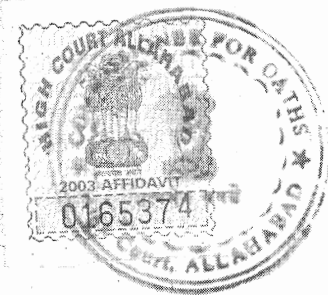
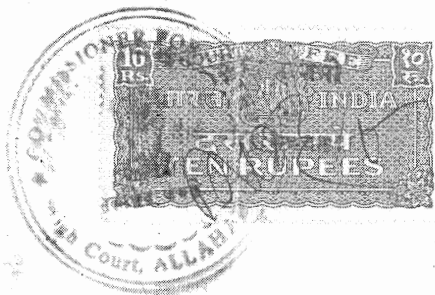


IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW BENCH, LUCKNOW

[Before the Commissioner Sri Narendra Prasad, O.S.D. (RJB/BM)  
appointed by the Special Full Bench]

O.O.S. No. 5 of 1989



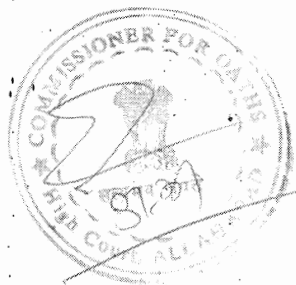
Bhagwan Shri Rama Lala Virajman and others ..... Plaintiffs

Versus

Sri Rajendra Singh and others ..... Defendants

**AFFIDAVIT IN EXAMINATION IN CHIEF OF SRI  
MADHAV NARAYANACHARYA KATTI O.P.W. NO. 15  
UNDER ORDER 18 RULE 4 OF CODE OF CIVIL  
PROCEDURE**

I, Mahav Narayanacharya Katti aged about 64 years son of  
Late Sri Narayanacharya Katti, resident of House No. 206, 9th  
Main, 23rd Cross, E-Block, Vijaya Nagar III Stage, Mysore, do  
hereby take oath and state as under :-



1. I passed my M.A. in Sanskrit from Osmania University,  
Hyderabad in 1961 and did my Post Graduate Diploma in  
Archaeology from school of Archaeology, Archaeological  
Survey of India, New Delhi with first class marks in 1963.

*[Signature]*

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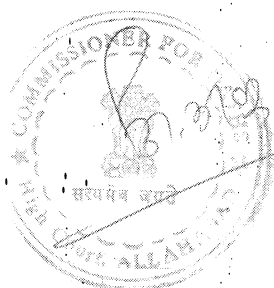
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2. In 1964, I joined the office, of Government Epigraphist for India, Archaeological Survey of India at Ooctacomund as Epigraphical Assistant. This office was shifted to Mysore in the year 1966.
3. I was selected by Union Public Service Commission as Deputy Superintending Epigraphist for Dravidian inscriptions in 1970. Again, I was selected by the Union Public Service Commission as Deputy Superintending Archaeologist in 1974 and worked from August, 1974 upto December, 1978 on this post. Then I was promoted as Superintending Epigraphist in last week of December, 1978. Further I was promoted as Chief Epigraphist in 1984. Again I, was promoted as Director of Epigraphy in 1992 and after that I retired, as Director (Epigraphy) in March, 1997.
4. After retirement I was appointed as Consultant for Epigraphy in the Archaeological Survey of India in the month of ~~June~~ <sup>March</sup>, 1997 and continued as such upto ~~December~~ <sup>March</sup> 1997, at Mysore.
5. During the course of my service in the Archaeological Survey of India and after my retirement, I have edited 12 volumes, dealing with epigraphy, published by the Archaeological Survey of India and 2 volumes of the Journal of Epigraphical Society of India, 9 volumes of the Journal of

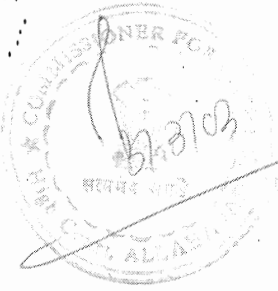


*done*

(3)

the Place names Society of India, one Dictionary of 'Personal Names of Mysore District.'

6. I have written one book in Kannada the name of which is 'Lipshashtra Pravesha' published in 1972 and edited one book in Kannada. The name of this book is "Namma Maisuru" published in 2001. I have written more than 100 research articles which have been published in Research Journals all on Epigraphical and allied subjects of National and International <sup>repute.</sup>
7. I have been an office-bearer e.g. Secretary, Editor, Vice President and working President of 'Epigraphical Society of India' and 'Placenames Society of India'. Presently I am the Vice President of both these societies.
8. I have attended a large number of seminars, National and International, on Epigraphy, History and Onomastics, both at National and International levels.
9. I was Section President of Indian History Congress in 1995. I also presided as the General President of Annual Congress of Epigraphical Society of India in the year 1997.
10. I was instructed by the Director General of Archaeological Survey of India to prepare the Estampages of the inscriptions on the stone slab and stone pillar which I had



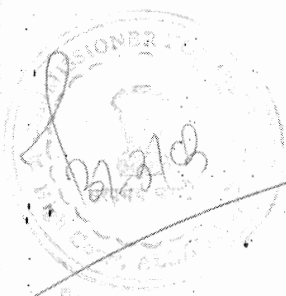


(4)

prepared at Ayodhya, District - Faizabad in February, 1994 where they were kept in Ram Katha Kunj in the custody of Commissioner Faizabad under tight Police Security. I have seen these Estampages which are paper no. 203 C-1/1 and 203 C-1/2. When I had prepared them at Ayodhya, then I made necessary note on the back of them under the my initial and also I had put line numbers on either side of the text portion of the inked Estampages of 20 lines which are same Estampages and which bear my initial, one set of these Estampages is also with the Archaeological Survey of India, New Delhi.

✓ August

11. In the month of August, 1996, I was instructed by the Director General, Archaeological Survey of India to carry the above Estampages to Lucknow, meet the Commissioner, Faizabad and file the same in the Hon'ble High Court. Accordingly, I came to Lucknow where Commissioner, Faizabad met me and then the above Estampages [marked as Paper No. 203 C1/1 and 203C1/2] kept in an envelope, were submitted by us before the Joint Registrar, Hon'ble High Court, Lucknow Bench, Lucknow.



Lucknow :  
Dated : March 31, 2003

Deponent

*[Signature]*

Madhav Narayanacharya Katti  
O.P.W. NO. 15

(5)

I, Mahav Narayanacharya Katti, the deponent do hereby verify that the contents of para 1 to para 11 of this affidavit are true to my knowledge and on the basis of record. No part of this affidavit is false and nothing has been concealed. So help me God.

Lucknow :  
Dated : March 31, 2003

Deponent

*Madhav*  
Madhav Narayanacharya Katti  
O.P.W. NO. 15

I identify the deponent who has signed before me.

*Ajai Kumar Pandey*  
Advocate 31.3.03

Solemnly affirmed before me on March 31, 2003 at 10:25 a.m./p.m.

by Shri Madhav Narayanacharya Katti, the deponent, who is identified by Sri Ajai Kumar Pandey Advocate, High Court, Lucknow Bench, Lucknow.



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

*S. K. Srivastava*  
OATH COMMISSIONER

*S. K. Srivastava*  
OATH COMMISSIONER  
High Court Allahabad.  
Lucknow Bench, Lucknow  
No. 1053/01  
Date 31.3.03

Dated. 31-3-2003 O.P.W. 15 Madhav Narayanacharya Katti before Commissioner Sri Narendra Prasad, Additional District Judge/Officer on Special Duty, High Court, Lucknow.

(Commissioner appointed vide order dated 26.03.2003 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench Lucknow passed in O.O.S. No. 5 of 1989 (R.S. No. 236/89) Bhagwan Sri Ram Virajman at Shri Ram Janam Bhumi & Others Versus Rajendra Singh and others)

O.O.S.NO.5 OF 1989

(R.S.No.236 OF 1989)

Bhagwan Sri Ram Virajman at  
Shri Ram Janam Bhumi & Others ---- Plaintiffs

Versus

Rajendra Singh and others. ---- Defendants.

Examination in Chief of Madhav Narayanacharya Katti aged about 64 years, son of Late Sri Narayanacharya Katti, resident of House No. 206, 9<sup>th</sup> Main, 23<sup>rd</sup> Cross, E-Block, Vijaya Nagar III Stage, Mysore filed, on affidavit (Page 1 to 5), be kept on record.





