

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

Other original suit No.5 of 1989

Bhagwan Shri Ramlala Virajman
Shri Ram Janambhoomi etcPlaintiff

Versus

Rejendra Singh, etc.Defendants

**STATEMENT OF OPW 14
DR. RAKESH TEWARI**

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ALLAHABAD LUCKNOW BENCH LUCKNOW**

Other original suit No.5 of 1989

Bhagwan Shri Ramlala Virajman Shri Ram Janambhoomi
etc.....Plaintiff

Versus

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Main Statement Affidavit Dr. Rakesh Tiwari O.P.W. 14 under
order 14 Rule 4 of code of Conduct Procedure-

I, Rakesh Tiwari, aged about 50 years, son of Shri Mahesh
Dull Tiwari, Director, State Archaeological Department, Uttar
Pardesh, Lucknow, solemnly on oath as under:

1. I have been working as Director of State Archaeological
Department, UttarPradesh, Lucknow Since August, 1989.
2. In compliance with the orders of Hon'ble High Court,
Lucknow Bench, Lucknow, I alongwith my team went to
the disputed site situated in Ayodhya in 1990 and got the
disputed site and its premises photographed and
Rajendra Singh etc and white and in colour in the
presence of the Advocates in my personal direction and
supervision.
3. Two albums were prepared mentioning the particulars of
the parts of the disputed structure and its premises,
which were photographed in black and white and in

colour. Both these albums and video cassettes were sent, to the Hon'ble High Court, Lucknow Bench, Lucknow, and their negatives were got secured in my department which are kept in safe custody even today.

4. In December, 1992 when the disputed structure got demolished, I along with my team, under the orders of secretary, Department of Tourism and Cultural Affairs, went to the disputed site where the debris of the disputed structure was lying scattered. In that debris some stone portions falling under the category of ancient remnants were scattered and covered and steeped in dust. In the nearby situated Rama Katha Kunj also, such remnants of the disputed structure were kept and the police was present.
5. As required by the District officer (Zila Adhikari), under my direction and supervision and in the presence of Shri Girija Shankar Tiwari, Director, Museum, Raj Sadan, Ayodhya and Shri Inder Dev Singh, Additional City Magistrate, Faizabad, the remnants kept in Ram Katha Kunj were given serial numbers from R.K.K. -1 to R.K.K. - 265 and accordingly a list was prepared, which was signed by Shri Girija Shankar Tiwari and Shri Inder Dev Singh in my presence. The copies of the said list were sent to the concerned officers. I have brought with me in eight pages the original list of the said remnants and a letter from the secretary, Tourism and Cultural Affairs Department, the photocopies whereof are enclosed with this as Annexure one and two. In the course of time, on making re-inspection, it was found that one of the architectural piece No.2 was wrongly marked as instead of No.1.

6. I have already forwarded to the Hon'ble High Court, Lucknow Bench, a list of the above said remnants duly certified by me.

Lucknow

Deponent

Date. 7-2-2003

Sd/-

(Dr. Rakesh Tiwari)

O.P.W.14

Verification

I the deponent, verify that para-1 to 6 of the Affidavit, according to my knowledge and the information available with me, are true and correct. Neither anything has been suppressed or misstated herein. May God help me.

Lucknow

Deponent

Date. 7-2-2003

(Dr. Rakesh Tiwari)

O.P.W. 14

I, Ved Prakash, Advocate certify that the Deponent Dr. Rakesh Tiwari (O.P.W.14) has signed this Affidavit today the 7.2.2003 in my presence.

Sd/-

Lucknow

[Ved Prakash]

Date 7.2.2003

Advocate

Annexure- I

List of remnants kept in Ramkatha Kunj, Ayodhya, Faizabad.

S.No.	Remnant No.	Measurement	Material	Discription
1	2	3	4	5
1.	R.K.K.-1	74x22.5 cm	Buff Sand Stone	Inscription of eight (above) and two (Below) lines carved in Nagari script.
2.	R.K.K.-2	1.14x26.5 cm	Black Granite Stone	Sixteen cornered pillar with Ghat Pallav Alankarn (ornamentation)
3.	R.K.K.-3	51x34 cm	Buff Sand Stone	Ornamented architectural piece
4.	R.K.K.-4	36x31 cm	-do-	Inscribed Stone piece-Script Arabic
5.	R.K.K.-5 A	1.16x56 cm	-do-	Inscribed Stone of 20 Lines in Nagri Script
6.	R.K.K.-5 B	56x52 cm	-do-	-do-
7.	R.K.K.-6	35x32 cm	-do-	Arch. piece with Manibandh Alnakarn (ornamentation)
8.	R.K.K.-7	39x14 cm	Pebble	Pebble-made Aabhalak(that is placed above the pillar)
9.	R.K.K.-8	50x28 cm	Buff Sand Stone	Ornamented stone piece with Rathikas
10.	R.K.K.-9	20x10.5 cm	Marble	Bijaura (specific architecture)
11.	R.K.K.-10	20cm diameter	-do-	Kalash
12.	R.K.K.-11	43x28 cm	Pebble	Arch. piece carved with Manibandh
13.	R.K.K.-12	64x47 cm	Red Colored Stone	Broken lower part of 'Dwarshakha' pillar
14.	R.K.K.-13	31x29 cm	Buff Sand Stone	Broken Aamalak
15.	R.K.K.-14	36x29 cm	-do-	Ornamented architectural piece
16.	R.K.K.-15	54x9 cm	-do-	-do-
17.	R.K.K.-16	59x47 cm	-do-	Arched arch. piece with Fullpadam (bloominglotus) ornamentation
18.	R.K.K.-17	35x34 cm	-do-	Arch. pc. with Chequered pattern Alankaran
19.	R.K.K.-18	38x26 cm	-do-	Arch. pc. with Padam Patra Alankaran
20.	R.K.K.-19	49.5x22 cm	Black granite Stone	Broken stone pillar with Ghat-Pallav
21.	R.K.K.-20	23.5x24.5 cm	Buff sand Stone	Head with jatajute (matted hair) 'shamshru' (moustach) and Koorch (beard)
22.	R.K.K.-21	45x38 cm	-do-	Ornamented architectural piece
23.	R.K.K.-22	50.5x23 cm	-do-	-do-
24.	R.K.K.-23	44x24.5 cm	-do-	Arch. poece with 'Maladhari Vidyadhars' and palmyra leaf (Tadpatra)
25.	R.K.K.-24	40 cm radius	-do-	Round' arch. pc. with Fullpadam Alankaran & boles in center & iron is fixed in front.
26.	R.K.K.-25	54x49 cm	-do-	Arch. piece with Chandrashala Alankaran
27.	R.K.K.-26	32.5x31 cm	-do-	Ornamented architectural piece
28.	R.K.K.-27	77x30 cm	Marble	Stab with inscription in Nagri Script
29.	R.K.K.-28	65x42 cm	Buff Sand stone	Ornamented architectural piece
30.	R.K.K.-29	72x27 cm	-do-	-do-
31.	R.K.K.-30	74x24 cm	-do-	Ornamented arch. piece (Toda)
32.	R.K.K.-31	53x33 cm	-do-	Ornamented architectural piece
33.	R.K.K.-32	73x25.5 cm	-do-	Ornamented arch. piece (Toda)
34.	R.K.K.-33	62.5x25.5 cm	-do-	-do-
35.	R.K.K.-34	1.00x27.5 cm	-do-	-do-

36.	R.K.K.-35	65x28 cm	-do-	Arch. piece with Maaladhari Vidhyahars and Tadpatra ornamentation
37.	R.K.K.-36	1.06x28 cm	-do-	Ornamented Arch. piece(Toda)
38.	R.K.K.-37	60.5x20.5 cm	-do-	-do-
39.	R.K.K.-38	1.79x26 cm	Green Granite	Sixteen cornered Stone pillar with hatpallar Ghatpallav ornamentation.
40.	R.K.K.-39	62x26 cm	Buff Sand Stone	Ornamented Arch. piece (Toda) [an ornament worn sound the risk]
41.	R.K.K.-40	46x56 cm	-do-	Arch. piece with Manibandh and Fullpadam ornamentation
42.	R.K.K.-41	28.5x18 cm	-do-	Inscribed Stone piece-Script Arabic
43.	R.K.K.-42	43x35.5 cm	-do-	Ornamented arch. piece.
44.	R.K.K.-43	65x27 cm	-do-	Inscribed Stone piece- Script Arbic
45.	R.K.K.-44	95x50 cm	-do-	Panch Shakha Dwar Stambh (broken)
46.	R.K.K.-45	65x52 cm	-do-	Arch. piece with Chadrashala Alankran.
47.	R.K.K.-46	43 cm radius	-do-	Round Shaped arch. pc. with Fullpadam ornamentation, in the center are holes in which iron nails have been to fix certain things.
48.	R.K.K.-47	1.74x54 cm	Green granite stone	Canopy with Kirtimukh and padam ornamentation.
49.	R.K.K.-48	48x21 cm	Buff Sand Stone	Ornamented Arch. piece.
50.	R.K.K.-49	1.80x26 cm	Green granite stone	Sixteen cornered stone pillar with Ghatpallav ornamentation.
51.	R.K.K.-50	58x29 cm	Buff Sand Stone	Ornamented arch. piece
52.	R.K.K.-51	75x24 cm	-do-	-do-
53.	R.K.K.-52	93x22.5 cm	-do-	-do- (Toda)
54.	R.K.K.-53	1.65x26 cm	Black Granite Stone	Eight cornered stone pillar with Ghatpallav ornamentation.
55.	R.K.K.-54	41 cm radious	Buff Sand Stone	Round shaped arch piece that contains holes in the Center and in which from nails are fixed.
56.	R.K.K.-55	19x26 cm	-do-	Arch. piece with Maladhari Vidyadhars and Tadpatra ornamentation.
57.	R.K.K.-56	34x32 cm	-do-	Ornamented Kumbhika (Small Pitcher)
58.	R.K.K.-57	34x49 cm	Pebble	Arch. piece with the Manibandh
59.	R.K.K.-58	35x31 cm	Buff Sand Stone	Ornamented Arch. piece.
60.	R.K.K.-59	50x69 cm	-do-	A cloth(pat) Arch. pc. with the three sided
61.	R.K.K.-60	39x29 cm	-do-	Ornamented arch piece
62.	R.K.K.-61	1.9x28 cm	Green Granite Stone	Four oornered gate pillar marked with a figure of tortoise ridden Yamuna.
63.	R.K.K.-62	57x32 cm	Buff Sand Stone	'Ala' (niche)with Fullpadam ornamentation.
64.	R.K.K.-63	43 cm radius	-do-	Round shaped stone piece.
65.	R.K.K.-64	74x28 cm	Marble	Part of ornamented railing
66.	R.K.K.-65	28x26 cm	Buff Sand Stone	Kumbhica(Small pitcher)
67.	R.K.K.-66	76x30 cm	Marble	Part of ornamented ceiling(inscribed)
68.	R.K.K.-67	-do-	-do-	-do-
69.	R.K.K.-68	86x85 cm	-do-	Part of Rekha Shikhar of temple
70.	R.K.K.-69	1.00x20 cm	-do-	Uttarang(inscribed)
71.	R.K.K.-70	75 cm radius	Buff Sand Stone	Aamlak
72.	R.K.K.-71	77x30 cm	Marble	Part of ornamented railing(inscribed)
73.	R.K.K.-72	73x15 cm	-do-	Ornamented pillar

74.	R.K.K.-73	63x30 cm	-do-	-do-
75.	R.K.K.-74	86x39.5 cm	-do-	Slab(Patia)
76.	R.K.K.-75	77x26 cm	-do-	Part of ornamented railing
77.	R.K.K.-76	82x36.5 cm	-do-	Stab(Patia)
78.	R.K.K.-77	77x30 cm	-do-	Part of ornamented railing (inscribed)
79.	R.K.K.-78	62.5x30 cm	-do-	Ornamented pillar of railing(inscribed)
80.	R.K.K.-79	57x38 cm	-do-	Part of railing(ornamented)
81.	R.K.K.-80	85x85 cm	-do-	Nau Rathiye Rekha Shikhar of temple.
82.	R.K.K.-81	77x58 cm	-do-	Part of Shikhar (peak) of temple.
83.	R.K.K.-82	-do-	-do-	-do-
84.	R.K.K.-83	78x67 cm	-do-	Nau Rathiya Rekha Shikhar of temple.
85.	R.K.K.-84	87x38 cm	-do-	Nau Rathiye Veditand of temple.
86.	R.K.K.-85	77x38 cm	-do-	-do-
87.	R.K.K.-86	77x67 cm	-do-	Nau Rathiye Rekha Shikhar
88.	R.K.K.-87	1.00x15 cm	-do-	Ornamented pillar.
89.	R.K.K.-88	46x12.5 cm	-do-	Ornamented Small pillar
90.	R.K.K.-89	27x23 cm	-do-	Part of ornamented pillar
91.	R.K.K.-90	85x70 cm	-do-	Nau Rathiye Shikhar of temple.
92.	R.K.K.-91	37.5x27 cm	-do-	Ornamented architecture piece.
93.	R.K.K.-92	27x23 cm	-do-	Part of ornamented pillar.
94.	R.K.K.-93	1.01x37 cm	-do-	Slab (Patia)
95.	R.K.K.-94	39x30 cm	-do-	Part of ornamented railing.
96.	R.K.K.-95	95x24.5 cm	-do-	Ornamented slab(Patia)
97.	R.K.K.-96	38.5x30 cm	-do-	Part of ornamented railing.
98.	R.K.K.-97	89x36 cm	-do-	Stab with Padam Dal ornamentation.
99.	R.K.K.-98	30x26 cm	-do-	Part of ornamented railing.
100.	R.K.K.-99	67x26 cm	-do-	Part of railing
101.	R.K.K.-100	84x72 cm	-do-	Nau Rathiye Rekha Shikhar of temple.
102.	R.K.K.-101	63x30 cm	-do-	Part of ornamented railing.
103.	R.K.K.-102	79x24.5 cm	-do-	Ornamented Slab
104.	R.K.K.-103	1.16x28 cm	-do-	Part of ornamented railing
105.	R.K.K.-104	63x25 cm	-do-	Slab with varving(Gadhan yukt)
106.	R.K.K.-105	95x28 cm	-do-	Part of ornamented railing
107.	R.K.K.-106	86.5x28 cm	-do-	-do-
108.	R.K.K.-107	78x26.5 cm	-do-	-do-
109.	R.K.K.-108	78x28 cm	-do-	-do-
110.	R.K.K.-109	74x28 cm	-do-	-do-
111.	R.K.K.-110	50x28 cm	-do-	-do-
112.	R.K.K.-111	21x21 cm	Buff sand stone	Ornamented architectural piece.
113.	R.K.K.-112	30x26.5 cm	Marble	Part of ornamented railing.
114.	R.K.K.-113	88x30 cm	-do-	Slab
115.	R.K.K.-114	30x26 cm	-do-	Part of ornamented railing.
116.	R.K.K.-115	87x28.5 cm	-do-	-do-
117.	R.K.K.-116	89x36.5 cm	-do-	Stab with Padamdan ornamentation.
118.	R.K.K.-117	49x28 cm	-do-	Part of ornamented railing.
119.	R.K.K.-118	1.16x28 cm	-do-	-do-
120.	R.K.K.-119	22 cm radius	-do-	Aamal Sarika ki Chandrika
121.	R.K.K.-120	65x28 cm	-do-	Part of ornamented railing.
122.	R.K.K.-121	85x43 cm	-do-	Inscribed Slab
123.	R.K.K.-122	78x28 cm	-do-	Part of ornamented railing.
124.	R.K.K.-123	27.5x26.5 cm	-do-	-do-
125.	R.K.K.-124	60x30.5 cm	-do-	-do-
126.	R.K.K.-125	30x26 cm	-do-	-do-

