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

**OTHER ORIGINAL SUIT NO. 5/1989
(R.S. No. 236-89)**

Bhagwan Shri Ram Virajman
and othersPlaintiffs.

Versus

Rajendra Singh & Others Defendants

**STATEMENT OF O.P.W.NO. 12
SHRI KAUSHAL KISHORE MISHRA**

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD,
LUCKNOW BENCH, LUCKNOW

OTHER ORIGINAL SUIT NO. 5/1989
(R.S. No. 236-89)

Bhagwan Shri Ram Lala Virajman Shri Ramjanambhoomi.
and othersPlaintiffs.

Versus

Rajendra Singh & Others Defendants

Before — Shri Narendra Prasad (Officer on Special
Duty/Additional District Judge) Commissioner appointed by
Honorable Special Full Bench.

Examination-in-chief by way of affidavit of Shri Kaushal
Kishore Mishra— O.P.W.12, under Order 18, Rule 4 of
Code of Civil Procedure.

I, Kaushal Kishore Mishra, aged about 75 years S/o
late Shri Shiv Gulam Mishra, Resident of Tulsinagar —
Ichchha Bhawan Temple, Ayodhya, District Faizabad
solemnly affirm on oath as under : -

1. My grandfather was Shri Ram Adhin Mishra who
expired in 1947 and my father expired in 1972. My
grandfather told me that our forefathers had migrated
and settled in Ayodhya about 700 years back and our
family belonged to 'Preceptor Vashishthas' lineage
who was royal preceptor of King Dashrath and Lord
Ram.

2. I came to know from my grandfather that Preceptor Vashishtha was the family priest of King Dashrath and Lord Ram who practiced pastorate work. Since that time of our ancestors our family had been getting dakshina (honorarium) for performing Pooja, Yagya, Rituals in the temples of Lord Ram and Hanuman and also on auspicious occasions of worships etc. I have also been getting dakshina for consecrating the idols, reciting benedictory songs, worshipping and performing yagya etc. as an Acharya.
3. Getting dakshina by worship, yagya, benedictory recitations and installation of idols on the occasions of Shri Ram birthday (Chaitra Shukla Ram Navami), Guru Purnima (Asad Shukla), Sawan Jhoola, Raksha Bandhan, Vijaya Dashmi (Dussehra), marriage of Lord Ram, Hanuman Jayanti has its special significance.
4. My grandfather and father used to get dakshina for performing worships, ceremonies and yagyas in the temples viz; Rang Mahal, Kanak Bhawan, Shri Ram Janam Bhoomi, Lav-Kush Temple, Hanuman Garhi etc. I had been attending such ceremonies in the temples with my grandfather and father when I was only 5-6 years old. My yagyopaveet (thread ceremony) was performed at the age of seven which authorized me to perform worships etc. in the temples according to the rules ordained in our scriptures and also enabled me to learn and acquire knowledge of the subject.
5. At the age of 14-15, I performed worship and devotional recitation in Shri Ram Janam Bhoomi and got dakshina for it, since then I have continued this job.

6. When I started to go to Ram Janam Bhoomi with my grandfather and father, I noticed that the pilgrims, devotees etc, who came to Ayodhya, used to visit Shri Ram Janam Bhoomi without fail. During the main festivals the gathering was very high, say more than lakhs and they used to worship and visit Ram Chabootra, Sita Rasoi, Shiv Chabootra and Sanctum-Sanctorum (where Lord Ram was born) below the middle dome of three domed building and make round of the premises Parikrama) outside the walls only.
7. The water of Sitakoop, situated at a distance of 200-250 ft. from Shri Ram Janam Bhoomi, was used by the pilgrims, devotees and the Sadhus living in and around the premises. The use of this water for propitiating the mool star in respect of the children born under the influence of this star has been a special significance. This water was used as Prasad by the devotees and pilgrims and they used to take this sacred water to their homes also.
8. No Muslim of Ayodhya used to come near the premises of Ram Janam Bhoomi and no other Muslim from outside had the courage to enter the premises due to the fear of Hindus. If any Muslim was seen near Ram Janam Bhoomi premises unknowingly, he was scared away by the Bairagis and the inmates of the Ram Janam Bhoomi.
9. I often used to play in the playground of Shri Ram Janam Bhoomi alongwith my classmates and friends. Once or twice we also joined the Bairagis to scare

away a Muslim who was coming towards Ram Janam Bhoomi.

10. Continuous recitation of devotional songs in the premises of Shri Ram Janam Bhoomi was a regular feature. During September-October, 1949 regular recitation of Ramcharitmanas was started and keeping in view the growing numbers of devotees the people began to remove and weed-out the bushes and abatis around the premises of Shri Ram Janam Bhoomi. Thousands of people started reciting Ramcharitmanas, the sages also used to give lectures and sermons. On 22/23 December, 1949 in Brahm Mahurat the idol of Shri Ram was installed in the Sanctum Sanctorum where he was born under the three domed building with all the rituals as ordained in the scriptures.
11. Since the time I started to go to Shri Ram Janam Bhoomi with my grandfather and father, I found only Hindus worshipping in the premises. I had seen Sadhus and Bairagis living there in the premises I had never seen Muslims coming there to offer the Namaz. There is no question of offering Namaz there.
12. I had been told by my grandfather and father that according to the faith and belief of Hindus since time immemorial, Lord Ram was born as a son of King Dashrath in Treta Era in this Sanctum-Sanctorum situated under the building having three domes. This is the traditional belief and firm faith which makes the people of this country and the numerous pilgrims from outside to visit this birth place of Lord Shri Ram to pray and do parikrama of this place.

13. On the basis of this long traditional belief and faith, I also visit and worship and do parikrama of this holy shrine of Ram Janam Bhoomi and in the tradition of family priest, perform worship, rituals, yagya, benedictory functions etc. in Ram Janam Bhoomi and other temples and get dakshina also.

DEPONENT

Sd/-

(KAUSHAL KISHORE MISHRA)

Lucknow

Date: 16-12-2002

-Stamp-

VERIFICATION

I, the deponent hereby affirm that the statement given at para 1 to 13 of the affidavit is true and correct to the best of my knowledge and belief. Nothing has been concealed nor any thing false has been stated therein. May God help me.

Deponent

Sd/-

(Kaushal Kishore Mishra)

O.P.W.-12

Lucknow

Date: 16-12-2002

I, Ajay Kumar, Pandey, Advocate verify that the deponent Shri Kaushal Kishore Mishra (O.P.W.-12) has signed this affidavit in my presence today on 16-12-2002.

Sd/-

(Ajay Kumar Pandey)

Advocate

Lucknow

Date: 16-12-2002

-Stamp—

Date: 16-12-2002

O.P.W.-12 Shri Kaushal Kishore Mishra

Before — Commissioner Shri Narendra Prasad, Additional District Judge/Officer on Special Duty, Hon'ble High Court, Lucknow

Appointed By Order of Hon'ble Full Bench Dated 13-12-2002 in Other Original Suit No. 5/1989

Other Original Suit No. 5/89

Original Suit No. 236/1989

Bhagwan Shri Ram Virajman at
Shri Ram Janam Bhoomi and others...Plaintiffs

Versus

Rajendra Singh and Others ...Defendants

Affidavit pages 1 to 7 Examination -in -Chief of Shri Kaushal Kishore Mishra age about 75 years, S/o late Shri Shiv Gulam Mishra Resident of Mohalla Tulsinagar, Ichchha Bhawan Temple, Ayodhya, District Faizabad was presented and taken on record.

(Cross examination by Shri Ranjit Lal Verma, Advocate on behalf of Nirmohi Akhara, Defendant No. 3).

The witness gave the statement on Oath that:-

xxx xxx xxx xxx

I give regard to Ram Janam Bhoomi as a temple. A road from the north of Ram Janam Bhoomi leads from Hanuman Garhi to Dorahi Kuan, there is a road towards the north of Ram Janam Bhoomi and north to it there is Janamsthan temple, Gudartar, Sita Rasoi temple. This Janamsthan temple is separate. It has it's own Mahant. On the road going from Dorahi Kuan to Hanuman Garhi, Rang Mahal temple and Lav Kush temple are situated. Rang Mahal temple is towards south of this road. Ramcharitmanas Trust Bhawan is towards the east of Ram Janam Bhoomi and Kohbar Bhawan temple, Anand Bhawan Temple, Raj Mahal temple and Rang Mahal temple all are situated towards east to each other respectively. My uncle Pt. Sharada Prasad Mishra was the Mukhtar in Rang Mahal temple for a long time. Ram Janam Bhoomi is visible from the roof or the back side of Rang Mahal temple. I used to go to all the places of that Mohalla. Sitakooop is located at a distance of about 200 steps towards West from the back courtyard of Rang Mahal temple. There is a pukka raised platform near Sitakooop and some small temples made of tin shades are also there. The water of Sitakooop is considered very pious by the people. The people of the neighbouring districts also have the same belief and conviction about this water. The water of Sitakooop is used to ward off the evil effect of Mool Star on the children born under it's influence. I have heard about this belief from my grandfather and the father and I am also following this tradition. It is said that when Shri Ram Chandra was to be coronated, the water of seven seas and eight rivers was brought for his consecration but on his banishment the water was thrown in this well which enhanced its piousness and belief. I have got this information from small books but I do not remember their names. Sumitra Bhawan and Shesawatar temple are

located towards the south of Sitakoop. Sumitra Bhawan is at a distance of 100 steps from Sitakoop.

I have been a member of Faizabad Municipality many times. The prominent sacred places of Ayodhya were identified under the supervision of Mr. Haward, who was the then Collector of Ayodhya and all Ayodhya sacred places Identification Committee and inscriptions were fixed with serial numbers and it still exist there. The first number has been inscribed at the main gate (Hanumat Dwar) of Shri Ram Janam Bhoomi. Another inscription was at Sumitra Bhawan which I do not remember this time. The learned advocate cross-examining the witness showed the witness a picture no. 44 from Album No. 200 C-I and asked him:

Question:- Is it the same inscription which is fixed at the eastern Hanumat Dwar of Shri Ram Janam Bhoomi?

(An objection was raised by Shri Abdul Mannan, Shri Mushtaq Ahmed Siddiqi and Shri Zaffaryab Jilani the advocates of the Defendants No. 6, 5 and 4 respectively that the statement by the plaintiffs in other Original Suit No. 3/89 and 5/89 was almost the same so the advocate of the plaintiff of O.O.S. 3/89 cannot make such cross examination and it is only the opposite party has the right to cross examine. When there is any inner controversy on any point then only the learned advocate can cross examine. These all questions substantiate the statement of the Suitor, which is not possible as per law).

(In reply to the objection the learned advocate (cross examined) said that all the four suits are consolidated and

in all the suits except O.O.S. No. 3/89, I am on behalf of the Defendants and can ask about those facts under Section 137 of Indian Evidence Act which forms the points of Suit).

Ans:- Yes, Sir.

Picture No. 57 of the album was shown to the witness and he replied that it was the picture of Ram Chabootra temple. The temple made of wood on the upper side is visible here. The cave temples below the platform (Chabootra) are also seen in this picture. On seeing the picture No. 58 the witness said that the idols of Gufa (cave) temple were visible there. He was shown picture No. 71, 72 and asked -

Question:- Is the Chhati Pujan site visible in these pictures?

(On this question an objection was raised by Shri Abdul Mannan, Shri Mushtaq Ahmed Siddiqui and Shri Zaffaryab Jilani, the advocates of Defendant No. 6, 5 and 4 respectively that as no controversy was involved there in by Defendant No. 3 (O.O.S No. 3/89) and the Suitor of this Suit about worship in Ram Chabootra. So the cross examining counsel can not put any such leading question to the witness which already substantiates the statements of Suitors and Defendant No.3 on this point and the affidavit (main examination) given by the witness also mentions about worship etc. in Ram Chabootra. So he should not be allowed to ask such questions).

(The learned advocate, cross examining the case said — I am cross examining, it is not a leading question but an introductory question and it is a controversial issue of the

consolidated suit no 3/89 and 4/89, so I can ask the facts of the issue to the witness).

Ans:- Yes, Sir.

The witness was shown the Picture No. 61 of Album Paper No. 200C-1 and he replied that it was the picture of the site situated towards east and south of Ram Chabootra. This is the picture of Panchayatan Murty, God Shankar's Darbar. All three sites shown in the aforesaid pictures are the pictures of outer courtyard places of Sanctum-Sanctorum. I have been seeing these places since childhood. I saw these places in 1934-35 for the first time. Right from 1934-35 to December 1992, when the incidence occurred, I have been seeing the things as they are and paying visits to all the three holy places to offer worship etc.

There were idols of Ramlalla and Shaligram and also the toys on the Chabootra where I used to offer Prasad, flowers etc. Prasad and flowers were available in a vendor-shops near the gate. I have seen the priests regularly present where I offered prasad. Bairagis and Sadhus also lived there. There are many temples and Akharas of Ramanandi Bairagi Sect. in Ayodhya. Some famous Akharas are Nirwani Akhara (Hanuman Garhi), Nirmohi Akhara, Digambar Akhara, Khaki Akhara. These Akharas are managed by majority of All India Panchayat. The affairs of the Akharas are decided by majority decisions of the Panchas. Mahants of Akharas are elected by Panchayats and not by inheritance. At Chhati worship place I offered sweets, flowers and money alongwith other devotees. There also lived some priests. Towards north-east of Hanumat Dwar there were residences of Sadhus, a store and a grain store etc. The Bairagis and the Sadhus who lived here

belonged to Nirmohi Akhara. I have been seeing it since childhood.

The prasad for the gods was prepared in the store house of Nirmohi Akhara. A priest whom Nirmohi Akhara appointed for service in Ram Chabootra Mandir, Sita Rasoi used to look after the management of both of them. They used to be Bairagi. During festivals a lot of devotees worshipped and offered sweets, money etc. The Sadhus living in "Santniwas" of Nirmohi Akhara also looked after the arrangements on the festival of Rama Chabootra Mandir and Chhati Pooja. I have seen this since the very beginning till 1992. One door of the outer courtyard of the disputed building was towards the east and the other towards the north. The north side door was opened only during fairs and festivals. There was a wall having window-bars between the disputed building and outer courtyard. It had two doors, one door was just in front of the main door and the other before the store room. On 22/23rd December, 1949 or so the Sanctum-Sanctorum of the disputed building was attached and the receivers were appointed. Worships, offerings etc. were performed under their supervision. Sanctum-Sanctorum and the site inside the wall bars of the disputed building were attached and not the outer courtyard. The arrangements for Ram Chabootra, Sita Rasoi, store, Sant Niwas in outer courtyard were as before till 1992. To visit the attached site people had to go through the outer courtyard and there was no other way. My grandfather had told me that there were riots in 1934. if any such riots happened before 1934 or not that I do not remember. I do not know whether any Hindu Muslim riot called "Bakrid Danga" broke out in Ayodhya in 1912 or not. During the riot of 1934 some Muslims were killed in that Mohalla where Ram Janam Bhoomi is situated. This riot had badly scared

the Muslims. They were panic-stricken. As I have said in Para 9 of the affidavit that once or twice they were made to run away in 1944-45. The outsider Muslims who came there before or after 1945 were scared away and made to run away. Before three months of the attachment about 15000 people had started the program of Ramcharitmanas, recitation of Ramayan and devotional songs and evening sermons. People used to come there in a good number of around 10,000 -15,000 which was attended by the famous saints, Mahatma and political leaders of India. Due to its effect the Muslims from outside were not allowed to come there. I know one Zahoor Ahmed, a cycle wala. He had a shop of "Jagmag Surma" near Ayodhya Kotwali and also a house there. The gathering of more than 15000 people used to be outside the disputed building where lectures, recitation of Ramayan were organised. I do not know whether Zahoor Sahib was the President of Anjuman Muhafiz Masjid or Mosque. Zahoor Sahib used to fight the cases of Mosques and graveyards. I was not a worker of R.S.S. before 1949 but I used to publish newspaper. Due to that paper I was arrested in 1948. Being a journalist, I was well conversant about the administration of Ayodhya. I do not know whether in 1948 there was any Dewan named Dilawar Hussain or not. I also do not remember that at that time there was any Constable named Barkat Ullah, or any Muslim Daroga, Dewan or Constable in Ayodhya Kotwali. I used to go there before 1949 when lectures, story narration etc. were arranged. On these days police used to be deputed there but I do not remember whether they belonged to police force or P.A.C. It was like a police camp. This police camp was at south-east corner of Ram Janam Bhoomi temple premises. The police was on duty round the clock. 24-25 policemen used to be there. After the attachment a police post was established at the north-east

corner of the disputed — building. When I first visited Ram Janam Bhoomi temple, my father was also with me. Both the doors of the wall having bars, used to be opened. I used to go through that gate to get the vision of God and to offer flowers, sweets etc. and I got money for it. There was an idol of god Ramlalla. Whatever sweets, flowers I offered there it was offered with vedic-mantras. The priest was present there. The priest offered it to God and gave me the money. The other devotees gave prasad to the priest which he returned them with Charanamrit after offering it to deity. The practice was in vogue since I started going there and continued this after the attachment also. There used to be a huge crowd during the festivals before 1949. Every Sadhu who was there belonged to Nirmohi Akhara, in other words we can say that the Sadhu appointed by Nirmohi Akhara lived there. Who was the Daroga of Ayodhya at the time of attachment, I do not remember. I know Bhaskar Das very well who is present in the Court. He lived in Sant Niwas and occasionally performed worship etc. Gurubhai of the said Mahant also lived there. Mahant Baldev Das, preceptor of Mahant Bhaskar Das looked after the arrangements of Ram Janam Bhoomi temple and Sadhus on behalf of Nirmohi Akhara. Devotees also provided and offered dresses, curtains, clothes, gold, silver etc. I do not remember who was the Collector in Faizabad at the time of attachment. Guru Datt Singh was City Magistrate on the date of attachment. But he was removed on the same day. Shri. Nair was the Collector who was also removed on the same day of the attachment. I came to know about the incidence of attachment from the people in 1949. The police camp at the south-east corner of the disputed premises was manned by the policemen from Faizabad Police line but their supervision was under Ahyodhya Kotwali. I do not remember if any Barkat Ullah was the

