

## IN THE HON'BLE HIGH COURT OF JUDICATURE AT

ALLAHABAD,

LUCKNOW BENCH, LUCKNOW

OOS No. 5 of 1989

Bhagwan Sri Rama Lala Virajman and others

.....Plaintiffs

Versus

Rajendra Singh and others

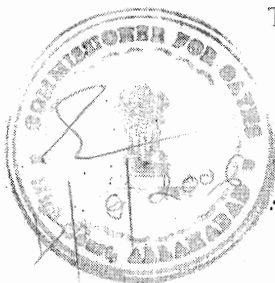
..... Defendants

EXAMINATION IN CHIEF OF Dr. R. NAGASWAMY ON AFFIDAVITUNDER ORDER 18, RULE 4 CPC

I, Dr. R.Nagaswamy aged about 76 years S/O Late Shri U.N.  
Ramchandran R/o 11, 22<sup>nd</sup> Cross street Besant Nagar, Chennai (Madras)

The deponent do hereby take oath and state on oath as under :

1. That the deponent retired from the post of Director of Archaeology  
Tamilnadu on 31.08.1988.



R. Nagaswamy

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Gardner

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Forney et al

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Ramsey

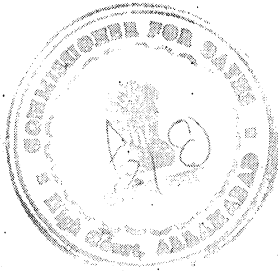
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2. That the deponent has obtained post graduate degree in Sanskrit language and literature from Madras University in the year 1958 and completed his Ph.D. from Pune University in the year 1974.
3. That the deponent worked as Curator for art and archaeology in government Museum at Madras in the year 1959 – 63 and also worked as Assit. Special officer for archaeology, Government of Tamilnadu in the year 1963 – 65.
4. That the deponent underwent training in excavation and conservation from Archaeological Survey of India.
5. That the deponent worked as Director of Archaeology government of Tamilnadu continuously for a term of 22 years from 1966 – 88.
6. That during his service the deponent has conducted so many excavations and explorations.
7. That the deponent was appointed Vice Chancellor of Kanchipuram University of Madras in the end of February 1995 and served as such up to 1996.
8. That the deponent is presently director of International Institute of Shaiv Sidhant research, Dharmapuram, Madras.
9. That the field of specialization of the deponent are Temple arts and Culture, Archaeology, Art history, Tamil literature from Sangam age to modern period, Sanskrit literature, Indian Epigraphy and Archaeology, Ancient Indian Law and Society, South Asian Art and Religion, Agamic and Vastu literature, South Indian Music and

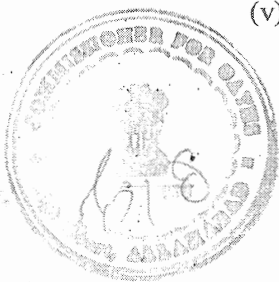


R. Narayan

dance, South Indian Numismatics, Religion and philosophy, and Village studies.

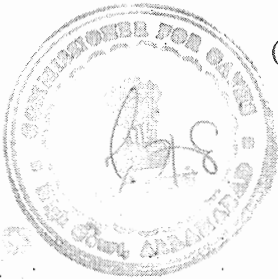
10. That the deponent has Authored over 27 books in both English and Tamil and edited over 22 books, which are listed here : -

- (i) Art and Religion of the Bhairavas, (English and Sanskrit), (Author), Published by Tamil Arts Academy, Chennai, 2006. Covering also north Indian temples & images.
- (ii) Kalavai, English, Author, A study of 2000 years old village, based on Inscriptions and monuments, Tamil Arts Academy, 2005.
- (iii) Pathway to the Antiquity of your Village, English and Tamil, All Villages in Tamilnad arranged Alphabetically under each District, and the Number of Inscriptions copied from that village by the Government, their number, years of copying and how to know about the original inscription, Author, Tamil Arts Academy, Chennai, 2006.
- (iv) Facets of South Indian Art and Architecture ( 2 Volumes), English, (Author), Pub Aryan Books International, New Delhi, 2003.
- (v) Uttaramerur, English, Author, Pub. Tamil Arts academy, Chennai, 90, 2003.



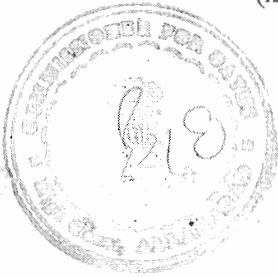
R. Vennu

- (vi) Roman Karur, English, /(Author), History and Antiquity of the Ancient Capital of the Chera kings, Brahad Prakashan, Madras, 90; /(Author)/1995
- (vii) Siva Bhakti, with a Foreword by Sri R. Venkataraman, President of India, English/(Author), Pub. Navrang New Delhi, /1989.
- (viii) Master pieces of Early South Indian bronzes, English/(Author)/Pub National Museum, Government of India on the Occasion of NAM SummitMeet, New Delhi 1983.
- (ix) Tantric Cult in South India, English, Author, Pub Agam Kala Prakashan, Delhi, 1982.
- (x) Tamil coins-a-study, English/(Author) Tamilnadu State Department of Archaeology, Madras, 1981.
- (xi) Art and culture of Tamilnad, English/(Author)/Tamilnadu State Department of Archaeology, Madras, 1980.
- (xii) Studies in ancient Tamil law and societ, English (Author), Institute of Epigraphy, Tamilnadu State Dept. of Archaeology, Madras,/ 1978.
- (xiii) Gangaikondacholapuram, English/(Author)/Tamilnadu State Department of Archaeology, Madras, 1970.
- (xiv) Thiruttani and Velancheri copper plates, English, Sanskrit and Tamil/(Author)/ 1979 Tamilnadu State Department of Archaeology, Madras,



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- (xv) Uttaramerur, Tamil/(Author)/Tamil Arts Academy, Chennai, 2003.
- (xvi) Colmalai, Tamil/ (Author)/ Tamil Arts Academy, Chennai, 2001.
- (xvii) Poyyilimalai, Tamil / (Author) / Brahadish Publication, Chennai, 600090, 1996.
- (xviii) Tavam Ceyda Tavam, Tamil / (Author) / Brahadish Publication, Chennai, 90, 1994.
- (xix) Oviyapavai, Tamilnadu State Department of Archaeology, Madras, Tamil/(Author)/1979.
- (xx) Kallum collum, Tamil/ (Author) / Shekhar Publishers, Chennai, 1977.
- (xxi) Yavarum Kelir, Tamil / (Author), Vacakar Vattam, Chennai, 1973.
- (xxii) Mamallai, Tamilnadu State Department of Archaeology, Madras, Tamil / (Author) / 1968.
- (xxiii) Kalaic Celvangal, Tamil / (Author), Madras Government Museum. Madras, 8 / 1961.
- (xxiv) Ramalinga vilasam, Tamil / (Author)/ V Tamilnadu State Department of Archaeology, Madras.
- (xxv) Tirumalai nayakar maha, Tamil / (Author) Tamilnadu State Department of Archaeology, Madras.



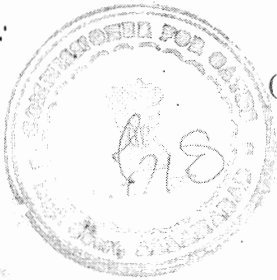
R. Narayana

(xxvi) Tamilnattuk Kasugal, Tamil / (Author) / Tamilnadu State  
Department of Archaeology, Madras.

(xxvii) Bommai pazhaiya bommai, Tamil / (Author).

11. That the deponent has edited the following books :-

- (i) Foundation of Indian Art, English, Editor, Papers presented at the International Conference on Art and Religion, Chidambaram, Pub by Tamil Arts Academy, Chennai, 90, 2002.
- (ii) Studies in South Indian history and culture, English/ (Editor) /SAHER, Chennai 1997.
- (iii) Ramanathpuram district – an archaeological guide, Collector of Ramantha puram, English/ (Editor)/1979.
- (iv) South Indian Studies – II # SAHER, Chennai, English/ (Editor) / 1979
- (v) Vasavasamudram, Excavation Report, Tamilnadu State Department of Archaeology, Madras, English / (Editor) / 1978.
- (vi) South Indian Sudies III, SAHER, Chennai, English / (Editor) / 1980.
- (vii) South Indian Sudies I, SAHER, Chennai, English / (Editor) / 1978.
- (viii) Kalvettu Karuttarangu – Seminar on Inscriptions, 1966, English and Tamil / (Editor) / 1986.



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- (ix) Nandipuram, Tamil / (Editor) / 1992.
- (x) Madurai district history Seminar, Tamil / (Editor) / 1983.
- (xi) Vadamalai nigandu, Tamil / (Editor) / 1983.
- (xii) Akarati nikandu, Tamil / (Editor) / 1983.
- (xiii) Tolliyal Karuttaranku, Tamil / (Editor) / 1983.
- (xiv) Muvaraiyan viralividu tutu, Tamil / (Editor) / 1982.
- (xv) Tiruvenkatanatan vantuvitu tutu, Tamil / (Editor) / 1981.
- (xvi) Palaiyap-pattukkalin vamsavali, Tamil / (Editor) / 1981.
- (xvii) Katal Kottu, Tamil / (Editor) / 1981.
- (xviii) Tamilnadu Varalarruk Karuttaranku, Tamil / (Editor) / 1979.
- (xix) Nannilam Kalvettukkal, Tamil / (Author) (Editor) / 1979.
- (xx) Seminar on Chinglepet district, Tamil / (Editor) / 1978.
- (xxi) Darmapuri kalvettukal, Tamil / (Editor) / 1975.
- (xxii) Chengam Nadukarkal, Tamil / (Editor) / 1972.

12. That the articles of the deponent were published in magazines of following countries :-

- |             |                 |
|-------------|-----------------|
| 1. Cambodia | 9. Sweden       |
| 2. Canada   | 10. Switzerland |
| 3. Denmark  | 11. Thailand    |
| 4. France   | 12. UK          |
| 5. Germany  | 13. USA         |



R. Narayana

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- |                |                                      |
|----------------|--------------------------------------|
| 6. Iran        | Beside His two articles published in |
| 7. Netherlands | UNESCO Courier published in          |
| 8. Singapore   | languages of the world.              |

13. That the deponent has participated and delivered his lecture as per following details : -

Victoria and Albert Museum, London, Apr, 96 : Anthony Gardner  
lecture on South and South East Asian art – **“The art of Pandyas of  
South India”**.

The School of Oriental and African Studies, London May, 96 :  
**"Historical development of Bharata Natyam".**

The British Museum, London. International seminar on Kumbhakonam sacred and Royal city Jun, 96. **"The Archaeology of Kumbhakonam"**.

Chicago Art Institute, Chicago, USA, International Seminar on  
Collecting Odyssey Sept, 97 : "Siva as the 'destroyer of the three  
cities".



R. May 11 11 27

Cornell University, USA, Department of South and South Asian Art.  
Oct, 97 : **"South Indian Bronzes"**.

Colgate University, Department of Art History Oct, 97.: **"South Indian bronzes"**.

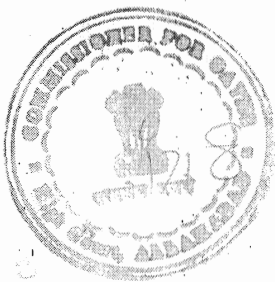
University of North Carolina at Chapel Hill, Auckland Art Museum,  
USA Oct, 97 : **"South Indian Bronzes"**.

Harvard University, Department of fine Arts, USA Oct, 97 : **"Temples and festivals"**.

University of Pennsylvania, Department of South and : South Asian  
regional studies, Oct, 97 : **"Temple Art and Architecture and Royal patrons"**.

Los Angeles Country Museum of Art, South Asian Art Council Oct,  
97 : **"South Indian Bronzes"**.

University of Berkeley, California, Department of South and South  
Asian Studies Oct, 97 : **"Saiva Pasupatas in Art and Literature"**.



*P. Narayan*



University of Texas at Austin, USA Nov, 97 : "The Brahadisvara temple, Tanjavur".

Cleveland Museum of Art, Cleveland, July, 2003 : Bronzes of the Chola period.

Royal college of Cambodia, Phnon Phen, Cambodia, 2005.

National Khmer Research Institute, Phnom phen, Cambodia, 2005.

Silpakorn University, Thailand, 2005.

14. That the deponent attended the following International conferences : -

1961 First International conference on Asian Archaeology, New Delhi

1965 First International conference on Tamil Studies, Kuala Lumpur, Malaysia.

1966 Second International conference on Tamil Studies, Madras, India.

1970 Third International conference on Tamil Studies, Paris, France.

1975 First International conference on Asian Anthropology, New Delhi.

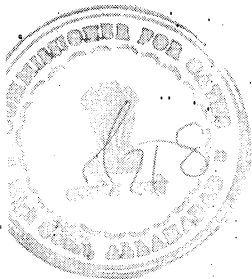
1980 Symposium on Siva, Pennsylvania, USA.

1981 International conference on "Destiny of Man", London.



*Dr. N. S. Ramesh*

- 1982 Fifth International conference on Tamil Studies, Madurai.
- 1983 International seminar on "South Asian religion" at Lucknow.
- 1986 First International conference on Buddhism, New Delhi.
- 1992 International conference on "Tamil Buddhism", Madras.
- 1993 Symposium on Buddhism Upsala, Sweden.
- 1994 International conference on "Manimekhalai", Uppsala, Sweden.
- 1995 International conference on "The Art of Bharata Natyam", school of Oriental and African Studies, London.
- 1996 Kumbhakonam the Sacred city, The British Museum, London.
- 1997 International seminar on Rasa, Central Sangita Nataka Academy at Varanasi.
- 1997 National Seminar on "the Mauryas and National integration". Indian Museum, Calcutta.
- 1998 International conference on "the Collecting Odyssey", Chicago Art Centre, Chicago, USA.
- 1998 Seminar on "Multi Media presentation", IGNCA, New Delhi.
- 1999 The fourth International conference on Bengal Art, Dhaka, Bangladesh.
- 2001 The International conference on Art and Religion, Chidambaram.
- 2001 The fifth International conference on Bengal Art, Calcutta.
- 2002 The sixth International conference on Bengal Art, Dhaka, Bangladesh.
- 2003 The International conference on Mahabharata, Madras.



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2003 International conference on Interaction between Buddhism and Hinduism, Varanasi.

2005 International conference of Sanskrit at Bangkok Thailand as a member of Indian delegation.

15. That the deponent has been conferred the following public Honours and awards:-

**"Vidya vachaspati" 1974**

By the University of Pune for his Ph.D., Research thesis "Sakti cult in Tamilnad"

**"Sila Lekha Tattvanjna" Jan. 1986**

By His Holiness Mahaperiyaval Sri Chandrasekharendra sarasvati swamigal, Sankaracharya of Kanchi Kamakoti pitham.

**"Kalai medhai" Mar, 1990**

By the Chidambaram Natyanjali Trust and the Public of Chidambaram

**"For the sake of Honour" Oct, 1990**

By the Rotary Club of Madras North west.

**"Dharma Bandhu" Apr, 1994**

By H.H.Charukirti Maharaj, The Chief Jaina Pontiff, Sravana belgola, Karnataka



*R. Manjunath*

**"Kalai Mamani" Nov, 1995**

The Government of Tamilnad

**Memento of Nataraja Aug, 1991**

**Hon. Jayalalitha, The Chief Minister of Tamilnad for his valuable services rendered in the London High Court, in the London Nataraja case**

**Title "Silai meetta cemma" (The great who rescued the Nataraja Sculpture)**

**Sept, 1991**

By Pollachi. Philonthropist and leading Public figure, Dr. N. Mahalingam, Ramalingar panimanaram, Trichy

**"Perumbana Nambi" For his contribution to Dance and classical music, Sept, 1993 By Isaiccelvar Sundaresanar manram, Lalgudi**

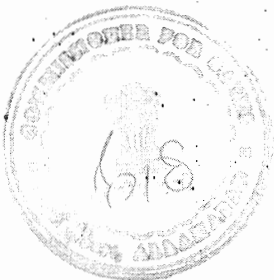
**"Kapila Vanar" 96 Named after the 2000, year poet of the Sangam age, By Thirukkoyilur Tamil Sangam, in Kapilar Vizha, Thirukkoyilu**

**"Bharata Kala Nipuna" Aug, 1998**

By Bharata Kalanjali, a leading Dance Institution of Madras

**"Honorary fellow" Feb, 2003**

International center for study of Bengal Art, Dhaka, Bangladesh



*D. K. Mani*

The Subrahmanya Bharati award for public excellence for the year 2004 awarded to leading public figures like Abdul Kalam, (present President of India), Sri M.S. Swaminathan, International Agricultural Scientists and the like, at Chennai

Vivekananda National Award for excellence, by the Ramakrishan Mission Vidyalaya, for his valuable contribution to Archaeology, especially Bronzes of India, and his leading Scholarship in Tamil, Agamas, Vastu texts, Epigraphy, Numismatics, Indian Philosophy, and South East Asian Art and Culture 3<sup>rd</sup> Feb, 1906

Tolliyal Tonralar (i.e. Born for Archaeology), by the four hundred year old Saiva matha, Thiruvaduturai, Tanjore dist, For his contribution to Tamil archaeology, 2006

Tolliyal Rathna, i.e. (Gem amongst Archaeologists), by Kongu Treasures Organisation of the Temple Arcakas, May, 2006

16. That the deponent has conducted mainly following excavations : -

Pancalamkuruchi 1968 The palace remains of 18<sup>th</sup> cent chieftain a great freedom fighter.

Korkai 1968-69 A two thousand year old Port of the Pandyas.



R. Manjunath

Vasavasamudram 1969. A port that yielded Mediterranean amphora and Roman contact.

Pallava medu 1970 17<sup>th</sup> cent habitation settlement at Kanchipuram.

Karur 1973-79. A two thousand year old capital of the Chera rulers of Tamilnad.

Kodumanal 1979. A megalithic site a great significance.

Poluvampatti 1979-80. an early Settlement.

Gangaikondacholapuram 1980-82. A mediaeval Chola palace and capital.

Alagankulam 1986-87. A two thousand year old Roman settlement which has now become a site of International importance.

17. That the world of opinion from 1960 onwards of some of the eminent personalities is attached here with as Annexure-1 of this affidavit.

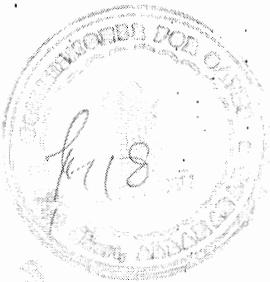
18. That the deponent was nominated/appointed member of the following committees and served as such : -

- i. National Art Purchase Committee, National Museum, Government of India, for two terms in 1970s.



*R. Narayana*

- ii. National Consultant to Government of India, United Nations Development Project, Brahadisvara temple, IGNCA, New Delhi
  - iii. Adviser INTACH, Projects, South India 1988 to 1995.
  - iv. Founder Secretary, Natyanjali Trust, Chidambaram from 1982 till date.
  - v. Visiting professor, Jawaharlal Nehru University, New Delhi
  - vi. Selection Committee Member, for Dance Program, Madras Doordarshan Kendra, for three terms, six years, in 1980s
  - vii. Director, Epigraphy Programme, Ecole Francaise Extreme orient, Pondichery, 1988 – 1996.
  - viii. Vice President, Kuppuswamy Sastri Research Institute, Madras 1980s President, Dr. U.V. Swaminatha lyer, Library, Madras, 1975 –
  - ix. Executive Committee Member, Kalakshetra, Under Smt. Rukmini devi Arundale, Madras 1976-83.
19. That the deponent appeared as an expert witness on behalf of Government of India (Nominated by the Government of India) before the London High Court in famous London Natraja case which was decided in favour of government of India. In this case Hon'ble justice Ian Kennedy, Trial Judge of London High Court in his judgment observed as under: -



*P. N. M. n. n. 7*

- (a) Dr. Nagaswamy, who I am satisfied, is an unequalled expert in his subject. 1-4-7.
- (b) I have already stated my conclusion that I prefer Dr. Nagaswamy's methodology to that of Dr. Schwindler. 1-4-7(IV)
- (c) Now considering the matter of style, again I prefer the evidence of Dr. R. Nagaswamy to that of Dr. Schwindler. As to the methodology I have no doubt whatsoever and as to their conclusion. I am satisfied that Nagaswamy is right in his summary taking the broader feel and treatment of the main points I feel they all form a group I am satisfied that stylistic judgements in relation to Medieval Chola bronzes can not be more precisely determined than when Nagaswamy expressed his conclusions in his evidence. 1-8-5".
20. That in appeal against the above referred judgement of Hon'ble London High Court before court of appeal, the court of appeal upholding the judgement of the trial court ordered the return of the bronze. The matter was taken to the privy council which also gave the verdict in favour of government of India. Hon'ble Lord Justice Purchas, Hon'ble Lord Justice Nourse and Hon'ble Lord Justice Leggat in their judgement in court of Appeal observed as under :-



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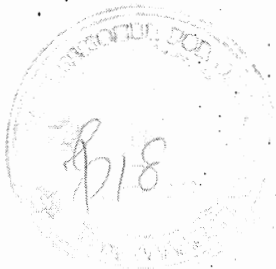
"There was a considerable body of evidence to establish stylistic Similarities led from Dr. Nagaswamy an acknowledged Expert Archaeologist and a devout Hindu. Justice Ian Kennedy not only analysed and considered this evidence in great detail but also supplemented it with a meticulous personal examination of the London Natraja and Pathur Bronzes. In the final result he preferred the opinion of Nagaswamy to that of Schwindler. A finding of this sort is almost unappealable. (P.57)"

21. That Mr. Adrian Hamilton, Queen's Counsel, London in his written submission to the London High Court mentioned as under :-

"Dr. Nagaswamy has brought to bear unequalled learning and experience in the historical, Cultural, and religious aspects of the Chola Empire and the hindu religion, which flourished and which still flourish in Tamilnad and on the understanding of the Inscriptions in the temples and on statues."

22. That some of the note worthy contributions of the deponent are detailed in Annexure-2 of the affidavit.

23. That the deponent has examined the report of excavations of the disputed site submitted by Archaeological Survey of India on



*Dr. Nagaswamy*

22.08.2003 contained in two volumes along with other connected records including photographs

24. That Archaeological Survey of India which is more than one hundred years old and has produced the most outstanding stalwards in the field of Archaeology is known through out the world for its excellence in all spheres of Archaeological work especially in the field of excavation its work has been extremely accurate and scientifically praiseworthy. Archaeology provides scientific factual data for reconstructing ancient history and culture, and is an important tool of human understanding and A.S.I. has been doing this exercise admirably.
25. That no excavator can create or manufacture a structure consisting a number of courses inside a trench. In some places long walls may cut through several trenches but these are easily seen through the layers, the baulk and retain them.
26. That Chronologically early antiquities can be found in later periods which is perfectly normal but later antiquities are not found in earlier layers.



R. M. n n 7

27. That the ASI in the opinion of the deponent has followed all the required archaeological principles and has undertaken precautions to safe guard the site and has completed the excavation works in compliance of court's order. The report submitted by the Archaeological survey of India, reveals that their performance within a limited period of time is a work of highest scientific nature and is an important piece in the history of Archaeology.
28. That before excavation of the disputed site a GPR survey was conducted under the orders of the court which is a non destructive scientific surveying method on the spot. The GPR survey is considered to be the most scientific method for conducting survey before actual digging. The anomalies pointed out in GPR survey may be confirmed by actual digging and that is what the A.S.I. has done.
29. That the GPR survey conducted before actual digging under the orders of the court indicated about anomaly alignment across the main platform north and south of the sanctum sanctorum extending to Ramchabutra. The anomaly alignment corresponded to a wall foundation belonging to successive construction periods associated with ancient and Contemporaneous structures like pillars, foundation walls, slabs etc.



R. P. Manna

30. That the Archaeological Survey of India has arranged Archaeological documentation including drawing, and Photography, of the Structural remains, pottery, and antiquities, and collections of samples of plaster, floors bones, charcoal, palaeo-botanical remains for scientific studies and analysis.
31. That in the year 1929 excavation were conducted at Mahasthan a great hindu pilgrim center in modern Bangladesh which was originally a portion of north India, about 8 miles from Bogra town. This place contain both Vaishnava and Saiva temples. The excavation were conducted by Dr. Nazeemuddin Ahmad and was published by the Archaeological Survey of India Bangladesh. In the said excavations archaeologists found an inscribed stone with Brhmi inscriptions of the Asokan period and the excavation proved the site to be ancient Mahasthan. In the excavation a number of carved stone pillars and pieces were found on the mound which proved the site to be of important hindu temple, in almost every aspect. There were pillar bases. There were carved stone used. The habitation of the site goes back to Kushan period. In some instances the Temples have been built in successive phases over the existing structures. There were massive walls pointing to porches. There seems to be a central opening. Some of the carved stones of the Hindu temples are found used in Islamic structure. There were also large Islamic pottery and



*R. Nazeemuddin*

antiquities strewn over an area but no Islamic structure was found there. The number Hindu carvings lying in the region are indicative of an important Hindu temple beneath the mound etc. Though it is an Islamic country, and though the excavator is by an Mussalman they do not deny the existence of a Hindu temple lying buried but on the other hand it is a Hindu temple. They being excellent Archaeologists have no hesitation in stating the truth. Photocopy of relevent pages prepared and annexed with this affidavit as **Annexure No. 3.**

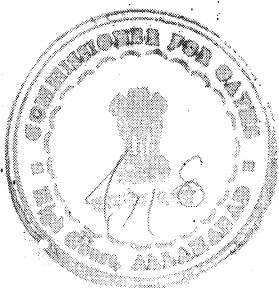
32. That the archaeological excavation at Ayodhya has shown indisputably that there existed a structure immediately beneath the disputed structure. It shows that the structure also had pillar bases. Pillar bases have been found in Mahasthan excavation in the Hindu temple area and that the Bangladesh Archaeologists have shown those pillar bases were meant to support a porch of a Hindu temple.
33. That from the perusal of the report it is clear that the layers are well stratified and the periodization has been done as per settled norms and the finds have also been recorded and interpreted properly.
34. That the carbon dating is a scientific mode of periodization which is considered to be reliable dating method in archaeology.
35. That Pillar bases are made up of some courses of brick bats and are either square or circular in formation; Calcreate stone blocks are kept



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on sand stone block – one decorated stone block was found here. The idea that they are not pillar bases but heaps of stone for holding floor level is not correct. The stones in the middle of the brick formation undoubtedly were intended for supporting pillars and this tradition seems to have been followed through the centuries in this areas where even indisputable pillar bases are found. Below this brick wall, was found another brick wall – decorated stone blocks were used on top of this wall. Beneath pillar bases, earlier pillar bases were found. Some more brick structures were found beneath these walls. Most of the pillar bases were found connected with 2<sup>nd</sup> floor.

36. That existence of circular shrine with pranal towards north proves existence of Hindu temple.
37. That the brick circular shrine is circular outside and square on the inner side, with a rectangular projection in the east with entrance, it has a water chute on the northern side which is obviously in level with the floor level of the inner sanctum clearly intended for the abhisheka to be drained, As this seems to be secondary shrine dedicated to Siva in his linga form the shrine is built to smaller dimension. Smaller dimension of subsideray shrines with just minimum entrance space are seen in some of temples. eg. Mandasor, Rajsthan- Kumbharia Shantinath Temple relevant pages are photostate copies prepared from those books, are annexed with this



P. M. n n n 7

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affidavit as Annexure no. 4, 5 ~~2~~ (Temples of India by Krishna deva, published by Aryan Books, New Delhi) The smaller dimension does not preclude the structure being a shrine.. The absence of any significant artifacts belonging to other sister faiths like Buddhism or Jainism, precludes this structure being identified with any of those faith.

38. That in the opinion of the deponent the excavation report, its finds, proves beyond doubt the existence of a Hindu temple under the surface of the disputed structure.
39. That the presence of different bones in Hindu temple area is nothing unusual. nor does it minimize the sanctity of the temple premises. Bones in archaeological excavation are quite common.
40. That all classical Hindu temples are laid according to a prescribed grid know as Vast pada vinayasa, Sacred diagram. Within the diagram and immediately outside the diagram several natural, benign or wild forces are present that are propitiated. Among such forces are bhuta, pretas, Pisachas, etc which are offered worship when the temple is first erected and subsequently annually during the great festivals. During their worship different kinds of food offerings are made which include for Bhuta, Pretas, Pisachas etc blood and meat or flesh of animals etc suited to the nature of the evil forces



P. R. N. 7





Gandharva etc. At the beginning of festival all deities are offered Bali to propitiate them. Marichi p. 351. The following are the divinities to be propitiated with bali in addition to the well known ones. Deva Bhuta, Yaksha, Rakshara, Pisacha, Naga, Gandharvas and 18 ganas. (Bhrigu : Samhita Khiladhikara, also called Bhrgu Samhita Ed. Partha sarathi Bhattacharya, 1961 – Thiruppati. P. 434. Mahotsavavidhi.)

Kamikagama : Saiva – Pt. I, 1975, 75 Ref. Vastudevabali

It gives what bali should be offered to whom.

Rudra – mamsam annam (cooked rice with meat)

Rudrajaya phenam (Moss)

Apa – fish

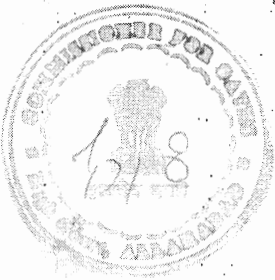
Apavatsa – Mamsa (meat)

Caraki – ghee, (Mamsam meat)

Grahas – Mamsannam (cooked rice with meat)

These are called Utkrshta bali (highly respected) bali.

42. That the sarvasiddhanta viveka, a Sanskrit text states a branch of the saivas offered Madhu, Matsya, and Mamsa. (Art and Religion of the Bhairavas, R. Nagaswamy, Tamil Arts Academy, Chennai, 2006 P. S



P. N. Manan

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- 6 and Page 49. photocopy of relevent pages prepared and annexed  
with this affidavit as Annexure No. 8.

Lucknow

Dated : August 17, 2006.

R. Rasmann  
Deponent

VERIFICATION

I, the above named deponent, do hereby verify that the  
contents of paras 1 to 42 of this affidavit are true to my knowledge  
excepting the bracket portion which are true to my knowledge based  
on record. No part of it is false and nothing material has been  
concealed. So help me God.

Lucknow

Dated : August 17, 2006



R. Rasmann  
Deponent

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I identify the deponent Dr. R.  
Nagaswamy who has signed above  
in my presence and is personally  
known to me.

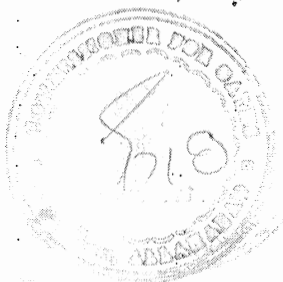
*(Handwritten signature)*  
Advocate

Solemnly affirmed before me on 17.08.2006 at 11.00 A.M./P.M.  
by Sri Dr. R Nagaswamy, the deponent, who has been identified by  
Sri *(Handwritten signature)* Advocate, High Court, Lucknow Bench,  
Lucknow. I have satisfied myself by examining the deponent that he  
understands the contents of this affidavit which have been read over  
and explained to him.

*(Handwritten signature)*

*(Handwritten signature)*  
Shri *(Handwritten signature)*  
Advocate, High Court, Lucknow Bench,  
Lucknow

Date 17/8/06 15520



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1**Annexure - 1****The World of Opinion From 1961 onwards****Editor, Lalit kala. Vol 9, 1961**

Amongst these unique images brought to light by Sri Nagaswamy and published for the first time the Tripurantaka image will come as a revelation to students of the chronology of South Indian bronzes.

**William Willets, In Oriental Art, London 1962**

In the last 12 month the energetic Secretary of the Archaeological Society of South India who is also the Curator for art and Archaeology in the museum was able to recruit Dr. Grace Morley, Prof. Zeuner, Prof. Ghebard, Prof. Higuchi, and Msle. Auboyer. Among the many outstanding events of last year (1962) I will mention two. The silver Jubilee volume of the society's transactions contains a paper by Nagaswamy entitled new light on Mamallapuram. It is a bold claim. Nagaswamy proposes to answer the question who built Mahabalipuram. I will not add my personal comment on Nagaswamy's theory. In his paper he answers a number of possible objections which I have not raised here except to say that



P. Narayana

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it will not be easily pulled down. The second event of the year was the installing in the museum of Two bronzes on Thiruvendadu. R. Nagaswamy has dated these bronze images with the help of inscriptions on the temple in volume five of the Transactions of the Society in 1959-60.

**Douglas Barrett, Keeper, The British Museum, London 1965**

In his book Early Cola bronzes, Bombay

The style of the Middle Cola bronzes has at last been given a basis by the recent work of T.N. Ramachandran and R. Nagaswamy 1965

**A.L.Bhasham, Professor of Asian Civilizations, National University, Canberra Australia, (The famous Author of Wonder that was India)**

The progress of State Department of Archaeology under the Direction of Dr. Nagaswamy with the aid of his able assistants is more impressive and I am particularly impressed by the way Department is enlisting the aid of students and other members of the public in the conservation and ancient remains. His is evidently not only conserving and recording ancient monuments but also working hard to instill in the general public a sense pride and joy in the



R. Nagaswamy

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richness of their heritage. I feel the department might serve as a model to other States of India.

**Karl Khandalawala 1977 Editor Lalit kala and then a leading lawyer**

Excellent work being done by Dr. R.Nagaswamy and his Department.

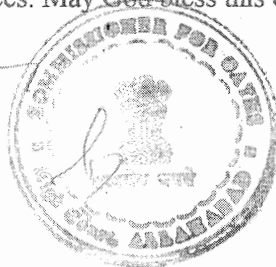
**P.K. Saraswati, Noted Art historian of India, Calcutta 1977**

I would consider the Directorate of Archaeology of the Government of Tamilnadu to be the most active and useful Dept. of Archaeology in India.

**C.Sivaramamurthi, Former Director General of National Museum, and most respected Art Historian of India then, New Delhi 1977**

Dr. R.Nagaswamy, has been dynamic in his Archaeological activity and his department has been working wonders, with his discovery of rare material in close succession every year, exposition through valuable books published and achievement far exceeding available resources. May God bless this excellent work.

R. Nagaswamy



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**Mulk Raj Anand, 1978 The well known personality of India then**

Marg has looked to Tamilnadu for enlightenment about the splendours and beauties of its monuments, its sculptures, paintings, and bronzes. We are privileged to meet Dr. R.Nagaswamy and his colleagues, who seem to be alive to the heritage. The personal interest of the Director in the creative art, ensures much new light on the background. Marg will devote quite a few future invitees to the Tamilnadu heritage and in this we are encouraged by offer of generous co-operation here.

**S.R.Balasubramanian in his book "Later Chola Temples" Madras 1979**

"Recently some healthy development have taken place in Tamilnadu thanks to the activities of the State Department of Archaeology under its dynamic Director Dr. R.Nagaswamy. A drive is on to keep the temples clean and to preserve inscriptions, sculptures and paintings. Some valuable bronzes have been recently discovered and preserved. A new age has dawned on South Indian Archaeology.

**Duncan M. Derett D.C.L (OXON) L.L.D.(LOND), Professor of Oriental Laws.**

R. M. M. M. M.



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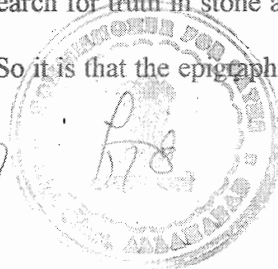
University of London 1978

"Dr. R.Nagaswamy has done a signal service by publishing information about inscription and palm-leaf records which was either not available before or was available in a less satisfactory or obscure form. The author enables us to see that not only Sanskrit forms, and the Sanskrit language at times, but even the out look and methods of judicial procedure reflected in the dharmasastra sources were alive and functioning in an important area of India. It is an immense help to see what really used to be done by the not so remote ancestors of the present long suffering public, and this book, profiting from the linguistic, historical and epigraphical skill of its author, broadens our horizon, confirms much that we were already inclined to believe, and adds to that much food for reflection.

**V.R. Krishna Iyer, Supreme court Judge India 1983.**

Dr. R.N's book "Studies in Ancient Tamil Law and Society" is, in some aspects, inspirational at a time when Swadeshi in Law is out of vogue and national roots in jurisprudence, berated as dark, When superstitious medievalists mislead the country about its judicial past, we have to search for truth in stone and honesty in metal, not in man and his lips. So it is that the epigraphic abilities of Dr. R.Nagaswamy

R. Nagaswamy





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in unearthing the Law in practice has patriotic relevance. I hastily browsed through his book on Studies in Ancient Tamil Law and Society. To my remarkable surprise, I discovered that a thousand years ago we had a refreshingly modern system, without its sophisticated vices, where law reigned, high people participated in justice and King and community respected the verdicts and jurisprudence or dharma-shastra had dynamic morality and normative popularity. Today, despite political claptraps and electioneering catch words the rural people are not trusted by the political, judicial and bureaucratic elite with the basic ability to administer village justice. The suspect see others in their own image. Dr. R.N's discovery of Law-in-action in ancient Tamil Society tersely summed up by Dr. Derrett in his forward challenges the assumptions against Panchayat justice and reliance on our juristic root for developing a truly national jurisprudence. The book to my mind to make law is summons to India Indian. I congratulate Dr. R.Nagaswamy on his work, which marks the beginning.

**Dr. D.C. Sircar, Formerly Carmichael, Professor of Ancient Indian History & Culture, Calcutta University, and respected Chief Epigraphist, Government of India 1983.**

R. Nagaswamy



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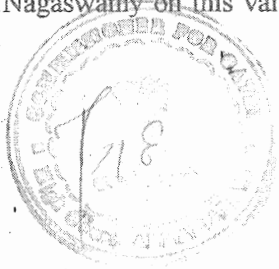
$$\frac{28}{7}$$

When Dr. R.Nagaswamy requested me to write a foreword to his Studies Ancient Tamil Law and Society, I was attracted by the title of the work especially because its preface emphasizes the importance of Epigraphy. I hope that such of his studies as Justice in the Pandya period,, constitution of Judiciary, Pay structure under Rajaraja I, a Judgment of the Chloa period and a 13<sup>th</sup> Century sale deed, will be useful to the students of the Dharmasastra and allied topics.

**R.Tirumalai, I.A.S., Former Cabinet Secretary to Govt. of India, New Delhi. 1981**

Dr. R.Nagaswamy's works is perhaps, the first compendium of data on coins in the Tamil country. He has sketched the history of the Tamil Kingdoms and has placed the coins in their appropriate setting and age. He has drawn freely from all available sources and has subjected the data to re-evaluation and critical appraisal. The books is thus a valuable contribution updating the knowledge on the subject and incorporating the results of the author's original research. It bears the imprint of the erudition and painstakingly intensive work of Dr. R.N and should prove to be a handy volume for students and scholars interested in the subject. I have great pleasure in personal tribute to Dr. R.Nagaswamy on this valuable and thought provoking presentation.

R. Tirumalai



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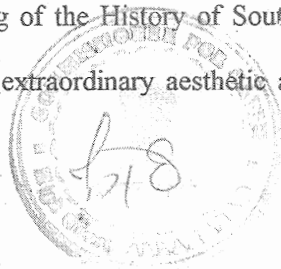
**H.Sarkar. Director, Archaeological survey of India, New Delhi. 1981.**

Dr. R.Nagaswamy in his book "Tamil Coins" has brought out his expertise in Tamil epigraphy and an impressive range of archaeological material to bear upon the study of various series of South Indian Coins. He has thus been able to correct quite number of errors and suggest more appropriate attributions and chronology. A useful feature of the study is his compilation of the epigraphical references to show the use of coinage in economy. Equally impressive are the appendices, particularly those dealing with foreign coinage in India.

**Dr. Promod Chandra – Professor, Harvard University, Massachusetts. U.S.A. In Darsana U.S.A. 1983.**

The Extraordinary exhibition of South Indian Bronze Sculpture held at the National Museum, New Delhi, in March and April this year was surely one of the great events of the recent times for all interested in Indian art. Here were brought together works of the greatest beauty and interest, works that will vitally affect not only our understanding of the History of South Indian Style but also our estimation of its extraordinary aesthetic achievements. The study of

R. Munniy



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mediaeval Indian sculpture will never again be the same to those who had the privilege of seeing this exhibition, for a large majority of its contents were all but unknown, being stored in the temples where they once were worshipped, notably those at Vadakkalattur, Singaravelar and Sikkal. For this achievement, we are in the deepest debt of Dr. Kapila Vatsyayan and Dr. R.Nagaswamy whose selfless enthusiasm and indefatigable efforts made this feast for the mind and the eye possible.

To Dr. R.Nagaswamy we are further beholden for a fine catalogue produced in a matter of weeks that will be lasting records for those who were unable to see the exhibition. The writing is sensitive and backed by deep scholarship. Much new information, epigraphical and iconographical, has been quietly introduced, and our understanding of the evolution of the style, particularly in the Pallava period, greatly enhanced. Dr. R.Nagaswamy also presents us with fresh ideas on the centers of artistic production and the development of local schools and idioms. The short notes that place the bronze images in the context of festival and ritual are particularly sensitive, successfully evoking the context of religious life of which they are inseparable part.

R. Nagaswamy



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**Dr. Vidya Dehejia, Professor, Department of Art History Columbia University. 1983**

Personal Letter.

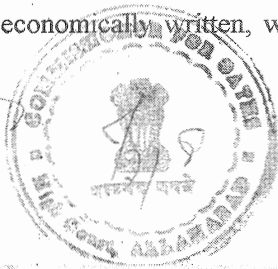
Let me extend my heartfelt congratulations on the truly magnificent South Indian Bronze show and catalogue that you put together. It is only your high standing and Your reputation with the Religious Endowments Board that could have persuaded them to urge the temple authorities to let some of these "National Treasures" travel to Delhi. The particular pieces that you specially collected, and the detailed information that you have put together so clearly make the catalogue into a major reference work, a pleasure to see so many close ups and details of the Vadakkalattur group, the Nallur Parvati and the Karaviram inscribed Uma. But how I wish I could have been They're personally contact with the pieces.

**Dr. Thomas Maxwell Professor of Indian and South Asian Art, University of Bonn, Germany, in Saras Bulletin No.3 England.**

Reviewing the Book Tantric Cult of South India by Dr. R.N. 1983.

"This is an excellent presentation of the subject " Sakta Cult in Tamilnadu" economically written, with the erudition and objectivity

*R. Raman*



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typical of this respected scholar whose own respect for this material is a hall mark of his work. As a learned presentation in South and as a mart of his work. As a learned presentation in the South and as a display of scholarship it is unrivalled and will remain a Central work in future researches into the many ramification of the subject."

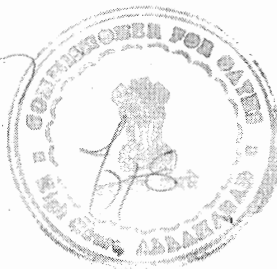
**Dr. Kapila Vatsyayan, Jt. Secretary, Department of Culture,  
Government of India, 1983.**

In her preface to "Master Pieces of South Indian Bronzes"

"The Religious Endowment Department and Dr. R.Nagaswamy have made valuable accession lists and inventories for Tamilnadu. Dr. R.Nagaswamy also brought to light valuable evidence through the inscribed images which could now enable scholars to date firmly Pallava bronzes and established chronology. We are beholden to Dr. R.Nagaswamy whose tireless efforts in the field and sound scholarship are well known."

**Juan Muguel De Mora, National University of Mexico,  
Mexico. Vice President, International Association of Sanskrit Studies,  
Apr, 1990.**

*Dr. Vatsyayan*



It was a great pleasure for us to be able to meet you at your residence during our last trip to India. Our interchange of ideas with you was extremely useful and beneficial in view of our research in the area of science in Ancient India as you threw some light, which we sorely needed, on ancient architecture not only from an artistic point of view, but from a scientific and technological one as well. Your book on Master pieces of Early South Indian Bronzes of which you gave us a copy is not only beautiful to look at but also extremely interesting to read and is a definite contribution to our literary and to our knowledge of your unforgettable country.

**Huge k. Weihe, Artibus Asiae, The Museum of Reitberg, Zurich Feb 93.**

Dr. Bolon of the Sackler Gallery has informed me that she was impressed by your review of her book on the Goddess Lajja Gauri. As we are planning to reestablish our book review section we would be very happy to publish it in Artibus Asiae. Should you agree to do so kindly forward it to us at your earliest convenience ?

**Dr. Padma Subramaniam, Director, Nrityodaya, and Noted Dancer, Madras Feb. 1995.**

*P. Subramaniam*



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It is rare to find a person with such holistic knowledge in the field of Archaeology. Dr. R.Nagaswamy has great scholarship in various branches Numismatics, Iconography, Sculpture, and Epigraphy, besides music and dance and poetry. He is not mere carbon test reading; Interpretation is his strong point.

**Dr. Nandita Krishna, Director C.P. Ramaswamy Iyer**

**Institute of Indological of Research, Madras Feb 1995.**

Dr. R.Nagaswamy is one of the greatest scholars we have today. He is also a very good writer and speaker.

**T.S. Parthasarathy, Secretary, Music Academy, Madras Apr. 1995.**

Dr. R.Nagaswamy is a multi linguist, who contributed immensely to the art of dance. A deeply learned scholar in Bharata Natya sastra, he has composed several dance dramas including the ones on Rajraja, Saiva saints, and the twin epics Silappadhikaram and Manimekhalai. That he is presenting the dance dramas in so many foreign countries is a tribute to his love for this art.

**Pierre Pischart, French Architect, Director, Ecole Francise**

**Extreme Orient, Paris, Archaeology wing, India and South East Asia,**

**Pondicherry 1995.**

*R. Nagaswamy*





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The first and now only monograph on Gangaikonda cholapuram did not appear until 1970 published by TN Department of Archaeology, The succinct study by Dr. R.Nagaswamy is invaluable, dense, and well documented.

**Anne Marie Gaston, Charlton University, Ottawa, Canada. 1996.**

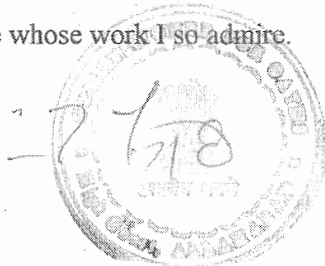
Dr. R.Nagaswamy former Head of the Archaeology Survey, Tamil nad, and a dance connoisseur bases his views on the reading of the text. He had a personal bias towards introducing the dance into the Nataraja temple in Chidambaram to revive the temple as center of art and culture.

His remarks reinforce Balasaraswati's comment. Nagaswamy who founded the Chidamabaram festival saw more meaning when the dance which flowered in the context of temple rituals was performed there.

**Karen Pechils Prentiss, Asst. Professor, Religious Study, Drew University, Madison, New Jersey. Apr, 1996.**

I so enjoyed our talk on Bhakti and Art. I was honored to have met with some one whose work I so admire.

R. Prentiss



Dr. Michael Peter Cain, University of IOWA, USA may, 1997.

Do you know or know R.Nagaswamy, of Madras. I think he is the most brilliant and interesting person I met on my entire trip. World class Archaeologist, art historian, numismatist etc probably the leading Indian Authority in the field of South Indian Bronze murties and an outspoken advocate of his views on Vedic tradition.

Shelly Feldman, Director, Cornell University, South Asia Programme,  
ITACHA, USA Jun, 197

I would like to personally thank you for your contribution to our weekly seminar series, topics in South Asia. As you know that your talk on South Indian bronzes contributed to making available an important body of research to our students. As the lively discussion which followed surely suggested, the students and faculty present found the issues you raised interesting and pertinent to their own work and thinking about regional expertise. Your seminar and other opportunities that you offered students contribute to our goal of broadening common conception of South Asia to the campus community.

P. D. Munn 7



**Frank G Wisner, The Ambassador of the United States of America in India. New Delhi Jun, 1997.**

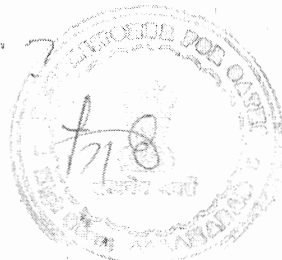
It was extremely kind of you to have taken the time to explain to me the details of Brahadiswara temple (Tanjavur) a masterpiece of Architectural beauty. My colleagues tell me that I was lucky to have you as my guide because of your expertise in South Indian Temple architecture. If I may say so, they vastly understated the case ! It was a great pleasure for me to have had the opportunity of meeting you and my wife and I thank you for the time and energy spent on our behalf.

**Dr. V.I.Subramaniam, Farmer Vice Chancellor, Tamil University, International School of Dravidianna linguist. Sept, 1997.**

I read through your Tamil Book, which has a fund of new information especially the Sanskrit periyapuram. The Interpretation and omission you have pointed out are simulating.