127.	R.K.K.-126	62.5x30 cm	-do-	-do-
128.	R.K.K.-127	28.5x30 cm	-do-	-do-
129.	R.K.K.-128	96.5x25.5 cm	-do-	Ornamented Slab
130.	R.K.K.-129	78x36 cm	-do-	Slab with Padamdal line ornamentation
131.	R.K.K.-130	88x36.5 cm	-do-	-do-
132.	R.K.K.-131	61.5x30 cm	-do-	Ornamented Small pillar (Stambbika)
133.	R.K.K.-132	48x38 cm	-do-	Part of corner portion of upper part of pillar.
134.	R.K.K.-133	88x35 cm	-do-	Triangular Slab
135.	R.K.K.-134	80.5x19 cm	-do-	Ornamented Pillar.
136.	R.K.K.-135	31x20 cm	Buff Sand Stone	Ornamented architectural piece(Toda)
137.	R.K.K.-136	60x23.5 cm	-do-	Architectural piece with Patraratata (leaves creeper) ornamentation.
138.	R.K.K.-137	53.5x54.5 cm	-do-	Ornamented and recorded pati.
139.	R.K.K.-138	30 cm radius	-do-	A pitcher (Kalash) covered with four snake hoods.
140.	R.K.K.-139	86.5x27.5 cm	-do-	Part of inscribed railing.
141.	R.K.K.-140	38x30 cm	-do-	-do-
142.	R.K.K.-141	61.5x30 cm	-do-	Ornamented part of railing
143.	R.K.K.-142	87x30 cm	-do-	Inscribed plate(Patia)
144.	R.K.K.-143	57x39 cm	-do-	Ornamented architectural piece
145.	R.K.K.-144	94x19.5 cm	Buff Sand Stone	Vaastupatt(Architectural slab)
146.	R.K.K.-145	56.5x12.5 cm	Marble	Inscribed slab.
147.	R.K.K.-146	46x28.5 cm	Buff Sand Stone	Vastupatt.(Architectural slab)
148.	R.K.K.-147	88.5x40.5 cm	Marble	Triangular (inscribed slab)
149.	R.K.K.-148	62x45.5 cm	-do-	Inscribed plato(patia)
150.	R.K.K.-149	86.5x38.5 cm	-do-	-do-
151.	R.K.K.-150	1.01x36 cm	-do-	Recorded architectural piece.
152.	R.K.K.-151	1.20x33 cm	-do-	Triangular architectural piece.
153.	R.K.K.-152	88x23 cm	-do-	Architectural plato(Patia)
154.	R.K.K.-153	1.22x34 cm	-do-	Triangular architectural plate(patia)
155.	R.K.K.-154	1.24x33 cm	-do-	-do-
156.	R.K.K.-155	1.18x33 cm	-do-	-do-
157.	R.K.K.-156	75x38 cm	-do-	Part of Vedijandh
158.	R.K.K.-157	73x28 cm	-do-	Part of railing
159.	R.K.K.-158	84x45 cm	-do-	Triangular architectural plato(Patia)
160.	R.K.K.-159	49x28 cm	-do-	Inscribed portion of railing
161.	R.K.K.-160	43x24.5 cm	-do-	Inscribed & carved architectural slab
162.	R.K.K.-161	48x24.5 cm	-do-	-do-
163.	R.K.K.-162	1.73x15 cm	-do-	Ornamented architectural pillar
164.	R.K.K.-163	1.81x14.5 cm	-do-	-do-
165.	R.K.K.-164	-do-	-do-	-do-
166.	R.K.K.-165	-do-	-do-	-do-
167.	R.K.K.-166	-do-	-do-	-do-
168.	R.K.K.-167	-do-	-do-	-do-
169.	R.K.K.-168	-do-	-do-	-do-
170.	R.K.K.-169	1.81x15 cm	-do-	-do-
171.	R.K.K.-170	-do-	-do-	-do-
172.	R.K.K.-171	-do-	-do-	-do-
173.	R.K.K.-172	1.81x15 cm	-do-	Ornamented architectural pillar
174.	R.K.K.-173	1.67x15 cm	-do-	Ornamented door pillar
175.	R.K.K.-174	1.67x15 cm	-do-	-do-
176.	R.K.K.-175	-do-	-do-	-do-

177.	R.K.K.-176	52.5x27.5 cm	-do-	Part of ornamented railing
178.	R.K.K.-177	54x25 cm	-do-	Recorded and carved arch. slab.
179.	R.K.K.-178	62.5x27.5 cm	-do-	Part of ornamented railing.
180.	R.K.K.-179	27.5x61.5 cm	-do-	-do-
181.	R.K.K.-180	58x27.5 cm	-do-	-do-
182.	R.K.K.-181	72.5x27.5 cm	-do-	-do-
183.	R.K.K.-182	66x28 cm	-do-	-do-
184.	R.K.K.-183	85x46 cm	-do-	Triangular architectural plato(Patia)
185.	R.K.K.-184	69x13 cm	-do-	Ornamented architectural piece.
186.	R.K.K.-185	40x24.5 cm	-do-	Ornamented and inscribed slab.'
187.	R.K.K.-186	1.16x36.5 cm	-do-	Triangular architectural slabe.
188.	R.K.K.-187	39x24 cm	-do-	Inscribed and ornamented arch. slab.
189.	R.K.K.-188	49x25 cm	-do-	-do-
190.	R.K.K.-189	63x13 cm	-do-	Ornamented architectural piece.
191.	R.K.K.-190	90x36 cm	-do-	Architectural plate(patia)
192.	R.K.K.-191	1.00x15 cm	-do-	Inscribed Uttarang
193.	R.K.K.-192	24x20 cm	-do-	Part of ornamented railing
194.	R.K.K.-193	54x12.5 cm	-do-	Inscribed and ornamented arch. slab.
195.	R.K.K.-194	63x12 cm	-do-	Inscribed & carved arch. slab.
196.	R.K.K.-195	64.5x13 cm	-do-	Ornamented architectural slab.
197.	R.K.K.-196	61x12.5 cm	-do-	Inscribed and ornamented arch. slab.
198.	R.K.K.-197	46x13 cm	-do-	-do-
199.	R.K.K.-198	61x40 cm	-do-	Architectural plate.(Patia)
200.	R.K.K.-199	61x42.5 cm	-do-	-do-
201.	R.K.K.-200	52.5x26 cm	Buff sand stone	Carved architectural piece.
202.	R.K.K.-201	42x28 cm	-do-	Broken Charanyukt Padampeeth.
203.	R.K.K.-202	38x24 cm	-do-	Saptrath RekhaShikhar.
204.	R.K.K.-203	57x38 cm	-do-	Architectural plato(Patia)
205.	R.K.K.-204	90x36 cm	-do-	Slab carved with Padamdal(lotus petals) line.
206.	R.K.K.-205	47x24.5 cm	-do-	Inscribed and carved architectural slab
207.	R.K.K.-206	87x24.5 cm	-do-	Carved Architectural slab
208.	R.K.K.-207	63x27 cm	-do-	Triangular architectural plate(Patia)
209.	R.K.K.-208	62x30 cm	Marble	Part of railing
210.	R.K.K.-209	95x40 cm	-do-	Sthanak two handed statute.
211.	R.K.K.-210	60x8 cm	-do-	Arch. slab with Padampatra ornamentation.
212.	R.K.K.-211	38x19.5 cm	-do-	A bird coated with black colour.
213.	R.K.K.-212	.99x25 cm	-do-	Carved Architectural slab.
214.	R.K.K.-213	1.23x35 cm	-do-	Triangular Arch. Slab.
215.	R.K.K.-214	42x27.5 cm	-do-	Part of ornamented railing.
216.	R.K.K.-215	87x38 cm	-do-	Part of Nau Rathiye Vedibandh.
217.	R.K.K.-216	70x13 cm	-do-	Inscribed Slab.
218.	R.K.K.-217	43x12 cm	-do-	Carved Architectural slab.
219.	R.K.K.-218	63x12.5 cm	-do-	-do-
220.	R.K.K.-219	93.5x11.5 cm	-do-	-do-
221.	R.K.K.-220	91x12 cm	-do-	-do-
222.	R.K.K.-221	71.5x27.5 cm	-do-	Part of inscribed and ornamented railing.
223.	R.K.K.-222	87x44.5 cm	-do-	Triangular architectural plato(patia)
224.	R.K.K.-223	81x27.5 cm	-do-	Part of ornamented railing.
225.	R.K.K.-224	54x25 cm	-do-	Inscribed and carved Arch. slab.
226.	R.K.K.-225	77x17 cm	-do-	Ornamented Architectural Slab.

227.	R.K.K.-226	1.03x36 cm	-do-	Slab ornamented with Padamdal line.
228.	R.K.K.-227	88x36 cm	-do-	Arch. Plato(Patia).
229.	R.K.K.-228	76x23.5 cm	Buff Sand Stone	Architectural piece.
230.	R.K.K.-229	1.18x43 cm	Marble	Triangular arch. Plate.
231.	R.K.K.-230	99x36 cm	-do-	Slab ornamented with Padamdal line.
232.	R.K.K.-231	80x15 cm	-do-	Carved Arch. Slab.
233.	R.K.K.-232	92x15 cm	-do-	Carved arch. pillar.
234.	R.K.K.-233	74x15 cm	-do-	-do-
235.	R.K.K.-234	1.67x16 cm	-do-	Ornamented door pillar.
236.	R.K.K.-235	1.82x15 cm	-do-	Carved arch pillar.
237.	R.K.K.-236	61x19.5 cm	-do-	Inscribed and carved arch. pillar
238.	R.K.K.-237	74.5x14.5 cm	-do-	Carved arch. pillar.
239.	R.K.K.-238	80x11.5 cm	-do-	Inscribed slab.
240.	R.K.K.-239	98x15 cm	-do-	Carved arch. pillar.
241.	R.K.K.-240	88x12 cm	-do-	Carved Arch. Slab.
242.	R.K.K.-241	84x14.5 cm	-do-	Uttarang.
243.	R.K.K.-242	-do-	-do-	-do-
244.	R.K.K.-243	94x14.5 cm	-do-	Carved arch. pillar.
245.	R.K.K.-244	91x15 cm	-do-	Carved arch. pillar.
246.	R.K.K.-245	80x19.5 cm	-do-	-do-
247.	R.K.K.-246	1.25x25 cm	-do-	Inscribed and carved architectural slab
248.	R.K.K.-247	80.5x15 cm	-do-	Uttrang.
249.	R.K.K.-248	1.00x15 cm	-do-	Carved arch. slab.
250.	R.K.K.-249	67.5x12.5 cm	-do-	-do-
251.	R.K.K.-250	75.5x15 cm	-do-	Carved arch. pillar.
252.	R.K.K.-251	91.5x14 cm	-do-	-do-
253.	R.K.K.-252	45x12 cm	-do-	Carved Arch. Slab.
254.	R.K.K.-253	65x12 cm	-do-	-do-
255.	R.K.K.-254	82x11.5 cm	-do-	-do-
256.	R.K.K.-255	79x12 cm	-do-	-do-
257.	R.K.K.-256	84.5x54 cm	-do-	Arch. Plato(Patia).
258.	R.K.K.-257	29x22 cm	-do-	Part of railing.
259.	R.K.K.-258	53x37 cm	-do-	Charan Chowki (low scat for the feet).
260.	R.K.K.-259	79x36 cm	-do-	Arch slab. (Patia)
261.	R.K.K.-260	95x70 cm	-do-	Statute of Ganesh, Lakshmi, Shadanan. (Kartikey) and 'bull' on a part constructed with bricks and cement.
262.	R.K.K.-261	67.5x52 cm	-	Brass Ghant (Gong).
263.	R.K.K.-262	53.5x40 cm	-do-	-do-
264.	R.K.K.-263A	92.5x82.5 cm	Silver wood	A wooden seat (Chowki) built by fixing a silver layer.
165.	R.K.K.-263B	92x11 cm	-do-	A part of woodseat(chowki) built by fixing a silver layer.

Sd/

(Girija Shanker Riware)
Director
Ram Katha Museum
Raj Sadan, Ayodhya

Sd/

(Inder Dev Singh)
Additional City Magistrate
Faizabad
Faizabad

Alok Sinha

ANNEXURE-2
 DEPARTMENT OF TOURISM AND
 CULTURAL AFFAIRS

Vidhan Bhawan

Lucknow Dated: 14 December, 92

Phone: (0) 246409 @ 248049

Dear Sir,

Apropos our telephonic conversation, Dr. Rakesh Tiwari, Director, State Archaeological Department, is being sent with the intention that he may get a list of art works of archaeological importance found last week in Ayodhya, prepared and take action for getting them placed under the supervision of Govt organization under the rules. Dr. Rakesh Tiwari has been advised that he may plan to stay in Ayodhya for one-two days, if necessary, so that the whole action as stated above, could be completed in one visit.

Shri Arvind Verma,
 Commissioner, Faizabad Division,
 Faizabad

Yours faithfully
 Sd/-
 (Alok Sinha)

Dear Ravinder,

I am sending to you a copy of the above said letter with the intention that you may inform Dr. Rakesh Tiwari accordingly. Since this action is required to be taken on priority basis, you may, please provide a vehicle from your Directorate, in case no vehicle is available with the state Archaeological Department.

Yours faithfully
 Sd/-
 (Alok Sinha)

Shri R.K. Sharma
 Director, Cultural Affairs,
 U.P, Lucknow.
 Dear Rakesh,

I am sending to you a copy of the above said letter for advance information.

Yours faithfully,
 Sd/-
 (Alok Sinha)

Dr. Rakesh Tiwari
 Director, State Archaeological Organization,
 Kesarbagh Lucknow.

Dated: 10.2.2003

OPW-14 Dr. Rakesh Tiwari

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

(Appointed under the order dated 30.1.2003 passed by the Hon'ble Full bench in other original suit No. 5189 (original Suit No. 236/89) Bhagwan Shri Ram Virajman & others Vs Rajender Singh and others)

(In continuation of 7.2.2003, cross-examination of OPW-14 Dr. Rakesh Tiwari, on oath, by the learned Advocate Shri Abdul Mannan on behalf of Defendant No-6 begins) —

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I started government service in 1978. I started my service as an Assistant Surveyor. I started government Service on the post of Assistant Surveyor in Uttar Pradesh State Archaeological Organization. The name of this organization has now been changed to U.P State Archaeological Department. My appointment was made by the Deptt of Cultural Affairs. I have been in govt. service for about 25 years. I worked on the post of Assistant Surveyor till 1980. After that I worked as Regional Archaeological officer, Garhwal/ Kumayun till 1983. Thereafter I started my service as Excavation and Investigation officer with the U.P State Archaeological organization. I took charge of the post of Director in 1989 and I have been working on this post since then. Till 1996, this post was of Head of Office but thereafter it became that of Head of Department.

