of the same person is mentioned under the material by whom that material is written. It is correct that for knowing history, it is essential that source is available. The historical fact is called that fact only the source of which is available.

The first edition of "Encyclopedia Britannica" was published in 1768. I have not seen that edition because that did not come to me anywhere. The 15th edition of 'Encyclopedia Britannica' is available in Nehru Museum Library Delhi, and I had seen it there only. I do not remember, by whom the 15th edition of Encyclopedia Britannica was edited. I shall not be able to tell, that the 15th edition of Encyclopedia Britannica which I had seen, includes in it the mention that the entries of the previous editions were retained as it is in it or some deletions/ additions were made. In this edition-1, I have studied the portion related to Ayodhya only. I have not studied the entire part 1. I did not consider it necessary to explore the material under the headings "Rama" "Janamsthan" & "Babar" in this "Encyclopedia Britannica". The entries in have been given alphabetically. In this Encyclopedia, the mention of "Awadh", "Audh" and "Ayodhya" has been made at one place only. Therefore, in my point of view a separate entry in respect of "Awadh" is not possible.



On this, the Learned advocate cross-examining the witness drew the attention of the witness towards paper No. 107 C-11120 & 121. Seeing the same, the witness said - I had seen only these two pages in the Encyclopedia i.e. I did not study other pages. These two pages in 'Encyclopedia Britannica' had been studied by me in the year 2000. I obtained a copy of these pages at that very time. The copy which is filed in the court was not given by me. While filing my affidavit I had again studied the above mentioned two pages of Encyclopedia cursorily. I do not possess complete information about para one of page No.107C-1/120. Therefore, I cannot say anything about it. I agree with para 1 on the next page, which starts from "Kannauj". In the next para, I agree with the sentence starting from "Rama birth place". I have no knowledge about the remaining paragraphs. The portions of those two paragraph about which I have expressed my agreement. I had made the mention about them in section 8 of my affidavit on the basis of other books. I have told in my statement earlier also that I have no knowledge about the Ancient History of India, Archaeology and calculation of period. Therefore, I cannot say any thing in this regard in decisive manner. The subject matter of my research was very limited. I made study about certain facts i.e. was there any vacant place before construction of mosque by Babar, was there any temple? Was that temple called Janamsthan? Was the mosque constructed there under the orders from Babar? This study I conducted through the books mentioned in above quoted section 8. I have not studied the archaeological books relating to Ancient History because I was the student of Modern Indian History. Therefore, I have not read the mentions made in the above quoted books. It is therefore, very difficult for me to assess as to how far these are correct or not correct from historical angle. The

books I have mentioned in para 8, were not sufficient for my studies of research work. I have not studied the history of Ancient India from the books referred in para 8 of my affidavit but I had tried mainly to know about the history from 13th century onward. One of the aspects of my subject of research also was to know whether or not the disputed site only was the birth place of Rama Chandraji. In my opinion the issue of birth place of Ram Chandraji has remained alive for ever and therefore, it remained alive during medieval and modern period of history also. Hence it should not be called a subject matter of ancient period only. Though it is correct to say that the subject matter relating to the birth of Ram Chandraji is mainly related to Ancient History. I have studied the ancient history in this regard. Without studying the History of the ancient period, I got the knowledge through the traditions of that period and the books written with reference to that period during the modern period that where was the birth place of Rama. The traditions of the ancient period that prevailed at that time in the society continue for a very long time. Hence these cannot be divided in the period of history. Hence to call the traditions of the old time, the subject matter of ancient history would not be justified rather these traditions continue during the onward period of history also. The traditions of the ancient period, which are prevailing in the modern society, cannot be the initial source for knowing the ancient history. We the Historian give more importance to the initial sources in history. It is difficult to say that the secondary sources do not provide principal information in the research of history. Sometime primary sources are not written on the basis of full information and later on the basis of facts, their information become available through secondary sources. Therefore, they also become that much important, as are the primary sources. In fact there cannot

be any scientific division of the sources. I have no knowledge about the availability of the initial sources of Rama's birth. As I have very less knowledge about the ancient history, hence I cannot tell in which period of the history, the matter relating to the birth of Ram Chandrajai became available first of all.

Verified the statement after reading it.

Sd/-

Satish Chandra Mittal

12. 12.2002

Typed by the stenographer in the open court as dictated by me. In continuation of this for further Cross examination tomorrow be present on 13.2.2002.