Cross Examination on behalf of defendant No. 3  
Nirmohi Akhara by Sri R.L. Verma, Advocate

Witness stated on oath :

X X X X X

Originally I belong to North Karnatka. My birth place is Gadag. It is presently district Headquarters. The name of the script of Kannada language is Kannada. The name of the earliest script is Brahmi available in inscriptions in India from 4<sup>th</sup> - 3<sup>rd</sup> century B.C. onwards. As and when the different languages came in existence, this script was used for all the languages. We get the earliest evidence of Kannada language in the inscriptions from 5<sup>th</sup> century A.D. onwards. From that time the script used for Kannada language is called Kannada. This is the same in respect of all other languages in India, which have Sanskrits and Dravidian origin. What is preserved in the traditional literature is of literary reference. As far as epigraphy is concerned the earliest script used for the Sanskrit and Dravidian languages has been called Brahmi by some of our earliest archaeological and epigraphical researchers, taking into context the fact that the earliest script known to us

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through traditional literature, has been known to us as Brahmi. There were other scripts also, which were contemporary to Brahmi, to mention one is Kharoshti. The other contemporary scripts used in India for inscriptional purposes was Kharoshti. Brahmi script is usually found written in the inscriptions from left to right though occasionally we come across some examples where it is also written from right to left and at times the lines run from left to right and right to left alternately. This style is known as boustrophedon. There was a lot of difference between the Brahmi and Kharoshti in their style of writing and formation of letters but Kharoshti script came to stop or was not in use after about 5<sup>th</sup> century A.D. The Brahmi letters appear roundish, angular or curved, whereas the Kharoshti letters appear like curved or zig zag lines vertically written. However, where the vowels were added to the letters, the top portion appears slightly different, the strokes being partly silent or wavery. The origin of Brahmi is surrounded in oblivion. I had the opportunity of going through some scripts from the west including from Greek, Rome, etc. but that is not my field of specialisation. In a general and cursory way I have observed the shape of some in the ancient scripts of Europe. The script of the Pali language is also Brahmi in

*divya*

31/3/03

India. As far as India is concerned, Brahmi script has been used for writing Pali language also. The script of both Sanskrit and Pali languages including Prakrit in general is Brahmi. But Kharoshti has also been used for writing Prakrit languages. Prakrit languages are used by common people in their day to day conversation. That is why it is called Prakrit language. In a way it can be said that Prakrit language was a modified form of Sanskrit, but since we have so many Prakrits and the existence of Sanskrit is known to us from an earlier period i.e. from the Vedic period onwards, being followed by the classical Sanskrit period. It can in a way be said that Prakrits are the modified forms of Sanskrit language but the earliest epigraphs (or the earliest inscription) found in India are in Prakrit language as they were to be read by the common people. The most accepted theory about the origin of the dravidian languages is that they took shape in the southern part of India. They had impact of Sanskrit in varying degrees, which was more explicit in languages like Kannada, Telugu and Malayalam. Tamil has, however, retained some of the earlier forms even today and though there has been an impact of Sanskrit on Tamil also. There is a degree of difference to the extent that is while Kannada Telugu and Malayalam, bear more impact

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of sanskrit from their very beginning stage, Tamil shows lesser impact in the initial stage or even in general. All the dravidian languages are over shadowed by Sanskrit in different degrees.

The name Devanagiri has been given to Nagari by the scholars in recent years, but it has been known as Nagari throughout. The existence of Nagari can be traced from about 10<sup>th</sup> century A.D. onwards. The letters, however, underwent changes in centuries that followed by. Nagari also owes its origin finally to Brahmi and therefore, taking into context the use of Brahmi in Vedic period, Nagari also could have been called as Devanagari. It is not true that any scholar having perfect knowledge of Sanskrit will have command over reading Brahmi and Nagari scripts. This is not possible in the present context that a person has knowledge of a language without that of the script. However, during the vedic period it was possible to have command over the language without being an expert in any script as the literature was passed from the teacher to taught (from Guru to Shishya) for generation together. I am a scholar of Sanskrit and have good knowledge of reading the sanskrit inscriptions, particularly Brahmi and Devanagari scripts. I am also specialist, who can read the inscriptions of

dr. V. V. V.

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dravidian languages. Hindi language has Devanagiri as its script. I know Hindi language. I do not claim to be a historian, though I know it in a general way. I am also an archaeologist having a postgraduate diploma in archaeology and have worked in the archaeology field for a few years; however, my specialisation is in epigraphy. I have a fair amount of knowledge of onomastics. My subjects at graduation level were Sanskrit, Kannada and Philosophy. At graduation level, my second language was Hindi. I have come across vedic history also. After my M.A. degree, I obtained post graduate diploma in archaeology. It was a two year course. It is not true that for archaeology, knowledge of History is must but for a historian knowledge of Archaeology is a must. History and Archaeology intermingled with each other and both are integral parts of each other, but according to me as archaeology provides original source material for studying the history of society during various centuries, whereas history deals with various evidences including archaeological evidence and it is more in the form of a historical literature or history written by various historians. Archaeology is a process of discovering the truth whereas history is a record of events as known to the historians.

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Besides epigraphy, coinage, numismatics and onomastics are also the branches of knowledge of History. The post of Deputy Superintending — Epigraphist for dravidian inscriptions was advertised by the U.P.S.C., I applied for the same and after interview I was selected for the said post. Dravidian inscriptions also included Brahmi scripts and inscriptions in South India. Brahmi lipi was prevalent throughout the whole India West, East, North and South. The promotions given to me as mentioned in para 3 of affidavit of my examination in chief was given to me because of my achievement and work etc. at least I am convinced in this regard. By deciphering of inscriptions I mean reading of the inscriptions utilising the knowledge of the scripts coupled with the knowledge of the languages of the inscription. The next stage is its transliteration. The epigraphist will try his best to read it as correctly as possible and if there is any illegible or missing letter, he will try to give its correct form as he has a knowledge of the script and knowledge prevailing language in that particular period. It is true that the context cannot be overlooked, to successfully decipher inscription and interpret it. After retirement, I have been continuously working for conducting epigraphical research. I retired in March, 1997 after that I finalised some

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of the official publications also, when I was appointed as consultant for epigraphy in the Archaeological Survey of India, from June to December 1997. A few of Annual report in Indian Epigraphy, Epigraphia Indica and South Indian inscription were finalised by me and were published. I also edited two volumes of journal of epigraphical society of India where I wrote a few research articles and published in those journal.

Written direction was given to the Director General of A.S.I, who instructed me to proceed to Ayodhya and take the estampage of the inscriptions under reference. These inscriptions were kept in a building called 'Ram-Katha-Kunj' and the rooms were locked and sealed and there was a tight security. To the best of my remembrance, two attendants had accompanied me when I went to take estampages of the inscriptions at Ayodhya. I don't remember at this time, as to whether any official of the U.P. State Archaeology had accompanied me at that time or not. I was not asked to make any inventory, I was simply asked to take estampages of the two inscriptions; however to the best of my knowledge an inventory had been made earlier by the U.P. Govt. That inventory of list was not shown to me at this stage as I have gone there more than once. The

*W. N. S.*

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estampage of the inscriptions were taken by me on the same day when I have gone there for that purpose. Some times, it is possible that if estampage of particular inscription has been taken and then again, estampage of the same inscription is taken second time, then the epigraphist taking the estampage at the second time, may or may not know that estampage of that particular inscription has been taken earlier also. The process of taking the estampage involves, cleaning of the stone and then the paper which is to be used for taking the estampage will have to be dipped in water for a second and then after removing the drops of water, it would be spread on the inscribed portion. After that with the help of a bent beating brush, specially made for this, the estampage paper will be tapped in such a way that portion of paper will enter the inscribed portion i.e. cavity of letters, then ink specially prepared for the same would be smeared over a dabber (an instrument to be used for slowly tapping the portion) after this process the letters would look white and the portion which does not contain letters would look black; that is how an inscription appears black and white. It is quite possible that at times a trace of ink can be found on the stone in case the paper is torn because of extreme damage or breakage in the inscribed portion or if the surface of the

*closed*

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inscribed stone is rough. When I went for the first time to take the estampage, in some places the dust and mud mortar etc. could be seen.

After I had taken estampages of the said inscriptions to the best of my knowledge, at a later date, estampages of the same were taken again by some others. We did not do anything for beautification for the stone pillars etc. I only took the estampages of the said inscriptions by the process as I have explained above. All the stones are water washed and then only paper can be spread on it. I did not make any memorandum regarding taking of estampages. When I took the estampages at that point of time I did not decipher any letter or inscription. At the time of taking the estampage and carrying them to Delhi, I did not decipher any portion of the inscriptions. At a later stage, I had incidentally once met Dr. K.V. Ramesh in Delhi and there we had preliminary discussions. In fact when I went to Delhi I saw Dr. Ramesh and also few others in the archaeological society building. I had also met Dr. Sudha Mallaya at the time when I had met Dr. K.V. Ramesh. I recognise Dr. K.V. Ramesh as a renowned epigraphist, translitrater & translator. When I had met Dr. Ramesh, to the best of my remembrance, he was the honorary Director of the Oriental Research Institute,

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*cmr*

attached to Mysore University. I have never heard Dr. Sudha Mallaya's name as an epigraphist. At the time when I had met Dr. Ramesh, Dr Ajay Mitra Shastri and Dr. T.P. Verma were also present there. Subject and object of the said discussion was the estampages. On the back of the estampages, I noted the particulars of the find spot of the inscriptions.

Witness was shown paper No. 203C1/1 (the estampage) and after seeing it, he said I had written a note on the back of the said paper (No. 203C1/1) and had initialled it; but the same was not counter signed by any authority, present at <sup>the</sup> time of taking of the estampage. By himself the witness said "this is our procedure that whenever we do such type of work, we note such particulars on the back, so that we may identify it (the inscription) in future. I had many such occasions of taking estampages of inscriptions, having national importance during my service. After retirement, I have only studied them and have not taken estampages of inscriptions. I have taken estampages of stone slab and a stone pillar and both of them were submitted to the court. Only after seeing the estampages of the said stone slab and stone pillar, I can say whether the scripts on both of them were the same or different.

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Cross examination on behalf of defendant No. 3  
Nirmohi Akhara by Shri R.L. Verma, Advocate concluded.

Statement read and verified

  
Dated: March 31, 2003

Statement typed on my dictation in open court. Put up  
for further cross-examination on 01-04-2003.

  
(Narendra Prasad)

Commissioner

Dated : March 31, 2003



**Dated.1-4-2003 O.P.W.15 Madhav Narayanacharya Katti**

Before- Commissioner Sri Narendra Prasad,  
Additional District Judge/Officer on Special Duty, High  
Court, Lucknow.