Constable in the police camp before the time of attachment in 1949. I also do not know if any Hindu or Muslim was arrested after the incidence of 22/23 December, 1949. In those days I brought out a weekly newspaper "Jai Swadesh". I was also the Manager of that weekly and Sh. Raj Bahadur Verma was its founder, I was told that a criminal case was filed against the incidence of 22/23 December, 1949 but the details are not known to me. After 2-3 days of the incidence this attachment was executed but I do not remember if it was done on 29th December, 1949. There was some brewing tension among the Muslims of Ayodhya — Faizabad due to this incidence but no procession was taken out. It was Congress Govt. in UP at that time. The attachment was done to keep peace in the society. It was also told that there was pressure on the Govt., so the attachment was executed. I know nothing about the case under Section 145 of Code of Criminal Procedure. I came to know that after the attachment, Gopal Singh Visharad filed a case against the deployment of police there which was creating a hindrance in worship and getting a view of the idols. Jai Swadesh was the newspaper of Jan Sangh. I never attended to advocate the case of Gopal Singh Visharad or case under Section 145 of Code of Criminal Procedure. About the present case, for which I am giving evidence, Hindu Parishad told me nothing but it was already known to me. I do not remember the year when the former Justice Shri Devakinandan Aggarwal filed the Suit. How many years have passed since the filing of the case is not known to me. I have never met Sh. Devakinandan Aggarwal ji. I have been a member of Bhartiya Jansangh and a member of Assembly from that party. When I was a member of the Assembly, Shri Bhatnagar was the executive officer of the Municipal Board and Shri Dushyant Rai was the Sub-overseer. The learned Cross examining counsel

showed document No. 39C-1/22 submitted in case No. 3/89 to the witness and after going through it he said that those signatures on the paper were of Bhatnagar Sahib, Executive Officer. He was shown document No. 39C- 1/23 submitted in original Suit No. 3/89 and he replied that these were the signatures of Dushyant Rai but the signatures were not legible. Regarding document No. 39 C-1/22 he replied that it had the signatures of Shri Dushyant Rai and Shri Bhatnagar both. Regarding document no 39-C-1/22 submitted in Case No. 3/89 he replied that the signatures were not of Mr. Bhatnagar. Someone else had signed the same for him.

There was a platform under a tin shed towards north of Ram Chabootra. Shri Ram Chandra Paramhans is known to me. He was also a member of Assembly with me from Bhartiya Jan Sangh (now called Bhartiya Janata Party). How many cases have been filed before 1989 about the disputed premises is not known to me. I do not remember the year when Vishva Hindu Parishad was formed. When Rathyatra reached in Ayodhya, I came to know about the relation of Vishva Hindu Parishad with Ram Janam Bhoomi. This Rath Yatra was seen by me on the bridge of Ayodhya. It was started by Vishva Hindu Parishad but from where it had come that I do not know. This Rathyatra was led by Parmanand Ramachandra Das, Nritya Gopaldas and other Saints and Mahants. This Rathyatra was in connection with Ram Janam Bhoomi with an aim to construct the temple. If any case of the ownership of Vishva Hindu Parishad has been filed in the Court is still not known to me. Neither at that time nor today I am a member of Vishva Hindu Parishad. It was known to me that Shri Ashok Singhal was the President of the VHP. I donot remember whether Shri Devki Nandan was the Vice-President of VHP or not. VHP

has created a trust in his organization which is called Ram Janam Bhoomi Trust. When it was formed and when I heard about it first that I do not remember. I came to know about it very late in 1989. The case regarding Ram Janam Bhoomi is pending in the Court for the last 30-40 years. I never tried to know the reason why VHP got itself involved in this case. I have come to know that VHP had collected Rs.10 crores as subscription for the construction of the temple. The activities of VHP do not show that it is a staunch extremist organization and ambitious for power and pelf. VHP had invoked a big movement in the name of land worship in 1989 which was attended by the people from every part of the country. After this agitation during the Chief Ministership of Shri Kalyan Singh the State Govt. acquired 2.77 acre of land of the disputed premises in 1991 except the Sanctum-Sanctorum. There were Sakshi Gopal Temple, Sankatmochan Temple, small temples of Ramlalla, Sumitra Bhawan etc. in front of the disputed site which all were acquired. There was a stone inscription at Sitakooop of the disputed site bearing Serial No. 3 and also the inscription at Sumitra Bhawan bearing Serial No. 4. Ram Chabootra temple, Chhati Pooja Sthal, Sitakooop, Sumitra Bhawan Temple, Shesawatar Temple were the places of great religious faith and importance. It is true that the BJP Govt. have demolished the aforesaid sites of religious faith after acquiring them.

Question:-Has this incidence hurt your religious faith or not?

Answer:- According to our scriptures every inch of land in Ayodhya is the embodiment of faith, belief and devotion. During the course of time the monasteries, temples have been coming to their end from time to time which were replaced by new constructions but it made no difference due

to our firm belief and devotion because Goswami Tulsidas has also conveyed this through lord Shri Ram in the following couplet "My abode Ayodhya is very beautiful where Saryu river flows in its north direction. The people of Ayodhya are most dear to me" Valmiki has also said "mother and motherland are greater than heaven".

I have been told that the idol of Hanuman ji in Sankatmochan temple, the idol of Laxman in Sumitra Bhawan were broken and thrown away along with demolition of the temple. These idols have been kept safely but where that I do not know. I had seen the idol of Hanuman ji in Sankatmochan. It was a human-size idol wielding the mace and the mountain. I do not know that this broken idol of Hanuman is laid in Chauburji temple close by the house of Shri Vinay Katiyar. All the antique idols/statues installed in Siddhapeeth (holy shrine which fulfills the desire) temples are static idols which cannot be removed, if removed due to any reason, can be re-installed again. I have said so on the basis of Upasana Kand (worship chapter) of Shri Narad Panchratri Pooja Paddhati. Once any god is invoked through incantations and given the infusion of life (consecrated) then his every activity viz bathing, washing, sleeping, breakfast, food, decoration etc. is performed in the style of a living entity.

Question:- If such idols are removed, is it possible to infuse them with life again through the power of mantras?

Answer:- According to the scriptures the vitality of any broken idol or the idol removed from the place is drawn in metallic, silver or gold urn by

incantations and till the re-installation festival of the idol the urn is treated as living god and all the activities viz worship, decoration, offering food, clothes, Arati etc. are performed as the idol and later on the vital power is invoked to transfer it again into the installed idol. The infusion or re infusion of life in static idols is done only with the permission of Mahanta or the owner of the idol. I have not thoroughly read Skand Puran. The method of infusion of life in idols has; not been given in Skand Puran. I have gone through the Matsya Puran and the Devi Puran. The method is not given in either of them also. I have not read Brihatsamhita The infusion of life is not performed in Shaligram. There is no invocation or immersion of Shaligram. He is self born god. Shaligram has the marks of Conch, disc etc. Shaligram is worshipped as Lord Vishnu. Swami Ramanand was the initiator of Ramanandi Bairagi Sect. And it's monastery is at Panch-Ganga Ghat, Varanasi. In 1989 this Ramacharya Seat was held by Shri Shivraniacharya who lived in Mohalla — Golaghat, Ayodhya. Presently Jagadguru (universal teacher) Hariyacharya is adorning this seat who belongs to Hanuman Garhi Ayodhya. I do not know whether Shri Shivramacharya had vehemently criticized VHP when he was alive. I am a vedic Brahmin not a Karmakandi Brahmin. I have got my education at home. I have no degree. My profession is Yajmani (priesthood). Cross examination concluded by Shri Ranjit Lal Verma, advocate on behalf of Defendant No3

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

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xxx

Question:- Was Babri Masjid constructed in 1528?

Answer:- When we were very young and used to go to
Ramkot Ram Janam Bhoomi with my grandfather
and he told that it was the Sanctum-Sanctorum
of Shri Ram Chandra.

Verified after reading the statement .

Sd/-

Kaushal Kishore Mishra

16-12-2002

It was typed by the Stenographer in the Open Court
on my dictation. Attend the Court on 17-12-2002 in
continuation of this for further examination.

Sd/-

(Narendra Prasad)

Commissioner

16-12-2002

Date :17-12-2002

O.P.W.-12 Shri Kaushal Kishore Mishra

Before— Commissioner Shri Narendra Prasad, Additional District Judge/Officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed by Order of the Hon'ble Full Bench dated 13-12-2002 passed in other Original Suit No. 5/89 (Original Suit No.236/89)

(In continuation of dated 16-12-2002, cross examination by Abdul Mannan, advocate of Defendant No. 6 on the affidavit of Shri Kaushal Kishore Mishra, O.P.W.- 12).

I have stated in Para-1 of my affidavit that my fore-fathers had migrated and settled in Ayodhya about 700 years back. I have heard this from my grandfather and the documents which prove my statement are 500 years old. I have not seen and gone through these documents, which are in the possession of my uncle. I believe that these documents are 500 yrs old. My forefathers lived in another house 500 years before but not in that house where I am living presently. I had seen that ancestral house before its sale and also after the sale. That house was in Golaghat Mohalla at the bank of Saryu river. I have been told that my forefathers lived in that house 700 years back. I donot have 700 yrs old documents of that house but I am telling this on the basis of the information which my grandfather and father gave me. My father expired at the age of 85 in the year 1972. I have no other proof about that my forefathers lived there 700 years back. But my statement given in Para 1 of the affidavit is correct. Our forefathers had migrated to Ayodhya from Gorakhpur. I do not know at what time they

migrated, it was day or night. 700 years back when my ancestors migrated to Ayodhya, was it a city or a village that I do not know. It was a place of pilgrimage even at that time, so they migrated to settle in Ayodhya, I was 14-15 years old when I used to go to the disputed building with my father. When I first visited that place it was not known to me how the Namaz is offered. Namaz was not offered there. Regular chanting of devotional songs, worship, parikrama etc., were organized there. It is wrong to say that there was no Bhajan or Kirtan in the disputed building. I was told that an incidence occurred in the Brahm Muhurt (early in the morning) on 22/23 December, 1949. There was an emission of light and Shri Ramlalla appeared there. It is wrong to say that an idol was placed in the disputed building forcibly in the night of 22/23 December, 1949. I do not know whether anybody was arrested on 22/23-12-1949 after placing the idol there. I have got my education at home and do not know Urdu. I know Hindi, I can read and write it.

The learned advocate cross-examining the witness showed the witness the F.I.R. No. A-193 registered under Section 145 of Code of Criminal procedure. The witness said "This F.I.R. was lodged on 24-12- 1949 and I have no knowledge about it. It has been written in the F.I.R. "The Mosque was desecrated by installing an idol". But I do not agree with it. There were devotees also in the disputed building on 22/23 December, 1949. It is not clear to me which Mosque was desecrated, has it been said for Babri Mosque or not. There was and is no Mosque there. I have not seen Babri Mosque. I have seen Ram Janam Bhoomi. Namaz was not offered at 9.00 PM in the disputed building on 22/23 December, 1949.

Question:- "The Mosque has been desecrated" as is written in the aforesaid F.L.R. The meaning to write so by the complainant of FIR Shri Ramdev Dubey had complained that "Namaz used to be offered in the Mosque" so it had been written in the report that "Mosque has been desecrated" What do you say about it?

Answer:- I have never seen Namaz being read there. I have no knowledge about this report.

I have been living in Ayodhya continuously since 1934 and visited the disputed building everyday. I have never seen anybody offering Namaz there. In the Brahm Muhurta of 22/23 December, 1949 the worship and Arati of Shri Ramlalla was performed amid the chanting of Ved-mantras, sound of the bells, conch, trumpets etc. and this ritual was performed by my father being the Rajguru (Royal priest) of the temple. I did not go there at that time but my father was there. He was there throughout the night to perform worship and ritual. Any Suit was filed after lodging the F.I.R. or not on 23-12-1949 is not known to me. It may be possible that the case had been filed on the basis of F.I.R. but it is not known to me. I am not aware that on the basis of this report any Suit was filed or not under Section 145 of Code of Criminal Procedure but after that attachment was executed. After 3 or 4 days of the incidence the attachment was done. According to my knowledge, no body was arrested at the time of attachment. After the attachment if anyone was arrested or not is not known to me. Whether any report under Section 145 of Code of Criminal Procedure was given in neither the High Court nor that is also not known to me. I am not aware of any other activity after the attachment of the disputed building. When people entered the building in Brahm Muhurta with the idol on 22/23-12-1949, I was not

present there. Any official was present there or not, that I do not know but my father was present there. My father told me that the festival of Ramlalla's appearance in Brahm Muhurta was performed as per the rules ordained in scriptures; the fruits and prasad were also distributed to all children. The witness said having seen the aforesaid F.I.R. — "People forcibly entered the Mosque" it is also written that "The Mosque was desecrated". The F.I.R. was got written by Shri Ramdev Dubey, sub-Inspector, Police Station Ayodhya, Faizabad. I do not know whether Ramdev Dubey was an Inspector or Sub-Inspector but after going through it I can say that it was got written by him. What action was taken by the government after this report is not known to me but our people intensified the activities of worship, kirtan etc. On this occasion many great Saints and Mahatmas were present there. They included Sant Tukroji Maharaj, Maharashtra, Shri Maharaj Digvijaynathji, Gorakhpur, Shri Niranjan DevTirth Ji Maharaj, Jagadguru Shankaracharyaji, Jagannathpuri, Shankaracharya Ji Maharaj of Badrikashram, Shankaracharya of Sharadapeeth, Swami Karpatri Ji Maharaj, Shri Ramanujacharya Ji Maharaj, Puskar, Didwana, Shri Ramanand Ji Maharaj Kashi etc.

Shankaracharya of South India could not reach there at that time. He came later after about a year or so. Many scholars, and leaders were also there. Political leaders were from the local areas. Shri B.G.Deshpande, Hindu Mahasabha, an advocate from Lucknow was also there but I do not remember his name. Any other political leader didn't come. Acharya Narendra Dev did not come there at that time. Acharya Narendra Dev, Rahul Sankrityayan, Lal Bahadur Shastri had come there before 1942. Shri Sankrityayan had written in his autobiography "We were living secretly at

Golaghat in Ayodhya and studying Sanskrit Literature from Pt. Saryu Prasad Mishra", who was the Principal in Sanskrit Vidyalaya and younger brother of my grandfather. It was told to me that Acharya Narendra Dev had visited the disputed site. I was not there so I can not tell what he had seen there. So far as I know Narendra Dev did not go there around 22/23-12-1949. We did not tell anything to Acharya Narendra Dev about this incidence. He must have come to know about it from other source. He was Vice-Chancellor in Lucknow University but when, before 1949 or after that, I do not know.

Where did Rahul Sankrityayan live in 1950 it is not known to me. I also cannot tell whether he was living in Dehradun at that time or not. Acharya Narendra Dev either lived in Lucknow in 1950 or visited it time and again but his house was in Faizabad. I went to the disputed building with my father in 1934-35 at the age of about 7-8 years. I have a faint memory of that time. I had not seen Namaz being offered there. I do not know Babri Mosque. For the last 20 yrs or 50. I am not reading any newspapers. I also do not read Hindi newspaper. I have not read newspaper since 1970-72. I can read Sanskrit books but cannot translate it. I started learning Sanskrit in 1937 and still I study Sanskrit. I can understand Sanskrit myself but cannot translate it.