Sd/-

Narendra Prasad

Commissioner

12. 12.2002

**Dated 13.12.2002**

**O.P.W. 11 - Dr. Satish Chandra Mittal**

(Before the full Bench, In continuation of 12.12.2002, the Cross examination of O.P.W. 11, Dr. Satish Chandra Mittal by Shri Zaffaryab Jilani, Advocate on oath begins.)

I, for all my research subjects had studied completely the Historical book, "Ayodhya" of Hans Baker. I do not know fully if or not Hans Baker is a Historian. After reading his book (120 C-1/2), I keep him in the category of Historians. I do not know whether Edward Welfore was a Historian or not. The introduction part-I of Hans Baker's above mentioned book has been read by me in a cursory manner. Perhaps I read this part in the year 1998. After 1998 I read it twice or thrice. In first paragraph of his introduction (120C-1/2), Hans Baker has written about the subject matter of the book and what is discussed in each of the respective part of the book. It is correct that Hans Baker Sahab in his introduction in first paragraph has written that Ayodhya was earlier an "Ancient centre for Trade" and subsequently it became "Centre for privilege". As I have not made any study over the subject that Ayodhya was earlier a ancient centre for trade, I therefore, shall not be able to tell whether this opinion of Hans Baker Sahab is correct or not. Hans Baker in his book (120C-1/2) in the 4<sup>th</sup> line of para-3 of introduction has "oral traditions" which means traditions, which were in usage in Ayodhya at that time, when Hans Baker had come to Ayodhya. I had mainly read chapter 8 of this book. Again said that - I have read chapter 8 of this book in which reference of many sources has been given but in its being in Sanskrit I have not read the reference of "AYODHYA MAHATAMYA" because I have no knowledge of "Ayodhya Mahatamya". It would not be fully correct to say

that Hans Baker Sahab had given in chapter 8 mainly the description of "Ayodhya Mahatamya" However, it is correct to say that it has been written in the heading has been written in the heading of Chapter that it has been written in the special context of Ayodhya Mahatama Hans Baker Sahab has given in this chapter the summary of "Ayodhya Mahatamya" in English also hither & thither, which I have read. In the context of Ayodhya "Ayodhya Mahatamya" is deemed to be an important book.

Question: Is "Ayodhya Mahatamya" deemed to be an important book in respect of so-called Janamsthan from the historical point of view?

Answer: "Ayodhya Mahatamya" is not deemed to be an important book from historical point of view. Its description appears to be related to customs & traditions, main religious sites and festivals etc. of Ayodhya because in complete one part of the book, there is mention of only religious matters.

Hans Baker has made use of "Ayodhya Mahatamya" in his book from religious point of view and its use from historical point of view, is not correct in my opinion. In my research I had studied history from 11<sup>th</sup> century upto the 18th century. Hans Baker in his book's introduction page 2 (roman 16), in fourth line has made the description of 'Agastya Sahinta' that too mainly is a religious book, and if he has used it as a history source, then in my opinion it is wrong. The question, when & where did Ram Chandraji born, is both from historical as well as religious from-the point of view of this case. It is correct that the description of 'Agastya Sahinta' with regard to the festival of Rama's birth has been quoted in "Ayodhya Mahatamya", as Hans Baker has said in above mentioned paragraph. In the third page (Roman 17) of preface of this book, in first and 2nd line of para 2 it is written that - in part 3 of this book,

mention of such of passages of "Ayodhya Mahatamya" has been made as are deemed to be interpolated I have no information about the fact whether or not any interpolation has taken place in "Ayodhya Mahatamya" at a later stage. In the last seven lines of last page (Roman 18) of Preface of this book, the opinion expressed by Hans Baker in respect of "Ayodhya Mahatamya", I shall not be able to give my opinion on that because I have not read "Ayodhya Mahatamya". Hans Baker, in third line of page 49 (paper No. 120 C-1/2), has made mention of "Ajodhan" & "S. Salar Masood Gaji" in his book. 'Ajodhan' is a place by the name of Pak Pattan in Punjab and S. Salar Masood Gaji had gone to Bahraich in 11th century. In my view, however, 'Ajodhan' has been referred in relation to Ayodhya only because in the next two lines it has been clarified in Faizabad Gazetteer. In my opinion, word "Ajodhan" has wrongly been printed here in place of Ayodhya. In my opinion, the use of the word 'Ajodhan' which is made in seventh line from the bottom of right col. of paper No. 107 C-1/111, is not referred to the fourth line of page 49, para 3 of this book.