Under the orders of Hon'ble High Court, I got the photography and videography of the disputed structure conducted in 1990. At that time, I had inspected this structure from the Radio carbon dating point of views also. In this context some suit was in process in the Hon'ble High Court. The order of videography etc. was passed in that Context. I don't remember that any such reference might have come before the Hon'ble High Court that the radio-carbon dating of stones could not be done. I can tell this only by seeing the records. Hon'ble Court had ordered that the learned Advocate of both the Parties should be present on the spot at the time of videography and photography. I don't know how many learned Advocates were present on the site, but as far as I remember, only nine Advocates were present there. These Advocates were from both the parties. These Advocates and myself were present there on the day the work relating to photography etc. was executed. At that time my Departmental Assistants were with me whose names, as per my memory, include Sh. Rakesh Kuinar Srivastava, Sh. Girish Chandra Singh and Sh. Ram Gopal Mishra. Except these, I don't remember the names of other persons, whose name I can tell by seeing the list, but that list is not available with me at present. Apart from the colleagues who had accompanied us, the employees from the Information Department had also accompanied me to the spot for co-operation. As far as I remember, the videographers were from the Information Department. Their names are available with us in records but I have not brought those records. This photography, videography etc. was done in July, 1990. By seeing Paper No.97A-2/4, the witness told that Shri Abdul Mannan, Advocate, Shri. Zaffaryab Jilani Advocate, Shri. Mushtaq Ahmed Siddiqi, Advocate, Shri. Hussain Amin, Shri, Sayyad Ekhlaiq

Ahmed, Shri. Munna Bakhshi, Photographer, Shri. Puttu Lal Mishra, Advocate, Shri. Hari Nath Tilhari, Advocate, Shri. V.P. Sharma, Advocate, Mahant Dharam Das, Shri. Rakesh Prasad Shrivastava, Shri. Daya Kishan Seth, Shri. Vishnu Gopal Mishra, Shri. Ranjit Lal Verma, Advocate, Mahant Rain Kewal Das, Mahant Bhaskar Das and Jagdish Bhalla were present at the time of photography etc. I had read in the newspapers that later on Shri H.N. Tilhari, Advocate had become Justice of High Court. As per my knowledge, this suit was going on when we did the work of photography etc. I don't know whether or not Shri H N Tilhari had become the Justice of High Court at that time. We had not done the Radio Carbon dating, but we had made an inspection for Radio Carbon dating. We had taken photographs of all the four sides, inner part and the pillars etc made in the disputed structure. At that time the people called the disputed structure by both names of Ram Janambhoomi / Babri Masjid. As far as I remember, I had reached Faizabad one day earlier. I had gone to the disputed structure even before the videography, photography etc to see how the photography, videography would be done there. I don't remember how many days earlier, from the day when the learned Advocates were present at the time of photography, videography, had I gone to the disputed structure to see how the photography, videography would be done. When I visited this earlier, even then I was accompanied by my departmental colleagues. At that time, I first contacted the Distt. Officer and then I went to the site through his medium. Some one of the officers, who were posted on duty in the disputed structure, must have remained with us. After the order was passed by the Hon'ble High Court in January, 1990 and before the photography, videography was done in July, 1990, I did go to the disputed structure, but I don't remember how

many times and at what times I went there. After the orders of Hon'ble High Court, when I went to the disputed structure for the first time, Shri. Girish Chandra Singh was with me, and I don't remember the remaining other names at present. At that time he i.e Girish chandra Singh was working on the post of Assistant Surveyor. The designation of that post has now beencanged to Asstt. Archaeological Officer. When I went to the disputed strucutre for the first time, I was accompanied by 2-3 other colleagues, in addition to Girish Chandra Singh at that time. Those colleagues were from my Department but I don't remember their names. I also don't remember, when I went to the disputed structure for the first time, whether I had stayed there for one or two days. When we went to the disputed structure, there was no advocate there. I had gone to the site for the first time along with Govt. officers. It is wrong to say that I am making wrong statement on this point. When I had gone to the disputed site for the first time, I inspected the entire disputed structure at that time and made preparations as to how would we make its photography. After the said order of the Hon'ble High Court, when I went to the disputed structure, it was day time. As far as I remember, it was the time after 10.00 a.m. I don't remember the exact time. I went to the disputed structure in day time and the time was of course, before 5.00 p.m. at that time, I might have stayed in Ayodhya a little more than one two hours. Again said I must have stayed there for two three hours. On that day there were 4-5 persons with me including myself. In those 2-3 hours, I made a view-sketch to know the location of every thing and to find out how the photography is to be made and also took silhouettes thereof. The sketch that is drawn after viewing is called view sketch. I had not measured the disputed structure, but had seen only how many reels

would be required for the photography etc. to be made. Photographs were also taken, but when the orders of Hon'ble High Court were passed to get the photography and videography made in the presence of the Advocates, photography was made before them separately. I can't tell even by guess the length and breadth of the disputed structure. On seeing the Enclosure 11- view sketch of the Paper No. 97-A-2/7, the witness said that- I can't tell the length and breadth of the disputed structure even by seeing the view sketch because length-breadth has not been mentioned in it. Even by guess I can't tell what the length-breadth of the disputed structure was. I had gone inside the disputed structure.

Whenever I visited Ayodhya, I used to stay in Govt. Guest House, Faizabad when I had to have night halt. I don't remember when I went to Ayodhya for the first time after the orders of Hon'ble High Court in January, 1990, whether or not I had stayed at night in Faizabad. When I went to the disputed site for the first time, I had taken its photograph in a general way. There were three gates in the disputed structure. Now that structure is no more there. As per my knowledge, the disputed structure was demolished in 1992. According to what I read in the newspapers, a large number of people untidily demolished the disputed structure. I can't guess how many people had untidily broken the disputed structure. It was published in the newspapers that the disputed structure was demolished on 6th December 1992.

Question: Why the disputed structure was demolished?

(On this question, objection was raised by Shri. Ajay Kumar Pandey, the learned Advocate for the Plaintiff that

with regard to the question asked, the witness, in his main statement, has said nothing, and beyond the point on which the examination in chief of the witness has been made, to ask any other question is completely irrelevant and the permission for asking such questions should not be granted).

Answer: I don't know the reason why the disputed structure was demolished. After demolition of the disputed structure, I did not receive any information as to why the structure was demolished. By seeing the album, I can tell how many domes were there in the disputed structure. The witness was shown Paper No. 201 C-1 of the Black and White Album and paper No 200C-1 of the coloured Album, on seeing which the witness said that there were three domes in the disputed structure I had seen the disputed structure first time in my childhood when I happened to visit Ayodhya due to certain reason I have seen the disputed structure many times but I don't remember sequence-wise when I saw it, I cannot tell definitely as to when did I see the disputed structure for the first time after taking the charge of the post of Director. I don't remember how many times did I see the disputed structure after assuming the charge of the post of Director. When I saw the disputed structure for the first time after assuming charge of the post of Director, I had not made its critical appreciation. I had drawn the view sketch in 1990. While drawing the view sketch, I had seen the disputed structure.

Question- While drawing the view sketch whether you had seen the length and breadth of the Babri Masjid?

(On this question, the Shri Ajay Kumar Pandey, the learned Advocate of the Plaintiffs raised objection that such type of question has already been answered by the witness. Therefore it is unjustified to ask the same question again and again and permission to ask such irrelevant question should not be granted)

Answer- I had not seen the measurements of the disputed structure. I had only drawn its sketch only.

Question- When you had gone to the disputed structure after the orders of the High Court what things were to be seen there?

(On this question. Sh. Ajay Kumar Panday, the learned Advocate for the Plaintiffs objected that such type of questions are being asked from the witness just to harass him because the witness had gone to the disputed site under the orders of Hon'ble High Court and what he had to do has been explained in that order. So, permission should not be granted to ask such questions.)

Answer : Disputed structure and the pillars installed therein were to be seen. Except these, nothing else was to be seen.

Black stoned pillars installed there were almost equal to a man's height. I can't say whether or not the load of the disputed structure was on these black coloured pillars. The height of the roof of the disputed structure was about four times that of a man's height. Black coloured pillars were:

fixed in the wall. Therefore, only an Engineer can tell how much load of the disputed structure was falling on those pillars. Those pillars would have been, broadly speaking, having a width of one or one and a half ft. Only a small part of those pillars would have been in the ground. The total number of such black-coloured pillar was 14. I can't tell the reason why the black stones were installed in the disputed structure. I also can't tell whether the date of installation of black stone in the disputed structure is the same as that of the construction of the mosque. I don't remember whether or not Babri Masjid was built in 1528-29. When I went to the disputed structure after orders of the High Court, I did not enquire from the people when the disputed structure was built. I don't know whether or not Mir Baki had a hand in the construction of the disputed structure. I have made no study on this subject. A stone was fixed above the main door in the disputed structure on which something was written in Urdu, Arabic or Persian, but I have no knowledge of that script. I can't say whether or not this stone was fixed simultaneously with the construction of the disputed structure. That stone was considerably large, but I can't tell its length and breadth. I don't know who was involved in the construction of the disputed structure. I also have no knowledge whether or not Babar had gone there for its construction or whether or not he had given any orders about its construction.

Question- Do you remember when last rites of Babar in Hindustan were performed?

Answer- Medieval History has not been my subject, yet according to my general knowledge, it appears to me that he died in Kabul.

I don't know whether or not Babar died in the year 1530. I have no knowledge whether or not Babar ever visited Ayodhya. Since it has not been my subject, I can't tell how far near Ayodhya Babar had gone. When I had gone to Ayodhya for the first time in my childhood, I knew that there was some Janam Sthan (birth place) and out of curiosity, I had gone there. At that time, worship etc. was going on there. I don't remember in which year I had gone to Ayodhya for the first time. Even before joining service, I have been to Ayodhya many times and some times I went to Janam Sthan. I had gone to the disputed site last time when the Hon'ble Court had paid a visit for inspection. I have no knowledge whether or not some trouble was created in the disputed structure in 1950.

Question- Whether there was any imbroglio in the disputed structure in 1949?

(On this question, Shri. Ajay Kumar Pandey, the learned Advocate for the Plaintiffs objected that this question is absolutely irrelevant and is being asked to harass the witness because the witness is neither the witness to the fact nor he has stated in his Affidavit of his examination in chief, any thing in regard to the question asked)

Answer- I have no information about it.

I have no information whether or not some untoward incident had taken place in the disputed structure in 1949. I don't know whether there was some gathering and utterances in the disputed structure in 1949. I can't say whether or not some incident had occurred in the disputed structure in 1949. I don't know when the lock was applied to the disputed structure and since when the people

stopped visiting this site. As I had read in the newspaper, according to that Vir Bahadur Singh was, perhaps, the Chief Minister when the lock of the disputed structure was opened, but my information is not definite. I don't know by whose orders that lock was opened. I have no knowledge whether or not the lock of the, disputed structure was opened on first February. I also don't know whether or not any suit was filed in this regard on 3 February.

Question- Whether any stay order was passed on February, 1986?

(On this question the learned Advocate of the Plaintiff objected that the witness is neither a witness to the fact nor is a Party or an Advocate of any Part). The question asked is concerned with the records. Asking such question from the witness is only to waste the time of the Court. So, permission may not be granted for such question being asked.)

Answer- I have no information about it.

I was not on the post of Director on 3rd February, 1986, but was working on the post of Excavation and investigation officer. I remained on this post till August, 1989. When I had gone to the disputed structure in July, 1990 and at that tune the learned Advocates were present there, then I had got the disputed structure and the stone pillars installed there photographed and videographed. These black stoned pillars were not touching the ceiling overhead or the roof. I had not drawn any conclusion from that because I had to do only photography and videography. Whatever was there in the disputed structure was got photographed, i.e. I had got the photography of the walls from inside as well outside the

premises. I remember this much that a stone like a mile-stone was fixed at the door which is meant for entering the disputed structure from outside its premises. The witness was shown coloured Album Paper No. 200C-1. Upon seeing its picture No. 43 the witness said that — it includes the inner and outer portion all around the wall touching the mile-stone like stone. To this stone touches a door, which had on its both sides a pillar of black coloured Stone. Thereafter, inside that there was wall after some distance inside the door. Whether or not there was earthen land inside the door, that I can tell only after seeing the picture. The witness was shown Paper No.200C-1 of the coloured Album, upon seeing which the witness said, it was not earthen ground on which the stone was fixed. After seeing photograph No-56, 60, 64, 65, 66, 71, 72 of this very Album the witness said that most part of the floor visible in these photographs appears to be made of stone slabs and bricks, on some part weed and grass is seen to have been grown. It can't be said whether this part is earthen or cemented (Pucca). I don't know what would have been the length and breadth of the part of the floor on which the grass appears to have been grown. Walking straight from the door, I would have reached the second inner door by taking 10-12 steps. On going inside from that second door there was some large and open part. I have no knowledge how long and broad this open part was. On seeing photo. No. 79,80,99,102 on Paper 200C-1 of the coloured Album, the witness said that broadly speaking the length-breadth of this open place could be 40x10 meters. But this is my rough estimate. I had gone there. After this open place, there was a structure inside which contained three domes. On seeing Photo. No. 102 of Paper No.200C-1 of the coloured Album, the witness said - If we stand with our face towards the structure, there was no space left by the side of the

structure. On our right hand there as a wall adjacent to the structure o the right side. When I entered the disputed structure, I saw the above described situation intact. I had seen the disputed structure even after 6th December, 1992 when the disputed structure was demolished. After 6th December, 1992 when I went to the disputed site for the first time, I had the curiosity to see that place and in the perspective of the directions received by me from the Govt., I was able to draw an outline about the methodology to be adopted for preparing the list of the remnants lying in that area. I had received those orders from the Govt. on 14 December, 1992. Only thereafter I had gone there. At that time I had stayed there for 5 or 6 days. I had not collected any remnants. The remnants were at two places, as seen by me. The first place was the area around the disputed site and the other place was a building adjacent to that, known as Ram Katha Kunj. The remnants were lying outside some of its rooms. I had neither prepared a list of the remnants lying around the disputed site nor had I counted them. The remnants which were lying in Ram Katha Kunj, their provisional list was got prepared and they were got placed in two rooms of that building. Their list was got prepared by marking on them the serial numbers and those were kept in the joint custody of the Director, Ram Katha Museum, Ayodhya and Shri Indra Dev Singh, Additional City Magistrate, Faizabad. We had got Sillhouettes prepared of these remnants so that we may have the record as to which material we got from there. I can't say whether or not these remnants were those of the disputed structure. I did not study the remnants that were lying in the debris around the disputed site with a view to ascertain to which building they belonged. Since I had gone there after the demolition of disputed structure, it appeared that they could be the remnants of the disputed structure.

By seeing the remnants in the Ram Kalha Kunj, it appeared they have been brought and dumped at one place. Some were covered with mortar (Gara) and some of these had portions of lime-like plaster and earth stuck to them. The remnants which I had got placed in Ram Kath Kunj were numbered 264.

Verified the statement after reading

Sd/-Rakesh Tiwari

10.2.2003

The Stenographer typed in the Open Court as dictated by me. In this order for further cross examination the case be presented on 11.2.2003. Witness be present.

Sd/-

Commissioner

10.2.2003

Date: 11.2.2003

OP.W.-14 Dr. Rakesh Tiwari

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

(Appointed vide order dated 31.1.2003 passed by the Hon'ble Full Bench in another original suit No.5/89 (original Suit No-236/89) Bhagwan Shri Ram Virajman and others vs Rajender Singh and others.)

(In Continuation of 10.2.2003 the cross-examination of OPW-14 Dr. Rakesh Tiwari, on oath, by Sh. Abdul Mannan, the learned Advocate of Defendant No.6 begins)

I am a Hindu. I am a Brahmin. In Brahamanas, generally, marriage does not take place with other caste. I can't say how many people were there on 6 December, 1992, but I have heard that many people were present there. I can't tell as to why the incident of 6 December took place. After 6th December 1992, when I visited the disputed site, the employees of Distt. Administration were there. I did not enquire from those people of Distt. Administration about the incident of 6th December 1992. After the incident of 6th December, 1992, I went there for the first time after 8-10 days. I don't know whether or not the people from Distt. Administration were present at the disputed site or not. After 6th December, 1992, when I had visited the site, I did not ask from the people of Distt. Administration whether or not the people fro Distt. Administration were present on the s know whether or not 400 Armed police personnel were present all around the disputed structure. I did not also enquire about it. I don't

know Mohammed Hashim. I don't remember in which newspaper I had read about the incident of 6th December, 1992. I don't remember which newspaper I used to requisition in December 1992. As per the information I got from the newspapers, I am having some recollection that after 6th December, 1992, some people had come back from Ayodhya by trains and some by buses. I don't know whether or not Vishwa Hindu Parishad people had taken them there. After 6th December, 1992, when I went to the disputed Site, the disputed structure was no more there. The debris was lying on that place.