(Commissioner appointed vide order dated 26.03.2003  
of Hon'ble Special Full Bench of Allahabad High Court,  
Lucknow Bench, Lucknow passed in O.O.S. No. 5 of 1989  
(R.S. No. 236/89) Bhagwan Sri Ram Virajman at Shri Ram  
Janam Bhumi & Others Versus Rajendra Singh and others)

Cross examination on behalf of defendant No. 6 by Sri  
A.Mannan, Advocate, *started on oath*

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I passed both my B.A. & M.A. Course from the  
Osmania University, Hyderabad (Andhra Pradesh). I passed  
my M.A. course in 1961 from the same university. After  
obtaining my M.A. *degree*, I joined the School of  
Archaeology, which is under the A.S.I., New Delhi. I did my  
M.A. in Sanskrit. The school of Archaeology, which I *joined*,

*CH/10/10*

was at New Delhi. In 1963, I obtained Postgraduate Diploma in Archaeology. I was a student of history only upto the stage of Matriculation. I was Section President of Indian History Congress in 1995. I did my M.A. in Sanskrit subject only. Sanskrit language is available to us from times immemorial, as the Vedic literature is also in Sanskrit. Sanskrit must have emerged from North India. The geographical boundaries of India have been changing from the early times. The entire area upto Central Asia had the impact of the Aryan civilisation & hence its existence even in central Asia has been accepted by many scholars. Sanskrit, according to me, had developed in India and not in Central Asia. Central Asia had some impact of Sanskrit language. I do not believe that Aryans came to India. According to me the word Aryan i.e. Arya means a respectable person and a person of eminence and knowledge etc. I believe that the Aryans were staying in various parts of North India of that time. By that period I mean Vedic period. Vedic period is from times immemorial. By times immemorial, I mean that it was a period many centuries earlier than Christ. According to me, it is earlier than 3000 years before Christ. Though exact period can not be defined, it was definitely far more than many centuries before 3000



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B.C. It can be said that the Aryans had settled i.e. inhabited much earlier than 3000 B.C. It can be said that Aryans settled in North India 5000 years back. I do not accept that Aryans came to North India from any place out side in India. According to me, it is wrong to say that Aryans came to India from Central Asia. As of the Aryans, who had inhabited in North India, it was Sanskrit of the earliest period, which was their language. The northern part of India between the river Sindhu & Ganges with Himalayas as its northern borders was primarily the area, where the Aryans speaking the earliest forms of Sanskrit had inhabited. Northern India extended from Sindhu river to Uttar Pradesh on the eastern side, and on the western side it includes the area of the present day Sindh and Baluchistan which presently are not in India. Gradually northern India extended on the eastern side to Bihar and even further upto Bengal. As a matter of fact Ganga has flown upto Bengal. As I said, the Aryan civilization had gradually spread to eastern and southern sides and as the centuries passed by, the area having the impact of Aryan civilization became larger. According to me the actual word is Arya and Aryan is an English usage of the word Arya.



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Q. Upto what extent Aryan civilization spread on the southern side of India?

(The learned counsel for the plaintiffs Shri Ved Prakash objected to this question by saying that the question put to the witness is not related to any of the issues involved in the suits and therefore this question can not be permitted.)

Ans.- In the early centuries of Christian Era it started spreading in South India and practically upto borders of Tamilnadu.

Christian era means after the death of Christ which we are using even today. Christian Era means about 2000 years from now. The Aryan civilization which comprises basically of the Vedic culture, spread upto the borders of Tamilnadu in the early centuries of Christian Era.

There are four major languages in southern India and they are Tamil, Kannada, Telgu and Malyalam. In the inscriptions, the earliest form of Tamil is met with in about the 3<sup>rd</sup> to 4<sup>th</sup> centuries B.C. The earliest form of Kannada is met with during 5<sup>th</sup> century A.D. The earliest form of Telgu

*map*

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is met with a few decades later, i.e. by the end of 5<sup>th</sup> century A.D. The earliest form of Malyalam is met with in inscriptions from about 12<sup>th</sup> century A.D. The above four languages underwent grammatical and linguistic changes for many centuries and finally reached the forms as available today. There has been some impact of Tamil on the other above three languages.

Tamil language is different from Sanskrit. Telugu, Kannada and Malyalm were not born from Tamil language, but they have sufficient impact of Tamil, especially in their early stages of development. I have stated that the Tamil is traceable from about 3<sup>rd</sup> – 4<sup>th</sup> centuries B.C., whereas Kannda is traceable from 5<sup>th</sup> Century A.D., Telugu by the end of the same century, Malyalam is traceable from about 12<sup>th</sup> Century A.D. The earliest Marathi inscription belongs to about the 9<sup>th</sup> Century A.D. Marathi has developed from Prakrit prevalent in Maharashtra, and bears the influence of Sanskrit and the other languages prevalent in the adjoining area. By adjoining I mean, the areas where Kannada, Telugu and the other northern languages were spoken. This Marathi has its origin in the present day Maharashtra area. Actually Prakrit language was the language of the local

*Dr. V. V. V.*

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people, with its various shades, in different parts of India. Prakrit language was available through out upto the border of Tamil Nadu in the south. All the four south Indian languages belong to Dravidian group of language and are different from Sanskrit in their basic forms. As it is, from the earliest period, the Vedas were transmitted orally and when we come across the Manuscripts containing Vedas as well as some works of classical Sanskrit literature, it has been found that Sanskrit language in both the cases was written from left to right. Sanskrit was written from left to right and has continued to be written upto this day. From Manuscript it has been found that Sanskrit has been written from left to right and not from right to left through the centuries. There were no compulsions as such and it is found that it has travelled to the south-east Asian countries, where we come across Sanskrit inscriptions in the early centuries of Christian era. Actually Sanskrit has travelled, along with the Vedic culture or the Brahmanic culture upto the last point in south India. I am a Brahmin by birth. Brahmins travelled to south India in early centuries of Christian era and spread the Vedic culture. According to the practise of the Vedic religion in its earliest form, there was no untouchability, as Shudras were also part of one integral society and the



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various castes were not defined by birth but on account of the profession which they followed. In historical period, especially in the medieval and later times it has been found that Brahmins and Kshatriyas enjoyed a position of pre-eminence in the society. However, we have some literary evidences to show that in about 12<sup>th</sup> century A.D., there was some discrepancy between the persons of higher castes and the Sudras. In the early stages of my childhood some element of distinction was seen between the Shudras and members of higher castes, but in majority of the places which I had visited no such marked distinction is observed in the present day. I am personally not aware that Shudras are not allowed in temples in Tamilnadu but from newspapers I have come to know that there were some distinctions. As I am not student of social history I would like to speak on the points, which are related to epigraphy. However, as I am not going through newspapers in detail during the last few days; as such I am not aware of the disturbances in Tamilnadu regarding Shudras that they were not allowed in Temples there. I have also read in newspapers, occasionally about the news that the Shudras were not allowed in Temples or on various occasions or were not treated in a respectable way.



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The three South Indian languages Kannada, Telugu, and Malyalam came into the influence of Sanskrit from the very beginning as gleaned through the inscriptions and in Tamilnadu of today earlier known as Tondaimandalam, we come across the impact of Sanskrit language from about 5<sup>th</sup> - 6<sup>th</sup> centuries A.D. The influence of Sanskrit was not diminished in Northern India while it went to South India. However as an epigraphist whenever I have been reading Sanskrit or Dravidian inscriptions those inscriptions have shown the influence of Sanskrit and as an epigraphist I can speak more on the inscriptions only. One thing I would like to clarify that whenever any part of south India came under the rule of the Islamic dynasties, we do come across inscriptions in Persian language also, but however, we also come across inscriptions in the southern languages as they were the local languages spoken by the people. I would say that some Persian words have also entered these South Indian languages in day to day usage, but however, the inscriptions continued to be written in regional languages which had their own form. In south India the local languages were always spoken by the local people, however the existence of Persian inscriptions during different periods

dms

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shows that the people in those areas could also understand and read those inscriptions. We have come across a number of Persian Inscription during the period of Nizam also. We have a separate section in A.S.I., which deals with the Arabic and Persian inscriptions therefore, such details are known to them. As I know, a number of Persian inscriptions were also engraved during the period of Tipu-Sultan and to that extent I can say that a number of people understood and could read the Persian inscriptions in Mysore area. The name of the father of Tipu-Sultan is Hyder Ali. There was Persian influence as gleaned through inscriptions during the regime of Hyder Ali. In a general way, wherever we come across the Persian inscriptions I consider that the people of that area, at least a few of them, could read and understand those inscriptions. At least in the spoken form of Kannada and Telugu prevalent in the areas which came under the rule of Muslim rulers, we find that some Persian words have crept into these languages and are in use even today. Here and there some Persian words have crept in spoken Malayalam language also. Sanskrit has been used throughout from the Vedic period to the present day and spoken by some scholars. As far as inscriptions are concerned, we come across Prakrit inscriptions during the period of Ashoka.