When Babri Masjid was demolished I was not there. It was demolished in 1992 but I do not remember the exact month. The disputed structure was demolished which is right or wrong I cannot say. I do not remember that Babri Masjid was demolished on 6-12-1992. It was summer or winter or rainy season that also I do not remember because I was under medical operation and suffering from acute pain. I used to go to the disputed building with my

grandfather and father sometimes in the morning and sometimes in the evening but there was no fixed time. We lived at a distance of 1½ kilometer from the disputed building. I have been living in Ayodhya since childhood but sometimes I go out of Ayodhya also I have gone to the States of Bihar, Maharashtra, Gujarat, Madhya Pradesh, Rajasthan, Delhi etc., whatever assignment of yagya etc. we got outside its duration used to be 9 days excluding the time taken in journey. I have been going to Bihar after every 4-5 months since 1972. I have been going to the disputed building since my childhood with my grandfather and father and the disputed building had been known to me as Ram Janam Bhoomi and nothing else. I started going there with my grandfather when I was only seven years old. I have submitted in Para 5 of my affidavit that "At the age of 14-15 years..... had been going for.....". It is right, my submission was that I had started going there alone at the age of 14-15 years, not in the company of my grandfather or father. Sometimes at the age of 14-15 I used to go to the disputed building with my father. I had seen it as a temple not as a Mosque. I came to know about Ram Janam Bhoomi from my grandfather and father and the Mahantas of that place used to say it was Ram Janam Bhoomi. My father informed me about the incidence of 22/23 December 1949 in the morning of 23 December. Apart from my father the other Mahantas, Sadhus and public who were going towards there, also told me about it. After the incidents of 22/23 December, 1949 thousands of people assembled at the disputed site in the morning of 23-12-1949. I do not remember if it was a day or Juma. I also do not know whether some Muslims assembled at the disputed building in the morning of 23 December. I do not know that whether the Muslims gathered in the disputed building or protested therefore offering Namaz. I did not go

to the disputed building in the morning of 23 December. I had no knowledge that in the morning of 23-12-1949 the Deputy Commissioner asked the Muslims to offer Namaz at any other place. I do not know where the Muslims went to offer Namaz. I did not go to the Babri Mosque in the morning of 23rd December. I was performing pooja in the Golaghat temple in the morning of 23rd December 1949, which is at a distance of about 2-3 kilometer from Babri Masjid. I was there from 9.00 AM to 4.00 PM. I was performing Ramarchan yagya there so I do not know about that incidence. Shri Jairam Das, Kishori Saran, Hanuman Das etc. told me about the incidence of 22/23 December 1949. Shri Ramdas ji asked me to go there as Shri Ramlalla had appeared there. I told him that I will come definitely after performing pooja. I took my food after 4.00 PM on that day and set out to visit the disputed building to have vision of god. There was an idol of Shri Ramlalla and Sadhus, Saints and devotees etc., were engrossed in worship, chanting devotional songs etc. The disputed building was completely full of these people. I stayed in the disputed building from 4 to 8.00 PM on 23-12-1949. I was reciting Ramayan path before Ramlalla. During this time who came to and left from the disputed building, I could not notice since I was engrossed in reciting path. There was an arrangement of light in the disputed building on 23-12-1949 at about 6.00 PM. Electricity, gas, lanterns and candles were there. The people lighted candles and the candles were arranged by the temple also. The police did not interfere at all in the matter. I have never seen any Muslim offering Namaz in the disputed building before or after 22/23 December, 1949. I did not see any Muslim coming to and going from the disputed building. For the last 5-6 years I have not gone to the disputed building, before that I used to go there on some occasions. When I used to go there it

was a daily routine and when the children had started to go there I used to go at an interval of 4-5 days. Children have started going to the disputed site for the last 4-5 years. Shri Ramlalla is there, his birth place is there and I am concerned with this only. There was no firing in the disputed building in 1991-92. I do not remember if there was firing in the disputed building. It was firing, but I do not exactly remember the year. There was firing near lav-Kush temple, and Hanuman Garhi and it was day time. Many people were killed in the firing but the number of casualties is not known to me. The site of firing was at a distance of 100-50 steps from me. How many people were killed in the firing that I did not see.

Verified after reading the statement .

Sd/-

Kaushal Kishore Mishra

17-12-2002

It was typed by the Stenographer in the Open Court on my dictation. Appear for further cross examination tomorrow on 18-12-2002.

(Narendra Prasad)

Commissioner

17-12-2002

Date: 19-12-2002

O.P.W. —12 Shri Kaushal Kishore Mishra

Before — Commissioner Shri Narendra Prasad, Additional District Judge/Officer on Special Duty, Hon'ble High Court Lucknow Bench, Lucknow.

(Appointed by order of Hon'ble Full Bench dated 13-12-2002 passed in other Original Suit No. 5/89 (Original Suit No. 236/89)

(In continuation of dated 17-12-2002, cross examination by Abdul Mannan, advocate for Defendant No. 6 on the affidavit of Shri Kaushal Kishore Mishra, O.P.W.-12)

I do not remember the years in which my grandfather and father were born. My grandfather expired in 1947 and my father expired in 1972. I said this keeping in view the affidavit filed by me

Question:- How did you come to know that your ancestors came to Ayodhya 700 years back?

(On the question Shri Ajay Kumar Pandey, advocate of the Plaintiffs raised an objection that the same question had been asked time and again. The witness is being confused and harassed by asking the same question again and again and the time of the Court is being wasted. So such questions should not be allowed under the provisions of the Evidence Act).

Answer:- My grandfather and father told me this and they came to know about it from their fore-fathers.

None of my forefathers were the teacher of King Dashrath and Lord Ram. Guru Vashishtha was the contemporary and the teacher of King Dashrath. Our scriptures are the proof of it. Rituals (Anushtthan) means worshipping and invoking the deities by vedic-mantras to get the divine power for fulfillment of desire. Replacing the idol from one place to another requires ritual. I do not agree with the facts of the F.I.R. shown to me on 17-12-2002. The witness was shown the F.I.R. No. A-193 under Section 145 of Criminal Code of Procedure and the witness said that this F.I.R. was registered by Ramdev Dubey. He appears to be a Hindu by name. What he has written in the F.I.R. is not agreeable to me, I do not consider it to be correct. It was proper to keep the idol in Ram Janam Bhoomi temple. I did not know from where the idol was brought in the disputed building because I was not present there at that time. Even today I do not know from where the idol was brought in the temple. During the night on 22/23 December, 1949 I was in my house. My house is in Ayodhya. There was no noise or commotion in the night of 22/23 December, 1949. I came to know about it in the morning. My house is at a distance of less than 1 kilometer from the disputed building. The procedure of infusion of life (pranprathistha) in the idol includes worshipping of Shri Gauri, Ganesh, Kalash, Navgrah (nine planets), sixteen Matrika (mother deities), 64 Yoginis, Vastu, Kshetrapal, Vedi and Main God, Havan etc. My father told me that it being the mobile idol of the advent of Shri Ramlalla and was effected in Ram Janam Bhoomi after worshipping of Ganesh, Gauri, Kalash, Navgrah, bathing of God, Havan, chanting of Purus Sukta, Shrisukta etc. early in the morning of 22/23 December, 1949.

The Learned Advocate, cross examining the witness, showed the F.I.R. document No. A-193 under Section 145 of Code of Criminal Procedure and asked to tell the names who have been mentioned there to be the object of worship. The witness replied after seeing the report that there was no mention of anything to be worshipped. What my father told me about worship was all right. I started to go in the disputed building for the first time in 1934-35 with my grandfather. I have never seen any Muslim going to the disputed building. When I was in Ayodhya, it was my routine to visit the disputed building daily and when out of Ayodhya there was no question of going there. For the last 4-5 years I have not gone to the disputed building. Hindus used to come to the disputed building. There were iron bars between the disputed premises and Ram Chabootra. Only those V.I.P.s could enter inside the iron bars when Mahant allowed. Common people were not allowed beyond the iron bars from where they had "darshan" of God. If any V.I.P. belonged to Muslim community, he also did not go inside the iron bars. Since the night of 22/23 December, 1949 till the time of removing the lock, this was the situation which prevailed there. In which year the lock was removed, I do not know. Even I cannot estimate when the lock was removed. During this period I was in Ayodhya and got the information of opening the lock. It was opened at about 4-5 in the evening but I do not remember the date. After removing the lock a festival like Ram Navami was observed in Ayodhya for many days. The High Court had not imposed restriction on opening the lock.

Question:- Had the High Court imposed any restriction on demolishing the Mosque?

(On the question Shri Ved Prakash, advocate raised the objection that the Witness was neither a pleader nor a party in any case, he had come only to give witness of the facts so there should be no permission given to him to ask such questions about the proceedings of the Suit or the order of the High Court).

Answer:- I have no knowledge about it. I was informed about opening the lock and also went there.

The Learned Advocate showed the witness the F.I.R. No. A-193 under Section 145 of Criminal Procedure Code and asked whether there was any mention in the F.I.R. report about the idol which was placed in the night of 22/23 December, 1949. The witness replied that there was no mention in the F.I.R. about placing the idol in the night of 22/23 December, 1949. I did not see how many idols were there in the disputed building. I had a view of the idol of Ramlalla and the Shaligram there and did not see other idols. On 23-12-1949 when I went to the disputed building and thousands of people were assembled there. Since my childhood I have been told that the disputed building is Ram Janam Bhoomi and it has three domes. There were three parts below the domes, north, south and middle. I have seen those domes but cannot tell the measurement. There was an open Courtyard in front of the temple measuring about 20-25 feet wide but I have no idea about its length. The width of the space below the middle dome was equal to other two domes which may be about 20-25 feet but the length of the space below the middle dome was less than the other two. I cannot tell the total area under the domes. I have seen it but have no idea about its area. I have no idea about the height of the domes from the bottom. There was no way to climb to the domes but people could

climb over it. What was the length of the domes that I cannot tell but the circumference could be about 16 feet which was equal in all the three domes. My grandfather told me that the disputed building itself was called Ram Janam Bhoomi and did not tell that it was called Babri Masjid also. I do not know when the Babri Masjid was constructed. I had been seeing the disputed building since 1934-35 till its demolition. I do not know the length and breadth of the disputed building nor I tried to know about it. On the basis of estimation, assumption I cannot tell so. The doors of the wooden enclosure wall (Kathaghare Wali Deewar) were kept locked. The key of the middle door was in the custody of police since 1949 till the removal of locks. The key of the second door was with the Kothari (Store Keeper). I do not remember the name of the store keeper but he was appointed by the receiver. He offered Bhog and arranged for worship there. Who was the first Kothari that I do not remember but his successors were Laxman Das Shastri and Sant Prasad. They were responsible for the arrangements and to look after the temple. On the arrival of any V.I.P. the lock was opened. It was opened for Bhog, Arati, Pooja, etc. also. Regular pooja thrice in a day was performed there. Shri K.K. Ram Verma was the receiver after 1949. Who was the receiver next to him, I do not remember. So far as I remember he was the receiver there from 1949 to 1980 till his death. Shri K.K. Ram Verma was known to me but the year when he expired is not known to me. I do not remember exactly that he died in 1980. Shri K.K. Ram Verma was a member of the assembly with me from 1968 to 1972 and after many years of that he expired. As he was my friend so I attended his last rites. Who was appointed the next receiver after him that I do not remember. About one thousand people attended his last journey.

The Learned Advocate showed the witness para 12 of the affidavit and asked what his grandfather and father had told him. The witness replied "My grandfather and father told me that Shri Ramlalla got his birth in Treta era as a son of King Dashrath under the middle dome of Shri Ram Janam bhoomi in Ayodhya. It is the belief of our Sanatan Dharma; that each kalp has four yug — Satyug, Treta, Dwapar and Kaliyug. Treta Yug had been many lacs of years ago. According to our scriptures when at the outset of Satyuga Brahma ordered Manu and Satrupa for creation, He (Brahma) first constructed seven cities, and it was Ayodhya one of them which was constructed first. It is said that Ayodhya, Mathura, Maya, Kashi, Kanchi, Awantika, Dwarkapuri were constructed by the divine power of God. The cities were constructed on the will of God Brahma. Manu and Satrupa made the further creation and settled the cities. Manu was the king and Satrupa was his wife. All the cities were constructed at different places. What was the interval time of their construction that I do not know.

After Mathura it was Kashi and then Mayapuri (Haridwar) that were created. After Mayapuri, it was Kanchipuram and Awantika is in India but where, I do not remember. The particular place where Lord Rama got his birth is called Sanctum-Sanctorum (Garbh Grih). Lord Krishna was born before 5 /2 thousand years back and Ayodhya nagari existed there at that time. Ayodhya was destroyed and built several times before the birth of Lord Krishna. It has been built many times at this one and remained at the same place where it is today. Shri Ram Chandra was born in Ramkot Mohalla in Ayodhya and presently it is called Janam Bhoomi premises. He was born there where the Sanctum Sanctorum is situated today. Three domed building situated at Ramkot in Ayodhya was

the birth place of Shri Ramlalla. I have seen this Sanctum-Sanctorum myself but not at the time when Ram Chandra was born there. The entire Ramkot was the palace of King Dashrath including the Sanctum-Sanctorum. The present Ramkot Mohalla was the inner part of King Dashrath's palace. The situation of Ayodhya and Ramkot existing at the coronation of Ram has been described in first four chapters of Shiv Samhita, Vhavya Uttarkhand. The entire Capital of Ayodhya was divided in three parikramas (Parts), Panchkoshi Parikrama was it's first part which is performed even today in a traditional way on Kartik Sudi Ekadasi (day of Kartik month). Lakhs of people take part in it, Dwitiya Grihi is the second part stretched in 14 Kosh which is performed in a traditional way on Aksyay Navami in the Kartik month. Third Parikrama is in an area of 84 Kosh which is completed in one month. It starts on Chaitra Sudi Purnima. Thousands of people take part in it. Panchakoshi Parikrama starts from the bank of Saryu river via Saryu Bag Mohalla, Gurukul Pathashala, back to Jalapa Devi temple and again at the bank of Saryu river in a circular way. Panchakoshi Parikrama covers a distance of 10 miles. Saryubag Mohalla is situated on that road which emanates from Ayodhya- Varanasi Railway line and ends at Panchakoshi Parikrama. During rainy season the distance of Saryubag Mohalla from Saryu river remains only 1½ miles otherwise it is at a distance of 2 miles. There are other Mohallas, fields, gardens and Railway line between Saryu river and Saryubag Mohalla but there is no railway station. There are many ways to go to Saryu Mohalla from Saryu river. One is main road and others are many sub-ways. Some lanes lead to Harkarapurwa, Vidyakud, Khajuhabag, Kumhartolia Mohallas. Nayaghat, Tulsibari, Karsewakpuram, Ramghat etc. are the Mohallas situated at the bank of river Saryu. After Ramghat there is a small

village I do not remember its name. Karsewakpuram Mohalla is in the new Colony. Karsewakpuram Mohalla covers a distance of more than one kilometer. I can't say what is the width of this Mohalla. Tulsi Smriti Bhawan, Arogyadham, Dubey Temple, Devrahababa Seat, Karsewak Memorial Temple are in Karsewakpuram Mohalla. There are fields and also the shanties of Ahirs in that Mohalla. The shanties of Ahirs may be more than 25-30 in numbers. What is the population of Karsewakpuram Mohalla is not known to me.

Verified after reading the statement .

Sd/-

Kaushal Kishore Mishra

19- 12-2002

Typed by the Stenographer in the Open Court on my dictation. Please appear in continuation of this tomorrow on 20-12-2002 for further cross examination.

Sd/-

(Narendra Prasad)

Commissioner

19-12-2002

Date: 20-12-2002

O.P.W.-12 Sh. Kaushal Kishore Mishra

Before — Commissioner Shri Narendra Prasad, Additional District Judge/Special Officer on Duty, Hon'ble High Court, Lucknow, Bench, Lucknow.

(Appointed by order of Hon'ble Full Bench dated 13-12-2002 passed in other Original Suit No. 5/89 (Original Suit No. 236/89))

(In continuation of 19-12-2002, cross examination by Abdul Mannan, advocate of Defendant No. 6 on the affidavit of Shri Kaushal Kishore Mishra O.P.W. 12)

Shri Ram Chandra ji was born in the family of King Dashrath about lacs of years ago. He got his birth at noon. Noon means at 12 in the day. I cannot tell whether Ram Chandra was born 17½ lacs years back or not but he was born lacs of years back. Ayodhya was the capital at that time. King Dashrath was an emperor and his capital was in Ayodhya. Like the present union democratic where every State has its own Government and Administration, King Dashrath's capital of Central Government was in Ayodhya. Lord Ram got his birth in the maternity house of King Dashrath's palace. According to the scriptures the palace of King Dashrath was in a quadrangular area of about 1 ¼ X 1 ¼ miles. King Dashrath had three Queens - Kaushalya, Kaikeyi and Sumitra. Apart from these 3 queens he had many other queens, Servants & Maids. Kaushalya gave birth to Shri Ram. He was born at noon. According to scriptures Ram Chandra ruled for more than 10 (ten) thousand years. He lived a life of about 10 ½ thousand years. He went in exile for 14 years at the age of 15-16

years. After completing the period of exile he came back to Ayodhya in Pushpak Viman. He would have been of 27-28 years by then. He was already married before going to exile. After his return from exile he was coronated and he ruled for more than 10 thousand years. At that time an year was of 360 days only. After such a long rule he left for his heavenly abode in a Divya Viman of his own accord. At the time of his last journey all the people of Ayodhya were present at Guptar Ghat. All the people of Ayodhya also accompanied Lord Ram to heaven in other Viman. All people is a comprehensive term which includes males females children's and other members or the Royal Family. Before his ascending into the heaven he divided his universal kingdom into 8 parts and coronated his two sons Lov-Kush and sons of Bharat & Shatrughana 6 nephews (two sons of each of his brothers) as the kings of their respective domains. After his departure from Ayodhya he became desolate and lonely Shri Hanuman was living in Ayodhya in a pensive and dejected state of mind at that time. After some years Kush, son of Ram Chandra came to Ayodhya and rebuilt it until then Hanuman was Melancholy. I cannot tell the period of this interval when Kush again rehabilitated Ayodhya.