**Stephen Markel, Associate Curator and Departmental Head, South and South Asian art, Los Angeles Country Museum of Art, California. Oct. 1997.**

*Dr. V. I. Subramaniam*



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I would like to thank you personally for your Superb lecture to our Southern Asia Art Council. Numerous people who attended have since told me how impressive it was and I couldn't agree more. It was well organized and presented and the images were breathtaking !

**Stephen Inglis, Director General, Research, Canadian Museum of Civilization, Hull, Quebec. Feb, 1998.**

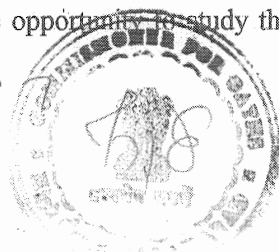
Since returning to Canada I have had some time to reflect of our tour in Tamilnad and can only confirm that our visit with you to Kanchipuram and particularly to the kailasanatha temple was the highlight. Thank you so much for your kindness. Dr. Thomson and Dr. Macdonald were very impressed.

**Prof. Dr. Bettina Baumer Institute of Religious studies, University of Bern, Switzerland Mar, 1998.**

I want to express our sincere thanks and appreciation on behalf of the Institute of Religious Studies of the University of Bern, for the wonderful tour you have organized and conducted for our students and staff. I have no words to praise the high quality of your teaching and guidance and the variety of experiences offered to our students.

It was a unique opportunity to study the South Indian temples in all

R. M. M. M.



their aspects, focuses on Chidambaram, and its traditions, has given us an insight which no other single scholar could have provided in such a condensed and yet elaborate way. Apart from the scholarly aspects we also admired your organizing capacities.

**Prof. Dr. Joachim Bautze, (SAI, Berlin, Germany) Dr. Nagaswamy's lecture on South Indian Bronzes at Heidelberg University, Germany May, 2001.**

Dear Shri Nagaswamy,

"Many thanks coming to Heidelberg, we all liked your lecture very much, especially the fact that you have so many feelings for the objects that you showed. When you said something "this piece is so beautiful" then it really was. I only know very few people in our field, who are so devoted to their subject. You are an art historian, as an art historian should be. Most colleague's lectures are presented without any feeling for anything, and many people know very little on the subject they are presenting. In your case, however, I am sure that "you must be the greatest connoisseur in the field of early South Indian classical bronzes". Most of the pieces you had shown were absolute masterpieces, and mostly presented in good photographs."

B. Nagaswamy



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Dr. Vidya Dehejia, in "The Sensuous and the Sacred Chola Bronzes form South India" published by the American Federation of Arts in connection with an Exhibition organized at the Smithsonian Institute in Washington DC, USA. Nov, 2002.

"Dr.R.Nagaswamy, who had done extensive contribution to this field (Chola Art), has produced many important exhibition catalogue, as well as a series of significant articles that has vastly enlarged our knowledge of the subject. Dr. R.Nagaswamy has effortlessly explored Sanskrit Agamic texts significance of the images."

S.Mutthaiah, in The Hindu, April 7, 2003.

The most recent lecture arranged by the Tamilnadu State Department of Archaeology, at Madras, a fascinating narration of a court case in London, that led to the return of a bronze to Tamilnadu, was perhaps the Department's best Director in recent times. Dr. R.Nagaswamy, whom the London Court had described as " an Unequalled Expert" in Chola Bronzes. This brief summary does no justice to Nagaswamy's gripping narration Accompanied by slides of some of the most beautiful Chola bronzes I have ever seen.

R. Nagaswamy



Dr. Peter Shalk, Professor of Religious studies, Uppsala University, Sweden, in "Buddhism among Tamils in Pre colonial Tamilakam and Ilam" Uppsala, 2002.

Many years, of collaboration with Dr. Ramachandran Nagaswamy brought us Together at Chennai and Uppsala. His generosity in sharing the results of his critical research was overwhelming.

Dr. Pratapditya Pal in "Asian Art at the Norton Simon Museum Vol.I, Art from the Indian Subcontinent. 2003.

Discussions with Dr. Bhattacharya and Dr. R.Nagaswamy have considerably enhanced my own knowledge, especially of the arts of Pala and Chola Periods, both of which are strongly represented in this catalogue.

Dr. Pramod Chandra, Professor of Indian Art, Harvard University, Harvard. At the International Seminar on Interaction between Brahminical and Buddhist Art, Varanasi, 2003.

Dr. R.Nagaswamy comes in the line of great scholars like C.Sivaramamurthi and is "virtually the Second Ananda Coomaraswamy".

Dr. R. Nagaswamy



## Annexure - 2

Noteworthy Contributions

- ❖ Appeared as an Expert Witness in the London High Court on behalf of Government of India in the London Nataraja case, and was mainly instrumental in winning the case in the London high Court, Court of Appeal and Privy Council.
- ❖ Directed Sound and light Programme in the 17<sup>th</sup> Cent Nayaka Palace at Madurai.
- ❖ First to initiate Under Sea Archaeological Explorations in collaboration with Oceanographic Survey off the Coast of Pumpuhar in Tamilnad.
- ❖ Involved several lakhs of Students in cleaning and preservation of Historic monuments in Tamilnadu.
- ❖ Author of several books in English, Tamil, Sanskrit and contributed over 400 research articles. Two of his articles have been translated into 25 languages of the world, by the UNESCO in its "Courier".
- ❖ A popular speaker in Radio from 1960 onwards and in television and academic and public meetings.
- ❖ Conducted Excavations at Early and Mediaeval historic sites as at Karur (capital of the Sangam age Cheras) and Alagankulam (an Indo Roman site), that have become landmarks of International importance.

B. Ramani





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- ❖ Made Archaeology very popular in Tamilnadu especially among School Students, Teachers, and Public.
- ❖ Established an Institute of Epigraphy leading to the award of Post Graduate Diploma in Epigraphy.
- ❖ Conserved several historic monuments like Thirumalai Nayak palace at Madurai.
- ❖ Published over 125 books – Guides, Monographs, Epigraphy reports, Journals, and Translations.
- ❖ Organized several Exhibitions including the one at Kualalamput in 1965 and the one at National Museum, New Delhi, 1983.
- ❖ Has composed and staged many dance dramas in different parts of the world like Germany, Sweden, Britain, Canada and USA, besides India and is the first to use dance as a media to popularize Archaeology and History among the masses.
- ❖ Hailed as the world authority on Art of Tamilnad, especially “Bronzes of South India”
- ❖ Keen student of Temple Arts and Culture.
- ❖ Leading Scholar in Tamil and Sanskrit.
- ❖ Established the now famous Chidambaram Nityanjali festival, with Dr. Kapila Vatsyayana. The festival is entering the 24<sup>th</sup> year. RN is considered a leading authority on dance.
- ❖ Is a keen Scholar of Agamas and Vastu text.

R. Narayan



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- ❖ Served as consultant to Government of India, on documentation of cultural property under UNDP programs under the Indira Gandhi National Center for the Arts.
- ❖ Have served as member, National Art Purchase committee, Government of India, for several years.
- ❖ Has groaned special Exhibitions on Tamil arts at Kualalampur, New Delhi at the National Museum during the Non Aligned summit meet, and in Bombay, Hyderabad, Trivandrum, and different parts of Tamilnadu.
- ❖ Has organized Special Exhibitions in the World Tamil Conference at Kualalampur, (1965) Madras (1967), Madurai (1980).
- ❖ Served as Editor of the Special Souvenir of the world Tamil Conference Tajore, 1995.
- ❖ Served in all the committees like General committee, Academic Committee, Exhibition committee, Souvenir Committee etc of the World Tamil Conferences organized by the Tamilnadu Government.
- ❖ Has computerized the entire Twelve Thirumurais, divyaprabandams, Sangam literature, Mediaeval Tamil literature etc.

R. S. M. n. n. 7



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Annexure-3

# MAHASTHAN

A Preliminary Report of the Recent  
Archaeological Excavations at Mahasthangarh

HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW BENCH, LUCKNOW

Case No. 5 OF 89  
Biogama vs. Ramabai Vaidya  
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EXT. NO. 5-109

BY ORDER OF THE COURT

O.S.O. 5.2.2010

By

Dr. NAZIMUDDIN AHMED



DEPARTMENT OF ARCHAEOLOGY AND MUSEUMS  
MINISTRY OF EDUCATION & RELIGIOUS AFFAIRS,  
SPORTS AND CULTURE DIVISION  
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

B. Chandra

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Published by the Department of Archaeology and Museums  
Ministry of Sports and Culture  
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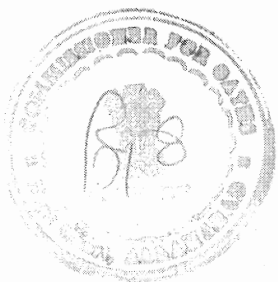
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a couple of ring wells and stray bits of wall could be exposed as the appearance of sub-soil water at a depth of 5 feet from the surface forced the digging to be abandoned. However, few antiquities including beads of cornelian and chalcedony, terracotta figurines and pottery, registered from these trenches, were approximately assigned to the Pala period (9th-10th century A.D.).

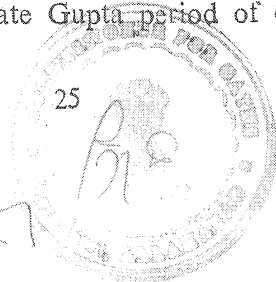
#### Bairagi Bhita

This oblong mound measures about 300' x 250' with a flat top and is 10 feet higher than the surrounding level. It has gentle slope on all sides except the north-western corner where it drops abruptly. Here the remains of two large but fragmentary temples, assigned to the early and late Pala periods respectively and a number of subsidiary structures in the open court to the north were exposed.

#### The 8th Century Temple

The earlier Pala temple measures 98 feet from east to west and roughly 42 feet from north to south. The remains of only the basement of the plinth on the north and east could be traced, while the southern half was found entirely superseded or obliterated by the later temple, erected on the same spot. A band of *torus* and two plain mouldings decorated the entire length of basement side. The north-eastern and north-western corners of the temple have recessed angles and the sanctum must have been situated at the centre. Close to it, a highly interesting drain, partly constructed of brick masonry but mostly of black stone pieces, collected from earlier structures, runs 36 feet north-south and almost bisects the temple. It discharges within 5 feet of the plinth into a soak-jar with earthenware rings at the bottom. This exceptional drain which must have originally carried libation water of the shrine as already mentioned, was improvised out of earlier stone building materials including two noteworthy black basalt rectangular pillars placed near the head of the discharge end. These two highly ornamental pillars were scooped out to a depth of 5 inches and placed lengthwise (north-south) to form a channel of 29 feet long and 8 inches wide. The pillars, square in section with chamfered corners, are decorated with half lotus medallions, the *Kirtimukha* and floral scroll mouldings in low relief, characteristic of the late Gupta period of 6th/7th century A.D.

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## The 11th Century Temple

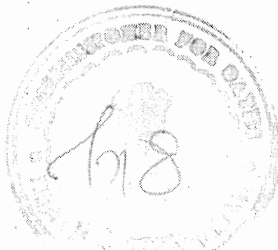
At a short distance to the south of the above temple, another later temple was built on its ruins sometime about 11th century A.D. It measures 111 feet from east to west and 57 feet from north to south. The highly dilapidated character of the structures make it very difficult to understand the plan of its internal arrangements, but the existence of a porch in the middle of the northern wing is strongly indicated by the discovery of a number of beautifully chiselled pillar bases and stone door-jambs having dowel marks. The remains of an inclined platform paved with brick piles running along the entire edge of the temple on the east was exposed. The purpose of this platform is difficult to ascertain but could be associated with ablutions. It is divided into 23 compartments or panels (14 on east, 6 on north and 3 on south), excluding the corner panels which are divided diagonally by bricks-on-edge, each measuring 3'-9" x 3'-6" and each demarcated by two lines of brick-on-edge masonry. There is a 3'-9" wide passage along the interior which probably provided the bathers access to the top of the platform. The floor of the later temple is found to be 2 feet higher than the earlier floor level and consists of 6 inches concrete over a course of flat brick soling. During the later period, the earlier libation drain was covered up with insufficient care in brickwork which allowed subsidence of the masonry.

Structural remains of some special interest, exposed that year (1928-29) at the Bairagi Bhita, are five *Kundas* or reservoirs, built with well-paved bricks and lined with one or two rows of slanting bricks-on-edge. The largest among them measuring 10'-0" x 5'-0" is a rectangular one at the north-east corner of the site. Another circular one (Dia. 5'-9" depth 2 feet) exposed in the northern area (court) of the Bairagi Bhita are also included in the same category. These were probably connected with some religious practices, either in the nature of sacrifices or libations.

Adjacent to the Bairagi Bhita on north, very few structural remains of the Pala period have been unearthed in good condition except the compound wall and few cells on the north and a shrine with a square brick platform on the south-west, and contiguous to it, a row of oblong rooms. The whole area seems to have been used as an extensive courtyard attached to the great temple on south. The 3-feet broad compound wall along the northern border, built of rough rubble masonry, runs for a length of 175 feet. Subsequently, another compound wall was supplemented towards the eastern extremity. Only a couple of

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cells, measuring 4'-0" x 3'-6" within the enclosure wall have been found complete. Others were in a highly dilapidated condition. The floor level of these cells is about 5 feet below the courtyard level of the late Pala period, which suggests their early date (8th/9th century A.D.).

A small shrine in the north-west with a brick platform of 8 feet square, surrounded by a passage, 2'-3" wide, was also exposed that year and assigned a date of about 8th/9th century A.D. It appears that subsequently the passage was blocked up and a number of chambers added, of which a row of 5, each measuring 21' x 7" was exposed to the north of the platform. Some more fragmentary remains of cells could also be traced on the east, but from their highly decayed state no understandable plan of the buildings in that area could be found.

Besides the above, several deep pits were sunk at various places of the Bairagi Bhita, which revealed the existence of building remains of at least two periods, underlying the floor level of the early Pala buildings, which may conveniently be assigned to early and late Gupta periods.

Another interesting small temple, situated about 200 yards south-east of Bairagi Bhita, was also exposed in the same year. In its present form, it is an oblong building of 39'-6" x 34'-0" with the plinth rising 5 feet above the level of the old street, access to which was provided from the east by 5 masonry steps, all of which are flagged with stones, quarried from earlier buildings. The first step from the top is made up of a black basalt lintel depicting, in low relief, a row of *Kirtimukha* heads emitting garlands of pearls in the characteristic art style of 7th/8th century A.D. Some ornamental bricks and terracotta plaques of the Paharpur type were also found built into the walls of the small temple. All these undoubtedly indicate that the temple was built sometime in 9th-10th century A.D. The original temple here measured 24' x 32" with a central hall and a passage around, but at least two periods of rebuilding,—probably separated by short intervals—were effected, in course of which a verandah was added on the south, a buttress wall built on the north with deeper foundation than the original structure, the floor level raised by 1'-6" and a flight of steps added on the east with additional rooms on each flanks. Remains of a brick-paved altar measuring 3'-0" x 2'-3" in the original eastern wall is the only structure now left above the plinth, and in the absence of any antiquity connected with religious practice, it does not permit us to ascertain the nature of the shrine.

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A solid brick platform of 19 feet square and 9' high was also un-covered about 100 feet to the east of the above small temple. This curious structure probably dates from the 8th/9th century A.D., but its precise utility remains undetermined. When exposed, it was found encircled with 5 ring wells, all of about 3 feet in diameter and some with fluted rings at the top.

#### Eastern Rampart and bastion at Munir Ghon

The nature of the fortress wall and its bastion was ascertained by operations on a high mound at one of the re-entrant angles of the eastern rampart, locally known as *Munir Ghon*, situated not far from *Siladevi's Ghat*. The rampart wall here was found standing to a height of 10 feet and at least 11 feet broad, of which about 2 feet on either face was brick work and the core built up of brick-bats laid in mud mortar. The general direction of the wall is north-south but here it turns to the west for a distance of 100 feet and again resumes its course to the north. The outwork at the re-entrant angular projection consisted of two semi-circular bastions, both of which were later encased in a superficial brick-work. The floor of the original bastion is 6 feet higher than the earliest floor associated with the great wall which points to the bastion's later date of construction.

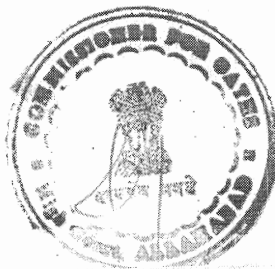
The structure was probably intended to serve as a watch tower to guard the river bank. A terrace was also constructed along the inner side of the bastion, evidently to provide access inside the citadel to the outwork. The date of the rampart wall here was ascertained by associated antiquities and architectural characteristics of the Pala period.

#### Govinda Bhita

The most imposing building remains exposed in 1928-29 excavation was the Temple at Govinda Bhita. This isolated high mound outside the northern rampart wall of the city is situated on the double bend of the Karatoya, and its very picturesque setting and commanding height marks easily as one of the most important ancient temple remains at Mahasthan. Tradition identifies it as the Temple of Govinda or Vishnu which marks the northern limit of the holy city (according to the '*Karatoya Mahatmya*', a metrical Sanskrit work of the 12th/13th century A.D.). By excavation, however, nothing came to light which may be associated with the Vaishnavite character of the building.

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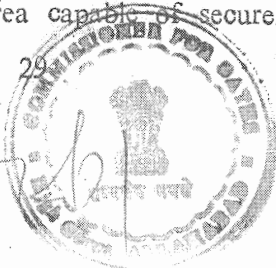
The excavated remains represent four major building periods, commencing from the late Gupta period (6th/7th century A.D.) to the Muhammadan occupation. The area inside the massive enclosure wall is occupied by two distinct sets of buildings, which may be conveniently called *eastern* and *western* built in different periods and enclosed within a massive boundary wall of 6 feet thick. The enclosure wall, dated to 8th/9th century A.D., is better preserved on the west and yet stands to a height of 8 feet to 11 feet and is 114 feet long, but on north and south it discontinues its course after a length of about 80 feet from their meeting ends with the western wall.

The earlier building phase within the enclosure wall on west, dated to 6th/7th century A.D., is represented by the massive western wall which reaches to a depth of 11 feet below the outer enclosure wall in 16 offsets, and bears close affinity with the fabric of the basement wall of the main temple at Paharpur. At the centre of this western wall, which runs parallel and at a distance of 6 feet from the western enclosure wall, a 30 feet long porch was found projecting 5 feet from the face of the wall and standing in close proximity to the boundary wall, which could not thus have been built until the porch had fallen in disuse. Thus the enclosure wall and the 2nd phase of building on the western side may be assigned to the early Pala period (8th/9th century A.D.). During this 2nd phase, a new porch on the same site having the same width but 4 feet short of its eastern frontage was laid over the old one; the outer enclosure wall was constructed and an elaborate high terraced structure was erected in the centre after raising the earlier level of the plinth to several feet. The central walls of the upper terrace are connected on their exterior by a series of parallel walls by means of short cross-walls, thus forming an outer row of cells in the foundation. In the same way, a row of 5 superficial cells in the interior on each side except east were found arranged around a solid rectangular brick platform which must have originally formed the foundation of the high superstructure. In three of these cells ring wells have been found, which were also probably of superficial nature.

This curious cellular style of construction, we now know from other parallel buildings of the same period, was a remarkable development in building art in ancient Bengal. These superficial cells, arranged in different terraces around a central platform, were filled in with compact earth and rammed so as to strengthen the surrounding area capable of securely raising a

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R. P. Munni



lowering superstructure or, in other words, these superficial cells acted as our modern piling system. These cellular structures had the advantage of raising the high structure with its high plinth visible from a great distance and thus gained for it a commanding prospect.

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The terraced top of the western building seems to have been in occupation till the muslim conquest.

#### The Eastern Temple

##### Four Building Periods:

The building remains on the eastern side are assigned to 4 successive periods. The latest period (1st period) was represented by a fragmentary pavement of the muslim period, as associated with it was found 18 coins in an earthen pot, issued by the independent Sultans of Bengal from Ilyas Shah (1357 A.D.) to Shamsuddin Yusuf Shah (circa 1480 A.D.). The second period is represented by some inferior masonry work including a semi-circular wall. The building in the third period is roughly contemporary with the later terraced temple on the west enclosed within the massive boundary wall. The earliest structure exposed in 1928-29 (or 4th period) is represented by a temple whose basement wall with several offsets and ornamental mouldings descends to a great depth from 6 feet below the top surface. This temple appears to be contemporary with the earlier western temple, although the precise relation between the two is not known. In plan it is an exact square of 56 feet each side, with an altar at the centre, measuring 6'-6" x 5'-6" and surrounded by a procession path about 3 to 4 feet wide.

The eastern side being more vulnerable to river scouring, it appears that elaborate precautions were taken by erecting many parallel and cross walls to ward off the high inundation of Karatoya; but inspite of that evidently, walls on this side were eroded badly by the river. Originally, a long stone rivetment wall of 150 feet was found built up against the northern slope of the mound along the river bank, where a stone landing 'ghat' on the east was exposed by previous explorers. These were completely washed away by the great flood of 1922 A.D. Excavation in 1928-29 also exposed a number of complex wall including an outer massive wall with several offsets and semicircular retaining wall assigned to the early Pala period. At the same period, it appears that the interior of the eastern temple was divided up into several small cells by 18 inches thick partition walls.

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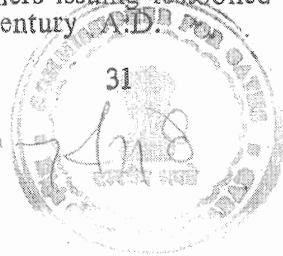
## EXCAVATIONS OF 1960

Excavation conducted here by the Department of Archaeology in 1960, primarily to establish a complete cultural chronology of the site, exposed at least 3 main non-descript building periods. Successive occupation of this place was found so intensive that no building remains here offered a coherent complete plan. The structural remains were found to be clumsy, stray and highly dilapidated and mostly represented poorly built dwelling houses. Any way, it seems clear from the excavation that no noteworthy masonry structure was built here before 4th century A.D., although human habitation was certainly there. The spade here had cut through vertically 17 strata of cultural deposits superimposed on the virgin soil which was reached at a depth of 25 feet from the surface. The earliest period of occupation here goes back to at least 3rd century B.C. This is testified by the discovery of fairly large collection of punch-marked and cast copper coins from the earlier levels as well as from the appearance of the famous N.B.P. pottery. The 2nd building period (late Gupta period) here was represented by some derelict walls and an extensive rubble-packed floor aligned with upright brick courses at intervals. Overlying this floor were found 3 large earthen vats half filled with lime of river-shell, one of which, in addition, preserved part of a human skeleton—probably representing a fractional burial.

Among the antiquities unearthed here, mention may be made of a large collection of beautiful buttons, ear-drops, pendants and nose-studs of various materials and shape, ranging from terra cotta to several varieties of semi-precious stones such as agate, cornelian, lapis-lazuli, marble, crystal, glass, chalcedony, onyx white opal, faience, terracotta figurines and toys, bronze and copper antimony rods, rings and bangles.

Other datable objects include an un mutilated circular flat clay seal bearing three stalks of a wheat plant united at the lower end within a railing and enclosed by an inscription with 22 Brahmi letters on the margin, an exquisitely modelled terracotta female head wearing a crown—both assignable to the golden age of the Guptas (4th century A.D.), half a dozen so-called Sunga plaques depicting the Mother Goddess (?) in her characteristic modelling, datable to the 2nd/1st century B.C., and a beautiful circular disc of blue-schist, engraved in low relief with a panel depicting an addorsed deer (crouching), one tiger, one elephant alternated by pitchers issuing festooned scrolls, which may be dated to 1st/2nd century A.D.

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## Northern Rampart Area

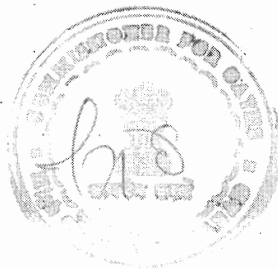
The excavation was also extended in 1960 and 1961 to a section of the northern rampart opposite the Archaeological Rest House, across the D.B. Road, where it projects out from the regular alignment of the great wall in a semi-circle, and its adjacent area towards the north-eastern corner.

The projected semi-circular area opposite the Govinda Bhita temples revealed 4 major rebuilding phases--the latest probably belongs to the Muslim period (15th/16th century A.D.) and represented by a semi-circular derelict bastion, and the earliest belongs to the Gupta period (4th/6th century A.D.) represented by two massive parallel walls running towards the Govinda Bhita temple, each measuring 17'-6" wide and 74 feet long. They emerge from a series of later structures including the bastion.

The other two intervening periods may approximately be assigned to the Pala (9th/10th century A.D.) and the Pre-Islamic (12th/13th century, A.D.). periods. The Pala period is represented here by a massive porch immediately underlying the bastion, indicating a gateway, while the pre-Islamic period consists of a series of brick-pitchings retained within huge semi-circular boulder alignments built against the Pala period porch and thereby blocking the entrance, intended probably to ward off the seasonal inroad of Karatoya.

However, one important point must be mentioned and clarified here that several cultural deposits testifying to human habitation on this site together with its adjacent areas on further north-east within the citadel, at least dating to pre-Sunga period, fairly synchronize with their counterparts at the Govinda Bhita area.

The impetuous Karatoya in her early days seems to have lashed against the eastern and north-eastern corner rampart of the citadel and protected its eastern side from any possible enemy attack, but during high flood, it constituted a grave danger to city's defence too. The magnitude of this annual menace is too apparent on exposed walls of the rampart area which, on occasions either were completely swept away or suffered heavily as is testified by thick deposits of sand and silt on their scoured tops and sides.



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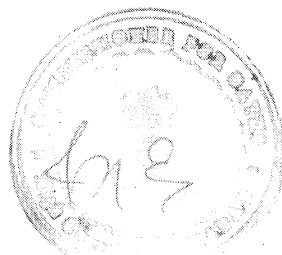
these were filled up with huge boulders and a parapet and the bastion were built on top, covering the earlier structures. Deeper cuttings down this area, however, exposed an exceptionally massive wall close to the south of the bastion, running east to west and underlying the above passage complex, which terminates with a clear edge, roughly in the same alignment of the eastern Pala porch visible from inside, suggesting thereby a similar earlier passage. This massive wall, which evidently is rebuilt and extended, in a subsequent period with another equally massive wall, which abuts on its northern side and partly overlies on the former, is found to underlie the Pala defences on further east and units with an earlier fortification wall of the fortress, visible only for a short distance. This earlier defence composed of conspicuously large sized bricks has a pronounced batter on the outside. An inscribed clay seal of the Gupta period found associated with this earlier defence wall probably indicates its date, but their mutual relation remains yet obscure.

Considerable extent of the northern fortification wall, dated to 8th century A.D. was exposed during the operation. It shows several repair and rebuilding phases, and in average measures about 13 feet wide and still stands to a general height of about 4 to 5 feet.

The excavation on the north-eastern area within the fortress revealed poorly preserved dwelling houses of successive periods, many of which had private ring wells for drinking water. Although 15th/16th century A.D. glazed Muslim pottery was found strewn all over the citadel area, no structural remains assignable to the Muslim period in this area was traceable. Among the several building and rebuilding periods, the latest was found to represent the later part of the Pala period (11th century A.D.) and uniformly characterised by derelict walls and floors, composed mostly of brick-bats of earlier buildings and even rims of large storage jars which reflects a significant poverty of the boulders. The building remains of the earlier Gupta and so-called Sunga periods were however found to be of well-built structures of full tile-sized brick masonry. A remarkable well-preserved brick, paved floor of the 2nd century B.C. with a hearth and some timber holes at the centre was found in a deep trench, but no masonry structure definitely datable to the Mauryan period was encountered in any of the trenches, though objects of that period were collected from their occupation debris. In this area, 3 trenches were sunk deep to establish a complete cultural history of the citadel, and at a varying depth of 30 feet to 31 feet the virgin soil was struck after cutting

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have ruled here sometime in the 12th/13th century A. D. The other view that Narasimha Das was the name of the master-mason employed to erect or repair the tomb is not unlikely.

The tomb itself is a plain large sized masonry structure, white-washed all over and situated at the centre of the enclosure without any covering or roof over it. Near the quadrangle, there is a plain white washed rectangular masonry platform, on which the saint is said to have offered his first prayer after receiving permission from the Hindu king to occupy that small piece of land.

Close to the entrance outside the Dargah is a circular black stone *Gauripatta* without the phallus but with the usual channel attached to it. The *Gauripatta* has a diameter of about 4'-5". While visiting this place, one would observe numerous stones mostly black basalt, some with carvings lying scattered all around and also used in the present Muslim buildings, which clearly indicate the existence of an important earlier Hindu temple on the site.

General Cunningham during his visit to this place in 1879 A. D. found within the courtyard a battered Jaina image which he identified as one of the 24 Jaina pontiffs, which indicates the existence of some Jaina establishment nearby and corresponds with the testimony of Yuan Chwang.

#### Mazar area

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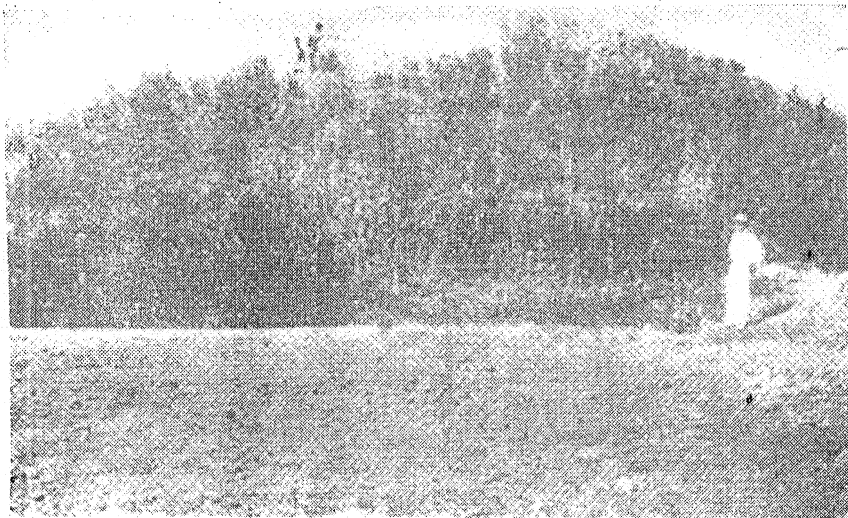
Of the other stone statues found here and variously described by different scholars, one deserves particular mention. It represents a human figure with a foot on its head. This is interpreted as symbolical representation of the overthrow of Buddhism by Brahmanism. If this view is accepted, this shows that Mahasthan was an important centre of Buddhism, but with its gradual decline, Brahmanism regained its preference here.

#### Gateway

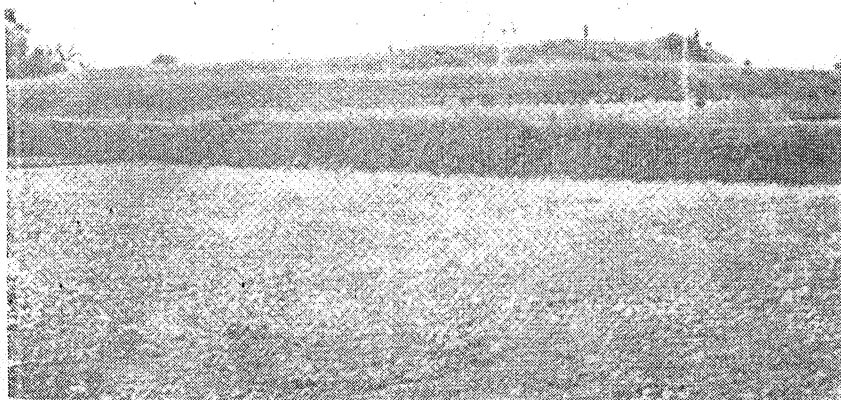
About 50 feet west of the Dargah is a small plain gateway of comparatively modern date measuring 12'-7" wide, 4'-5" thick and 8 feet high with a well-defined pathway connected with the former. A number of plain black basalt rectangular stones are firmly embedded into the brick masonry on the lintel and jambs. The whole structure is thickly plastered with lime and

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PLATE I



a. General view of Vishwardan mound, Maharashtra.



b. General view of Vasu Bihar mound.

*R. D. Munshi*

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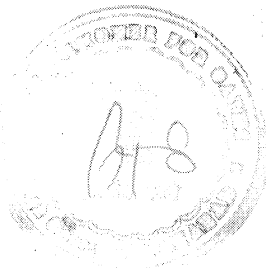




PLATE V

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a. Jiyat Kunda, close-up view.



b. Excavated remains at Lakshindarer Medh, Gokul.

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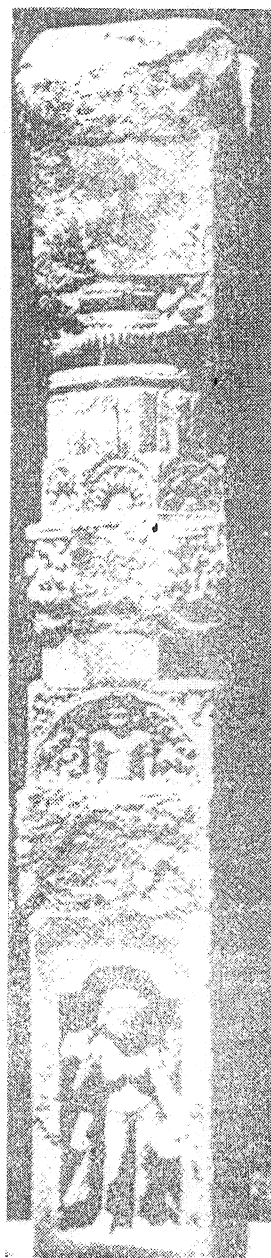
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## PLATE VII

a. Gupta period sandstone column.



b. Close-up view of goddess engraved at the bottom niche of the column.

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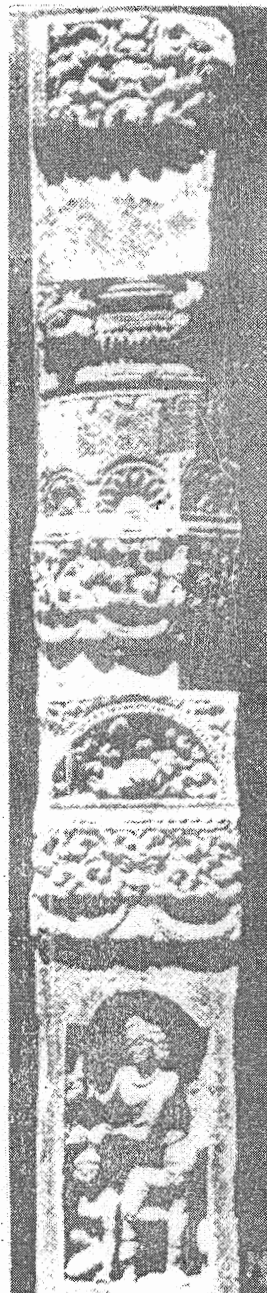


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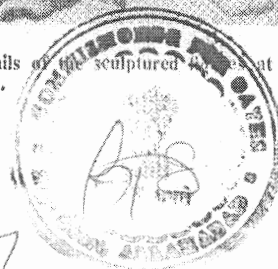
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PLATE VIII

a. The Gupta period sandstone column showing the other side



b. Details of the sculptured figures at the bottom niche.



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Annexure - 4

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# INDIAN ARCHAEOLOGY 1998-99 -A REVIEW

HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW BENCH, LUCKNOW

5 OF 89

Bhagwan vs. Ramnath Mishra

VERSUS

PRODUCED BY Rajendra Singh, 8/1/06

DATE OF PRODUCTION 17.8.2006

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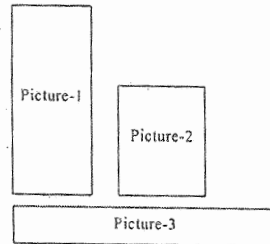
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R. P. Manjari



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Cover : 1 and 2, Bisokhar : porch pillar and sculptural depiction of raising of Govardhana hill  
3, Shyam Sundar Tilla: terracotta plaque with flying figures

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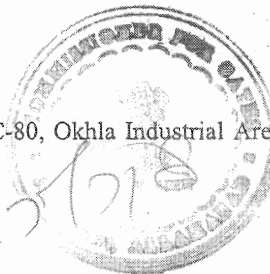
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## 39. EXCAVATION AT MANSAR, DISTRICT NAGPUR

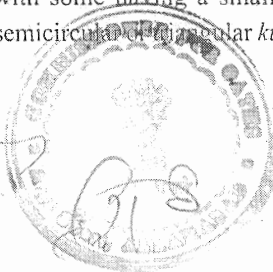
In continuation of the last year's (1997-98, pp. 123-133) excavation, the Bodhisattva Nagarjun Smarak Sanstha Va Anusandhan Kendra, Nagpur, under the direction of Jagat Pati Joshi and A.K. Sharma, assisted by P.M. Khobragade, Julfequar Ali, Dhriendra Sharma and J.S. Dubey extended the dig to the northwestern, southwestern and western slopes of the site MNS-3. By the close of the season's work a sizable temple-complex belonging to Eastern Vakatakas has been exposed. It is quite evident that the Siva shrines exposed so far, belong to two phases. Taking advantage of the massive retaining walls built of dressed and undressed stone blocks and bricks measuring 46x27x7 cm were apparently raised to make a flat platform on the top of the hill for the construction of a temple and later a stupa. Around the temple in the first phase, the shrines were mostly constructed on the northern side where two natural caves exist. One of the caves was also converted into a shrine by laying bricks on the floor and plastering it with lime-plaster and then applying over it red-ochre paint, while the other cave was used as a meditating chamber by constructing concave brick walled approach, the wall ultimately closing on the top. The shrines were built over fluted base with sharp angles making octagons. Over these octagons, simple rectangular shrines were raised, each having a niche facing north for the deity and having an approach from either the east or the west. Right from the bottom of the octagonal base, a straight staircase led upto the outside of the shrines and later on to the cave shrine. The foot of this staircase had a brick-built semicircular *Chandrasila*, whereas two narrow staircases lead to the cave shrine apparently to maintain one way flow of devotees. In order to close the roof of these

staircases, triangles and inverted triangles have been used in the construction. The walls and the steps were well plastered with lime-plaster, also using lime-concrete for strengthening the surface of the steps. Red sandstone sculptured pieces mostly belonging to Saiva cult have been recovered from these shrines.

On the western and southern sides a row of Siva shrines built of bricks were exposed. These shrines built in three terraces are approached by flight of steps. So far three rows of flight of steps have been exposed. Out of total sixteen shrines exposed, six have Siva-lingas, one each resting over a square brick pedestal having a *pranala* on the northern side whereas in some cases only pedestals are present. The pedestals have been made out of chiselled-bricks. None of the Siva-linga is associated with any stone circular *yoni pitha*. However, most interestingly, one of the shrines was built in the form of a *yoni pitha* itself with the *linga* in the centre of the shrine over a brick pedestal (pl. 46).

Vertically all the shrines were built in the form of lotus buds by adopting the triangles and inverted triangles (equilateral). Method for raising petals that ultimately close into a pointed end making the closed roof of the *sikhara* was adopted. The evidence clearly show that the whole complex was plastered with lime-mortar. At the base of these shrines, on the southern corner of one of the steps, a burnt wooden *yupa* was found, apparently for offering sacrifices to the deities. The triangles, particularly on the outside of the *jangha* portions of the row of shrines, make a human face. Almost each shrine has an approach either from the east or the west, with some having a small *mandapa* and small semicircular or circular *kunda* for water-storage

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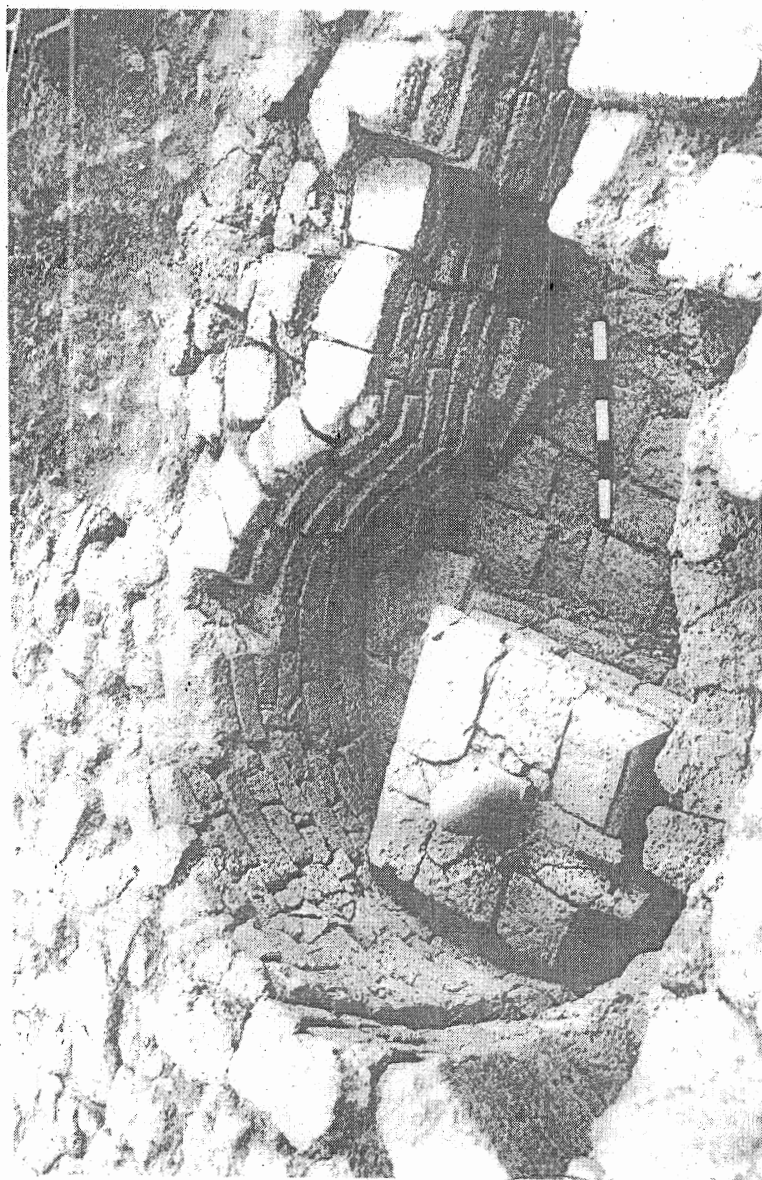


$$\frac{40}{43}$$

Exc. 5-102

## EXPLORATIONS AND EXCAVATIONS

Plate 46



Mansar : Siva shrine

B. P. Minna





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Annexure - 5

# Temples of India

HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW BENCH, LUCKNOW  
C.S. NO. 22 OF 89  
Abdullah vs. Pooja, Late Mahesh  
VERSUS Rajendra Singh  
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*R. S. M. M. M. M.*



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*Temples of India*

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Front - Kandariya Mahadeva Temple, Khajuraho  
Back - A temple *gopura* from South India

B. N. Munshi





type with the emerging Nagara formula. We meet an interesting spectacle at this site of pure *mandapikas* occurring alongside *mandapikas* donning Latina *sikhara*s.

In view of the potential importance of the Nagara *sikhara* for the development of Northern temple architecture we shall briefly notice some of its select early specimens.

### IB. EARLY NAGARA TYPE

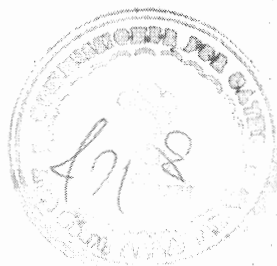
#### *Mahua, Siva Temple No.2 (Pl.58)*

Mahua (District Guna) has the distinction of possessing the earliest full-fledged Latina *sikhara* with well-articulated components of plan and elevation. Only the sanctum has survived while all traces are lost of a pavilion or porch over Nandi placed in the open in front of the sanctum. The sanctum is *triratha* on plan and has a prominent *bhadra* with flanking *upabhadras* conspicuously projecting right from the base to the top. The shrine stands on a developed *vedibandha* replacing the *kalasa* moulding by square rafter ends on the *upabhadras* and has a *jangha* with a prominent niche crowned by an elegant *udgama* on the *bhadra* and *ghatapallava* pilasters on the *upabhadras* and the ends of the *karnas*. The *varandika* consists of a pair of broad recesses, surmounted by a three-storeyed *sikhara* adorned with bold *chandrasalas* and marked by *bhumi-amalakas* on the *karnas* as well as the *upabhadras* with a recess between bearing elegant *balapanjaras*. The *sikhara* is capped by a handsome globular *amalasaraka*. The sanctum doorway has a T-shaped format with five ornate *sakhas* and introduces on the *lalata* a *garuda* holding the tail ends of serpents constituting *naga-sakha*. The temple is coeval with the local *mandapika* shrine and is assignable to c. A.D. 650-675.

#### *Kuchdon, Kuraiya Bir Temple (Pl.59)*

Kuchdon, situated two miles east of Deogarh (District Lalitpur) has a Siva temple consisting of a *pancharatha* square sanctum preceded by a single-bay porch. The temple has a *jangha* constructed on the principle of post-and-plank but carries a miniature Latina *sikhara*. The sanctum stands on a *vedibandha* surmounted by a *vasantapattika*. Its *jangha* shows a deep *bhadra* niche crowned by an elaborate pediment and flanked by *ghatapallava* pilasters which are also repeated on the *pratirathas* and *karnas*. Only the west *bhadra* niche bearing a figure of Karttikeya is preserved. The *varandika* shows two recesses, the lower one carved with lotus creepers. On the crown of the sanctum sits a three-storeyed Latina *sikhara* raised on a tiny square chamber closed by lattices and preceded by a pair of pillarlets carrying a *sukanasa* fronton on all the four sides. This temple is stylistically datable to the mid-8th century A.D.

R. Narayan



## CHAPTER XV

*Later Temples of Rajasthan*

From 12th century onwards the Rajasthan style loses its individuality and nearly merges in the Solanki style. The process starts at the close of the 10th century when the Abu region of Rajasthan came under the political and cultural influence of Gujarat. The Vimala Vasahi, like the later temples built at Abu is a full-fledged Solanki structure and was shortly followed by the near Solanki temple at Chandravati and Kumbhariya, which are not far from Abu. During the 12th century a substantial part of Rajasthan, including Marwar and Mewar, passed under the hegemony of the Solankis of Gujarat, whose cultural sway was even more effective and lasting, with the result that henceforth Rajasthan became a province of the Solanki style, as evidenced by the later temples found at sites like Chittor, Ekalingaji, Jalor and Ranakpur, scattered in different parts of Rajasthan. A brief notice, however, is given below of the groups of temples at Kumbhariya and Abu which form architectural landmarks in Rajasthan, even though they are affiliated to the Solanki style of Gujarat.

*Jaina Temples at Kumbhariya*

Kumbhariya in District Banaskantha of Gujarat has a group of five Jain temples, besides a Siva Temple, all built of marble. While the Siva Temple is a modestly ornate *pancharatha* shrine of mid 12th Century with an indifferently preserved multi-spined *Nagara sikhar*, the Jaina temples constitute an important group affiliated to the Solanki style. Surrounded by a high enclosure wall, each Jaina temple consists of a *pancharatha* sanctum, a close *mandapa* with three door openings and a *trikamandapa* together with an axially aligned octagonal *rangamandapa*, entered through an entrance hall or a *nalamandapa* (underground stepped entrance). The ensemble is situated in a rectangular corridor leading to peripheral subsidiary shrines which along with sculptured niches around the *rangamandapa* are intended to represent 24 *Jinalayas*.