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*[Handwritten date]*  
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No one speaks Prakrit today in the present day India because Prakrit has later changed into the regional languages and local dialects in many regions. Hence the use of Prakrit is not found after the regional languages gained their prominence in various parts of India. Confining myself to epigraphy, I have come across a number of Prakrit inscriptions from about, the 4<sup>th</sup> century B.C onwards upto the period when the regional languages became the prominent languages of those areas, and this varies according to the earliest use of these languages in different parts of India. Prakrit continued upto the period, the regional languages came into existence in Northern India. Though Prakrit continued upto about 4<sup>th</sup> - 5<sup>th</sup> century A.D., after that Sanskrit gained prominence as the language of inscriptions. ——— Hence no Prakrit inscriptions have been found in north India after this period. Prakrit was used in Northern India in 4<sup>th</sup> century B.C. to 4 century A.D. In different regions of northern India the languages like Gujarati, Bengali, Newari, Panjabi and various regional languages like Brij and Avadhi were in use, and after the period of Prakrit, however, in major parts of north India, we come across Sanskrit inscriptions in the area wherever Prakrit was in use. In Sarnath (Varanasi) there are Baudha



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inscriptions which are in Prakrit language and belong to the period of Ashoka. The earliest inscriptions available in India are in Prakrit. Sanskrit inscriptions have been found from about 150 A.D. onwards but Sanskrit language which was in use continued to be spoken by the people. The Sanskrit language was spoken from the Vedic period till date by the scholars, but common people always spoke the Prakrit during the Prakrit period and regional languages later. Prakrit was in use in India for about 800 years from 4<sup>th</sup> century B.C. onwards. Sanskrit language was already there during the period of various rulers of North India. The Vedas date back to at least 3000 B.C. to about the middle of the second millennium B.C. i.e. about 1500 years B.C. and thereafter as per the information from various books, I find that some of the Up-Nishads were composed for about 1000 (one thousand) years until the period of about 5<sup>th</sup> century B.C. Prakrit came into existence slightly earlier than the period of Ashoka and was already in existence during the Ashoka's period. As per the inscriptions Prakrit is written from left to right and not from right to left, but in one or two cases we come across the inscriptions where some text portion is written from right to left or alternately from right to left and left to right also. Sanskrit was the language of



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Indians since its very inception and hence I would say it was not borrowed from any other area. In Takshshila as it is known through various works, Sanskrit was in profuse use and in Nalanda Prakrit was in use in a great proportion.

I have no particular knowledge as to which of these two Universities i.e. Takshshila University or Nalanda University, came into existence first. As I know the Buddhist studies were conducted in the Nalanda University as evidenced by some of the Prakrit inscriptions there. No inscriptions were found in Takshshila. We have toured to Nalanda but not the Takshshila area, as Takshshila is not a part of India after independence. As I have read in some books, Chanakya, the author of Artha Shastra also lived in Taxshila. This much only I know. Apart <sup>from</sup> this, no other evidence about Takshshila came to my knowledge. I have read in some history books that Chanakya lived in Takshshila during his student days. According to me, Chanakya lived in about 4<sup>th</sup> century B.C. I know through some books of History, that Nalanda was a flourishing university in the early centuries of Christian Era. Therefore the difference would be around 6 to 7 hundred years between these two universities, Nalanda being later, Nalanda



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was and is in Northern Bihar. The inscriptions of Ashoka were inscribed in Prakrit only and no where they were inscribed in Sanskrit. Though we do not have specific information as to whether Takshshila University was in existence during the Ashoka's period or not, in all probability, it continued to be a flourishing university, during that period. To my knowledge Nalanda University was established only subsequent to the period of Ashoka and not in the Ashoka's period. As per inscriptions, Nalanda University must have come into existence during the period of Kushanas, who ruled the Northern India during the early centuries – of Christian Era.

After Nalanda University, I also came across the Nagarjuna University in South India (in the present day in Andhra Pradesh). We also come across another institution of learning in Kanchi (in the present day Tamilnadu). Kanchi is the same city where the present His Holiness, Jagadguru Shankracharyaji lives. The Kanchi University was also a well established centre of learning.

Q. When did the University of Kanchi come into existence?

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(The learned counsel for the plaintiff Shri Ved Praksh objected to this question by saying that the witness is a heart patient, the questions which are being put have no relevancy to the facts of this case nor they are covered by any of the issues. Such questions are being put to harass the witness and to waste the valuable time of the Hon'ble Court therefore such questions should not be permitted.)

Ans.- It came into existence during the period of the Pallava Dynasty in about the 4<sup>th</sup> century A.D.

Q. Have you ever visited Jagadguru Shankracharya's place in Kanchi?

(The learned counsel for the plaintiff Shri Ved Prakash repeated the same objection as he has raised in the previous question.)

Ans.- I have visited that place during the period of my service and at that time I was posted in Madras.

  
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Q. When were you posted at Madras?

(The learned counsel for the plaintiff Shri Ved Prakash repeated the above objection.)

Ans. I was posted at Madras in 1974-75.

Statement read and verified

  
Dated: April 01, 2003

Statement typed on my dictation in open court. Put up for further cross-examination on 02-04-2003.

  
(Narendra Prasad)

Commissioner

Dated : April 01, 2003



Dated.2-4-2003 O.P.W.15 Madhav Narayanacharya Katti

Before- Commissioner Sri Narendra Prasad, Additional District Judge/Officer on Special Duty, High Court, Lucknow.

(Commissioner appointed vide order dated 26.3.03 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, Lucknow passed in O.O.S. No. 5 of 1989 (R.S. No. 236/89) Bhagwan Sri Ram Virajman at Shri Ram Janam Bhumi & Others Versus Rajendra Singh and others)

Cross examination of O.P.W. 15 on behalf of defendant No. 6 by Sri A.Mannan, Advocate in continuation of his cross examination dated 01.04.2003, started on oath.

Q. Was early education in Takshshila given in Sanskrit?  
(The learned Counsel for the plaintiffs Shri Ved Prakash objected to the question by saying that the question put has no relation with the facts of the case and no relation with the issues of the case and therefore such question should not be permitted.)



Ans. As no Sanskrit inscriptions have been found in Takshshila, I will not be in a position, as an epigraphist, to say about this, as we have to refer to other sources apart from epigraphy and a historian dealing with the ancient history will be able to appropriately answer this question.

There was education of Sanskrit and many other languages in Takshshila University. As I have been reading the history books, whenever there is a necessity to clarify any related points in epigraphy, I am unable to say about this more than this. I do not know the exact year as to when Takshshila University was established. I do not know the exact year of the establishment of Nalanda University.

Nalanda University's early education was predominantly in Prakrit. After Sanskrit in the early centuries of Christian Era and going backward to the Pre-Christian period upto the 4<sup>th</sup> century B.C. Prakrit languages were in existence and after about the 4<sup>th</sup> Century A.D. the regional languages gradually became more prominent. Various regional languages like Gujrati, Bengali, Newari, Awadhi, Brij and other local dialects were prominent next only to Sanskrit. All the regional languages continued to be very prominent during the Islamic period also though Arabic and Persian scripts are also

*Ans.*

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met with in the Northern Region. Practically wherever we had the impact of the Islamic Rule, we have come across both Arabic & Persian inscriptions. Some of the Hindus who were also in the service of Islamic Rulers could also understand and speak Arabic & Persian languages in my opinion. It relates to Northern India. As I have read in various books of history, the impact of Islamic rule can be traced from about 12<sup>th</sup> century A.D. onwards. To the best of my knowledge, when various dynasties were established in India, we can say that there was Islamic Rule in different regions. I do not specifically know as to whether in 12<sup>th</sup> century A.D., Islamic rule was prevalent in Delhi or not. I have read in history books that there were invasions of the Muslim rulers from outside India. I can not say whether there was exactly any trace of the Islamic rule in 12<sup>th</sup> century A.D.

Q. Whether there was Islamic Rule in Bengal and Bihar in 12<sup>th</sup> Century A.D.?

(The learned counsel<sup>2</sup> for the plaintiff Shri Ved Prakash objected to this question by saying that the witness repeatedly said that he is an epigraphist and not a

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<sup>2</sup>  
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historian, the question is irrelevant and should not be permitted.)

Ans. As we go by the study of epigraphy the exact information on such matters can be given by the epigraphist who deals with Arabic & Persian inscriptions. However again, to my knowledge, local dynasties like the Senas and Palas continued their rule during the period of the 12<sup>th</sup> Century A.D.

I do not know whether Islamic rule was prevalent in Bengal & Bihar in 12<sup>th</sup> Century A.D. or not. I do not know whether Asam was a Muslim dominated area in the 12<sup>th</sup> Century A.D.

Q. When Muslim rule came into effect in Bengal and Bihar?

( The learned counsel for the plaintiff Shri Ved Prakash objected to this question by saying that the witness is a heart patient and for the purposes of harassing him irrelevant questions are being put merely to waste the

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time of the Hon'ble Court and therefore such questions could not be permitted.)

Ans. I don't remember the exact period as to when Muslim rule came into effect in Bengal & Bihar. Approximately, also I do not remember about this.

Cross examination on behalf of defendant No. 6 by Shri Abdul Mannan, Advocate concluded.

Cross examination on behalf of defendant No. 4 Sunni Central Board of Waqf, by Shri Zafaryab Jilani, Advocate started.

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Para 1 to 4 of the affidavit of my examination in Chief contains avarements regarding my educational qualifications and service particulars. In para 5 & 6 of my above affidavit I have given details of my publications. In para 7, 8 & 9 of my above affidavit I have given details of my association with several organisations relating to epigraphy and allied subjects. In para 10 & 11 only of my above affidavit, I have



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made averments which relate to this case in which my evidence is being recorded.

I am deposing before this court only in regard to averments made by me in paragraph 10 & 11 of my affidavit dated 31.03.2003. In these two paragraphs I have stated only about taking the estampages from Ayodhya under the instructions of Director General of A.S.I. These estampages have been referred in my above affidavit as paper No. 203C-1/1 and 203C-1/2. Witness was shown the estampage paper No. 203C-1/1 and after seeing it he said "the note on the back of the said estampage is in my hand-writing and bears my initial and reads as under" –

"Ayodhya, Faizabad District, Uttar Pradesh inscribed slab kept in the Ram Katha Kunj (partly damaged and fragmentary)"

Witness was shown estampage paper No.203 C1/2 and after seeing it he said that this estampage was prepared by him and it contains a note at the back of the said estampage, which is in his hand-writing and bears his initial and reads as

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“Ayodhya, Faizabad District, Uttar Pradesh. Pillar kept in Ram Katha Kunj”

In paper No. 203C-1/1 and 203C-1/2 there is no mention of the numbering of the stone in my note at the back of the said paper. The estampages of the same inscription were prepared subsequently also by someone else, the copy of which is on record, and on the back of which numbering of rectangular slab i.e R.K.K 5 (A) and 5 (B) is mentioned. This is the estampage of the same inscription which I took and is paper No.203C1/1 and which contains a note under my initial at the back of the estampage.