(The cross-examination by Shri. Abdul Mannan, Advocate on behalf of Defendant No.6 concluded)

(Cross-examination by Shri Zaffaryab Jilani, Advocate on behalf of Defendant No.4 Sunni Central Board Wakf begins)

In Continuation of the orders of 10 January, 1990 of the Hon'ble High Court, I had made inspection of the disputed site till 1990. For the first time, I made inspection on 20th January, 1990. I had inspected the disputed site second time on 8th February, 1990 and third time on 12th July, 1990. On one of three occasions i.e. at the time of inspection of 12th July, 1990, I had reached Faizabad one day in advance. After 1990, I had visited the disputed site in May, 2002 under the orders of Hon'ble High Court. In between this period or before or after that I have never gone to the disputed site under the orders of Hon'ble High Court. Under the orders of the Govt. I went there on 15th March, 1992 and 2nd April, 1992 for the inspection of remnants that came to light there. After that, I went there in June, 1992 for the inspection of the remnants, that came to

light at the time of leveling. Then I had gone there in December 1992 in the context of preparation of the remnants of the disputed site/Ram Katha Kunj. After that I had gone there with Authorized Officer/Commissioner, Faizabad Division and Director, Conservation, Archaeological Survey of India to comment upon the state of preservation of remnants collected in Ram Katha Kunj, as required by the Govt. of India. Except this, as far as I remember, I have never gone to the disputed site under the orders of government. Two other organisations had already been set up in Ayodhya before 1990 under the Department of Cultural Affairs. Out of these one is the Ramkatha Museum and the other is the Office of Registration Officer, Ancient Remnants and Valuable Art works. Till 1996, my Deptt. was also under the Directorate of Cultural Affairs. Therefore, before 1990 and till 1996, I sometimes visited the office located in Ayodhya. Besides, being the Zonal officer, I still look after the work of Registration Office. Besides, this I have looked after for sometime the work of Executive Director, Ayodhya Research and in the context of these works, I have gone to Research institute (Ayodhya Shodh Sansthan) is a society which is controlled by the Govt. and its Director is nominated by the Govt. Its function is to get the different types of Research works done which, to some extent, includes the work relating to Archaeology also. I would have gone to Ayodhya several times, say tens of time, in connection with the works of all these offices during the period from 1989 to 2002. It may be possible that during this period I might have gone to the disputed site also. Originally, I am the resident of Basti, but my father and my grandfather (Babaji) were Managers in Biswan Sugar Mill at Biswan in Sitapur. So, in my childhood, whenever I might have gone to Ayodhya, I would have gone either from Basti or Sitapur. My grandfather, who was

the Manager in Biswan Sugar Mill, lived in Ayodhya also after his retirement. I used to visit Ayodhya to see him, but I don't remember whether or not I had gone to the disputed site in that period. My grandfather retired from Biswan Sugar Mill at the beginning of 1970's. Later on, he renounced this world and after 1980 no one knows where did he go. In my childhood, I had visited the disputed site for the first time, I remember that there was some point inside the disputed premises beyond which the police did not allow the people to go. At present I fail to remember whether or not there was a wall with wooden enclosures (Katharon wali) and if that was, whether or not its doors were locked. I do remember that I had not gone inside the domed structure in my childhood. I don't remember how many times I visited the disputed premises in my childhood. In my childhood I would have visited it once or that time my age would have been more than 10 years. I don't remember with whom I had gone to the disputed structure, but I do remember that I had gone with a person, who was senior to me in age. When I had visited the disputed premises in my childhood. I had gone to other temples of Ayodhya also out of which I remember Hanuman Garhi, which I visited. To the North of the disputed premises across the road, there is a big temple but I don't remember whether or not I had gone there. I also don't remember whether or not that Mandir is called Janam Sthan (Birth place). As far as I remember, I have never gone to that temple on the North till today.

From Archaeological point of view, according to my knowledge the important places include- first the Disputed Site, second the Kuber Teela situated in the South, the Teela where Hanuman Garhi is built, Nageshwar Nath Mandir and the surrounding area thereof. Apart from these,

there are many other sites which are mentioned from time to time in the "Indian Archaeology- A Review" published by Archaeological Survey of India (A.S.I). According to my knowledge, the names quoted by me above are also recorded in the above said publications. For the information of the sites of Archaeological importance, U.P. State Archaeological Department mainly depends upon the records of the ancient sites (Purasthal) listed under the surveys conducted by itself, 'Indian Archaeology A-Review' (I.A.R), other publications of A.S.I, research work of the universities and the publications of the Research Magazines concerning Archaeology. Some lists of Archaeological sites were prepared district-wise on the basis of reports published by our Department in the past, but it was not complete. Some thing cropped up regarding preparing a register on the basis of those lists, but I don't remember it at present. I don't remember exactly whether or not I saw a register which contained the description of different ancient sites of Uttar Pradesh. The ancient sites of Ayodhya cited by me above are based on my information gathered from I.A.R published by A.S.I. I don't remember whether or not I had read somewhere the names of Brahmankund and Rii Mochan Ghat of Ayodhya as the sites of archaeological importance. But I had read the names of Kanak Bhawan, Mani Parvat and Guptar Ghat as the sites of archaeological importance. Guptar Ghat is under the conservation of our department. Therefore I know about it. I don't remember where did I read about Kanak Bhawan and Mani Parvat. The temple built by Raja Sahab of Ayodhya at Guptar Ghat is under our conservation. The entire Guptar Ghat is not under our conservation. This temple is almost 150 years old. This temple has been under our conservation since the day I joined service. A communiqué was issued by the Govt. that this temple is declared to be

under the conservation of this department. I had gone through that communique but I don't remember 'its' time and date. Generally, a class IV employee is appointed in that temple to look after it, but some times it does happen that he does not remain there all the time. The day to day work of that temple is done by the priests. As far as I know, those priests have been appointed by Raja Sahab of Ayodhya. No other building or site in Ayodhya is under the conservation of State Govt. The said temple of Guptar Ghat, which is under the conservation of State Govt., is in Faizabad. There is a place in Faizabad which is known by the name of Haveli Awadh. It is also under the conservation of State Govt. Makbra Bahu Begam etc. are under the conservation of A.S.I. The Act that was passed by the Govt. of India in 1904, its name is, perhaps, Ancient Sites Monuments and Remains Preservation Act, -which was adopted by the U.P. Govt. in 1956 for the State Govt. and till today the action for the conservation of ancient sites is taken by our department in accordance with that Act. Besides the ancient sites which are under our conservation, no other ancient sites are under our conservation. Most of the important ancient sites, about which an annual Report is sent to the Archaeological Survey of India, are not conserved by the Govt. The Directorate of Archaeology, U P State has no control over all those ancient sites or ancient remnants found in the state, which are not declared to be under the conservation of the State Govt., but if we receive any information about them to the effect that their archaeological importance is decreasing, we write about it to the District Officer etc. If we receive an in that some ancient sites or remnants have been found some we write to the concerned District officer for their conservation and we send its information to the Govt. also for taking necessary action. If we feel that an ancient site or remnant

is required to be preserved, we send to the Govt. a proposal also in this regard. Since I assumed charge as Director, more than twenty such like proposals have been sent to the Govt. Out of these, some proposals were accepted by the Govt. and they were notified whereas some proposals were rejected. At present there would be more than 100 ancient sites under the conservation of State Govt. In one section it has been declared conserved as the ancient remnants and in the other section, the ancient sites/structures. There is a statue of Vishnu in Gorakhpur, which is installed in a park of the city and that has been declared as conserved. In Faizabad district no other structure or site, except the above said two sites, have been declared as conserved by the Govt. The basis for the conservation of any ancient site/remnant is that the particular site/structure has not been declared by the Govt. of India as an ancient site/monument of national level. The importance of the monument site should be, generally, of state level and proper resources are available to the department for its proper supervision. There are thousands of ancient sites/structures/ remnants in the state, which have neither been declared as conserved ones by the State Govt. nor by the Central Govt., but they have the archaeological importance. Due to lack of resources, it has not been possible to declare all of them as conserved ones. Besides, a scheme of registration of the remnants from their security-view point is being implemented with the co operation of the State Govt.

In 1972, the Central Govt. had enacted an Act for the registration of remnants and valuable art-works, under which the Registration Officers were appointed by the state Govt. The appointments of those Registration officers were made in some Divisions. In fact, the holders of remnants

and valuable art- works should get themselves registered, but on receiving an intimation, the Registration officers also monitor to get them registered in the Act of 1972, there is a provision that if a person possessing the ancient remnant or valuable art-work does not get that registered within a specified period, action can be taken against him. I don't have any direct information about such action being taken but I remember through some newspapers in which the news appeared regarding such an action. I don't remember whether the state govt. in my tenure took such an action. At present, the Registration Officers are appointed in Lucknow, Faizabad, Gorakhpur, Varanasi, Allahabad and Jhansi etc. These posts existed prior to my becoming the Director and 2-4 years after the enactment of this Act of 1972, these officers had been appointed. I have been working as Zonal Officers of the registration Officers of Eastern Region from 1989 to date.

In the eastern region, registration officers are only in Lucknow, Faizabad, Gorakhpur, Varanasi and Allahabad and this is called the East Zone Jhansi, Agra, etc. come under Western Zone. The full designation of the post of Registration officers is "Registration Officer Ancient Remnants and Valuable Artworks" (Registration Adhikari Puravashesh Evam Bahumulya Kalakriti) and they are class II officers. I don't remember the requisite qualifications for the post of Registration officer but as far as I remember, they are required to possess Post Graduate degree in Ancient Indian History, Culture and Archaeology subjects. Besides Registration Officer, there is also clerical and class IV staff in the Registration officers. The combined numbers of officers and class IV employees in the Registration officer are two or three. The Registration officer keeps the record of registration in Register and also keep the

photographs relating thereto. The Controlling officer of the Registration officer is the Director, Cultural Affairs (Culture) U.P. Therefore, they send a copy of Registration of the ancient remnant art-work registered by them, each to the A.S.I and the Director, Cultural Affairs, U.P. That copy contains the description of the remnant/art-work as well as photograph thereof. One copy of which is also given to the holder of the remnant/art-work. The copy that is given to the holder only means that the holder possesses the certificate that the remnant/art-work is available with him and the same has been registered. Remnants include idols, terakota etc. in respect of which there is a notification of the Govt. of India under the Act of 1972 which contains description as to which articles would be kept in the category of ancient remnants, Valuable art-works. This original Notification is not of 1990's but it is of the period prior to it. But I don't remember its date. At present I don't remember whether or not the inscription found on the stones are treated as the ancient remnants. More than one thousand ancient remnants have been registered so far as the Eastern Zone. it is possible that about 500 ancient remnants might have been registered in Faizabad, The details of the registration of the ancient remnants is not included in the I.A.R published by the A.S.I. The Registration officer in the Registration officer also determines the estimated period of the remnants and art-works. When I go to these offices as a Zonal officer and carry out inspection I generally do not review the age-determination of the remnants/art-works. I generally see how much work has been done whether or not the photograph is pasted etc. I also see whether or not the entries in the Register have been made properly. I write separate Inspection Note also. Since the date I have been working on the post of Director till date, I have made

inspection of the Registration offices in my zone almost 4-5 times. Registration of only those remnants/art-works is made which are more than one hundred years old. The remnants/art-works coming to light through the survey conducted by our Department and which are in the personal custody of a person, are also registered by the Registration Officers. But of those remnants / art-works that come to light as a result of surveys conducted by our Department and which are covered by the Act of 1972, are, generally, not taken by officers in their custody and due to some circumstances if they compile them, they are kept secured in the Directorate or the Regional officer, as the case may be. On receipt of information of such remnants and art-works, the officers of the Museum, some times, collect them for their own museum through the District Administration As far as I remember there are 6-7 museums of U P State which are situated in Lucknow, Ayodhya, Gorakhpur, Sultanpur, Kannauj, Jbansi, Mathura etc. Out of these, the biggest museum is the State Museum, Lucknow, whose Director is now also the Head of Department of the Directorate of all the museums in the State. The Directorate of all these museums has been set up only a few months ago i.e. in 2002. The Heads of most of the museums are called Director. In some museums they have also different designations for this post. The museum at Allahabad is financed by the Central Govt. and it is an Autonomous Body which is not under the U.P Govt. As per my knowledge, the Head of the Governing Body of Allahabad Museum is Dr. G.C Pandey. The designation of the Head of the State Museum situated in Ayodhya, which is called Ramkatha Sangrahalay, is Director. I think that the name of this museum is Ramkatha Sangrahalay ever since it was set up. I think that this museum was set up around the middle of 1980's. At present, that museum is located in

"Tulsi Smarak Bhawan". Earlier it was located in Raj Sadan. As far as I know, the designation of the Head of this museum has been e Director. The Directors of these museums, earlier, have been selected through the U.P Public Service Commission but at present I don't have upto date knowledge about its procedure of selection. I have no knowledge, but I can guess that in the primary qualifications for the post of the Director of these museums, Ancient and Medieval Indian History would be included, it would have been essential for these people to possess post graduate degree. For the post of Director, U.P. State Archaeological, Department, the Essential qualifications include Post Graduate degree in Ancient Indian History and Archaeology, Experience in the field and administrative experience. I obtained M.A. degree with the subject of Ancient Indian History, Culture and Archaeology in 1976 from B.H.U. A person with MA degree in Ancient Indian History is not qualified for the post of Director. At present I don't remember whether or not MA in culture only is qualified for this post. Generally I.A.S or senior P.C.S officers are appointed to the post of Director, Cultural Affairs (Department of Culture). The most important post in the field of Archeology under the Uttar Pradesh Govt. is that of the Director, Uttar Pradesh State Archaeological Department.

As far as, I remember the information from the Director of Tourism Department was received, that some ancient material has come to light during the construction of a wall, and necessary action may be taken after inspecting that. I got this information from a letter of Director, Tourism Department, U.P dated 21.3.1992, which contained the description of the ancient material found on 15th March, 1992. Thereafter I had again received

information on 2nd April, 1992 regarding some ancient material being found there. I had seen these ancient materials by going to the spot and I had prepared a Report thereon and those materials are kept with us in the Directorate. These materials include the pieces of N.B.P., the piece of utensils of Kushan and Gupta dynasty. This material was reported to, have been found from which foundation of the wall under construction, in which direction of the disputed structure, this material was recovered. For the first time I had gone there on March 15th, 1992 under the direction of "Secretary", Deptt. of Culture. Second time I had gone there in April 1992 with reference to the letter of the Director, Tourism. I had submitted the Report of both the visits to the Director, Tourism on 30th April 1992. I am stating the above said facts by referring to the records I have brought with me. In June, 1992 I had gone to Ayodhya on 25.6.1992 under the direction of Secretary, Tourism & Cultural Affairs to give comments on the remnants that came to light during the leveling of the disputed site. I had received directions from the Secretary, Deptt. Of Tourism & Cultural Affairs on 24th June 1992. At that time, Shri Alok Sinha was working on the post of Secretary, Tourism & Cultural Affairs. He had given me the above said direction with reference to letter from district officer dated 20th June 1992. The Secretary, Tourism & Cultural Affairs was given this information by Distt. Officer, Faizabad vide his letter dated 20th June 1992 that some material has been found during leveling which may be got studied by the archaeological experts. In this perspective, I went there on 25th June 1992 and came back on the same day after completing my work. The above said material was kept near barricading in the South East corner of Ram Janmabhoomi temple. I don't remember whether or not some was looking after some material there. As far as I

remember, no wall, etc. was raised around that for its protection and that material was lying in the open. I was taken to that site by the Magistrate and the Post Incharge deputed there. There were with me other employees of the Department, I don't remember whether or not the Director of Ayodhya Museum was present there, but at that time the Registration officer of Faizabad was accompanying me. The material kept there included the ancient remnants and art works also. I, myself have said that these remnants/art works were the remnants of some ancient rock (Prastar) temple. At present, I don't remember whether or not any other officer or employee of Ayodhya except the above said Magistrate and the Post Incharge was with me. I am telling about these two officers by referring to the records brought with me. I had mentioned the material found in the site in my Report prepared by me on 26.6.1992 and sent to the Secretary, Tourism & cultural Affairs and the Director, Department of Cultural Affairs on 27.6.92. I had prepared a Note about the material on the spot but the rough note that I have brought with me, is not there in the file, but I remember that my report is based on that rough note. I don't remember whether I had prepared that note on a paper or in some diary. On that note, there was specific description of some items and general description of others. Neither I remember this fact nor it is mentioned in my report as to what was the number of those remnants there. Two remnants concerned with this Report were in the custody of Ram Janambhoomi Police Station, which were kept in the Police station itself. But both these remnants were, perhaps, later on transferred to

Ramkatha Museum. Said again that the number of remnants shown in the Report is 27.

Verified after reading the statement
Sd/- Dr. Rakesh Tiwari
11.02.2003

The Stenographer typed in the Open Court as dictated by me. In this order for further cross examination the case be presented on 13.2.2003. Witness be present.

Sd/-
Commissioner
12.2.2003

Date: 13.2.2003 OP.W.-14 Dr. Rakesh Tiwari

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

(Appointed vide order dated 30.1.2003 passed by the Hon'ble Full Bench in another original suit No.5/89 (original Suit No-236/89) Bhagwan Shri Ram Virajman and others vs Rajender Singh and others.)