The earliest Jaina Temple of Mahavira, dated A.D. 1062, is entered from the north

B. P. Munshi



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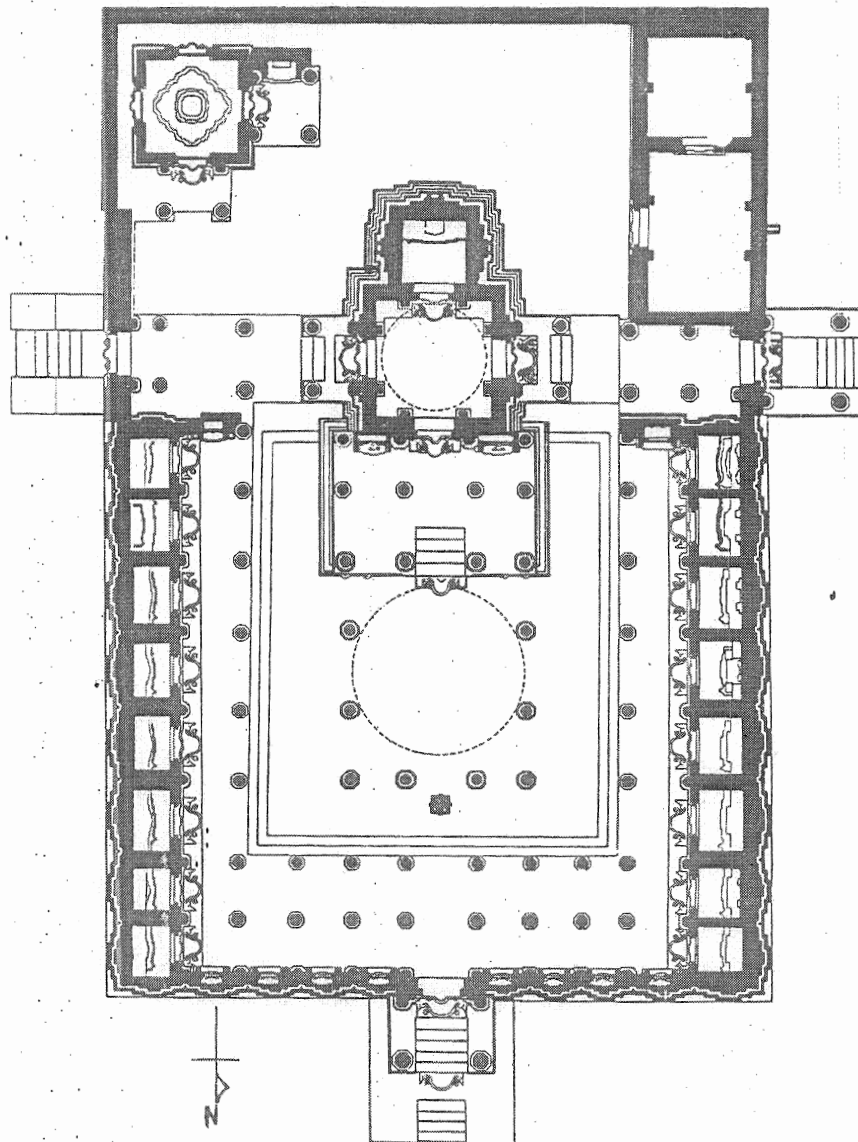
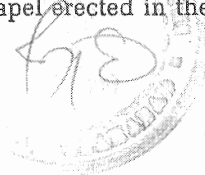


Fig. 74. Kumbhariya. Santinatha temple. plan. c.A.D. 1084

through an entrance hall and has a *trikamandapa* of three normal bays, which surpasses in delicate beauty and proportion that of the Vimala Vasahi at Abu. Its sanctum *sikhara* is clustered by 21 spirelets while its closed *mandapa* is roofed by a highly ornate *samvarana*, roof of which is also repeated on the Samavasarana Chapel erected in the same compound.

R. Ramani



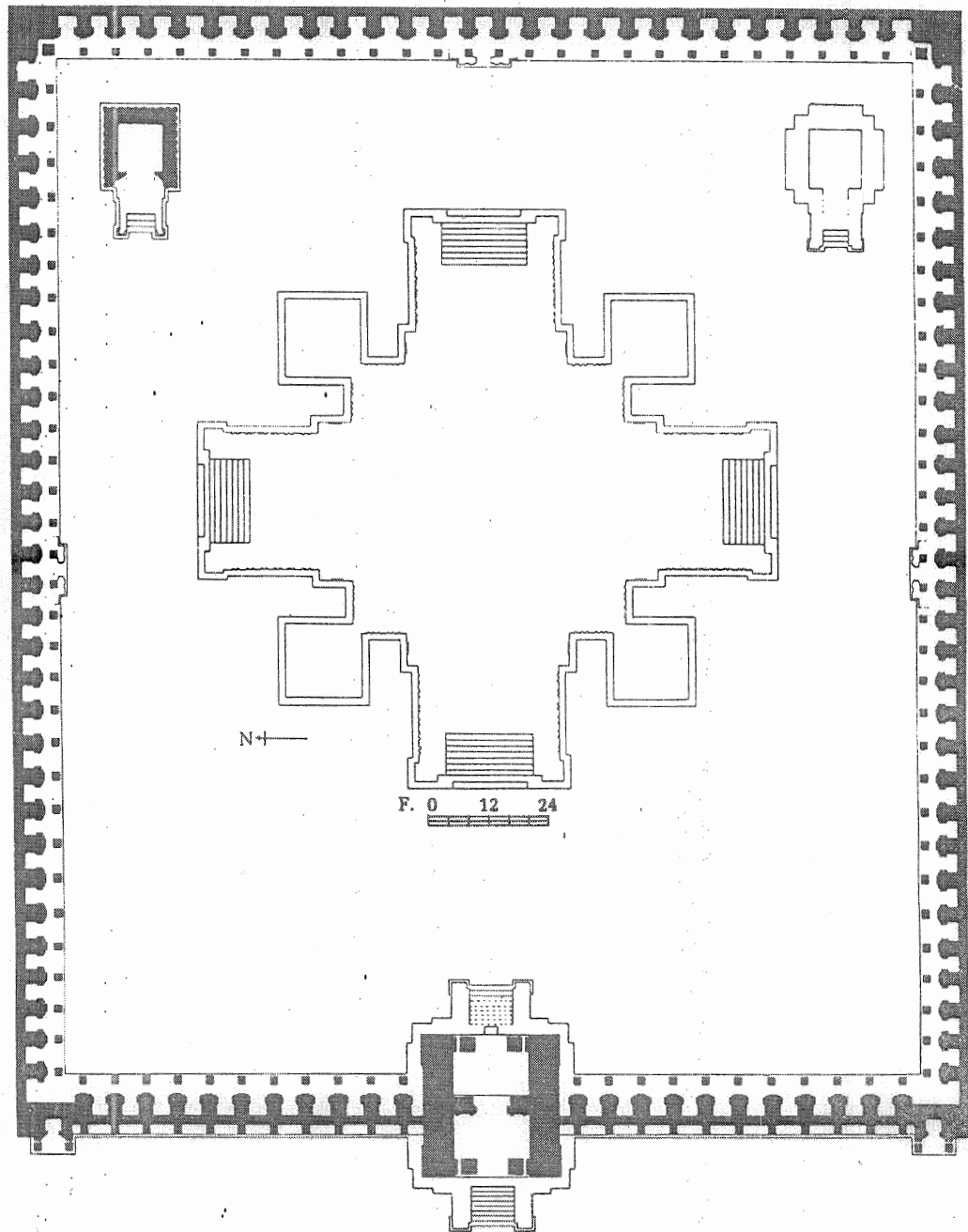


Fig. 87. Avantipur. Avantisvara temple, plan c.A.D. 850-860

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202 x 172 ft., its gateway is smaller eschewing carvings of figures. Of its peristyle, resembling that of Avantisvami in design, only vestiges have survived. Its main shrine in the centre of the court, preserves only the platform, approached by stairs from four sides, with a square projection in each corner meant possibly for a subsidiary shrine. Such a *panchayatana* composition, recalling the plan of the Gupta temple at Deogarh is exceptional in Kashmir. The moulded platform showing a broad compartmented recess marked by pillarets is also unusual for the region, as is the frequent employment of *ghatapallava* capital, *amalaka* and *gavaksha* ornaments.

The temple has suffered ruin and shows only two corner shrines on the east.

#### **Patan, Sugandhesa Temple**

Sankaravarman (A.D.883-902), son and successor of Avantivarman, founded a new town called Sankarapattana (modern Patan, 17 miles north-west of Srinagar). Of the three Siva temples, recorded to have been built here during his reign two have survived, both his own foundations. One of these known as Sugandhesa temple, was originally enclosed by a cellular peristyle of which the eastern arm centrally pierced by gateway plinth is preserved, besides the main shrine and remains of three subsidiary shrines. The main shrine is a *triratha* structure, erected on a two-tiered platform. The lower tier resembles the outer platform of the Martanda temple with this difference that the niches here were only blocked out but remain unfinished. This shrine comprises of sanctum, vestibule and a porch. Its sanctum *bhadra*s have each a deep double-pedimented niche harbouring a Sivalinga.

Of the three shrines two are reduced to mere plinths while only one on the south-east has survived as a small model of the main structure raised on a single-tier platform with niches likewise just blocked out. Evidently the complex remained unfinished.

#### **Patan, Sankaragaurisa Temple**

The other royal foundation at Patan known as Sankaragaurisa is a grand version of the Sugandhesa temple but all that can be viewed is the main shrine consisting of the sanctum and *antarala* with its design similar to the Sugandhesa. Portions of its matching peristyle and a subsidiary shrine in the north-east also survived but being at a much lower level, these have been again buried together with the platform and *adhishtana* of the main shrine. Nevertheless, the main shrine is an imposing monument with its pilasters adorned with pot design, bearing capitals embellished with human-headed *kinnara* figures, and its crowning trefoils and double-pedimented large niches. The *antarala* interior bears impressive figures of Siva Tripurantaka and Ganesa. The figural and decorative ornaments on the Patan temples are indeed more architectonic than on the earlier temples belonging to the time of Lalitaditya and Avantivarman.

R. Sankaragaurisa

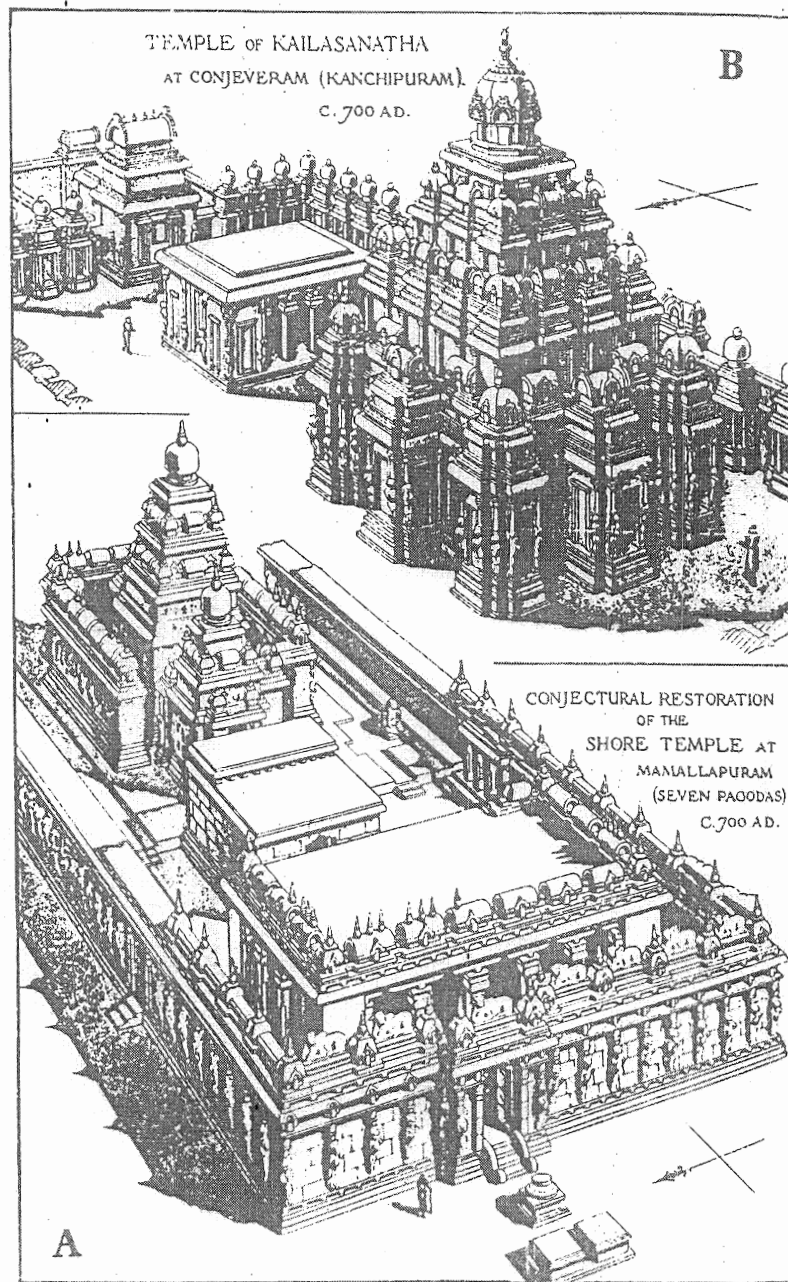


Fig. 90A. Conjectural Restoration of the Shore temple at Mahabalipuram. C. 700 A.D.  
Fig. 90B. Temple of Kailasanatha at Kanchi. C. 700 A.D.

R. Murray



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Annexure - 6

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MAYAMATAM

TREATISE OF HOUSING, ARCHITECTURE  
AND ICONOGRAPHY

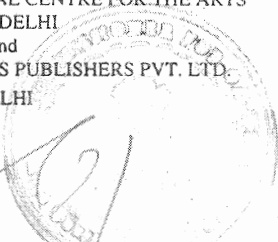
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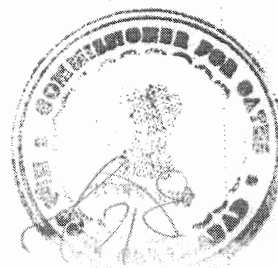
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*B. Narain*





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## INTRODUCTION

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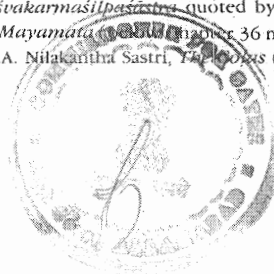
extended to Ellora under the Rāstrakūṭa and to South East Asia around the same added that a number of details give evidence of a drafting made in Tamil areas,<sup>13</sup> while the description of roof timber work in Chapter 18 seems to rely on a Kerala tradition. The last point to be noted is that the palmleaf manuscripts of the *mayamata* are in Grantha (Tamil) script or in Telugu or Malayalam script.<sup>14</sup>

The chronological elements at our disposal are mostly subjective. An *ad quem terminus* is given by quotations from the *Mayamata* found in the commentary of the *Śāradātīlaka* (a *śākta* text) written in 1484 by Rāghavabhaṭṭa (cf. comm. ad *Śāradātīlaka* 3.21 and 3.53). Our text however must be earlier and may have been written between the definitive elaboration of the false storey option and the appearance of the very big temples of this type, as those of Tanjore or Gangaikondacolapuram at the beginning of the 11th century. This hypothesis gains weight from the previously noted mention of temples with more than twelve storeys, in what seems to be an interpolation for the sake of updating: the temple of Tanjore has fifteen storeys and it would therefore be "abnormal" in relation to a treatise which limits the number of storeys to twelve; a mention of Śiva temples with sixteen storeys brings this temple back to the norm however by almost attaining the ideal maximum. In the same way we notice that gateways, according to the *Mayamata*, are not to have more than seven storeys, a maximum which was not achieved till the 12th century with the gateways of the Cidambaram temple (and was widely outnumbered at Vijayanagar times). We may therefore establish a chronological bracket which goes from the early 9th century to the late 12th. We may point out, in passing, that the mention of Buddhist and Jain cult places also accords with a drafting in the Cola period, one marked by relative tolerance.<sup>15</sup>

A word remains to be said about the originality of the work. The *Mayamata* forms, as we have seen, a fairly coherent whole and would seem to have been composed all in one piece with some later interpolations and additions. It represents an architectural school well-known throughout South India and its treatment of architecture is not basically very different from that to be found in many other texts, especially in those connected in one way or another with the

12. For an extensive survey of preangkorean architecture, see H. Parmentier, *L'art Khmer primitif*, 2 vols, Paris 1927 (chronological data to be corrected with Boisselier 1966).
13. Cf. especially the use of the hybrid *kāyapāda* to designate the struts (16.16 sq. and note ad loc.), of *saruṣapa* to designate the mustard seed (in place of *saruṣapa* 28.3) or of *kampa* with the meaning of 'pillar' (15.2).
14. We do not know however the origin of the *Viśvakarmasūtrapāṭha* quoted by N. Vasu where we have found *verbatim* quotations of the *Mayamata* (see chapter 36 note 78).
15. On Jainism and Buddhism in Cola period, see K.A. Nilakantha Sastri, *Tamilakam* (2nd ed., Madras 1955), pp. 655-57.

P. Ramaswami



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## अथ चतुर्थोऽध्यायः

## [भूपरिग्रहः]

<sup>1</sup>आकारवर्णशब्दादि<sup>2</sup>गुणोपेतं भुवः स्थलम् ।  
<sup>3</sup>सङ्गृह्य<sup>4</sup>स्थपतिः प्राज्ञो दत्त्वा देवबलिं पुनः ॥ १ ॥  
 स्वस्तिवाचकघोषेण जयशब्दादिमङ्गलैः ।  
 अपक्रामन्तु भूतानि देवताश्च<sup>5</sup> सराक्षसाः ॥ २ ॥  
<sup>6</sup>वासान्तरं व्रजन्त्वस्मात्<sup>7</sup>कुर्या भूमिपरिग्रहम् ।  
<sup>8</sup>इति मन्त्रं समुच्चार्य विहिते<sup>9</sup>भूपरिग्रहे ॥ ३ ॥  
<sup>10</sup>कृष्ट्वा गोमयमिश्राणि सर्वबीजानि वापयेत्<sup>11</sup> ।  
 दृष्ट्वा<sup>12</sup>तानि<sup>13</sup>विरूढानि फलपक्वगतानि<sup>14</sup> च ॥ ४ ॥  
 सवृषाश्च सवत्साश्च ततो गास्तत्र वासयेत् ।  
<sup>15</sup>यतो गोभिः परिक्रान्त<sup>16</sup>मुपघ्राणैश्च पूजितम् ॥ ५ ॥  
<sup>17</sup>संहृष्टवृषनादैश्च निर्धौतकलुषीकृतम् ।  
 वत्सवक्त्रच्युतैः फेनैः संस्कृतं<sup>18</sup>प्रस्रवैरपि ॥ ६ ॥  
 स्नातं गोमूत्रसेकैश्च<sup>19</sup>गोपुरीषैः सलेपनम् ।  
<sup>20</sup>च्युतरोमन्थनोद्गारैर्गोष्पदैः कृतकौतुकम् ॥ ७ ॥

1. F: अधार

2. D: गुणोपेतं

3. D: स्थपति

4. E: चपि राक्षसाः

5. D: वसान्तरसृजन्त्यस्मिन्;

E: वासान्तराव्रजं तस्मात्

6. A (var), E: कुर्याद्; D: क्रिया

7. D, F: इदं

8. D: भूपरिग्रहं

9. A: कृष्टा; D: कृष्या; F: कृष्या

10. F: धापयेत्

11. E: यानि

12. D: परुधानि; F: विनिडानि

13. D: प्रसूनि

14. A (var): यदा; D: यथा

15. D: उपग्रणैश्च

16. A (var): संहृष्टवृषदानैश्च; E: सकृष्टवृषनादिस्तु

17. A (var): प्रस्रवैरपि; C: प्रस्रवैरपि; D: प्रस्रवैरपि

18. A (var), D, E, F: गोपुरीषनुलेपनम्

19. D: च्युतरोमन्थनोद्गारैर्गोष्पदैः

R. R. Manjunath



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#### CHAPTER 4

### TAKING POSSESSION OF THE SITE<sup>1</sup>

1-3 Once he has chosen a piece of land endowed with the prescribed qualities of shape, colour, sound (. . . etc.), the learned architect should make an offering to the gods accompanied by exclamations such as 'Svasti' and cries of good omen such as 'Jaya'. Next he pronounces this formula: "That Spirits, Gods and Demons depart! That they leave this place and go elsewhere for I take possession."<sup>2</sup> Thus possession is taken of the site.

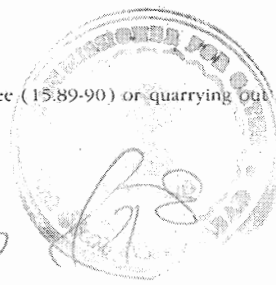
4 After ploughing,<sup>3</sup> (the architect) must sow seeds of all kinds mixed with cow-dung; then having seen them germinate and reaped the fruits, he puts cows there along with bulls and calves.

5-8a In this way (the site) will be stamped down by the cows, sanctified by their breath, purified by the contented lowing of the bulls and consecrated by the froth which flows from the mouths of the calves; it will be bathed by jets of cows' urine, coated with dung and made fertile

1. See *Ajita* (chapter 7) and *Mānasāra* (chapter 5).

2. Similar *mantras* are used when cutting down a tree (15.89-90) or quarrying out a stone (33.27).

R. P. Manu



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भृङ्गराजेऽब्धिमत्स्यः स्यान्मृषे<sup>26</sup> मत्स्यौदनं<sup>27</sup> विदुः ।  
 निर्ऋतौ तैलपिण्याकं<sup>28</sup> बीजं दौवारिके बलिः ॥ ८ ॥  
 सुग्रीवे मोदकं<sup>29</sup> पुष्पदन्तके<sup>30</sup> पुष्पतोयकम् ।  
<sup>31</sup>वरुणे पायसं धान्यं<sup>32</sup> शोणितेनासुरे बलिः ॥ ९ ॥  
 सतिलं तण्डुलं शोषे रोगे स्याच्छुष्कमत्स्यकम्<sup>33</sup> ।  
<sup>34</sup>स्विन्नं<sup>35</sup> हारिद्रकं<sup>36</sup> वायौ नागे मद्यं च लाजकम् ॥ १० ॥  
<sup>37</sup>धान्यचूर्णं हि मुख्यस्य<sup>38</sup> दधि सर्पिश्च सम्मतम् ।  
<sup>39</sup>गुलौदनं तु भल्लाटे सोमे दुग्धौदनं<sup>40</sup> ददेत्<sup>41</sup> ॥ ११ ॥  
 शुष्कमांसं मृगे दद्याद् देवमातरि<sup>42</sup> मोदकम्<sup>43</sup> ।  
 उदितौ तिलभक्ष्येण क्षीरात्रं सर्पिरीशके ॥ १२ ॥  
 लाजं धान्यं सविन्द्रस्य<sup>44</sup> साविन्द्रे<sup>45</sup> गन्धतोयकम् ।  
<sup>46</sup>बस्तमेदस्तथा मुद्गचूर्णमिन्द्रेन्द्रराजयोः ॥ १३ ॥  
<sup>47</sup>रुद्रे रुद्रजये मांसं स्विन्नमापापवत्सयोः ।  
<sup>48</sup>कुमुदं मत्स्यमांसं च शङ्खकच्छपमांसकम् ॥ १४ ॥  
 मद्यमाज्यं चरक्यास्तु विदार्या लवणो बलिः ।  
<sup>49</sup>पूतनायास्तिलं पिष्टमन्याया मुद्गसारकम् ॥ १५ ॥

26. E : मापे for मृषे  
 27. C : मत्स्यादनं  
 28. A (var), G : तैलपिण्डान्नं  
 29. E : गोदकं  
 30. C, E : पुष्पं दन्तके  
 31. F : वरुणो  
 32. F : लाजं instead of धान्यं  
 33. F : मंसकम् instead of मत्स्यकम्  
 34. F : omits 10b-12a.  
 35. A (var) et C : स्वीनं  
 36. C : हरिद्रुतं  
 37. A (var) : रात्रिचूर्णं

38. E : मुख्यं स्याद्  
 39. C : गुडौदनं  
 40. E : शुद्धौदनं  
 41. A (var) : यजेत्  
 42. F : देवमातुर  
 43. C : सोदकम्; E : मोदकैः  
 44. A (var) : सविन्नस्य  
 45. A (var) : सावित्रे; C : साविन्द्र-  
 46. E : लब्धमोदस्तथा मुद्ग चूर्णमिन्द्रेन्द्रराजयोः  
 47. E : omits 14.  
 48. F : कुमुदं  
 49. F : omits 15-16.

Dr. R. M. S. S. S.



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## CHAPTER 8

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8-12 Sea fish is offered to Bhṛṅgarāja and rice with fish to Mr̥ṣa. A sesame oil cake is offered to Nirṛti<sup>6</sup> and a seed (of sesame) to Dauvārika, a cake is offered to Sugrīva and, to Puṣpadanta, flowers and water. Rice and milk is the offering intended for Varuṇa and, for Asura, blood. The offering to Śoṣa should be rice with sesame, to Roga, dried fish, to Vāyu, fat and orpiment and to Nāga, wine and roasted rice. Flour, curds and ghee should be offered to Mukhya, to Bhallāṭa, cooked rice with molasses and, to Soma, milk rice. Dried meat is to be offered to Mr̥ga, cake to the Mother of the gods,<sup>7</sup> sesame rice to Uditī and rice and ghee to Īśaka.

13-14 Roasted rice is required for Savindra and perfumed water for Sāvindra, for Indra and Indrarāja, goat's fat and crushed beans, for Rudra and Rudrajaya, meat and fat and, for Āpa and Āpavatsa, lotus and the flesh of shellfish and tortoise.

15 The offering to Carakī is wine and roasted rice, to Vidārī it is salt, to Pūtanā, *piṣṭa*<sup>8</sup> and, to the last (who is Pāparākṣasī), bean water.

*The common offering*

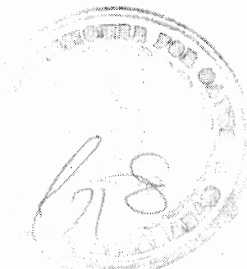
16-17 All the gods in succession should then be presented with the common offering which consists of pure food with ghee and curds and

6. Elsewhere Pitt.

7. Aditi is the 'mother of the gods'.

8. *Piṣṭa*: a mixture of flour, grated coconut and sugar.

B. M. M. M. M.



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द्वित्रिवेदत्रिकद्वयंशैर्गुणपञ्चतुपञ्चभिः ।

द्वित्रिभागेः क्रमाद् व्यासं मूलपद्यादिषु न्यसेत् ॥ ८८ ॥

मुकुलाग्रमंशमर्धार्धं यथाशोभवशान्नयेत् ।

चतुरष्टद्विरष्टाश्रं <sup>152</sup>साधारं वर्तुलं तु वा ॥ ८९ ॥

तदाकृतिः शिरश्छन्दमलङ्कारवशात् तु वा ।

तदाकृतिः <sup>153</sup>सुरोर्वीशविप्राणां च विशां मतम् ॥ ९० ॥<sup>154</sup>सुरद्विजन्पाणां तु वैश्यानां नैव शूद्रके ।

तत्सम्बन्धं समापाद्य ध्वजदण्डं तदूर्ध्वगम् ॥ ९१ ॥

एवंलक्षणसम्पन्नं विमानं सम्पदां पदम् ।

[ लेपः सुधाकर्म च ]

करालमुद्गी <sup>155</sup>गुल्माषकल्कचिक्कणसाह्वयाः <sup>156</sup>॥ ९२ ॥चूर्णोपयुक्ताः पञ्चैते <sup>157</sup>सर्वकर्मसनातनाः ।अभयाक्षबीजमात्रशर्कराः <sup>158</sup>स्युः करालकाः ॥ ९३ ॥

मुद्गबीजसमा क्षुद्रशर्करा मुद्गमिष्यते ।

सार्धत्रिपादद्विगुणकिञ्जल्कसिकतान्वितम् ॥ ९४ ॥

चूर्णस्य शर्कराशुक्त्योर्यद् <sup>159</sup>गुल्माषं तदुच्यते ।करालं चापि <sup>160</sup>मुद्गी च तेन मानेन योजयेत् <sup>161</sup>॥ ९५ ॥

152. E: सालारं वकुलं

153. C: सराणाञ्च विप्राणां

154. E: omits 91a.

155. E: मुद्ग- for मुद्गी

156. F: साम्त्वया

157. E: सार्धकर्म-

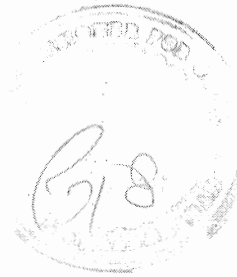
158. A, B, C, F: शर्करास्वार्धचूर्णकाः; E: शर्कर-  
स्वार्धचूर्णकाः

159. A: गुल्मासं; B: कुल्याषं

160. E: मुद्गं

161. E: युज्यताम्

R. R. Mani



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## CHAPTER 18

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- 87b- The respective widths of these elements, starting from the lotiform  
 89a base, are as follows: seven, two, three, two, five, nine, five, three, three,  
 three, four, three, two, three, five, six, five, two, three (twenty-seconds  
 of the total height). To enhance the appearance, (the dimensions of) the  
 lotus bud may be increased by one or one half part.
- 89b-90 In the same way as for that which supports it,<sup>33</sup> this bud may be square,  
 octagonal, sixteen-sided or circular or its form may be the same as that  
 of the roof unless it accords with the decorative effect (required). These  
 forms are suitable for gods, kings, brahmins and vaiśya.
- 91 Once this finial, suitable for gods, kings, brahmins and vaiśya, but not  
 for śūdra, has been assembled, the mast for the flag is raised over it.
- 92a A temple built with these features is a guarantee of success.

*Coatings and mortars*<sup>34</sup>

- 92b-93a *Karāla*, *mudgi*, *gulmāṣa*, *kalka*, and *cikkana*, mixed with lime are,  
 all five, suitable for every kind of work.<sup>35</sup>
- 93b- *Karāla* is gravel stones the size of *abbaya* or *akṣa* fruits. *Mudgi* is  
 94a gravel the size of a bean.
- 94b-95 What is called *gulmāṣa* is composed (of one part) of grains of sand  
 (which are) one and a half, one and three quarters or twice the size of  
 a lotus fibre, and (of one part) each of lime, gravel and shells.<sup>36</sup> *Karāla*  
 and *mudgi* are also prepared in this way.

33. *Sādharam*: that is to say the finial itself, which supports the lotus bud.

34. Verses 92b-115 breaking off the logical sequence of the text, deal with mortars and coating.  
 See above 16.49, *Īśānaśiva* (Kriyā. 33.52-78), *Vāstuvīdyā* (8.5 sq.); cf. K.M. Varma, *The  
 Indian Technique of Clay Modelling*, 1970, pp. 11 sq.; A.K. Coomaraswamy gives a recipe  
 for preparation of coating which was in actual use in Sri Lanka at the beginning of the century  
 and which is similar to that found here (*Mediaeval Sinhalese Art*, 2nd ed., New York 1956,  
 pp.118-19)

35. Terms like *karāla* or *mudgi* designate types of coating or mortar as well as constitutive  
 ingredients of them.

36. *Īśānaśiva* (Kriyā. 33.55) gives a similar recipe for *kalka*.

B. P. M. n. n. n.



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Annexure-7

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Bhagwan S. Bhatnagar vs. Bhagwan Singh

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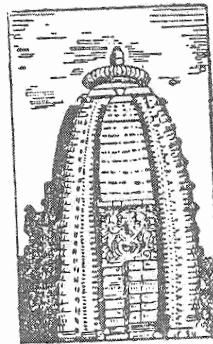
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(With an anthology of Pratimā-lakṣaṇa and Citra-lakṣaṇa as well as an outline history of Indian painting, archaeological and literary)

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2697

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*Dedicated*  
*to*  
*Lord Brahma*

Who has very scantily been treated for his cult-images and cult-shrines, perhaps due to some curse—vide p. 179—which evidently reflects the popular mind, nevertheless he is the ideal god who can inspire humanity for perpetual endeavour—the Sādhana, the struggle for that Creative Power (which is another name of Humanity) with unabated vigour, unblemished wisdom and unsophisticated living.

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(loha-patta) it should be adequately besmeared with clay and then be kept for being dried up. This suggests that the ingredients of this *miśra* material may include any number of substances.

While dealing with clay, it had already been pointed out that the clay images and sculptures, used to be fashioned out with ingredients of more than one substances. Śrī Gopinath Rao has mentioned *Kaḍi-śarkarā* also as one of the substances for making images. In my opinion, *Kaḍi-śarkarā* images, fall under this category of *miśra*-material. The main ingredient in the preparation of *Kaḍi-śarkarā* according to Rao, is limestone, the others are not pointed out by him. Dr. Bannerjea has enlightened us further on the basis of a textual evidence from *Hayaśirṣa-pañcaṅgātra*, as quoted in Gopālabhāṭṭa's *Haribhakti-Vilāsa* (the 15th one) that this clay compound in which some of the constituents being powdered iron and stone, is much similar to the material known as stucco, which was so copiously used by the Hellenistic artists of Gandhara. Again while introducing the *Miśra* or mixed material of the *Śilparatna*, mention has already been made of a *śūla* or *pratimā-śūla*. This is also corroborated in the following passage from *Haribhakti-Vilāsa*:

स्थापयेत् प्रतिमाशूलं रत्नन्यासस्य चोपरि ।  
शूलञ्च खादिरादीनां यज्ञीयानां प्रकल्पयेत् ॥  
विशोत्तरसत् शूलं कुर्याद् पञ्चविंशतैः ।  
प्रतिमाङ्गुलमानेन कृत्वा संस्थापयेद् बुधः ॥

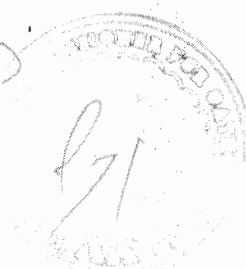
*Matsyapurāṇa* also refers to mixed material:

शैले शैलमयीं दद्यात् पाथिवे पाथिवीं तथा  
दारुणे दारुजां कुर्यान्मिश्रे मिश्रां तथैव च ॥

Dr. Bannerjea takes this *miśra* compound as falling under this very category of stucco or *kaḍi-śarkarā*. *Karkarā* and *Śarkarā* denote the same thing—little stone chips, (perhaps limestone chips). Rao further informs us, "Brick and mortar or *Kaḍi-śarkarā* images are also occasionally met with in several temples; in the the famous temples at Śrīraṅgam and Trivindrum (*Anantaśayanam*), the main central images are understood to be of this kind."—E. H. I. Introduction p. 49.

Under this mixed material also fall brick and mortar images and Rao refers to one such image of *Mahāśadaśivamūrti* found by him in *Vaittisvarnkoyil* (Tanjore District), which is a rare representation of brick and mortar image. The *Vāstuśāstra* description of *Mahāśadaśivamūrti* (cf. *Mānasāra*) that this form should have fifty arms and twenty-five faces (also *Pr. Lakṣ* p. 137) is corroborated in this find. In the 25 faces of this figure, each of the five aspects of Śiva—*Vāmadeva*,

B. R. Bannerjea



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Amesur 8

Page 49

**Art and Religion of the Bhairavas**

illuminated by Two Rare Sanskrit Texts

***Sarva-siddhānta-vivēka and Jñāna-siddhi***

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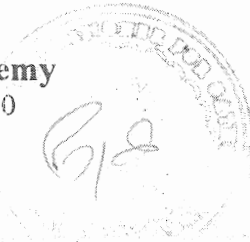
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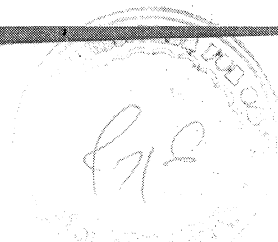
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R. Nagaswamy



**Auṣhada vāma :** By taking recourse to *Auṣhada* (medicines) that protects the body disorders one obtains a shining body. This school even holds that movement through space is possible by administering medicines. The school speaks of what it calls '*Kāya kalpa*'. On the whole we may say this school is dealt with rather cursorily.

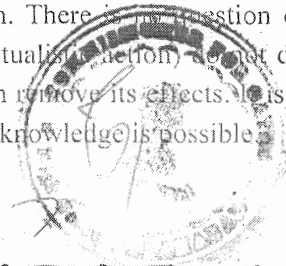
**Karma-siddhānta :** It may even be called the school of fatalists. It holds no one can control birth, decay, comfort, suffering, old age and death. What is to happen will always happen. So one should act rightly, and act wherever one's mind goes. However one should not be lethargic in comfort or suffering.

**Siddhānta vāmi :** The Siddhānta vāmi school rejects the eight sub-schools mentioned; that are called external schools. In this text reference is made to 'Suddha śaivas' who are the "*Dakṣhiṇa Vāma Siddhāntins*". But as this school also advocates eating meat, fish, drinking, sacrificing human flesh as offerings etc the Siddhānta śaivas do not accept this school of *Dakṣhiṇa Vāma Siddhānta*. The Bhairava school is enumerated in *Dakṣhiṇāgama* which emanated from the Bhairava Īśāna face<sup>14</sup> (P. 21) The Bhairava school has eight sub-divisions and six auxiliary divisions (*upabhēdas*), according to the *Jñāna-siddhi*<sup>15</sup>.

**Mantra vāmi** The sub sect Mantra-vāma of the Śākta tradition, holds that reciting sacred hymns alone in preference to other modes will obtain liberation. The mantras used differently by them are *Namah, Svāhā, Svadhā, Vauṣhad, Vaṣhad, humpad*. There are seven cores of such great hymns called *Mahā-mantras* employed in all sacrifices. All of them are different manifestation of power (Śakti). It is called "Mantra" because the word *manana* stands for all comprehending nature, and the word *trāṇa* stands for bestowing grace on worldly men. When both these functions of *manana*, and *trāṇa* are united it is called 'Mantra'. It is clear from this that when one practices Mantra sādhanā, by obtaining the knowledge of mantra first, salvation is obtained in Mantra-vāda.

**Advaita-vāmi** Advaita-vāmi holds that everything is a transformation of Śakti. Without such a transformation of Śakti, nothing exists either as *karma, Māyā*, world, soul, god, Śiva, Paśu, Pāśa etc. Man attains salvation by this knowledge, even if he is a murderer of Brahmins, drunkard or debauch. There is no question of salvation only through knowledge. The results of action (ritualistic action) do not disappear without being suffered. Not even crores of action can remove its effects. It is only an ignorant (*ajñāni*) who will say that liberation through knowledge is possible.

*Q. Ananta*



invoked in the east, south, west, north and above. The four faces are as prescribed in the chapter on *arccanā* (worship) whereas the top one that is *Īśāna* will have no face but is made to manifest only through hymnal invocation. When one is able to steady his mind in that particular state it is called *Samādhi*. *Japa* is to recite its name; *dhyāna* is to meditate on that, which involves creating face to face relationship or visualization. This realization of the supreme state and cultivating the same is the ultimate, which is known as *Śuddha-śaiva-yōga*. The same process is also acceptable to other yogis who can follow their own system.

### Anādi Śaiva Yōga

Anādi Śaiva yogis accept the tenets from that which is suited to their needs. They hold the *śuddha vidyā tattvas* as inert beings that do not have the nature of Śiva. On the other hand *Nāda* is considered *Īśāna Svarūpa*, knowledge form and he is held Śiva. There is no knowledge of object without sound for human beings. Śivajñāna is obtained through śabda only (sound). That knowledge is obtained gradually from subtle to gross form. The mystic sound Omkāra, is created by *nāda* and *bindu*. The pure knowledge comes through pure path. The seed of knowledge is Omkāra, its lord is *Īśvara*, that is *Saḍāśiva* composed of five *kalās* (parts) as a, u, m, *bindu* and *nāda*.

The *nāda* emanates from the great subtle entity (*mahā sūkshma*) and from the subtle form *bindu* originates. *Paśyantī* creates *ma kāra*; 'u' comes from *Madhyamā*, and 'akāra' is produced by *Vaikarī*. In the midst of it is Mahēśa, Rudra, Viṣṇu and Brahmā. From the five emanate the five great acts of creations, sustenance, dissolution, concealment, and grace, and for the five acts Brahmā and other Gods emanate. *Kuṭilā Śakti*, comes into being from 36 *tattvas*. *Kuṭilā* encompasses *Kundalī Śakti*. *Kundalī* emanates from *Praṇava*. Thus the creator of the whole world is Śiva who is *nāda*, which is considered his category. One is called pure Brahman and the other *Sabda Brahman* the later known as *Saḍāśiva*. *Saḍāśiva* is *Praṇava* the cause of everything. So one should meditate on Omkāra as mentioned in *Vēdas* and *Śivāgamas*. The yogins who desire salvation, always meditate on *nāda*, which is Śiva's supreme form. When the *Sabda tattva* merges with the supreme, yogins attain supreme liberation. When he attains that state he is called "Laya yogi".

The Vēdic scholars are hundred times more meritorious than Brahmins. Those who are initiated into the *Śaiva tantras*, are thousand times better than *Vēda-vādins*. The patron is superior to the initiates into Śaiva systems. One who wears sacred ash is

R. D. Minerva



Before Commissioner Sri H.S. Dubey, Additional District  
judge/Officer on Special Duty, High Court Lucknow

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

( Commissioner appointed vide order dated  
11.08.2006 of Hon'ble Special Full Bench of Allahabad  
High Court Lucknow Bench Lucknow passed in O.O.S.  
No. 4 of 1989 ( R.S. No.12/1961) Sunni Cental Board of  
Waqfs U.P. Others Versus Gopal Singh Visharad (Now  
dead) and Other.)

17.08.2006

O.P.W.17 Dr. R. Naga Swami

(Examination in (Chief page 1 to 28) of Dr. R. Naga  
Swami aged about 76 years S/O Late Shri U. N.  
Ramchandran R/o 11, 22 Cross street Besent Nagar,  
Chennai (Madras) taken on record).

R. Ramchandran

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Cross Examination on behalf of Mohd. Hashim defendant  
No.5 in O.O.S No. 5/89 by Sri M.A. Siddiqui, Advocate.

Witness stated on oath:-

$$X \quad X \quad X \quad \cdots \quad X$$

Learned cross examiner drew the attention of the witness towards para 2 of the examination in chief, the witness after going through this para stated that I obtained my post-graduate degree in Sanskrit. My medium <sup>of instruction</sup> was English language. I obtain<sup>ed</sup> my Ph.d Degree on the subject 'History of Art'. This comprised the history of art, of south-India but in this regard I would like to add that the subject I studied is not restricted to only South-India but whole of the South-East Asia, here the God<sup>s</sup> and Goddess are common in basic form, content with regional evolutions. We can not do Ph.d on any one subject without the totality of understanding. The topic of my research was 'Shakti cult in South India with special reference to Tamil-Nadu'. One can not study Sanskrit with-out knowing its script. Sanskrit has developed through for nearly 20,000 years and the script has been evolving through the centuries and what we call today The Sanskrit script is known as 'Devnagri'. So I know the 'Devnagri' script to read and write. There is no difficulty in reading and writing of this script. I have heard the Hindi language. The script of Hindi and Sanskrit is 'Devnagri' although there are minor variations in the

R. Manning



form and also in the writing of Conjunct Consonance. It is true that I am well versed in these variations in the script. Volunteered and stated, for example in modern Computerisation we distinguish 'Devnagri' script form for writing Sanskrit and Hindi. Besides Hindi and Sanskrit I am also well versed in Tamil language. But so far Hindi is concerned I have already said that I can not understand fully this language but I can read and write this language. If I am speaking in Tamil Nadu then I would prefer to speak in Tamil language. If I am out-side Tamil-Nadu then I would prefer to speak in English. Some times we need translator or interpreters for example if I am addressing a German audience I need a translator to communicate my ideas to the German audience.

In para 4 of my examination in chief I have stated that I underwent training in excavation and conservation from A.S.I. ,I did this training during the period 1963 and 1964 i.e. two seasons. I did the training of excavation first, thereafter I did the training of conservation. I had my excavation at 'Kali-Banga' for two seasons each for a period of two and half months and conservation at Delhi also for two seasons of about two months each. I underwent the training in excavation and conservation as an Asst. Special Officer in Archaeology in Tamil-Nadu I was deputed by my Govt. to under go this training.

R. Narayan

Learned cross examiner drew the attention of the witness through the para <sup>38</sup> of his examination in chief. The witness, after going through this para stated that I have carefully gone through both the volumes of the A.S.I report. Volunteered and stated that in this regard I would like to say <sup>that</sup> all my conclusions I mentioned in my affidavit are based on the study of A.S.I report.

Ques: Have you gone through any <sup>other</sup> material besides these two volumes of the ASI report, submitted by the ASI along with the report in this court?

Ans: There are two things which I would like to mention in this regard they are- first, basic question what is a Hindu Temple, second, I have also gone through the reports of the other experts submitted to the court.

I had read the report submitted by Dr. Ashok Datta of Calcutta. I don't remember the names of other experts. The report of Dr. Ashok Datta was provided to me by Shri Triloki Pandey. This report of Dr. Ashok Datta was provided to me by Shri Pandey in Madras. The report of Dr. Datta is not voluminous. I don't <sup>know</sup> the number of pages comprised in the report of Dr. Ashok Datt because I did <sup>not</sup> attach much importance to the report as it starts straight away with extraordinary prejudice against the A.S.I. I don't remember at this juncture whether I possess the report of Dr. Ashok Datta or not. The report

R. Manning

of Dr. Ashok Datta pertain to the excavation conducted by A.S.I. at Ayodhya.

It is true that volume 2 of the ASI report comprises the plates. These are the photographs of different objects taken at the spot by the ASI people at the time of excavation.

Ques: Whether the total number of the plates given in ASI report volume 2 is 235?

( Shri Rakesh Pandey learned coun<sup>sel</sup> for defendant no. 13/1 in O.O.S 4/89 raised objection that the witness is not expected to remember the total number of plates in the ASI report. This is irrelevant question and can not be permitted to be asked)

Ans: I don't remember the exact number of the plates. I can reply this question after going through the report itself. I have gone through the second volume of the ASI report carefully. I have seen all the plates given in the ASI report, volume 2, but I don't remember total number of plates at this time. After going through the report the witness stated that the total number of the plates is 235.

Learned cross examiner drew the attention of the witness towards A.S.I report, volume 1 and the contents given in the beginning of this report.

Ques: Is it correct to say that this A.S.I report contains 10 chapter, and 5 appendixes) ?

P. Pandey

( Shri Rakesh Pandey learned couns  
for defendant no. 13/1 in O.O.S 4/89 raised objection that  
such type of question are being asked to waste the valuable  
time of this court hence should not be permitted to be  
asked. It is evident from the very perusal of the contents  
that it contains 10 chapters and 4 appendixes. By putting  
such question the number of chapter will not increase or  
decrease )

( In reply to the above question the learned cross  
examiner submitted that the question put to the witness is  
quite relevant and has been put to ascertain that the  
witness is well conversant with the report and the  
objections are being raised to waste the preci<sup>ous</sup> time of the  
court)

Ans: Having seen the context of ASI report volume 1  
I fin d there are 10 chapter and only 4 appendix not 5. The  
second one is split into appendix 2 A and appendix 2 B  
thus the total number of the appendix is not 5 as suggested  
by the learned cross examiner. There is no appendix  
number<sup>two</sup> in the contents.

I have not gone through appendix 2 B ' Report on the  
Chemical analysis of floor samples pertaining to the  
different trench<sup>es</sup> collected from the Ayodhya' I have not  
gone through appendix 3 also which relates to ' On - si<sup>te</sup>  
chemical treatment<sup>and</sup> preservation<sup>of</sup> excavated

P. D. Pandey

artefacts'. Besides above 2 appendixes I have gone through all 10 chapters and their appendixes given in A.S.I report volume 1. I have also seen all the 235 plates given in volume 2 of the A.S.I report.

Learned cross examiner drew the attention of the witness towards list of figures and plates given in the beginning of ASI report volume 1; following question was put <sup>to</sup> the witness –

Ques : Have you seen all the figures given by the ASI in the report volume 1?

( learned Advocate Km. Ranjana Agnihotri raised the objection to the above question that the list of figures run into 6 pages. If learned cross examiner wants to draw the attention of the witness towards any particular item he should specifically mention it other wise time of this court will be wasted by putting these questions.)

( learned cross examiner in reply to the above objection stated that objection has been raised for the sake of raising the objection. The figures find place only in two pages and putting such objection is <sup>only</sup> to waste the time of the court)

Ans: Seeing a figure is different than studying it and giving appropriate answer on these voluminous technical report by any human being. So it is almost difficult to answer this question.

R. Amnani

Ques: Should I follow that you have not deeply studied the report as well as the figures to your own satisfaction?

Ans: Even if I have studied it fully, it will not be possible for me to give this answer immediately unless I re-study the report. So I do not agree with the suggestion that I have not studied the report.

Learned cross examiner drew the attention of the witness towards para 38 of affidavit and the witness stated that as I have already said I did study the report and need to re study it to confirm what I have said in the said para along with other materials I have gone through.

Statement read and verified.

*R. D. Mani*

17.08.2006

statement typed on my dictation in open court put up for further cross examination on 18.08.2006.

*H.S. Dubey*  
(H.S. Dubey)

Commissioner

17.8.2006  
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08.2006

*R. D. Mani*

Before Commissioner Sri H.S. Dubey, Additional District  
judge/Officer on Special Duty, High Court Lucknow

O.O.S NO. 5 OF 1989

( R.S. No. 236 OF 1989)

18.08.2006

O.P.W.17 Dr. R. Naga Swami

( Commissioner appointed vide order dated  
11.08.2006 of Hon'ble Special Full Bench of Allahabad  
High Court Lucknow Bench Lucknow passed in O.O.S.  
No. 4 of 1989 ( R.S. No.12/1961) Sunni Cental Board of  
Waqfs U.P. Others Versus Gopal Singh Visharad (Now  
dead) and Other.)