(The subsequent estampage of the said inscription is also numbered as 203 C-1/1 but today for distinction the same is numbered as 203C-1/1-A.) Similarly, the estampage of the inscription, on the back of which numbering of pillar RKK - 1 is mentioned, has been taken after I had taken the estampage of the said inscription earlier. (The estampage on the back of which numbering of pillar RKK-1 is mentioned is numbered as paper No.203C1/2 which for distinction is being numbered today as 203 C1/2-A.)

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When I had taken estampages of the slab and pillar inscriptions, the number of such pillar or slab did not come to my notice. After taking the estampages in 1994, I had once again visited Ram Katha Kunja in July, 1995 alongwith Director of Science Dr. Sharma of the A.S.I.

The office of Director of Science was situated at Dehradun at that time and to the best of my knowledge it is still situated there. In 1995 July also I saw the aforesaid inscribed stone but at that time also I did not notice the number on those inscribed stones. The purpose of our visit in 1995 was to see the condition of the inscribed stones and for that purpose we (myself and Dr. Sharma) were directed by the Director General, A.S.I. As I remember, a report was prepared in 1995 mentioning about the preservation conditions of the inscribed stones and the same was submitted to the Director General, A.S.I. Immediately after our visit the said report was submitted to the Director General at New Delhi. The report was a joint report of myself and Dr. Sharma.

I have visited Ayodhya at least 5 to 6 times during my life time. All the time whenever I visited Ayodhya, I was

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<sup>a</sup>  
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posted in the A.S.I. After retirement I visited Ayodhya only once i.e on 29 and 30<sup>th</sup> of March, 2003. I did not visit Ram Katha Kunj prior to 1993, and after 1995. Some time in later part of the year 1993, I had visited Ram Katha Kunj. I do not remember the month, when I visited Ram Katha Kunj in 1993. I visited Ram Katha Kunj three times only. I visited Ram Katha Kunj in 1993 on the direction of the Director General of A.S.I. for seeing the conditions of the preservation of the inscribed stones. In all probability I had visited Ram Katha Kunj in 1993 in the month of September or October.

To the best of my remembrance, Director (Science), Dr. Sharma of A.S.I. had also accompanied me during my visit to Ram Katha Kunj in 1993. I was called to Delhi from Mysore by the Director General of A.S.I. in 1993. Perhaps oral telephonic directions were given to me by the Director General, A.S.I. for coming to Delhi. Director (Science), Dr. Sharma had accompanied me from New Delhi to Ayodhya and back in 1993. Both myself and Dr. Sharma were given instructions by the Director General of A.S.I. for seeing the condition of the stone-inscriptions and other artefacts kept at Ram Katha Kunj. I was not supplied any list of artefacts/articles kept in Ram Katha Kunj, Ayodhya, by the

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*21/4/03*

Director General, A.S.I. or by any other person. The witness voluntarily said that at the time of his visit to Ram Katha Kunj in 1993, Director of U.P. State Archaeology Department was also present there. I don't remember whether any list of artefacts/articles kept in Ram Katha Kunj was given or not to the Director (Science) by the Director General A.S.I. or by any other person.

I had not asked the Director General A.S.I. to give any list to me because Director (Science) Dr. Sharma was with me and he used to look after the preservation of antiquities and monuments under the protection of A.S.I. At that time Mrs. Achala Maulik was the in charge of Director General of A.S.I. and the same in charge Director General was there in 1994 also. In 1993, only Director (Science) and myself from the A.S.I. had come to Lucknow from New Delhi and from Lucknow we had proceeded to Ayodhya by the Government vehicle Dr. Tewari Director of U.P. State Archaeological Department had met us at Faizabad. In 1993, only Dr. Sharma Director (Science) and myself were from the A.S.I. when we had gone to Ram Katha Kunj and Dr. Rakesh Tewari and one or two of his officers were present there. The Commissioner, Faizabad Division, was present at that time at Ram Katha

*CLM*

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Kunj. When we left Ram Katha Kunj at about 3.00 p.m., the Commissioner Fiazabad was not present there but one Magistrate and one or two police officers were present there. The said Magistrate and police officers were present there through out the period of our stay at Ram Katha Kunj. We had reached Ram Katha Kunj at about 11.00 am. Dr. Rakesh Tewari had accompanied us from Faizabad.

In 1993 when we had gone to Ram Katha Kunj no list of artefacts/articles were given to me at Ram Katha Kunj also. Perhaps Dr. Sharma and Dr. Tewari had some discussions, but no list of artefacts/articles were given to Dr. Sharma in my presence. I was only concerned with the two inscribed stones, the estampages of which were taken by me later on. I don't remember whether I had seen any list in the hands of Dr. Sharma or Dr. Tewari, while they were discussing about the artefacts/articles. I think I had visited two rooms in the Ram Katha Kunj. The inscribed stones regarding which I was concerned, were kept in one room and the other room was opened for showing us the other artefacts/articles kept therein.

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Dr. Sharma, the Director (Science) was concerned with the preservation of the artefacts/articles, and the purpose of my visit was to see whether the two inscribed stones were kept in a good condition or not. I had spent about 15 minutes time in examining the condition of the two inscribed stones referred to above, and for me otherwise it was a very general visit. Dr. Sharma took about one and a half hours time to examine the various aspects of preservation of the artefacts/articles. Dr. Sharma and I had discussed about the preservation of the above two inscribed stones.

It was in September-October, 1993 that I had seen the above referred inscribed stones for the first time. Prior to that I had seen some pictures of the above inscribed stones in newspapers. Prior to my visit at Ram Katha Kunj in 1993, I had a cursory idea of the significance of the inscribed stone (stones slab). Prior to that visit I had read in newspapers that the said stone slab was recovered from the debris of Babri Masjid and then shifted to Ram Katha Kunj. I had read this several times in the newspapers in several months. I had read this only in newspapers and not in journals and magazines. At that time, I was in Mysore and mostly I had read about this in English newspapers. At that time I used to read a

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number of newspapers which were available there in the office and they were all India newspapers. This news used to come in all the newspapers, I had the opportunity to read. I don't exactly remember the month when I first read about this in newspapers but after one or two months of demolition of the Babri Masjid, I would have read this. As I do not remember the month it could be any time when the newspapers published about this item after the demolition.

Statement read and verified

  
Dated: April 02, 2003

Statement typed on my dictation in open court. Put up for further cross-examination on 03-04-2003.

  
2/4/03  
(Narendra Prasad)

Commissioner

Dated : April 02, 2003

Dated.3-4-2003 O.P.W.15 Madhav Narayanacharya Katti

Before- Commissioner Sri Narendra Prasad,  
Additional District Judge/Officer on Special Duty, High  
Court, Lucknow.

(Commissioner appointed vide order dated 26.3.03 of  
Hon'ble Special Full Bench of Allahabad High Court,  
Lucknow Bench, Lucknow passed in O.O.S. No. 5 of 1989  
(R.S. No. 236/89) Bhagwan Sri Ram Virajman at Shri Ram  
Janam Bhumi & Others Versus Rajendra Singh and others)

Cross examination of O.P.W. 15 , on behalf of  
defendant No. 4 Sunni Central Board of Waqf, by Shri  
Zafaryab Jilani, Advocate started in continuation of his cross  
examination dated 02.04.2003, started on oath.

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I remember only this much that some artefacts from  
the debris of the destroyed Babri Masjid, were shifted from  
the site to Ram Katha Kunj Building and I also came to  
know that the inscribed stone was also shifted from there  
alongwith other artefacts. I don't remember any detail  
regarding the mode of recovery of the inscribed stones.

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Once or twice, I have read the name of Sudha Mallaiya in the news papers. Her name was read in the context of her visiting Ayodhya to the best of my remembrance and saying something about the inscribed stones. I don't remember as to when I had read the news item appearing in news papers with the name of Sudha Mallaiya. I have some times heard people addressing her as Dr. Sudha Mallaiya. I have not heard in a general way about her being an epigraphist or a historian. I have also not read any article or book on epigraphy written by her. I do not know whether Sudha Mallaiya has written any book or article on epigraphy or on history.

When I had gone to Ram Katha Kunj in September-October, 1993 alongwith Director of Science Dr. Sharma, we observed that the inscribed stones had become fragmentary and practically in two pieces which were kept together and we could observe that there was a slit from the top, downwards but however the alignment of the text portion was in the proper order. When I saw the inscribed stone for the first time in 1993, I had not found any scratches on the inscribed stones as a result of it being cleaned. As I remember some portion of the inscribed stones had some



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— mud or lime etc<sup>stuck</sup> However the inscribed portion was almost practically clean. The inscribed stones were kept horizontally on the ground. At that time I did not see the back portion of the inscribed stone, as it was lying horizontally. I did not remove those stones from the place where it was kept. Therefore, I could not see whether any rubble, mud, plaster or lime was stuck on the back side of the said inscribed stone or not. I had seen some traces of mud, lime, dust etc. sticking here and there on the sides of the said inscribed stones. As I was mainly deputed to examine whether the inscribed ~~stone~~<sup>stone</sup> as kept there, was in a readable condition or not and as the Director (Science) was with me, I concentrated more on the surface of the inscribed portion. I did not see any scratches as a result of cleaning on the sides of said inscribed stones at that time. I was mainly concerned with the legibility of the inscribed stones and Director (Science) Dr. Sharma was mainly concerned with the preservation and condition of the artefacts including the inscribed stones. As I remember I had read the name of Sudha Mallaiya much earlier than I had visited Ram Katha Kunj in 1993 but I had not met her till then. Thereafter, I had met Sudha Mallaiya only once till now. We had submitted a report to the Director General A.S.I. immediately on our



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return to Delhi from Ram Katha Kunj in 1993. In 1993, when I had visited there, I had not deciphered any portion or word of the inscribed stones. I did not even note down any portion or word of the inscribed stone at that time.