(In Continuation of 11.2.2003 the cross-examination of OPW-14 Dr. Rakesh Tiwari, on oath, by Shri. Zaffaryab Jilani, the learned Advocate of Defendant No.4 begins)

The statement that I had made at page 37 on 11.2.2003 that "This information was received by me on 21.3.1992, in regard thereto I have to say that I had inspected the ancient material on 15th March, 1992 and 2nd April, 1992 and due to misunderstanding, I have made a wrong statement at page 37. I don't know when this material was extracted. This Distt. Administration had provided me the information about the source and timing of the material found, that I had seen on 15th march, and 2nd April, but I do not know from where and at what time the said ancient material was found. In these remnants, some ancient wall were also found which were intact. In regard to the inspection of 15th March, 1992, I had already sent on 20th March 1992, a brief Report to the Director, Deptt. of Cultural Affairs and its copy was endorsed to the Secretary, Cultural Affairs. Thereafter, after the inspection of 2nd April, 1992, I had sent to the Director, Department of Tourism on 30 April, 1992 a combined Report of both the inspections. In both these Reports I have also made a mention of brick

wall. This brick-wall was some where in front of the disputed structure, but I don't remember where it was. I got some measurements done and have mentioned about them in my Report. It has also been mentioned in the Report how old this wall appeared to be. In this Report of 30 April, 1992, I have written that the bricks used in the wall have been treated as belonging to the beginning of A.D. centuries. This is my personal assessment. It is based upon the comparable bricks found from other sites. Besides, the pot remnants (potteries) are also estimated to be of the same period on comparative basis. All these things are written in my Report of 30 April, 1992, after referring to which I have made the said statement. I don't remember whether or not I had taken photographs of these bricks. There is no mention in my Report about the photographs being taken or not. In the places where such type of bricks have been found and with which I have compared the bricks used in the said wall, the name of Hulaskhera, situated near Lucknow, can be cited. I got the excavation work done in Hulaskhera for many years. For that excavation, I had the permission (License) from Archaeological Survey of India. I got this excavation work done from 1983 to about 1986-87. The ancient Teela Mohanlal Ganj of Hulaskhera is situated at distance of about 5 k.m. in North side. This place could be almost at the same distance from Mohanlalganj Rai Bareli Road under the excavation work in Hulaskhera, the remnants of ——— structures of the bricks of almost same measurement have been found. They have been placed between 1st century to third century AD. This Calculation has been made by me. The elementary Report of this excavation has been published from year to year in the relevant years in "Indian Archaeology-A Review, i.e. it has been published in the I.A.R. of 1983 to 1986. My name is mentioned in these Reports. Detailed Report on this subject

is published in Research Magazine "Pragdhara" of U.P. State Archaeological Department. The last Report of this excavation has not been published, in I.A.R. That last Report has been published nowhere. As far as I remember, the detailed Report of the said excavation has been published in the fifth or Sixth issue of "Pragdhara". The brick structure found in the said excavation appear to be that of residential buildings. I have drawn my conclusion on the basis of the bricks used in those structure. The bricks in Hulaskhera, about which I am talking about have been assessed to be of about first to third century AD. No definite study has been made to find out the name of the king who ruled over Lucknow region/ Mohanlalganj region. Only a general mention would have been made about it. But this Age is generally called the Kushan Age and only due to this reason I am saying that these bricks and potteries are of Kushan Age. Prior to 1983, I have not got executed any excavation work in which such type of bricks came to light. Even after 1986, I have not got conducted any excavation work in which such type of bricks came to light. But as far as I remember, the remnants of the structure similar to the measurement of the bricks of this Age have come to light from Rajghat at Shrangverpur and Varanasi in Allahabad. I have read these details in the publications relating thereto and have seen that also in Shrangverpur. I have read the details of the Report of Shrangverpur in I.A.R and in the magazine entitled 'Puratatva' (Archaeology) but I don't remember in which issue I read these details. The final Report of Rajghat is published which is entitled 'Rajghat Excavation Report'. The Director of Rajghat excavation was Prof. A.K Narayan and the Director of Shrangverpur was Prof. B.B. Lal. In Shrangverpur, Prof Lal Sahib opined that the structure made with these bricks in between first Century and third century AD. But we don't remember

whether or not he has assigned them to the ruler of certain Age. Keeping in view particularly, the results of Hulaskhera, Shrangverpur and Rajghat excavation and on the basis of my general knowledge, I have drawn the above said conclusion that what should be the Age to which these bricks belong. I did not draw out any brick from the said brick-wall. These bricks were baked. I have no knowledge as to when that wall came to light in which these bricks were used. I also have no knowledge as to when these bricks were excavated. On this point the learned advocate cross-examining the witness showed to the witness page 12 of Paper No. 118-E-1/35, on seeing picture printed below that, the witness said that it is difficult to say whether or not the wall appearing in this picture is the same which I had seen at the disputed site on 15 March, 1992 and whose bricks I have described above. The witness was shown page No.4 of the same Paper No. 118-C-1/35, upon seeing all the three pictures thereof, the witness replied that by seeing these unable to remember whether or not any of these pictures is of that I had seen on 15th March, 1992. I fail to remember whether or not I have ever seen the picture of the wall that I had seen on 15th March, 1992 and about which I have described above. I can tell the length and thickness of the bricks that I had seen in the wall near the disputed site on 15th March, 1992 by referring to my Report of 30th April, 1992. By seeing the Report brought with him, the witness said that the length and the thickness of one of these bricks was 33c.m. and 7c.m. respectively. It is difficult to tell the length and thickness of bricks that are presently manufactured in brick-kilns. On 15th March, 1992, I had not measured the thickness of the bricks used in the wall near the disputed site. May be that I had seen the said wall on 2nd April, 1992, but I don't remember whether I ever saw those bricks

after that. I don't remember whether or not the bricks of that wall are kept in a museum of Allahabad or in any other museum. The bricks of the said wall were not included in the list of the remnants that I had prepared in December, I can tell only by seeing my Report that to what type of building the said wall could belong to. By referring to the Report brought with him, the witness said that there is no description about it in my Report. The learned advocate cross-examining the witness showed to the witness both the pictures published at page 3 of the Paper No- 118C-1/35, upon seeing which the witness said that I don't remember whether or not the wall appearing in this picture is the same that I had seen on 15th March, 1992. Some of the bricks appearing in these pictures resemble to the bricks of the said wall of the disputed site. About all the bricks appearing in these pictures. I can't say whether or not these resemble with the bricks of the said wall of the disputed site. The wall that I had seen on 15 March, 1992 at the disputed site carried how many stratum, I can tell that by seeing my Report of 30th April, 1992. On seeing the above said Report brought with him, the witness said that neither the stratum nor the length of that wall has been mentioned in the Report. The width of that wall is stated to be from 90 to 97c.m. The learned advocate cross-examining the witness showed the witness the picture appearing on right hand side on page-4 of the Paper No- 118C-1/35, upon seeing which the witness said- in this photograph we see Dr. S.P. Gupta, K.M. Srivastava, Dr. Ashok Kumar Mishra and with them are seen three labourers like persons. The 'Patravashesh' (pieces of Utensils etc.) given to me on 15th March, 1992 were received by me from some Engineer, who was getting the work executed at the site. I neither remember the name of that Engineer nor the name of the department to which he

belonged. As far as I remember he had shown me the place from where these pot-remnants of potteries were found, but I don't remember that place at present and at present I don't remember the measurement of that site.

I also don't remember how far that place was from the Eastern door of the disputed,, structure, but I remember that the said place was to the East of that wall. The wall which had been inspected by me on 15th March, 1992, was important from archaeological point of view. At that time we, perhaps, had no camera or photographer with us and due to this reason we did not take their in situ photographs. At present I don't remember whether or not that was photographed later on. I don't remember whether or not its condition on 2nd April, 1992 was the same as it was on 15th March, 1992. In March, 1992 some construction work was going on around the disputed site and during that operation a wall appeared therein.

When I visited the disputed site in June, 1992 then I, perhaps, had not seen that wall which I had seen on 15th March and 2nd April, 1992. I don't remember whether or not in June, 1992, I went to that side where I had seen that wall on 15th March, 1992. As far as I remember some one had told me that some of the material of that place is with Dr. K.P Nautiyal, Vice Chancellor, Avadh University, but when I contacted him he said that some journalist had shown him that material there. When I did not get that material for inspection, I wrote to the Registration officer, Faizabad to take necessary action about that. I wrote to him between 2nd to 30 April, 1992. In the Report of 30 April, 1992, I had made no such recommendation that the material found there may be got examined by other archaeologists from archaeological point of view. The witness told this by seeing the Report of 30th April, 1992 brought with him. I fail to remember whether I was shown any other wall in addition

to the wall that I had seen on 15th March In pursuance of directions from the Secretary, Deptt. of Cultural Affairs, dated 23.6.1992, received by me on 24.6.1992, I had gone there on 25.6.1992 for the inspection of the remnants that came to light from the disputed site. The witness was shown the photograph on page 2 of the Paper No-118C-1/35, upon seeing which the witness said- stones are visible in this photograph and I would have seen them around this very place on the spot. I don't remember whether or not I had seen them, definitely, being kept on this very spot. In this photograph I am seeing behind the stone the wall of the disputed site and behind that is visible the door of the disputed structure. The Inspection Report of 25th June, 1992 submitted by me, perhaps, contains a mention about these stones also. I had got those stones photographed that I had seen on the spot on 25th June, 1992. I had sent those photographs along with my Report of 25th June, 1992 to the Secretary, Cultural Affairs and the Director, Cultural Affairs. I had sent 8 photographs with that Report, but it is possible that more photographs would have been taken on the spot.

I had prepared the inspection Report of 25th June, 1992 on June, 1992 and it was sent to the Secretary, Deptt. of Cultural Affairs on 27th June, 1992. This Report was sent with reference to his directions dated 23rd June, 1992 marked in the margin of the letter of 20th June, 1992 from the Distt. Officer, Faizabad, addressed to the Secretary, Department of Cultural Affairs, U.P. On that very letter the directions for me were marked in the margin. The way in which the stones kept were shown to me, the photographs were taken in that very state and then some remnants were photographed separately after removing them from there. The witness was shown the 'No.2 of Paper' No-118C- 1/35, upon seeing which the witness said- at this

very moment, I have no photograph like that. In this photograph seven-eight pieces of stones are appearing to be kept separately. But in the photographs taken by me, such type of stones are not appearing in any of the photographs being kept separately. In this photograph the stones appear to be placed above and below the 'Chowki' (a low square or rectangular seat). We don't have any photograph in which the stones are kept like that. By having a general look on the photograph that I have brought with me, the number of stones appearing to be more than those appearing in page No-2 of Paper No.:- page-118-C-1 /35 Out of eight photographs sent by me with my Report, two photographs are of those remnants which were kept in Ram Janarnbhoomi police station. One photograph of all the stones was taken collectively and the remaining 5 photographs were of different remnants photographed separately. As far as I remember this photography work was done by Sh. Ram Gopal Mishra, photographer in my Deptt. The witness was shown the photograph at page No.-2 of the Paper No.118-C-1, upon seeing which the witness said that- I don't see clearly whether or not a cut-wall is appearing behind the stones. I don't remember whether or not this place was in the same position on 25th June, 1992 as it is appearing in the photograph on page No-2. 27 remnants mentioned in my Report sent on 'Chowki' and below that and adjacent. The stones lying around 'Chowki' a little a were not counted by me, but I had made a mention about them in my Report.

Verified after reading the statement

Sd/-

Dr. Rakesh Tiwari

13.2.2003.

The Stenographer typed in the Open Court as dictated by me. In this order for further cross examination the case be presented on 14.2.2003. Witness be present.

Sd/-

Commissioner

13.2.2003

Date —14.2.2003

O.P.W.-14 Dr. Rakesh Tiwari

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

(Appointed vide Order dt. 30.1.2003 passed by the Hon'ble Full Bench in other Original Suit No. 5/89 (Original suit No 236/89) Bhagwan Shri Ram Virajman and others vs. Rajendra Singh and Others)

(In continuation of 13.2.2003, cross-examination of O.P.W —14 Dr. Rakesh Tiwari, on oath, by Shri. Zaffaryab Jilani, the learned Advocate of Defendant No.4 begins)

In my statement of 13.2.2003 at page NO. in which I have stated about contacting Dr. K.P Nautiyal- I made this contact with Dr. K.P. Nautiyal on 2nd April, 1992. During 2nd to 30th April, 1992 on which date I had written the letter to the Registration officer- I can tell it by seeing the record brought with me. At this, the learned cross-examining Advocate requested him to see the records and tell that. After seeing the records brought with him the witness said that- I had written this letter on 9th April, 1992. In this letter I had not marked any particular photographer in that. After that I had received a letter from Distt. Officer, Faizabad with which also enclosed the brief description of the material made available with the said journalist provided by the Registration o seeing the records brought with him, the witness said that this description included ancient 'pairavashesh' (potteries) and the pieces of broken Terakola. According to this description, the remnants available with the said Journalist include portion 3.

segments of earthen idols (Terakota figurine) and about 20 types of ancient utensils (pots). These remnants were inspected by the registration officer and then the Distt. Officer directed the said Journalist that he should deposit the remnants in question in the Control Room. I don't remember whether the said remnants were deposited or not after that. The letter received by me from the District officer contained no mention as to when the said material was found. But it has been mentioned that the material in question was found at the time of construction of boundary wall on all the four sides of the disputed site by the Department of Tourism. In the letter of Distt. officer dated. 25.4.1992 and the Report of Registration officer dated. 24.4.1992, there is no mention about the direction of the boundary wall near which these remnants were found and the exact place where they were found. It is also not clear that these remnants were found by whom. I don't remember on which side the boundary had been constructed and on which side it was under construction when I visited the disputed site on 15 March, 1992 and 2 April, 1993 At present I don't remember what type of and on which side the work was in progress, but I do remember that some construction work was going on. I also don't remember whether the excavation work or the construction work was going on or not, but I remember that there were some tractors. About the remnants or the material that were shown to me on those dates i.e. 15th March, 1992 and 2nd April, 1992, I can't tell from where that material was found. I also can't tell whether that material was found there or that was kept there by bringing it from some where else.

The letter form Distt. Officer, Faizabad dated 20th June, 1992, on which I received directions from the

Secretary, Deptt. of Cultural Affairs, contains no description of any wall.

On this point the learned advocate cross-examining the witness showed to the witness photograph on page-1 of Paper No- 118C- 1/35, in which some labourers and tractors can be seen. On seeing it the witness said that out of the remnants appearing in this photograph, some of the remnants were included in the remnants shown to me at the time on inspection made by me on 25th June, 1992 and they are visible in the photographs available with me. When I had visited the disputed site on 25th June, 1992, these remnants were not kept in the way as it is appearing in the photograph on page No-1. When I visited the disputed site on 25th June, 1992, the debris etc. appearing in this photograph was not lying nearby the remnant on the spot. I have no personal knowledge whether the remnants seen by me on 25th June, 1992, were found on the disputed site or they were placed there by bringing them from some where else. The remnants seen by me near the disputed site, were kept on the wooden seat (Chowki) on the leveled ground. After seeing the photograph on page 2 of the Paper No. 118C-1 /35 and the photograph brought will, me, I can say that the remnants in question seen by me on 25th June, 1992, were kept on the same place on which they are appearing in the photograph at Page No.2. As far as I remember, the seat (Chowki) on which the remnants were kept, would have been of an average size of about a bit more than 6ft. long and 3-4 ft. wide. On 25 June, 1992, I would have been at the disputed site for about one and a half or two hours. The Hon'ble Distt. Officer was not with me on the spot. At that time, the appointed Magistrate and I Police Post Incharge were present with me on the spot. I don't remember whether any officer of the Govt.

employees, who were getting the work executed on the spot, met me or not. I don't remember whether any person met me on the spot on 25th June, 1992, who told me that the said remnants have been found in his presence. I also did not try to find out the person who procured these remnants. When I had seen these remnants June, 1992, these were covered with earth, lime etc. I can't remember it clearly, but they were covered with something. As far as I know, these remnants are now collected in Ram Katha Museum, Ayodhya. This Ram Katha Museum is the same that was located earlier in Raj Sadan and is now located in Tulsi Smarak Bhawan. As far as I remember, I had seen these remnants in Ram Katha Museum in June, 1992. In my Report sent on 27th June, 1992, I had written that these remnants should be transferred to Ramkatha Museum from security point of view, but I don't remember when these remnants were transferred there. I also don't remember whether those remnants were taken straight away to the Ram Katha Museum they were first taken to another place and then taken to Ram Katha Museum. I don't remember whether or not those remnants were covered with earth, lime etc. I did not make any enquiry whether the remnants seen by me at the disputed site on 25 June, 1992, have been transferred to Ram Katha Museum in toto or not. The remnants that we had got deposited in Ram Katha Museum were seen by us in May, 2002 being kept in new building situated to the North of Ram katha Kunj. As far as I remember, these include those remnants which were got listed by me in December, 1992. I don't remember whether or not the combined list of the remnants prepared in December, 1992 at Ram Kattha Kunj included some other stones also but I remember that after getting the said list prepared, a stone Aamlak (Anwla) was placed in Ram Jatha Kunj. That Aamlak was kept in Ram Katha Kunj after 19th

December, 1992. As far as I remember, the Aamlak was got placed by District Administration people. After December, 1992, when I had seen the remnants kept in Ram Katha Kunj with the commissioner, Faizabad Division and the Director, Archaeological Survey of India as a Member of the committee, I was told that the said Aamlak has been placed there afterwards.