I perform Kirtan in Ayodhya also. Kirtan means chanting the name of God repeatedly in a melodious tune in the company of vocal and musical instruments. There is mental kirtan also where the name of God is pronounced in an inaudible and very slow voice along with counting the beads of rosary. Sometimes the Kirtan is continued for 24 hours, sometimes for 9 days and in some cases for a year or many years also. In mental jap (without uttering the words with lips) the name is recited for 1¼ lac times. It has also its different durations. Jap can be performed

individually or collectively, but singing and kirtan, etc., is a collective work. Many people take part in it. The name of the God is recited in melody, prosody, couplets etc. in the company of vocal and musical instruments.

(Cross examination concluded by Shri Abdul Mannan, advocate of Defendant No. 6)

(Cross examination begins by Zaffaryab Jilani on behalf of Defendant No. 4 - Sunni Central Board of Waqf)

xxx xxx xxx xxx

After the ascendance of Ram Chandra ji into heaven only Hanuman ji remained in Ayodhya. No other member of Hanuman's simian army was in Ayodhya at that time of Ram Chandraji's ascendance into heaven. All were male members in Hanuman's army. This army was divided into 8 parts before his ascendance. 8 parts means it was divided in eight States. Ayodhya was a part of none of them. Shrawasti ji was the nearest city from Ayodhya which was within a distance was 60-70 km.. Shrawasti is in the north of Ayodhya, where the boundary of Ayodhya ended the boundary of Shrawasti started. The present Shrawasti district carved out from Bahraich district was called Shrawasti State at that time. This Shrawasti State was given to Kush which also included some parts of Nepal. Lucknow was not included in the territory of Shrawasti State. It is not known to me whether the areas of present Lakhimpur and Sitapur were the parts of Shrawasti. I have got this information about division of States in 8 parts from Adhyatma Ramayan. It is a very old book but I do not remember the name of its author. I have this book. This book is available in the market also. It is in Sanskrit language and runs in 400-450 pages. It was composed before Ramcharitmanas. Some people say that it was

composed even before Valmiki Ramayan. Some say it was composed after Valmiki Ramayan. I have not read about the above 8 States in any other book but such information may be in other books. I have been told by some scholars in the south that one Ramayan was composed in Saraswat Kalp and there is a description of 8 States in that Ramayan. Some modern books also describe so but they are not much reliable. But we Hindus have full faith in Adhyatma Ramayan and Saraswat Kalp Ramayan. According to our scriptures from the first to the Seventh Kalp, in each Kalp comes Satyug, Treta, Dwapar, Kaliyug. After these Seven Kalps there comes Saraswat Kalp. At the outset of each Kalp, one Manu gets the birth. According to our scriptures Seven Manus have got birth so far. I have no knowledge about 8th Manu. According to the scriptures Ayodhya was created by the first Manu. Each Kalp has four Yugs and total period of 4 Yugs is about 50 lac years. In this way the creation of the world has completed in 3 ½ crore years. This 8 Kalp has come after 3 ½ crore years of the creation. In which Kalp we are living, is it 8th or 9th or 10th that I do not remember. In each Treta Yug of each Kalp Shri Ram Chandra had got birth. The first birth of Shri Ram can be reckoned back to at least 3 crore years back. Every time Ram Chandra got his birth in the palace of King Dashrath. It is my belief that he got his birth at the place where Babri Masjid was established. It is described in our scriptures that when Shri Ram Chandra got his first birth the palace of King Dashrath was made of stones, gems, pearls and precious stones. It is also described in the scriptures that in each Kalp Shri Ram Chandra got birth in Ayodhya, and that was the same Ayodhya. In each Kalp Shri Ram Chandra ascended in heaven along with his subjects including men, women and children in the same way as has

been described earlier. Every time Ayodhya became desolate and was rehabilitated again by Kush.

The present Valmiki Ramayan describes about the Ram ji of the present Kalp. Adhyatma Ramayan describes about Ram ji of not seven Kalps but some Kalps only. There is no mention of Ram ji of the first Kalp in Adhyatma Ramayan. There are stories of the birth places of Shri Ram in the previous Kalps also, places of pilgrimage in Ayodhya and his incarnations in the Ramayan of Saraswat Kalp. There is a description of Ram ji of many Kalps in Saraswat Kalp Ramayan. I have not seen this book. I have heard that there is a description of Ram of the first Kalp in this book. There are many Ramayans but I do not remember their names except the three as mentioned above. There may be 12- 13 Ramayans. I do not know whether there is description of all seven Kalps in Vedas or not, I have gone through some parts of Vedas which are in Sanskrit. Knowledge of Vedic mantras is essential for worship and I have learnt it in Sanskrit. I have no complete volume of Vedas. I have some parts of it. Mantras of all the four Vedas are not required in worship but required in Yagyopaveet (thread ceremony). Worship can be done by any vedic mantra not necessary that only mantras from Atharva-Veda should be used, we can use mantras from all the Vedas also. I have not read about Seven Kalps in any book except Adhyatma Ramayan. I have read about Seven Kalps in Adhyatma Ramayan and also heard from Scholars. The Scholars and the Pandits have been telling so in their lectures. I have no Adhyatma Ramayan in my house i.e. Ayodhya at this time. Shrimadbhagwat gives information about the present Kalp but I do not remember what is the name of this Kalp. So far as I know there is no such information about Kalps in four Vedas. Purans give this information. There is a mention of present Kalp in Agni

Puran, Varah Puran, Skand Puran, Matsya Puran etc. I have gone through these four Purans not thoroughly but in a sporadic manner. All the Purans are also in Sanskrit. I have not the complete set of Purans. Purans are voluminous books. Agni Puran is in two parts having more than 1000 pages, Matsya Puran has 800-900 pages. I have read Matsya Puran in one Volume. Varah Puran is also a voluminous book. I have not read it completely. I have also read a few portions of Skand Puran. It has also about 1000 pages. The old book of skandpuran is in one part and the new book is in two parts. I do not remember what is the name of the present Kalp given in these Purans.

The period of King Dashrath's rule in each Kalp had been the same as mentioned in Valmiki Ramayan. Valmiki Ramayan describes this period as more than 60 thousand years. The period of Ram Chandrajī's role in each Kalp had been about 10 ½ thousand years. In each Kalp Ram ji married Sita. This all has been described in Adhyatma Ramayan. In each Kalp the description of Ayodhya puri, is similar to as given in Valmiki Ramayan. Ram Chandra ji divided his kingdom in 8 States in each Kalp before ascending into heaven and given exile in some Kalps as described in Valmiki Ramayan. In some Kalps he was given exile at the behest of Kaikeyi and in some Kalps he was not sent in exile. In the first Kalp he was not sent in exile. I do not remember in how many Kalps he was sent in exile but it was more than one Kalps. Sita was abducted in all those Kalps when Ram ji was sent in exile. There is mention of Ravana and Hanuman in all the seven Kalps. According to my religious faith human rebirth is possible only when he had done good deeds in his past life. Ravana got birth in every Kalp. In every Kalp, Ravana was very religious and disciplined man in the beginning but due to his pride he was cursed to be born as a demon. As a gatekeeper he did

not allow four sages viz Sanak, Sanandan, Sanatan and Sanat Kumar to meet the God so he had to suffer the curse pronounced by them. Before first Kalp, he was gatekeeper Jay with another gatekeeper Vijay. The first birth of Ravana was in Treta era. He was born before Ram ji. He is called Dasanan (10 headed) but it is not necessary That he had ten heads. This may be an imagination also. There is a description of Ravana being ten headed. In Satyuga of first Kalp he was Jay. Ravana's age in Treta Yug of first Kalp should be more than one lac years, may be 2-3 lac years also. This time Sita was not abducted but there was a war with Ravana. Ravana had become sinner and evil doer. To save this earth from his atrocities Ram ji had a war with him. Abduction of Sita was not the reason of that war. There is no mention of Ramkatha of Treta of the first Kalp in any Ramayan but there is a mention of Ramkatha of Saraswat Kalp. It must have been written in Saraswat Kalp. It was not written by Valmiki but by some other person. I do not remember his name. In which language the Saraswat Kalp Ramayan was written is not known to me. One Ramayan is in Pali language also Saraswat Kalp Ramayan is not in Pali. The present Kalp is not called Sarāswat Kalp. Saraswat Kalp was much earlier than the present Kalp. Saraswat Kalp was preceded by the present Kalp or how many years after 7 Kalp, the Saraswat Kalp started is not known to me. Shrimadbhagwat gives information about Saraswat Kalp. Why Ravana got birth again as a human being despite his being evil doer and sinner and having war with Ram, is not known to me. His war against Ram cannot be said an evil act because he fought for his own party or favour. In Treta Yug of the second Kalp Sita was abducted by Ravana which is a sinful act. Those who supported Ravana and fought against Ram also got their rebirth as a human being. Why they got their birth as human being I

cannot tell the reason. Anybody who fights in the battle field goes to heaven, even if he fights from any side. They also go to the heaven who fight for unrighteousness, but they do not get salvation. Those who fight for righteousness they also go to the heaven, but do not get salvation. Those who get salvation do not take rebirth again. In every Kalp there was a war between Ram and Ravana and those who fought the battle and died did not get salvation but a few of them who remained alive got salvation. Jamwant was there but he got his salvation from God Krishna in Dwapar Yug. Sugreeva was there who died after many thousands years but he got salvation. Suken, Nal, Neel, Mayand, Matgajendra, Shri Keshari, took part in Ram-Ravana war and got salvation. These warriors took part in Ram – Ravana war of Treta Yug of the present Kalp and got salvation after it. They participated in Ram-Ravana war of each Kalp.

Verified after reading the statement .

Sd/-

Kaushal Kishore Mishra

20-12-2002

Typed by the stenographer in the Open Court on my dictation. In continuation of this attend the Court on 2-1-2003 for further cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

20-12-2002

Date: 2-1-2003

O.P.W. 12 Shri Kaushal Kishore Mishra

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

(Appointed by order of Hon'ble Full Bench dated 13-12-2002 passed in other Original Suit No. 5/89 (Original Suit No. 236/89)

(In continuation of dated 20-12-20Q2, cross-examination of Shri Kaushal Kishore Mishra, O.P.W. 12 on his affidavit by Shri Zaffaryab Jilani advocate of Defendant No.4)

The present Kalp is called Varah Kalp and Ram Katha of Treta Yug of Varah Kalp has been given in Valmiki Ramayan. There is only one Valmiki Ramayan. The learned advocate drew the attention of the witness towards Valmiki Ramayan Part I document No. 261 C-1/1 and Part II document No. 261 C-1/2 and the witness replied that it was Valmiki Ramayan. Present Varah Kalp has its serial no but I do not remember this time. The age of Brahma has been divided in two parts which are called Parardh. The first Parardh is already over, and this is Kaliyug in the second Parardh. This is the first Kalp of second Parardh. The age of Brahma is 100 divine years but I do not know how many years are there in a divine year. We follow the human year. This period of 100 divine years is reckoned from creation to partial deluge (annihilation). I cannot tell the definition of partial deluge and also cannot tell how many partial deluges are there. Partial deluge is not the last deluge.

After how many partial deluges the last deluge occurs that I cannot tell. After 100 divine years or after a partial deluge another Brahma will appear who will also have the age of 100 years. I cannot tell the numbers of Brahmas till the last deluge. How many Kalps would have passed by

then that also is not known to me. The earth was created by Brahma. I cannot tell that during this Kalp the age of Brahma has expired or not. In other words how many Brahmas have come on the scene that I do not know. After the expiry of the present Kaliyug new Kalp will start with its Satyug. Treta will also come in the new Kalp and Ram Chandra ji will come in his incarnation. He will get himself incarnated in the place where he was born in his past and present Kalps. Similarly the other related persons will also get rebirth as they were born in past and present Kalps. The incidences described in Valmiki Ramayan will continue to occur in the same manner again in Treta Yug of reach Kalp till the last deluge. There have been many battles and agitations in the present Kaliyug regarding Ram Janam Bhoomi, but I do not know the number of such battles. There is no such description available which shows that such battles were fought in past Kaliyug of the Kalp. There is no such mention of future also. Valmiki Ramayan does not describe about the Kalps to come and about the present Kaliyug. I can tell this more accurately tomorrow after reading the Ramayan. According to my belief Valmiki composed Valmiki Ramayan, before the birth of Ram Chandra ji in Treta Yug. Valmiki was present there many years before the birth of Ram Chandra ji, he was there at his birth and also at the time of his ascending into heaven. How long he remained alive there such information could not be available to me. Valmiki was a sage and seer, he was not an incarnation. Sanskrit was used in prose and verse forms. Before Valmiki only prose form of Sanskrit was in use. Valmiki used verse form to compose Valmiki Ramayan.

The Learned Advocate cross-examining the witness showed the witness the document No. 261 C-1/1 and 261 C-1/2 which were the part I and II of Valmiki Ramayan

respectively and asked whether the same Sanskrit language was used by Valmiki which is written in the book. The witness replied after seeing the books that it was the same language as used by Valmiki. Valmiki had written this Ramayan on Bhojpatras (bark of the birch tree) with ink. I cannot tell whether these Bhojpatras are kept safe anywhere or not. At present there are 18000 Shloks in Valmiki Ramayana. It is the belief that all Shloks were composed by him. There are some stories that Valmiki was alive in Dwapar also. There is no mention that he was alive in Kaliyug. I cannot tell if Valmiki was alive at the time of Mahabharat in Dwapar. The advocate showed to witness the Page No. 261 C-1/1/1 of document No. 261 C-1/1 and he replied that there was a photo of Valmiki also. This photo is not his real photo but a sketch drawn by the artist on the basis of the description given in scriptures. This sketch was not drawn during the life time of Valmiki, after seeing him physically. The witness was shown Valmiki Ramayan Part —II, document No. 261 C-1/2 Page No. 261 C 1/2-8 and he replied that it was the photo of Ram ji and Laxman together, which was drawn on the basis of the description given in the scriptures about Ram ji and Laxman. It was not drawn during their life-time. The advocate showed to the witness Valmiki Ramayan's Part I document No. 261 C/1/1/2 and 261 C -1/1/8 and he replied that those were the photos of Kaushalya, Ram Chandra, Janak, Bharat, Shatrughan, Laxman, Kewat, Shabari, Sita etc. These sketches were also drawn on the basis of the description given in the scriptures. Similarly the witness was shown Valmiki Ramayan's Part-III, document No. 261 C -1/2/1 to 261 C-1-1/2/7 and he replied to see it - "The photos include Hanuman, Sugreeva, Laxman, Ram Chandra, Angad, Vibhishan, Vishnu, Ram on the Pushpak Viman, seven sages in the coronation ceremony Accompanied by

the Mantrimandal (Sumantra). These photos are also not their life — photos but drawn by the artist on the basis of the description given in the scriptures who was the artist who had drawn these sketches for the first time, which was the period when it was drawn is not known to me. Scriptures do not give such information about the chronology of pictures. These all photos are related to Treta Yug of the present Kalp. I think that such pictures must have been in the Kalps also. This has been described in scriptures and in the “richa” of Vedas. The formulae of grammar also certify this fact. These formulae were created by the sound of Lord Shankar’s Damroo which are 14 in numbers. Our ancient scholars, sages, saints have supported it by their own theories also. These sages were Panini, Patanjali, Yagyabalkya, Lomas etc. and presently Shri Ramanujacharya, Shri Shankaracharya also one of them. I have not read the books composed by these people. I have read only a few extracts from them. These books are in Sanskrit and give a depiction of the body, beauty, countenance etc. of the people. On this basis the artists made the pictures. The sages which I enumerated above belong to Dwapar and Kaliyug. Sage Vashishtha had composed “Yogvashishta” in which there is a vivid description of the qualities, appearance etc. of Ram Chandra ji and the contemporary great persons. I have read a few pages of it. This book is also in Sanskrit and runs in about 1000 pages. Vashishtha was predecessor and contemporary also of Valmiki. Vashishtha is immortal and still has his place in the Saptarshi Mandal in the Sky. He lived on the earth at the time of Ram ji and Valmiki. He also left the earth for heavenly abode at the same time of ascendance of Lord Ram. I believe that he still appears on the earth. There are seven sages in Saptrashi Mandal (Ursa Major) including Vashishtha, Arundhati is the wife