My next visit to Ayodhya was in February, 1994, when I was asked to prepare the estampages. At that time, as I remember one officer from Mysore had accompanied me to Ayodhya and as I remember his name is Dr. M.D. Sampat. Dr. Sampat was Chief Epigraphist at that time in Mysore. He has now retired after succeeding me as Director Epigraphy. He specialised in Dravidian languages and he had general knowledge of Sanskrit. As Director he had to deal with Sanskrit inscriptions also. Myself, Dr. Sampat and two attendants had come from Mysore to Delhi and then from Delhi we came to Lucknow and then from Lucknow to Faizabad and then Ayodhya. No officer of the U.P. State Archaeology department had accompanied with me during our visit to Ram Katha Kunj in 1994. At that time a Magistrate was present at Ram Katha Kunj during our visit but I don't remember whether Commissioner of Faizabad division was present or not there at that time. During our this visit we had cleaned the surface of the inscribed stones and had

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washed it by water. As I remember we had taken more than one set of estampage at that time and probably we may have taken some estampage piece wise i.e. portion wise, wherever the first taken estampages would not have been clear, however we had taken at least two sets of estampage positively. Out of the two sets of estampage, one set of estampage<sup>is</sup> in this court as paper No. 203C-1/1 and 203C-1/2. We must have taken 2<sup>or</sup>2 and 1/2 hours time in taking the estampages. In this process of taking estampages, I did not make any effort to decipher any portion or word of the said inscriptions. We took the entire set of estampages prepared by us to Delhi and submitted it to the Director General of A.S.I. The closed envelope containing the estampages was submitted to the Director General of A.S.I. The cover was once open<sup>ed</sup> in presence of the Director General to see whether the estampages were in tact or not and as per our usual procedure the back portion of the estampages would be pasted with some slips to strengthen the background of the estampages to the extent necessary. At that time one set of estampages was again — put & sealed in separate envelope and to my knowledge the envelop was signed by me, Dr. Sampat and one representative of the Director General of A.S.I., and the



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other set was similarly<sup>left</sup> in a separate envelope, then the envelop was closed and signed by us in the same manner as referred to above and was again submitted to the Director General for safe custody. Both the envelopes were submitted to the Director General for action and then we left for Mysore. All this was done immediately after we reached Delhi from Ayodhya. After sealing the envelopes containing the estampages prepared by me as aforesaid and submitting it to the Director General, till my seeing the said estampages in Court here, I did not see them between this period. The above estampages were not photocopy because one set of said estampages were in A.S.I. and other in this court. As I was stationed at Mysore after submitting them to the Director General and to the Court on different dates. I did not have any occasion to see them and hence I can say that they were not photocopies. I was never posted in Delhi during the tenure of my service. The estampages in sealed cover were handed over to me in New Delhi in the month of August, 1996 I brought it to the court at Lucknow and submitted - sealed cover to the court. Even then, I had no occasion to see the estampages. I do not know whether the estampages of same inscribed stones were got prepared by the A.S.I. subsequently through some other person. The



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witness was shown the paper No. 203C-1/1-A, and paper No. 203C-1/2-A by the learned counsel cross examining the witness and after seeing it the witness said that I don't know<sup>u</sup> if these<sup>u</sup> estampages were prepared by the A.S.I. or not. I had seen similar estampages as paper No. 203C-1/1-A earlier than my visit to Lucknow as a witness. I had<sup>u</sup> seen the estampage in Delhi. I must have seen that in the Institute of Archaeological Society, near Hauz Khas, New Delhi in May, 2001. When I had been seeing that estampage in May, 2001 in Delhi at that time Dr. K.V. Ramesh, Dr. T.P. Verma, Dr. Ajay Mitra Shastri and Sudha Mallaiya were present at the Institute. Dr. S.P. Gupta was one of the Member Managing the Institute. Dr. Gupta was present in the institute but he was not present in this meeting. That day for three to four hours we had discussed about the inscription contained in the said estampage. On that day the discussion was of general type including decipherment, translation etc. and the same was only in one sitting. Thereafter I had no other sitting in this regard either with Dr. K.V. Ramesh or with any other person. At that time Dr. Ramesh and I stayed at N.C.E.R.T. building in the adjoining area. We left Delhi on the next day. Both of us left together for Mysore. I do not know when Dr. Ramesh had come to Delhi as I had met

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him on that day in the said institute Dr. Ramesh also resides at Mysore. I had discussions with Dr. Ramesh at Mysore regarding my this visit to Delhi but at that time the visit of Dr. Ramesh was not finalised or certain and as such both of us had come to Delhi separately. After going back from Delhi, I did not have any discussions with Dr. Ramesh regarding the decipherment etc. of the estampage in Mysore.

I was invited to Delhi by the Indian Archaeological Society of which perhaps Late Devkinandan Agarwalji was the Chairman. During the above referred sitting at the office of Indian Archaeological Society Dr. G.C.Tripathi and Dr. D.P. Dubey were also present. This was my first meeting with Sudha Mallaiya, Dr. G.C.Tripathi and Dr. D.P. Dubey.

Q. Was Dr. S.P. Gupta also a participant in the aforesaid meeting in May 2001 in the office of Indian Archaeological Society as stated by Dr. K.V. Ramesh?

Ans. Dr. S.P. Gupta was present there in the institute and visited our room where we were all sitting for discussions but he was not continuously sitting there. I mean

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to say that for some time he used to come to the room and go back. He was not a participant of the said meeting.

We had a general discussion about the inscriptions and I do not remember whether any note was prepared or taken in that meeting by any of us but at least I had not prepared nor taken any note there. I was requested by someone of the Indian Archaeological Society to decipher and study the inscriptions in detail in that very meeting and thereafter I went back to Mysore.

During my service tenure I have deciphered inscriptions which were said to have been recovered from debris in various parts of India out of these many inscription wherein Sanskrit.

Q. Whether you can give the names or particulars of such Sanskrit inscriptions which were said to have been recovered in some debris and were deciphered by you ?

Ans. As the number of the inscriptions is in multitude I cannot give the names and particulars of the inscriptions, however, to mention one or two I am able to recollect one

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Sanskrit inscription from North Canara District of Karnataka which is in Sanskrit language and Southern Brahmi script about the 5<sup>th</sup> Century A.D.

The above inscription was said to have been recovered from the debris of ancient palace of the early Kadambas and it was recovered by the local people incidentally then they informed the Director of Epigraphy, A.S.I. Mysore and then I had gone to the spot to collect the same. The said inscription was recovered before 1981. The post of Director Epigraphy was transferred in the year 1981. This recovery was published in the annual report on Indian Epigraphy which is brought out by the Epigraphy branch of the A.S.I. It is prepared in Mysore and printed as per the convenience in different parts of India and published by the Director General A.S.I.

This annual report on Indian epigraphy is published annually. Only a few items of this report is sent for publication in "Indian Archaeology – a review". I am sure that the recovery made from the ancient palace of the early Kadambas referred to above must have been noticed in the "Indian Archaeology-a review". This above inscription was

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deciphered and translated by me. Witness volunteer<sup>~</sup> that I am able to recollect some of the other Sanskrit inscriptions which were recovered from the debris of various edifices and the inscriptions are presently available or kept in various parts of India, which are as under :-

1. An inscription recovered from Silchar in Assam,
2. Inscription recovered from Bodh Gaya in Bihar,
3. Inscription recovered from Vidisa in Madhya Pradesh,
4. Inscription recovered from Elephanta in Maharashtra,
5. Inscription recovered from Alampur, Karnaul District,
6. Inscription recovered from Hampi in Ballari District<sup>~</sup> Karnataka<sup>~</sup>, and
7. Inscription recovered from Mahabali Puram near Madras in Tamilnadu.

The above inscriptions were deciphered, translated and some of them were edited by me in different publications during the period of 1976 to 1986. To the above list I want to add that an inscription was recovered from

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Modlimb — and another inscription was recovered from Baroda in Gujrat and one inscription from Muraina, Uttar-Pradesh was also recovered. All these inscriptions were deciphered, transliterated, translated and some of these were edited by me. During my entire service tenure in the A.S.I. more than 100 inscriptions were recovered or reported to have been found from debris of various buildings, which were in Sanskrit and were deciphered, transliterated, translated and some of them were edited by me also. At least 50% of these inscriptions related to the temples, I mean to say that the inscriptions recovered from debris of temples. All of them were reported in the "Annual Reports on Indian Epigraphy" published by the A.S.I. and some of them must have been noticed in Indian Archaeology- A review".

Q. Can you tell any particular years of any issue of "Indian Archaeology- A review" (I.A.R.) or any "Annual Report on Indian Epigraphy" published by A.S.I., in which any of the aforesaid inscriptions deciphered and translated by you, were noticed or published ?

Ans. I do not remember any particular year in which any of the aforesaid inscriptions were noticed or reported in I.A.R.