My earlier statement at page 87 & 88 in which I have stated that Mohd. Gouri, who invaded Ayodhya can be called first Muslim Ruler of India is based on the books of history read by me upto B.A. level. In my statement at page 88, it was stated that Mohd. Gouri had defeated at Kannauj, Raja Jai chand of Gaharwal, was read in some Gazetteer. It is not in my mind whether Hans Baker too, in his book (120 C-1/2), has made mention of these two things or In my B.A. course, I did not read books written by R.C.Majumdar and Ishwari Prasad rather I read the book "Delhi Sultanat" by Ashirwadi Lal. I had studied only one book on this subject i.e. in respect of history of 11th, 12th century. On this point the Learned advocate cross-examining the witness drew the attention of the witness towards para 3 & 4 of page 49 of

Hans Baker's book (120 C- 1/2) and asked that, which of the views, expressed by Hans Baker Sahab with regard to Ayodhya you agree. The witness read both the paragraphs and replied that - I have read the description expressed in para 3 (late tradition), which appears to me as correct and in para 4, which is through "TARIKHE-A-BAHEKI" and described by "Ahmad Niyaltgeen", has not been read by me, hence I cannot express my opinion over the same. The description made in third line of para five of this page by Mahamood Shah, is not known to me, hence I cannot express my opinion over the same but Chandra Dev became the Ruler of Kannauj, I did read that. I have read about Chandra Dev but I have not read about his war or battle with Mahmood Shah. Jai Chandra Gaharwal was the last King of Gaharwal Dynasty and Chandra Dev was the first King of this Dynasty. It is correct that Chandra Dev came to Ayodhya as a Ruler for the first time in 1090. It would not be correct to say that there is no mention in any book about constructing a temple in Ayodhya by Chandra Dev. In my opinion there is a mention about constructing a temple in Ayodhya by Chandra Dev but in which book it is there, is not recalled. I cannot recall at present whether or not there is a mention of it in Hans Baker's book. As far as I know, from Chandra Dev to Jai Chand, there was continuous Rule of Gaharwal Dynasty in Ayodhya. I have read that the Rulers of Rashtrakoot had fought with Chandra Dev and Chandra Dev then became the Ruler of Kannauj. From the study of 7th line to 9th line of para 5 of page 49 from Hans Baker's book it appears that Chandra Dev worked for the security of the specified religious places. Some Muslim Conqueror made him the Ruler. In my view Chandra Dev worked for the security of various religious places including Ayodhya but I have no prior knowledge about making him Ruler by a Muslim Conqueror. In para

two of this very page, there is a description of an invasion by Sultan Mahmood on Kannauj in the year 1019. I agree with the mention that no invasion was waged on Ayodhya by Muslim Army. On this point the Learned advocate cross-examining the witness drew the attention towards para 2, page 50 of Hans Baker's this very book and asked whether or not you agree with the contention of going to Ayodhya by and performing Poojas as well as giving grant there he witness studied that para and replied that - I agree with its 2nd line from "Gaharwal's to Turkish", for the rest, I have no knowledge.

I have not read it that the third King of Gaharwal Raja Govind Chand had called himself the incarnation of "Hari" as mentioned in this paragraph, hence I cannot express my opinion. In para 4 of this page only, in what context Hans Baker Sahab had made the mention of local tradition or universal tradition is not known to me. I shall not be able to tell whether with the local traditions he meant the traditions prevailing in Ayodhya or not.

I do not have the knowledge that the mention in the upper four lines of first paragraph of above mentioned Hans Baker's book is correct or wrong. I do not have the knowledge that Ayodhya has been developed as a Vaishnava centre. I am not aware about the book "KRJT KALPATARU" composed by Laxmidhar, the mention of which has been made at page 51 of the above said book because I have not read it. I agree with two lines about coming to Ayodhya by Chandra Dev upto 23 October, 1093, as is written in para 2 of page 51. But I have no knowledge about other things mentioned in this paragraph. I am not aware of Swarg Ghat, the reference of which is given in this paragraph. I am not aware of temple known as "Chandra Han" referred to in this paragraph. I have no knowledge about what is written in page 52, para 4 of the above book