Vashishtha. I think Saptarishi Mandal is near north star. Vashishtha composed Yogvashishtha while living on earth. It was written on the bark of birch tree. I do not know whether these bark-papers are kept safe somewhere or not. It is available in the modern print and paper also. With the availability of paper and print the matter written on the bark was transcribed into papers and books about 100-150 years ago. When this facility became available that I do not know. Tulsi literature was also brought out in books from the barks. Ramcharitmanas composed by Tulsidas was also brought out in book form from the bark-paper. Apart from Tulsidas how many books about Ram composed by other poets were published in books that I do not know. Tulsidas had himself written Ramcharitmanas and other books in Bhojpatra. Vashishtha had been getting birth in Treta of each Kaip and going to heaven with the ascendance of Lord Ram into heaven. He was alive after that and still he is alive. He got birth in the first Kalp and remained alive till the last deluge of that Kalp. After the last deluge of the first Kalp everything, including humans, animals, insects, birds were destroyed, only water was there. Sun and moon had also been destroyed. New creation was started again and Vashishtha also got birth. Such a last deluge occurred after every Kalp. At least 10 to 12 such great deluges has happened since the creation. Everything on earth gets destroyed with every deluge and earth becomes inundated. Lord Shankar performs Tandav dance to destroy the creation. After the deluge the God almighty is seen sleeping on a banyan tree as a child sucking his toe. After a long time he resolves "I am alone, we should be many". He transforms himself into four armed Lord Vishnu and creates Kshirsagar as his abode. He takes sleep in Kshirsagar as God Narayan and a lotus emanates from his navel. Four headed Brahma appears on this lotus. Thus the

child god (Balmukund) transforms himself into Brahma, Vishnu and Mahesh. Brahma creates the universe, Vishnu rears and looks after the creation and Mahesh destroys the creation. There is a mention of Balmukund almost in every Puran and he bears unlimited names. In Vedas there is no such name as Balmukund but the scholars of Vedanta prove it by some Richas of Vedas. There is no such description of god Balmukund in Valmiki Ramayan that he transforms himself into Brahma, Vishnu and Mahesh. Ramcharitmanas and Adhyatma Ramayan also do not give any description of Balmukund. It is true to say that the creation of earth started from Manu. Manu established a code for the society which is called Manusmriti. Manu also gets birth in every Kalp and there is mention of Manu in all the 18 Purans. What was the age of Manu that I cannot tell. Manu is created every time by Brahma. Every Kalp starts from Satyug and Manu gets birth in every Satyug. In every Kalp Ayodhya was rehabilitated by Manu. After the ascendance of Ram into heaven the desolate Ayodhya was rehabilitated by Kush. How much time Kush took it to rehabilitate it, that I cannot tell, it may be hundreds or thousands years also. How long did he rule and live is also not known to me. There is no mention of Luv, the second son of Ram, coming to Ayodhya. How long did Luv survive after Ram is not known to me? Whatever has been written in Valmiki Ramayan is taken cognizance and followed by all the Hindus. I only accept the description upto coronation of Shri Ram in Lanka Kand according to my faith and belief, rest of the description is not acceptable to me. All the ardent devotees of Ram ji accept the description upto coronation in Lanka Kand of Valmiki Ramayan and rest of the description beyond it is not unacceptable to them but do not keep faith on it. The devotees of Ram ji have faith and belief on the description of Ramji's ascendance to

heaven and they regard him as eternal and immortal. I believe that Ram ji is alive still today but I do not believe on the description of Ramji's ascending the heaven in Valmiki Ramayan. I will not say it right or wrong what I do not believe but simply not believe on it. No book is the basis of my disbelief on Ramji's ascendance into heaven but it can be proved. I can give the proof from books. Vedas have propounded that God is unborn, imperishable and every soul is his fragment. The God who is formless, without attributes comes in physical shape to protect his devotees and religion and to destroy the sinners and unpious people. According to this belief Ram Chandra ji is alive from the first Kalp to this present day and shall live for ever after the great deluge. God Balmukund who transformed himself in Trinity gods is Ram Chandra ji himself. Balmukund lives forever. He creates other gods. According to my belief God Balmukund got his birth as Ram in the house of King Dashrath and his birth takes place in every Kalp. Balmukund has incarnated himself in many forms viz, Matsya, Varah, Ram, Krishna, Vaman etc. These are called the incarnations of God Vishnu. He first came as Vishnu and after that incarnated himself in the above forms. After a very Kalp the Trinity Gods Brahma, Vishnu and Mahesh abandon their "Sagun" form and go in their 'Nirgun" form. When Ram ji appears in Treta as Ram Chandra ji he still lives as Vishnu and Balmukund and Nirgun Brah'm also.

Verified after hearing the statement .

Sd/-

Shri Kaushal Kishore Mishra

2-1-2003

Typed by the Stenographer in the Open Court on my dictation. In continuation of this attend the Court on 3.1.2003 for further cross examination.

Sd/-

(Narendra Prasad)

Commissioner

2-1-2003

Date: 3-1-2003

O.P.W.-12 Shri Kaushal Kishore Mishra

Before — Commissioner, Shri Narendra Prasad, Additional District Judge/Officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed by order of Hon'ble Full Bench dated 13-12-2002 passed in other Original Suit No. 5/89 (Original Suit No. 23 6/89)

(In continuation of dated 2-1-2003, cross examination by Shri Zaffaryab Jilani, Advocate of Defendant No. 4 on the affidavit of Shri Kaushal Kishore Mishra)

Saryu Prasad Mishra was the brother of my real grandfather. I told about him in para No. 29 of my statement dated 17-12-2002 that he was Principal in a Sanskrit Vidyalaya. I was only 4 or 5 years when he expired. At the time of his death also he was Principal in the Sanskrit Vidyalaya. I have said in Para 29 of my statement dated 17-12-2002 that Rahul Sankrityayan and Lal Bahadur Shastri were underground before 1942 living as a Sadhu in Ayodhya. This relates to the period of 1934-35 and even after that they used to visit Ayodhya.

The Learned advocate cross examining the witness showed the witness Part 1 of a Book "Meri Jeevan Yatra" (My Journey of Life) and also showed its title cover — Foreword and pages from 167 to 170 from the book and the attached paper No. 314 C 1 / 1 to 314 C 1/12 and asked whether it was clear from the foreword of the book that it was the autobiography of Rahul Sankrityayan?

(On the question the Learned Advocate of the Plaintiff Shri Ajay Kumar Pandey raised the objection that the book was not already on the record and even that day only its photocopy was being produced, so the above document

was not acceptable to the witness and nothing should be allowed to ask on it).

(In reply to the objection the Learned Cross Examining advocate said that the question was being asked to the witness about the papers of the book and the book was before him and the book was being showed to him for any question and the photocopies of the relevant pages had been submitted in the Court, which were acceptable to the witness).

(Under the above objection and the reply of the objection the paper No. 313 C 1/1 and attached paper upto No. 314 C 1/12 submitted with listed document No. 314 C 1 are placed as per the order of Hon'ble full Bench, dated 20.3.2002).

After seeing the above paper No. 314/C 1/3 and 314 C/4 which are the photocopies of the foreword, the witness replied in affirmative that it was clearly the autobiography of Rahul Sankrityayan. I have given the true statement at Page 28 on 17-12-2002 that "Rahul Sankrityayan has written in his autobiography I was Principal in Ayodhya....."

Question:- Am I right to ask that Rahul Sankrityayan in his autobiography published as his "Jiwan Yatra" has not made any mention that he ever learned Sanskrit from Pt. Saryu Prasad Mishra. In this context your aforesaid statement at Page 29 is wrong?

Answer:- A revised version of Rahul Sankrityayan's "Jiwan Yatra" has been published recently and many things have been excluded from it. If I am given a chance I will search out its' original copy and submit the original or the photocopy of it.

Rahul Sankrityayan's arrival in Ayodhya in 1934-35 was based on my assumption and in which year he left Ayodhya that I do not remember properly. The Learned advocate cross examining the witness showed document No. 314 C 1/11 and the enclosed paper 314 C 1/12 and the witness replied that Rahul Sankrityayan had gone to Ayodhya for studies and after that his going to Ayodhya did not prove from the above documents. Rahul Sankrityayan was a great writer and philosopher. He was well conversant with many languages and had authored about 150 books. He had written books before 1940 also. "Darshan-Digdarshan" is a famous book published in 1944. Rahul Sankrityayan has not written anything about the disputed site. I do not remember if he had mentioned Ram Janam Bhoomi in Ayodhya in any of his book. He has described about many temples of Ayodhya in his autobiography but not of the disputed site. I have said in Para 29 of my statement that Rahul Sankrityayan and Lal Bahadur Shastri studied Sanskrit before 1942... I have said so on the basis of the information from some elderly people. I have read about it nowhere. It is not based on my knowledge. I have not read any book or article of Lal Bahadur Shastri but I have listened to his speeches and read his letter sent to other people. I never had any personal meeting with him. Rahul Sankrityayan was also well conversant in Sanskrit. He knew Pali and Prakrit languages also. Baldev Babu, father of Acharya Narendra and Babu Lalji, his elder brother were one of the leading advocates in Faizabad. Baldev Babu was influenced by Arya Samaj but performed worship also but Lalji Babu was completely Sanatani (traditional). So far as I remember, during my childhood there was no conflict between Sanatanis and Arya Samajis in Ayodhya. There is a famous Durga Temple called Devkali in the middle of the Ayodhya and Faizabad where I have

visited. The Learned Cross Examining advocate showed to witness an extract from Para 4 of document No. 314 C 1/9 "According to Valmiki Shri Ram who..... goats are sacrificed". The witness said that he was not agreeable with this extract. It was also wrong in the extract that goat was sacrificed in Devkali Temple.

The Learned Advocate cross-examining the witness showed the witness both the parts of Valmiki Ramayan (document No. 261 C-1/1 and 261C-1/2) and the witness replied that there was no mention of the present Kaliyug in Valmiki Ramayan, only some mention about the condition of the present Kaliyug is there in its Mahatmya (comments). The witness saw the document no 261 C-1/1 and said "There is some description about the condition of Kaliyug in its first chapter "Shrimad Valmikiramayan Mahatmya" starting from Page No. 7. Mahatmya means the way of reading the Ramayan and the measures for welfare, salvation, and attainment of God etc. I cannot tell this Mahatmya is written by Valmiki or not. It is not the part of the original Valmiki Ramayan". The witness was shown Shlok No. 7 at Page 7 and he replied that its Hindi translation was correct. Normally the facts given in the Shlok are correct for a common man.

Question:- Whether it is correct or wrong that Ayodhya will remain desolate for many years and will be rehabilitated at the time of King Rishabh as has been described in Shlok 10 Para 830- 31 of document No. 261 C-1/2?

The witness replied —

Answer:- According to our belief and faith Kush rehabilitated Ayodhya after Ram.

After Kush, King RishabhDev rehabilitated Ayodhya again. King Rishabh was the pioneer of Jainism. I do not know what was the period of King Rishabh's rule after Kush.

The present Ayodhya was rehabilitated perhaps by seventh Manu. But I cannot tell definitely which was the Manu who rehabilitated Ayodhya. I do not remember how many Manus have been described in Manusmriti.

Question:- Am I right or wrong if I say that seven Manus have been described in Manusmriti?

Answer:- I can't say anything definitely in this matter. I do not know whether it is written in Manusmriti that Brahma's one day is equal to God's 1000 Yugs. God's era is different from human era. The period of god's era is very much longer than human era. How many years are there in a Yug according to Manusmriti is not known to me but according to Shrimadbhagwatgita the period of Kaliyug is 4,32000, Dwapar 8,64000, Treta 12,96000 and Satyug 17,28000 years each in a multiplication of 2,3 and 4 by Kaliyug. These four Yugs form a Kalp. The years of gods are called Yugvars and have longer span than human years. Human years are called Saur Varsh also. God's year is called god year but not Divya Varsh. I do not know whether god year is called divine year in Manusmriti. There is no mention of Balmukund god in Manusmriti but Brahma has been described as the creator. There is a mention of Narad also in Manusmriti. Narad is Brahma's psychic progeny and he was created on the will of Brahma. Sanat, Sanandan, Sant Kumar and Sanatan are the four brothers of Narad. Since the creation of the universe Brahma, sage Narad

and his four brothers are still alive. Brahma has created three worlds, gods, demons and humans. After that Manu was asked to further create the human generation. Manu demanded land from Brahma and the creation of human race and he was given seven cities viz; Ayodhya, Mathura, Haridwar, Kashi, Kanchi, Dwarawati and Awantika after creating them on divine weapons. These seven cities were created by Lord Vishnu on the request of Brahma. It is also true that the universe was created by Brahma.

Question:- Are you aware about the fact that according to manusmriti Brahma divided his body into two parts viz; male and female to create "Virat Purush"?

Answer:- Yes, Sir. I know that such description has been given in Manusmriti but we take its meaning in another way. According to my belief Brahma created Narayan on his own will and Narayan created seven puns (cities) and on his inspiration Brahma created different creation by his parts of body.

I have told yesterday (2-1-2003) at para 59 of my statement that Brahma's age is of 100 Dev Varsh but the age of Narad and his brothers is not so long. What is their age, I am not aware of it. After very partial deluge, Narad and his brothers will be created. After the great deluge also Narad and his brothers will be created and will take birth as the sons of Brahma. Narad was there during the period of Ram Krishna also but I have no proof about his existence after that. Narad and his brothers are not included in the seven sages or Saptarsi Mandal. Vashistha, Maharishi Vishwamitra, Maharishi Gautam, Maharishi Yagyavalkya,

Maharishi Bhardwaj and other two sages, which I do not remember, form the Saptarsi Mandal. Sage Yagyavalkya had authored "Yagyavalkya Samhita" in Sanskrit. I have seen the book but not read it. For the last time I have seen it 10-12 years ago in a shop. It has 700-800 pages. It has been translated into Hindi, Urdu and English. I have not seen its Urdu translation but the Mahatmas from Punjab had told me that it was translated into Urdu also. I am not aware about the subject of the book but I only know that it was written by Yagyavalkya. Yagyavalkya was there during the period of Ram Chandra ji and even before him. The book was written before the period of Ram Chandra ji but how many lac years before, it was written that I do not know. For the first time it was printed in a book form on the paper by Venkateshwar Press, Mumbai 150-175 years ago. From where the manuscript or the original text was procured that I do not know. People memorized it by hearing the text of the book and further recited it to others and thus its text was safe in memory of the people since the time of Yagyavalkya. It is in a prose form. Maharishi Vishwamitra, Maharishi Gautam and Maharishi Bharadwaj had also authored the books but I have not seen those books. Sage Vishwamitra made amendments in the books of those times. As sage, Vashistha still visits the earth from time to time, likewise Vishwamitra, Gautam, Bharadwaj and Yagyavalkya also visit the earth. During the period of past 100-150 years our Mahatmas had been getting their vision and guidance from them by dint of worship and devotion. These Mahatmas had not written so anywhere, I have not read so but people told us. One Mahatma from Sankatmochan Temple of Varanasi, I do not remember his name this time used to come to Ayodhya and tell us such short stories. He told us so. He told us that he had seen Vashistha, Atri and other sages during the worship and

meditation and got their guidance also. The Sage is not in the seven stars but where he is that I do not know. Now I recollect his name, he was called Siya Lal saran. He is no more, when he expired is not known to me. Sage Atri is also the contemporary of Ram Chandra ji. I have come to know about it from a lady Sage who lived in Ayodhya. She told me this when I was 25-30 years old. Her name was Ramsakhi who lived near Golaghat. She told her devotees including me that she got the vision of Ram and Sita and guidance from them also. Some disciples of the sage mother have written so in small books. I have not read these books and also do not possess such books. I have been told that some books mentioned so but I cannot recollect the name of the author or his book. I have heard this from Mahatma Gomatidas, Mahant Ishwar Das, Tiwari ji Maharaj, Nayaghat also. These three Mahatmas told me so when I was below 15-20 years of age. All the three Mahatmas told me about the vision of Ram Chandra and the sages and also guidance from them. Mahant Gomatidas lived in Hanumat Niwas. They all have expired now. Sage mother Ramsakhi expired after these sages about 17-18 years ago. I have not heard from anyone about having a view of Ram Chandra ji and the sages-except these sages. Whenever I heard such things from these sages, I was not alone there but every time there must have been at least 10-12 people. I also told such things to 2 or 4 people and not to the more people. So long as these sages were alive, they used to tell their disciples such things very secretly. They wanted to keep their experience secret because they did not like to propagate their method of worship, so they shared their experience with a few selected disciples. One famous Mahatma Ramballabhasaran lived in Golaghat and had many devotees. He expired in or around 1938-40. Shri Maharaj Yugulananya Saran was a famous Mahatma and

Ram Ballabha Saran was his disciple's disciple. Shri Yugulananya Saran was the Mahant of Laxman-Kila. His disciple was Pt. Janakibar Saran who was the Mahant of Sadguru Sadan Golaghat. Shri Balramacharya was a Mahant but not of much repute. There had been many Bhagwatacharya and all imparted the education of Sanskrit. I got my education of Sanskrit from my father and grandfather Pt. Ram Adhin Mishra. I did not enroll myself in any school to get the education in Sanskrit. Otherwise I used to go to the teachers to learn Sanskrit. I got the education of Karm Kand from Shri Sitaram Shastriji and Panini Ji. I learned Shrimadbhagwat and Valmiki Ramayan from Pt. Shri Adhya Prasad Ji. I never got admission in any school for my education. I know Hindi, Sanskrit, I can write them but cannot talk in Sanskrit.

Verified after reading the statement .

Sd/-

Kaushal Kishore Mishra

3-1-2003

Typed by the Stenographer in the Open Court on my dictation. In this continuation attend the Full Bench on 6-1-2003.

Sd /-

Commissioner

03-01-2003

Date: 6-1-2003

O.P.W.12 Shri Kaushal Kishore Mishra

In continuation of 3-1-2003 the cross examination of Shri Kaushal Kishore Mishra, O.P.W.-12 was started before Hon'ble Full Bench by Shri Zaffaryab Jilani, Advocate.