In continuation of 17-8-2006 the cross examination  
of O.P.W. 17 started on oath, on behalf of Mohd. Hashim,  
defendant No.5 in O.O.S No. 5/89 by Sri M.A. Siddiqui,  
Advocate.

X

X

X

X

I have gone through the A.S.I report since yesterday  
evening. I have read this report during this period i.e. from  
yesterday evening in general.

I can't give the exact number of floors recovered  
during excavation at the disputed site. I can't remember the  
approximate number of the floors recovered during  
excavation. I can't give the number of trenches which were

Dr. Naga Swami



dug during excavation. I can't give the area of disputed dug out at the site during excavation by the A.S.I. The excavation at disputed site Ayodhya commenced in the year 2003. I think that the excavation at disputed site ended some time in the month of August 2003 but I don't remember the month when digging at disputed site started, probably this digging started six month earlier.

Learned cross examiner drew the attention of the witness towards Annexure 1 of the affidavit ( page no. 28/1 onwards) this Annexure of my affidavit has been prepared by me but its legal form has been given by Advocates. My this reply is also applicable to Annexure no. 2. My affidavit and the annexures were completed on August 17, 2006. The preparation of my affidavit started at Chennai but I don't remember the exact date when it started to be reduced into writing. I came to know about my coming to this place for the purpose of evidence about four months back. I came to know about the date of my examination in this court 15-20 days back. I received summon from court. I had prepared my notes as and when I was reading the relevant part of the ASI report which was given a final shape before coming here. My notes started to be written four month earlier.

I don't remember of layers which were revealed in different trenches excavated at disputed site because I

P. Ramnath

So



thought these are not very relevant for the purpose of my deposition. I concentrated on the main points of my expertise. The main points of my expertise are --

1. Nature of Hindu temple.
2. The presence of Architectural elements that are indisputably connected with Hindu temples.
3. Use of various primary and secondary shrines which form part of the whole Hindu temple complex.
4. The use of Carved stone pillars with images in temples.
5. The use of Pranalas for draining ' Abhishek-water'.
6. Pillared porches.
7. Structure which is immediately below the disputed structure which could be identified with Hindu temple or not.
8. Presence of a circular structure in the excavation which could be identified with a Hindu temple.
9. Any other scientific time frame that could be fixed from the excavator report to date the structures.
10. Related matters.

Learned cross examiner drew the attention of the witness towards para 33 of his affidavit who after going

P. Nannan

through this para stated that there is no bracketed portion. I have verified the contents of para 33 of my affidavit on the basis of my knowledge. Similarly para 34, <sup>also</sup> 35, 36, 38, 39 have been verified on the basis of my own knowledge. So far I remember around 8 periods have been mentioned by ASI in its reports. AS I have already stated that I don't remember the exact number of layers given by the ASI for each period. The periodization as mentioned in the ASI's report gives in the beginning chapter 1. the time frame in centuries and 2. dynastic affiliations 3. period number. All these things have been mentioned in the A.S.I report. There are two aspects for periodization one is conventional method two is scientific method. Conventional method consists of Potery, Antiquities, Inscription, Coins and Stratigraphy supplemented by notices and literature.

Ques: Whether in an excavation the excavators giving their report on periodization are required to identify different periods on the basis of 'cultural sequences.?

Ans: Cultural sequences can be fixed only after determining the period on the basis of the finds and not vice-versa. We can't fix the cultural sequence first and fix the periodization latter.

We can't fix the periodization on the basis of cultural sequences. N.B.P.W period is one of the method of conventional periodization. I don't think that N.B.P.W.

R. Narany

periods connote the cultural sequence. For cultural sequence depend on other materials and understanding of the period. N.B.P.W. does not connote the dynastic period but in a very general way it is associated with the Mauryan period.

Ques; Does the term N.B.P.W. the century system?

A: It does denote century bracket but not the system .

As per the ASI report the first period is 'Sunga' period. This period started some time in second century B.C. and continued to the end of B.C. This period covers two hundred years. The second period mentioned by ASI is 'Kushan' period. This ranges from the beginning of the Christian era to second- third century A.D. Here I would like to mention that in modern times we do not use the era as 'B.C' or 'A.D'. because it is connected with one particular religion namely Christianity and so the international convention now is to call this era as Before current Era i.e. BCE and CE ( current era). This convention started 15-20 years ago. Third period as mentioned by ASI is 'Gupta' period which ranges from 4<sup>th</sup> to 6<sup>th</sup> century A.D. The fourth period which has been mentioned by the ASI is 'Post-Gupta' period which ranges from 6<sup>th</sup> century A.D. to about 10<sup>th</sup> century A.D. The fifth period mentioned by the ASI is Medieval period which ranges from 11<sup>th</sup> to 12<sup>th</sup>

century A.D. The sixth period <sup>has</sup> been mentioned by the ASI <sup>as</sup> 'Sultanate' period ranging from 12<sup>th</sup> to 16<sup>th</sup> century A.D. it is only partially acceptable. This periodization is given by the 'Colonialist' because there is no 'Sultanate' rule in the south in the 12-13<sup>th</sup> century. Seventh period is 'Mughal' period which ranges from 16<sup>th</sup> to 18<sup>th</sup> century. And the 8th period is called modern period which starts from 18th century. I don't personally accept the periodization given by ASI in the name of dynasty but I agree with the time frame fixed by the ASI. If a period is fixed on the basis of centuries then one period can be distinguished from the other period on the basis of time-frame.

Ques: So according to you no distinguishing feature can be fixed in Archaeology to distinguish one period to another?

Ans: We have Epigraphic materials, Numismatic material, Palaeography and Dominant Pottery which help in distinguishing periods.

The distinguishing feature between first and second period as stated by me is, for the 'Sunga' period we have sculptural representation with ancient 'Brahmi' inscription written in a particular form, that helped us in distinguishing this period i.e. Sunga period from the other period. Sunga period cannotes a particular dynasty. I have already said

Dr. Narayan

that the form of sculpture and particularly inscription is the most important distinguishing character of this period. The inscription referred to the name of the God and Goddess, particularly of the Buddhist faith and the names of the 'Donors' and the name of the part of the structure. According to me the first period is based on the basis of inscription and also potteries. The distinguishing features of the second period are based on sculpture inscription and coins which shows the special type of garments and head dress worn by the 'Kushans' that shows 'Greco- Buddhist' traditions. There is also an over-lap period and form. I want to say that in history there is no specific line which may distinguish one period and another and there is always over-lapping between one period and another. We say 'Circa' which denotes approximately unless we have a specific date given in inscription. I can associate those particular Kings which were associated with 'Kushan' dynasty. Kushan period denotes a particular dynasty.

Ques: Do you want to say that dress used by the persons of a particular period is a distinguishing feature for such a period?.

Ans: It is not correct to say that dress used by the persons of a particular period is a distinguishing feature because it may be found in the latter period also .

R. Kazanin

The third period as mentioned by ASI and indicated by me is also based on inscription sculpture form and other elements. The other elements with regard to third period changes that <sup>look</sup> place in jewellery, garments, incoming traits from other <sup>area</sup> region amalgamated. We find that some forms of the earlier period continued and change into soft line thinner garments and elaborately worked jewellery and form of weapons.

Ques: Can you say that these distinctive features in garments and jewellery of the first period and second period distinguish one from the other?

Ans; There is a transition from one period to other <sup>period</sup> where predominantly one is seen, We generally call it a distinguishing feature. It can not be said that only this thing is a distinguishing feature but there are other factors also, mainly inscription and coin.

Ques: Kindly enlighten me regarding the distinguishing features in garments and jewellery only between first period and second period?

Ans: In the first period people used to wear broad ornaments and heavy turban on their head and women are shown with covered head cloth and the lower garment is of moderate thickness and in most cases they are inscribed where as in the second period the men wear a long coat something like a Kurta and heavy leather boots and the

R. P. Sinha

garments resembled Graco-Roman jewels. Turban is found in the first period but it disappeared in the second period but there is always over lapping between these two periods and the period is sometime doubtless in the absence of inscriptions. I have stated that women of first period wore cloth covering their heads. This practice continued in second period also slightly in modified form. Change in dress code of one period from the other does not only denote cultural change but other aspects are also there. There is no term used in Archaeology for the change of this dress code . The distinguishing feature between third and fourth period is only an extension of the third period with a little elongation of the bodily form. By bodily change I mean that body of the persons of the fourth period was proportionally increased. This distinction is noticed only with the help of inscriptions. Volunteered that no distinction can be fixed with out the help of inscription. The changes mentioned by me from first to fourth period were confined to the northern part of India. The southern part of India has its own form and changes. My this statement is not only based on the books but also on my own study. I have studied these things from sculptural representation, These changes find place in 'art-history'.

Ques: What changes have been mentioned in the art-history for these periods i.e. period one to four?

R. P. Anand

Ans: We will study them individually changes in dress, jewellery, form and evolution.

I have read about these things in the book entitled "Classical sculpture" written by Stella Kramrisch, and 'Indian Sculpture' by the same author and a number of catalogues published by different Museums in the world. The two books I have mentioned cover the period from one to four but they also go beyond this period. Both start from one period earlier i.e Mauryan period. This period can be dated from third century B.C. Mauryan period denotes a dynasty.

Ques: Is it correct to say that despite being antagonised with the use of dynasty to describe a particular period you are using this term here.?

Ans: I have used this term as mentioned by author but I have also mentioned that it relates to third century B.C.

Ques: Are there earlier periods also known in the Indian Archaeology prior to Mauryan period?

( Learned counsel Shri Ved Prakash raised the objection to the above question that there is no disputed regarding the period and what the people of those time used to wear and used no objection has been raised by the other side regarding the facts about which questions are

R. Prakash



being asked, hence such question can not be permitted to be asked)

( In reply to the above objection the learned cross examiner submitted that the question has been put to know the knowledge of the witness about Archaeology and as such the question is relevant.)

Ans: Yes, the earlier period is known to Archaeology and they are Palaeolithic age, Neolithic age and Chalcolithic age which is also called presentlly as Indus valley period or Harppan period and know Indus-Sarswati period.

It is very difficult to describe above period in centuries because the Palaeolithic period goes beyond million year and the Neolithic age also goes beyond ten thousand years. And in the case of chalcolithic age , the date is debatable and so it would not be possible to fix century wise time frame for these early periods.

The periods of Indus valley/ Harppan period /Indus Saraswati civilisation (as named in the present time) can not be dated precisely because the dates are debatable and not fixed. The term Indus Saraswati civilisation for Indus valley civilisation came into existence in past 20 years. More than one thousand Archaeological sites of this age have come to light and gradually they used this term and also as these sites are found on the Saraswati valley.

R. Amn 27

Sarswati is a river. Similarly Indus is also a river. Both these rivers are distinct.

Ques: Do you mean to say that after excavation thousands of sites were discovered, associated with the name of Saraswati and as such this new term Indus Saraswati emerged?

Ans: I think this question is not connected with this subject i.e. with century periodization therefore I am not in a position to reply this question.

Ques: As stated by you the ASI has mentioned in its report from period one and has not mentioned about the earlier period and you appear to be satisfied with this as no human habitation was found at the site in question earlier periods, what is your reply?

Ans: I was asked to answer what was the first period mentioned by ASI in the report and so I have mentioned the period mentioned by ASI as the first period.

If the ASI people have not found earlier period prior to first period on the disputed site at Ayodhya then there was no occasion to mention about it by them in the report. I accept the report of ASI on the point that they have not found any earlier period at the disputed site. I would not say that the term Sultanate period is used by the ASI is right or wrong but in this respect I would prefer to use a time bracket.

P. Ramnath

Ques: In time bracketing as stated by you certain period is only of hundred year where as certain period <sup>is</sup> of five hundred or eight hundred or two hundred years, what is the reason behind this variation in the period?

Ans: I don't think I have given <sup>any</sup> period that extends to eight hundred years relating to this ASI report. In other areas the general trend <sup>is</sup> seeing from written records like inscription and availability of Monuments and Sculptures.

The variation in the above period is on the basis of the inscription, monuments, sculpture, coins, notices and so on. Coins change, structural change and notices of foreign travellers all these things are taken into consideration for periodization. If there is significant change in coin, structures, sculpture and notices etc only then we accept the change of period.

With the reference to this particular excavation at Ayodhya we have a Carbon 14 dating which is most reliable scientific dating which gives  $1040 \pm 80$ . On the basis of this Carbon dating ASI people have come to a conclusion that the time bracket is between 11<sup>th</sup> and 12<sup>th</sup> century.

Having shown appendix 1 of the ASI report volume 1 the witness after going through <sup>it</sup> stated that I have referred about this Carbon dating in my statement <sup>and also</sup> page 69 of the

R. Munnay

ASI report volume 1 which is mentioned that 1040+- 70 B. having the calibrated age range of A.D. 900-1030.

Ques: Do you want to say that your aforesaid statement is based upon the lines given at page 69 of ASI report volume 1 and not on appendix 1 as finding place at page 273 of above report?

( Learned counsel for defendant no. 20 in O.O.S 4/89 km. Ranjana Agnihotri said that appendix 1 is based on entire theory mentioned in the ASI's report the question put to the witness is deceptive and totally irrelevant hence should not be allowed to be asked.)

Ans: Yes it is correct. I don't doubt the facts mentioned in this regard at page 69 of the above report. Therefore there was no need to verify it from appendix 1.

Statement read and verified.

*R. Ranjana*  
18.08.2006

Statement typed on my dictation in open court. Put up for further cross examination on 19.08.2006.

*H.S. Dubey*  
( H.S. Dubey )

Commissioner  
18.08.2006

*R. Ranjana*

Before Commissioner Sri H.S. Dubey, Additional District  
judge/Officer on Special Duty, High Court Lucknow

O.O.S NO. 5 OF 1989

( R.S. No. 236 OF 1989)

19.08.2006

O.P.W.17 Dr. R. Nagaswami

( Commissioner appointed vide order dated 11.08.2006 of Hon'ble Special Full Bench, of Allahabad High Court Lucknow Bench Lucknow passed in O.O.S. No. 4 of 1989 ( R.S. No.12/1961) Sunni Cental Board of Waqfs U.P. Others Versus Gopal Singh Visharad (Now dead) and Other.)

In continuation of 18-8-2006 the cross examination of O.P.W. 17 started on oath, on behalf of Mohd. Hashim, defendant No.5 in O.O.S No. 5/89 by Sri M.A. Siddiqui, Advocate.

X

X

X

X

'Age' and 'period' are same things in Archaeology.

learned cross examiner drew the attention of the witness on his statement recorded at page 50 on 18-8-2006 and asked the following question:-

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( Learned counsel Shri Ved Prakash raised the objection that the witness has already answered the question earlier that 'the nature of the Hindu temple is very much there at the disputed site. It is the concept connected with the Hindu temple that is there and it is not related to floor level but relates to the whole of the site' after above answer no question should be allowed to be put to the witness.)

( In reply to the above question learned cross examiner submitted that the excavation has been carried on to ascertain the construction at different floor levels and as such this question goes to the very root of the matter.)

A:- As I have said this is not with reference to any one floor but the whole site of the excavation.

Q:- Do you mean to say that this concept of Hindu temple was found on all the floors i.e floor one to floor four?

( Shri Ved Prakash raised the objection that the witness has already answered that whole of the site indicates the existence of the temple and this is not the case of the other side that only four floors were found at the excavation side the question put to the witness is confusing and wasting the time of the court.)

A:-I would like to have the ASI report for identifying the floors and its number for giving this answer.

R. D. M. n. n. 7

Q:- Can you tell the period from which and up to which this concept of Hindu temple is found as per your own saying at the disputed site.?

A:- In my opinion the concept of a Hindu temple is very much present from period 1 to the end of the excavation site i.e. up to the top most level.

The witness was permitted by the Commissioner to peruse the report, volume 1 submitted by ASI. The witness after going through this report, stated that from natural soil to the top most space of the mound which will include floor one to floor four this concept of the temple continues.

Q:- Can you indicate the construction which as per your saying being concept of Hindu temple was found at floor two?

A:- The concept of Hindu temple does not mean that it is confined to a structure or image or space it relates to the totality as temple is defined as "the abode of God" so the whole of the site is a Hindu temple.

Q:- Whether any sign of abode of God was found at floor two at the disputed site?

A:- The floor itself is God. Floor two itself is a temple.

I am giving the concept of temple as found both religious text and monumental temples worshiped by the

Dr. Manann?

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people. I have mentioned in the beginning that this is a concept. It does also include the physical structure.

Q: whether any structure was found at floor two indicating the concept of Hindu temple?

( The witness states that he can reply this question after going through the report submitted by ASI. He was permitted. )

A: I would say that pillar bases that are also seen at floor two constitute a temple.

Q: Whether any thing else was identified at floor two besides pillar bases?

A: As the pillar bases have been identified as a temple all the rest found are also the temples. There are many dug out portions from which the stone blocks or the pillar bases have been removed. A few remains of brick walls are also found and all these constitute the temple.

Q: Whether there is any sign or distinctive feature to relate these so called pillar bases and walls, dug out at different places to a Hindu temple or to the concept of the Hindu temple?

A: First of all I do not agree with the suggestion that the pillar bases are ' so called pillar bases'. There is no doubt, what so ever, that they represent pillar bases as revealed by the excavated remains and part of them in some cases found still in-side the layers. So there is

R. Bannan

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absolutely no doubt they are pillar bases. No doubt such pillars are found in other structures but as this site is venerated as a sacred temple there is no doubt that these constitute Hindu temple. In addition there is no suggestion of any residential or commercial building in this complex so far excavated as seen in the report.

I have given complete reply of the above question and I have nothing to add in this regard. I have given the above statement on the basis of the facts given in ASI's report.

On being permitted by the Commissioner to see ASI report volume 1 and 2. The witness stated that plate no. 35 of the ASI report volume 2 and contents of the report given at the page 55 and 56 of the ASI report volume 1 indicate that these pillars are of religious nature and not<sup>of</sup> residential or commercial. Also in this connection I would like to draw the attention to annexure 5 attached to my affidavit in which I have shown pillars forming part of temple as illustrated in figure 74, where a row of pillars are seen as temple.

Q: Is there any sign of temple at any place in plate no. 35 of the ASI report volume 2?

A: The floor and pillar bases are them-selves sign of the temple. The floor and the pillar are the physical appearance of the temple.

R. Narayan



Q: Whether at pages 55 and 56 of the ASI report volume 1 as referred by you there is any mention of any sign of Hindu temple ?

A: In the report on page 56 the statement written in "the decorated octagonal sand stone block on pillar base 32 having floral motive have four corner in trench F-7 in the southern area is the unique example at the site and report suggests it is similar to the religious structure at 'Sarnath'.

I don't reply without going through the report as on which floor pillar <sup>base</sup> no. 32 is situated as the report submitted by ASI is complicated one. After going through the ASI report volume 1 the witness stated that the foundation of pillar <sup>base</sup> no. 32 was resting on floor four but broken octagonal member carved with the floral design was resting on floor two. The word 'Resting' has been used in the ASI report volume 1 at page 63. The report does say that pillar base no. 32 which originated from floor four continues up-to floor 2 on which broken octagonal member was resting. I can not question this statement of ASI as I have not seen the site. I take the ASI report as 'Document proof'. I take the ASI report as Scientific document. When I say 'A scientific document' it provides scientific evidence.

Q: Whether ASI report is a proved document?

( Shri Rakesh Pandey Advocate raised the objection that the witness has already given reply of this question)

R. N. M. n. n. n. 7

A: I don't question it.

Learned cross examiner drew the attention of the witness towards para 2, first <sup>two</sup> line<sup>s</sup> at page 55 of the A.S.I report volume 1, witness stated in my opinion the view expressed by A.S.I in these two line<sup>s</sup> is correct. Having seen page 63 of the above report the witness stated that pillar base no. 32 is mention<sup>d</sup> at this page and this is last entry of this page. This pillar base no. 32 has been found in trench F-6, F-7. In column 7 it is mentioned that two blocks have been found with pillar base no. 32. From the context I infer that these two blocks are the same pillar bases as last column says that broken piece consisting of these two pillar bases. I mean to say that same block was probably found in two pieces. The remarks column that is the last column mentions about "broken pieces". This remark is for both pieces. What ever is written in this chart I accept as correct.

Learned cross examiner drew the attention of the witness towards figure 3A of the A.S.I report volume 1. Having seen this the witness stated that pillar bases are shown in this figure with their respective number<sup>s</sup>. The last number of the pillar base is 50. I think that this statement given at page 55, para 2 ( first two line ) is correct. The ASI people have stated in page 55 that from the excavation it could be inferred that there were 17 rows of pillar bases

R. Vannanay

from north to south each row having 5 pillar bases. It is only an inference. This is an inference of ASI people they have not shown all the 85 pillar bases which have been mentioned at page 55 as it is an inference they have not shown in figure 3A. The fifty pillar bases which <sup>have</sup> been shown in figure 3A have actually been found are obviously have been found in the excavation. I don't think that inference of the ASI at page 55 stand belied by figure 3A if this figure is taken to be correct. In the excavation they have not obviously exposed the remaining 35 pillars which have been inferred at page 55. I would not say that 35 pillar bases which were not exposed by ASI were not existing on the site for two reasons. (1) There were restriction in excavating some area in the disputed site. (2) It has to be seen and compared with G.P.R report for anomalies. From the report and illustrations they are all pillar bases. Pillar base no. 32 which originates at floor no. 4 and comes up to floor 2 is not my statement but the ASI report says about it to be pillar bases at both the places. I have not seen these pillar bases on the site. I have no opinion about this statement of ASI whether it is wrong or right. I accept it. I have no idea as to whether pillar base no. 32 was found at floor 3 or not.

P. Ramu



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Q: Can we conceive <sup>the</sup> existence of an object originated from floor 4 continues <sup>up</sup> to floor 2 without noticing any thing about the same at floor 3?

A: It depends upon whether floor 3 at this place is in between the two floors i.e. floor 2 and floor 4.

I have no idea about floor no. 3 of the excavated site. I have no idea about the objects which were recovered at floor no. 3. Floor no. 1 I think relates to the disputed structure but it is in the same space where an earlier temple existed and in the ultimate analysis it would become also the temple. I think earlier temple was built around 11<sup>th</sup> century A.D.

Q: The temple which was said to be built by you in 11<sup>th</sup> century originated from which floor?

A: It originated in all probability from the level from where 11<sup>th</sup> century inscribed slab was found immediately beneath the floor of wall 17. I can answer its floor number after going through ASI report.

My conclusion that this earlier temple structure was built in 11<sup>th</sup> century, is based on ASI report volume 1 and 2. This conclusion is based on plate no. 137 of ASI report volume 2 and page 152 chapter six relating to Architectural fragments and part of the same chapter at page 153 detailing the decorated bricks and also chapter eight dealing with inscription seal, sealing and coins, of the ASI

R. G. M. n. n. 7

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report volume 1. Having seen plate no. 137 of the ASI report volume 2, the witness stated that this inscribed stone block belonged to earlier temple structure it was part of the structure.

Q: At which place this inscribed stone block might have been in the earlier temple structure, can you say?

( Shri Rakesh Pandey Advocate raised the objection that how can this witness accepted to reply this question when he was not present during excavation and has not visited the excavated site.)

( In reply to the above objection learned cross examiner submitted that the witness just affirmatively stated that this inscribed stone block was part of the earlier temple structure and no objection was raised by learned friend and this objection is being raised only for the sake of objection).

A: This inscribed slab should have undoubtedly formed part of the wall of the earlier temple structure. By seeing this plate the period of slab can be inferred and i.e. this slab carries an inscription in 'Nagari script' which is dated with the help of palaeography by the ASI and as an epigraphic I agree with that dating. The date of inscription is 11<sup>th</sup> century. I want to say that the temple structure was built in all probability in 11<sup>th</sup> century and this inscription was engraved on the wall of that structure at that time. ASI

R. M. N. N. N. N.



people has mentioned in its report as to in which layer and in what condition this stone block was found I accept their statement. I don't think that this stone block remained in its original position but structure seem<sup>✓</sup>to have under gone some renovation and rebuilding. In my opinion the inscribed stone remain<sup>✓</sup>in the same area and level. I have already said that the structure has gone some renovation and rebuilding and the wall have been redone it has been dislodged from its original position.

Statement read and verified.

R. Dymn n n 7

19.08.2006

Statement typed on my dictation in open court. Put up for further cross examination on 21.08.2006.

R. Dymn n n 7

( H.S. Dubey )

Commissioner

19-8-2006

19.8.2006



Before Commissioner Sri H.S. Dubey, Additional District  
judge/Officer on Special Duty, High Court Lucknow

O.O.S NO. 5 OF 1989

( R.S. No. 236 OF 1989)

21.08.2006

O.P.W.17 Dr. R. Nagaswami

( Commissioner appointed vide order dated  
11.08.2006 of Hon'ble Special Full Bench of Allahabad  
High Court Lucknow Bench Lucknow passed in O.O.S.  
No. 4 of 1989 ( R.S. No.12/1961) Sunni Cental Board of  
Waqfs U.P. Others Versus Gopal Singh Visharad (Now  
dead) and Other.

In continuation of 19-08-2006 the cross examination  
of O.P.W. 17 started on oath, on behalf of Mohd. Hashim,  
defendant No.5 in O.O.S No. 5/89 by Sri M.A. Siddiqui,  
Advocate.

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On 19-08-2006 I have stated in my statement that the  
stone slab of plate no. 137 belongs to 11<sup>th</sup> century. My this  
statement is based on the inscription and palaeography. It  
is not possible to give the age of the stone itself. I have

R. Nagaswami



given the age of the stone-inscription on the basis of palaeography which is the science of studying the form of script which is fairly close to the age, when it was inscribed. Formation of letters changes from time to time. There is gradual evolution that has been studied by scholars based on dated inscriptions. There are other modes also studied from coin or copper plates on which royal order and documents were inscribed where we get precise dates mentioned in most cases. That helps us in fixing the date of the inscription where there is no date. Evolution of script in India has been well documented not only for this script i.e 'Nagari script' but also for other scripts like regional scripts. My knowledge of palaeography is not confined to this script but it extends to some other scripts also those are 'Brahmi' script from which this 'Nagari' script evolves. 'Brahmi' script appeared from 3<sup>rd</sup> century B.C. and from then on that script under goes evolution in different regions and in different periods and I have also specialised in Ancient Tamil script, Vatteluttu script, Grantha script and their regional scripts. We do have a Pictographic script on the seals and other objects found <sup>in Indus valley</sup> what is now called Indo-Saraswati culture but this script has not been deciphered and no one in the world knows what is written through this script. I have

Dr. P. M. N. . . . .

heard about 'Pali'. There is no script such as 'Pali script'. Pali is a term for a language spoken by a group of people and this was written in the same script called 'Brahmi' in ancient time. I have heard about 'Kharoshti script'. It was used in the north-western frontier provinces and was used in the late B.C to around 3<sup>rd</sup> century current era (CE). It used to be written from right to left, different from 'Brahmi' character and the 'Nagri' character which are written from left to right. 'Kharoshti' script is not used in India in this time. It is difficult to say whether 'Kharoshti' came later than 'Brahmi' but both are seen amply simultaneously. 'Kharoshti' was confined only to north-western frontier where as 'Brahmi' was written through out India in Sri-Lanka and south-east Asian countries. Some scholars have recently come out with the suggestion that 'Kharoshti' script in its late phase around second century current era travelled through 'Gangetic' plains up to Bengal but this view is yet to get acceptance from all quarters. 'Brahmi' script can be said as mother script in India. 'Kharoshti' script is a mixture of 'Prakrit- language' 'Greek', and central Asian languages. 'Brahmi' is only the earliest script readable in India. 'Nagri' and 'Dev-Nagri' are the same only the term 'Dev-Nagri' is applied to the same script found later in document and inscriptions. The

R. K. M. N. N. 7

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stone-slab which can be seen in plate no. 137 is in 'Nagri' script'. This is a fragmentary record, only a middle part of a personal name which seems to be 'Sanskrit' language. Some letters of stone-slab are missing. The letters which are written on this stone slab are 'NGA', 'PAL'. We have 'ग' and then 'न' other letters are broken. First readable letter: 'न' there is some thing before 'न' but it is not readable, after 'न' there is a conjunct, consonant so both the letters should be read together as 'इंग' I don't know whether this conjunct is said as 'Khadi-Pai' or not. After the letter 'न' there is 'ग' after that there is a letter 'प' and there after letter 'ल' is written on it after 'ल' there seems to be another vertical stroke <sup>and there</sup> after 'ग' but this can be confirmed by seeing the original stone. It would be most scientific for reading these letters on original stone slab but the form is clear enough to assign the date. After the above stroke there is a another letter 'ग'.

The letter after 'ग' look like 'न' but it also seems to be a conjunct letter 'Syllable' and that part is partially broken and can not be read. There is a no letter as 'ड' in this inscription.

There is a stroke after letter 'ल' but it is <sup>d</sup>im in comparison to other letters of this inscription.

R. Narayan

Q: Is letter 'न' more shining?

A: I can't express any opinion with regard to first letter of this inscription whether it is shining or not.

The first stroke of this letter is broken and in my opinion no one can give 'Phonetic' value, for any value given can be questioned. Letter 'न' of this inscription is brighter in comparison to other letters of this inscription.

As I have mentioned earlier scholars have tabulated letters on the basis of dated documents such as stone inscription, copper plate and coin etc and prepared very good scientific charts showing the form in different period. So we keep the chart for cross verifying and by experience we generally date the script. It is a bit difficult to say that there is any fixed period for this palaeography it is the continuous evolution and so we give the dates approximately.

Q: If I say that the engravings which are available on the stone slab in plate 137 do not belong to 11<sup>th</sup> century but belong to 18<sup>th</sup> century then how you will fix its period?

A: If some one says this does belong to 18<sup>th</sup> century by our experience we immediately recognise that the person knows nothing about palaeography and we ignore it

P. Ramnarayan

if on the contrary we are convinced that the questioner is earnest in knowing the date we compare the script with recognised chart and also drawing upon our experience. We fix the date. There are published material by way of books like 'Indian epigraphy' and 'South Indian script' written by 'C. Shivram Murti' and 'Indian palaeography' by A.H. Dhani. This script could be compared with those charts. I can't tell whether Mr. Dhani is alive or not. I am not aware whether Shri Dhani was a graduate of B.H.U or not but this much I know that he lived in Pakistan. The book written by Shri Dhani deals with the Brahmi lipi right from 3<sup>rd</sup> century B.C.E. up to 14-15<sup>th</sup> century C.E. A.D., generally a chart where century and the form and its sources are indicated.

As I said there is no hard line or form for each century he would indicate in general the centuries where evolution is perceptible. I have gone through the book written by Shri Dhani. I can't say while going through this book as to how many evolutions took place during these centuries i.e. from 3<sup>rd</sup> century B.C. to 14-15<sup>th</sup> century C.E. I don't remember at this time as to when I had read this book because it is a standard reference book and whenever we want to refer we refer the chart given in this book and other books. I don't remember the number of charts which

P. Ram n. 7

are mentioned in Dhani's book because we do not go by simple memories but verify before committing our self to any particular date.

Q: You don't remember the number of evolutions which as per Dr. Dhani's book took place during 3<sup>rd</sup> century B.C to 14-15<sup>th</sup> century, you do not remember when you read this book, you do not remember how many charts are there in his book but you are sure enough that the letters finding place in the stone-slab as visible in plate no. 137 tally with the 11<sup>th</sup> century letters of 'Deva-Nagari' script as per book of Shri Dhani what is your reply?

A: I think that ours is a science to be verified and cross checked to be accurate which is more important than to have statistical information when I read how many charts are there and how many periods are there. I know that there is an evolution of script and its variations which are given in Dhanis's book and other books also which are ready always on our table for verification and so I don't note down when I last referred this book, or when I last referred to other books. It is sufficient for me to see, identify to compare, and date the script. I have compared these letters with the book of Shivramamurti where in he gives not only the script alone but also apart of the text to identify the form and date. Shivramamurti's books give the

chart of different periods similarly it also gives about the evolutions which took place in different periods and also. I have gone through the report of ASI and cross checked whether my dating is correct.

Q: Among the readable letters of plate no. 137 very much difference finds place in the second letter which finds place after letter 'NA' and the fifth letter which finds place after a stroke beyond letter 'LA' what have you to say?

A: There is no letter 'LA' as a fifth letter and as such the difference mentioned does not exist.

Learned cross examiner requested that since the witness is not giving the reply of the above question hence he should be <sup>made</sup> to understand as to what has been asked in the above question. Above question was read <sup>again</sup> to the witness who stated that each letter is for a particular sound value and therefore will necessarily be different from each other. Also depending upon inscribing on different material the letters will not resembled hundred percent same as in printed materials. In the form and evolution the changes for each letter will follow a logical sequence. But if the sound value is different the letter is also <sup>to</sup> be different. There is difference between two <sup>to</sup> aforesaid letters as there are difference between sound values.

R. J. M. n. n. 7



I have experience in the field of palaeography initially I will be able to give an approximate date on the basis of palaeography but I always insist on comparative study with charts and dated inscription. For coming to conclusion that inscription of plate no. 137 belongs to 11<sup>th</sup> century, besides consulting the book of Shri Dhani I have also consulted Shivrama murti's book namely 'Indian epigraphy and south Indian scripts, rest is based on my experience. The book referred to by me does not confine to South Indian scripts. I have knowledge about other inscriptions which undisputedly belong to 11<sup>th</sup> century this inscriptions is – Govind Chandra's 'Inscription from Bengal' published by Dr. D.C. Sarkar and others. I remember the name of the book written by D.C. Sarkar its name is 'Indian inscriptions'. By and large the script of Nagri has been the same in different parts of India though there may be some minor variations. The inscription referred to by me belonging to 11<sup>th</sup> century and which finds place in D.C. Sarkar's book is related to some place of Bengal but I don't remember its name. There are not much variations in the 11<sup>th</sup> century script of 'Nagari' script in connection to Northern India and West-Bengal. The structure which was built in the 11<sup>th</sup> century at disputed site was repaired and renovated <sup>prior</sup> to 16<sup>th</sup>

R. M. M. A. 7

century but it was not demolished. Whether the structure which built on the disputed site between 11<sup>th</sup> century to 16<sup>th</sup> century was demolished or not, will depend on the meaning of word demolition as to in which sense this word is being used.

Q: What meaning or meanings could be assigned to the word 'demolition' according to you?

A: According to me the word 'demolition' stands for destruction but I have to check-up the dictionary meaning with various shades of meaning.

The building which was built at the disputed site in 11<sup>th</sup> century is not one building but number of structures which were added during the second third phase of wall 16 and we do not know what restoration or renovation were carried out between 11<sup>th</sup> and 16<sup>th</sup> century.

Q: Whether the structure which was built in 11<sup>th</sup> century at the disputed site was demolished in 16<sup>th</sup> century as per your meaning of word 'demolition'?

A: A part of the 11<sup>th</sup> century building structure was demolished during the construction of the disputed structure.

Q: Can you describe how much part of the building half or one fourth and which portion of the 11<sup>th</sup> century

P. M. M. M. M.



structure. In addition in the debris adjacent to the disputed structure was found a black crisp schist stone pillar which shows that some part of Mandapa that was part of the earlier temple was pulled out and used in the disputed structure. All this suggest that the temple which included the enclosure wall was pulled down which will come under the definition of demolition. I have nothing to add in this regard. If any question is put to me I will answer it.

A part of the temple which will consist of 'pillared mandapa' has been pulled down. The enclosure walls of

this structure was to protect this temple. I don't think that all the four enclosure wall were present around the temple structure when demolition took place in 16<sup>th</sup> century because some portion of the walls is not excavated during excavation at disputed site due to restriction. The area which was covered by make shift structure has not been excavated besides some other area which have slopes and other in accessible conditions.

Q: Can you say that regarding the area other than the <sup>area</sup> covered by make shift structure, the restriction said to be imposed <sup>by</sup> you on excavation by the ASI was under who <sup>se</sup> orders?

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In the ASI's report above conditions for restriction have been mentioned.

Statement read and verified.

21.08.2006

Statement typed on my dictation in open court. Put  
up for further cross examination on 22.08.2006.

B. Mann

(H.S. Dubey)  
Commissioner  
21-8-2006

Before Commissioner Sri H.S. Dubey, Additional District  
judge /Officer on Special Duty, High Court Lucknow,  
Lucknow

O.O.S NO. 5 OF 1989  
( R.S. No. 236 OF 1989)

22.08.2006

O.P.W.17 Dr. R. Nagaswami

(Commissioner appointed vide order dated 11.08.06  
of Hon'ble Special Full Bench of Allahabad High Court,  
Lucknow Bench, Lucknow passed in O.O.S. No. 4 of 1989  
(R.S.No.12/1961) Sunni Cental Board of Waqfs U.P. and  
Others Versus Gopal Singh Visharad (Now dead) and  
Others.)

(In continuation of 21-08-2006 the cross-examination  
of O.P.W. 17 continued on oath, on behalf of Mohd.  
Hashim, defendant No. 5 in O.O.S No. 5/89 by Sri M.A.  
Siddiqui, Advocate.)

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No specific name has been ascribed for different  
stages of palaeographic evolution in the 'Nagari' script.  
With a little introduction and demonstration in a general  
way a evolution could be learnt by any person. By an

R. Nagaswami

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introduction and general demonstration one can learn to specify as to which period a particular ~~form~~ form of the letters of script belongs. I have stated that 'Nagari' /Dev-Nagari' script is a sort of 'Brahmi' script. I am not aware as to any particular stage of evolution in 'Nagari' script known as 'pen technique evolution' or not. There is no separate name for palaeographic change except to say it is 11<sup>th</sup> century character or 10<sup>th</sup> century character and so on so fourth. 'Dev-Nagari' script did not come from any other place in India but it is only an evolution from the earlier script. From earlier script I mean 'Brahmi' script. The name 'Nagari /Dev-Nagari' begins around 5<sup>th</sup>-6<sup>th</sup> century. There were no specific changes in the 'Brahmi' script except gradual evolution of the form. This change of form continued even after 5<sup>th</sup> or 6<sup>th</sup> century when it was named 'Nagari/Dev-Nagari' script. From 5<sup>th</sup>-6<sup>th</sup> century onwards approximately six changes can be mentioned but what I have said it was only an evolution. Specifically it is not possible to pin point the exact period of the above mentioned six changes unless we have specific date in the record there will be always plus or minus. I have mentioned in my ~~affidavit~~ affidavit that the inscription of plate 137 belongs to 11<sup>th</sup> century. There is always some possibility of plus or minus. This plus or

R. N. M. N. N. 7

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minus may extend up to 50 years but by and large within one century. We are fairly certain that it belongs to that century. In this case we say the early or late century. The period determined by carbon dating method has also plus or minus variation in the periods.

Learned cross examiner drew the attention of the witness towards statement recorded on 18-8-2006 at page 49 ( last but one para). The witness stated that the period mentioned in this para may have variation of +- 80 years. According to report of ASI as mentioned at page 69 of the ASI's report volume 1 this period is about between floor 2 and floor 3 of trench Z-H1.

Learned cross examiner drew the attention of the witness towards appendix 1 annexed with ASI report volume 1 (page 273). I do not know whether the facts mentioned at page 69 are based on appendix 1 or not. Volunteered, similarly I can't say whether this appendix 1 is based on the facts mentioned at page 69 or not.

Q: Are you absolutely unaware about any basis of the statement in the report at page 69 " the available C-14 dates..... age range of A.D. 900 to 1030"?

( Shri Ved Prakash Advocate raised the objection of above question that the question regarding C-14 has already been asked it is mentioned at page 49 which

R. Prakash

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continues at page 50 and the basis has also been asked. The present question is put to witness to harass and confuse him, therefore such question can not be permitted to be asked.)

( In reply to the above objection learned cross examiner submitted that in raising to the above objection ~~that~~ my senior friend is absolutely mistaken. There is no whisper about the basis ~~with~~ the earlier statement if any basis is shown to the commissioner this question may be withdrawn.)

A: As far as I am concerned I accept the report of the ASI which is made after following all the procedure and the verification. I am aware of the appendix but I can not say whether report preceded the appendix or the appendix preceded the report.

I don't know about the basis on which above lines at page 69 have been written by ASI in its report. Since ASI is government of India department with long standing reputation for technical details and objectivity and known for following prescribed procedure as laid out by the government of India, I believe the report of ASI in such matters.

R. R. M. M. M. M. M.



Q: Is objectivity to be found in the statement or before reading the statement it has to be kept in mind that it is absolutely objective one?

A: The objectivity of such reputed central government department which has received International recognition is always at the back of our mind when we read the report. Unless there is some thing that appears to call for further verification, we accept the report.

It is true that Appendix 1 of the ASI report volume 1 page 273 appears to be based on one letter and not on the basis of two letters. Evidentially it is based on the letter dated 16-7-03, again said, appendix 1 is based on two letters, one letter is dated 16-7-2003 and the other letter is dated 20-7-2003. Appendix one does not refer to any floor or trench number. On the basis of appendix 1 we won't be able to say the layer of the trench or floor but the letters of Shri B.R. Mani addressed to director B.S.I.P., Lucknow will contain all data's like floor, trench and layer from where ASI certainly would know from which sample this report on page 69 relates.

Q: Is it correct to say that with out the aforesaid two letters we are absolutely in darkness regarding trench layer or floor from which these samples were taken and the ASI has chosen not to attach those two letters?

R. Mani

A: This is a procedural matter and if there is any doubt the court can call for it and verify but as far as I am concerned, I am satisfied that this reputed organisation would have followed all the procedures.

Q: Whether in order to satisfy the test of objectivity these two letters ought to have been attached by ASI or not?

A: As far as, I am concerned I don't need these two letters to be attached as I am satisfied with the objectivity. Volunteered I am not here to test the objectivity of ASI which is a government of India department.

Learned cross examiner drew the attention of the witness towards his statement recorded on 18-8-2006 at page 39. The witness stated that during excavation at disputed site the remains of primary and secondary shrines which formed part of the whole Hindu temple complex, were found. Remains of one primary and remains of two secondary temples were found during the excavation. The remains of primary temple were found from number of floors but mainly above fourth floor while some have been found below <sup>u</sup>forth floor also. The remains of one secondary temple were found contemporary with layer five while the remains of other secondary temple were found in a the area called 'Ram Chabootra'. It was found in number

R. Munnar

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of trenches and had several floors and continued to come up to contemporary modern floor level.

By primary temple, I mean the main 'Deity' to which the structure is dedicated to. The secondary temples are built in the complex dedicated to other 'Deities' but are related metaphysically to the 'Deity'. It is not necessarily that primary and secondary temples should be constructed at the same level and at the same time. Primary and secondary structure may precede to each other in time and level both. This is regarding temple and structure. At the disputed site primary and secondary temple structures are not in same level. Structurally some walls have been found even in 1<sup>st</sup> - 2<sup>nd</sup> century B.C. thus the primary temple structure was at a lower level where as the secondary temple structure was at upper level. The primary temple structure can be ascribed to 1<sup>st</sup> - 2<sup>nd</sup> century B.C. where as the first secondary temple structure can be ascribed to (circular shrine) and assigned to 10<sup>th</sup> century and the second secondary structure 'Ram-Chabootra' (which is the secondary temple structures) can be ascribed in all probability to the time of 'Akbar'. I would not say that 'Ram-Chabootra' is of most modern time but I would only say that this structure was raised in the time of 'Emperor - Akbar'. A great full scale articulated temple structure

R. Ram n n n



resembling other north Indian temples was erected in all probability in the 11<sup>th</sup> century A.D. By 'articulated temple structure' I mean the base, the wall, the ceiling, the 'Shikhars', and 'Amalaka' confirming to the norms described, with several mouldings, niches, carved entrance frames and so on.

The north style temples comprise of 'Adhisthana', 'Bhitti', 'Kapota', 'Dwarshakha', Shikhar, the central Shikhar surrounded by smaller 'Shikhar' with an emphasis on vertical line and height topped by an 'Amalaka' and 'Kalash' centred around the 'Sanctum' called 'Garbhagrih'. The whole structure surrounded by enclosure walls and an ornamental gate way. There are other minor parts like 'Sukha-Nasika' resembling mostly <sup>to those</sup> found in northern India. This is one definition. Another definition holds any temple with a square 'Shikhar' is called 'Nagara' temple. Mostly the first mentioned form of temple are found in north India where as second mentioned temples are found in southern <sup>India</sup> ~~temple~~ and the second types of temple are also called 'Nagara' type of temple. Even first type of temple mentioned above is called 'Nagara' type of temple.

'Nagar' type of temples in recognisable form came into existence form about 8<sup>th</sup> century A.D. onwards. Prior to this period same type of temples were built in

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rudimentary form. By term 'rudimentary form' I mean not so elaborate moulding.

Learned cross examiner drew the attention of the witness towards figure no. 3A( page no. 48A) of ASI report volume 1. The witness after seeing this figure stated that wall 28 belongs to 1<sup>st</sup> - 2<sup>nd</sup> century B.C. Wall 27 belongs to latter period i.e. approximately 1<sup>st</sup> century to 2<sup>nd</sup> century A.D. There is no other wall or construction except wall no. 28, which belongs to 1<sup>st</sup> and 2<sup>nd</sup> century B.C. Whether any other wall or construction is contemporary to wall no. 27 or not can be answered after going through the report. After seeing the report the witness stated that there is no other construction or wall contemporary to wall no. 27. Wall no. 26 is immediately latter in period than wall no. 27. After perusal of the report the witness stated that wall no. 26 is constructed in 3<sup>rd</sup> - 4<sup>th</sup> century A.D. Wall no. 24 and 25 are contemporary to wall no. 26. The beginning of structure 1 goes to 16<sup>th</sup> century A.D. Structure 2 also belongs to 16<sup>th</sup> century A.D. Structure 10 belongs to which period only can be answered only on going through volume 2 of the ASI report apart from volume 1. On being permitted after perusal of volume 1 and 2 of report, the witness stated that I am unable to tell as to which period this structure belongs. I am not able to locate whether ASI

R. V. M. N. M. J.

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has ascribed any period to this structure ( structure 10) or not. At the top of the trenches of L series some structure has been shown but it is not numbered. Pillar bases have been shown in figure 3A. The pillar bases have been numbered as pillar base no. 1 <sup>to 50</sup> and <sup>ex. are</sup> No pillar basis is marked in the L series trenches.

Learned cross examiner drew the attention of the witness towards appendix 4 of the ASI report volume 1. In this appendix, the details of walls, structures, pillar bases and other materials are given. At page 17 of this appendix trench L-1 to L-9 have been mentioned in column 2. In column 4 pertaining to trench L-1 at serial no. 5 parts of two pillar bases are mentioned. Similarly in trench L-2 and L-3 also in the same column at serial no. 5 and 6 respectively parts of two pillar bases are mentioned.

Q: There being variation in figure 3A and appendix 4, both being part of the report, in the figure 3A no pillar bases being mentioned in the trench of L series whereas in appendix 4 pillar bases being there. Which one of the two is more accurate?

( Shri Ved Prakash raised the objection of above question regarding appendix 4 put to the witness is misleading appendix 4 has been prepared under the orders of Hon'ble special full bench that too indicates trenches

Dr. Ramnandan

from ZB-3 to M-11 by serial no. 1 to 154 and this schedule nowhere mention about the bulks there fore such question can not be permitted)

( Learned cross examiner submitted to the above objection that the lengthy objection has got no concern ~~with objection~~ with the question, it is <sup>merely</sup> ~~merely~~ to waste the time of the court)

A: I do find some discrepancy with reference to this particular appendix and figure 3A. Further explanations need to be obtained from ASI I only feel there is some typographical error and when such voluminous reports are prepared such mistakes escape the attention particularly when the report has to be submitted with in a very short time.

Q: You have given even a suggestion to the Hon'ble court, you have given the reason for errors in the appendix and in figure 3A but you have not been kind enough to me to reply my question that among the two i.e. appendix 4 and figure 3A, which one you take to be more correct?

A: I have mentioned that there ~~does~~ <sup>exists</sup> a discrepancy between the two and so both need to be checked up and can not be taken as they are.

Q: What is the basis of saying that wall 27 built in 1<sup>st</sup> - 2<sup>nd</sup> century B.C. is a primary temple structure?

R. Amn n n 7



A: I have mentioned that the whole space of this mound has been conceived as the main space of lord 'Rama' and so it represents the earliest available structure so far found on the mound and so it is part of the main temple.

Q: Do you mean to say that on account of your such impression, no basis is required to be given for saying wall 28 to be part of primary temple structure?