The learned Advocate cross-examining the witness showed the witness the photographs No-11 to 18 and photographs No. 27 to 60 on the Paper No. 286C1/4A and asked him whether any of the photographs out of these is of any remnants that you had seen at the disputed site or its nearby or at the Police Station. After seeing the above said photographs the witness said that- as far as I remember, the remnants appearing in the photograph No— 11 to 18, were not included in the inspected remnants kept nearby the disputed site. About the remnants appearing in Photographs No. 27 and 28 I can't say definitely whether I had seen these remnants on 25th June, 1992 or not. As far as I remember, the remnants appearing in photographs No. 29 to 60 were also not included in the remnants inspected by me on 25th June, 1992. By comparing photograph No. 27 and 28 with the silhouettes of the remnants at the time of inspection on 25 June, 1992, that I had enclosed with my Report, there does not appear any similarity between them, but I can't say it definitely that the remnants appearing in photograph No. 27 and 28 were found to be included in the remnants at the time of any inspection on 25th June, 1992.

At this stage the learned advocate cross-examining showed the witness photograph No. 3 on the left hand below of Paper No, 289C1/214 of Book exhibit No- O.O S. 5-3 and asked- whether the remnant appearing in this

photograph was included in the remnants seen by you on 2nd June, 1992. The witness said that- I can answer this question only by seeing the photographs brought with me and after that, on seeing the photographs brought with him, he said that I can't say it definitely whether or not the remnant appearing in this picture No. 3 is included in the remnants seen by me on 25th June, 1992. The witness was shown the picture No. 2 (above on the right hand) on page No 289C- 1/217 of the same book and picture No. 3 of page no.289C-1/220 on the lowest left hand side, and the picture No. 4 (on the right hand side) on page No. 289- C1/221, and the picture No. 1,2,3 on Page No. 289C1/22 of the said book and all the three picture on page No.289C1/223 and picture No, 1 and 2 on page No 289C1 /224, and was asked-whether the remnants appearing in these pictures were included in the remnants seen by you 25 June, 1992. On seeing the said pictures, the witness said that — I don't remember whether or not I had seen the picture No. 2 on page No. 289 C1/217 at the time on any inspection on 25th June, 1992. The remnant appearing in picture No.3 on Paper 'No. 289C1/220 was included in the remnants inspected by me on 25th June, 1992. The remnants appearing in picture No. 4 on page No. 289C1/222 were included in the remnants inspected by me on 25th June, 1992, The remnants appearing in picture No. 2 and 3 on Paper No 289C1/222 were included in the remnants inspected by me on 25th June, 1992. I can't say with certainty whether or not the remnant appearing in picture No.1 of the same page was included in the remnants inspected by me. The remnant appearing in picture No.2 and 3 of Paper No. 289 C1/223 were not included in the remnants inspected by me. I can't say definitely whether picture No.1 of the same page was included in the said remnants or not. The remnant appearing in picture No.2 on

page No. 289C1/224 is included in the remnants inspected by me. About the remnant appearing in picture No. 1 of the same page, I can't say definitely whether or not the said remnants were included in the remnants inspected by me on 25th June, 1992.

I don't remember, whether or not I ever visited the disputed site between 25th June, 1992 and 15th December, 1992. On 15th December 1992, I had gone to Ayodhya and I went there in compliance with the directions given in the Enclosure-2 of my examination in chief. As far as I remember, I had reached Faizabad on the night of 14th December, 1992. On 15th December, 1992, I had contacted Distt. Officer, Faizabad and as far as I remember, I started the work on 16th December and that lasted till 19th December, 1992. For this work I was accompanied by Shri. Rakesh Kumar Srivastva, Shri. Girish Chandra Singh, Shri. Ram Gopal Mishra, Shri. Ram Lal and other employees of my Deptt. I do not remember the names of other employees of my Department who accompanied us. That way only that many people would have accompanied me. Out of the above said employees, Shri. Ram Gopal Mishra is a photographer. No one among them was a Videographer. From Faizabad, Shri. Girija Shankar Tiwari, Director, Ram Katha Museum, Ayodhya, Shri. Indra Dev Singh and his colleague had helped and operated with us in this work. We had executed this work by sitting in the rooms constructed in the premises of Ram Katha Kunj and on the vacant space in the center of the structure built to its west side. I have no knowledge about the number of rooms in Ram Katha Kunj Bhawan. We had got these remnants placed in two rooms of Ram Katha Kunj, and their list we had got prepared. We had executed this work by sitting on the place that was vacant to the West of these rooms, the doors of both these

rooms are also towards the West. When I had gone to Ram Katha Kunj premises on 15th December, 1992 and all those remnants, whose list I had prepared, were lying to the West of the said rooms. I have filed the photocopy of the list that I had prepared there as Enclosure-1 of the Affidavit of my examination in chief. This list consists of 265 remnants, but only 264 remnants were available on the spot, one remnant was numbered twice and due to this reason their number went up to 265. No one had told me there, that the remnants lying there had been lying there since when. The District Officer, Faizabad had directed Shri Indra Dev Singh, Additional City Magistrate and the Director, Ram Katha Museum to get the remnants in question kept in their own Security. When the list was being prepared, each remnant after being numbered, its description being written and after getting it photographed was got placed in two rooms of Ram Katha Kunj respectively. The sequence in which the remnants are recorded in the said list, they were got kept in those rooms of Ram Katha Kunj Building after assigning them serial numbers in the same sequence. I do not remember how many remnants entered in this list, were got, placed in one room and how many of them in the second room. I don't remember whether the description of the remnants recorded in the list was marked on the spot or was marked on the basis of details prepared on the spot. In the remnants we, generally, include the things that are more than 100 years old, whereas the remnants could be of any time and the remnant could be 10-20 years old material about which we were not sure that it was older than 100 years or not, but that appeared to be old, was also included in this list. In this list all those remnants that appeared to be older than 100 years were definitely included; but along with these such material was also included about which there was some doubt in regard to

their chronology- whether they were 100 years old or less. In the Heading of Enclosure —1 of my Affidavit on my examination in chief is marked the "list of remnants" [Avshehon ki Soochi], and in this heading the word 'Puravashesh' [ancient remnants] has been mentioned nowhere and this 'Avshesh' (remnant) has been written by mistake, in its place there should have been ancient remnant. It is wrong to say that the 'Avshesh (remnant.) word has been deliberately written in the said heading because that material included such material also which appeared to be within 100 years old. The witness was shown the S.No. 264 and 265 of the Enclosure to his Affidavit., on seeing which the witness said that- both these entries are of two parts of the same Chowki (seat). I can't say with certainty whether the 'Chowki' mentioned at S.No. 264 and 265 was older than 100 years or less than 100 years.

The witness was shown the picture No. 3 on the page 289C1/221 of the Exhibit O.O.S.5-3 upon seeing which the witness said that — this is the photograph of Western side of Ram Katha Kunj. As far as I remember, the material as is appearing in this photograph, is similar to the material that was kept there when I had gone there on 15 December, 1992. As far as I can recollect, the white-coloured umbrella appearing in this photograph appears to be wooden. The witness, after seeing Enclosure-1 of the list- filed with his Affidavit, said that the white coloured umbrella appearing in the said photograph appears to be recorded at S.No. 264,265. The wooden seat made with silver layer means that silver layer was embedded on the seat (Chowki). In the said photograph only one part of the umbrella is visible. It appears that the white-coloured umbrella appearing in the said photograph is recorded at S.No-264 of the Enclosure-1

to our Affidavit. At this serial No. 264, 95c.in. recorded would be the height and 2.5 and 82.5cm. would be the length-breadth. It is not clear which is the length- breath out of these, but what is more i.e 92.5 cm. would be the length. By seeing Enclosure-I to the Affidavit, I can't tell what is the length and breadth in the measurements mentioned in this list. A gong appears in photograph No.3 of page No 289C1/221, which is one of the gongs mentioned at S and 263 of the Enclosure-I to the Affidavit. The gong appearing in Photograph No.3 appears to be within 100 years old. In the Enclosure-I to my Affidavit, I have mentioned two parts of the same stone at serial No, 5 and 6. The witness was shown the page 289C1/210 and 289C-1/211 of the Book Exhibit 0.0S.-5-3 and was asked whether it is the photograph of the same stone which is mentioned at S.No 5 and 6 of the said list tiled by you. Seeing the above said photograph the witness replied that ii is the photograph of the same stone which has been mentioned at S.No- 5 and 6 of the above said Enclosure. The description of the bigger part of the stone,—piece (Prastarkhand) and that of the smaller portion appearing in the picture exhibited on Paper No. 289C1-1/210 and 289C-1/211 is marked at S.No.5 and S.No.6 of the said list respectively. The description of the material given in this list is limited to the general description of the list only. I had not studied these ancient remnants from archaeological point of view. When I got the rock with inscription on it appearing in this photograph listed, earth was sticking to it, but I don't remember at this time whether lime or any other mortar was sticking to it or not. I don't remember whether the rough note, on the basis whereof I had got said list (Enclosure-I of the Affidavit of my examination in chief) prepared was destroyed or not, but it is not available with me at present. I can't say whether or not, in that rough note,

there was a mention at S.No.5, 6 of my said list about lime or other mortar sticking to it. On seeing the said 'Enclosure-I, the witness said that in this list there is no mention of earth, lime or other mortar sticking to of the materials.

If a rock-inscription containing some carved writing is fixed in a wall, whether or not the mud or mortar of the wall will stick to that, depends broadly on three things:

1. If the surface of the carved writing on the rock-inscription is on the outer side, the mortar would not stick on that.
2. If the carved portion is toward inner side, and no stone is fixed adjacent thereto which could prevent the surface of the writing from coming into contact with the mortar, then the mortar must stick to the inscription.
3. But, in case another big stone is fixed in close proximity, then the mortar should not stick on the inscription.

I have no expertise about the mortar or plaster used in the buildings got constructed by the king or his officer in the Babar era, but on the basis of general knowledge, I can say that the mortar was prepared by mixing red-lime, black gram (urad), glue, oyster shell etc. If this mortar sticks in a carved stone it would be very difficult to remove that. This mortar cannot be removed with soft brush only (the brush made with hair, plastic, jute, etc.). If such mortar is stuck to the carved stone is removed by an expert, no marks would appear on the stone. But if it is removed by a lay man, the marks would appear on the stone.

During the period from 15th December to 19th December, 1992, when, I was getting the list prepared no one had told me that the material being kept in Ramkatha Kunj had come from which place and what was the time of its arrival. According to the list, I had taken 265 photographs on the spot. These photographs are with us and a copy thereof was sent to the commissioner, Faizabad Division. After getting a list of the material in question prepared, I had handed over, in my presence, the custody of the entire material to the Director, Ramkatha Museum and Additional city Magistrate, Faizabad.

Verified after reading the statement

Sd/-

Rakesh Tiwari

(14-02-2003)

The Stenographer typed in the Open Court as dictated by me. In this order for further cross examination before the Full Bench the case be presented on 19.2.2003. Witness be present.

Sd/-

Commissioner

14.2.2002

Date: 19.2.2003

O.P.W.-14 Dr. Rakesh Tiwari

In continuation of 14.2.2003, cross-examination of O.P.W.-14 Dr. Ramesh Tiwari before Full Bench by Shri. Zaffaryab Jilani, Advocate of Defendant No. 4 continues:

As I have said in Para-2 of in Affidavit, that at the disputed site the photography of the disputed structure and that of the pillars installed therein was got conducted. I had forwarded the original Video Cassette and the tape to this Court along with my letter. In Para-3 of my Affidavit, I have used the word 'Negative' not for the video Cassette but only for the photographs. The Cover of the packet in which I had sent the Video cassette, tape, is available before me and it bears the signatures of my learned Advocate. I, myself had signed that letter. I can tell by playing the Cassette whether the cassette filed by me is before the Court or not. On this cassette is marked Page No-201C-1/1. The cassette was played on T.V. At the start (at 0.3 minutes) is appearing the Eastern gate of the disputed structure. This gate was situated in the outer boundary wall of the disputed structure towards the Eastern side. At 1.10, the Eastern wall of the boundary of the disputed structure is appearing. At 2.21 the Southern wall of the boundary of the disputed structure is visible. At 2.37 the South Western part of the disputed structure can be seen, and it has been videographed from outside. At 3.20 is appearing the western part and some cement bags are also kept in it and there appears behind the disputed structure the western wall. At 4.03 is appearing the outer part of the wall behind the central dome of the disputed structure. At 4.26 is the videography taken from the North west—side of the disputed structure in which northern dome can be seen. At

7.08, the Northern wall of the boundary of the disputed structure and the door, fixed therein is visible. At 7.30, is the same Northern gate, which is fixed in Northern wall in the boundary wall. At 8.07 is seen the tin gate fixed in the same Northern gate. At 8.29, appears the corner of the North-East wall. At 8.40, there is an idol kept below the central dome and the throne etc. are appearing therein. At 8.47, there is an arch made in the inner part of the western wall in the disputed structure below the central dome. At 8.58 is appearing the floor below the central dome and at 9.03 also the floor is seen. At 9.27, is the part on the right and left hand side of the central dome of the disputed structure, which can not be understood properly. At 9.31 is the floor below the central dome. At 9.34, there is the same throne on which the idol is kept and this throne is kept on a seat (Chowki). At 9.43 is appearing the portion of southern party of the central dome. At 11.16 is the Southern inner part of the Eastern boundary wall. At 11.25 is appearing the South-East inner corner of the boundary wall. At 12.24 is appearing the Western part of Ram Chabutra and the Eastern part of the central dividing wall. At 12.30, is appearing, the Eastern part of the dividing wall towards the South. At 12.34, there is the picture of the idols kept on the Ram Chabutra. I fail to remember that 12.59, whether it is the picture of Ram Chabutra or not. At 13.51 is the gate fixed on the dividing wall that was in front of the main Eastern wall. At 13.56 is appearing the bar-fitted. (Jangle wali) wall/the Eastern side of the Northern part of the dividing wall. At 14.07 is appearing the place of Kaushalya Rasoi. At 14.09 the Northern wall of the disputed structure is appearing to be towards South of Kaushalya Rasoi. At 14.14, is the photograph of the disputed structure taken from the Easter side. At 15.47 is appearing the central door fixed in the bar-fitted wall, through which is appearing the

inner portion below the central dome. At 15.57, is appearing the part below the central dome in which can be seen two pillars and the floor below and the throne kept in front of that is also visible. At 16.30 is the upper portion of the central door, in which a stone is fixed. At 16.59 is the photograph of an arch made on the right hand side of the central door and the structure on the right hand side. At 17.24 is the part towards the right hand side of the central door. At 17.51, the door appearing seems to be of the Northern side. The black coloured pillars are not visible in it. At 18.19 can be seen the staircase situated in the Southern part of the disputed structure for going in. At 18.52 is appearing the photograph of Southern wall taken from inside and at 18.58 also there is the inner photograph of the same Southern wall. At 19.18, is appearing the photograph of the central door taken from below. At 19.48 is the photograph of the pillar installed in the outer part of the central door, in which the floor is also visible. At 20.04 is appearing the inner part below the same door, and almost the complete width of the wall can also be seen. At 20.09 is appearing the upper portion of the pillar installed on the outer side in the central door. At 20.53 is the photograph of the pillar installed in the inner side below the central door. The thickness of the wall would have been two meters i.e. about seven feet. At 22.36, both the pillars of the other side of the central door are visible, which are, perhaps, of the Northern side. The picture appearing at 23.52 is the photograph of the Southern wall taken from the inner side of the Southern dome. At 24.04 is appearing the floor and the wall below, the same Southern dome. The door appearing at 25.56 is one of the inner Northern or Southern doors. At 30.70 is the floor below the dome of the Northern side and on the front side is perhaps, appearing the Northern or the Western wall. At 32.15 is appearing the

inner portion of the Eastern wall At 33.50, the door below the Northern dome can be seen. At 34.12, the upper part of the central door is appearing and behind it two domes are also visible. At 34.56,, is appearing the part of Northern corner of the Central door. At 35.12, there appears the second door of the central dividing wall/bar fitted wall, that was situated to the North. The picture appearing at 36.36 is the outer photograph of the disputed structure and this photograph is the last part of this Cassette. In this Cassette, the photographs taken during the photography are intact and no portion thereof has been edited.