I was born in 1927 or 1928, but I do not remember correctly. I had started to go to the temples from the age of 5-6 years, so it may be possible that I had started to visit the temples in or around 1933 or 1934. I have been going to the disputed site with my father when I was only 5-6 years old. I was told that there was a quarrel in 1934 but the visit of the people to the disputed site continued. I do not remember that a dome and some portion of rear side of the disputed building got damaged in 1934. I do not remember much about the incidence of 1934 at this time. Nobody prohibited me from going to the disputed building. In 1934 I did not go inside the disputed building but upto the platform only which was out of the building and sat there. The said Chabootra (platform) was inside the boundary wall of the disputed premise. This was known as Ram Chabootra. I had been going in three domed building since 1934. There were two iron doors to enter the building. The north door was always kept open. V.I.Ps used to go to that building and common people were not allowed. I had no fixed time to go to that building. I used to go there, sometimes in the evening, sometimes in the morning and sometimes at afternoon also. I did not perform worship inside the building but recited sometimes "Sundar Kand", sometimes "Ramrakshyastotra" etc. sitting in the Courtyard of the building. I performed the recitation sometimes in the place below the dome and sometimes in the inner Courtyard. Sometimes I did it below the southern dome.

There was no fixed place for recitation. Till December, 1949 there was no idol inside the building with domes, only a calendar was there. This paper calendar measuring about $1 \frac{1}{2} \times 1 \frac{1}{4}$ feet was on the platform constructed below the middle dome. I cannot tell definitely whether the same calendar was hanging there from 1933-34 to 1949 or it was changed from time to time. The calendar was not mounted in any frame or glass but only hanging on the wall. I had seen it hanging on the wall in 1949. it was the calendar of Ram Darbar. It was a printed calendar having the pictures of Ramji, his three brothers, Sita, Hanuman, Shankar and Vashistha.

The Learned Advocate invited the attention of witness towards Picture No. 116 of document No. 200 C —I of the coloured album submitted with O.O.S. NO. 4/89 and having seen it, he replied —“ there was a picture of God Ramlalla in it and I had seen it in the disputed building 1949. This photo was kept on a wooden board below the middle dome and got covered by floral garlands, flowers and leaves and was not clearly visible from a distance. I had seen this photo kept in the disputed building after 1949 to 1992. The Learned Advocate invited the attention of the witness towards paper No. 154/13 (photograph No. 10) submitted by Shri Basheer Ahmed, Advocate regarding O.O.S. No.1/89 and he replied to see it “I mean by Chabootra that is the platform with three stairs seen in this picture. The calendar as mentioned by me above was in Chabootra till 1949. It was hanging on the upper western wall of the Chabootra. There is a framed picture visible towards the South of the upper stair of the Chabootra, but I cannot recognize who is in the picture. There are some idols seen on the upper stair of Chabootra which were kept there after 1949. This Chabootra was adjacent to western and northern

wall of the middle dome of the disputed building". The Learned Advocate invited the attention of the witness to the paper No. 154/12, picture No. 9 submitted with O.O.S. No. 1/89 and asked whether it was the picture of the upper part of the western wall of the middle dome. The witness replied that he did not remember if it was the picture of the western wall of the middle dome. Picture No. 11 and 12, paper No. 154/14 and 154/15 submitted with O.O.S. No. 1/89 were shown to the witness and he replied that picture No.11 was of the western wall of the disputed building but he could not tell about the place of picture No. 12 and reiterated that it was the picture of the disputed building. In this continuation his attention was drawn to picture No. 8, paper No. 154/11 and he replied that it was the picture of the door of the disputed building. He said "A stone with some inscriptions is seen in the picture above the arch. According to my knowledge it was there till 1992. This inscription was in the shape of flowers and leaves and not in any language" In this context his attention was drawn towards picture No. 4 paper No. 154/7 and picture No. 7 paper No. 154/10 and to see the pictures the witness said that both the pictures were of Ram Janam Bhoomi the disputed building. He said "the position of the disputed building was same in 1992 as it is seen in the picture. The white stripes seen on the wall are of white washing and black stripes are of the moss". About picture No. 2 Paper No. 154/5 he said that it was perhaps the picture of Sita Rasoi in the northern part of the disputed building. He said "Towards the right of the picture there is no grave but a platform is visible where flags were hoisted sometimes. This Chabootra (platform) was in the same condition till 1992. Prasad and flowers were offered and Sadhu — Mahatmas used to sing Bhajans sitting on this platform. I cannot tell if it was the tomb of any sage or seer. The stairs are visible here which were made for going

to the road from the north gate of the disputed building. The stairs and the way had width of more than 12 feet. This gate was opened during the fair only — otherwise it was kept closed. I am telling this situation prevailing only upto 1992 since 1934. At a distance about 15 feet from north gate there was a road towards north going from Dorahi Kuan to Hanumangarhi. There is a Janamsthan temple Gudartar adjacent to this road towards north. Gudartar is the name of the colony of Sadhus and the Sadhus of this colony used to be Mahants of the Janamsthan temple. There is also a Sita Rasoi in that Janamsthan temple. I have been going in the Janamsthan temple also since I was only 4-5 years old. This temple is about 200 years old". On this point the Learned Advocate invited his attention towards picture No. 1 Paper No. 154/4 and he replied that it was the picture of eastern gate i.e. Hanumatdwar of Shri Ram Janam Bhoomi. There was never any wooden or tin door on this gate.

On this point the Advocate cross examining the witness drew his attention to Picture No. 59 and 60 of the album paper No. 200 C-I and the witness replied "the shape of the platform seen in this picture existed from 1934 to 1992. There are 5 white stones in the wall of the platform and something is written on them. These stones are there since 1934". About the Picture No.61 the witness said that it was the picture of the platform which was in picture No. 59 and 60 also. Picture No. 66 was the rear part of the platform and the white stones seen here were also existing since 1934. He said" in the beginning when I went to the disputed site, I offered the ritual of my worship sitting before that platform. At that time there were idols of Shri Ram's family kept on this platform. The idols were of Ramlalla, Shaligram and some toys of gods were also there. Many other idols were also there which I do not remember

at this time. The idols which I saw in 1934 on that platform were there till 1992. There may be some increase in their numbers but not any decrease. Two idols were of Ramlalla, one was small and the other was a big idol. Idol of Ram wielding the bow was there on the platform or not I do not remember". Having seen the picture No.68, 71 and 72 of the coloured album, the witness said the marble stones with some inscriptions seen here existed since 1934 and some were affixed after that but before 1949 also. The wall visible in picture No. 68 is the eastern wall of the way which leads inside the disputed building and it had two doors and picture No. 71-72 are the pictures of that place where Sita Rasoi and Kaushalya Rasoi existed. The place was called Kaushalya Rasoi and when Sita came to Ayodhya after marriage it became known as Sita Rasoi. Sita Rasoi at the disputed building and the Sita Rasoi in Janamsthan temple are at a distance of about 100 feet. The original Sita Rasoi was towards the south of the road which is seen in the picture No. 71-72. Sita Rasoi at the Janamsthan Temple is not the original Sita Rasoi. The Mahant of the Janamsthan temple started calling the Rasoi there as Sita Rasoi in the memory of Sitaji. According to my faith and belief Sita Rasoi is situated in Janamsthan temple, Gurdartar is not the Rasoi (Rasoi) of Sita's time. I have not read any religious book which mentions that Sita Rasoi was at the disputed site. I have read some part of Skand Puran. I have not gone through the Ayodhya Mahatmya of Skand Puran. On this point the Learned Advocate invited his attention towards Picture No. 79 Paper No. 200 C-1 to see it and he replied that it was the picture of Ram Janam Bhoomi disputed building but was not clear as to which part of the building it belonged. After seeing picture No. 84 the witness said "This picture is also of the disputed building but to which part of the building it belongs that is not clear

to me. The curtains seen in this picture was there between 1934 to 1949 and was there even upto 1992 and a Constable used to be there on duty since 1949 as is evident from the picture. Picture No. 85 and 86 are also of the doors of the disputed building but which are the doors that I cannot tell. The curtains seen in the picture used to be there between 1934 to 1950. A Constable was deputed on duty here since 1949. There are two niches seen in picture No. 86 and such two niches were built inside the disputed building but I do not remember their location whether they were in north wall or south wall. At that time if any idol was kept in any niche or not that I do not remember. The Picture No. 99 and 100 of the album are of the disputed building but to which part of the building they belong, I do not recollect. In this picture a board written with "Janam Bhoomi Sewa Samiti" is visible. It was kept there since 1938 and the picture No. 103 is the picture of the middle door of the disputed building. The half curtain seen here was there since 1949. Black stripes and white stone marks on the floor were there since 1934. This type of floor was made there throughout the disputed building. There were no such marks on the floor of the Courtyard below the dome. The picture No. 128 and 129 of the album show a photo on the wall, I have been seeing it in that position since 1949-50. This is the photo of Thakur Guru Datt Singh who was the City Magistrate there in 1948-49. The wall where it was hanging was perhaps the western wall of the disputed building. In Picture No. 156 of this album the photo of the floor is visible which is the floor of the domed building. The black and white design made of the white and black stones on the floor was in the entire floor of the building. I do not know that such a design was made in the mosque for offering Namaz. The Pictures No. 152, 153, 154 of the album are of Ramlalla which were kept

in the Sanctum Sanctorum below the middle dome. All the four pictures show a throne where the idol of Ramlalla is kept. I had seen it there since 1949. There was only one idol of Ramlalla on this throne and it was in the same position till 1992. I have been seeing the idol of Ramlalla kept on the throne since 1949, which can be seen in picture No. 152 to 155. I do not recollect if this idol of Ramlalla was seen by me before 1949 in any other place. Some other idols were also kept there before the throne from 1949 to 1992 but I do not remember the gods to whom they depicted. Picture No. 10 submitted with O.O.S. No. 1/89 shows the idol placed on the platform and I had seen that idol kept on the throne. I do not recollect how long the idol of Ramlalla had been kept on the platform in 1949. I remember that the idol was kept on the throne in 1950. I had not seen any idol kept around the throne but only curtains were there for decoration. It is true that the photo No. 152 and 154 show the picture of Ramlalla mounted on a frame. This photo of Ramlalla mounted on the frame is different from the photo seen in photo No. 116. I cannot tell whether the two photos were at one place or different places. I have been seeing the idols in the cave as seen in picture No. 58, since 1934 but when the stones before it with some inscriptions were kept there I cannot tell. I can only tell that these stones were affixed there before 1949. In Picture No. 29 and 30 album No. 201 C-1, that cave is visible towards left which has been mentioned above in connection with the idols but the idols are not visible. It is true that the idols are not visible. It is true that the idols and stone seen in Picture No. 58 are also seen in Picture No. 29 and 30 of this album. I have been seeing these idols and stones before 1949. The pillar seen in Picture No. 26 and 27 of the album is the picture of the pillar installed before the Hanumatdwar. Near this pillar there is a white

stone with some inscriptions which I have been seeing since 1949. Before 1949 I had not seen any engraved or inscribed stones. Two dates are visible on the above stone (Picture No. 27) one is 15 August, 1957 (Aligarh) and the other is 23 July, 1975 (Lucknow). I cannot tell which is the date when the stone was fixed there.

An umbrella can be seen in Picture No. 79-80, when it was erected there I cannot tell, perhaps it was installed there after 1949. I do not remember that it was installed after 1986 when the lock was opened. I remember that some years back the lock of the disputed building was opened but the date and year is not known to me. So far as I remember the period of opening the lock is not more than 20 years. It was opened on the order of the Court. Before opening the lock common public was not allowed to enter the iron rod-wall but the priests and the VIPs were allowed to enter. VIPs could go inside with the permission of the receiver. The receiver was appointed in 1949-50 and still continuing. Since the time of appointing the receiver both the doors of the iron-rod wall were locked. I do not know whether the appointment of the receiver was made after litigation between Hindu and Muslims. The appointment was made to make arrangements for the offerings to the God and other managements after locking the building. I do not remember the exact date, month and year when the locking was done, was it in 1949 or after that. I only remember that it was locked by the order of the Court but which was the Court that I do not know. The reason of locking was to maintain law and order. There was some unrest between the Hindus and the Muslims when the doors were locked. The Muslims were behind it. The Muslims assembled and declared to offer Namaz in the disputed structure. This announcement was made in Faizabad. How many Muslims

assembled and where they assembled to make this announcement that I do not know. I heard about the announcement and did not read in newspapers. The announcement was made before 20-30 days of locking the building. The Muslims said that the disputed building should be treated as Babri Masjid for reading Namaz there. I have not heard any Muslim during 1934 to 1949 taking the name of Babri Masjid. Being the original resident of Ayodhya I had good contacts and relations with the original resident Muslims of Ayodhya. I never went inside of any Mosque. I have seen many Mosques from outside. I have heard and read the name of Babri Masjid before 1949 in small books. But I do not know where it was located in Ayodhya when a dispute arose in 1949, I came to know that the disputed structure was called Babri Masjid. Both the doors of the iron rod wall were locked during 1934 to 1949 and one key of the lock was kept with the Maharaj of the temple. I do not remember the name of Maharaj this time. The Maharaj of Chabootra was called the Maharaj of the entire premise. The Maharaj of Chabootra belonged to Nirmohi Akhara. As it was known to me locking was done due to security reasons because sometimes broil occurred there. The outsider Muslims created hue & cry and tried to read Namaz there. During 1934 to 1949 Muslims created brouhaha 7-8 times to read Namaz there. Every time when the Muslims came there with an intention of reading Namaz, they were scared away from Dorahi Kuan crossing itself by the Sadhus and Saints of the temples. Before putting locks the Muslims assembled in the city and announced to read Namaz in the disputed structure but they could not reach there as the Police and the administration had already locked the doors to maintain law and order there. Some Muslims from Ayodhya also participated in the announcement of reading Namaz. How many Masjids are

there in Ayodhya I cannot tell but there should be more than 15-20 Masjids. I do not know the name of any Masjid in Ayodhya. I have heard the name of Babri Masjid only. I have heard the name of Tatshah Masjid in Faizabad. I have not heard the name of Alamgiri Masjid of Ayodhya.

There are 7-8 such temples in Ayodhya between my house and disputed building where I go daily to pay visit. I used to go daily to the disputed building till 1990. I used to go to the disputed building at least 10-12 times in a year to perform worship on behalf of the devotees. I performed worship for some VIPs also but now I do not recollect their names. Nobody donated me land etc. for performing worship. I performed worship inside the building when there was no rush and when there was rush of people, I used to perform worship outside near Ram Chabootra. I took the devotees inside the disputed building for worship after 1949 only and not before that. I had been taking the devotees inside the disputed building for worship only between 1949 to 1986 and I used to take oral permission from the receiver always for it. I always had daily contacts with the police in the premises of the disputed building and they recognized me, so there was no problem in taking the oral permission. The receiver never came with me to the disputed building to tell that I have been given permission to go inside whenever I went inside the disputed building to perform worship between the period from 1934 to 1986, I found there other Sadhus, Saints and visitors coming and going from the disputed building. These people and Sahdus were from outside of Ayodhya also. The people of Ayodhya whom I have seen going inside the disputed building to pay their obeisance during the period from 1946 to 1986 are some of the following — Shri Harshit Saran Rangvatika Temple, Ramkot Mohalla, Shri Balram Das, Rangmahal

Temple, Ramkot, Shri Saryu Das, Mohala Nazarbag and some other wrestlers from Hanumangarhi (I do not recollect their names at this time). I have seen Paramhans Ram Chandra Das Ji also visiting inside the disputed building from 1934 to 1949 and after that also. I do not-remember any other such person who is alive and used to go inside the disputed building during 1934 to 1949. During this period (1934-1949) some people offered prasad etc. outside at Ram Chabootra, some people gave it to the priests near the iron wall gate due to rush of people and some used to go inside to offer prasad etc. The priest sitting in the platform below the middle dome only accepted the offering. The priest used to sit below the middle dome 3-4 times in a day for Arati, worship, offerings etc. and Mahant Ji replaced him when he went inside with any VIP. Who were the Mahant and the priests who sat inside during 1934 to 1949 that I do not recollect. I have forgotten their names. During the period from 1949 to 1986 only the priests appointed by the receiver could go inside the building. The sitting time of the priest during 1934 to 1949 used to be 4 to 8 in the morning, half an hour in the forenoon, half an hour in the evening and two hrs in the night.

Question:- From 1934 to 1949 there was no idol below the dome, to whom the Aarti, bhog etc. offered?

Answer:- The importance of the disputed building, the pictures on the Calendars, mental worship and meditation were such things for which worship, bhog, recitation, Aarti were performed.

In the similar way in many temples of Ayodhya land worshipping, Arati, bhog etc., are performed and household

people also perform Chitrapat (photo) and land worship, recitation, Arati, bhog in their houses.

Question:- Do you think that no idol is necessary for Sanctum Sanctorum?

Answer:- I think there is no need for the idol to worship, bhog, Aarti etc. in the Sanctum-Sanctorum because the lack of the idol is set off by meditation or mental concentration.