A: There are enough basis both material and textual, right through the centuries pointing to the sanctity of worship of this mound as the abode of Hindu God and so it is based on bases and not conjectures. Both tangible and intangible basis. Tangible basis are the voluminous Hindu temple architectural pieces in the excavated site both in regular trenches and debris and intangible basis may be noticed in 'Aini-Akbari' which says this is the most venerated site in 'Hindustan' which is supplemented by all the gazetteers and reports published in the second half of 19<sup>th</sup> century.

Q: Can you point out any object found during excavation pertaining 1<sup>st</sup> -2<sup>nd</sup> century B.C. to indicate wall 28 to be a primary temple structure?

A: In my opinion the structure itself is indicative of the temple. No other material other than this structure<sup>2</sup>/wall<sup>1</sup>

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pertaining to that period, it as a temple to indicate, has been discovered during excavation. I don't remember the number of that trench.

Statement read and verified.

*R. M. n. n. a. 7*  
22.08.2006

Statement typed on my dictation in open court, Put up for further cross examination on 23.08.2006.

*H.S. Dubey*  
( H.S. Dubey ) 22.8.2006

Commissioner

22-8-2006

*R. M. n. n. a. 7*

Before:-Commissioner Sri H.S. Dubey, Additional District judge/Officer on Special Duty High Court Lucknow.

O.O.S NO. 5 OF 1989  
( R.S. No. 236 OF 1989)

23.08.2006

O.P.W.17 Dr. R. Nagaswami

(Commissioner appointed vide order dated 11.08.06 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, Lucknow passed in O.O.S. No. 4 of 1989 (R.S.No.12/1961) Sunni Central Board of Waqfs U.P. and Others Versus Gopal Singh Visharad (Now dead) and Others.)

(In continuation of 22-08-2006 the cross examination of O.P.W. 17 continued on oath, on behalf of Mohd. Hashim, defendant No. 5 in O.O.S No. 5/89 by Sri M.A. Siddiqui, Advocate.)

Q: Whether any tangible thing relating to or associated with any Hindu temple structure pertaining to the 1<sup>st</sup> to 5<sup>th</sup> century A.D. has been recovered during excavation at disputed site?

A: Yes, structure belonging to the above period found during excavation was the tangible proof of the existence

R. Nagaswami

of the Hindu temple because in the early centuries of current era the Hindu temple had very simple bases and other structures and as such the simple structure themselves are the proof of the existence of Hindu temple.

Besides the structures some broken potteries have also been found.

Learned cross examiner drew the attention of the witness towards figure 3A of the ASI report volume 1. The witness stated that walls 26, 27, 25, 24, 23, 22 are the structures or relics belonging to that period i.e. 1<sup>st</sup> to 5<sup>th</sup> century A.D.

Q: Is there any mark on these structures to feel them that these structures are part of Hindu religious structure or in any way associated with any Hindu religious structure?

A: There is no mark on them and it was not usual <sup>in</sup> that period to give any mark to indicate that <sup>it</sup> is a Hindu temple which is generally known from the association of the structure with the space already adored as the abode of God hood. The simple structures are sufficient to indicate that they are the relics of the temple if any comparison is required we can see the base of the one of the earliest Hindu temple that exist and reported by all authority at 'Sanchi' in Madhya- Pradesh where the base of the temple is a simple plan wall with no especial marking.

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Q: Whether any visible mark finds place on the aforesaid structure indicated by you to have been built during 1<sup>st</sup> to 5<sup>th</sup> century found during the excavation at the disputed site indicating any association with any Hindu temple structure ?

( Shri Rakesh Pandey Advocate raised the objection on the above question that the witness has already answered this question same question is being asked again and again in different manners and time of the court and <sup>by the</sup> ~~various~~ time of the witness hence such question should not be allowed to be asked)

( Shri R.L. Verma Advocate raised the objection that the witness can not be compelled to answer to according to the choice of the learned cross examining counsel but the witness is at liberty to state according to his own dictum and style)

A: No visible mark is seen in the excavated structure relating to this period but the association of the idea that it is the sacred place that makes the structure a temple like even a simple plate-form considered a temple by its association with the idea of religious structure.

One particular pottery recovered during the excavation belonging to that period described as spouted pot is generally called 'Kundika' or 'Kamandalu' associated with Hindu Gods. Others are fragmentary

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potteries and not much can be said about the religious association. The spouted pot is reported in the ASI's report.

I can answer this question after going through the ASI report volume 2 (plates)

Witness was permitted to see the volume 2 of the ASI report. The witness stated that plate no. 71 shows spouted pot of 'Kushan' period.

Q: In which trench this spouted vase was found?

(The witness stated that he can answer this question after going through ASI report volume 1. He was permitted to do so.)

A: Probably it was found in the trench of J series. I don't remember or find the trench number, layer, depth from which above object was recovered. Beyond this I am unable to say at present from which floor this object was found.

Most important structure found during the period from 6<sup>th</sup> to 10<sup>th</sup> century which is mentioned in the report is a circular shrine. Besides this structure some walls running around this circular shrine were also found that belong to this period.

Wall 19 a, 19b, 20, 21 probably 22 also relate to this period besides the circular structure. Circular structure has been marked as structure 5 in figure 3A of ASI report

R. Manning



volume 1. The circular structure is assigned by the ASI to the 10<sup>th</sup> century. I accept this date.

Q: Besides these two things the circular structure and certain walls having been built from 6<sup>th</sup> to 10<sup>th</sup> century C.E. at the disputed site whether any other material object, exclusively related or associated with Hindu religious temple, distinguishable from <sup>the</sup> a things of common object, has been found during excavation at the disputed site?

A: I do not remember other associate finds with special characteristic feature<sup>s</sup> of Hindu religious nature but I presume that the circular structure is dated on the basis of stratigraphical position and identified as a shrine on the basis of its form, the drain with the spout and preceding structural projection and the square sanctum formation compared with known Hindu temples cited by the ASI in its report and I agree with it. These walls which are associated with this shrine show an inner sanctum preceded by an entrance which stepping stone at the entrance as found in other similar temples. On <sup>e</sup> a significant object which is found in the excavation is a <sup>^</sup> V shaped <sup>o</sup> groove cut through the brick on the northern side with a slight projection to drain the 'Abhishek' water on the northern side usually found in 'Shiva' temple as reported by the ASI in the report and I agree with it and have no doubt that the shrine is dedicated to 'Shiva'. I have

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mention that I don't remember any thing other than this of significant feature. My answer with regard to the slightest resemblance with the temple structure is the same as above.

The first important find after the 10<sup>th</sup> century is the inscribed stone fragment found below wall 18A and 18B and above layer 5A. This inscription is given in plate no. 137 of the ASI report volume 2. Other structures which were found in the excavation pertaining to this period are wall 17 and wall 16 which are mentioned as massive structure. That suggest two successive destructions to a great temple of the north Indian variety that was built in the early part of the 11<sup>th</sup> century at that site. The fragments and carved door frames and lintel and other slabs built under wall 16 that are associated indisputably with a classical Hindu temple of considerable size, that existed at that excavated site which suffered damage in all probability around 1030 C.E once and construction of a protective wall i.e. wall no. 17 and another damage that was suffered around 1080 A.D that called for another protective wall i.e. wall 16 built around to protect what remained as a temple are the significant structure that have come up from 11<sup>th</sup> to 15<sup>th</sup> century C.E.

Q: Have you to add any other structure or wall or any other object pertaining to the period commencing from

R. Narayan



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10<sup>th</sup> to 15<sup>th</sup> century, kindly name it first and confine your  
✓✓✓ reply to naming it beside giving the history of such object?

A: Inscribed stone slab of 11<sup>th</sup> century and a good number of Hindu temple architectural pieces and two massive walls and a number of pillar bases and supporting floors are the most significant ones found between 11<sup>th</sup> to 15<sup>th</sup> century in the excavation reported by the ASI. I am mentioning wall no. 16 and 17 and inscribed stone slab shown in plate no. 137 of the ASI report volume 2 in my above answer. The floors of this period are floor 2, floor 3, floor 3A and floor 4. I have already mentioned the architectural number are Dwar-Shakha ( entrance frame ) with carvings ) and a number of such carved pieces like lintel, plain slab with simple design found in 11<sup>th</sup> century's Hindu temples and a ceiling slab with 'Lotus' design and so on.

Whether there are other architectural members associated with Hindu religious temple of this period which I can state only after going through the ASI report. 'Dwar-Shakha' was found as the foundation of wall 16 from which layer or trench it was found can be answered by me only after going through the report. I have already said it was found as the foundation slab of wall 16 as such I regret to disagree with your suggestion that I do not know its position.

R. Naynning

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Q: According to you wall 16 was raised in 1080 C.E to protect to a temple after its destruction in 1030 C.E?

A: Yes.

I have never visited the excavations site at Ayodhya during excavation but I have visited Ayodhya about five months back but could not see any thing as all the excavated portions were covered with Tarpoline. This was my first and only visit to Ayodhya. I have mentioned earlier that my views are based on study of ASI report. From perusal of the report submitted by the ASI I have come to the conclusion that ASI people have followed the prescribed procedure during excavation.

Q: How many Makar-Pranals have been found during excavation?

A: As <sup>far</sup> per as I remember there is only one Makar-Pranal found during the excavation.

'Pranals' of ordinary variety are found in all type of structures. Makar-Pranals have the ornamental form of a 'Makar' with provision to drain 'Abhishek' water. Present day <sup>Makar Pranal</sup> does not confirm to all the prescriptions and so may have variation but in ancient time this had a religious purpose and so will retain conventional forms. 'Makar-Pranals' are being used from 7<sup>th</sup> century A.D. onwards to late 17<sup>th</sup>-18<sup>th</sup> century A.D.. After 17<sup>th</sup> century 'Makar' will be shown in an incipient way but the remaining part may

Dr. Ramamurthy

take a fluted curved tube with foliage design. The old form may also be found in some instances.

Q: Whether you mean to say that 'Pranals' in an old form as you described earlier i.e the 'Makar-Pranals' emerged in 7<sup>th</sup> century continued up to 17<sup>th</sup> century with out any material variations in shape and its resemblance to the religious significance as indicated by you?

A: Depending upon the magnitude of the temple ornate or simple, classical or plain the depth of an ornamentation of the 'Makar-Pranal' may vary from low relief to high relief. These 'Makar-Pranals' were mainly used for draining out 'Abhishek' water in 'Shiva' temples. In my opinion the 'Makar-Pranal' found in the excavation was undoubtedly used for draining 'Abhishek' water.

Lintels and plain slabs were used in ordinary buildings also. My knowledge about 'Makar-Pranal' is based upon my personal observation in hundreds of both north Indian and south Indian temples, architecture treatises and books on Indian temple architecture. The names of the books on 'Indian temple' architectural are 'Indian temple' by Krishna Dev, the 'Hindu temple' by Stella Kramrisch and Encyclopaedia of Indian temples architecture series brought by American Institute of Indian studies and other books published by Archaeological survey of India and so on. A Large number of good and authoritative guide books

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and monographs are published by the Archaeological Survey like 'Temples of Khajuraho', 'Temples of Madhya- Pradesh under the Pratihar's and many other books which are well known through out the world. These are the names of the books published by the ASI. I don't remember the year of publication of these books but certainly they are earlier than 1995. We will find references and some illustrations in these books to 'Makar-Pranals' in addition to other information. Since there are separate articles dealing with evolution of 'Makar-Pranala' these books will in a general way inform about shape and ornamentation of 'Makar-Pranala'. These books do not contain any mention that 'Makar-Pranala' can not be used in ordinary buildings. Volunteered that these books are on monumental temples as they exist but there are other categories of ritual text called 'Vastu-Shastra' which prescribe where the 'Makar-Pranalas' should be used and where they are not used. The two books I can mention are 'Manasara' series, edited by P.K. Acharya and 'Mayamatha'. There are other books also on this point which contain the restriction regarding use of 'Makar-Pranala' in other buildings. 'Mansara' consisting of over five volumes were published around 1920 and the other one has been published around 1940. The second third editions of the latter book have appeared

R. N. Munshi

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subsequently more than two and three times. I would not say that the use of 'Makar-Pranals' was not prevalent in temples after 18<sup>th</sup> century. I have mentioned earlier that it continued to be used in some places after 18<sup>th</sup> century also. The two books mentioned by me refer to the ornamentation of 'Makar-Pranals' as stated by me.

Q: Whether ornamentation of 'Makar Pranals' which finds place in above two books tallies with the ornamentation of 'Makar-Pranals' described by you in today's statement.?

A: Yes.

Q: Whether prior to 11<sup>th</sup> century there being no prescribed form of temple as stated by you yesterday the form and nature of Makar-Pranals for being used in the temples had come into being in 7<sup>th</sup> century?

A: I have not said that prior to 11<sup>th</sup> century there was being no prescribed form of temple.

Learned cross examiner referred last para of the statement recorded at page 83 which continued at page 84 "Nagar type of temples..... so elaborate moulding" the witness after going through this para stated that my above statement is correct.

Q: Do you mean to say that even prior to 'Nagar' type of temples there was a prescribed form of temples prevalent in India?

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A: Yes.

( Shri R.L Verma said that above question initially starts with the words " do you mean to say" which indicates that this is an imaginary question. No innuendo can be searched out from the previous statement of the witness. Previous statement of a witness can be legally utilised for confrontation only).

( The cross examining counsel said that the above objection is absolutely misconceived the earlier statement of the witness has been referred to the witness and now other meaning being given this question is most relevant one. The objection has been raised to waste the time.)

Q: Whether the style of temples prevalent ~~at~~ prior to 'Nagar' style of temples in India as stated by you was known by any particular name?

A: I would like to submit that some statement which I have not made in yesterday's deposition so that statement does not refer to 'Pranala'. The temples which were built prior to 'Nagar' type of temples are also known by the same name i.e. 'Nagar' type of temple.

In India there were several other forms of temple like 'Vesara' type of temple , 'Dravida' type of temple , 'Mandapika' type of temple and 'Guha' type of temple and so on. These types of temple do not disappear after the

R. Varma



Before:-Commissioner Sri H.S. Dubey, Additional District judge/Officer on Special Duty High Court Lucknow.

O.O.S NO. 5 OF 1989

( R.S. No. 236 OF 1989)

24.08.2006

O.P.W.17 Dr. R. Nagaswami

(Commissioner appointed vide order dated 11.08.06 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, Lucknow passed in O.O.S. No. 4 of 1989 ( R.S.No.12/1961) Sunni Central Board of Waqfs U.P. and Others Versus Gopal Singh Visharad (Now dead) and Others.)

(In continuation of 23-08-2006 the cross examination of O.P.W.17 continued on oath, on behalf of Mohd. Hashim, defendant No. 5 in O.O.S No. 5/89 by Sri M.A. Siddiqui, Advocate.)

I don't remember I have said that 'Makar-Pranala' is used in other types of building but I remember to have said that 'Pranalas' are used in other buildings. I remember that I stated that there is prohibition for the use of 'Makar-Pranala' in other building found in religious scripture. I

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have no comment on the point, whether my this statement is supported by any religious text or not.

Learned cross examiner drew the attention of the witness towards plate no. 70 of ASI report volume 2. The witness after seeing this plate stated that three earthen pots can be seen in this plate. Such earthen pots are used in the country side and also in temples for storing grain and water. Also they are used for invoking the presence of God in the past. I agree that the God is every where. The water stored in such earthen pots in temples <sup>has</sup> religious significance for all actions within the temple premises are associated and related to the worship. In earlier days for storing water there is prescription that how water should be collected and stored in the temple premises.

Q: Whether such earthen pots were used also to store water in temples?

A: Such earthen pots were also in use <sup>✓</sup> for storing water in temples.

I am not specialist of pottery of the Muslim period

Q: Whether as a lay man you can say that before offering prayers in Mosque the Muslims used to wash their hands, mouth and feet there?

A: I am not aware that such a custom exists in the Muslim system but I have already said that such pots are

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also found in other places. That other place also includes ~~towards~~ <sup>mosque</sup>.

So far as I am aware the pot shown in plate no. 71 has a special type of spout which is found in Hindu sculpture in the hands of the Gods and this particular pot was explained by me in the context in which it has been found <sup>and</sup> ~~as~~ reported by the ASI has belonging to the 'Kushan' period i.e. around 1<sup>st</sup> century B.C to 1<sup>st</sup> century A.D. As there was no Islamic religion at that period I do not think that it could be related to Muslim customs. I can not say whether this type of spouted vessel as visible in plate no. 71, was used for common purpose at that time but as it has been found in excavated site where no remains of residential human houses have been found this relates only to religious system and context.

After seeing the plate no. 69 of the above report the witness stated that broken parts of earthen pots are visible in this plate. Such parts could be used in temples and houses. I don't remember the trench and depth or layer from where the spouted pots visible in plate no. 71 was recovered but I will go with the report of ASI.

Having seen plate no. 67, 68 and 69 the witness stated that trench no. has been mentioned below <sup>in</sup> ~~below~~ <sup>above</sup> plates but trench numbers are not mentioned <sup>in</sup> ~~below~~ <sup>above</sup> plate no. 70 and 71. It can not be said that this practice of mentioning trench numbers below <sup>in</sup> ~~below~~ <sup>above</sup> some plates and

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omitting it from other plates is <sup>a</sup> practice of pick and choose. I have no comments on the point that such practice indicates concealing some facts and disclosing other to the common eyes. At this juncture I am not in a position to mention as from which trench the spouted pot as seen in plate no. 71 was recovered even after going through the report. No idol of any God is visible in plate no. 71 holding the spouted vessel in his hand but I mention it only to show the special form associated with this type of spouted vessel. According to ASI this whole pot as visible in plate no. 71 which is partially broken was recovered during excavation. The globular form of this particular shape and the form of the spout are the characteristic of the age. Except the form nothing else. I can't say whether the broken part might have consisted of any handle or not. As I am not aware of the practices prevailing amongst Muslims, I am not able to comment whether such spouted vessel with handle (which is called badhana) are used in Mosques or not.

With reference to para 38 of the affidavit of examination in chief the witness, after going through it, stated on being questioned that it is correct to say that the excavation report and its findings specially with reference to overwhelming presence of Hindu temple architectural pieces and decorated brickbat and the circular shrine, where the report mention specifically temples and in my

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opinion studying the context in which right from early strata to modern times and also a gazetteer report there is no doubt about the existence of Hindu temple under the surface of the disputed structure.

Q: Is it correct to say that you are evading to reply the questions and say other wise. My question was ' You have gone beyond the assertion of ASI in para 38 by saying its finds prove beyond doubt the existence of Hindu temple under the surface of disputed structure' as there is no such unequivocal assertion in ASI's report?

A: It is not correct to say that I am evading to answer the question cited for. I have stated in para 38 that it is in the opinion of the deponent that the excavation report and its finds prove beyond doubt the existence of the Hindu temple under the surface of the disputed structure" as the report specifically mentions the temple in the excavated site under the surface of disputed structure and it is in this context that I have expressed my opinion.

Q: Can you indicate the page, para and line in ASI's report where ASI has said that its 'finds proved beyond doubt the existence of Hindu temple under the surface of disputed structure'?

A: On being permitted and going through ASI report the witness stated that on page 122 it is stated in second para that ' The aforesaid pillars and other decorative architectural member of this site like fragment of broken

R. P. M. M. M. M.

jamb with semicircular <sup>107</sup> plaster (plate 85), fragment of an octagonal shaft of pillar (plate 84), a square slab with 'Shri-Vatsa' motive (plate 88), fragment of Lotus Medallion motif (plate 89 to 90), emphatically speak about the association with the temple architecture. Stylistically these architectural members in general and pillar in particular may be placed in a time bracket of 10-12<sup>th</sup> century A.D'.

On the same page ASI has reported that 'In addition to architectural fragment a highly mutilated sculpture of divine couple seated in 'Aalingan-Mudra' has also been recovered'. "Similarly on page 153 in para 2 relating to decorated bricks the ASI report mentions that stylistically some of them i.e decorated bricks dated to the time bracket of 10 -12<sup>th</sup> century of A.D and finally on page 70 of the above report that deals with circular shrine and its full description that includes a 'Pranala' to drain out the water obviously after the 'Abhishek' of the deity and on page 71 para 1 the last four lines' thus on stylistic ground the present circular shrine can be dated to C. 10<sup>th</sup> century A.D. When the Kalachauris' moved in this area and settled across river 'Saryu'. They possibly brought the tradition of stone circular square temples transformed into brick in 'Ganga' 'Yamuna' valley'. All the above statements in the ASI report emphatically point to the existence of a Hindu

R. D. Munshi

temple beneath the disputed structure . So I have not gone beyond the ASI report.

Q: These four lines on page 71 of ASI report only state for dating and time period ?

A: In my opinion these four lines are in continuation of the full report that begins from page 70 where specific mention of "the shrine with a 'Pranala' to drain out the water obviously after 'Abhisheka'" shows that <sup>2</sup> my opinion as stated in para 38 of my affidavit is correct.

My opinion as stated in para 38 of my affidavit, is correct, my opinion as stated earlier is not based on circular shrine alone but on the report on architectural pieces and cut brick are mentioned in the report. I disagree with the suggestion that extracts from the ASI report which have been referred to <sup>✓ en</sup> the earlier question, do not carry the meaning that it is definitely proved that <sup>✓ re</sup> there existed a Hindu temple beneath the disputed structure. <sup>✓ ^ ✓</sup>

It is not correct to say that the ASI report volume 1 from page 19 to 36, reports all that has been found in the trenches but the report itself says 'the details of the trenches where the anomalies were verified are enumerated below. So what is reported is only verification of anomalies. At page 44 of the ASI report there is mention of period <sup>✓ 9</sup> ( Late and Post Mughal level) according to ASI this period ranges <sup>✓ ^</sup> ~~relates from~~ <sup>from</sup> probably <sup>✓</sup> 17<sup>th</sup> to 18<sup>th</sup> century onwards. My this statement is based on the chart

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given at page 37A reading 'Tentative periodization of the disputed site at Ayodhya'. In the last column of this chart in the yellow colour "Late and post Mughal" period has been given. First column of this chart has different colours. First colour is yellow, then green and the last colour is pink. No colour is indicated in the first column after pink colour which mentions medieval period. the green colour mentions the Mughal in the first column the first colour does not mention any period.

Q: Will you kindly render some assistance to me as to whether can it be inferred that in the last column yellow colour mentioning late and post Mughal the <sup>yellow colour</sup> first column also pertains to that <sup>period</sup> period?

A: I think yes.

I don't agree that in last column it is the same yellow shown as late and post Mughal period <sup>as well as other yellow</sup> with what has been <sup>as</sup> as 'Gupta' period below the post 'Gupta- Rajput' period.

The chart which is given at page 37B has also have yellow colour mentioning FL-1, F1 and then again FL-1. In my assessment the colour scheme in page 37A and 37B are different.

Q: Whether at page 37A first column yellow colour and last column yellow colour and page 37B the yellow colour mentioning FL-1, F1 and then again FL-1 are one and the same or they are different?

A: They are different.

R. Dayaram

In page 37A last column light yellow is mentioned as 'Gupta' and this tallies with the colour of FL-1, F1 and FL1- shown in page 37B. Light yellow colour finds place in page 37A in trench G7 at serial no. 7 and 8 and trench J5 at serial no. 9 and 10. Mughal period which has been shown in green colour in chart at page 37A is shown in J5 and trench K and no where in this chart at any other place. This is indicative of the fact that Mughal period has been noticed only in trench J5 and K by the excavator but I will not take this chart as absolute as the report says it is only a "Tentative periodization" just to show a very general guide.

Q: Whether for knowing the complete periodization as given by ASI we have to jump over the entire report of the ASI?

A: I would take what is mentioned in the main body of the report as correct position than these colour charts i.e. given at page 37A and 37B.

We have to go through under respective periods in detail to get the factual information for each period. There is a chapter that is chapter 3. The contents page called stratigraphy and chronology which is also to be read in association with other chapters.

Q: Is it correct to say that above mentioned two charts given at page 37A and 37B form part of chapter 3 itself?

R. Munni



A: As far as I see these two pages numbered as 37A and 37B do not form part of chapter 3.

I would say that above two charts have been provided by the ASI more as an aid than accurate depiction. Chapter 3 commences at page 37 and ends on page 47. This chapter comprises some figures also which are named as figure 20, 19, 22, 23, 23A, 23B all these figures form part of chapter 3. I have already mentioned that two charts shown at page 37A and 37B do not form part of chapter 3. In my opinion these figures are reliable. Having seen chart given at page 37A the witness stated that at this page there are certain other colours but no period is mentioned in column 1 but in all probability they have to be taken below the other.

By 'below the other' I mean the period preceding the earlier period in the last column. In second and fourth column it is mentioned that these columns relate to trench E 2-6, E7, F2-3-4-5. Below these trenches figure 111 finds place in dark brown colour. It belongs probably to post 18<sup>th</sup> century. I have mentioned earlier that in the last column late and post Mughal period probably relates to late 17<sup>th</sup> and 18<sup>th</sup> century and as such these columns at the top most level i.e. the first row in the three columns should be taken as post 18<sup>th</sup> century. My this statement is based on this chart. Dark red colour in column 2 to 6 represents probably early 17<sup>th</sup> century again said 18<sup>th</sup> century.

R. D. M. A. A. A. A.

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Q: In archaeology can ~~an~~ statement pertaining to periodization be based on probabilities?

A: When we say probably it denotes a few years or even for decades plus or minus where there are no specifically datable object but based on Stratigraphy and so we say probable.

It is not my guess work but the last column provides the chronological position that indicates to rows above late and post Mughal period certainly belongs to 18<sup>th</sup> -19<sup>th</sup> century. Last column of this chart shows dark brown and dark red colour but chronological sequence is quiet obvious. It is true that many colours of trench J5 and K do not find place in last column of this chart. The periods of those colours which do not find place in last column can only be obtained by making enquiry to ASI.

Q: However, despite such defect being there this report satisfies, in your assessment, the test of objectivity?

A: I have mentioned earlier that ASI them self have mentioned this chart as tentative and this is not part of the chapter and I think it is not a major error to suspect the objectivity of the ASI which can be understood by the totality of the report.

At page 54 of ASI report volume I there is a foot note which reads as 'description and table of pillar bases contributed by Gajanan. L. Katade'. The foot note referred to in page 54 is an acknowledgement of the contribution of

R. Danning

Gajanan but it does not say that report gives the description and table of pillar bases for which the authors take responsibility and have provided the report based on the description and table of pillar bases.

Q: Do you mean to say that said Gajanan L. Katade prepared the table and description of the pillar bases and handed it over to the ASI people and what ever the ASI people have mentioned regarding the pillar bases in their report is based on Mr. Katade's description and table?

A: As I am not concerned with this aspect I have no comment on this question.

With reference to first three lines of second para at page 53 of the ASI report volume 1 the witness stated that as I have not visited the site during the excavation nor seen it subsequently I take the report given by the ASI and accept it.

Q: Whether first para at page 53 of the above report mentions about certain diggings to have been carried on trench F4 and F5 and certain material recovered there from.

A: Para 1 at page 53 refers to some cuttings between trench F4 and F5 and reports only discovery of some floor and no recovery of any material is reported.

With reference to appendix four page 7 at serial no. 64 there is a reference to digging of trench F5 up to depth of 470 cm. In column four discovery of floors etc has been

P. P. M. M. 7

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mentioned and in last column <sup>discovery of</sup> architectural members are mentioned.

Q: Do you find any inconsistency between the averment in para 1 at page 53 and this entry no. 64 ?

( Learned counsel Shri Ved Prakash has raised the objection that appendix four has been prepared under the orders of Special full bench indicating the serial number of the trenches, hence appendix IV should not be taken as a part of the ASI's report. Above question should <sup>not be</sup> permitted to be asked.)

( In reply to the above objection learned cross examiner submitted that the whole report has been submitted under the orders of the Hon'ble court after excavation as ordered by the Hon'ble court and as such the objection is absolutely misconceived)

A: I think that I have already given reply about appendix IV and I have nothing to add more.

Q: At this time do you feel some personal difficulty in replying <sup>the question</sup> or you do not think it proper to reply this question?

( Learned counsel Shri Ved Prakash raised the objection that the witness has already replied this question earlier and again question is being put merely to harass and pressurise the witness therefore such question should not be permitted to be asked)

P. Prakash

( In reply to above objection the learned counsel submitted that nowhere there is question or reply on the aspect i.e. inconsistency in para 1 at page 53 and entry 64 of appendix four and the objection has been raised for the sake of raising objection.)

A: I don't find any personal difficulty in giving the answer as there is nothing personal in my appearance here and I have already stated that my opinion about appendix four has already been recorded earlier I said I have no comments and not to deny a reply.

Q: Do you know that for a witness appearing in the witness box it is not proper to deny <sup>the</sup> replying a question?

A: I am not denying to reply to the question and only stated that my reply on this question has already been recorded earlier.

With reference to page no. 25 serial no. 34 of the ASI report, volume 1, following question was asked – does this read that in trench F5 the excavation was not conducted due to area restriction on raised plate form ?

A: Yes it does read so.

Q: Is there any consistence between this statement given at serial no. 34 and first para of page 53 of the ASI report volume 1?

A: I do not find any inconsistency between page 25 serial no. 34 and page 53 para 1 for the latter clearly reads only small cutting of 3\*2 meter in between trenches F4 and

P. Ramanathan

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F5 was made to collect more evidence and to verify the anomalies.

Last sentence in first para page no 53 'Ten extant courses..... in the foundation' deals not with the removal of object from its original position where as this sentence on page 53 relates to notice of structure which is still insitu.

Statement read and verified.

R. M. n. n. n. - 7

24.08.2006

Statement typed on my dictation in open court. Put up for further cross examination on 25.08.2006.

R. M. n. n. n. - 7

H. S. Dubey  
(H.S. Dubey) 24.8.2006

Commissioner

24-8-2006

Before:-Commissioner Sri H.S. Dubey,Additional  
District judge/Officer on Special Duty High Court  
Lucknow.

O.O.S NO. 5 OF 1989

( R.S. No. 236 OF 1989)

25.08.2006

O.P.W.17 Dr. R. Nagaswami

( Commissioner appointed vide order dated 11.08.06  
of Hon'ble Special Full Bench of Allahabad High Court  
Lucknow Bench, Lucknow passed in O.O.S. No. 4 of 1989  
( R.S.No.12/1961) Sunni Central Board of Waqfs U.P. and  
Others Versus Gopal Singh Visharad (Now dead) and  
Others.)

(In continuation of 24-08-2006 the cross examination  
of O.P.W.17 continued on oath, on behalf of Mohd.  
Hashim ,defendant No. 5 in O.O.S No. 5/89 by Sri M.A.  
Siddiqui ,Advocate.)

I have not stated that appendix 1 is incomplete  
unless two letters mentioned in it are placed with this  
appendix. Similarly I have not stated that appendix 4 is  
incomplete but there are some discrepancies unless they

R. Nagaswami



( Shri Ved Prakash and Shri Rakesh Pandey Advocates, raised the objection to the above question that unless the name of the person is written or indicated in the appendix 2A the witness can not be compelled to answer to such question, the witness was not present at the time of excavation and in the appendix 2A there is nothing by which it can inferred or any conclusion can be drawn regarding the person who conducted chemical analysis or physical examination)

R. N. Manning





A: I presume from the introductory part of the report page 12 that the chemical analysis has been done by a team of assistant archaeological chemists whose names are Shri V.K. Kanotra , Shri R.J. Nigam , Shri H.K. Gupta and Shri S.K Tewari all assistant archaeological chemists among whom the name of Shri H.K. Gupta appears in appendix 2B and presumably the report has been received through him but as these all are procedural matters which can be ascertained from the ASI.

Q: If we exclude the two charts given at page 37A and 37B and in appendix 4, in order to find that a particular floor <sup>is</sup> in which layer or period and similarly a particular object was noticed in which layer and trench whether we will be required to have further assistance from ASI as already suggested by you or we can find from the report itself excluding these materials?



A: The report under each chapter in its introduction and the charts attached to each chapter give the materials recovered the layer, trench number and significance of the important finds.

Learned cross examiner drew the attention of the witness towards plate no. 235 of ASI report volume 2 and asked following question.

Q: Please indicate from which layer, trench and depths the object shown in plate no. 235 has been found?

A: The object as visible in plate no. 235 captioned as 'Devine couple stone' is listed in page 130 which gives trench no. K3 and K4 layer as debris and depth -120 and the measurement 35.0 X 33.5 and 15.5 registered at number 1184.

It is not found on the floor, has not been mentioned in it. In this list period of <sup>which</sup> this object has not been mentioned. This list starts from page no. 122 and goes up to page 152. Volunteered, I may mention here in page 122 a brief inscription of this figure illustrated is given also the plate no. provided for cross verification. The heading of the columns has also been mentioned in this list. There are 7 columns. There is no column regarding floor in this list.

I considered <sup>that</sup> any object found in the debris has to be evaluated in the context in which it is found and has its own value. An object recovered from debris can be termed

R. D. Munnun



as archaeological find especially so in the context of Ayodhya excavation conducted under the orders of the court. The excavation have been conducted according to the norms of the archaeological excavation.

Q: Has it, as such, to be evaluated as per norms of archaeological excavation?

A: Yes.

Q: Is there any distinction, as regards archaeological norm pertaining to an object found in the trench insitu, in dumps, in fills and in debris or on the surface?

A: Distinctions between different kinds of objects mentioned in the question depends on various factors and each one has to be assessed and put or placed in its proper context then only the distinction could be mentioned.

An object found on the surface in the context of archaeological site under excavation also can be associated with excavated finds. It has to be termed as an archaeological find.

With reference to page 122 of ASI report volume 1 the witness stated that archaeological members mentioned from serial no. 1 to 286 ( page 122 to 152) have a description of what ever have been found in totality during course of excavation at the disputed site. The description in the list contains all the essential data which is further supplemented in the introductory part and if necessary will

R. P. M. 17

be further supplemented by further examination of the object concerned and I have seen the figures attached with this report. These figures also contain the scale. I considered<sup>2</sup> that scales given there<sup>are</sup> is correct. Place and depth of a particular thing can be located with the aid of these figures. I can't say from my memory as to the shape and size of the structure which existed between 1<sup>st</sup> to 5<sup>th</sup> century on the disputed site. One structure of 10<sup>th</sup> century is circular in shape and its external diameter is about 5 meter but I have to check up the report for other details. There are some walls which obviously belong to the primary structure but the available walls do not give any shape. In that particular period there are many walls so I don't mean that this refers to only western wall. The number of walls which<sup>in</sup> existed<sup>are</sup> 6<sup>th</sup> to 10<sup>th</sup> century on the disputed site was about six. I can give its accurate number only by going through the report. The temples of northern India between 6<sup>th</sup> and 10<sup>th</sup> century<sup>well</sup> vary from simple to very big size and it is not possible to give the size of northern<sup>Indian</sup> temples. Their number may be in hundreds. In my assessment the temple which existed at the disputed site between 6<sup>th</sup> and 10<sup>th</sup> century was of small or medium size. As the full relics are not available, it is not possible to guess the approximate size of this temple. The small medium size temples of above period<sup>6</sup> were of about 10

R. Masun 7

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to 20 meters in length if it relates to central temple but it could also include an enclosure which can not be assessed as they depend upon individual temple. The measurement of 10 to 20 meters as mentioned by me is length of the temple <sup>were</sup> as its <sup>width</sup> depending upon the ground plan and the shape of Deity to which it is dedicated. In some temples the width may be larger than its depth. This could have been the size of the primary temple. 'Garbh-Grih' is included in the above measurement. We may have small front 'Mandapa' pillared or with out pillar and small niches called 'Dev-Koshtas' and a very low 'Shikhar' which could be either a flat roof or a pyramidal 'Shikhar' with 'Shikhar' on top and surrounded by small secondary shrine or dedicatory shrine within it. 'Mandapa' is a extension of 'Grabha-Griha'. 'Jagmohan' is a term used most prominently ~~used~~ in 'Kalinga' region but in this part of India we generally call the front as 'Mandapa'. 'Mandapa' or 'Jagmohan' is part of the total structure and is used for both the deity and devotees. It is not necessary that 'GrabhaGrih' should always contain a 'Shikhar' but some times 'Mandapa' also contains 'Shikhar'. Even 'Grabhagriha' in some circumstances <sup>can</sup> be <sup>roof</sup> or with out a roof or with the 'Shikhar' or integrating the 'Mandapa' also with the 'Grabhgrih'. 'Parikrma' was provided in some temples in the main temple itself around

Dr. Ram n. n. j

the 'Grabhagriha' providing an outer wall which is integrated with the super structure as one unit or the 'Parikrama' may be going around the shrine on the enclosure. With in the enclosure and also out side the

enclosure 'Parikramas' are provided. Temples can face, depending on the manifestation and nature of the prayer any cardinal direction. The secondary temple consists of a number of 'Parivar' devtas, which may be integrated with the main wall of the sanctum or embedded with the enclosure wall or they may be located in the enclosure between the main wall and the enclosure wall. They face different direction depending upon the manifestation. The secondary temple would be located either in the prescribed direction or in any open space available depending upon the prayer of the patron; for example some temples may face south some west or even north depending upon what the patron wants to achieve such as conquest or wealth or knowledge or health. Secondary temple may be raised in front of the primary temple depending upon the nature of the secondary deity for example the shrines of 'Vahanas' (mount such as 'Garud' or 'Nandi') are located exactly in front of the main temple. By word 'koshtas' I mean a 'niche' on the wall in which the secondary deity may be installed made up of any material including paintings.

D.P. Munnung

Q: If there are ten 'koshtas' with in a primary temple having small diety in it whether all these ten 'koshtas' will constitute independently a separate secondary temple?

A: I may have to explain this concept in a little longer sentence for the supreme diety is conceived at different levels descending various potencies and accepted concentric circles reaching up to the very end of the boundary of the temple under worship both as one supreme and also individually and so each one 'koshtas' is also considered a separate shrine. There is no distinguishing feature in the walls exposed during the excavation in the period 6<sup>th</sup> to 10<sup>th</sup> century A.D apart from their associations with the circular shrine and absence of any signs of residential houses that make them the temple. Residential structures are easily distinguished by small rooms, hearths, steps and similar structures adjoining each other in a row and large number of house hold utensils and other apparatuses and also the continuous building activity one over the other that find to the fact that we are on a sacred structure than ordinary houses. It is not correct to say that nothing such has been found in that site but the picture that emerges from the relics do point to an enormous site of considerable significance.

R. Mann



Cross examination of this witness by Shri M.A. Siddiqui could not be concluded. Cross examination continued.

Statement read and verified.

*R. M. M. M. M.*

25.08.2006

Statement typed on my dictation in open court.

*R. M. M. M. M.*

*H.S. Dubey* 25.8.2006  
(H.S. Dubey)

Commissioner

25-8-2006

Before :-Commissioner Sri H.S. Dubey, Additional District judge/Officer on Special Duty High Court Lucknow.

4-9-2006

O.P.W.17 Dr. R. Nagaswami

( Commissioner appointed vide order dated 01.09.06 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.236/1989) Bhagwan Shri Ram Lala Virajman, Shri Ram Janam Bhumi Ayodhya and others Vs Sri Rajendra Singh and others.)

(In continuation of 25-08-2006 the cross examination of O.P.W.-17 continued on oath, on behalf of Mohd. Hashim ,defendant No. 5 in O.O.S No. 5/89 by Sri M.A. Siddiqui , Advocate.)

It is true that ASI has noticed certain structures at the disputed site beneath the disputed structure.

Q: How many structures have been noticed by ASI as mentioned in the report.?

A: I am unable to say without seeing the report submitted by ASI.

It is correct to say that I have prepared my affidavit by going through the report submitted by ASI deeply.

R. Nagaswami

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been better to appreciate <sup>and</sup> to understand the report properly but I understand their constraint <sup>age</sup> and short of time.

On being suggested by learned cross examiner the witness after going through figure 3A (page 48 A) stated that 28 walls have been shown in this figure. Wall no. 28 <sup>has</sup> have been found in trench J-4. The Level of wall no. 28 as given by ASI is 2<sup>nd</sup> century B.C. corresponding what they call 'Sunga' period. No floor Level is available for this wall in the report. The corresponding layer of wall no. 28 is layer no. 16 of trench G-7 and layer 11 of trench J-3.

Q: You have stated that this wall 28 has been noticed in trench J-4 now on the question of layers in which this wall was noticed, your reply <sup>indicating</sup> ~~the~~ layer 16 of trench G-7 and layer 11 of trench J-3 has that got any significance to wall 28 and the question asked, what would <sup>you</sup> have to say in this regard?

A: The ASI report <sup>says</sup> on page 38 it marks the beginning of Sunga level ( Circa 2<sup>nd</sup>-1<sup>st</sup> century B.C) at the site. So it marks the earliest structural activity at the site and that has relevance and significance to the site. I have nothing to add in this regard.

Wall no. 26 and 27 have been found in another trench i.e. trench no. J-6 and J-7. Again said both the above walls are in trench J-7. Wall 26 and 27 belong to slightly latter period. This period would be around 1<sup>st</sup> century A.D. It is

R. [Signature] 7

not necessarily to give the floor level if they have not been found in the trench, they will not be mentioned. According to ASI report wall no. 26 and 27 are found in layer 10, 11 and 12. I presume that wall no. 26 and 27 have been found in the above three layers. Structure one is 'RamChabootra'.

Q: So far structure two is concerned I can tell about this structure after going through the report. I will be able to give this answer tomorrow?

Structure three has been shown as disputed structure in figure 3A. I can give the details, about the structure four, tomorrow. Structure four consists of 50 meter long wall (wall 16) in the west 50, exposed pillar bases to its east attached with floor two has been identified by ASI. The width of structure four vary from 15 meter to 16.50 meter. The northern side of structure four is wider than in comparison to southern side. The structure four is found in trenches ZE-2, ZF-2, ZG-2, ZH-2 and ZJ-2 in east-west direction and north south direction in trenches E-11, F-11, G-11, H-11 and all the trenches in between, a few trenches in the centre of which have not been excavated.

Structure five is a circular shrine. I did not say that structure five was built in seventh century but I have said that it belongs to tenth century, based on ASI report.

Q: What is a diameter of the circular shrine?

*V.P. Munshi*

( Learned counsel Shri Rakesh Pandey raised the objection to the above question that the witness has not visited the site, the question put the witness is incomplete and vague the learned counsel should point out the relevant particulars of the report)

A: I need more time to reply this question which is only possible after going through this report.

I can reply this question tomorrow morning.

( At this stage learned counsel Shri Rakesh Pandey raised the objection that the area of circular shrine is not mentioned in the report and the witness can answer above question only on the basis of the contents of the report the witness is being harassed by learned cross examiner)

It is true that structure five is below to structure four. According to me structure four is undoubtedly a Hindu temple. In structure three considerable number of architectural pieces belonging to a Hindu temple have been reused including brick-bats from wall 16. It is impossible to give the total number of brick-bats used for core filling of the foundation of the disputed structure.

Q: What were the architectural members of Hindu temples reused in structure three?

A: Fourteen carved pillars including other pieces like 'Amalaka', 'Makarpranala' and other carved pieces <sup>were</sup> ~~that~~ were recovered. But many of them have been disturbed and

R. Pandey







Since the report is voluminous, it requires more time to go through this report and find out the factual data.

The witness stated <sup>that</sup> in the above statement the phrase 'my report' has come in <sup>adventently</sup>, it should be my record deposited in this court. By this I don't mean my affidavit but the ten points of my expertise as stated in my evidence. I have not said that I have come here to depose about these ten points but I have said I have concentrated on these ten point and so I need more time to verify statistical data.

Learned cross examiner drew the attention of the witness towards the phrase 'the other related matter' given in the last para at page no. 134 of today's statement, the witness stated that by this phrase I mean 'style, inscription, dating etc'.

Statement read and verified.

*R. D. Manna*  
04-09-2006

Statement typed on my dictation in open court. Put up for further cross examination on 05-09-2006

*R. D. Manna*

*H. S. Dubey*  
(H.S. Dubey) 4.9.2006  
Commissioner  
04-09-2006

Before:-Commissioner Sri H.S. Dubey, Additional District  
judge /Officer on Special Duty High Court Lucknow.

5-9-2006

O.P.W.17 Dr. R. Nagaswami

( Commissioner appointed vide order dated 01.09.06 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.236/1989) Bhagwan Shri Ram Lala Virajman, Shri Ram Janam Bhumi Ayodhya and others Vs Sri Rajendra Singh and others.)

(In continuation of 4-9-06 the cross examination of O.P.W. 17 continued on oath, on behalf of Mohd. Hashim, defendant No. 5 in O.O.S No. 5/89 by Sri M.A. Siddiqui, Advocate)

Q: Kindly indicate how many courses of bricks in wall no. 26 and 27 were noticed in trench J-7 as already stated by you?

A: I am not in a position to tell even after going through the report of ASI as to how many brick courses were noticed in wall no. 26 and 27 in trench J-7.

Above two walls were made up of bricks. I am not in a position to tell about the height of wall no. 26 and 27.

R. Nagaswami

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Q: Whether wall no. 26 and 27 were also noticed in any other trench besides trench no. J-7?

A: I would like to correct my earlier statement that I am not able to say about the courses of wall no. 26 and 27. I find on page 72 wall no. 26 is said to be made of seventeen courses of broken bricks and wall no. 27 seems to have twenty two courses of bricks. The wall no. 27 is said to run further in either sides of trench J-7. The height of the wall no. 26 is 52 cm where as the height of wall no. 27 is about 110 cm. Wall 26 is seen only in trench J-7 but seems to go underneath and seems to go under the brick pavement in trench K-7 and wall no 27 goes under trench J-6. The wall no. 26 and 27 are noticed in the adjoining trenches i.e. trench no. J-6 and K-7. I don't find that wall no. 26 and 27 go in any other trench except mentioned above.

Q: You have given three contradictory statements regarding wall no. 26 and 27 to be noticed in different trenches. Your first statement which is at page 130 reads ' wall no. 26 and 27 have been found in another trench i.e. trench no. j-6 and J-7' you have again said at the same page that ' both the above walls are in trench J-7' and now you are telling that wall no. 26 and 27 have been noticed in trench J-7 and in adjoining trench i.e. J-6 and K-7. Please tell which of the above statements is correct?

R. Munna

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A: I do not find any contradiction in my statement for what I said in above statement first sentence I have corrected as 'these walls are found in trench J-7' that has been corrected then and there and so I don't find any contradiction in my above statements.

Learned cross examiner drew the attention of the witness to a phrase at page 72 ( last but one para) which reads ' this construction also seems to be a large one and not an ordinary house complex'. The witness said that above statement according to me, the best judge is the person who excavates the site. What has been stated by excavator in page 72 is that constructions seems to be large one and not a ordinary house complex'. The construction mentioned in the above lines seems to refer to wall no. 27. I can not say whether wall 26 is related with this construction or not and said voluntarily because the excavator says that 'the dimensions of which could not be seen as it was attached with sections'. This statement relates to wall 25 and the excavator continues ' same is the case on another earlier wall 26'. ASI says that this construction seems to be a large one and does not say that this <sup>is</sup> an monumental structure. As I have not seen these excavated trenches and the structures I accept the statement of the excavator and have no opinion whether it is a monumental structure or not. As the excavator has

V.P. Munnay



<sup>that</sup>  
stated it is not an ordinary house complex I accept it and do not go beyond it.

Q: Whether this assertion of ASI 'and not an ordinary house complex', excludes the possibility of this construction being used for human habitation?

A: I think that it does exclude construction being used for human occupation.

Q: Whether there is any material to check what have been written by ASI or one has to believe it blindly?

A: I don't think one has to accept all that is written by the ASI without evaluation but in excavation certain conclusions are better arrived by the excavator who is expected to take all aspect and associate finds into consideration before expressing his opinion and it would be difficult for others to arrive at the conclusion.

As I have no doubt about the objectivity of the ASI, I do not question or doubt the statement. So I would not put this question to ASI. The circular shrine mentioned in page 70 in ASI report volume 1 was found resting on wall 19A. I do not see any reason why structure 'circular shrine' could not stand as an independent unit and why it should be attached with another structure.

Q: Whether circular shrine mentioned as structure no. 5 comprised any wall and if so kindly give the number of such walls?

R. Dunning

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A: The circular shrine consists of a circular foundation with bricks with a projection in the eastern side which is an extension of brick entrance structure which is connected to a square formation inside the sanctum all these constitute the structure which may be called a wall or structure.

Q: Whether in your scholarly opinion this structure 5 can be termed a wall or not?

A: I would consider that can be called as a wall or structure.

Wall 21 and 22 are earlier than structure 5. Since wall no. 21 and 22 are earlier than structure 5, therefore have no connection with structure 5, except they are earlier. There is an entrance in structure 5 which is in the eastern side. The width of this entrance is about 1 and half feet.