which starts from words "That the installation" and end with the words "Shaiva Temple". I the detail mentioned in this paragraph in any Gazetteer also. Again said that - I do not remember if I have ever read so. The subjects which I have not studied through the authentic books, I cannot call it perfect but I do get some knowledge of those subjects. I consider all those books as authentic whose reference I have given in para 8 of my affidavit. If similar type of mention of an episode is given in three-four books, as I have mentioned in para 8 of my affidavit even then it is not necessary that the episode in question might be authentic. I have no knowledge about the two Vaishnav temples viz 'Hari Smriti temple' and 'Vishnu Hari temple' the mention of which has been made in last para of page 53 of Hans Baker's book. Since I do not possess knowledge of five Vaishnav temples, the mention of which Hans Baker has given at page 54 in para 2 of his book, therefore, neither I agree nor disagree with their conclusions. I agree with the conclusion given in fourth and fifth line in para 4 of page 55, starting with words 'It will' and ending with the words "temple of the Janambhoomi", about the rest, I have no knowledge. The conclusion drawn in earlier lines i.e. in third & fourth lines that it is proved from the archaeological data that during 11th & 12<sup>th</sup> centuries, Vaishnavism had its manifestation in Ayodhya, is not known to me. The conclusion drawn through the archaeology at page 56, is not in my knowledge. I do not possess knowledge about the "list of centuries" as given by Hans Baker with reference to this conclusion. I have knowledge about 'the temple of Janambhoomi' the reference of which is given at page 58 and which is of 10th-12th century. This temple is said to be constructed by the Kings of Gaharwal Dynasty. I do not remember as to which of the Kings got it constructed. I had read the name of that King of Gaharwal Dynasty in some of

the books, who had constructed it but now the name of that king is not being recalled. This Janambhoomi Mandir is also called Janam Sthan Mandir, which is in the context of 10th & 12th century. I do not remember if I had read in any of the Gazetteers that the above Janam Bhoomi or Janam Sthan Mandir would have been constructed by King Vikarmaditya after whose name the Hindu Calendar of Vikrami Samwat is in vogue even today. I agree with the mention made at page 58 of Hans Baker's book in that para which starts from the words "The last Hindu" and goes upto "between Ata & Kannauj". I have no knowledge with regard to the rest. I have not read the book "The Monumental & Antiquities and Inscriptions in the North Western Provinces and Awadh" by A. Fyuharar, hence I cannot say if detail given in it is right or wrong. I have read it somewhere that Raja Vikramaditya after whose name is the calendar of Vikrami Samwat had got as many as 360 temples constructed at Ayodhya but I do not know if Janam Bhoomi Mandir was one of those temples or not. In most of the Gazetteers, there is mention of demolishing temples by order from Babar in which it is written that Rama was born there. Therefore, in the Gazetteer it is called Janamsthan Mandir or Janambhoomi Mandir. I do not recall that the reference of those Gazetteers I have given in para 8 of my affidavit, the mention to the effect in any one of them had been made or not, as to which of the Kings got the Janam Bhoomi Mandir constructed. Hans Baker as not made this mention at page 44 of his book or anywhere else that which of the Kings got Janam Bhoomi Mandir constructed. Hans Baker in his book has given the detail of two temples first - the disputed site has been referred as Janam Bhoomi Mandir and 2nd - A temple called Naya/modern temple situated at the North side of that place which is referred to as Babri Masjid. I agree with the mention made at page 44,

5th & 6th line in Hans Baker's book that - On the basis of archaeological evidence, the columns of black stones installed in the old temple were of that holy place where Rama had appeared and that place is called Janambhoomi. In my statement, I have not accepted Bhagwan Rama as incarnation and at page 44 with Janam Bhoomi means that place on earth where he was born. Hence there is no question of Rama being an incarnated or not incarnated person, rather the question is of his birth. I do not find any difference between taking birth or making appearance. Those 14 black pillars, the mention of which has been made by Hans Baker on the basis of the oldest archaeological evidence, are those pillars were installed in Babri Masjid. I agree with the point of view given by Hans Baker the basis of which was the opinion of Martin & Karnegi as well. I also agree with the mention made subsequently that two similar pillars of black stone were also installed in the graveyard, near the grave of Moosa Ashikan. I agree with the mention further made, saying that all these stones which are 16 in numbers could be of 10th or 11th century B.C. I also agree with Hans Baker's reference of footnote 7 at page No. 44 where it is stated that - Janam Bhoomi building could have likely been constructed in 1000 A.D. or during few years later.

Verified the statement after reading.

Sd/-

Satish Chandra Mittal

13.12.2002

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

Sd/-

13.12.2002