I have not seen any other public temple lacking the idol in its Sanctum-Sanctorum. There is an idol of Hanumanji in the Sanctum-Sanctorum of Hanumangarhi temple. There are idols of Luv and Kush in Luv-Kush Temple. Other idols are also there like Sita, Ram, and Shaligram in this temple. There are idols of Sita Ram and Shaligram in Hanumangarhi Temple also. Kanak Bhawan has idols of Sita, Ram and Rangmahal has idols of Ram, Laxman, Bharat, Shatrughana. Kanak Bhawan is at a distance of more than one furlong and Rangmahal at a distance of less than one furlong from the disputed building. There is no mention of Kanak Bhawan in Valmiki Ramayan but it has been mentioned as Ram Bhawan there. Kanak Bhawan is situated within that Dashrath palace which existed during the time of Ram. There is a mention of Dashrath palace in Valmiki Ramayan but not in details. Dashrath palace is at a distance of 10 steps towards east from Kanak Bhawan and is known as "Barasthan" now-a-days. I do not know whether "Barasthan" is the same Dashrath Mahal which was known as Dashrath Mahal at the time of Ram ji. There are Sumitra Bhawan, Kaikeyi Bhawan, Kaushalya Bhawan in Ayodhya, all in separate buildings. These three buildings are the parts of that Dashrath Mahal during the period of Ram Chandra ji. These buildings were demolished and constructed many times. It is true to say that there is no original building in Ayodhya which belongs

to the period of Ram Chandra ji. Sumitra Bhawan is at distance of 200 steps towards east, south of Ram Janam Bhoomi. This distance is from the main eastern gate of the disputed building. I cannot tell what is the area of Sumitra Bhawan. This time 'the building is demolished. I do not know when it got demolished. I have seen the small building of Sumitra Bhawan in my childhood during 1934-1949, it was about 25 ft. long, 20-25 feet wide then. This Sumitra Bhawan is situated in the south of Sitakoop. Towards north of Sitakoop at a distance of ½ furlong, there is a Kaikeyi Bhawan, Kaushalya Bhawan is at a small distance from Kaikeyi Bhawan, but the direction is not known to me. I do not remember if Kaikeyi Bhawan comes in the way to the disputed building. Kaushalya Bhawan is not located between Kaikeyi Bhawan and Hanumangarhi. I have gone to Kaushalya Bhawan about 6 months back for the last time and I go there from time to time. The idol of which God is placed in Kaushalya Bhawan that I do not recollect, but the idol of a god is there. I have gone to Kaushalya Bhawan to pay my visit but have not performed pooja, archana there. There is no mention of Hanumangarhi in Valmiki Ramayan. According to my knowledge the building of Hanumangarhi is 300-400 years old. I do not know who constructed it. I also do not know who built Kaushalya Bhawan which is 200 years old. Kanak Bhawan is also about 200 years old which was built by the King of Teekamgarh.

Verified after reading the statement .

Sd/-

Kaushal Kishore Mishra

6-1-2003

Typed by the Stenographer in the Open Court on my dictation. In this continuation attend the Court on 7.1.2003 for further cross examination.

Sd/-

Commissioner

6.1.2003

Date: 7-1-2003

O.P.W.-12 Shri Kaushal Kishore Mishra

In continuation of 6-1-2003, the cross examination of Shri Kaushal Kishore Mishra, O. P.W. 12 Before the Hon'ble Full Bench by Shri Zaffaryab Jilani, Advocate of Defendant No. 4.

I am aware of the fact that the Suit for which I have come to give witness was filed by Babu Devkinandan in 1989.

Question:- Do you agree with the statement of the plaintiff given in Para 23 that a temple was constructed by King Vikramaditya at the disputed site which was demolished by Babar to construct a Mosque?

Answer:- I agree with the first part of the statement of the plaintiff that Vikramaditya constructed a temple at the disputed site but so far as the second part is concerned, I have heard that many efforts were made to demolish the temple there and a Mosque was also built after demolishing the temple but it could never be used as a Mosque.

I am not aware that during British time the disputed building was registered in Government records as Janamsthan Masjid. I agree with the statement of the plaintiff that Hindus demolished the dome and a good part of the disputed building in 1934 which was reconstructed later by the Government. I do not agree with his statement that Hindus demolished the graves around the disputed building in 1949. The idol of Ramlalla was placed below the middle dome of the disputed building in the night of 22/23 December, 1949, but I do not know whether the idol was

placed there from Ram Chabootra or not There was a cradle on Ram Chabootra and the idol of Ramlalla was placed in it in a swinging position I do not remember if the idol kept in the cradle was in Ram Chabootra after the night of 22/23 December, 1949 or not I will say mobile idol was kept in the cradle on Ram Chabootra. The mobile or movable idol can be transferred to other place also. I do not know and did not try to know from where the idol of Ramlalla was placed below the middle dome of the disputed building in the night of 22/23 December, 1949. My father was present in the disputed building during the night of 22/23 December, 1949 as I have already said in my statement but I did not try to know it from him nor he told me about it.

As I have said in my statement above, after the ascendance of Lord Ram into heaven Ayodhya became desolate and till the period of Vikramaditya how many times it became desolate and rehabilitated is not known to me. Vikramaditya rehabilitated Ayodhya for the last time, he was the same Vikramaditya who started Vikrami Samwat and he ruled before two thousand and one hundred years ago. A period about 5 ½ thousand years has passed of Kaliyug. Ram Chandra ji's period was about 10 lac years ago. The palace of King Dashrath which was 1 ¼ miles wide became a ruin in the time of King Kush and later on King Kush made a new palace in its place. There must have some difference in this new palace in comparison to Dashrath's old palace. I have not read about the measurement of Kush's palace in any scripture. The palace of King Kish's period was in a dilapidated condition in the time of King RishabhDev. King RishabhDev did not live in Ayodhya so he did not reconstruct this palace for his living. He reconstructed only temples there. The King did not

construct any new temples in Ayodhya but reconstructed the old temples only. Before RishabhDev King Kush constructed Ram temple. There is no description available in any book about the Ram temple constructed by King Kush. Ayodhya was created by Manu but the present construction of Ayodhya is of Vikramaditya's period. So far as I think if any building is maintained properly its existence may remain upto 8- 10 thousand years. Even after that its vestige can be seen but it depends on its security and maintenance. According to my knowledge there is no such building outside of Ayodhya which is considered one lac year old. Similarly there is no such old building in Ayodhya also. The well constructed to draw the water may survive in its place for lacs of years. Sitakoot which is in Ayodhya as described by me at Page 9 of my statement, was constructed during the period of King Dashrath. I have not read so in any book but heard about it. My father and grandfather told me this. I have read in a book that the disputed building was built by Vikramaditya but do not remember the name of that book. The name of the author is also not known to me. The book was in Hindi published in 19th century. The book is not available with me but I have read it 50-55 years back in Roop Kala Mandir. In addition to this I have read in small booklets titled Ayodhya Mahatmya but do not remember the name of the writer. There is some description of Ram Janam Bhoomi temple in Ramayan or Ramcharitmanas but in which and where, I do not remember at this time. The description of Ram's Janamsthan (birth place) is mentioned in Valmiki's Ramayan. The Learned Advocate gave both the parts of Valmiki Ramayan (Paper No. 261 C-III and 261 C-112) to the witness and asked him to tell where such description of Ram Janam Bhoomi was there. After reading the book for 10- 15 minutes he said he will tell about this tomorrow.

There is no mention of Vashistha's son or daughter in his own books but in other books we find such description I do not remember the name of that book at this time. How many sons and daughters Vashishta had, and what were their names, I do not know. Some of his sons and daughters lived in Ayodhya and others lived in hermitages out of Ayodhya, Sage Parashar, son or grandson of Vashishtha had gone out of Ayodhya and lived somewhere in Punjab in the hermitage. He was not in Ayodhya when Ram ascended into heaven. This description is given in Purans but which is that Puran I do not remember. I do not remember any name of the successors of Vashishtha. I knew one or two names but forgotten this time. I also belong to the lineage of Vashishtha because the name of my lineage is Vashishtha, I have no other proof to say that I am the descendant of Vashishtha. This name of my lineage is coming from traditions but when and how it was written that I do not know.

The statement given at para 10 of my affidavit is based on the information received by me. The statement about the incidence of 22/23 December, 1949 given at Para 10 is based on the information received by me not on my knowledge because I was not present there at that time. The meaning of appeared (prakat) is to install the idol. I do not mean by prakat that it came from heaven but it was installed there. This work was done according to rules and rituals. My father told me that the idol was installed there with accepted procedures but did not tell me that from where it was brought there. I was told about reciting mantras in my statement which means the mantras were recited at both the places viz; iron rod wall and the Sanctum-Sanctorum. Some other people also joined my

father in reciting mantras but I do not know their names. I was told that Paramhans Ram Chandra Das was also present there at that time. My father told me his name. He also told me that all the people living in Ram Chabootra were present there but my father did not tell me their names. Shri Bhaskar Das of Nirmohi Akhara was present in the disputed building at the time of the incidence which occurred in the night of 22/23 December, 1949. I do not remember the name of Guru Bhai of Bhaskar Das, who was present there at that time. The police officers and the staff who were present on the spot during the incidence are not in my memory. The continuous kirtan, which I described at Para 10 of my affidavit, was continued till 1992. Continuous kirtan means singing and reciting song continuously for 24 hrs with musical instruments. After the attachment of the disputed building the kirtan was being performed outside of the iron rod wall. There is a difference between kirtan and Ramcharitmanas. The recitation of Ramcharitmanas, described by me in para 10 of my affidavit was started before 2-3 months back from December 1949 which was to worship and propitiate the God. This Ramcharitmanas was recited earlier also at the disputed building but the gathering of the people was not so much and it was not regularly recited. The recitation of Ramcharitmanas was done in the month of March, 1949 on that place and earlier it was recited there in 1947-48. It was organized specially in every year. About 200-400 people participated in it. The brambles and shrubs grown in north-east and south side of the disputed building were cut and removed. Due to non-use of the site for long it had grown there. It is not in my knowledge that there were graves where the brambles had grown and the place was not attended for 2-3 years. I have not heard the place named as Sant Saheedan towards any side of the building, but heard about Sant Smarak which

was towards the east. There was a place called Ganje-Sahidan towards the eastern gate of the disputed building and I consider it to be Sant Smarak. There was no minaret and platform but only soil accumulated in the shape of big lump of mud. Out of the eastern gate of the disputed building where lectures and sermons were given, there was no "pukka Chabootra" but wooden plank was used as a dais. This dais was made a couple of months earlier to December, 1949. No sermons and lectures were delivered there during the period from 1934 to 1949, only deliverance of short stories and Ramlila etc. were organized there.

The period of Brahm Muhurta is from 4 to 6 in the morning. It is not right that it starts at 12 in the night and ends at 3 in the morning.

There is no difference between ved-mantras and method of worship. Worship is performed with ved-mantras. If some one is chanting ved-mantras it will be taken that he is worshipping. Offering prasad and taking it, is a part of worship. The word "pooja path" (worship) which I have used in Para 4,5, 10, 11 of my affidavit denotes worship and prayer. Pooja means worship and path means prayer. These are two different things. If some one is only reciting mantras etc., it will be called path not pooja. Path includes reading of ved-mantras etc, from the religious books, viz Vedas, Ramcharitmanas Pooja is performed with ved-mantras. Reciting only ved-mantras without applying the method of worship will be called path (recitation) only. I have said in my statement that when I used to go to the disputed building I only performed Path, not Pooja there. I started this path since 1937-38 after my thread ceremony. My thread ceremony was done at the age of seven in 1934, but I started path after three years in 1937. I started path in

1937 and I used to recite it in other places also in addition to the disputed building. I had also started performing pooja since 1937 but had started my personal path since 1934-1935, I performed path sitting in the disputed building in 1934-35 also.

When I performed path in the disputed building the other priests performed Aarti, Pooja, etc. I never joined any priest with his Aarti and Pooja. It may be possible that I had performed small pooja rarely for a few people in the disputed building, I did not perform any big pooja. To perform pooja with a recitation of 16 ved mantras is called "small pooja" and continued worship from one to three days in the presence of Vedi (Altar) with proper procedure is called big pooja. I had performed big pooja of one day also below the dome of the disputed building during 1949-86. I performed it with the permission of the receiver. The north side door was opened before 1949 and the southern door remained closed. The keys of the locks were in the custody of policemen. Whenever I went in the building below the dome during 1934 to 1949 it was only through the north door. During 1946 to 1986 both the doors were locked. During that period also whenever I went to perform worship below the dome, it was through the north door. I have said on Page 15 of my statement that the doors of the iron rod wall remained open, it was about the period of 1934, when the crowd began to increase during 1934 to 1949 that the police was deputed there and the southern door was kept locked. In which year the door was locked that I do not remember. I also cannot tell that how many days earlier to the attachment of the property the above door was locked. There was no lock on behalf of the Government on the south door before 1949 but the locking had been started on behalf of the temple particularly during the fairs. Locking on

behalf of the temple means the Mahant of Chabootra did so. During the period from 1934 to 1949, I used to pay my visit to the land below the middle dome and the photo of god in the calendar and offered flowers and sweets on it. The sweet which I offered to the calendar was given, to the priest. The offerings on the land were also given to the priest. The priest got the sweets and offerings touched to the land and the calendar and returned to the devotee. While giving flowers and sweet to the priest, I myself recited ved-mantras for offering. The mention of photo which I have made at Page 15 of my statement relates to Ramlalla of the calendar. There was a photo of Ram Darbar and it would be taken as the photo of Rama's throne. At page 16 I have mentioned that prasad was given to tie priest by the devotees which implies to the fact that the devotees gave prasad to the priest standing at the iron rod door and received charanamrit. From morning till night one or the other priest remained on duty at the door.

I have never performed pran-Pratishtha (infusion of life) of any idol in the disputed building. I performed the Pran-prathishtha of parvati in Shri Nageshwarnath temple, of Divya Kala Ji in Divya Kala Kunj, of Guru Maharaj in Vaman Temple, of Sita Ram in Sadan Golaghat of Sita Ram and Hanuman in Hanumat Kila. It took three days time in each Pran-Prathishtha. The procedure of Pran-prathishtha takes time of one day or 3 three days or five days also and including Yagya it requires total nine days for complete ceremony. The document of Valmiki Ramayan starts from page 203 of Lanka Kand (Paper No. 261 C ½) and runs upto Page 596. I have faith in it. It has been written as "Yuddha Kandam". But I have no faith till its end. At page 69 of my statement I have said about Ram ji being alive. I mean to say it that Ram ji gives his darshan to his devotees

in the human form from time to time but a common man cannot see him. It has been the belief of the sages and myself in such an appearance of Ram ji since the creation. I have not read about this belief in any book. Lomas Samhita describes so but I have not read it. It was authored by Sage Lomas. He was prior to Ram ji and his contemporary also. According to my belief God Balmukund who created the universe was Ram ji himself and in Nirgun (beyond three attributes) form. Ram Chandra in the form of Balmukund was not incarnation of anyone. When Balmukund created the universe there was no human being on earth. The form of Balmukund of Ram Chandra at that time was of Brahma and not the son of Dashrath. My statement given at page 70 is right that Balmukund got birth as Ram ji in the house of King Dashrath and Balmukund was the first form of Ram ji. This statement is also right that the Balmukund form of Ram Chandra in the beginning of creation was that of Brahm, not of the son of King Dashrath. It is wrong to say that I gave false statement being the member of Bhartiya Janata Party and being linked with it. I am not a member of B.J.P. for a long time. It is also wrong to say that there is no literary, historical or religious proof of Rama's birth at the disputed place. It is also wrong to say that there was building of Babri Masjid at the disputed place and Muslims offered Namaz in that Masjid till 22-12-1949. It is also wrong to say that the premises of the disputed building which I said to be the residences of sages and store house, was the living place of Muazzins. It is also wrong to say that there was no idols, no calendar and nothing was worth worshipping in the disputed building till 22-12-1949. It is also wrong to say that the two doors made in the iron-rod wall of the disputed building were never locked till 22-12-1949. It is also wrong

to say that the Muslims were not prohibited to enter the building.

Cross examination concluded by Shri Zaffaryab Jilani Advocate on behalf of Defendant No. 4, Sunni Central Board of Waqf, Uttar Pradesh, Lucknow).

(Cross examination by Shri Mushtak Ahmad Siddiqui, advocate on behalf of Defendant No. 5 Moh. Hashim).

xxx xxx xxx xxx

I have seen the disputed building from outside and inside properly. So far as I think the disputed building was the building of temple. I can call it a temple on the basis of its shape, form, belief and information. It is true that temples have the same structure and I know that structure. Temples have Parikrama, pillar, pictures of gods and goddesses, land of the temple. Sanctum-Sanctorum is also necessary for temple. Parikrama (to go around the idol of deity) is done round the sanctum-sanctorum outside the temple. It means the round of the entire temple from outside. Sanctum Sanctorum means where the god is installed. The seat of god in the temple is called his birth place. As the idol is consecrated there, so that place is regarded as birth place and sanctum sanctorum. After consecration (infusion of life) the idol comes into existence i.e. god takes birth. Without consecration the idols does not assume the form of god or goddess.