Attention of the witness was drawn towards plate no. 59 and 60 of the ASI report volume II, the witness after seeing this plate stated that plate no. 59 does relate to structure 5. The eastern wall in this plate is towards east and visible at the bottom. Northern wall of this structure is in the right side of the viewer. I have noticed 'v' shaped groove in the northern wall. The angle of the photographs in plate 59 does not clearly indicate the 'v' shaped groove but it does indicate a line denoting that. A line is visible

R. S. M. M. M. M. M.

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between two bricks on the northern side of the side plate to the right of the viewer indicating 'v' shape groove. There are bricks in either side of this groove. The brick of the lower side is bigger than the brick which is on the upper side of this groove. This groove is wider in the southern side and thinner in the northern side. These bricks are joined with mud mortar. I have already said that the entrance of the circular structure is in the eastern side. The stone slab can be seen in the eastern side of this structure which represents entrance. This stone slab is not decorated. It is a stepping stone. There are five brick courses below this stepping stone. In the right side of this stone slab twelve brick courses are visible from top to bottom. Where as above this stone only five courses of bricks are visible. I do find two courses of brick in the left side above this stone, here I would add that this photograph shows the excavation of half way through and the next one gives the full view after the excavation which should also be read with the report relating to this structure to get full view. My this reply is with regard to plate no. 59. Five courses are visible below the above stone slab underneath of which we have some of the brick courses projecting from the circular structure. The height of brick courses is about 4 to 5 ft. The groove as stated by me followed by bigger brick in lower side and thereafter there is again a brick. In

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between these two bricks there is no other groove. It is only shadow of the bigger brick. On the basis of this photographs, which is only photograph of a half excavated portion, I would not like to comment unless I am allowed to see the other fully excavated photographs and the report of the excavator.

Q: Whether any gap in between these two bricks is visible in this photograph?

A: As I said a line is clearly visible but as we are to arrive at the truth I would like to see the fully excavated illustration and the report.

Q: Is such line as indicated by you here in above is visible in this photograph at any other place?

A: I would prefer to see the fully excavated illustration for giving the answer.

Q: Whether by seeing this photograph no gap in between the two bricks is visible to you except <sup>in</sup> the groove is question, stated by you?

A: I have no answer to the above question.

Q: Whether the groove as stated by you above the bigger brick and below the said brick there being a shadow of a bigger brick, to a common viewer is there any difference decipherable in the groove indicated by you above the bigger brick and shadow below this brick?

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A: I can not give answer as a common viewer but for a trained eye there is a difference between it.

By way of seeing the photograph of plate no. 59 it is not possible to give width and depth of the groove as this is a technical point, I would prefer to see the report of the excavator.

Q: Whether in any structure if the mud mortar between two bricks is removed the gap between the two bricks flowing from the removal of mortar wall resemble to a groove?

A: If mortar in between the two bricks is removed it may resemble to a groove.

This groove is clearly visible in the photograph of plate no. 60. This groove is located in the northern side of structure. This groove is in the <sup>northern</sup> eastern side. It can be determined by the entrance which is towards east and also the indication provided by the excavators by way of an arrow pointing to the north. The arrow mark which is adjacent to the level of trench E-8 and F-8 indicates northern direction. It is a convention both in maps and in photographs to insert an arrow to point the northern direction. At the bottom of this plate, the number of this plate is mentioned as sixty. The groove does not close at the outer side. It is

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immediately seen below the brick at the end of the circular courses of bricks.

Q: Can it be said that the groove to the common man is totally close in northern side and it is visible only to your expert eyes in this photographs?

A: I would not say that this is visible only to an expert eye but with some help any impartial common man could be made to see it.

Stone slab as visible in plate no. 59 ~~to~~ is also visible clearly in plate no. 60. Between bricks projection in the eastern side ( at the top of the photograph). The twelve brick courses which are visible in plate no. 59 <sup>by</sup> the side of stone slab are partially visible in this plate also. The photographs of plate no. 59 and 60 have been taken on different angle. The stone slab in plate no. 60 is visible in white colour. Five brick courses above stone slab as visible in plate no. 59 are also visible in this plate. Since the angle taken in plate no. 60 is different from plate no. 59 hence the bottom courses below stone slab are not visible. A separate wall is visible in plate no. 60 which is in north-south direction. This wall is also visible in plate no. 59. The wall which is visible in plate no. 60 and is in north-south direction can be seen in plate no. 59 in the same direction i.e. north-south direction but to the

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west of the circular structure. In plate no. 59 this wall can be seen over which level of trench E-8 and F-8, an indicator of north direction have been placed. As the circular structure is a secondary shrine in the larger space of the main temple and the wall mentioned above which is in north-south direction are metaphysically associated with the circular shrine. By 'metaphysically' I mean what we call as 'tatva'. Volunteered in Hindu temple there is a main shrine and a number of secondary shrines which are related mutually. The secondary shrine is associated with the main shrine at the religious conceptual level. Whether the wall mentioned and the circular structure are of the same period or not can be replied only after going through the ASI report volume 1, Except the above wall there is an other wall visible in plate 59 and 60. This wall is in east-west direction in plate no. 59 and 60.

Q: Have you considered as an archaeologist whether this structure could be any thing else <sup>✓ plan ✓</sup> a <sup>✓ ^ ✓</sup> Hindu shrine?

A: I have considered and come to the conclusion that the circular shrine could not be any thing other than a Hindu shrine.

R. Munir



I do know about the 'Buddhist Stupas'. It is not possible that this circular structure will represent a 'Buddhist Stupa'. For the reason 'Buddhist Stupa' is a solid globular structure in which the relics of either Buddha or great Buddhist monks will be deposited inside and such Stupa will not have an entrance-opening and no provision for draining the 'Abhisheka' water or liquid as found in the Hindu temple. There are hundreds of Hindu temple where a central deity is a 'Shiv-Linga' for which 'Abhisheka' is performed daily a number of times which requires provision of 'Pranala' in the northern direction as found in this circular shrine. There is no doubt whatsoever that this circular shrine is a Hindu temple and not a 'Buddhist Stupa'. No 'Linga' is found here but as I have said in my earlier statement that this site has been attacked by iconoclasts in the 11<sup>th</sup> century once around 1030 C.E and again around 1080 C.E the idols have suffered and disappeared. No icon have been left in the site except a mutilated sculpture called Divine Couple.

Learned cross examiner drew the attention of the witness towards plate no. 235 of the ASI report volume 2. Having seen this plate the witness stated that this is a Divine Couple to which I have referred above in my statement. I don't say that this Divine couple is associated with circular shrine. What I said was that in this sacred site

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in 1080 C.E. The attacked has been on the disputed site, it is difficult to say which part precisely was attacked at the time. It was a general attacked at both the times where some temple structure had been destroyed. I think that after the first attack in 1030<sup>C.E.</sup> a full scale, classical Hindu temple with all articulated parts with carvings Pillars, Entrance, Jam<sup>&</sup> Shikar was erected which suffered at 1080<sup>C.E.</sup> attacked by Sultan Ibrahim.

Q: Is it correct to say that your above statement "I think that after the first attack.....by Sultan Ibrahim" in reply to my question for indicating the name of any other temple purported to be desecrated by the above persons in 11<sup>th</sup> century at Ayodhya?

A: I would call it the main temple.

*P. Ramanna*  
Statement read and verified.

*P. Ramanna*  
05-09-2006

Statement typed on my dictation in open court. Put up for further cross examination on 06-09-2006

*P. Ramanna*  
*H.S. Dubey*  
(H.S. Dubey) 5.9.2006  
Commissioner  
05-09-2006

Before:-Commissioner Sri H.S. Dubey, Additional District  
judge /Officer on Special Duty High Court Lucknow.

6-9-2006

O.P.W.17 Dr. R. Nagaswami

( Commissioner appointed vide order dated 1.09.06 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 /1989) Bhagwan Shri Ram Lala Virajman, Shri Ram Janam Bhumi Ayodhya and others Vs Sri Rajendra Singh and others.)

(In continuation of 5-9-06 the cross examination of O.P.W. 17 continued on oath, on behalf of Mohd. Hashim, defendant No. 5 in O.O.S No. 5/89 by Sri M.A. Siddiqui, Advocate):-

The eastern entrance to the disputed structure constitutes structure 2. Structure 2 was part of structure three. Whole structure 3 was on a common floor up to a certain point. Structure 2 was at a lower level. I can not mention the total area of structure 3. I can mention the total area of structure 3 after going through the ASI report volume 1. The witness after going through this report stated that the total area of the structure 3 is about sixty square meter. This area does not include structure 2. The length of structure 3 was about thirty meter where as the

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width was about twenty meter. The length of structure 2 was about five meter and width about 1.5 meter. The wall 5 is the western wall of structure 3. The length of wall no. 5 is 6.10 meter. It is incorrect to say that wall no. 5 is fifty meter long. The length of the exposed wall 16 is fifty meter. It is true that according to the report and according to plate no. 24 and figure 5 wall 5 of the structure three<sup>(3)</sup> is resting on wall 16. According to the report wall 5 has the foundation courses resting directly on wall 16.

Q: Would it be correct to say that wall five directly rests on a plastered wall numbered as wall sixteen having five to six courses of calcrete and sand stone blocks and as such wall five has got no foundation of its own except wall 16?

A: I can reply this question only after going through the report, on being permitted by the Commissioner the witness after going through the report stated that this question can not be answered as yes or no but I want to say that on page 52 of the report reads "two decorated sand stone blocks from an earlier structure, one having the damaged figure of a possible foliated 'Makar-Pranala' were found reused in the foundation of wall five on its outer face". So obviously wall five had foundation. This foundation of wall five has not been propounded by me but it is in the report and it does directly rest on wall sixteen.

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Q: Whether do you want to say that the decorated stone having a possible foliated 'Makar-Pranala' was above wall 16?

A: I can reply this question only after going through the ASI report volume 2. On being permitted by the commissioner the witness after going through this report stated that the said 'Makar-Pranala' is over wall 16.

'Makar-Pranala' is found immediately below wall 5 of the structure 3. There is no gap between wall 5 and wall 16 as wall 5 is directly resting on wall 16. The 'Makar-Pranala' appeared as one of the courses of the foundation of wall five. It is incorrect to say that wall sixteen was directly resting on wall seventeen for on the eastern side there is a gap again said I correct it was on the northern side, there is a gap between wall 16 and wall 17 where as on the southern side wall 16 rests on wall 17. Foundation trenches are mentioned in the report for wall 16. At the places where wall 16 was directly resting over wall 17, no foundation was found. Wall seventeen itself acts as foundation of wall 16 at the southern area because wall 16 was directly resting over wall 17 on such places. Though wall 5 directly rests on wall 16 it is a foundation for the disputed structure. I don't want to say wall 16 acted as foundation of the disputed structure but as the disputed structure is laid not only where wall 16 is available but also

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extends to other areas where there are no foundations. A uniform foundation has been provided for the disputed structure and so the bottom courses of wall 5, resting on wall 16 constitute the foundation. The disputed structure rests partially on wall 16 and also on some pillar bases and it is in that sense we may say that the disputed structure rests directly over structure 4. Structure 3 is on a floor numbered as floor one by the ASI. The massive structure or temple structure as told by me, has got a floor which has been numbered as floor 3 by the ASI. There was a gap between floor 1 and floor 3.

Q: Whether the structures found below a particular floor as noticed during the course of excavation are termed in archaeology that such structures were sealed by the said floor?

A: In archaeology a structure found beneath another floor can not be termed as sealed by upper floor if there is an intervening layer and it is that layer which seals the structure.

We don't use the term one layer settling down the on the other, seals the lower one.

Q: If there is a floor above a layer could this layer be said to be sealed by such floor?

A: We generally say the floor lies over the layer.

P. Manning

Q: Have you ever come across in any excavation reports that word sealed has been used in such reports?

A: Yes, I have seen the word sealed being used in the excavation report.

We use this word in archaeology, in case of the pits or dumps.

Q: If there is a floor and below such floor there are certain structure covered by such floor what term would you use to depict such a situation that such and such structure is covered by such floor?

A: We would say the floor lies over the structure or the structure is found beneath the floor because covering will extend to whole structure and if it is partially covered our expression may fall short of the full definition.

Structure 3 does not cover fully structure 4. As the middle part of both the structure 3 and also 4 could not be excavated it is not possible to give what area is not covered by structure 3.

Q: Whether yours saying that whole of the structure 4 was not covered by the floor of the structure 3 is confined only to the middle area which was not excavated due to the existence of make shift structure?

A: I say it is not possible to give what is the area not covered by the disputed structure out of the total structure 4. There are some parts in the central part which had not

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been excavated so that part have to be excluded, but structure four extends beyond the area covered by the disputed structure.

Q: On one hand you say that it is not possible to describe the area not covered by the floor of structure three and you also say that whole structure 3, ~~whole~~ structure 4 was not covered by floor of structure 3, is such reply is imaginary?

A: This reply is not imaginary but down to earth reply as reflected in the report.

Q: Whether the structures found below floor 4 shall be said to be covered by floor 4 or sealed by floor 4?

A: It depends upon the area covered by floor 4 and the location of the structure.

Q: This question has been put to you regarding the excavation at the disputed site. Whether I may ~~be~~ assume that you don't want to reply my question?

A: I do not accept the suggestion that I don't want to reply but as the disputed site is very large in area and also I don't understand what the learned cross examiner means by "the structure" if it is explained to me, I may reply.

My answer to the last question written in my statement at page 153 does not confine to the middle part not excavated site. By this middle part I mean that part

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which is covered by make shift structure and for which there is a direction not to excavate that part.

Q: Can you describe what other part, in which direction including the size and dimension, was not covered with the floor of structure 2 and 3?

A: I can reply this question after going through the ASI report. On being permitted the witness perused the report and stated <sup>that</sup> the floor 3 is irregular and is found towards east of disputed structure and it is not possible to give the area covered by floor 3. Regarding structure 2, floor 3 does not extend to the level of structure 2. So the possibility of giving the area does not arise.

Q: There is no whisper even to any part of my question in your aforesaid reply which you have made considerably after a good amount of time after going through the report, may I presume that you do not want to reply my question?

A: I regret to know that though I have given the direction of floor 3 and the irregular nature and impossible nature of giving the total area requested and also the area covered by the structure 2 is not properly appreciated and my answer is said to have not even to whisper of part of the question. I am convinced that I have given the answer to the best of my ability that it would be appreciated.

R. Arun

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Q: Kindly give the number of floor over which in your perception, or as per report, structure 2 was existing?

A: I am unable to say the floor number as that part at the eastern entrance has many alterations and additions in recent times.

Structure 4 consists of wall 16 and 17 and wall 18A, 18B and 18C with attached floors, floor 2, floor 3, floor 3A and floor 4. Wall 16 is set to have been built in three phases the bottom one consisting of 10 courses of bricks and the upper one in 2 phases consisting of 6 courses of brick and floor 4 said to consist of red brick rammed floor. Wall 17 is <sup>said</sup> to be 1.86 meter in width. Wall 16 is of 1.7 meter width. Wall 16 runs to 50 meter and to east of these 2 walls are a number of pillar bases total number 50 all these constitute structure 4. Only these are the component of structure 4.

Q: Whether any thing more consisted structure 4 as per your own perception or as per ASI report?

A: As I have not visited the site and seen the structure my reply can not be based on my own perception but I can only say what is found in the report. I have nothing to add in the reply to the above question.

Whatever I have said about structure 4 constitute different part of the structures and the floors are attached to the walls and not found on the floor. Generally floors are

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Dr. P. M. M. M.

laid after the walls are erected. In some instances structure can be even without floors. We lay steps to reach higher storey, the steps will be without floor. The first step may be on a floor or even on a natural rocky surface or ordinary earth. I agree that any structure ultimately needs a floor. The dimensions of the circular shrine is about 1.89 meter which is the diameter, (the diameter of the circle) with a rectangular projection 1.32 meter in length and 32.5 cm projected towards east. The inner square of the sanctum is about 60 cm. I am unable to say about the distance of circular shrine from southern part of wall 16. I am not even able to say about distance of circular shrine from any part of wall 16, because circular shrine is at a lower level and wall 16 at a higher level. It is correct to say that figure 3A (page 48A) is on scale. It is also correct to say that wall 16 and structure 5 have been shown in this figure. The circular structure is about 3 meter from wall 16. Structure 5 is in its eastern direction. The distance mentioned above is from southern end of wall 16. It is correct to say that structure 5 is below the floor of structure 4.

Learned cross examiner drew the attention of the witness on page 131 (3<sup>rd</sup> and 4<sup>th</sup> line) and asked whether any disturbance is noticed in layer 10, 11 and 12 at the said point. The witness after reading this statement stated that this question can be replied only after going through the

P. N. Manoj

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report. On being permitted the witness after the perusal of the report stated that no disturbance is recorded in the layer 10, 11 and 12 at the said point. Volunteered that my reference to layer 10, 11 and 12 on page 131 of my statement relates to wall no. 26 and 27. No disturbance was noticed by the ASI in these layers.

The purpose and utility of 'Pranala' is to drain the water or liquid. Normally small projection not necessarily of one foot, is required to drain the water with falling immediately on the wall but in many instances the provision is either provided or sometime even left out. It is true that in the absence of any projection, the water would fall on the immediate wall and affect it, but if the wall is highly polished or of stone, it will not affect the wall at all. If the wall is of brick or of mud, it will affect. This will not be so severe in case of brick wall, but if the brick wall is built by mud plaster, it will be affected.

I have not heard about 'Persian wheel'. The process of drawing water from wells is called 'Picota' or even 'Basket'. 'Picota' is just a bucket having globular bottom and a handle, tied with a rope, which is lowered into the well and water is drawn up either by hand or through a wheel with the help of bullocks. I have heard about oil expeller driven by bullocks. We call it oil-press. Sugar cane production is not attempted in modern times in my area,

R. Ramana





but in earlier time government license was required and use it. I am talking about Cane crusher. Cane crusher is driven by bullocks. I have heard about floor mills driven by bullocks. A circular plate/form with a groove going around is required for <sup>all</sup> those.

I would like to say that architectural pieces of Hindu temple, which I have mentioned are listed in detail by the ASI in two tables. From page 122 to 152 detail of these objects have been given in which the registered number, description, trench number, layer, depth are given for each and every architectural member. Part A of these artefacts ends at page 131 running from serial number 1 to 159 and part B ranges from 131 to 152 from artefacts number 1 to 286, thus the total number of artefacts would be 445. Most of these artefacts are related to a religious Hindu temple. Here I would like to say that in Hindu temple built up of stone only the visible part of the stone will be dressed and the rest will go into the fabric of the wall and will not be dressed, for it saves labour and also provide a better grip. In the list provided I find most of the architectural pieces listed are dressed on some part or other and it is evident that most of them are from a classical Hindu religious temple. There are some stones where 'Arabic' inscriptions are also seen but from the description it seems that they were also originally part of the Hindu relig<sup>ious</sup> temple.

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accounts of gazetteers that are confirmed by the excavation report.

I will give the number of architectural members of list which are either doubtful or not belonging to a temple <sup>Nandu</sup> architecture. The detail of those artefacts which indicate about the two attacks mentioned by me will also be given tomorrow.

Statement read and verified.

*R. M. n. n. n. n.*  
06-09-2006

Statement typed on my dictation in open court. Put up for further cross examination on 07-09-2006

*H. S. Dubey*  
(H.S. Dubey) 6.9.2006  
Commissioner  
06-09-2006

*R. M. n. n. n. n.*

Before:-Commissioner Sri H.S. Dubey, Additional District  
judge /Officer on Special Duty High Court Lucknow.

7-9-2006

O.P.W.17 Dr. R. Nagaswami

( Commissioner appointed vide order dated 1.09.06 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 /1989) Bhagwan Shri Ram Lala Virajman, Shri  
Ram Janam Bhumi Ayodhya and others Vs Sri Rajendra Singh  
and others. ) ✓

(In continuation of 6-9-06 the cross examination of  
O.P.W. 17 continued on oath, on behalf of Mohd. Hashim,  
defendant No. 5 in O.O.S No. 5/89 by Sri M.A Siddiqui,  
Advocate):-

In my yesterday's statement I had stated that carved or  
dressed part of stone will be visible out side and rest of the  
stone will be inside the wall. Generally this practise of using  
stone is not found in residential <sup>buildings</sup> and also the architectural  
treatises do not approve the use of stone for residential  
purpose.

On page 122 of ASI's report volume 1 details of  
architectural members have been given, the total number of

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artefacts mentioned in this report are in list A, 159 members and in list B 286 members are mentioned <sup>out</sup> of these architectural members. The following mentioned <sup>at</sup> serial no. 9, 20, 43, 48, 76, 78, 90, 141, 144, 145 and 146 (of list A) are not architectural pieces related to Hindu religious temple. Similarly in list B in my opinion there is no piece of the list which is not an architectural piece, belonging to the Hindu religious temple. Meaning there <sup>that</sup> ~~by~~ <sup>by</sup> all the artefacts of list B from serial no. 1 to 286 are related to the Hindu religious temple. Volunteered and stated that out of total no. 445 architectural members listed in both the list only 11 pieces are not architectural pieces connected with Hindu temple i.e. 434 pieces are related to the Hindu temple. Most of the members listed <sup>or</sup> ~~to~~ described in the ASI's report are said to have dressing <sup>on</sup> on one side and many of them carry architectural design found in the Hindu temple like 'Pattika' and marked as 'Lotus-Petal', 'Ghat-Palluv', 'Shri-Vatsa' motive 'Bas-relive', Alingan-Mudra', Shakhas' Entrance door frame and, the like, in addition to the report of ASI which says considerable number of architectural pieces belong to stylistically 11<sup>th</sup> century Hindu temple and with no suggestion anywhere either in the ASI report or other related documents the dressed stones have been brought from else where and read in collaboration with the early <sup>inscribed</sup> ~~inscribed~~ gazetteers which consistently <sup>in</sup> 18<sup>th</sup> and 19<sup>th</sup> century categorically say that there existed a Hindu temple

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which was demolished and the <sup>in</sup> material used in the disputed structure make me think that most of the material<sup>used</sup> in the construction of disputed structure are from the Hindu temple that existed in that site itself.

Q: Whether you don't want to reply my question as to on what basis or what is the distinction in between the artefacts you have described not to belong to Hindu religious temple. In your above lengthy statement there is no whisper to my question. What have you to say in this regard?

( Learned advocate Rakesh Pandey raised the objection on the above question that the witness has already given the reply to the question raised by learned senior cross examiner. The reply given by the witness is discloses the facts that in the ASI report it is no where mention building materials were brought from some where else and the disputed structure was raised by reusing the material of earlier temple)

A: I have mentioned the difference in carvings<sup>of</sup> the stone slabs at the very first instance of my reply even giving the names like 'Pattika' etc which are distinct feature of Hindu temple architecture and also other reasons while in my opinion the dressed stone slabs belong to Hindu temple. So the suggestion<sup>that</sup> I am not giving the reply stands negative. The 11 items as stated by me except 1 item no. 43 which bears a legend that reads " India 19<sup>th</sup> hundred one rupee" is not a member of Hindu temple the other 10 items<sup>could</sup> be used in

P. Pandey

the Hindu temple but as they are not specific and could be found elsewhere also I considered them as not belonging to the Hindu temple.

Q: Do you mean to say that the remaining 434 items of list A and B are of such a nature which can not be expected to be used in any other building except the Hindu religious temple?

A: In my opinion taking into consideration all the materials and data furnished by the ASI in this report and also nearly 72 architectural pieces which are now preserved in Ayodhya under the orders of the court which include mutilated figure of 'Uma-Maheshwer' and another God probably of 'Vishnu' ahead of Lord 'Shiva' with beard mutilated and Goddess 'Yamuna' seated in a tortoise a number of carved pillars of the same type has been found in the disputed structure and 4 pieces of corner 'Aamalaka' pieces and articulated carved 'Adhisthan-Bargas' 2 'Chandra-Shilas' which were the stepping stone and other pieces of Hindu temple architectural removed from the disputed site and listed by the government all viewed in the context I do not think that all these dressed stones could have been used in any other structure except the Hindu temple of 11<sup>th</sup> century which existed <sup>at</sup> the site. I have nothing to add in reply to above question.

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Q: Whether important architectural members as indicated by you like the 'Amalaka' the 'Makar-Pranala' can be reused in a Hindu temple even at the very place absolutely in a disrespectful manner e.g. concealing its appearance and using it in the foundation?

A: In the normal circumstances the architecture members of a temple should as far possible <sup>be</sup> used in their original position, but in case of danger to the structure or the temple by way of epidemics, flood, fire or destruction by the enemies which are considered "Apad" and any action taken is acceptable'.

Every stone pieces used in the Hindu temple is revered and respected. Architectural members which are mentioned from serial no. 1 to 5 on page 122 of ASI report volume 1, are stone piece, because this chapter 6 deals with stone architectural fragments under subheading 1( page 121).

Learned cross examiner drew the attention of the witness towards para 3 on page 121 of above report which reads " majority of these..... all these members" the witness after going through these four lines, and stated that I agree with the 1<sup>st</sup> sentence, but not with the 2<sup>nd</sup> sentence <sup>reading</sup> "it is very difficult to identify the functional utility of all these members". Because in archaeology we try to put together even broken pieces of pottery and try to reconstruct the shape of the pot and its general character. Similarly even if the stone is plain and

R. Ramalingam

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fragmentary it is necessary that they are seen in the context and viewed as a whole and as such it is not difficult to identify the functional utility of these pieces. I will not say that the excavator<sup>✓</sup> has<sup>✓</sup> failed to discharge their duty but they have<sup>✓</sup> given the basic data as required by the court with in the stipulated time and then interpretation has to be taken up in the context in which it is required.

Q: Does the certificate given by you to the ASI men that an excavator is the best judge to tell about the artefacts found by him during excavation not hold good for this sentence?

A: I have said that the excavator is the best judge in certain aspects of digging like layer, relating structure etc but certain works are taken out and examined in laboratory and by experts to give their opinion which is perfectly normal in archaeological excavations and reporting. In the sentence of para 3 on page 121 of the above report the ASI has given the data and their opinion but it is left to the experts to interpret.

Q: Your statement from page 163 to 1<sup>st</sup> para of page 164 'Volunteered and stated ..... in that site itself' is based upon which page, para or chapter of ASI's report. Kindly indicate?

A: My statement relating to the 434 architectural members is based on the chapter 6 sub heading 1 page 121A (figure 58, figure 59 page 121B) and the two, lists provided in page 122 to 152. Where as rest of my reply is based upon from

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the write up of the same chapter, where there is no suggestion of these architectural pieces having been brought from any where else and third part of the answer is based on gazetteers of 'Oudh' and imperial gazetteers of Faizabad, and report on the land revenue of Faizabad and also report on the territories of the government under the East-India Company all published between 1858 and 1908 by then British government.

Q: As I understand that you are making the above statement as an expert archaeologist and in your understanding the gazetteers and the other material mentioned by you in your above reply forms part of excavation in question?

A: As an archaeologist who provide expert opinion on excavated findings and the questions that arise interpreting that data it is always necessary and contextually relevant to refer to undisputed documents that are available and in this case the excavation reports and its findings as confirmed beyond any doubt what has been consistently mentioned in the above gazetteers which becomes inevitable.

Q: Whether as per orders of this Hon'ble court the ASI was required also to find out and report regarding the place from which the materials found could have been brought and the means of conveyance?

A: In many cases archaeologist does mention the sources from where some materials are obtained e.g the coin of 'Akbar' was found in this excavated site, is mentioned as

*O.R. Munir*

*[Signature]*



seen in the above plate no.25. Plate no. 50 illustrates the carved stone lintel which is related with the attack of 1080 and plate 51 also depicts the attack of 1080 A.D. Plate no. 52 is related with the same attack. These are the stone slabs which in my opinion are indicative of above mentioned two attacks in Ayodhya at the disputed site.

Q: Can you give the slightest indication in these photographs depicting 'the two attacks even giving the year and place'?

A: The very broken condition of the inscribed slab lying, (at this stage the witness perused the ASI report volume 1 on being permitted by the commissioner) not only the broken condition of the inscribed slab but also the way in which it is lying in layer 7 of trench J-3 figure 22 of the ASI report volume 1 is indicative of damage suffered during the attack of 1030 A.D. However no damaged part will bear any sign, in saying that these damages or the position is due to an attack. So the condition or location are indicative of the damage this slab suffered in 1030 A.D. So archaeologists look for the cause of this condition and it is seen from the gazetteers that Ayodhya suffered in 1030 A.D. by Syed Sa<sup>dar</sup> Masud who established his capital 10 miles away from Ayodhya and the history shows that it was the first Islamic attack. And in the beginning in the 11<sup>th</sup> century it is known from several places the temples were the centres of attack because they contained

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enormous treasures of gold, gems and other valuables. The second attack was by Sultan Ibrahim in 1080 A.D. In both the instances it was then known that the main idols suffered and the structure was only partially damaged. So the fallen architectural pieces of the temple that existed there were hurriedly used to erect the second enclosure wall for which they were used as the foundation. So the very place where they are found is indicative of the attack.

Q: Have you to add any thing more in reply to my question which reads as under "Can you give the slightest indication in these photographs 'depicting the two attacks even giving the year and place'?"

( Learned counsel Shri Ved Prakash raised the objection of above question and said that the witness has already answered the same question put to him earlier. The question again put merely indicating of the fact that the witness is being harassed and the court time is being wasted)

( In reply to the above objection the learned cross examiner submitted that the objection has been raised without appreciating the implication of the question. The witness has not been required to reply the question again and the objection is absolutely misconceived.)

A: I have answered this question by saying apart from the damaged condition and the place where found, no conqueror leaves any writing on such structure, the date of

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Before:-Commissioner Sri H.S. Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.

8-9-2006

O.P.W.17 Dr. R. Nagaswami

(Commissioner appointed vide order dated 01.09.06 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.236/1989) Bhagwan Shri Ram Lala Virajman, Shri Ram Janam Bhumi Ayodhya and others Vs Sri Rajendra Singh and others.) ✓

(In continuation of 7-9-06 the cross examination of O.P.W. 17 continued on oath, on behalf of Mohd. Hashim, defendant No. 5 in O.O.S No. 5/89 by Sri M.A Siddiqui, Advocate):-

The important architectural members mentioned by me in yesterday's statement, find place at page no. 123 serial no. 25 registration no. 121 ( Pattika type design), 'Ghat-Pallav' has been mentioned as serial no. 122 of list B on page 140 registration no. 4, 'Ghat-Pallav' also occurs as serial no. 225 and registration 101 page no. 148, 'Ghat-Pallav' also occurs in serial no. 130 registration no. 994 of list A in page 129, 'Shri-Vatsa' is mentioned as serial no. 134, registration no. 973 page

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no. 129. I have also mentioned in my yesterday's statement about 'Bas-relief', the witness after going through the ASI report volume 1 could not find this member in list A or B mentioned earlier. I have also stated about 'Alingan-Mudra' which find place in list A item no. 148 registration no. 1184 page no. 130, 'Uma-Maheshwar' is a different member and is not mention in both the above lists but I have mentioned these items from the items collected from the disputed site and listed by U.P. Government and preserved in Ayodhya under the orders of the Hon'ble Court. I have also mentioned 'Shakhas' which find place as serial no. 38 list B page 134; another item also referring 'Shakhas' is item no. 39 registration 5 of the same list on page no. 134. Two more references also find place about 'Shakhas' in these list. Item no. 200 registration no. 76 page. 145 of list B deals with 'Shakhas' and item no. 230 on page 148 registration no. 106 also deals with the same object. Item 200 on page 145 and mentioned above is a mutilated carved 'Door-jamb'. I have mentioned this item as entrance door frame in my earlier statement. Lord 'Vishnu', Lord 'Shiva' with beard and mutilated and Goddess 'Yamuna' seated in a tortoise mentioned by me on page 165 of my statement, all these three items are not mentioned in the above two lists. But are mentioned in the list of artefacts collected in the disputed site and kept in Ayodhya by U.P. government under the orders of Hon'ble Court. Those items are not the part

*Dr. P. M. ...*

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of the excavated items by the ASI. I have seen this list and <sup>the</sup> the order of the Court, not in the report submitted by ASI but somewhere else. This is my inference that the nature of the broken condition of the inscription and the place where it is found indicate the attack. That took place at the said place. In archaeology data collected in excavation needs to be interpreted from the context and reference to related textual material from known authentic sources. If we are to repeat what is mentioned in the excavation report, the purpose of the excavation which is reconstruction of the History, is not possible. As such I am obliged to refer to relevant data and express my opinion on the excavated material and the circumstance. Volunteered I would like to correct my statement that the word 'Bas-relief' could not be found in the two lists of ASI report but now I do see that word used in describing the item no. 133, registration no. 958 at page 129 referring to low relief, carved in the architectural piece. In my opinion all the architectural pieces mentioned in the above two list were used in the construction of the disputed structure, but not in the foundation of wall 16. In my opinion none of the architectural pieces listed in the above two lists of the ASI report, has been used in the foundation of wall 16 as the ASI report on page 122 says that "various architectural members with similar decorative designs have been found used in the foundation of one of the major brick structure (wall 16)

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exposed in this excavation" so I take all these items are different from those used in the foundation of wall 16. However in my opinion all these items mentioned in list A and B were used in the construction of disputed structure because all these pieces listed in above two lists were found mostly in the debris and floor 1 indicating that they have all fallen from the disputed structure. In my opinion all these architectural pieces except 11 mentioned by me in my earlier statement were, initially used in the Hindu religious temple that was immediately below the disputed structure and formed a part of various basic parts of the temple like the 'Base', the 'Wall', the 'Cornis', the 'Shikhar', 'the Amalaka', and the 'Entrance' etc. All the architectural members mentioned in list A and B stated here in above in my statement were used <sup>in</sup> the structure <sup>at</sup> floor 4 which was attached to wall 17. <sup>later</sup> on when this temple structure was demolished and fully wiped out under the orders of 'Babar', the architectural members of this earlier temple were reused in the construction of the disputed structure. Thus I want to say that these architectural member were originally used in the temple and after its demolition reused in the disputed structure.

Chapter 5 of ASI report deals with 'pottery' it ranges from page 73 to page 120. As I <sup>am</sup> not an expert in north 'Indian pottery' I will not be able to give my assessment on 'pottery'. I have not gone through this chapter. I <sup>have</sup> not gone

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through the chapter 'pottery', <sup>C</sup> chapters 7, 8 and 9 the topics dealing with 'terracotta figurine', 'inscriptions', 'seal', 'sealing' and 'coins' and Miscellaneous objects the topics in which I am not an expert. I have not studied them in detail except perusing them in a very general way. I have also stated in my earlier statement the area in which I have specialised.

Learned cross examiner drew the attention of the witness towards page no. 73 of the ASI report volume 1. With the reference to first 4 lines of chapter 5 dealing with 'pottery' <sup>beginning</sup> <sup>with</sup> <sup>the</sup> <sup>excavation</sup>..... period IX, I can neither say 'yes' or 'no' about the opinion expressed in these lines as I am not expert and I would leave it to more competent experts to deal with this subject.

Q: No expertise is required in the above sentence the ASI has said that the excavation has revealed a continuous sequence of cultures right from period 1 to 9. The question you have to reply is, you agree with this statement of the excavator or you dispute it?

(Learned advocate Shri Ajay Pandey raised objection to the above question that the witness has already stated that he has not gone through this chapter and he also not an expert of pottery in that case above question should not be allowed )

A: As this sentence is a preamble to the next sentence which requires competence in 'Ceramics', I am unable to give any answer.

P. M. N. 111



Q: Whether in your opinion wall 16 is associated with the temple structure indicated by you have been found at floor 4?

( Shri Ajay Pandey advocate raised the objection to the above question that this question has already been asked many time therefore same question should not be allowed to be asked)

A: In my opinion wall 16 is undoubtedly related to the temple structure, I have mentioned.

It is not correct to say that only objects found insitu are given importance.

Q: Whether an item found during excavation on 'surface, in debris, pits and fills is to be treated as an archaeological evidence?

A: I think this question has been asked earlier but I give the answer that the objects found in debris and surface are also considered <sup>as</sup> archaeological evidence and are given importance in the context.

'Pottery' and 'terracotta' objects have also their value in archaeology but its interpretation require expertise and as I am not specialised in north 'Indian pottery' and 'terracotta'. I have not studied them in detail to give an appropriate answer. 'Pottery' and 'terracotta' objects are also of common use but their interpretation is to be seen in the context with reference to the site.

Dr. M. N. S. S.



The ASI report as may be seen has been prepared by a large number of experts each specialising in one subject or two. One has to confine to the expertise he is proficient with

Q: You have said that in a given situation the pottery and the terracotta objects may constitute the important part of the excavation, whether any conclusion without deeply going through these chapters and two more chapters i.e. chapter 8 and 9 a correct conclusion can be drawn regarding the excavation report?

A: Depending on the agency which submits the report of technical nature and its reputation in particularly the 3 chapters mentioned, one accepts that part for a general <sup>on</sup> view but the conclusions are not with the reference to <sup>the ongoing</sup> ~~goes~~ three topics but in the field in which one is expert, is possible.

I have mentioned about the book written by Shri Dhani in my earlier statement, on being shown the book titled as "Indian palaeography" written by Mohd. Hasan Dani published by 'Munshiram Manohar Lal publisher pvt. Ltd.' The witness stated that this is a book to which I have mentioned in my earlier statement

Learned cross examiner Shri M.A. Siddiqui filed Photostat copy of the titled <sup>page a</sup> ~~as~~ and the preface to the second edition as well as of the preface to the first edition (pages IX to XXI) of the book entitled as "Indian palaeography" by Mohd. Hasan Dani. The witness after going through the

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Photostat copy of the title<sup>page</sup> and preface coupled with page IX to XXI and the original book provided by learned cross examiner at this stage stated that this is true photo copy of the titled page, preface and above mentioned pages.

With reference to page 20 (paper no. 325C1/12) second paragraph of the above as <sup>extract</sup> which reads 'the scope of the present book..... proto-regional' the witness stated that the author says the scope of this book is limited to 8<sup>th</sup> century A.D.

I do not think that this book has no value in deciding the age of later writings at Ayodhya for it gives the basic evolution of Brahmi script. In the preface to the first edition which reads as "The following pages attempt to trace the evolution of script originating from Indian Brahmi. I think it has its value in determining the date of 10<sup>th</sup> century or 11<sup>th</sup> century script.

Q: Whether determining the age of an inscription on palaeographical assessment on the basis of references finding place in the book confined up to 8<sup>th</sup> century A.D regarding the inscriptions of latter period may result in bringing such determinations to be incorrect or doubtful?

A: In order to determine the relevant inscription does not belong to 8<sup>th</sup> century but later is determined by a reference to such standard work is necessary and then only we go in for referring to details about later period. Dani being an outstanding scholar the reference to his work in my opinion to

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determine the later character assignable to post 8 century A.D. is necessary.

Q: In palaeography on the basis of shape, size and formation of a <sup>letter</sup> later to have been verified <sup>to</sup> with certainty, we confirm <sup>the</sup> to <sup>other</sup> letters of inscription with such inscription and as such if a book is confined up to 8<sup>th</sup> century then whether it would be material to compare <sup>with it</sup> the letters of an inscription said to belong to later period and the inference drawn about such period would be correct?

A: I have said in earlier that though we may feel at the first instance that an inscription might belong to 10<sup>th</sup> or 11<sup>th</sup> century, It is necessary to <sup>first</sup> eliminate that the inscription does not belong to earlier period by referring to standard work like that of 'Dani' which ends with 8<sup>th</sup> century. Then reference is made to other works to determine closely the date of the inscription though the book ends with 8<sup>th</sup> century we considered it necessary that reference to such work help us in determining the date of inscription.

It is wrong to suggest that what ever I have said in my affidavit is not correct and is imaginary in supporting the ASI's report. It is also wrong to suggest that my deposition supporting ASI report is imaginary. It is wrong to suggest that conclusion drawn by me with regard to ASI report are wrong. I do not agree that I have not taken into account the social aspects of the situation as such my inferences are incorrect. It is

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wrong to suggest that conclusion I have mentioned are affected by non consideration of the Islamic objects found during the excavation. Some Islamic object was found during excavation at the disputed site. It is wrong to suggest that I have not considered the bones and skeletons, therefore my conclusion are wrong on this basis also.

Q: You have not taken into account the importance of western wall visa vis the Mosque and such as the conclusions drawn by you are incorrect?

A: It is incorrect to say that I have not taken into consideration the importance of western wall visa vis a Mosque, as such my conclusion are wrong.

Q: Is it correct to say that the structure found at floor 4 associated with wall 17 and 16 was definitely an Eid-Gah and when the level of the floor on account of the flood situation was required to be raised and by that time the area of the city having expanded the Eid-Gah was shifted and has been built which still exists near Saket College and at the said site the disputed structure, the Masjid, was built?

A: It is totally incorrect to say that an Islamic structure can be built over another Islamic structure. The disputed structure rests directly over wall 16 which is clearly a part of the Hindu religious temple that existed there, the architectural parts of which have been used in constructing the disputed structure.

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It is not correct to say that I am overwhelmed by the obsession that Muslim rulers destroyed temple, desecrated icon etc and on account of such obsession my statement is obsessed by such impression.

The cross examination of this witness by Shri M.A. Siddiqui Advocate on behalf of defendant no. 5 in O.O.S 5/89 concluded.

statement read and verified.

*R. M. ...*  
08-09-2006

Statement typed on my dictation in open court. Put up for further cross examination on 11-09-2006

*P. R. ...*

*H.S. Dubey*  
(H.S. Dubey) 8.9.2006  
Commissioner  
08-09-2006

Before:-Commissioner Sri H.S.Dubey, Additional District Judge / Officer on Special Duty High Court Lucknow.

11-9-2006

O.P.W.17 Dr. R. Nagaswami

(Commissioner appointed vide order dated 01.09.06 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.236/1989) Bhagwan Shri Ram Lala Virajman, Shri Ram Janam Bhumi Ayodhya and others Vs Sri Rajendra Singh and others.)

(In continuation of 8-9-06 the cross examination of O.P.W. 17, on behalf of The Sunni Central Board of Waqfs U.P, defendant No. 4 in O.O.S No.5/89, by Sri Z. Jilani , Advocate, started on oath):-

Yesterday I have visited excavation site at Ayodhya but I have not visited the whole part of the excavation site. I could see only what was visible on the upper-part level. In some area 'Taurpolin' was removed and thus I could see that part also. There was no area which was not allowed to be seen by me but some of the trenches were too deep and dark so I could not see the depth of some of the trenches existing there. It is true that only two trenches J-3 and G-7 are very deep, rest of the trenches are not so deep. All of the trenches except J-3 and G-

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7 were seen by me yesterday. I have seen the trenches on all the 4 sides of make-shift structure. Stones, carved stones and bricks used in walls 16, 17 and 5 etc were also seen by me yesterday. I have seen circular shrine also. Now, I can easily reply about the location of the different trenches. I have also seen the floors visible in the different trenches. I have seen all the 4 floors of different trenches. After seeing the excavation site yesterday I hold the same view which I have expressed in my affidavit as well as in my earlier statement. I remained at the excavation site for 1 hour. All the persons who were there remained only for 1 hour because the site opened at 11 A.m. and was closed at 12 P.m. noon. In the present condition I should say that I am satisfied with this 1 hour visit. I was accompanied by Shri Ajay Pandey advocate, and also by Shri Madan Mohan Pandey Advocate. Mr. Triloki Nath Pandey was also present during this time with me. I saw some dignitaries and 1 Muslim gentleman and along with them was Mr. Verma Advocate.

Attention of the witness was drawn to paras 6 and 16 of the affidavit. In para 16 of my affidavit I have given the details of various excavations conducted by me. All these excavations sites are situated in Tamil-Nadu. I have conducted nine excavations. Out of these nine excavations, all of them were directed by me. I did not prepare the report of excavation of all these nine sites. They were to be prepared by Archaeologist

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in-charge of these excavations, except the third one 'Vasa-  
vasa Mudram'. The report of this excavation was prepared and  
published with the collaboration of archaeologist in-charge of  
excavation. Recently some reports of these excavation have  
been published but I have not received the copies there of. I  
don't know whether reports of all these excavation have been  
prepared or not because all these reports were to be prepared  
by archaeologist in-charge of these excavations. After 1988  
when I retired, from the department, I ceased to have any  
connection with the department. I am not aware as to how  
many reports of these excavations have been prepared. I was  
the head of the department which had large number of other  
sectional activities like epigraphy so excavation was one of the  
sections which was headed by an Archaeologist and  
subsequently we had district archaeological officers who were  
entrusted with the responsibility of excavation and preparing  
the report. In all these excavation I was the director of  
excavation by virtue of office as a director of archaeology  
department of Tamil Nadu. It is true that actual supervision of  
the excavation was conducted by the respected archaeologist  
as in-charge of the excavations. I used to visit these excavation  
sites once in a season or twice in a season. All the excavations  
which are mentioned in para 16 of my affidavit were  
conducted during the tenure of my directorship of the state  
archaeology department. Some of these excavations were

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completed during my tenure and some of them even continued after the tenure of my office. During the excavations as mentioned in para 16 of my affidavit, remains of any temple were not found in any excavation. In para 6 of my affidavit I have mentioned about excavations and explorations. The details of the excavations mentioned in para 6 have been given in para 16 of my affidavit. Explorations as given in para 6 of my affidavit also refer to the exploration of the sites which are mentioned in para 16 of my affidavit. Apart from the excavations and explorations as mentioned in para 16 of my affidavit, I have not conducted any other excavation or explorations. During the excavation as mentioned in para 16 of my affidavit, no human or animal bones were found during any of the excavations of these sites. One site had not been mentioned excavated during my tenure is not included in para 16 of my affidavit. That was a Megalithic buried at Madurai, excavated by my archaeologist which contained a full human skeleton. The year of this excavation I don't remember at this stage. Only one skeleton was found during this excavation. which was found inside of a huge 'Ur n'. This 'Ur n' was 2 and a half feet height, fairly big in size to accommodate a human body. No animal bone was found during this excavation also. Glazed ware and glazed tiles were not found in any of the excavation mentioned in para 16 of my affidavit and the site which I mentioned here in above today. I have

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mentioned in para 8 of my affidavit about International 'Shaiv-Sidhant' Research, Dharm-Puram, Madras. This is not a government institute and it is not aided by the government. It is established and administered by an 400 years old 'Muth' and was established 25 years ago. I am associated with this Institute only for the past one and half year in <sup>honorary</sup> ~~honoree~~ capacity. The 'Dharm-Puram Muth' which has its office in Madras and also at 'Dharm-Puram' in 'Nagpattanam' district in Tamil-Nadu governs above Institution. The main purpose and object of this institute is to undertake research in literature, Music and study of Manu- Script publication and presently to establish a Deemed University to study Inter religious understanding. This Institute is not concerned with excavation.

In para 9 of my affidavit I have mentioned about the field of my specialisation. In general parlance archaeology is supposed to be confined to excavations only but actually it includes Epigraph, Iconography, Numismatics and other branches also.

Q: By using the term archaeology in para 9 of your affidavit do you mean to suggest that excavation is also your field of specialisation?

A: Yes, it includes excavations.

It may be assumed that I have specialisation in excavation also. Subsequent to my retirement no licence for excavation was applied or granted to me. During the

*Dr. R. M. N. N. N.*

*[Signature]*

tenure of my office as director all the licence of excavations were granted in the name of the department. It is true that no licence of excavation was ever granted in my personal name. Subsequent to my retirement I have not been in any excavation site for any length of time except visiting some excavated sites. During my tenure as director, I might have stayed for 5 or 6 days in a season in the major excavation sites and for a day or two in minor excavations sites. During my visit to the excavation site while I was in service I used to supervise and observe the excavation.

In para 10 of my affidavit, I have mentioned about 26 books but none of them relate to the excavation of any north Indian site. If the term archaeology is to be confined to excavation only then none of these books deals with the principles of archaeology. In para 11 of my affidavit I have given the list of the books edited but none of these books relate to excavation of any north-Indian site. None of these books relates to the principles of excavations. None of the articles mentioned in para 12 of my affidavit relates to any north Indian site of excavation. None of the lectures delivered by me and mentioned in para 13 of my affidavit relate to any north Indian site of excavation. some of the lectures like 'Temples and festivals', 'Temples art and architectural

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and royal patrons and Shav-Pasupatas' in art and lectures do have reference of north Indian temples. The lecture I gave at 'Combodia' in 2005 and National Khmer research institute of Combodia also referred to north Indian temples and art. These references relate to north Indian temples of 'Gupta' period to 12<sup>th</sup> – 13<sup>th</sup> century A.D. There was no reference of any temple of Ayodhya in these lectures. The conferences I have listed in para 14 of my affidavit did include my paper in all the conferences. In the conferences which have been mentioned in para 14 of my affidavit I did not contribute any paper regarding any excavations site of north India except one organised by British Museum London.