Verified on reading the Statement

Sd/- Rakesh Tiwari

19 02 200

The Stenographer typed in the Open Court as dictated by us. The date for further examination will be fixed later on.

Sd/-

19.2.2002

Dated : 7.5.2003

O.P.W-14 Dr. Rakesh Tiwari

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

(The commissioner appointed under the orders of
Hon'ble Full Bench dated 2.5.2003)

(In continuation of 19.02.2003, the cross-examination
of O.P.W-14 Dr. Ramesh Tiwari, on oath, by Shri Zaffaryab
Jilani, Advocate on behalf of Defendant No.4 Sunni Central
Board of Wakf, begins)

In 1993, I alongwith an other officer of Archaeological
Survey of India (A.S.I) had gone to Ramkatha Kunj, but I
don't remember the name of the officer who accompanied
me and our tour was in connection with preservation of the
material kept in Ramkatha Kunj. As far as I remember, the
said officer of A.S.I was not Shri Kattii Sahib. I have never
accompanied Shri M.N. Kattito Ram Katha Kunj, Ayodhya
after the demolition of the disputed structure. My visit to
Ram Katha Kunj with an officer of A.S.I. has been only
once. I know Shri M.N. Katti Sahab by name only but I don't
recognize him. in 1993, when I had gone to Ramkatha Kunj
along with an officer of A.S.I., I had received through the
Administration, the information about his visit in advance.
By that time I had prepared the list of the materials kept in
Ramkatha Kunj which is the Enclosure No.1 of my Affidavit
my m I had not given this list to that officer of said officer
had come just to see whether the material kept in
Ramkatha kunj, Ayodhya has been kept safely or not. I
don't remember exactly, but he, alongwith me must have

made inspection of that place for about one hour. The said officer of A.S.I, at that time, neither prepared a list of the materials kept in Ramkatha Kunj nor did he compare them with the list prepared by me earlier. After his visit, I had, perhaps, received no guidelines or order from Delhi about the visit of the said officer to Ayodhya. I had sent to this Court a D.O. letter No. 129/3 dated 29th April, 2003 wherein at S.No. 2 it was written "The list of the materials collected on 6th December, 2002" — By that my intent was that the list which I had got prepared between 16th December, 1992 and 19th December, 1992, I had seen that material there during the same period. I can't say whether this material was collected there on 6 December or not. I also can't say when this material was collected there between 6 December and 14th December. Similarly, by the list of materials found at the time of leveling at the disputed site in Ayodhya in 1992 at S.No. 1 of the same letter, I mean the materials reported to be extracted at some time during leveling. I have no personal knowledge as to the date and time when these were found. The signed list dated 27.1.2000 enclosed with the above said letter, which was prepared in compliance with the orders of the High Court dated 21.12.99, has not been prepared under my supervision I have only certified this list, which was available in the correspondence of my office. I also did not make spot inspection of the materials mentioned in this list. The second list in English attached with this letter is the English translation of Enclosure I of the Affidavit of my examination in chief. In this list only a Note has been marked separately. Another separate ancient remnant, which was reported to be found at the disputed site later on, and was kept at Ram Katha Kunj. has also been included in this list. The list is dated 28.5.94, in which the said translation is not the translation of the whole list written in

Hindi, but is actually based on that This is upto date list in my Department till today. No other list was prepared by us after that. Till 1994, the said material was kept in Ram Katha Kunj, but now it has been kept in another building. The material mentioned in the above said list s never kept in my custody i.e. the said material was never kept in the custody of U.P. State Archaeological Department I have no knowledge in whose ownership or possession Rain Katha Kunj building was before January 1993 The numbers given in my list as R K K -1 etc are given only for the purpose of mentioning in this list and these very numbers have been marked on the materials mentioned in the list. I have no knowledge whether or not these numbers have been recorded by the same numbers in any other Govt. Department or Museum. R.K.K. means Ram Katha Kunj. I do not remember at present the rules for recording the numbers on the ancient remnants. The number recorded by me in this list is according to general tradition and the name of that place is recorded where the material in question is kept at that time.

The witness was shown by the learned advocate cross-examining the witness the last Paragraph of page 52 of Hayns Backer's book, on Ayodhya Paper No. 120-112 Part—I and was asked which Department could have given the number written in Bracket in the foot-Note-4 recorded with reference to a particular description in this last paragraph? On seeing that the witness said that- it appears to me that this number should be of Archaeological Division (Sanbhag) of State Museum, Lucknow. The State Museum, Lucknow is not under the U.P State Archaeological Deptt., but it is under the Deptt. of Culture of U.P Govt. In 1986. This Museum was under the Directorate of Cultural Affairs, U.P Govt. and within about an year, this Museum came into

existence as a separate Directorate and at present its name is this Directorate of U.P Museum all the museums in the state come under it At present the Director of this Directorate is Shri Jitendra Kumar, who is also the Director of Lucknow Museum I don't remember exactly, but there must be about half a dozen museums in U P state At present, the Govt. Museums are in Lucknow, Ayodhya Gorkhpur Kushi Nagar, Jhansi, Mathura, Kanauj and Sultan. As far as I remember, there was, perhaps, a museum under Education Deptt. in Faizabad during British rule. Its material was, perhaps, later on transferred to the State Museum, Lucknow. I think that the Museum at Ayodhya was set up in 1980s. The ancient material coming to light as result of Surveys/excavation conducted under the Archaeological Directorate (U.P state Archaeological Organisation) generally remains in the custody of the Directorate till a Report is written it them, where after the important ancient remnants are, generally, transferred to the museum and the proper records of the materials transferred to the museum are kept in the Directorate. Our organization, practically, came into interdependent existence after about 1956. The records of the earlier period are, therefore, generally not available in the office of this organization. The Archaeological Deptt. of the state had come in to existence only after Independence. I don't have the exact knowledge about the system of the Archaeological Deptt. from 1904 till Independence. I don't know what was the system of the State Govt. for declaring the monuments as conserved in U.P before Independence under the Act of 1904. State Museum, Lucknow has been in existence before Independence. State Museum, Lucknow was in another building before being shifted to its present building. It is the responsibility of the State Museum to protect and conserve the ancient remnants acquired or

received in the Museum through some other medium. The work of entering the said material in proper records and that of making catalogue etc. is also done by the State Museum. I have also inspected the State Museum, Lucknow and I have been looking after the work as Director of State Museum for some days as an additional charge. This is the matter of 3-4 years ago. For some month's. I had looked after the work of State Museum, Lucknow. According to my knowledge, the catalogue of some ancient remnants like Brahmanical Sculptures has been prepared. I have no knowledge whether the catalogue of the inscriptions collected in this museum was got prepared or not. Even in the absence of catalogue, the details of the inscriptions collected in the state Museum should be recorded in an Accession Register. All the inscriptions kept in the Museum are important. The conservation of all those inscriptions is the primary responsibility of the Museum. If any inscription is sent from one museum to another museum, proper record of even that inscription should be available. Hans Backer's book 'Ayodhya', Paper No. 120C-I/2 is considered to be a standard book.

Question- Whether in your view the mention about the inscription of 1184 A.D. written in the Foot Note-4 of page 52 of the said book of Hans Baker that the said inscription is in the possession of Govt. Museum, Lucknow, would be called an authenticate statement?

Answer: In my confirmation of the state Museum, Lucknow, in this context would be required.

In State Museum, Lucknow, some inscriptions are exhibited and some inscriptions have been kept in Reserve Stock in the custody of Special Officers. I don't remember

whether the inscription written by Hans Baker is included in them or not. don't remember exactly the size of the inscriptions, which are exhibited. I have never come to know that an inscription has gone missing from the State Museum, Lucknow.

I, alongwith my colleagues, have done excavation work independently in Hulaskhera and Dadupur-Lucknow, Moosa Nagar Distt. Kanpur Dehat, Raja Nal Ka Teela, Naideeh and Bhagwas, District Sonbhadra. Malliar, Distt. Chandauli and Lahura Deva, Distt. Sant Kabir Nagar, Kalpi Distt. Jalaun. Preliminary Reports of excavation in Hulaskhera and Dadupur have been published, but the Final Report has not been published as yet and the excavation work at both these places is over. In Dadupur, the era of 1700 B.C. has been determined which is based on Radio Carbon Dating. In Hulaskhera the era has been determined from comparative point of view which is proposed to be 1000 B.C. In Dadupur, carbon dating has been done with coal and the Age has been determined on that basis. In the lowest level of Hulaskhera, some special types of utensils have been found which are called "Chorded ware", "Black and Red ware" and "Black Splid ware" Above them have been found the pieces of "P G W" 'The Age of P G W is considered to be between 1000 B C to 500 B C Therefore, the ancient remnant found below that layer has been broadly treated as that of 1000 B C era. The lowest ancient remnants m Hulaskhera have been found at t, depth of 5 meters and at this level digging has taken place upto "Natural Soil" The concentrations (Jamav) m which no proof is found regarding Human dwelling places or cultures, are called "Natural Soil" from archaeological point of-view provided they are found at the lowest level of residential concentrations (Jamav) and no such type of remnants are

found below them. Generally, by digginning upto one and a half to two meters below the residential concentrations, it is seen that now there is no possibility of any more remnant being found there. There could be any type of earth as "Natural Soil". It is not necessary that any special type of earth should be called "Natural Soil" from archaeological point of view

The witness was shown the last sentence of para 4 of the Affidavit of his examination in chief — "The ancient remnants of the disputed structure were also kept in Ramkatha Kunj near the disputed site was present', on seeing which the witness said that by the above said statement I mean that the ancient remnants lying at the disputed site were similar to those found in Ramkatha Kunj, but this I can't say that these were of the disputed structure. The Affidavit of my examination in chief is limited to two things. The first is that under the direction of Hon'ble High Court, I had got conducted the photography and videography of disputed structure and the premises and the second is that after demolition of the disputed structure in December, 1992 I had got the list of ancient remnants placed in Ramkatha Kunj prepared. The witness was shown the list of photographs filed with his Report Paper No. 97-A-2/2 and 97-A-213. Paper No. 97A-2/14, Lagayat (Enclosure) 97-A-2/60 and the Map Paper No. 97-A-2/61 and was asked that pillar No. 1 at S.No. 26 of Paper No. 97-A-2 20 has been shown to the right hand side of which door, upon seeing which the witness said that first door is the outer door of Eastern part.

On seeing S.No.28 of this Paper No. 97-A-221, the witness said that in the photograph mentioned at S.No.28, is visible the inner portion of the outer wall through the

dividing walk inside the premises and the first door i.e. the Eastern door. By the second door I mean by that door which separated the inner and outer courtyard of the disputed structure and in which a door was fixed in front of the Eastern door. On seeing photograph 107 of the Black and White Paper No. 201C-1/1, the witness said that this is the same door which has been mentioned at S.No.28 as the second door. On seeing S.No.46 of Paper No. 97-A-2/25, the witness said that by the entry at S.No.46, I mean the door to the right hand side of the main structure. On seeing entry at S.No-47 of Paper No. 97-A-2/26, the witness said that by "The central door in it" I mean the middle door and by right hand side I mean its Southern part. Seeing the entry at S.NO.55 of the Paper No. 97-A-2/28, the witness said that by the pillar No. 3 written herein. I mean the pillar installed in the corner of the outer portion of the middle door. On seeing the entry at S.No.58 of the same page, the witness said that by the pillar No. 4 mentioned herein, I mean the corner pillar installed in the same wall towards the west of pillar No.3. On seeing entry at S.No-61 of the Page No. 97-A-2/29, the witness said that — by pillar No.5, I mean the pillar installed in the South-East corner of the arch connecting the open portion below the central dome and the southern dome. It has been shown by "S.No.-5" in the map given in the Paper No. 97-A-2/61. In this very map, pillar No-6 has been shown to the South of pillar No. 5 and its description is given at S.No.64 of the Paper No. 97-A-2/30. On seeing the entry at S.No.71 of the Paper No. 97-A-2/32, he said that the pillar No.7 mentioned herein was installed in the corner of the wall towards West, right in front of pillar No.6 which has been shown in the Map paper No. 97-A-2/61 by No. "7" and the pillar installed to the North of pillar No.7 in the same wall has been shown as

pillar No.8, which has been mentioned at S.No-74 of the Paper.

On seeing the entry at S.No.86 of the Paper No. 97-A-2/35, the witness said that the Pillar No. 9 mentioned herein is the pillar installed at the South-West corner of the lower wall of the arch connecting the open portion below the central and the Northern dome and the pillar No. 10 is the pillar installed in the Northern Corner of that wall, which has been mentioned at S.No 89 of the Paper at S.No.97-A-2/36. Pillars No. 11 and 12 installed in the Eastern wall in front of the same wall were installed in the North, and South corner respectively, whose description is given at S.No 95 and 98 of the Paper No. 97-A-2/38. On seeing S.No 101 of the Paper No. 97-A-2/39, the witness said that the Pillar No. 13 means the pillar installed in the western corner of the wall of the inner part of the central door, which has been shown No. "13" in the Map Paper No. 97-A-2/61 and the pillar installed at the Eastern corner of the same wall has been shown by "14" and its description is given at S.No.104 of the Paper No. 97-A-2/40. The description given in the Paper No. 97-A-2/14 attached at No. 97-A-2/42 is of the photographs of Black and White Album (201C-1). The description of the pillars given at Paper No. 97-A-2/43 attached with Paper No. 97-A-2/60, is based on the same map, which is mentioned in the description of the pillars shown in the photographs of Black and White Album. The numbers recorded on Paper No.97-A-2/43 attached with Paper, No. 97-A-2/60, given on Map Paper No. 97-A -2/61.

On seeing Paper No. 97-A-2/62 and Paper No. 97-A-2163, the witness said that the summary of this Report is that carbon dating of the above said 14 pillars and the structure was not possible. In para 2 of my said Report. I

have written about the pillars and the structure as well. By the contemporary organic Sample mentioned in this paragraph of the Report, I mean by assigning the era to these pillars when these were Cut and given the shape i.e. when the stone was cut and chiseled in the shape of a pillar- that period is called by us the contemporary period. If there is some wood in the structure, which is a part of the basic structure, its Radio Carbon dating can be done, but in that too there could be fluctuation in period between 100 to 200 years. i.e. if the plus-minus is 100 years, the difference could be of 200 years and if the plus- minus is 200 years the difference could be of 400 years. Even by doing radio carbon dating with charcoal, it can be seen from the presision point of view that the remnants of which vegetables are included in the charcoal collected. My overall view was that no contemporary material of the structure was available which could provide the Radio Carbon date of the structure. As per my views the mortar which was prepared with brick-dust and lime, the date of gravel used in that could be ascertained, but the date of preparing the mortar cannot be found Out from that. Whether or not the radiocarbon dating can be done by mixing Jaggery and glue in the mortar - I have no knowledge about it. The carbon dating of the bones is done, but it is not considered reliable in Archaeology, especially when the time- period for the determination of chronology is relatively short. Even for the longer period of time, the radio carbon dating done with the sample of coal instead of bone is considered to be more appropriate. It does not make any difference to the radiocarbon dating of the structure whether it is in standing or demolished state. The radio carbon dating of any metal can't be done. Radio carbon dating can't be done of an earthen pot. but one device of their chronology is T.L. dating. but it has far more

minus- plus than the Radio Carbon Dating. In my views charcoal is the most dependable for Radio Carbon Dating if it is found in correct contexts, i.e. it is found in contemporary cultural concentrations.