I have seen 100-200 temples in Ayodhya, Hanumangarhi and Kanak Bhawan seen by me are temples. Both temples have the arrangements of Parikrama from inside and outside. It will be wrong to say that both these

temples have no outer parikrama. The temples who have the outer parikrama are Laxman Quila, Sadguru Saran Temple, Shri Nageshwar Nath Temple, Hanumant Niwas Temple. These temples except Laxman Quila Temple, have facility of inner parikrama also. Temples have domes and pinnacles also. We call pinnacles to describe domes. There is some difference in the shape of the domes and the pinnacles, name is the same, one is circular and the other is ovular. The disputed building had three circular domes in one row. Ayodhya had no temple of three circular domes but there is one temple of one circular dome. The disputed building demolished on 6-12-1992 as approximately 350 years old. There are buildings in Ayodhya much older than the disputed building. The disputed building and Hanumangarhi Temple were almost of the same period. Kanak Bhawan was constructed perhaps in 1839. Janamsthan Temple located towards north of the disputed building was constructed after Hanumangarhi. It may be there before Kanak Bhawan, that I cannot tell definitely. I cannot tell that who constructed the northern Janamsthan Temple. I have gone inside the Janamsthan Temple. These are idols of Ram, Laxman, Bharat, Shatrughna, Hanuman etc. and Sita Rasoi is also there. There is a separate room of Sita Rasoi in that building. There are hearth, wood board, rolling pin in Sita Rasoi. It is made in the memory of Sitaji. In other temples of Ayodhya there is no Sita Rasoi. Is there any inner Parikrama in Janamsthan Temple or not that I do not remember because I have not gone there for long but it had outer Parikrama but due to acquisition of land by the Government now this facility is no more there. There is a crude soil Parikrama way around the Janamsthan Temple. Towards south also there was Parikrama way on highway. Earlier the Parikrama was done on the crude soil way in addition to the highway. Later on Maharaj Ji built a room

there so the Parikrama was shifted on the high way. The crude soil was about four feet wide. The Parikrama way towards north is also encroached now but the eastern and the western way is still open. Maharaj Ji had sold the land adjoining to northern way Parikrama 40-45 years ago. He had constructed a room towards south before that period. Parikrama is a part of temple and regarded as a holy place. When the Mahant constructed a room in the South and sold the northern Parikrama some objection was raised but later on it got subsided.

I have seen the Mosques from outside, I am well aware about its outer shape. Muslims read Namaz standing and facing towards west. I cannot say due to this reason the direction of the Mosque is towards west and mostly the door is towards east. I have seen Chowkwali Masjid in Faizabad. I do not remember if its exit door is in the east. I also do not remember that its three domes are in a row.

According to my memory I have told that my grandfather expired in 1947, it is not recorded in any document. My memory has become weak for the last 5-6 years. My memory is not sound.

I do not remember since when Sita Rasoi built in the disputed building became known as Sita Rasoi. This must have been in Treta yug of the first Kalp. This is my belief. Before Sita Rasoi it was known as Kaushalya Rasoi. It is not known to me since when it had been called Kaushalya Rasoi. What was it called before it, that I cannot tell.

The place below the middle dome is called Garbh Grah (Sanctum-Sanctorum). It is not called Sanctum-Sanctorum since the night of 22/23 December, 1949 when

the idol was kept there, but it was regarded as Sanctum-Sanctorum before it also.

As God Ram got his birth in that place so it is called Sanctum Sanctorum. It is not called so due to installation and consecration of the idol there.

Verified after hearing the statement .

Sd /-

Kaushal Kishore Mishra

7-1-2003

Typed by the Stenographer in the Open Court on my dictation. Attend the Court in this continuation on 8-1-2003 for further examination.

Sd/-

Commissioner

7-1-2003

Date: 8-1-2003

O.P.W. -12 Shri Kaushal Kishore Mishra

In continuation of dated 7.1.2003 cross examination of Shri Kaushal Kishore Mishra, O.P.W. -12, before Hon'ble Full Bench by Shri Mushtak Ahmad Siddiqui, Advocate of Defendant No. 5

I do not have any knowledge about Sita Rasoi if it was built with Janamsthan Mandir and Sita Rasoi Temple, it was previously built or later on that I have no knowledge. I also do not know whether rolling pin, dough board and hearth in Sita Rasoi were built with the building or later on Sita Rasoi is towards north of the disputed building was there before construction of building but the period is not known to me. The disputed building was constructed at its place and Sita Rasoi is in the open place surrounded by a wall. I have visited Sita Rasoi. Sita Rasoi is situated near the disputed building which existed before the disputed building. But I cannot estimate how old are these walls. Inside that Sita Rasoi there were hearth, dough board, rolling pin and mark of small foot prints of Ramlalla's Chhati Poojan. The hearth was on the floor made of stones. I do not know how long it has been there in existence. How long Ram Chabootra has been there in the disputed building I do not know but it was there before construction of the disputed building. It is the full faith of mine and other Sadhus and Saints also that Lord Ram got birth and appeared on this Chabootra of the disputed premise. My faith is based on the belief and small information received from people. I have read this in literature but do not remember at this time where and in which book it was written so. How old is that cradle placed on the Chabootra is not known to me but was there from the very beginning. Whenever it got broken it was repaired

or replaced. My grandfather and father told me that this cradle was there since a long time but I do not know the exact period. My grandfather and father also told me that the Chabootra existed from the time when Vikramaditya constructed the temple. He is the same Vikramaditya whom I have described in my statement and also mentioned that his period was 2100 years earlier from today. When Vikramaditya rehabilitated Ayodhya it was desolate and ruined and only a Jyotirlinga of Nageshwar Nath was there at the bank of Saryu river. I was informed that Vikramaditya worshipped God Shankar, who appeared before him and gave him a calf. God Shankar instructed him to build sanctum-sanctorum and temple at that place where the calf would drop her milk. The calf was taken for a round and its milk dropped at that place where Garbh Grah (sanctum-sanctorum) is situated today. The cow was brought at Ram Chabootra, milk dropped there and Ram Chabootra was constructed there and a temple was also built near it. This is the same Chabootra where the disputed premise was situated till 6-12-1992 and a cradle was placed there in which Ramlalla was seated. The place of Ram Chabootra is the sanctum sanctorum and the temple was constructed around it. Vikramaditya constructed a grand temple but I do not know its measurement. My grandfather and father told me about it but I cannot recollect at this time. I had no curiosity to know all about it because I had full faith and belief on what they used to tell me. In addition to it King Vikramaditya built other temples also in Ayodhya. These include Laxman temple at the bank of Saryu river, Ratna Simhasan Mandir near Kanak Bhawan, Dashrath Mahal Temple near Hanumangarhi etc. These three temples are still there and their broken walls were repaired. The three temples were reconstructed on the old foundation. I have told at Page 100 of my statement that many efforts were

made to demolish the temple and a Mosque was also raised after demolishing it but it could never be used as a Mosque. This was the same building which was demolished on 6-12-1992. I cannot estimate that how many hundred years back this building/Mosque was built. A Commander named Meer Baki demolished this temple and he constructed a Mosque on it. Meer Baki was the Commander of emperor Babar. How many hundred years back this Mosque was constructed by Meer Baki, this was known to my grandfather and father but I do not remember. It is wrong to say that I am concealing something in this matter. I have read about the construction of temples by Vikramaditya. I have not read in any book about the demolition of the temple and the construction of Mosque on it by Meer Baki but have heard so. I do not know how many temples are there in Ayodhya which belong to the period of Vikramaditya. Ayodhya is very important place from the religious point of view. It is an important religious place for Hindus, Jains, Buddhists and Muslims. There is a Jain Temple in Ayodhya having a big statue of Digambar Jain. The idol is about 20 hands tall. There is a Buddhist holy shrine also in Ayodhya but I do not know its location. Sikh-holy shrines are also in Ayodhya. One is in Nazarbagh where Guru Nanak and Guru Govind Singh had visited and the other Brahmkund is at the bank of Saryu river. These divine Gurus had also come there. There is a holy place of Muslims in Swargdwar Mohalla of Ayodhya which is famous as Shah Ibrahim Baba and the second is at Mani Parbat but I do not know its name, it may be perhaps Shish Paigambar. There is a tomb behind Ayodhya Kotwali which is known as Naugaji. There is a long grave which is called Naugaji grave, Swargdwar is not a temple but it is the name of a Mohalla. Even today there is no Swargdwar Temple in Ayodhya but a Mohalla of this name is there. This is not

that Swargdwar (gate way to heaven) from where Lord Ram departed for heaven in a special Viman. This Swargdwar is situated at the Guptar Ghat of Saryu river. There are also temples. It is the belief that God Ram went to heaven from the place where the temples are built in a plane. According to my knowledge this temple was not demolished by any Muslim. This temple exists for the last 500-600 years. There is Thakur of Treta temple in Ayodhya, situated at Nayaghat. It is not an old but a new temple constructed about 150 years ago. Aurangzeb had constructed a Mosque on the old temple and the ruins of that Mosque are still there. It is also situated at Nayaghat. I do not remember the name of this Mosque. There is also a Mosque in a Swargdwar Mohalla and its name is Alamgiri Mosque or something else that I do not know. This Mosque is near the tomb of Ibrahim Sahib. I have no information whether this Mosque was also built by demolishing any temple or not. There is Chandrahari Kund in Ayodhya and people take bath in Saryu river after taking bath in that Kund. There was also a grand temple and a Mosque was raised there by demolishing that temple and filling the Kund with earth, which is in a demolished condition at this time. I do not know if any other mosque was built in Ayodhya by demolishing the temple.

How many miles or kilometers are there in a Yojan that I do not know. The fifth sarg (Canto) of Valmiki Ramayan describes about Ayodhya which has been placed here as Paper No. 261 C-1/1. This gives the whole description of Ayodhya but there is no mention of Ramchandra's birth place. Yesterday I said inadvertently in my statement that there was mention of Ram's birth place in Ramayan. There is no such mention in Valmiki Ramayan. There is a mention of Ayodhya's length and breadth in its fourth Shlok of fifth canto. On this point the Learned Advocate invited the

attention of the witness towards the 7th Shlok of fifth canto (Aayta Dash.....Sutibhaktmahapatha) and the witness replied "I agree with it, I have faith in it. The Hindi translation given below the Shlok is correct. This Shlok describes that Ayodhya was 12 Yojan long and 3 Yojan wide (One Yojan is roughly equal to 8 miles). Today's Ayodhya comes within this area but older Ayodhya was bigger than this. But I cannot tell whether the present Ayodhya has shrunked in all four directions or in one direction. I did not make any efforts to know about it from my father and grandfather.

Question:- You have stated in your earlier statement that when God created earth it was Ayodhya which was created first but you are unable to tell that which part of Ayodhya got shrunked. Is it not a matter of doubt that a learned man like you is unable to answer it?

Answer:- I am unable to give answer to this question. In my earlier statement I said at Page 62 that this time Valmiki Ramayan has 18000 Shloks, it implies upto Lanka Kand only, remaining 6000 Shloks are in Uttar kand. In this way Valmiki Ramayan has total 24000 Shloks. I have no faith in 6000 Shloks of Uttar Kand. My faith is only in 18000 Shloks upto Lanka Kand.

Ramkot is a Mohalla in Ayodhya. I do not know that Ramkot has been recorded in revenue documents as a Village "Chakratirth Sthan" in Ayodhya. Chakratirth Sthan is a Mohalla for us and there are small temples also. It is recorded as a village in revenue documents. Vashishtha Kund is also in Ayodhya which is situated in Ramkot Mohalla. I cannot say definitely that Vashishtha Kund is in

Ramkot Mohalla or in Chakratirth Mohalla, but according to my knowledge it is in Ramkot Mohalla. Dashi Mahal which was 1 ¼ miles long and 1 ¼ miles wide, is situated in Ramkot Mohalla. Ramkot Mohalla was bigger than Dashrath mahal. The main Dashrath palace had 84 pillars in addition to other buildings adjoining to it. Kaushalya Rasoi and the birth place of Ramji were within Dashrath palace Vishnu Hari temple is in Ayodhya but its location is not known to me. It is a very old temple but how old that is not known to me. On a particular festival which I do not remember, people go there for special worship. I will not be able to tell its direction in Ayodhya. I cannot say if it is situated near Vashishtha Kund. It is wrong to say that I am concealing something in this matter. For the last 7-8 years my movement is restricted in Ayodhya due to old age so I cannot tell the location of Vishnu Hari Temple. The idol of which god is in this temple I cannot tell. For the last time I went in this temple 20 years back. This Vishnu Hari Temple is a historical temple and included in the list of old temples of Ayodhya but now a days it is not very popular. Not only detached Sadhus but household people also go in this temple.

I have mentioned about Tretanath temple, which is also the temple of Shri Ram Chandra ji. There is a famous temple named "Bara Sthan" in Ayodhya which is also Ram ji's temple. This temple owns large movable and immovable properties. It is also true that this property is in UP and also outside of it. It is a fact that the people donated this property to the temple out of devotion. Similarly the temple in Hanumangarhi has also vast property. The Chhawni temple has also good property. The Janamsthan temple situated towards the north of the disputed building had also vast property. Ram Janam Bhoomi temple had good;

property but I do not know its details. I will also not be able to tell whether the property was within Ayodhya or outside. I do not know whether the property still exists or not.

I have studied Ramcharitmanas properly. When Tulsidas ji in Ayodhya wrote some of the part of it, There is a mention of birth place but I do not know of any particular place. There is no mention of demolishing the temple by the Commander of Babar. Ramcharitmanas is an epic written in post-Babar period. Tulsidas was a great devotee of Ram ji. Tulsidas glorified Lord Ram taking the disputed land as his birth place,, he considered the place below the middle dome of the three domed building as his birth place.

Question:- According to your statement Tulsidas was a great devotee of Shri Ram Chandra and the Ramcharitmanas composed by him belongs to post-Babar period and there is no mention of demolishing the Ramji's temple by the commander of Babar, what is its' reason?

Answer:- I cannot tell any reason for it. I do not know since when the litigation is going on. I do not know the name of its plaintiffs and the defendants. I have come to give witness on the request of Ram Janam Bhoomi Trust, Ayodhya. I do not know about any previous litigation in this matter. I have heard the name of Mahant Raghubar Das Prasadacharya. I have no information whether Mahant Raghubar Das Prasadacharya had filed a Suit in 1885 about Ram Chabutra. My father and grandfather did not tell me anything about it.

Yesterday I have mentioned about "Sant Smarak" it means a symbolic place in the memory of saints and we

worship this place. According to my knowledge there had been no grave or tomb of anyone. I have no information whether Devkinandan Aggarwal had written or not in his Suit that 75 Muslims were killed and buried in "Ganj 'e' Shahidan". If it is written so it would be wrong in my view.

I was the member of Faizabad Municipality for the last time from 1967 to 1972. During this period there had been three Chairmans in succession viz; Shri Harinath Tiwari, Advocate, Shri Ram Chandra Khore, Advocate and Shri Mahesh Chandra Kapoor. Before them Shri Babu Priya Datt Ram was the Chairman. He was a very respectable Hindu of Faizabad and had faith in Lord Ram. He was receiver of the disputed building also. I took once or twice the permission to go inside the disputed building from Shri Priya Datt Ram. Mostly my father used to go there to perform worship during his tenure. According to my knowledge Shri Priya Datt Ram was not anti-Ram Chandra ji.

There is a very low land in the west of the disputed building. For the safety of the Western wall of the disputed building an embankment was constructed and beyond that the path of Parikrama was 3—4 feet wide with lime flooring.

Towards the north and the east, bricks were laid in the parikrama path and towards the south there was lime plastering on the path.

Towards the south of Janamsthan temple which was north to the disputed building the Mahant of that temple had constructed a long room on the Parikrama which had closed the Parikrama path. One branch of Sadhus is called Goodartar and I had given its reference yesterday in

connection with Janamsthan temple. It is true that every temple appoints a priest and that priest can perform worship, rituals etc. in the temple. But the Acharya of any temple have the right to perform special pooja on special occasion and get "Dakshina" according to the tradition of concerned temple and also has the right to give blessings. Blessing means benedictory recitation or song. Acharya means the family or traditional/priests of Lord Ram Chandra.

During the period of Shri Harvard, District Magistrate of Ayodhya, the stones which were fixed at many places had inscription both in Hind and English.

I was present in Ayodhya on 6-12-1992. I was ill as I had undergone a Surgery at that time. After 2-3 months I went towards the disputed building. I could not see that on 6-12-1992 when the disputed building was being demolished, the bricks and stones of the building were falling down over the low land towards west and I also do not know if those bricks and stones are still there.

My father told me that when he went to the disputed building in the night of 22/23-12-1949 Abhiram Das, Paramhans Ram Chandra Das and many other people were present there but I do not remember the name of other people. On the basis of our belief and faith and the information received it is my statement that the disputed building was not a Mosque, but a temple with three domes built by Vikramaditya. I have neither seen nor heard that Muslims used to read Namaz in the disputed building till the night of 22-12-1949 and offered the Namaz of Juma. It is wrong to say that I am denying the facts of the existence of the Mosque and offering Namaz by the Muslims due to malice.

(Cross examination concluded by Shri Mushtaq Ahmed Siddiqui, Advocate on behalf of Defendant No. 5 Shri Moh. Hashim)

(The cross examination by Defendant No. 4,5, and 6 was accepted by Shri T.A.Khan, Advocate on behalf of Defendant No. 26 and Shri Fazle Alam, Advocate on behalf of Defendant No. 6/1 and 6/2 Suit No. 3/89)

The cross examination was concluded on behalf of all the Defendants/parties. The witness is discharged.

Verified after reading the statement .

Sd/-

Kaushal Kishore Mishra

08-01-2003

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

Sd/-

Commissioner

8-1-2003