A part of my paper 'Kumbhakonam' a sacred city included 'Aspects of excavation' conducted by the University of Madras but this does not relate to any north Indian site. The last three public honours mentioned in para 15 of my affidavit were conferred on me for my contribution to Archaeology. They do not specify any particular excavation done by me. Other honours and awards mentioned in para 15 of my affidavit also do not relate to any excavation work done by me. With reference to specific excavation none of the world opinions listed by me as annexure 1 were expressed. None of these opinions expressed by different persons as given in

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annexure 1 to my affidavit relate to any excavation work conducted by me. None of the committees mentioned in para 18 of my affidavit relate to any archaeological excavations. In para 19 of my affidavit I have mentioned about 'Famous London Natraj case'. The one metal image of 'Natraj' was found lying buried behind a dilapidated temple, accidentally found by a labour. Out of a number of images found this, this dancing image of 'Shiva' was sold and smuggled out of India and was caught by 'Scotland Yard Police' and the case was instituted in the London High Court by the government of India and I was deputed as an expert witness in the court. So many questions were put to me in that case relating to the concept of temple, how a temple is dated and whether space connected with the temple is temple itself and so on. The main claim in that case was to return the smuggled image of 'Natraja'. 'Shiva' in dancing form is called a 'Natraja'. This image of 'Natraja' was found behind a Shiva temple near town 'Kumbhakonam' in Tamil- Nadu. This 'Natraja' image was not found during the course of any archaeological excavation. This 'Natraja' belongs to 12<sup>th</sup> century A.D. In general the metal of this 'Natraja' is called bronze. After the High Court judgement this matter was taken to a court of Appeal i.e. 'House of Lords' and then it was

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taken to 'Privy council'. The name of Lord Justices mentioned by me in para 20 of my affidavit are the names of the Lord Justices of House of Lords. It is incorrect to say that after the judgement of the House of Lords this matter was not taken to <sup>P</sup>privy council. In para 22 of my affidavit, I mentioned about my contributions which are detailed in annexure 2 ( paper no. 28/21 to 23). On paper no. 28/21, I have mentioned about 'under sea archaeological explorations'. These explorations were undertaken by me in 1981-82. It was only in respect of an ancient township believed to have been submerged in the Ocean of the coast of 'Punpuhar' at the mouth of river 'Kaveri'. Subsequently 'under-water' excavation was conducted there, after my retirement. The report of this excavation was published about 10 years back by the Oceano-graphic survey of Goa. There is a mention of exploration in that report but my name is not mentioned in that report. When the report was published I was not in service. The report was not brought to my notice for quite some times and when it was brought to my notice, I did send a letter of protest to the government of Tamil-Nadu but they did not reply. The omission of my name in the above report is not scientific but such an omission is not unusual in Indian context. At paper no. 28/22, it is mentioned that I made archaeology very

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popular in Tamil-Nadu among school students teachers and public. I made it possible where ever the excavation was conducted. I encouraged near-by schools to bring students in large number to the excavation site and explained them the significance of the finds and the structures in person besides organising the lecture by men of letters and public speeches at the site itself and also by organising music and dance at the excavated site which used to draw several thousand villagers to look at the structure in the trenches and organising special training programme for the teacher. In this way I made the archaeology popular. I used music, dance and drama also to popularise archaeology and history. I considered that bringing the result of archaeology to the masses as an important part of archaeology as is mentioned by Sir Mortimer Wheeler in his book 'archaeology from the earth'.

I have studied select number of excavation reports of importance e.g.

1. Excavations at 'Arikamedu' by Mortimer Wheeler.
2. Excavation at 'Brahm-Giri'
3. Excavation at Lothal
4. Excavation at Sirpur
5. Excavation at Maha-sthan and the like.

R. Ramani

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Prof. H.D. Sankalia was my guide in Ph.D. but I value his book more ' Archaeology in India' for it deals with the summary of all the excavations and the research. He was a great excavator. He is said to be the Doyen of Indian Archaeology. He was working in the Deccan college Puna under the University of Puna as a Professor in Archaeology. I have not heard the name of Prof. R.C. Gaur. Lothal is a Harappan site excavated by S.R. Rao who submitted his report published by ASI. This excavation was conducted some times around 1955 and 1962 but exact date I don't remember at this stage. M.S. Naga Raj Rao was Director General of Archaeology. He has also published some reports. He was an archaeologist. I have heard the name of Dr. Z. D. Ansari of Deccan college of Puna. It is known that Nagraj Rao and Dr. Ansari conducted excavation at 'Sangankallu'. There is a famous excavation conducted at a 'Atranji-Khera', Dr Z.D. Ansari and Dr. N.K. Dhawlikar had conducted excavation at 'Kayatha'. Jagatpati Joshi was an archaeologist and Director General of ASI. He has also given excavation report regarding excavation at 'Bhagwan- Pura'. Dr. S.P. Deo is also a famous archaeologist, he also belongs to Deccan college of Puna. I have no idea whether he has given excavation report about 'Apegaon' excavation. I don't have any idea about

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the excavation at 'Tulza-Pur Gadhri' in Maharashtra. Similarly I don't have any idea about the excavation at 'Nageshwar' in (Gujrat) in the gulf of 'Katch'. The M.S. University of Baroda also conducts excavations and they bring their Archaeological series and reports of excavations also. Excavation at 'Pauni' it is a well known site. In all these excavations referred to above there is a separate chapter dealing with animal bones.

At this stage learned cross examiner Shri Z. Jilani Advocate, counsel for Sunni Waqf board U.P. filed Photostat copies of 11 extracts of different reports (paper no. 326 C1/A to 326 C1/106 ). These papers were taken on record subject to the order of Hon'ble court.

All the papers mentioned herein above were shown to the witness who, after going through these papers, stated that extracts of all these 11 reports contain chapters dealing with animal bones or animal remains. If the bones are found from any excavation site then they are collected separately and studied and report on them is included in the full excavation report of the respective sites. With reference to page 270, last para, lines 5 and 4 from bottom, of ASI report volume 1, the witness stated that there is mention of recovery of animals bones from various levels of different period, but there is no separate chapter dealing with these bones in this report.

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Q: Don't you think that this<sup>is</sup> a serious and major omission in the ASI report?

A: In my opinion, this is an extraordinary case where an archaeological excavation is conducted under the orders of the Judiciary to solve a specific problem regarding the existence of structure/ temple beneath a disputed structure and carried out and report submitted within a very short period. In all probability the ASI concerned itself with the main problem, including some details of animal bones. It would have been useful to provide some more details about the animal bones in the report. In my opinion though in normal course of a full excavation a chapter on animal bone is essential but in this particular extraordinary case I am not able to assess why the ASI has omitted this chapter.

statement read and verified.

*R. Ramani*

11-09-2006

Statement typed on my dictation in open court. Put up for further cross examination on 12-09-2006

*R. Ramani*

*H.S. Dubey*  
(H.S. Dubey) 11.9.2006

Commissioner

11-09-2006

Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.

12-9-2006

O.P.W.17 Dr. R. Nagaswami

( Commissioner appointed vide order dated 01.09.06 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.236/1989) Bhagwan Shri Ram Lala Virajman, Shri Ram Janma Bhumi Ayodhya and others Vs Sri Rajendra Singh and others.)

( In continuation of 11-9-06 the cross examination of O.P.W. 17 continued on oath on behalf of The Sunni Central Board of Waqfs U.P, defendant No. 4 in O.O.S No.5/89, by Sri Z. Jilani, Advocate ):-

I have perused some of the site note books containing day to day details of the excavation. In some of these note books details about finds of bones are mentioned. I have seen site note book about trench J-3, G-6 only these two I remember at this stage. I don't remember about the details given in site note book regarding trench G-7. I have not been able to see day to day register said to be maintained by ASI. Bones have been recovered from the layers of different trenches pertaining to early medieval period, medieval period and late medieval

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period. If the animal bones are found in the regular layers of early medieval, medieval and late medieval period then the excavator has to send these animal bones to the specialist and after receiving the report from them may infer the significance of these finds. If there are cuts in the bones, the excavator may infer that the animals were used for food by the people who were using that site or they were rearing the cattle. Such inference may be drawn after getting the report of the specialist in this connection. Said voluntarily, I made enquiry in this regard and Prof. R.S. Sharma, well known historic archaeologist, in his work 'urban decay' states that in historical archaeology the animal bones found in the excavation is not of much consequence because it seems that he was <sup>viewing</sup> ~~receiving~~ an excavation report on 'Chirand' in Bihar where the excavator has given great details about animal bones in the report and Mr. Sharma seems to have criticised the report of animal bones and in that context he has made this statement. I am not aware as to who conducted the excavation at 'Chirand' and <sup>in</sup> ~~is~~ which year. Mr. Sharma has written these details in his book mentioned above. I have not read this book written by Prof. R.S. Sharma. I have no idea about the year of publication of above book. I have not even seen the above book of Prof. R.S. Sharma. Prof. R.S. Sharma has been Professor in Delhi University and also Chairman of Indian council of Historical research. I can't say whether Prof. R. S.

R. Sharma



Sharma has not made any such observation as mentioned above about the significance of bones, I will check up the book. Had there ~~not~~<sup>2</sup> not been significance of bones, there was no occasion for great archaeologists to have given separate chapters in their excavation reports. Prof. B.B. Lal is also a famous archaeologist. Excavation at 'Kali-bangan' was conducted by Prof. B. B. Lal and Shri J.P. Joshi etc. It may be possible that 'Kali-bangan' excavation report contains chapter on bones running in 72 pages.

At this stage learned counsel for Sunni Waqfs board Shri Z. Jilani filed Photostat copies of title pages and extracts of various excavation reports. These papers were taken on record subject to the orders of Hon'ble Special Full Bench and were marked as paper no. 327C1/1 to 327C1/57.

After going through these papers the witness stated that the report of excavation at 'Kali-bangan' was published in 2003 by the Director General of ASI under the memoris of the ASI, number 98. In this report the description of animal remains of 'Kali-bangan' has been given under the heading 'technical reports running from page no. 267 to 339 ( paper no. 327C1/3 to 327C1/17). The other report is the excavation report of 'Nabda-toli' by H.D. Sankalia and in this report the description of report was given in appendix 3 running from page 431 to 439 (paper no. 327C1/20 to 327 C1/28).

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( At this stage Sri Rakesh Pandey Advocate, raised the objection that if a particular fact is given in the document filed by learned cross examiner then there is no sense of asking the page numbers and the name of the persons who authored these reports. By asking such questions, time of the court is being wasted)

In page no. 439 paper no. 327C1/28 Prof. H. D. Sankalia has written "because of the large number of bones ..... forming and cattle rearing", since I am not an expert of bones, I can't give my opinion about the above observation made by Shri H. D. Sankalia. In the report of excavation at 'Ahar' Shri H. D. Sankalia has written a chapter on animal remains under appendix 3 which runs from page 237 to page 245 ( paper no. 327C1/31 to 327C1/39 ). The report on Harappan civilisation and 'Rojdi' by Gregoary L. Posschl and M.H. Rawal was published by American Institute of Indian Studies. This American Institute has published other books also including 'Encyclopædia of Indian temple architecture' etc. The report of excavation at 'Surkopatada' in 1971-72 written by Jagat Pati Joshi and published by the Director General ASI contains a chapter or 'animal bones' remain under the heading 'technical reports' running from page 372 to 383 ( paper no. 327C1/46 to 327C1/ 57). In this chapter the figures of some bone pieces have also been given.

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Q: In this report on page 382, paper no. 327C1/56 under the sub heading 'discussion it have been observed that the faunal material collected from different periods at 'Surkotada'..... also indicate food habits of people' do you agree with this observation?

( Shri Rakesh Pandey Advocate, raised objection to the above question that the learned cross examiner has filed extracts of report and unless and until the original report is brought on record he should not be permitted to ask question from the photo copies of extracts. Learned cross examiner is also creating confusion by putting question like whether Jagat Pati Joshi has written this report where as it is not evident from such extract of the report as to who prepared the report. There were several persons in the team and it can not be said the report in respect of animal bones remains contained at page no. 372 was prepared by Jagat Pati Joshi and such no opinion of Jagat Pati Joshi in respect of report can be given by the witness).

A: Since the full report of this excavation is not available in this court I am not in a position to give my view about the discussions referred to above .

I am not aware about the procedure as to how a human skeleton is dated. Recently a new method has been developed in this regard but I am not aware of it. The only conventional method is by referring it to stratigraphical position in the

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respective trenches. Opinion about the dating of the human skeleton can be given depending upon the secure stratigraphical position of the skeleton i.e. the place of recovery of bones. It is true that period of a specific bone can be given on the basis of stratigraphy. On page <sup>44</sup> 4 of ASI report volume 1, under the titled <sup>44</sup> 'period IX' (late and post Mughal level) in the second para last two lines read "some times around this period ..... which are sealed by layer <sup>5</sup> 1". In these lines period has been given on the basis of stratigraphy. The report does not give the details of the dead bodies, their locus and their numbers etc. If human burials are found during excavation they must be recorded in a scientific manner by the excavator. If so many human burials are found during excavation then a separate chapter should be assigned to them in the report of excavation. The omission to give details about the human skeleton and scientific discussion may proportionately affect the result of the excavation report depending upon the level in which the skeleton has been found and the problem with which the excavation is concerned. I do not know as to in which position and in which direction human bodies are placed in the grave by the Muslims. So far as Hindus of north India are concerned they keep the head towards south and it applies to all parts of Hindus. I am saying this fact on the basis of religious texts as well as religious

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practice that Hindus put the heads of their dead bodies towards south at the time of burial.

I have not done any excavation in northern part of India, except that I had my training at 'Kali-banga'. All my excavations are confined to south India. I have conducted only one excavation pertaining to medieval period which was done in Tamil Nadu. This excavation belonged to 11<sup>th</sup> century – 'Chola Dynasty'. During this period, i.e., in 11<sup>th</sup> century, in north India the Islamic invasions had started. In this period 'Chauhans' were ruling in north India. In the site relating to 11<sup>th</sup> century the local type of potteries were recovered and very few celadon shards were found in this excavation. In no other excavation relating to medieval period I was associated. Since I was not associated with the excavations relating to 'medieval period sites' therefore I am not aware about the nature of potteries of this period. Stone sculptures, metal, bronze images are some of the objects that used to be found in the excavations of north India relating to medieval period and if they are significant enough and reported I know about them. I have been <sup>not</sup> associated with any excavation relating to medieval period temple sites or Mosque sites.

Main methods of excavations are horizontal and vertical excavations. Open area excavation is either horizontal or vertical excavation. Quadrant excavation is that type of excavation in which we divide the space of excavating trench

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into four equal squares leaving bank in the middle for working purposes and extend this trench lay out as required horizontally.

Q: Is it correct to say that this description of Quadrant excavation is not correct because Quadrant excavation is the excavation of round mounds which are excavated in round shape?

A: I think whether the mound is round or square, for purposes of recording three dimensional measurement of antiquities found, we require the square formation and that is what is known as quadrant excavation.

Stratigraphy is useful source of deciding the periods of object found in the trench by conventional methods. More and more scientific methods are overtaking the stratigraphy method of dating but it still has its usefulness. I do suggest that stratigraphy has taken second position with reference to scientific technique in modern times. The proper method of identification of layers is by colour, deposits and the course of settlement. For distinguishing one layer from the other its colour, deposits, compactness and the course of the layer are seen. By the term 'mixed deposit' I mean different types of deposits. If one deposit of a particular period is found with other types of deposits of different period, I don't think it will be called as a mixed deposit. If deposit of two different periods are found in the same layer it calls for proper explanation by

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the specialist or excavator. If there is no disturbance in the layer then we will know that it belongs to that layer.

Learned cross examiner drew the attention of the witness on page 37A of the ASI report volume 1 and asked, how many layers have been shown in trench J-3? The witness after going through this chart, stated that trench J-3 shows 15 layers. Showing layer 2 to 6 in white colour in trench J-3 does indicate the same type of layer. From this chart it is not possible to say whether there is a pit in layers 2 to 6 in trench J-3. It also does not indicate that layers 2 to 6 of this trench are regular layers. Having shown page 46, para 1, first 4 lines of above ASI report the witness stated that it is mentioned here that layer 1 to 6 of trench J-3 belonged to the pit and their numbering is superficial. On page 47 of the above report in the first para it is mentioned that the material from layers 2 to 6 in trench J-3 was actually from the pit. There exists discrepancy in the number of layers mentioned on page 46 and 47 regarding the pit in trench J-3.

Q: As there is discrepancy in the description of pit in J-3 as given on pages 46 and 47 referred to above, which of these two descriptions will be accepted as correct by you?

A: I would like to correct my earlier statement that there is a discrepancy with regard to description of pit in trench J-3 for the statement on page 46 relates to layers of the pit, from 1

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to 6 which are considered superficial but statement on page 47 relates to material from layers 2 to 6 in trench J-3.

In view of above description the chart given on page 37A showing 15 layers in trench J-3 is correct because the report itself says that the layer number 1 to 6 of this trench J-3 are superficial.

Q: Whether you are aware of any such other excavation report in which 6 layers have been assigned to a pit and numbering of regular layers has been made there after, by counting the layers 1 to 6 belonging to that pit?

A: I have not come across any report of such nature.

The term 'sterile layer' indicates that there is no deposit in that layer. If any layer indicates a flood period then that will be called 'flood layer' not 'sterile layer'. Sterile layer is also given a regular number.

Plate no. 5 of ASI report volume 2 was shown to the witness who after viewing the same, stated that labels of floor 2, floor 3 and floor 4 can be seen in this plate. Label of layer 4 is also affixed below the label of floor 4. According to this plate floor 4 is above layer 4. It is correct to say that on page 37A floor 4 has been shown below layer 4 in trench G-7. Thus in this chart the position of floor 4 vis- a-vis layer 4 has been wrongly shown. On viewing plate 5 it is clear that there exists a layer just above layer 5 and below layer 4 which has not been numbered. Again said it seems that the ASI's excavator

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Q: Can you point out any portion in the report of ASI where they might have given stratigraphy of the above mentioned northern side trenches?

A: I can reply this question tomorrow after going through the report.

statement read and verified.

*D. P. Munnar*  
12-09-2006

Statement typed on my dictation in open court. Put up for further cross examination on 13-09-2006

*D. P. Munnar*

*H. S. Dubey*  
(H.S. Dubey) 12.9.06  
Commissioner  
12-09-2006

Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.

13-9-2006

O.P.W.17 Dr. R. Nagaswami

( Commissioner appointed vide order dated 01.09.06 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.236/1989) Bhagwan Shri Ram Lala Virajman, At Shri Ram Janam Bhumi Ayodhya and others Vs. Sri Rajendra Singh and others).

( In continuation of 12-9-06 the cross examination of O.P.W. 17 continued on oath on behalf of The Sunni Central Board of Waqfs U.P, defendant No. 4 in O.O.S No.5/89, by Sri Z. Jilani, Advocate, ):-

On page 59 of the ASI report stratigraphy is mentioned about trench F-1. Description given on page no. 59 relates to pillar base and not about the entire trench. This page does not give number of layers and periodization, regarding the same. I have not checked up whether there is any other description about the stratification of trench F-1 given at any other place in this report or not. Trench ZF-1 is shown in figure 14 ( page 68A) it gives both plan and elevation of the trench ZF-1 and the elevation gives all layers and structures in detail also on

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page 24 and 40. In the respective writer trench ZF-1 details is provided. On page 24 complete stratigraphy of trench ZF-1 has not been given, similarly periodization of this trench is not mentioned on the above page. On page 40 there is only reference of wall 17 with reference to trench ZF-1 but stratigraphy and periodization have not been given but I would consider what is given on page 40 with reference to trench ZF-1, is part of stratigraphy. In figure 14, layers 1 to 6 are mentioned. It seems that it is a scientific drawing which gives scale measurement. The scale given in this figure 14 is immediately below the plan. 100 cm is equal to 1 meter.

Q: Since 100 cm is always equal to 1 meter hence this can not be the scale of this sketch. What have you to say in this regard?

A: I have no answer of this question as the scale given is a scientific measurement, and thus gives the measurement of the excavated trench.

In figure 14 there is no mention of periodization and floors. By looking this figure it can not be said as to on which floor a particular pillar base exists. Again said floor is mentioned in this plan. The floor and pillar base is also shown. It is not clear as to on which floor, pillar base was found in this trench. Detail about stratigraphy in trench ZF-2 is given on page 24. On being shown page 24 of ASI report volume 1 the witness stated that trench ZF-2 is not mentioned in this page.

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Again said details about trench ZF-2 given at page 56. These details are only in respect of pillar base. Complete stratigraphy and periodization is not given on this page though some details are provided. The details about trench ZG-1 given in figure 8 and page 26. Page 26 does not give complete stratigraphy and periodization. This figure gives complete stratigraphy but no periodization is given in this figure. In trench ZG-1 only one layer has been shown in this figure while the rest are covered by structure. According to this figure only one layer was found in this trench ZG-1. According to this figure 3 floors have been shown in the above trench. Pillar base no. 7 is shown on floor 3.

Q: According to this figure 8, pillar base no. 7 appears to have been shown much above floor 2 and as such it is totally wrong to say that pillar base no. 7 has been shown on floor 3. What do you say in this respect?

A: It is not correct to say that the pillar base no. 7 is shown much above floor 2 as the section shown in the plan is projected in the elevation, shown above, that shows the pillar base beginning from much below floor 2 where the brick bats are also shown. The section line makes it abundantly clear.

On page 58 pillar base no. 8 has been shown in trench ZG-1 and in the column of any other feature 'projected over the surface of floor 2 is mentioned'. In figure 8, pillar base no. 7 has been shown in trench ZG-1 where as on page 58 pillar

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base no. 8 has been shown in this trench. In this way there is discrepancy between these two details but I have to check up other maps of the report to show that which description is correct. The description about stratigraphy and periodization about trench ZG-2 is given on page 57 but this does not give complete stratigraphy and periodization except some details about its position. It does not show on which floor pillar base no. 4 was found in this trench, but under the column 'any other feature' it mentions that the base was damaged by the rectangular pit of the burial obviously the floor could not be found. On page 56 trench ZG-2 is showing pillar base no. 3 projected over the surface of floor 2. Both these columns could not show layer number. In figure 8, 2 pillar bases number 7 and 10 have been shown, where as on page 58 and 59 pillar base no. 8, 11 and 12 have been shown in trench ZG-1. Thus there is discrepancy about the pillar bases shown in figure 8 and description given on page 58 and 59 of the above report. Details about trench ZH-1 stratigraphy are found on pages 28, 41, 57 and also 69 where as in textual portion details about stratigraphy and also periodization are given in figure 8' and 14 some details are provided.

Q: On none of these pages and figures given by you, there are full details of periodization or stratigraphy. What do you say in this respect?

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A: In figure 14 ( page no. 68A ) the full details about trench ZH-1 is provided and as such it is wrong to say <sup>that</sup> details are not provided in <sup>any</sup> of the above pages and figures.

Q: In figure 14 how many layers and how many floors have been shown in trench ZH-1?

A: In figure 14 three layers are shown and pillar base but no floor has been shown in it.

On page 58 and 59 of the ASI's report volume 1 pillar no. 9 and 13 have been shown in trench ZH-1 where as in figure 14 only 1 pillar base has been shown in this trench. Some details about trench ZH-2 stratigraphy have been given in page 28 and 57. But they are not complete details of stratigraphy and periodization. Some detail about trench ZH-3 is given at page 56 of the above report.

Q: On page 56 there is no detail about stratigraphy and periodization regarding trench no. ZH-3?

A: At page 56 item no. 1 pillar base is mentioned <sup>at</sup> baulk of ZH-3 and ZH-2 and baulk of trench ZH-3 and ZH-2 are related to both the trenches but they do not cover these two trenches fully.

Figure 9 and figure 10 of ASI report gives details about stratigraphy of trench H-1. There are no details about periodization though the full stratigraphy is given in figure no. 9.

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Q: Is it correct to say that figure 10 relates to trench J-1 and figure 9 relates to trench G-1 and not to trench H-1?

A: It is not correct to say that figure 9 relates to trench 1 but clearly it relates to trench H-1. Similarly figure 10 does not relate to trench G-1 but it clearly relates to trench H-1.

Q: Is it correct to say that even in both these figure 9 and 10 there is no periodization and even layers have not been shown?

A: In both the figures, figure 9 and 10 though the periodization is not given layers are marked distinctly.

Q: How many layer numbers have been given in figure 9 and 10?

A: In figure 9 there are 5 layers marked while in figure 10 three layers are marked.

Q: No layer numbers appear to be visible either in figure 9 or in figure 10, kindly explain?

A: Though there is no layer no. in figure 9 and 10 but distinct marking for each layer is given in both the figures which distinguish the layers.

Q: In figure 9 pillar base no. 13 and 14 have been shown while on page 59 of the report pillar bases 13 and 14 have been shown in trench no. ZH-1 and in the baulk of trench ZH-1, H-1. What would you say in this respect?

A: I do not think that there is any discrepancy between the details as given in page 59 and figure 9 as both the pillar

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bases seem to be cutting through baulk between the ZH-1 and H-1 trenches.

Q: You have stated that figure 9 and 10 relate to trench H-1 but the pillar bases no. 18 and 19 shown in trench H-1 on page 60 of report do not appear to have been shown either in figure 9 or figure 10. Is it not also a discrepancy between these figures and page no. 60?

A: Figure 9 relates to western section of trench H-1 whereas figure 10 relates to eastern section of trench H-1, these are on different sections and sides and I do not think that there is any discrepancy.

Figure 8 and 10 give the details of trench G-1.

In both the figures i.e. 8 and 10 no layer number or periodization is given though distinct marks are given to distinguish one layer from another.

Q: In figure 8 pillar base no. 7 and 10 have been shown while on page 57 and 58 these pillar bases have been shown in trench ZH-1, as such either figure no. 8 does not relate to trench G-1 or description of pillar base number 7 and 10 on pages 57 and 58 of the report is wrong. What would you say about it?

A: As each trench has four sides and the figures given relate to only one direction, in order to arrive at the correctness of the pillar base number it is necessary to study the full lay out and detail before giving any response.

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In figure 10 pillar bases are shown on going below floor number 3. On which floor it rests can be seen only from ASI's report.

Q: On the basis of the statement given by you today can it be said that all the pillar bases shown in the northern side were attached to floor 2?

( Shri Rakesh Pandey advocate raised the objection on above question that learned cross examiner should point out the statement on the basis of which he wants the witness to answer this question)

( Shri Z. Jilani, Advocate, in reply to above objection submitted that the learned objecting counsel should have remained in court or should have gone through the statement recorded today before raising the objection because the entire statement recorded today so far, relates to the northern side trenches in which pillar bases are said to have been found by the ASI in the northern side)

A: I will be able to answer regarding all the pillar bases of northern side after studying them in detail again. The time required to peruse the report in this regard depends on the relevant portion of the report.

Q: Can you reply this question tomorrow?

A: Yes.

Learned cross examiner drew the attention of the witness on page 52, para 2 of the ASI report, volume 1 and enquired

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whether the witness can tell about the correctness or incorrectness of the statement made in this para about "50 exposed pillar bases to its east attached to floor 2 or the floor of the last phase of structure 4". The witness stated that I require some time to study about these 50 pillar bases.

Q: Have you not yet studied about these pillar bases?

A: I have studied them but in order to give the factual answer to this question particularly relating to 50 pillar bases it requires some time to restudy them.

In the above paragraph structure 4 refers to wall 16 and wall 17 and wall 18 A, 18 B and 18 C and the floors attached to them. In plate no. 35 it refers to contemporary floor 2.

Q: What is meant by 'contemporary floor 2' mentioned in plate 35 of ASI report volume 2. Does it mean contemporary to wall 16 or 17 or it refers to the disputed structure of Babri Masjid or to some other period?

A: Word 'contemporary' in plate 35 of ASI report volume 2 refers to the pillar bases and the floor 2 which was attached to wall 16 in its last phase of construction.

Q: Do you mean to say that these pillar bases shown in plate 35 were of the period of wall 16 and 17?

A: I do not mean to say that the pillar bases shown in plate no. 35 are related to both wall 16 and 17 but they are certainly related to floor 2 which in turn relates to wall 16.

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Plate no. 25 of the above report was shown to the witness who, after seeing this, stated that this plate does show foundation of wall 17. Meaning thereby that foundation of wall 16 is not visible in this plate. Carved stone visible in this plate forms part of foundation of the wall 17. Whether brick courses visible in this plate form part of wall 16 or 17 can be answered by me only after going through the ASI's report volume 1. I do not agree with the suggestion that the foundation wall as visible in plate 25 is part of 'Eid-Gah' wall. I am unable to say from the photograph whether any floor is visible in this plate.

Q: Whether you are in a position to tell that the upper level i.e. surface of floor 4 was above the decorated stone visible in plate no. 25?

A: I would like to correct my statement on the wall number and being a technical report I may be allowed to see the ASI report, volume 1, before giving the answer to this question.

Learned cross examiner drew the attention of the witness towards the statement recorded on 22-8-2006 recorded on page 87 para 3 which reads "and intangible basis may be noticed..... in 'Hindustan' ". The witness after going through the above portion of statement stated that I have not studied 'Aine-Akbari' as such I am not in a position to say where the said statement is mentioned in 'Aine-Akbari'. I

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have read about this statement in a gazetteer. I will give the reference of this gazetteer tomorrow. It is wrong to say that such statement is not there in 'Aine-Akbari'.

With reference to my statement recorded on page 147; "it was attack by Syed Salar Masuad and Sultan Ibrahim" I don't know whether Sultan Ibrahim and Sultan Ibrahim Lodi were the same person or they are two different persons. I don't know as to which dynasty, Sultan Ibrahim referred to by me, belongs as the gazetteer that mentions Sultan Ibrahim and his attack does not give further details about his dynasty. Which is that gazetteer, I don't remember at this stage. I will give its reference tomorrow.

statement read and verified.

*R. M. ...*  
13-09-2006

Statement typed on my dictation in open court. Put up for further cross examination on 14-09-2006

*R. M. ...*

*J. S. Dubey*  
(J.S. Dubey) 13.9.2006  
Commissioner  
13-09-2006

Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.

14-9-2006

O.P.W.17 Dr. R. Nagaswami

( Commissioner appointed vide order dated 01.09.06 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.236/1989) Bhagwan Shri Ram Lala Virajman, At Shri Ram Janam Bhumi Ayodhya and others Vs. Sri Rajendra Singh and others).

(In continuation of 13-9-06 the cross examination of O.P.W. 17 continued on oath on behalf of The Sunni Central Board of Waqfs U.P, defendant No. 4 in O.O.S No.5/89, by Sri Z. Jilani, Advocate),

The statement of Aine-Akbari referred to by me yesterday is published in the "Gazetteer of the territories under the government of East-India company" by Edmand Thornton published in 1858. The invasion by Syed Salar Masood is published in "Gazetteer of Audh" published in 1878. It is in the same gazetteer that the invasion by Sultann Ibrahim on Ayodhya is also mentioned.

I have read the following books which are:-

*R. Ramani*

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1. Archaeological Survey of India (four reports) made during the years 1862-63-64 and '65) by Alexander Cunningham, C.S.I. ✓
2. India An Archaeological History by Dilip K. Chakrabarti. ✓
3. The Ancient And Medieval Architectur<sup>re</sup> of India: A Study of Indo-Aryan Civilisation by E.B. Havell ✓
4. Studies In Indian Iconography by P.K. Agarwal ✓
5. Indian Architecture ( Buddhist and Hindu) by Percy Brown. ✓

The following books which I have not read are:-

1. Brahmi Script volume I and II by Ram Sharma.
2. Studies In Indian Archaeology and Ancient India by Prof R. C. Gaur. ✓
3. An Encyclopaedia Of Indian Archaeology by A. Gosh ✓
4. Archaeology Theory An Introduction by Mathew Johnson. ✓
5. Gleanings of Indian Archaeology, History and Culture Edited by Prof K.D. Bajpai, Prof Rajesh Jamindar and Dr. P.K. Trivedi .
6. Tradition And Archaeology by Himanshu Prabha Jain and Jean Francois Salles .
7. Aspects of Indian Archaeology by M.D.N Sahi
8. The Roots of Indian Art by S.P. Gupta .

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9. The History Of Architecture In India Edited by Vibha Tripathi
10. Archaeology And Interactive Discipline by S. Setter and Ravi Korisettar
11. New Frontiers of Archaeology Edited by S.R. Rao
12. Indian Archaeology Since Independence Edited by K.M. Shrimali
13. Architecture In Medieval India Edited by Monica Juneja
14. Historical Archaeology of India by M.A. Dhavlikar
15. Memoirs of Baber, Emperor of India by F.G. Talbot
16. U.P. District Gazetteers Barabanki by Smt. E.B. Joshi
17. Ayodhya-History, Archaeology and Tradition Edited by Prof. L. Gopal.

Although I have not read the following books but I have heard the name of the following books which are authored by the persons whose names are given against the book name.

1. Ancient India Bulletin Of The Archaeological Survey Of India by V. Gordon Childe, N.P. Chakravarti, Stuart Piggott and A. Ghose.
2. Ancient India Bulletin Of The Archaeological Survey Of India by M.S. Vats, Stuart Piggott and A. Ghose
3. An Encyclopaedia Of Indian Archaeology By A. Ghose

O.P. Nandan



4. Selected Art Pieces Of Aligarh Archaeology Museum (1988) by R. C. Gaur
5. India - An Archaeological History by Dilip K. Chakrabarti
6. Indian Architecture Islamic Period by Percy Brown
7. Indian Archaeology A Review ( 1985-86 ) by Jagat Pati Joshi
8. Indian Architecture ( Buddhist and Hindu ) by Percy Brown
9. Memoirs of Baber, Emperor Of India by F.G. Talbot.

I know the names of following authors but I do not know the names of the books written by them and they are:-

1. M.C. Joshi
2. S. Setter and Ravi Korisettar
3. S. R. Rao
4. K. M. Shrimali
5. M. K. Dhavalikar
6. Prof L. Gopal

Learned cross examiner drew the attention of the witness toward photocopy of pages from page no. 739 to 740 of the gazetteer of the Territories under the government of East-India Company by Edward Thorton 1858( paper no. 107C1/10 107C1/11) filed in O.O.S No. 5/89 on 30-5-1992 the witness after going through these papers stated that this is the gazetteer about which I had stated in my

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above statement today. I have read this statement from gazetteer itself. This statement is under the heading 'Oude'. I read this gazetteer about 20 days back. I did not check this statement from the book 'Aine-Akbari' itself as there was no time. I had absolutely no time because I had to give evidence in this case.

Learned cross examiner filed photocopy of the title page and of pages 1, 181 and 182 ( paper no. 328C1/1 to 328C1/ 5) of the book entitled as the 'Aine-Akbari' volume II-III by Abul Fazal Allami and showed to the witness the original book the Aine-Akbari volume II-III. The witness was asked to compare the extracts filed today with the original book supplied by learned cross examiner. After comparing above pages the witness said that this is true Photostat copy prepared from the book submitted by learned cross examiner. In this respect I would like to state that there is a minor difference in a particular word used in gazetteer and the original book 'Aine-Akbar' namely the word 'Sacred' in gazetteer it appears as 'Holiest'. The gazetteer published in 1858, and the book first appeared in English version in the year 1927 and obviously the difference arises from the translators approach: but in the spirit both are same. From the book it seems that it refers to the residence of Ram Chandra and from the earlier gazetteer, where it is

P. Munnay

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mentioned contextually, it refers to the Sacred spot of Rama.

Q: The extract of 'Aine-Akbari' filed as paper no. 328C1/5 refers to Ayodhya as a city in the portion starting from the word 'Awadh' in fourth line from the top of page 182 and ending with the word 'Kingly office' and there appears to be no mention of any particular 'site' in Ayodhya in this paragraph of this book which has been referred in the gazetteer of 1858 by Edward Thorntan paper no. (107C1/11). What do you have to say in this regard?

A: In the book 'Aine-Akbari' page 182 it reads "around the environs of the city they sift the earth and gold was obtained. It was the residence of Ram-Chandra". I consider that it refers to environs the site in the city, which is mentioned as the residence of Ram-Chandra. Obviously the whole city of the Ayodhya can not be the residence of Rama. The present archaeological excavation takes the history of the mound to over thousand years earlier to Aine-Akbari with continuous religious structural activity, is to be understood in the context and it is certainly a reference to a 'Janam-Sthan' occasionally referred to as 'Ram-Kot' and negatively no other site in Ayodhya has been referred to as the residence of Rama.

R. Narayan



Q: The word 'it' used in that sentence. 'It was the residence of Ram-Chandra..... Kingly office' in the first para of page 182 of Aine-Akbari' (paper 328C1/5) can not be said to refer to any particular site of Ayodhya but rather this will refer to Ayodhya itself <sup>as</sup> a city and your interpretation of this sentence given above is totally wrong. What do you have to say in this respect?

A: As the word 'it' is used with reference to immediately preceding sentence, I am not in agreement with the above suggestion.

Learned cross examiner referred the statement of the witness recorded on 22-8-2006 at page 87 in para 3 which reads "noticed in 'Aine-Akbari'..... 19<sup>th</sup> century" and inquired that how many gazetteers have been read by the witness to supplement his assertion made with reference to 'Aine-Akbari'. The witness stated that I have studied at least 3 gazetteers published in the second half of 19<sup>th</sup> century.

Q: But today in your statement you have referred to one <sup>G</sup> gazetteer only by Edward Th <sup>Orn</sup> ton in this respect. So kindly tell me that which are those two other <sup>G</sup> gazetteers in which you have found reference of 'Aine-Akbari' in this respect?

R. Ramu



A: The name of other two gazetteers are 1. Gazetteer of 'Oudh'. 2. Revenue settlement in the district of Faizabad under sub heading 'Oudh'.

The gazetteer of 'Oudh' mentioned above is of 1878.

The witness after going through the above papers stated that I am not sure whether this is the same gazetteer or not but the contents seem to be the same. The first page of the extract referred to above is not clear as title and date of publication is not decipherable. Paper no. 312C1/13 to 312C1/16 was shown to the witness who stated that this is the gazetteer which I have referred to in my statement today. In this gazetteer there is no reference of Aine-Akbari. Said voluntarily, I have not said it refers to Aine-Akbari but the gazetteer mentions the site in Ayodhya as birth place of Rama or 'Janam-Sthan'.

Q: The language of this gazetteer as mentioned in paper no. 312C1/15 under the caption 'the Janam-Sthan and other temples' does not show that it is based upon any historical source because the description starts with the sentence "It is locally affirmed .....". What you have to say in this respect?

A: In historical and archaeological studies local information and memory is an important source of history. So after second paragraph under the heading 'the Janma-Asthan and other temples' the author makes a categorical statement that Janma-Asthan marks the place where Ram-Chandra was born and also in the next page i.e. page 7 para 2 the author

R. M. M. M.

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continues ' if Ayodhya was then little other than a wilderness it must at least have possessed a fine temple in the Janma-Asthan: for many of its columns are still in existence and in good preservation, having been used by the Muslims in the construction of the 'Babri' Mosque". This statement shows that the local account has been taken as a part of history.

Q: The assertions said to have been made by the author of the gazetteer in your above statement do not have reference of any historical source while the assertion made by the author under the heading 'Babar's Mosque' on same page ( paper no. 312C1/15) gives the reference of a historical book " Leyden's memoirs of Babar". Does it not mean that the assertions made by the author of the gazetteer without refering to historical source could not be treated to be authentic and not based on historical facts?

A: Here arises a problem, Not necessarily all written memoirs are historically correct and other sources, are not historical sources for example, in the same paragraph the author says 'it is remarkable that in all the copies of Babar's life known, the pages that relate to his doing at Ayodhya are wanting.' Some historian may take from these copies of Babar's life, that he did nothing in Ayodhya but other sources do show that he built the Babri Masjid in 1528 and camped near Ayodhya for a few days. As a historian he recorded both the views <sup>no.</sup> that relate to the local affirmation about the

R. D. Munir



Janma- Asthan that has now turned out to be historically correct.

Q: Which are the historical sources showing that 'Babar' had constructed the Babri Masjid?

A: In two places of the Babri Mosque the year in which it was built i.e. Hijri 935, refers, to the constructions of the Mosque, under his order by Mir Baqi through inscriptions.

Q: None on these two inscriptions found or affixed in Babri-Masjid give out any indication that the Mosque was constructed by 'Babar' but rather language of both the inscriptions shows that the Mosque was constructed by 'Mir Ba i' who was said to be the governor of 'Babar' at Ayodhya. What do you say in this respect?

A: In history the outstanding contribution of the subordinate officers immediately under the King are taken to be orders of the King and such edifices are ascribed to the King. And in both the inscriptions the glory of 'Babar' is mentioned and that he camped near Ayodhya settling the surrounding country in the same year confirms Babar's participations.

Q: From all the books on Memoirs of 'Babar' and from all the contemporary and near contemporary sources it is evident that 'Babar' had never entered Ayodhya but rather he had camped on the other side of river 'Ghaghra' and it was his forces led by 'Mir-Baqi' which had defeated the Army of

R. Ramnath

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'Ibrahim Lodi' and occupied Ayodhya. What you have to say in this respect?

A: In such war conditions the King either takes the front line of the battle or commands his army to attack, in either case it is the will of the King that is given importance and the King is said to be the author of the actions.

The name of the author of gazetteer of the province of 'Oudh' of 1877-1878 is not available from the available title page; but as it is a gazetteer. It is the government which takes responsibility of the gazetteer and its contents.

Learned cross examiner showed the original book 'Gazetteers of the province of Oudh (3 volumes in 1) published by Low priced publications Delhi, first published in 1877-1878, reproduced in India in 1993. The witness after seeing this stated that as this is not the original book of the gazetteer but it is a reprint and does not give the name of the author except mentioning W.C. Benett Assistant commissioner who had provided the introduction. If the name of the author of the gazetteer is not given in the gazetteer it is to be treated as a compilation under the orders of government entrusted to responsible officers as which is also applicable to gazetteers where the name of the author is also given. Report on the settlement of the land revenue of the Faizabad by A.F. Millett (1880) filed as paper no. 312C1/17 to 312C1/21 in O.O.S No. 5/89 is the same both that I mentioned in my statement today

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on page 227 as "Revenue settlement in the district of Faizabad". Paras 666 to 671 ( paper no. 312C1/20 to 312C1/21 ) is reproduction of the averment made on paper 312C1/15 and 312C1/16 filed in the above case. These are the only three gazetteers on the basis of which I have made my statement on page 87. I have not studied any book on the memoirs of Babar. While giving statement on 22-8-2006 at page 87 I had already studied all the above mentioned three gazetteers. I had studied these gazetteers two or three days prior to my this statement. I have studied the books entitled as 'Encyclopaedia of North Indian Temple' edited by M.A. Dhaky and the book entitled as 'The Hindu Temple' by Stella Kramrisch (volume I and II). At this stage learned cross examiner filed photocopies of the extracts of above four books (paper no. 329C1/7 <sup>to 329C1/23</sup> ) and showed original books to the witness who after comparing these extracts from the original books stated that these extracts are true photocopies prepared from the above books. These papers were taken on record subject to the order of Hon'ble Special Full bench. Both the books of volume II part 3: Text and Plates deal with period 900-1000 A.D. which is beginning of Medieval 'Idiom'. Plate no. 32 ( paper no. 329C1/8 ) is the photograph of a carved pilaster of temple remains of 'Pratihara period' ( 10<sup>th</sup> century A.D). Plate no. 33 (paper no. 329C1/8) is the photograph of a door jamb of probably of the same temple (10<sup>th</sup> century A.D) and plate no. 34 (paper no.

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329C1/9) is also a photograph of a door jamb. (10<sup>th</sup> century A.D) This is also probably of the same temple.

statement read and verified.

R. P. Manna

14-09-2006

Statement typed on my dictation in open court. Put up for further cross examination on 15-09-2006

R. P. Manna

H.S. Dubey  
(H.S. Dubey) 14.9.2006  
Commissioner

14-09-2006

**Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.**

**15-9-2006**

**O.P.W.17 Dr. R. Nagaswami**

( Commissioner appointed vide order dated 01.09.06 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.236/1989) Bhagwan Shri Ram Lala Virajman, <sup>a</sup> <sub>t</sub> Shri Ram Janam Bhumi Ayodhya and others Vs. Sri Rajendra Singh and others).

(In continuation of 14-9-06 the cross examination of O.P.W. 17 continued on oath, on behalf of The Sunni Central Board of Waqfs ,U. P., defendant No. 4 in O.O.S No.5/89, by Sri Z . Jilani, Advocate,)

Learned cross examiner drew the attention on paper no. 329C1/9, plate no. 35. The witness stated that 'Surya' image is visible in this plate which is of 10<sup>th</sup> century A. D. Plate no. 38 (paper no. 329C1/10) is a pilaster of temple remains of 10<sup>th</sup> century A. D. I don't know as to where 'Ashapuri' is situated. Plate no. 39 ( 329C1/10) is a photograph of 'Mandapa' of the temple remains of 10<sup>th</sup> century A. D. Plate no. 40 (paper no. 329C1/10) is the

*R. Nagaswami*

*[Signature]*

photograph of a lintel of the temple remains pertaining to 10<sup>th</sup> century A. D. Lintel is a cross beam placed over to entrance jambs. This particular photograph of plate no. 40 might have been of a lintel at the entrance of a sanctum of the temple at 'Ashapuri'. 'Pilaster' is either quarter, half, or three fourth of a pillar generally, abutting a wall simulating a pillar and its functions at some places and it does have a meaning in the total context in which it appears. Some time pilaster also appear on the walls as frames of niches (Koshtas). And in every position it has its meaning. Paper no. 329C1/13 is preface of the book the 'Hindu temple'. I totally agree with the contents of this preface but certain important things are not included, said voluntarily, like self manifested temple, or called 'Swyambhu'. On paper no., 329C1/14 (page 12) under the heading 'The stability of a site' I don't agree fully with the distinction given on this page for it relates to only classical temples. I don't say that any thing written under above heading is wrong but only covers partially to the temple. I want to say that it is not complete and exhaustive statement about the site of the temple. In paper no. 329C1/15 to 329C1/18 under the heading 'Purification, insemination and levelling of the site (pages 14-18) the contents are correct with reference to classical temples. By classical temple, I mean the temples which are divided into different categories like self

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manifested temple, temples established by Gods and Sages and temples built by men. Here the word temple is used for temple structure. Said voluntarily so far as classical temples are concerned that have fully articulated parts like base, bhitti also called 'jangha' and also cornice, super structure etc. which are found in new construction, specially man-made temples which we call classical temple. The temple of 'Som-Nath' is a classical temple. Temple of 'Khujraho' is also a classical temple. In Ayodhya 'Hanuman-gadhi' and 'Kanak-Bhawan' are classical temple. I have not seen Janma-Asthan temple situated in the northern side of the disputed structure.

Q: The so called temple which you claim to have been erected on the disputed site in 11<sup>th</sup> century A. D. was a classical temple or any other kind of temple?

A: The temple at Ayodhya which I have mentioned, built in 11<sup>th</sup> century A.D. at the Janma-Asthan, was undoubtedly a classical temple. There are two <sup>types of</sup> temples 1. Classical temple 2. Non classical temple i.e. the <sup>type of</sup> sacred space or any self existing symbols, plat-form, trees, water sources and even ordinary huts would fall under non classical temples.

The description given under the heading 'Purification in-semination and levelling' of the site are applicable to only classical temple. And this description does not apply to other type of temples which are not classical. It is not the material

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that is purified in this process as mentioned on page 14 to 17 but it refers to purification of site impregnation and levelling of the site, of new construction.

Q: If any site on which temple is proposed to be constructed is contaminated with blood and bones etc, will it have to be clean and purified before the start of construction of the temple?

A: If the site is already a sacred site and is under worship, all that comes into contact with it are considered to be sacred and pure, so there is no need to purify them or ritually impregnate the site again.

Paper no. 329C1/21 ( page no.330) relates to classical temple. The description of 'Aamalaka' given on paper 329C1/22 (page no. 348) also applied to classical temple only. I mean to say that the book written by Stella Kramrisch entitled as the Hindu temple relates mostly to classical temple. Stella Kramrisch was a very great Sanskrit scholar. She was a German but settled in America. She was a professor in Calcutta University also for some time. Her book is most out-standing book on Hindu temple and Indian Art. This book can be said to be an authority on the Hindu temple architecture. The description of Hindu temple given in paper no. 329C1/23 (page no. 411) is correct and apply to classical Hindu temple.

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A Hindu temple can be built on pillars as well as <sup>on</sup> walls. The pillars may be of stone, wood and in rare cases bricks are used.

The size or dimension of the pillars of classical temples are proportionate to the basic unit of measurement of the temple.