(Cross-Examination by Zaffaryab Jilani. Advocate of Defendant No.4 Sunni Central Board of Wakf U.P. concluded)

(Cross-examination by Sh. Mushtaq Ahmed Siddiqi. Advocate of Defendant No.5 begins)

xxx xxx xxx xxx

On seeing this Enclosure No.1 filed with his examination in chief, which is the list of ancient remnants kept in Ramkatha Kunj, the witness said that this list does not bear my signature and I had signed them at the time of filing the Affidavit this list was originally prepared. I, after getting the material kept in Ramkatha Kunj according to this list, got it kept in the custody of Director, Museum and the Distt. Magistrate, Faizabad under the orders of Distt. Officer and made available to the officers the list signed by him. This work had been done on 19.12.1992. The material mentioned in the list was kept in the Ramkatha Kunj premises itself, which was got placed in two rooms. The description given in this Enclosure-I, has also been given under my direction. Generally. I can identify Brahmi Script. Shankh script and Kutil script by seeing them. We are unable to specifically identify the Persian script, but by seeing a script written like Urdu it is marked by us by giving that the reference of Persian/ Arabic and seek advice of some Expert as necessary. I can't distinguish between Persian and Arabic Script. At that time i.e when the list was

got prepared by me, I was not accompanied by any Arabic Script knowing person.

By the writings at S No 2 filed with my examination in chief "Ghat Pallav Alankran se Yukt Shodash Phalkiya Stambh", I mean such a pillar having 16 corners on which a pitcher and leaves are marked. The mentioned material was lying scattered in the open space in front of those very rooms of Ram Katha Kunj in which it was got placed. At S.No-7 of my said Enclosure, by the words "Manibandh Alankran se Yukt Vastukhnad" I mean such an architectural member on which Mnnibandh motif is carved. Vastukhand means a piece of some construction, but generally it is used for architectural member of stone. At S.No.10 of this Enclosure is written "Bijaura it means a specific architecture fixed at the top of a dome or temple. Kalash means a pitcher. There is a reference of 'Prastarkhand' at S.No 8 of this Enclosure-I. By that I also mean 'Vastukhand' (architectural member). At this very S.No. the word 'Rathika' has been used. This means a niche-like construction. The word "Aamlak" used at S.No 14 of this very Enclosure means the structure like Aanwla" (The fruit of Emblic myrobalan). At S.No. 17 of this Enclosure has been used the word "Phuilpadam" which means the blossomed Lotus flower. The word 'Check pattem' used at S.No-18 means check-design. The word "Padam Patra" has been used at S.No-19 which means a petal of Lotus flower. Out of the 'Jatajute. Shasbru and koorch Sheersh" (Head) words used at S.No. 21. Jatajute generally means matted hair roiled up over the head by the saints. Shashru means the mousteches and coorch means beard. Thus the fore-part of such a stone has been described here which is having Jatajute, moustaches and the beard. There is no difference between stone and 'pashan'. They are one and

the same thing. The word 'Vidyadharon' mentioned at S.No-23 means those human figures which are, generally, shown on the religious architecture/idols. On this very S.No-24 'Tarpatra' also means a type of rhetoric meaning which resembles the palmyra leaf. At S.N -25 of this Enclosure-I the word "Vratakar" means round or circular. The word "Chandrashala" used at S.No-26 means a special type of architecture.

Verified after reading the statement

Sd/-

RakeshTiwari

07-5-2003;

The Stenographer typed in the Open Court as dictated by me. In this order for further cross examination the case be presented on 8.5.2003. Witness be present.

Sd/-

Commissioner

7.5.2003

Date: 8.5.2003

O.P.W-14 Dr. Rakesh Tiwari

Before: The Commissioner Shri. Narendra Prasad, Addl. Distt. Judge/Officer on Special Duty, Hon'ble High Court, Lucknow Bench, Lucknow.

(Commissioner appointed under the Orders of Hon'ble Full Bench of 2.5.2003)

(In continuation of 7.5.2003, cross-examination of O.P.W-14 Dr. Rakesh Tiwari. on oath, by Shri. Mushtaq Ahmed Siddiqi, Advocate on behalf of Defendant No.5 continues)

In my statement. I have called Radio Carbon Dating as Carbon Dating also. Radio Carbon Dating is a technique for determining the chronology in which the date of an organic matter is determined by measuring the radio activity remaining in an isotope C-14 of Carbon in the burnt organic matters on the basis of five thousand seven hundred thirty, half life, of forty, plus-minus. This test is also called "C Fourteen Dating". "Chaturdic" means four directions. On seeing the Enclosure 2 of the Affidavit filed with his examination in chief, the witness said that- Directions were given to get the list of art-works of archaeological importance prepared. The Enclosure —I of my affidavit, which is the list of ancient remnants kept in Ramkatha Kunj, also include other materials besides archaeological remnants. Vide Enclosure- the letter from Shri Alok Sinha, I was directed that- "Take action to get a list prepared of the art-works of archaeological importance found last week in Ayodhya and get them placed in the supervision of Govt. Organisation according to the rules." I,

got the list of material kept in Ramkatha Kunj prepared and got them kept under the supervision of Govt. According to the above said directions, list of additional material lying on the spot was to be prepared, but that was not got prepared by me at that time. Under these direction, it was to be determined as to which were the art-works of archaeological importance and then their list was to be got prepared, but due to paucity of time, the list of only primary description was got prepared. In compliance with the orders of Hon'ble High Court dated 21.12.99, I, vide my D.O letter No. 103/Third /65(3)02 dated. 29.4.2002, had forwarded to the Court the list of ancient remnants lying scattered around the disputed structure and "Revised and upto date list of the antiquity at the Ramkatha Kunj, Ayodhya, Faizabad. Both these lists were already available with me. The first list dt.27.1.2000 containing 140 materials was available in our records and the list in English date. 28.5.94 sent with this very letter was got prepared by me. Without seeing the material mentioned in the said list dated 27.1.2000, I cannot say whether they are ancient remnants or not. On seeing the list Enclosure-I filed with the Affidavit of his examination in chief the witness said- it contains the mention of Granite stone materials also. On seeing S.No 45 of Enclosure-I of the Affidavit. the witness said that- by 'Panchshakha Dwar Stambh means fragmented door of that Entry door which is sub-divided in five parts. Seeing S.No 58 of the same Enclosure, the witness said that "Udgamyukt Rathika mein Manibandh Alankarn" means specific type of architectural design made above the niche (Rathika). By "Vastu abhipray" (architectural design) means a motif made on structure se the entry at S.No 62 of this list, the witness said that "Kachhparoodh Yaznuna" means figure (Aakrati) of Yamuna standing on a tortoise. Marble is a type of stone. Marble is also a Common stone. On

seeing entry at S.No 67,70,72,78,79 of the Enclosure-I of his examination in chief, the witness said that — same thing is written on the materials mentioned in these entries, but their script has not been mentioned. Since it was not required, no mention thereof has been made. This list was prepared only as a preliminary list. Therefore no special attention was paid to the matter of scripts. On seeing S.No 81 of this Enclosure-I, the witness said that — “Mandir Ka Nau Rathia Rekha Shikhir” mentioned it means such a material which is fixed at the top of the temple and which has nine parts. I think top (Shikhir) and dome are at the same place of an a structure but there is difference in their construction. There could be nine parts in both the dome and the top-(Shikhar). The words “Nau Rathia Rekha Shikhir” of the temple mentioned at S.No 81, is the part of the top of specific type of temple. It can't be called the part of a dome. At page No. 4/3, Enclosure —1 of the Affidavit of examination in chief, the materials in between S.No 72 to 261 upto page 4/8 are mostly of marble. As per my views, the domes constructed in the disputed structure would not have been of marble. This I can't say whether the materials described in Enclosure —1 of the Affidavit of examination in chief were of the disputed structure or not. On seeing the photographs of coloured Album Paper No. 200C-I, the witness said that — In my views, all the three domes of the disputed structure were constructed separately, one on each part. These domes were plain and no “Rathia” structure was seen therein. I have not studied about the different types of domes, but in some of the present day temples I have seen domes also. A dome can be constructed in any type of structure. The learned advocate cross-examining the witness showed him the plate No.2 after page No.164 of the book “Ayodhya” written by Hans Baker. Paper No. 120C-1/2 part-2 and asked the witness

that — in it there is construction on the upper side- whether it would be called a dome or top of the temple? Seeing the above said plate the witness said that it would be called top (Shikhar).of the temple. It is a plain top and in it is made "Bijaura" below the mark of "Om" on the upper side of the pinnacle (Kālāsh). (which has been exhibited by letter 'B' today by marking a circle with red ink). In this photograph top 'Aamlak' is also visible. (which has been exhibited today by letter 'A' in the book, by marking a circle with red ink). There is a Kalash' between 'Bijaura and 'Aamlak'. On seeing S.No 105 of Enclosure —1 of the Affidavit of his examination in chief, the witness said that in its description the words "Gadhanyukt Pan" are written which mean such a slab on which some thing is made. Slab with "Padarndal Alankran" mentioned at S.No 117 means that slab on which are made the petals of lotus flower. "Aamalsarika-ki Chandrika" mentioned at S .No- 120 means such material which could be fixed above or below the 'Aamlak'. Seeing entry art S.No 132, the witness said that- 'Alankrit Stambhika' mentioned in it means decorated plaster. On seeing S.No 133, the witness said the words- Dwar Stambh ke Sheersh Karn" mean the corner portion of the upper part of a pillar. The description of the mat given in this list is tentative and it can be described in other words also seeing the entry at S.No 137. the witness said the words "Patra lata" means scroll. The words "Chaar Nagphanon se Aveshthit Kalash" mean such a pinnacle (kalash) which is covered by the hoods of four snakes. On seeing the entry at S.No-157. the witness said the word "Vedibandh" used in it means such a 'vastukhand' (architectural piece) which is in the lower part of the temple architecture. The word "Uttrang" used at S.No 192 means the slab fixed on the upper part of an entry door. The word "Sthanak" used at Sr No.210 means vertical position and the word "Dvibhuj" in

this entry means two hands. On seeing the entry at S.No 261 of this 'Enclosure-I, the witness said that — "The statutes of Ganesh, Lakhshmi, Kartikey and the bull on the part built by brick laying with cement' means that piece of architecture which is built by laying bricks with cement and on which the statutes of Ganesh, Lakhshmi, Kartikey and the bull are kept. It is not clear from this entry whether it was built at that very place or was kept here by bringing it from somewhere else. In column 4 of this list (Enclosure-I of Affidavit of Examination in chief), it has been mentioned of what material the concerned remnants are made of and in Column 5 the description of the related material is given. The material of the things given in column 4 has been written urgently on the basis of general knowledge.

The Research Institute situated in Ayodhya is an autonomous Govt. Body. It enjoys the full support of the State Govt. and the State Govt. is also having partial control over it. This organization, perhaps, came into existence in 1980. This organization comes under the Deptt. of Cultural Affairs of the U.P Govt. This organization is active even today. This organization gets the Research work done on some subjects. It encourages two types of research work. The first one is that the persons who are doing research at their own level and those functions come under the organization, it co-operates in getting their Report published. The second one is that- this organization gives the projects for research work. I am unable to recollect definitely as to which topics fall within their jurisdiction. I don't remember on which subjects the research work was got done during the past 20 years. In 1990, when I had gone to Ayodhya in connection with videography and photography, then I had drawn a view-sketch which was filed in the Court. The view-sketch that I

had drawn at that time. is a part of my Report and is in the form of Paper No. 97-A-2/61. Except this I had drawn no other map. In July, 1990 when I had made the videography, photography etc. before all the persons, I had got done some photography work in January. 1990 and February. 1990 also prior to that. The films of the photographs taken at that time were not developed because those photographs were not taken in presence of all the parties. There may be some common photographs. On this subject, the definite information can be given by referring to the record.

My profession is related to Archaeology and I have got many archaeological excavations conducted and some works are in progress even now. All the Archaeological excavations are made to achieve some objective. Most of the objectives are different in nature. The scheme of excavation work is formulated in accordance with the objective. These objectives may include the sequence of the cultural concentration of a particular place, chronology, the ancientness of the cultural habitation, and the information about the specific era. It is not always essential that the ancient sites selected for excavation are in the form of mounds.

Broadly speaking we get information about habitation, utensils, tools etc. through excavation. The chronology is also determined through this material. In Lucknow Distt. we have got the excavation work done at two places. No.1 is Hulaskhera and No.2 is Dadupur. The purpose of excavation in Hulaskhera was to ascertain the chronology of the cultural concentrations (Jamav) of that site and to make a comparative study of habitation pattern of Kushan and Gupta period. The main objective of the excavation in Dadupur was to find out whether there have been any

habitation around this area upto about 1000 B.C. To achieve this objective, first of all an intensive Survey was made of all the known ancient sites around it and effort was made to find out whether there are any such ancient remnants at these sites which could be of 1000 B.C. From this point of view such pot remnants of black and Red ware, black spud ware and chorded ware were found from Dadupur which appeared to be of the period before approximately 1000 B.C. To find the ancient remnants in excavation, it is not compulsory to get the excavation done too deep. It depends upon the fact- what is the thickness of the concentration of that ancient site, for how much period there has been habitation there continuously and what has been the natural state of that site after it became uninhabited. It is also possible that three thousand years old remnants are found at the depth of one ft. and at another place such old remnants are found at the depth of ten meters. If a three thousand years old remnant is found at the depth of one foot, that too will be called archaeological remnants/evidence. If the archeological remnants traced at one foot depth are found in undisturbed deposit, they would be assessed as proper archaeological reference and if they are found in a pit or filling then their assessment will be made in relation to the surface/layer that is sealing or covering them. Under our own excavation work, about three thousand to four thousand years old remnants have been recovered at the depth of one ft. in proper archaeological reference at a place called Maihar in Chandauli Distt. The Age of such material is determined after its recovery and on the basis of these evidences, the Age assessment of related cultures, which had existed there, is also made. "The sequence of cultural concentration" means the comparative sequence of the cultural concentrations from the lower to the upper side.

'Samuchit Puratatvic Sandarbh' means proper archaeological context. If any archaeological material is found during excavation, its evaluation is made to find out whether it is being found in the context of contemporary cultural concentrations example, if a floor is laid on this date and for that floor the earth is brought from another place by digging and there would have been some ancient concentration at that place, the earth of that place would be consumed in the today's floor and if the age of the material of that floor is calculated, then that much difference in Age would appear in the laying of the floor and that material and in such a situation, it would not be treated as found with cultural concentration in the proper archaeological context. If a coin of 1999 is found at the depth of 40 ft. from the surface, it will not be treated, generally, in proper cultural/archaeological context. In the context of the material found during excavation, first of all it is seen whether that material is being found in proper cultural concentrations or not.

The learned advocate cross-examining the witness showed to the witness Paper No. 197C-214 and 197C2/5, upon seeing which he said that in these photographs are appearing the domes built on the top of the structures. On seeing Paper No. 197C-2/4, the witness said it is not clear from this photograph whether it has a "Bijaura" or not. After seeing both the photographs on Paper No. 197C-216, the witness said the dome is visible in these photographs but what is built over that is not clear. On seeing Paper No. 197C-2/7, the witness said that- the dome above the structure is visible in this photograph. On seeing the upper photograph on Paper No. 197C-2/8, the witness said that the dome over the structure is visible in this photograph. On seeing the picture drawn at Paper No. 197C-2/1, the

witness said that it is appearing to be the picture of upper part of a pillar.

In 1992, when I got prepared the list filed with the Affidavit of my examination in chief, at that time I also got all the materials mentioned in the list photographed and their photographs and negatives are available in our Department. The material of marble mentioned in this list were appearing to be clean their definite Age could not be understood by seeing them. It can't be said that these marble materials were brand new.

(Cross-examination by Sh. Mushtaq Ahmed Siddiqi on behalf of Defendant No.5 concluded)

(On behalf of Defendant No. 26. Sh. Savvad Irfan Ahmed, Advocate, adopted the cross-examination made by Defendant No. 4,5 and 6)

(On behalf of Defendant No 6/1 and 6/2 Suit No. 3/89, Sh. Fazie Alam, Advocate adopted the cross examination made by Defendant No. 4,5 and 6)

Cross examination on behalf of all the Defendant/Parties was concluded.

Verified after reading the Statement

Sd/-

Rakesh Tiwari

08.5.2003

The Stenographer typed in the Open Court as dictated by me. Witness is discharge

Sd/-

Commissioner

8.5.2003