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or in the "Annual Report on Indian Epigraphy". The witness volunteered that I have edited 10 "Annual Reports on Indian Epigraphy".

In "Epigraphia Indica" at least two of the aforesaid inscriptions were published and other three or four are still under publication. Some of them have been published in the Journal of the Epigraphical Society of India. Both these inscriptions were published in Volumes 37 and 38 of the Epigraphia Indica. Both the above inscriptions relate to modlimb and Elephanta. By Elephanta I mean the place where the Elephanta<sup>caves</sup> are located. When the officials of the A.S.I. stationed at Elephanta were making a pathway from the caves to the sea then while clearing the debris, this inscribed stone has been reported to have been recovered. The said debris included the debris of dilapidated buildings also. The said inscription mentioned about the exact weight of that stone which was probably used during the period of that inscription which is about 6<sup>th</sup> century A.D. The script of that inscription was later Brahmi of that period. It was a very small inscription having four lines only. The other inscription published in "Epigraphia Indica" was a estampage of an inscription found at Modlimb Maharashtra

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traced about 80 years ago for which it was <sup>thought</sup> spurious inscription but I found it to be genuine and therefore I edited for Epigraphia Indica. The actual proper place of the said estampage is not available except this estampage no other record is available about the debris and about the place and about the person who had found it. This inscription relates to the period of early Chalukyas and belongs to 7<sup>th</sup> Century A.D. as can be assessed on the basis of its palaeography. The ruler was Pulakesin-II who bore the title Parmeshwarah and his forefathers names are also mentioned in it that helped me to identify the name of the ruler. He ruled from 609 to 642 A.D. covering whole of Karnatka, Maharashtra and parts of Madhya Pradesh. Parmeshwarah is also used for God as well as for Emperor.

It is not evident as to from which building i.e. palace or temple or house, it has come from. Apart from the above two, I recollect two more inscriptions which were found while clearing the debris and have been reported in "Annual Reports on Indian Epigraphy" and one of them is also edited by me. Both these inscriptions are in Sanskrit one of them was recovered from Alampur from Kurnool District, Andhra Pradesh from the debris of some — temple there, when

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they were clearing the debris. It was recovered around the year 1983-1984, but exact year, I do not remember. That refers to eastern Chalukyas Vijayaditya which is of around the 8<sup>th</sup> century A.D. It is in the praise of the rulers and contains the usual invocations of God. It refers to Varaha form of Vishnu. The above inscription is at least 15-20 lines and its size must also be fairly big. Its length and width must be about 3 to 4 feet. It was found from the debris of the temple. At that time this temple was not reconstructed and was lying in ruin. This place from where above inscription was recovered, is at a distance of 15 Km from the city of Kurnool. The reporting of the said inscription must have been made sometimes between 1970 to 1974 in the "Annual Report on Indian Epigraphy". The other inscription which was reported in "Annual Report on Indian Epigraphy" between the period 1983 to 1986, was found from Silcher, Assam from the debris of some house or building near a temple and a tank. The inscription is in Nagari Script and is of very later period, around 17-18 centuries A.D. It gives reference to the rulers of that area and mentions one queen Rani Laxmi Devi. It does not mention any God or Goddess but refers to the teacher of Maharani in whose memory a small temple was developed. It is an inscribed slab which

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was kept in the house of one of the residents of nearby locality. It was found from the debris of a dilapidated wall of the temple referred to in the inscription and was preserved by the local resident in a nearby house. I had taken estampage of that inscribed stone and the inscribed stone was lying with that person but what is the position today I do not know. I was informed about this by the local Gauhati office of the A.S.I.

Statement read and verified



Dated: April 03, 2003

Statement typed on my dictation in open court. Put up for further cross-examination on 04-04-2003.

  
(Narendra Prasad)  
2/4/03

Commissioner

Dated : April 03, 2003

Dated.4-4-2003 O.P.W.15 Madhav Narayanacharya Katti

Before- Commissioner Sri Narendra Prasad,  
Additional District Judge/Officer on Special Duty, High  
Court, Lucknow.

(Commissioner appointed vide order dated 26.3.03 of  
Hon'ble Special Full Bench of Allahabad High Court,  
Lucknow Bench, Lucknow passed in O.O.S. No. 5 of 1989  
(R.S. No. 236/89) Bhagwan Sri Rama Virajman at Shri Ram  
Janam Bhumi & Others Versus Rajendra Singh and others)

Cross examination of O.P.W. 15 on behalf of  
defendant No. 4 Sunni Central Board of Waqf, by Shri  
Zafaryab Jilani, Advocate started in continuation of his cross  
examination dated 03.04.2003, on oath.

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Usually information regarding recovery or discovery  
of any Sanskritik or Dravidian inscriptions are received in  
our Mysore office and some times the information is  
received at Mysore office through the Director General,  
A.S.I. or any other office of the A.S.I. On the receipt of  
such information the Director of the Mysore office

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sometimes himself goes to the spot and sometimes deposes any other officer working under him. When the Director or other officer deputed by him goes to the place where the inscription is recovered or discovered, then, on his return he submits a written report in the office, that report is then edited by the Director himself for publication in Annual Report on Indian Epigraphy (A.R.Ep.) Actually this Annual Report on Indian Epigraphy is prepared every year but sometime there is delay in its publication. The report of 1994-95 was published only last year. The reports of 1995-96 onwards are ready in the office. The witness volunteered "this thing relates till the period of his retirement." I was the editor of the A.R.Ep. upto the year 1993-94 and after that it was assigned to my successor. There is also a system followed in the office that once a person is appointed as Chief Epigraphist, he can also be assigned the Editorship. Hence I had assigned for the further years after 1993-94 to Dr. M.D. Sampat, who was the Chief Epigraphist at that time upto the time of my retirement i.e. upto the year 1997. The A.R.Eps. were prepared in time and only its publications were delayed. As I know similar is the position of publication of Indian Archaeology—A Review. The

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Indian Archaeology- A Review of 1994-95 was published in the year 2000.

Q. Can you tell us whether the Annual Report on Indian Epigraphy of 1994-95 was prepared for publication during your tenure as Director of the Mysore office ?


Ans. The academic part of it was prepared and ready but, however, for publication, the preliminary pages etc. have to be added. They would have been added by Dr. Sampat at a later date while sending it for publication.

The Annual Report on Indian Epigraphy upto the year 1994-95, which has been published till now is based on the report of recoveries, discoveries etc., made upto the year 1994-95. Apart from this the members of the office undertake regular tours to different parts of India and take the estampages of inscriptions hitherto unnoticed in the Annual Reports. As soon as we come to know about the recoveries or discoveries, including those inscriptions the estampages of which we take in our regular tours, steps are taken to take the estampages of such inscriptions, all of which will be examined in the office and finally included in

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the Annual Report on Indian Epigraphy for that particular year. Even if, we don't receive any communication regarding any recovery and discovery of any inscription and we of our own get any such oral information, on ascertaining about the exact provenance of the inscription, either the Director or his officer would visit that place and take the estampages of such inscription also and then the report of the same will be published in the Annual Report of that particular year. It is not the time of the recovery or discovery of the inscription necessarily, but the time when the information is received by the office, and the Director or his officers go to the spot for taking estampages and submit report and that report and information will be included on that year's Annual Report on Indian Epigraphy. There is an Act which makes it obligatory for the person in possession of an antiquity to report the same to the A.S.I. The witness voluntarily said that the implementation of the act is in consultation with the Director General or the specific offices dealing with the protection and preservation of monuments and antiquities. If the object is an inscribed stone or Copper Plate, such cases are decided in consultation with the Director General or the officers who look after the protection of monuments and antiquities for which A.S.I.

  
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has separate offices, e.g. if the Mysore office receives information about the discovery of a Copper Plate inscription, in Lucknow region, the Director (Epigraphy), Mysore will consult the Director General, if the Copper Plate is to be acquired and Director General may agree for its acquirement or direct the Circle Officer stationed at Lucknow i.e. Superintending Archaeologist of Lucknow Circle, who will, alongwith the Director (Epigraphy), take steps for its acquirement.

The provision is there in the act that if some body does not inform about the antiquities available with him, he can be penalised. I do not know whether any persons have been penalised under this provision or not. This matter is dealt with by the Director General A.S.I. or the circle officers of the A.S.I. The Director (Epigraphy) will be consulted only, if the inscribed object is to be acquired by the department. I am aware of such cases where the antiquities are still kept with the persons from — whom A.S.I. officials or officers have taken estampages and to my knowledge, the antiquities were allowed to remain with those persons. The witness voluntarily said that, since the antiquities or inscribed objects are in thousands in India, we would ask the persons

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keeping such antiquities not to meddle with them or destroy but keep<sup>in</sup> a safe custody. In cases of Copper plates, coins etc. they are to be registered with the Archaeological Survey of India or the State Archaeological Department and we tell the owners having such objects with them to register these antiquities.

Q. Whether the procedure adopted for Copper Plates and Coins is not adopted for inscribed stones lying in the custody of individuals or bodies?

Ans. That procedure was not adopted in respect of inscribed stones earlier because to the best of my knowledge it did not make it compulsory for the registration of such inscribed objects. I mean to say that we only advise the individuals to keep them under the safe custody or in case of smaller objects bring to the notice of the circle officer or the local revenue authorities, even if the object is an inscribed stone of more than 1000 years old.

I have come across many such cases reported to the Director (Epigraphy) Mysore in which the object was still in insitu position. On getting information when we reach the

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spot the object still remains insitu position. For instance one inscription at Tamburu in Dharwad District, Karnataka and another in Banawasi, North Kannara District, Karnataka were found which I saw insitu position, and then I had taken estampages of the same objects where the inscribed stone from Tamburu, Dharwad District was found near a temple and remained there. The nature of this object is that it mentions the name of the temple, the king ruling over that area, and contains particulars of donation to that temple made by him. It belongs to 12<sup>th</sup> Century A.D. The above temple is of Lord Shiva. The said inscribed stone was found in the year 1965-66 and this find was reported in "Annual Report on Indian Epigraphy" of the same year. I don't remember whether this was reported in Epigraphia Indica or not. It must have been reported in Indian Archaeology-A Review. It was both a discovery and recovery. It was a chance discovery by the local people. It was a fairly big inscribed stone measuring about 3 feet into 4 feet. The other inscribed stone was found in debris near a temple at Banawasi, North Kannara District. It was also a chance discovery and was discovered while clearing the debris of building near a temple. This was Palaeographically dateable to about the 5<sup>th</sup> - 6<sup>th</sup> Centuries A.D. It was also of a big size

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measuring about 3 feet X 4 feet. The inscribed stone recovered from Tamburu referred to above bears the date of inscription or at least as I remember mentions the name of ruler of that area. The inscribed stone recovered from Banwasi was deciphered and transcribed and translated by me and the same was noticed in Annual Report on Indian Epigraphy in the year 1965-66. Perhaps this was not published in Epigraphia Indica. I don't remember but it must have been noticed in Indian Archaeology – A Review.

I have transcribed several inscriptions and at least about 100 or more, which have been noticed in the Annual Report on Indian Epigraphy. Out of these 100 or more inscriptions, at least 50 or more inscriptions have been palaeographically dated by me. This number may exceed even 200.

Deciphering means transcribing the inscriptions letter by letter in the modern script. Palaeographically means that the date of inscription is assessed on the basis of its palaeography i.e. the style and design of the letters. Speaking about North India or about the inscriptions of Sanskrit from a period of about the 4<sup>th</sup> Century A.D. to about

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the 6<sup>th</sup> Century A.D. they were written in Brahmi of the Northern Style. After that they were written in the script called Siddha-Matrika; from about the 6<sup>th</sup> century A.D. to 9<sup>th</sup> Century A.D. Then from about the 10<sup>th</sup> Century A.D. to about the 12<sup>th</sup> Century A.D. They were written in the script which we call either Early Nagri or Proto Nagri. From 13<sup>th</sup> Century onwards upto the present, we call the script as Nagri which is also recently named as Dev Nagri, but one point to be clarified here is that it is the same Brahmi which underwent various stages of palaeographical development through various centuries until it took the present shape of Nagri.

The earlier shape of Nagri was called Early-Nagri or Proto Nagri upto about 13<sup>th</sup> Century A.D. Devnagri word is of a very recent origin and we call it Nagri even today. The use of Devnagri word has started from about 100 years only according to my knowledge. There is no difference between the Nagri and Devnagri and both nomenclatures are synonymous. The same script which is called Nagri and used for Sanskrit is also used for Hindi and Marathi. There

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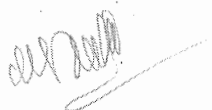
is a gradual improvement in the development of Nagri from about the 13<sup>th</sup> Century onwards. There is a difference between Nagri Script of 13<sup>th</sup> Century and 17<sup>th</sup> Century.

Statement read and verified



Dated: April 04, 2003

Statement typed on my dictation in open court. Put up on 7.4.2003 before Hon'ble Special Full Bench.



(Narendra Prasad)

Commissioner

Dated : April 04, 2003

Dated 28-4-2003O.P.W.15 M.N. Katti

Before Full Bench

Cross-examination of O.P.W.15 on behalf of defendant No.4 Sunni Central Board of Waqf, by Shri Zafaryab Jilani, Advocate started in continuation of his cross-examination dated 4.4.2003, on oath :

In my statement, at page 69, the mention of Annual report on Indian Epigraphy of 1965-66 is correct. He further states that there are two reports and both of them were published simultaneously in one volume and that volume contains both the reports, i.e 1965-66 and 1966-67. Banavasi report was not noticed in the annual report on Indian Epigraphy of 1965-66 as stated by me earlier. He further states that Banvasi report was noticed, probably in or after 1971-72. My statement regarding Tamburu report is correct that it was noticed in the Annual report on Indian Epigraphy of 1965-66. The estampage taken by me from Ram Katha Kunj at Ayodhya in the year 1994(paper No.203C1/1 and 203/C1/2) has not been published either in the Annual report on Indian Epigraphy or in Indian Archaeology- a Review or



even in Epigraphia Indica. Since the matter is subjudice before this court, it was not proper to publish <sup>it in</sup> any of these reports in any publication and for these reasons, I did not translate it or decipher it till so long as I was under the employment of government. I was deputed by the Director General, A.S.I. to take the estampage of the stone inscription and that is why I did not retain estampage or its photograph with me. The said stone inscription was on a sand stone. The upper surface was dressed and the inscription was found engraved. That stone was something like buff colour. Again said if reddish and buff, it was more buff. That stone inscription was numbered by the Directorate of Archaeology of Government of U.P. I cannot answer as to when that stone was numbered. On both the occasions, i.e. 1993 and 1994, when I made a visit for inspection of the inscription in question, I did not notice any numbering on that stone given by the Directorate of Archaeology, Government of U.P. Even in my third visit which was in 1995, I did not notice that number on the inscription in question. During my recent visit of 2003 to Ayodhya, I did not visit the place where the said inscription is lying.



Volunteered : I visited Ram Katha Kunj only in the capacity of Director, Epigraphy, A.S.I. and my visit to Ayodhya in the years 1993, 1994 and 1995 was in my capacity as Director of Epigraphy, whereas the recent visit of 2003 was purely in my personal capacity and I did not even venture to go there.

A.S.I. maintains record of only those inscriptions which are directly under the custody of A.S.I. and also of those inscriptions which are reported to the A.S.I. but those inscriptions are allowed to remain with the respective owners. All those stones or inscriptions are even numbered by the A.S.I. Cunningham was the Director General of A.S.I from the decades of 1860 to 1880.

At this juncture, the attention of witness was drawn to last but one para of paper no.107C-1/32 "inscription No.XLIV is written .....in the Faizabad local museum. The witness having gone through the passage has answered that the number mentioned on the inscription given in this passage must have been given by the authorities of Faizabad museum." The method of giving number by A.S.I. on the inscription is as per Appendix provided with the Annual

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Report on Indian Epigraphy. I am not aware whether Faizabad museum was directly under the control of A.S.I., at that time i.e. 1880s or not. The description of stone inscription given by Cunningham in paper No.107C-1/32 is correct.

Volunteered : During the British period, the structure of the government was basically different. If the union government wanted to have control over any institution, it could in consultation with the State Government have some type of control over that also. At this stage, the attention of witness was drawn to the last paragraph and footnote 4 of page No.52 of paper No.120C-1/2(Hans Bakker's book). The witness answered that this passage of Hans Brakker has referred the same inscription which has been stated by Cunningham in paper No.107C1/32. Although, It is a fact that he has referred to Fuhrer not to Cunningham. In the footnote No.4, it is stated that the inscription is now in the possession of State museum at Lucknow. In the bracket, he has also given number which is, in my opinion, given by the State Archaeological Department. State Museum at Lucknow is not under the control of A.S.I. but under the control of State Government. There is no category of white

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sand stone but it is always buff colour stone or reddish buff colour stone, therefore, in my view Fuhrer or Cunningham has used the word white sand stone in the sense of a lighter colour which is buff in the context. The estampage of this stone recovered prior to 1880 may not be available in the A.S.I.

I have come before this Court to depose only in respect of estampage which I had taken from the said inscription in the year 1994. The said estampage in question (Paper Nos. 203C-1/1 and 203C-1/2) was also brought by me and filed before this Court. In my statement I have referred to the Indian History Congress. It is a representative body consisting of the historians of India. In para 9 of my affidavit, I have stated that I was Section President of Indian History Congress in 1995. There are different sections in Indian History Congress, such as, Epigraphy, which deals only with matters concerning epigraphy. The section of Epigraphy which was headed by me deals in epigraphy, archaeology, numismatics and archives. I was not regularly participating in annual sessions of Indian History Congress. I know Prof. Ram Sharan Sharma and Prof. Irfan Habib. They also participated in the conferences of Indian History Congress. They are definitely renowned Historians. Nobody

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directly approached and requested me to depose before this Court. I have come on the summons issued by this Court. I was acquainted with Mr. Deoki Nandan Agarwal and Dr. S.P.Gupta, because of their being office bearers of Archaeological Society of India. Mr. S.P. Gupta is known to me since last 40 years.

(Cross Examination on behalf of Sunni Central Board of Waqfs U.P. and others by Sri Z. Jilani, Advocate recorded and concluded.)

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(Cross Examination of O.P.W.15 on behalf of Mohammad Hashim, defendant no.5 by Sri M.A. Siddiqui, Advocate.)

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As per my statement in my affidavit my role was only confined to take the estampage of the inscription in question at Ayodhya and file it before this Court.

(Cross examination on behalf of defendant no.5, Mohammad Hashim by Sri M.A. Siddiqui, Advocate recorded and concluded.)

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Sri Syed Irfan Ahmad, Advocate for defendant no.26 adopted the cross-examination of O.P.W.15 already made on behalf of defendant no.4, 5 and 6.

Sri Fazle Alam, Advocate, for defendants no.6/1 and 6/2 in O.S. No.3 of 1989 adopted the cross-examination of O.P.W.15 already done on behalf of defendants no.4, 5 and 6.

Cross-examination on behalf of all the contesting defendants concluded.

Statement read over and verified



28.4.2003

Statement typed on our dictation by Private Secretary in open Court.



28.4.2003.