Q: What will be the length and width of the temple which has 85 pillars?

A: The length and width of the temple which has 85 pillars does not have one measurement. The measurement may vary depending upon the category of the temple and even within one category various permutations and combinations are allowed and so there are infinite varieties that can be found.

Q: My question is confined to the alleged kind of temple which you claim to have been erected on the disputed site in 11<sup>th</sup> century A.D. Kindly therefore reply my question in this reference?

A: The pillared structure in the disputed site in my opinion was attached to the enclosure wall which formed the western end. But about the pillar sizes I am unable to say.

I have seen only two pillars at the disputed site these pillars formed part of the disputed structure which was demolished in December 1992. The portions of pillars I saw <sup>were</sup> square in shape at the bottom and octagonal with some

R. Ramanujam





carving usually found in <sup>the</sup> temple. The dimension of pillar portion, I saw, was about 9X9 inches square. I have said in my statement that there were 14 pillars of this kind in the disputed structure.

Q: For a pillar of this dimension and height which <sup>was</sup> installed in the disputed structure, what should be the dimension of the pillar base?

A: It may be two and half feet square. If it is a stone a number of courses beneath it may be provided but if it is found on the stone platform, then no separate pillar base is required.

Having <sup>been</sup> shown plate no. 31 of ASI report, volume II, the witness stated that I have not seen the spot which is visible in this plate. The other pillars which I have seen are similar to the one visible in the photograph of plate no. 31. The pillar bases which are visible in plate no. 37 of the above report are square in shape. I have seen these stone pillar bases on the spot. The dimension of these pillar bases is approximately 70 to 80 cm X 70-80 cm i.e. about two and a half feet. For installing a pillar on these pillar bases I don't think that any Iron dowel is required to hold it in position, it stands by its own weight and by the weight of its roofs. I do not think that the stone pillars were used in these type of pillar bases. The pillars that were used in these pillar bases might have been made of wood. Wooden pillars used on these pillar bases

B. P. Munnay



might have been of 9 X 9 inches. The height of the pillars depend up on the height of wall over which roof rests. Generally there are about 7 feet height pillars. The wooden pillar of 7 feet height may bear the load of tiled roof and not of a huge building super structure.

Q: Whether roof of the temple could be laid upon the pillars of 9 X 9 inches dimension and of about 7 feet height ?

A: It is possible if large number of pillars are used for the roof of a sloping style covered with tiles either metal or clay tiles, but in this case it was only part of the temple which had probably a tiled slope roof with not of much weight.

Having seen plate no. 35 of the above report the witness stated that the pillar bases of bottom side are also of the same dimension as pillar base visible in plate no. 37.

Q: Whether dimension of pillar base as shown in plate no. 36 is also the same as that of the pillar bases shown in plate no. 37 and 38?

A: The dimension nearly is the same.

In plate no. 36 a small piece of stone is visible, attached with the pillar base. It is part of the pillar base. The length of both these stones will be about 60 to 70 cm ( about 2 feet ).

Q: What would be the approximate length of bigger stone out of these two stones?

A: About 45 to 50 cm.

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The structure which might have existed on the pillars supported by the pillar bases visible in plates 35, 36 and 37 might have been light slopping structure and not a big one. The height of this structure might have been about 8 to 9 feet.

Q: Can you tell me whether any walls have also been found in the area in which pillar bases shown in plates 35, 36 and 37 existed?

A: In my opinion wall 16 could have been the wall at rear supporting the roof resting on the pillars existing on these pillar bases.

Learned cross examiner drew the attention of the witness towards paper no. 120C1/69 (a book written by Percy Brown entitled as 'Indian Architecture Islamic Period'). The witness after seeing figure 2 of plate no. XX stated that the roof appears to be resting on the pillars shown in this photograph.

Q: What would be the approximate dimension of the pillars which are visible in figure 2 of plate XX?

( Shri Rakesh Pandey Advocate, raised the objection to the above question that from the photograph as visible in this figure no opinion can be formed about the dimension of the pillars and it is also an irrelevant question this should not be permitted to be asked)

( Learned cross examiner submitted that the objection is frivolous and unsustainable)

R. Pandey

A: As different kinds of pillars are visible in this photograph it is difficult to give dimension of the cross sections but the height might be around 14 to 15 feet.

9 pillars are visible in this picture but I am not sure whether the bases appearing for all these pillars are part of pillars itself or separate one. They appear to be stone pillars. I have not heard about the Mosque which is known as 'Arhai-din-ka-jhopra' (Ajmer).

Q: Whether in this photograph all the pillars appear to be of round shape and their dimensions do not appear to be of more than 1 feet in width and breath. What do you say?

A: It is not correct to say all the pillars are circular in shape on the contrary all the pillars have square, octagonal, circular and other facets and it is not possible to give a dimension of these pillars from these photographs.

Having seen figure 2 of plate no. XXIV of the above book the witness stated that the building visible in this photograph consists of arched super structure resting on the pillars. These pillars are bigger in shape and dimension found on the right side from the pillars as visible in figure 2 of plate no. XX mentioned above. The pillars visible in plate no. XXIV are stone pillars.

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Q: Whether the pillars shown in the right side of figure 2 of plate no. XXIV can be said to be of the dimension of 2 X 2 feet or 3 X 3 feet or of some other dimension?

A: I am unable to say from the photograph the dimensions of the pillars appearing on the right side of this photograph.

In figure 1 of plate XXIV the illustration is very poor, therefore I can't say whether there is any decoration or carving on the upper portion of the gate / door. In figure 1 of plate XXXIV and XXXV of the above book pillars are visible. Roof of the building in figure 1 of plate 34 appears to be resting on the side walls and not on the pillars, whereas in figure 1 of plate XXXV the roof is resting on the pillars. In figure 1 of plate no. XXXV the pillars appear to be about 15 feet in height. I can't say whether these pillars are more than 20 feet in height or not. The base of these pillars seems to be part of the pillars. I can't say about the dimension of these pillar bases. I have not seen the 'Jami-Masjid' of Ahmedabad. In plate no. XLII both the figures relate to same building i.e. 'Jami-Masjid' of 'Mandu'. Roof of this building appearing in figure 1 is resting on pillars but in figure 2 partially this appears to be resting on walls also. In plate no. L figure 2 the building appears to be resting on pillars. I have not seen this building also. In figure 2 of plate LVIII the building appears to

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be resting on pillars. I am unable to tell the height as well as dimensions of these pillars. In figure 1 of plate LXVI <sup>the roof</sup> appears to be resting on pillars partially and the rear part appears to be resting on walls.

I have seen some Mosques in Bangladesh resting partially on the pillars. I remember the name of one such Mosque namely 'Kusumba' near Raj-Shahi. In plate no. LXXXIII, figure 2 the building appears to be resting on the pillars. In plate no. LXXXIX, figure 2 the building visible in this plate appears to be resting on the pillars. I have seen the Red fort of Agra and Delhi both. The building as visible in plate no. 89 is also seen by me. In figure 2 of plate no. C VII (given after plate no. CVI) the building seems to be resting on the pillars. In figure no. 2 and 3 of plate no. CXII the buildings are resting on pillars. I have not visited any of these two Mosques. In figure no. 1 of plate no. 115(CXV) also building rests on pillars. In figure 1 of plate no. 121(CXXI) also building rests on pillars.

I have read the following books;

1. Fall Of The Mughal Empire by Jadunath Sarkar
2. The Early History Of India by Vincent A. Smith
3. The Temples of North India by Krishan Deva
4. The Temples of South India by K. R. Srinivasan
5. Prehistory Of India by H. D. Sankalia

*Q. R. Sankalia*

*Q. R. Sankalia*

6. Temples Of The Pratihara Period In Central India by R. D. Trivedi

7. Archaeology From The Earth by Sir Mortimer Wheeler

8. Indian Temple Styles ( The personality of Hindu Architecture) by K. V. Soundra Rajan

I have heard the names of the following authors but I have not read the books written by them.

1. Rama Shankar Tripathi

2. Ajit Mookerjee

3. R. Champakalkshmi

4. Ishwari Prasad

Following are the books the names of which I have not heard :

1. Archaeology ( A very short introduction) by Paul Bahn.

2. The Story Of Man by Biman Basu

3. India Distorted ( Study of British Historians on India ) by S.C. Mittal

4. Ayodhya: Archaeology After Demolition by D. Mandal

5. History Of Kanauj ( To the Muslim Conquest) by Ram Shanker Tripathi

6. History Of Mughal Architecture by R. Nath

7. 5000 Designs And Motifs From India by Ajit Mookerjee

8. Indian Epigraphy by Richard Salomon

9. Indian Mythology by Veronica Ions

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10. The Hindu Temple by R. Champakalakshmi
11. An Account Of The Vedas The Rig Veda
12. The Ramayan Of Valmiki (An English Abridgment).
13. A Book Of Archaeology( seventeen stories of discovery)  
by Margaret Wheeler
14. The History Of The Gahadvala Dynasty by Roma Niyogi
15. Archaeometallurgy In India by Vibha Tripathi
16. History Of India ( medieval period) by Prof. L.  
Mukherjee
17. A Short History Of The Delhi Sultanate by Syed M. Haq
18. History Of India by Ishwari Prasad
19. East India Gazetteer ( first publication in 1828) by  
Walter Hamilton
20. Mughal Architectur ( An outline of its history and  
development 1526-1858) by Ebba Koch
21. The Foundation Of Indian Art And Archaeology by  
Apurva Prakash
22. U. P. District Gazetteer, Faizabad, by Esha Basant Joshi
23. Ramayan Tradition And National Culture In Asia by  
D.P. inha and Sachinand Sahai
24. Ayodhya by HansBaker

statement read and verified.



15-09-2006,





Cross examination of this witness could not be completed. Put up before Hon'ble Special Full Bench on 18-9-2006 for recording the further cross examination of the witness.

R. P. Dm n n n

H. S. Dubey  
(H. S. Dubey) 15.9.2006  
Commissioner  
15-09-2006

IN THE HON'BLE HIGH COURT, LUCKNOW BENCH LUCKNOW

O.O.S NO.5 OF 1989

( R. S. No.236 OF 1989)

18-9-2006

O.P.W.17 Dr. R. Nagaswami

(.In continuation of 15-9-2006 the cross examination of O.P.W. 17 continued on oath, on behalf of The Sunni Central Board of Waqfs , U. P., defendant No. 4 in O.O.S No. 5/89, by Sri Z . Jilani, Advocate)

The concept of pillar base is that on the alleged pillar base which is in the shape of platform, a pillar is to rest on. The base of the pillar whether to be erected on a platform that is floor or with solid foundation, will depend upon the load the erected pillar is likely to be or has to bear. Though it is difficult to mention about the length and breadth of the temple structure which was demolished in 1030 A.D., yet I can assess that it would have been of about 10ft. x10ft. dimension. As I said earlier it might have been of about 15ft. height. I don't think that the said earlier structure had any connection with either wall 16 or 17. The old temple structure was not on the pillars. The pillar bases referred to by the ASI in its report

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might be the pillar bases of mandapa's pillars but not that of sanctum tower. As I can say only four pillar bases found by the ASI could be underneath the said mandapa portion but not that of sanctum tower. Probably, the said 'mandapa' was located in the east of the sanctum tower. (The witness prays for and is hereby allowed to refer to the ASI's report, Volume 1 in order to answer the question about the size of the alleged mandapa of the earlier temple.) After going through the ASI report volume-1, the witness answered as follows :

Perhaps the size of the mandapa of the earlier temple was about 10ft.x10 ft. The roof of the said mandapa must be resting on the pillars. There would have been four pillars to bear that roof.

After going through the chart shown in figure 3-A of ASI report, volume 1, the witness said that pillar bases no.26 and 27 were probably the pillar bases of the pillars of the said old mandapa. It is difficult for me to identify the other two pillar bases of the mandapa. The distance between the two pillar bases no.26 and 27 must have been of 10ft. only. It is correct to say that there is no other alleged pillar base within 10ft. radius of pillar bases no.26 and 27. It is correct that the pillar bases no.26 and 27 were in north-east of the structure-3. After consulting the map and report of ASI, the witness said that the old sanctum-sanctorum tower which was demolished in 1030

R. Munnay

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AD would have been located in north-east of structure-3 as shown in figure 3A (Page 48A) of the report. Structure-3 indicated in figure 3A is a big area covered by disputed structure constructed in 1528 AD. Structure-3 must not be the part of the old temple which was demolished in 1030 AD. Structure 3 is not part of the old temple which was demolished in 1030 AD. I cannot give the name or dynasty of the king who constructed the old temple having been demolished in 1030 AD. However, I can disclose a fragmentary inscription found in trench J-3 and it is to the effect "NG PAL". From this inscription, it is not decipherable as to what was the name of the king or dynasty of the constructor of the temple. In this case, it is not possible for me to refer the aforesaid inscription to the name of any dynasty or king. As a student of history, I cannot disclose as to who were the rulers in northern part of India of Ayodhya region connecting the aforesaid inscription because the word 'PAL' has been used for many northern Indian kings, dynasties and chieftains of all parts of India. The aforesaid inscription formed part of the wall of the earlier structure demolished partially in 1030 AD. The location from where the aforesaid inscription was recovered during excavation is not far away from the structure of the old temple. According to me, the place of trench J-3 from where the aforesaid inscription was recovered, certainly did not form part

R. Munni

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of the structure of the old temple. I say that the inscription was part of the old structure because at the time of the old temple being demolished, its parts must have been scattered around the area. The aforesaid inscription was neither reused nor was found in debris rather it was found lying as such. According to me, that inscription was found in the section of a regular layer. If I am correct, it was perhaps layer 7. According to me, charts, pages no.37A and 37B of ASI report Volume 1, are tentatively prepared but they are not absolutely correct. As I can say layer 7 of J-3 cannot be assigned to Kushan period as shown in charts, pages no.37A and 37B. According to me, these two charts are not absolutely correct and even the ASI has referred to them as tentatively prepared. Similarly, it is not absolutely correct that layer 6, in part, may be assigned to Gupta period as shown in chart 37A of the ASI report. To ascertain periodization, these two charts may not be treated to be as the basis but we have to look to other parts of the report to come to the correct conclusion.

Q. On what basis, you have said that the layer in which the aforesaid inscription was found related to the 11<sup>th</sup> century period ?

A. According to page 204 chapter 8, the ASI report has stated that the aforesaid inscription can be assigned

R. Mani

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to 11<sup>th</sup> century AD. This opinion is based on palaeography and not on the layer.

The report on page 204 says that the stone slab was found embedded in a section of wall in trench J-3 and located at the depth of 5.75 metres.

Palaeography is the general guide to ascertain the periodization of history. It can, however, be plus or minus of about 30 to 50 years. The letters of 'NG PAL' may be of somewhere between 950 to 1050 AD. In this way, the variation may be upto 100 years. Layers are also generally considered to be a source of periodization. Now we have definite source of periodization such as Carbon-14 dating, thermo-luminescent dating and special scientific techniques are being evolved for periodization and even the scientific study would have minus plus of about 100 years variation. The special scientific technique is being evolved and it is D.N.A. test of bones. These three scientific techniques are more reliable as compared to palaeography and layers or stratigraphy. In all the techniques whether scientific or conventional, there is always a possibility of variation of minus plus upto 100 years. It is certain that an object of latter period cannot be found in the layer of earlier period, unless the layers are disturbed. Disturbed layers cannot be assigned any period so it is only regular layers to which the periods can be

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assigned. It is difficult to say that the layers 1 and 2 discovered by the ASI during excavation at the site in question indicate post-Mughal or Mughal period or not. Nor these two layers belong to the Mughal period because of the disturbed conditions at the site and there being a slope there. So the two layers namely 1 and 2, cannot be placed period-wise in any particular period and we have to examine each trench to ascertain period of these two layers. I have taken into my consideration stratigraphy as one source for periodization of the aforesaid inscription. I have not been able to come to any definite conclusion on the basis of the stratigraphy and ascertain the exact period of the aforesaid inscription but my dating is based on stratigraphy also. In my opinion, the period of the aforesaid inscription found in layer 7 of trench J3 is 11<sup>th</sup> century AD and I came to this conclusion on the basis of stratigraphy. Said voluntarily, there is one carbon 14 dating for one layer, which gives 310 AD and this inscription is found above. So the inscription is definitely later than 4<sup>th</sup> century AD. There is another Carbon-14 dating which is given as 1050 A.D. and the locus of this inscription is almost in level with this Carbon-14 dating. It gives a close date of 11<sup>th</sup> Century inscription. The finding of carbon dating giving 310 AD refers to the sample taken from layer 7 of trench E-8 as recited at page 72 of the ASI report Volume 1. The Carbon-14

*P. Mannu*

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dating findings are mentioned in Appendix-1 besides recited at page 72 of the report of the ASI. The finds referred by me as of the period 310 AD or 4<sup>th</sup> century have a reference in ASI report, Appendix 1 serial no.3 from top( No.4B AYD-1 2123). Of course, the range as given by the study of Carbon-14 dating is very wide i.e. from 1st century to 4<sup>th</sup> Century. So my opinion about the Carbon-14 dating period of 310 AD is not based on Appendix-1 only but also on the recitals at page 72 of the report of the ASI.

The description in regard to the Charcoal sample as mentioned above refers to layer 5A and 7. The finds pertaining to 1st to 4<sup>th</sup> Century A.D. as mentioned above was taken from layer 7 of trench E-8. The other sample which I have stated to be of 11<sup>th</sup> Century as per Carbon-14 report, the reference finds place at sl.no.4 in appendix-1 and described as sample no. 5B AYD- 2124. According to the said appendix the period as given is 10<sup>th</sup>-11<sup>th</sup> Century or precisely from 900 AD to 1030 AD. The reference of said find is at page 69 (para-1) of A.S.I report. The said sample was taken from the deposit between floors no. 2 and 3 in the trench ZH-1 which means that the sample was taken from a place below floor no.2 and above floor no.3. I am unable to say whether the said sample was taken from layer no.2. This is correct to say that in tentative periodization chart at page 37A, layer no. 2 is shown in

R. Munni

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between floors no. 2 and 3 but I am unable to make any comment regarding its correctness. I cannot tell the distance between trench ZH-1 and J-3 without seeing the report. According to the Figure 3A, page no. 48A of ASI report Vol-1, the distance between these two trenches would be approximately 15 meters. It is not possible for me to tell whether layer no.2 of trench ZH-1 and layer no. 2 of trench J-3 are on same level. I cannot give the details as regards their levels in different trenches . I am not able to say anything about layer no.2 of the two trenches on the basis of ASI report also. Floor no.2 in trenches ZH-1 and J-3 are on same level but as floor no.3 was in damaged condition at several places so it is not possible to give specific statement in regard to layers in relation to said trenches. If same floors are found in two adjoining trenches then they are likely to be at the same level. In reference to tentative periodization given by ASI on page 37A, since I do not know whether there was any slope or not at floor no.2. It is not possible for me to say as to why in the said chart the said floor in trenches H-4, H-5 and J-3 are shown at different levels. Since it was a very short visit to the site, a few days back, I did not notice whether there was any slope in these two trenches or not. I do not agree with the suggestion that from the ASI report it cannot be made out that there was no slope between the said two trenches ZH-1 and J-3. The

R. Munir

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following observation in ASI report at page 69, Vol.1 para-1 suggests that there was a slope:-

“The early date may be because of filling for levelling ground after digging the earth from the previous deposit in the vicinity.”

I do not agree with the suggestion that the above observation in the report does not indicate the existence of any slope but it refers to only filling for levelling of the ground only. Voluntarily said that I take levelling of the ground by filling is suggestive of a slope. It is possible that the levelling as referred to above would have been done several hundred years' ago but the unevenness of the slope existed even at the time of excavation. The witness having gone through the site note book of trench ZH-1, from pages 25 to 31, said that there is no mention of any slope in the said site note book. From the site note book of Trench ZH-1, I do not find any reference regarding taking of sample from between the floors nos. 2 and 3 as referred to at page 69 of ASI report. In case the sample was taken, there must have been mention of this fact in the site note book. Trench ZH-1 was excavated from 14<sup>th</sup> April to 20<sup>th</sup> April, 2003. The digging of the said trench had gone up to the depth of 173 cms. There were five layers found during the digging of trench ZH-1. In the site note book the first floor and layer no.1 find reference at page 25. There is no reference of

*P. Narayan*

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floor no.1 at page 25 but reference of floor is there. This trench was dug up to the depth of 30 cms on 14.4.2003 and during excavation on that date charcoal pieces were also found as mentioned in the site note book. On 15<sup>th</sup> April, 2003 also according to said site note book in trench ZH-1, the floor was found at the depth of 51cms. On that date also, according to the said observation in the said note book, charcoal pieces were found. The floor found on 15<sup>th</sup> April, 2003 with reference to said trench will be called the second floor. I agree with the suggestion that so far as trench ZH-1 is concerned, the floor which according to page 58 of the Day book and page 57 of site note book, was removed and floor <sup>is of</sup> ~~at~~ 4 cms. thick in relation to said trench will be called second floor. According to page 27 of this site note book, a portion of layer no. 2 was partially removed. This is true that according to the site note <sup>book</sup> and day book, floor no.2 in trench ZH-1 was removed on 15.4.2003 and thereafter layer-2 was removed on 16.4.2003. Therefore, according to this report, layer- 2 was below floor no.2 . On 17<sup>th</sup> April, 2003, according to above site note book during excavation of trench ZH-1, a pit like portion was also noticed. According to ASI's above site note book in trench ZH-1, on 18.4.2004, at page 29, another floor was noticed at a depth of 105 cms. in northern side and thereafter another floor at the depth of 109 cms. Therefore, according to the said site

B. Munni

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note book, floor found at the depth of 105 cms. in trench ZH-1 was the third floor found in the said trench. According to said report after the said excavation, layer no.3 was exposed. The layer no. 4 was found by ASI in the said trench on 19.4.2003. Similarly, layer no. 5 was found on 20.4.2003 at the depth of 171 cms. This is true that the sample as referred on page 69 of ASI report found in trench ZH-1 would have been taken between the depth of 51 cms. and 105 cms. The period as given in the ASI report of such depth is 900 AD to 1030 AD. According to site note book dated 26<sup>th</sup> Apri, 2003 in regard to the digging of J-3, digging on that date started at 680 cms and was closed at 710 cms. On the removal of part of layer no.8 a floor was noticed on that day. According to said site note book dated 1<sup>st</sup> May 2003 during excavation of trench J-3, layer no.9 was partially removed up to 760 cms. On 2<sup>nd</sup> May, 2003, layer-9 was removed as is mentioned in the said site note book. Likewise as mentioned at page 36, on 3<sup>rd</sup> May, 2003, layer no. 10 was partially removed. On that date, some pottery of Shunga period was also found by the excavator. On 3<sup>rd</sup> May, 2003, the digging was closed at the depth of 810 cms. In the site note book dated 4.5.2003, there is description of inscription found. This inscription was found somewhere between 790 cms. and 810 cms i.e. approximately at the depth of 810 cms. on 4.5.2003 Therefore, according to the site note

R. Prasad

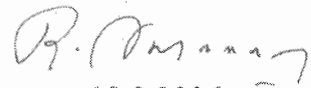
68

book dated 3.5.2003 and 4.5.2004<sup>in 3<sup>rd</sup> day</sup>, it can be said that this inscription was found below layer no.10. There is no other material on record to contradict this fact recorded in the site note book. In the day-today register at page 132, there was mention of recovery of the said inscription with more or less same inscriptions as referred in the site note book above. The trenches E-8, J-3 and ZH-1 are respectively on the southern, eastern and northern side of make-shift structure. Trench J-3 is almost at equal distance from trenches E-8 and ZH-1. The floor level as given by ASI report in respect of these trenches are the same but I am unable to give the position in regard to layers.

Q. will it be proper to say that the layer level of these trenches i.e. ZH-1, J-3 and E-8 was also almost similar or differing to a very nominal extent?

A. It will not be correct to say that the layer level in three trenches will be almost on the same level because of the difficult nature of excavated structures which has been mentioned by the ASI itself in its report.

Statement read and verified

  
18.9.2006

Statement typed in open court on our dictation.



Put up on 19.9.2006 for further cross-examination.

B. Amari

CS B. Amari  
18.9.2006

IN THE HON'BLE HIGH COURT, LUCKNOW BENCH LUCKNOW

O.O.S NO. 5 OF 1989

( R. S. No.236 OF 1989)

19-09-2006

O.P.W.17 Dr. R. Nagaswami

(In continuation of 18-09-2006 the cross examination of O.P.W. 17 continued on oath, on behalf of The Sunni Central Board of Waqfs , U. P. defendant No. 4 in O.O.S No. 5/89, by Sri Z. Jilani, Advocate)

Yesterday I said it in a general way that the nature of the structure was difficult so as to ascertain the level of layers. Specifically, if I am asked to tell about the difficult nature of the structure in ZH1 trench, I would say that ZH1 has one structure over another. Similarly, in J3 trench, there are some structures running one over another and in E8 trench also, there are number of structures running one over another. I would clarify that it is not difficult to ascertain the layers of a trench having more than one structures running over another but what the difficult situation is that with so many structures in trenches comparative study of the levels of the layers is difficult to be ascertained. However, had I been the excavator at the site, it would not have been difficult for me to ascertain comparatively the levels of different layers in

*B. N. Manna*

*CS*

determining layers of different trenches having many structures. This is correct to say that ASI people had no difficulty in comparing the different levels of different layers of different trenches including J3 as they were the excavators at the site. The ASI team's finding in its report at page 38 (volume 1) has stated that the layers 9, 10 and 11 in trench J3 belong to Shunga period. In the site note book No.39 relating to J3 it is mentioned at page 36 dated 3.5.2003 that layer 10 was partially removed. It is also mentioned at the bottom part of the site note book dated 3.5.2003 that the pottery recovered from the layer 10 was of Shunga type. It is mentioned at page 37 that the inscribed slab was noticed a day before, i.e. on 3.5.2003. It is not correct to say that this inscription was recovered from the Shunga level for the reason that it was not found in the layer but it was traced in the section.

Q. It is obvious from the site note book that the above inscription was noticed on 3.5.2003 only. Therefore, can it be said that it was recovered not at the level on which excavation was done on 3.5.2003?

A. It is not correct to say that it was found in the Shunga level because the site note book on 4.5.2003 reads "subject preparation and photography during sections scrapping along the western section in the last course of stone structure just above the brick jelly floor, the chiselled sandstone being fragmentary inscription in Nagari script noticed yesterday was confirmed."

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Without looking into the report of the ASI, I cannot precisely say as to from which layer the inscription was actually found. (Permission to look into the ASI report is granted.) Figure 22 volume 1 page 38-A depicts the stratigraphy of trench J3. It is a measured drawing which precisely gives the location of the inscribed stone which is far above the Shunga level. According to the drawing figure 22, the level of the inscribed stone is layer six. Yesterday I could not correctly disclose the details of layer. Today after looking into the figure 22, I am sure that the inscribed stone was recovered from layer six. In trench J3, some layers were found by the side of a pit since the drawing figure 22 does not show any layer as part of any pit. It is not correct to say with reference to figure 22 that any pit area is marked as part of a layer. The observation of the ASI team at page 46 of volume 1 is correct as it reads correctly as follows :-

“... the material, therefore, from the trench has been marked as those from layers 1 to 6 but in effect it belongs to a pit and the layers are superficial.”

Within the trench of the operational area, pit has been found but there are other areas where the section trimming has taken place from where the inscribed stone has been recovered.

Q. Your statement that pit area has not been marked as layer stands contradicted by the observation of the para 1 of page 46 of the ASI report. What you have to say about it?

R. M. ...

CE

A. My statement is still correct because pit marking is different from layer marking.

No, it is not correct to say that the inscription slab would be deemed to have been recovered from the pit area forming part of layer 6 because of the observation of the ASI. The depth from where the inscribed slab was recovered is mentioned as 5.75 meters. Yes, I am very sure that the inscribed slab was recovered from the section which was not a part of the pit. It is correct that I mentioned yesterday that the sample collected from the depth of about one meter in trench ZH1 belonged to 10-11<sup>th</sup> century AD. I have also mentioned yesterday that the floor level of ZH1 and J3 was almost equal.

Q. Is it possible that the level of 11<sup>th</sup> century found in ZH1 at a depth of one meter could be found in trench J3 at a depth of 5.75 meters while the floor level of both the trenches is said to be almost equal, by you and the distance of both these trenches is less than 15 meters?

A. It is possible that ZH1 is at a lower level than the top of J3.

Q. My suggestion is that top/surface level of trenches ZH1 and J3 was same and ZH1 was not at lower level at the disputed site.

A. I am unable to answer that the level of ZH1 and J3 at the disputed site was one and the same.

B. P. M. 227

GP

If the level was the same in the aforesaid two trenches, then there should not have been so much difference in the depth of same period. It is possible to infer that if level of both the trenches are same, then the inscription in question could have been recovered from the pit.

I have no information about the name who might have constructed the second temple structure said to have been demolished in 1080 A.D. There is no discussion or reference in the ASI report about the temple structure said to have been demolished in 1030 A.D. and again in 1080 A.D.

I have mentioned about the demolition of the first and second temple structure as disclosed above on the basis of fragmentary inscription assigned to 11<sup>th</sup> century by the A.S.I. and also accepted by me on palaeographical ground and the two levels of carbon 14 dating as mentioned earlier read with 'The Attack On Ayodhya' by Syed Salar Masood mentioned in the gazetteer. For 1030 A.D. demolition of first temple structure, the only archaeological evidence available according to me is the inscribed slab referred to above. Wall 16 is built over a good number of carved stones of a classical temple assigned by the ASI in the report on stylistic ground to 11<sup>th</sup> Century and I accept it and this is the solid evidence found in this excavation beneath the foundation of wall 16 and on the basis of stratigraphic situation of wall 16 and 17 I say that the second temple was demolished in 1080 A.D.

R. P. Mani

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It is correct that the ASI in its report has given no.3 to the disputed structure. Circular shrine has been given no.5 by the ASI. According to me, wall 17 is earlier to wall 16. Wall 17 had no connection with the earlier structure which was said to have been demolished in 1030 AD. However, wall 16 and 17 both have connection with the second temple structure which was said to have been demolished in 1080 AD. Both walls 16 and 17 belong to 11<sup>th</sup> century period but as stated earlier, wall 17 is earlier to wall 16. The ASI has in its report assigned the wall 17 of 11<sup>th</sup> century and wall 16 had different phases to 12<sup>th</sup> century. As per my knowledge, the ASI has assigned wall 16 of 12<sup>th</sup> century. But I <sup>differ</sup> ~~defer~~ with the view taken by the ASI and as per my opinion, wall 16 belongs to 11<sup>th</sup> century but there may be difference of 10 to 30 years as I have said earlier. Wall 16 was built after the attack of 1080 AD. in a hurried manner to protect the second temple existing there. Wall 16 might have been constructed some time around 1090 AD to 1100 AD. In respect of these periods given by me, there may be a difference of 10 to 30 years with the opinion given by the ASI. We have no evidence that the structure existing which was partially demolished in 1080 AD was restored or not. The size of the second structure which was demolished partially in 1080 AD may be about 15 to 20 sq. metres at the ground level and height would have been around 12 to 15 metres i.e. about 45 feet. The second temple structure which was partially demolished in

R. Munir

CS

1080A.D. was a fully articulated structure with all the required parts of classical temple of northern India. The roof of the said temple was not resting on any pillar and it was therefore, obviously, resting on articulated walls. By articulated wall, I mean to say that the <sup>or wall</sup> base will have a number of carved mouldings; walls which will have many carved pilasters, niches and sculptures. The entrance will have carved frames called 'panchshakhas' with beautiful creepers and other geometric designs with sculptures like Ganga and Yamuna at the entrance. The ornamental entrance lintel above and the ceiling will have a curved cornice, with a niches which is called 'Kapotaas' and the 'shikhara' above the sanctum sanctorum with a number of corner 'amalaka' too and on top there will be a full circular 'amalaka'. In short the articulated wall means the wall consisting of carved mouldings. The said structure must be built of carved stones. This structure must have been built sometime between 1030 to 1050 AD. The said structure was a one floor structure meaning thereby there was no further floor above the ground floor. This structure consisted of 'garbh grah' and a short preceding mandapa. I cannot say as to whether the size of 'garbh grah' and mandapa was the same or different. The size disclosed by me of 15 to 20 metres was only in respect of 'garbh grah' and it does not include mandapa. The mandapa was situated in the eastern side of garbh grah. This mandapa could have been of about 3 to 4 in square metres projecting from garbh

R. M. N. N. N.

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there has been tremendous disturbances on all these three sides and also on the western side. The southern and northern side of walls 17 and 16 were not found standing. Wall 16 and 17 (enclosures walls all around) were not standing on any pillar bases.

Q. What kind of relationship these enclosure walls had with the so called pillar bases?

A. Pillar bases were supporting either a slopping roof or a flat roof and the end beams were resting on the wall 16.

Wall 16 was having roof all around supported by pillars. That means those roof were standing on pillar bases. The distance between the main temple structure and the structure of enclosure walls that is wall 16, was about 10 to 15 ft. all around.

Q. What would have been the size i.e. width and length of the roof which you claimed to have been laid upon wall 16 at the one side and upon the pillars on the other side?

A. Length of the enclosure walls was found around little more than 50 metres on one side and width of the roof was of about 17 metres in 5 rows. Yes, by row I mean that 5 pillars were standing in 17 <sup>rows</sup> metres. The distance between one pillar <sup>on base of</sup> to other pillar base was about 3.5 metres.

The walls around and the roof thereon were in straight direction like wall 16 on the western side. Probably the roof that existed on pillars was also on straight direction on all the four sides. Voluntarily said that along with my affidavit I have given an

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illustration on pages 28/48 and 28/49 of my affidavit which gives an idea of the lay-out. The layout of temple which was partially demolished, as per my statement, in the year 1080 A.D., was more or less of the type as shown in illustration on page 28/48 of my affidavit. It is possible that while in illustration at page 28/48, no roof is shown on one side, the temple on the disputed site which was partially demolished in 1080 A.D. had roof probably on all sides. The roof which was 17 meters wide all along the enclosure wall was resting on five pillars in a row along with width, meaning thereby, the first pillar was at the distance of about 3.5 meters from the wall and the last pillar in the row was on the outer end of the roof. The distance of the main temple structure was about 10 to 15 feet from the last pillar of this roof. This roof structure was the enclosure around the main temple structure and was not part of main temple structure. In this way the distance from the main structure of the temple and wall 16 on western side was about 60 feet. Similarly on the northern side also the main structure of temple would have been 60 feet from the wall on that side.

I have an idea of the disputed structure on the basis of photographs of the structure that existed up to 1992. The western wall of the disputed structure which existed until 1992 was resting on wall no.16. I do not remember the width of the disputed structure east-west. However, I can tell after going through the report. According to the ASI report the said width of the disputed

B. Munni

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structure east-west was about 30 feet. Similarly outer enclosure of the structure on eastern side also was about 20-25 feet. In this way, the structure that existed earlier and which was partially demolished in 1080 A.D. started where the disputed structure and its outer enclosure came to an end. The structure which was partly demolished in 1080 A.D. continued to remain in existence thereafter. The same continued to remain till the construction of the disputed structure. The three domed construction which was made in 1528 A.D., had 14 pillars with carving and some decoration. The same formed part of some earlier temple structure.

Q. According to your statement, these carved 14 pillars found in the disputed structure could not have formed part of the so called temple which was partially demolished in 1080 A.D. and which had continued, according to you, upto 1528 A.D.

A. The 14 pillars that were found in the disputed structure could not have formed part of that central sanctum structure which existed upto 1528 A.D. but they could have formed part of other mandap in the enclosures.

The enclosure walls around the temple structure on all sides, which was partially demolished in 1080 A.D., were constructed after 1080 A.D. This construction was made sometimes between 1090 A.D. to 1100 A.D. The width between the pillars of the said enclosure roof on all sides as

R. Manning

Es

stated by me as 3.5 meters was along the length also. According to my estimation, there would have been 17 rows of the pillars on one side of the enclosure wall. It means on one side enclosure roof had 85 pillars. In this way the total number of pillars, around the main structure, in the enclosure walls would have been 340.

In archaeology isometric view may be either a drawing on scale or a tentative drawing. In ASI's report Vol-1 figure 23 shows the isometric view of the disputed structure which was demolished in 1992. The portion indicated as floor 4A in the said isometric view has also been shown as part of said disputed structure. So is the position in regard to the portions marked as floor 2 and floor 3. As is shown in the said isometric view, floor 2 and floor 3 on the northern side, were out side the northern gate of the disputed structure. Figure 23A of the said ASI report is isometric view of the plan and not of the building. Figure 23 B of the said report shows the isometric view of the conjectural view of the pillars which might have existed on the excavated site. This conjectural view refers to the structure which came up after 1080 A.D. demolition, meaning thereby, the structure which was constructed between 1090 A.D. and 1100 A.D. This does not give the view that I have stated above because it is only a partial drawing. This map shows the western side of the structure described by me.

B. Munay

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This does not cover the temple structure that I mentioned which was partially demolished in 1080 A.D.. This does not help my view as mentioned above. It is difficult to say which of the pillar bases found by ASI pertained to pillars about which I have stated above constructed between 1090A.D. to 1100 A.D. Although, I cannot give the exact number but the pillars found on the western side around wall 16 are related to the structure I mentioned earlier.

Q. The ASI has not reported about any pillar base found towards west of wall 16?

A. Yes it is correct that ASI has not found any pillar base on the west of wall 16.

Most of the pillars bases to the east of the wall 16 belong to structure erected in 1090 A.D. The height of the roof resting on the enclosure walls was 8 to 9 feet including the bracket on the top of it. The said roof could be of tiles, as also of thin slabs of stone. Probably pillars were of woods and just possible that some of them might have been of stone. Wooden pillars can survive for about 500 years and we have example of wooden rafter which survive for about 2000 years. It is not possible to say whether all the wooden pillars which were installed in 1090A.D-1100 A.D. survived until 1528 A.D. or not. I can specify some of the pillars from the drawing given in Vol-1 which formed part of the structure of 1090 A.D. Pillar bases no. 2, 3, 4, 5, 6, 7,8, 9 10,11,12,13,14 15, 16,

R. Munnay

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17, 25, 28, 29, 31, 32, 34, 35, 37, 38, 43, 44, 45, 47, 48 pertain to the roofed structure of the enclosure walls constructed in 1090 A.D.-1100 A.D. I do not remember whether these pillar bases no. 1 to 8 and 13 and 14 were made of stone blocks or bricks. I cannot say what sort of pillar base was required in bases of wooden pillars. The distance between the pillars as given by me as 3.5 meters was only approximate and looking to the situation this distance between the pillars could vary also but it is not possible that distance could vary up to 5 or 5.50 meters. I am not able to say upto what maximum extent the distance between the pillars could vary. In case the base is small, more accurate measurement shall be maintained but where the base is bigger, minor adjustment will be made at the time of erection of the pillar.

Q. Have you examined this aspect by keeping in view figure 3A that whether the pillars shown in this figure are in one alignment or not.

A. I have examined this aspect and have come to the conclusion that the alignment given does not pose any major problem. The pillars are in alignment within reasonable limits. Since figure 3A in ASI report is on scale, the distance between pillar bases can be accurately measured. However, I will not be able to measure this distance even, if I am provided the scale because it is the specialisation of the surveyor and I am not a surveyor.

B. Ramnagar

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Q. My suggestion is that distance of so called pillar bases extends from 3 meters to 5.50 meters and even more and they cannot be said to be in one alignment?

A. The variation mentioned in the distance between pillar bases might be due to functional requirement as I have already mentioned earlier. Therefore, it is not correct to say that they are not in alignment.

Structure 5 (circular shrine) could not have formed part of roofed structure constructed in 1090-1100 A.D. Southern enclosure wall of the roofed structure constructed in 1090-1100 A.D. should have been further south of the circular shrine. It is not possible to say how far it was further south after the circular shrine.

Q. According to your statement the so called temple structure partly demolished in 1080 A.D. might have started in the northern side around the place where the northern wall of the disputed structure existed upto 1992?

A. Yes.

Statement read and verified

*R. M. ...*

19.9.2006

*GS*

Statement typed in open court on our dictation.

Put up on 20.9.2006 for further cross-examination.

B. Munni

ES Bph  
19.9.2006

IN THE HON'BLE HIGH COURT, LUCKNOW BENCH LUCKNOW

O.O.S NO. 5 OF 1989  
( R. S. No.236 OF 1989)

20-09-2006

O.P.W.17 Dr. R. Nagaswami

(In continuation of 19-09-2006 the cross examination of O.P.W. 17, continued on oath, on behalf of The Sunni Central Board of Waqfs , U.P. defendant No. 4 in O.O.S No. 5/89, by Sri Z. Jilani, Advocate)

All the pillar bases mentioned at pages 273 and 274 of my statement were found on floor no.2. This floor no. 2 dates back to 11<sup>th</sup> Century or a little later. I agree with the ASI report regarding alleged pillar bases having been found on floor no.2. On page 54 of ASI report Vol-1, a reference to floor no.2 on which the pillar bases were found, has been made. On page 69, the ASI team has mentioned in the middle of para-1 that the evidence of three phases of the structure 4 suggests its long span of existence. In the available C-14 dates from the deposit, between floors 2 and 3 in the trench ZH-1 is  $1040 \pm 70$  B.P. ( $910 \pm 70$  AD) having calibrated age range of A.D. 900-1030 is seen. On the basis of this observation, I say the floor 2 belongs to 11<sup>th</sup> Century. The structure

R. Nagaswami

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mortars' speaks of five different mixtures of lime used as building material. It is the English translation of Sanskrit text of a book titled as MAYAMATAM (Annexure-6). It was first published in the beginning of 20<sup>th</sup> Century. The book in original Sanskrit text was published in earlier 20<sup>th</sup> Century. It does not specify any specific area for the building material being used but it refers to the general building material which was used in construction of building in old age. The author of book is known as MAYA which is a mythical name and goes to legendary period but the period of its composition is given in its introduction as beginning of 11<sup>th</sup> Century A.D. In this book, the word 'surkhi' may not be there but the mixture which is discussed all through includes mixture with lime. I have not read any book in which any floor of lime and surkhi has been referred to as that of 11<sup>th</sup> or 12<sup>th</sup> Century. Along with my affidavit I have enclosed a report regarding excavation of 8<sup>th</sup> to 13<sup>th</sup> Century with different periods temples in Bangladesh. There was a famous Islamic structure on the top of mound where these excavations in Mahasthan (Annexure-3) were made. However, I do not remember whether the said Islamic structure was a mosque or a Dargah. I cannot say whether the said Islamic structure was not a mosque over the mound of excavated site. It is mentioned in this book, 'Mahasthan' at page 28/34 that the glazed muslim pottery of 15/16<sup>th</sup> Century was found during those excavations. I am unable to say as to on what basis the author at

R. Ramani

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page 28/34 has mentioned that the glazed muslim potteries belonged to 15/16<sup>th</sup> Century. I am not expert of deciphering potteries with reference to their specific period, therefore, I cannot say as to of which period the muslim pottery was found. I have mentioned in earlier deposition that I am not an expert. I have not taken into account any pottery found at the disputed site during excavation to arrive at a conclusion except the ASI report. I have not arrived at any particular conclusion about the pottery but I accept the ASI report to be correct.

Q. Without analysing and examining the pottery and without interpreting the same you have accepted the ASI report and conclusions of ASI derived from pottery. Does it not show your pre-conceived notion to support the ASI report?

A. I have no pre-conceived notion about ASI report except that I have accepted it in the areas which are not in my expertise. I have also differed with the ASI report in the fields of my expertise.

Chapter 5 of the ASI report deals with the pottery some of which are described by me as religious pottery. I was asked to comment on a specific pottery mentioned in this Chapter. I have said that a particular pottery is found in sculptural representation of that period and as such the period ascribed is that of ASI and not at my end as I am not an expert in the field of potteries. I believe that the report of the ASI including periodization is correct. Definitely I

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cannot say that the observations of ASI are absolutely correct- it may be correct or it may be wrong but as I said earlier I believe it to be correct.

In para 31 of my affidavit I have referred about the excavation known as Mahasthan excavation. It is correct to say that the statement in the last line of page 21 of my affidavit that there were also large Islamic pottery, is not my own but I have mentioned the same on the basis of report of the excavation at Mahasthan. It is correct to say that I have appreciated the work of excavators in the excavation at Mahasthan. I have also appreciated the observations made in the report of that excavation.

Q. On page 22 of your affidavit in lines 5 and 6 you have stated that the excavator of Mahasthan excavation do not deny the existence of Hindu temple lying buried but on the other hand it is a Hindu Temple. What do you mean by this sentence?

A. By the above sentence I mean that the Archaeologists are above partisan consideration and should be objective and this excavation of Mahasthan is excellent illustration <sup>of</sup> <sup>an</sup> such excavation. The above statement is in relation to two temples which were found buried by the excavators in Mahasthan site. In Mahasthan first excavation was made in 1929 and the second in 1975. The report of that excavation was prepared and published after second excavation. The excavators of both the excavations may be different. Dr. Nazimuddin Ahmad was the excavator of the

R. Nazimuddin Ahmad

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excavations made in 1975. The witness having gone through a portion of report of the excavation at Mahasthan at page 28/35, said that the Islamic structure found at the mound near the Mahasthan excavation site, was of Dargah as has also been said in paragraphs 1 and 2 at Page 28/35. It is true to say that there was no demolition of any Hindu temple for construction of Dargah in Mahasthan excavation. A portion of the report of excavation at Mahasthan which was filed by me alongwith annexures, shows that the archaeologists give an objective report on the excavation conducted by them wherever they are? When learned cross examiner asked the witness as to on what basis he has stated in paragraph 31 of his affidavit that in the excavation made at Mahasthan some of the carved stone pillars and pillar bases were found, the witness referred to paragraph 1 line 8 of the affidavit and submitted that on this basis he has made that statement. Photographs of the aforesaid pillar bases are not given in the report. In the said report at page 28/26 eighth line from bottom a reference of black basalt rectangular pillars is made. Two highly ornamental pillars are also mentioned in the next line of the aforesaid page at page 28/31. The excavators have referred about the basement wall with several offsets and ornamental mouldings in 12<sup>th</sup> line under heading "the eastern temple". It is correct that on page 28/31 the excavator in 5th line from bottom has mentioned about the excavation of 1928-29 which exposed a number of complex walls including an outer

R. Raman

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massive wall with offsets and semi-circular retaining wall. It is true that the ASI in the excavation at Ayodhya did not find any wall having offsets and semi-circular retaining walls or ornamental mouldings as was noticed by the excavator in the excavation of Mahasthan. In paper no.28/35 under heading 'Mazar area' the excavator by using word "if" has negated the idea that Buddhism was overthrown by Brahmins. Annexure 3 to my affidavit is complete report of excavation at Mahasthan. Mahasthangarh is the revenue name of Mahasthan. In the report of Mahasthan the excavator did not give any conclusion about the demolition of temple or construction of some other structure over any temple site. The plate 5-B at page 28/37 is of the present photograph of one mound excavated at Mahasthan. The other one is plate 1 ~~is~~ at page 28/36. The report as Annexure 3 to my affidavit does not throw any light over the remains of any demolished Hindu temple. It is correct to say that I have not gone through any original paper prepared by ASI pertaining to drawing, collection of samples of plaster, floors, bones and charcoals except the report itself. I have no idea how many drawings have been prepared by ASI. I have not seen single drawing prepared by ASI except the Report of excavation concerned. I have also no idea as to how many photographs were taken by ASI while excavating the site in question. I cannot say how many samples of plaster, floors, and charcoals have been

R. D. M. v. 7

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 Collected by the ASI during the excavation and how many were  
 sent for chemical examination. +

There is no reference of the site note book, as also the antiquity register, prepared by the ASI during excavation, in para 30 of my affidavit. The site note book and antiquity register are important documents required to be maintained during excavation of any site. Before filing the affidavit in the Court I had not gone through the site note books and the antiquities register prepared by the ASI during excavation. However, I have seen during cross-examination, some site note books that were shown to me. It is true that site note book is an important document prepared by an excavator disclosing day to day result of the excavation. This is also true that the excavator has to prepare site note book, at the closure of the work, daily after the excavation work has been closed for the day. All the important finds are also to be recorded in that site note book on each date. The site note book, after it has been prepared, should be signed by the persons recording the findings daily. The signature should bear the date. In case the site note book is not recorded in the above manner on day to day basis, there may be some lacunae in the report and in the conclusions arrived at by the excavator. Similarly, antiquity register is also an important document to be maintained by the archaeologist during excavation. It is not necessary to maintain antiquity register on day to day basis but the same is expected to be prepared as soon as possible and its preparation will depend upon the nature of the recovery. It is difficult to give a timeframe during which the antiquity is to be

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+ These two lines have been added  
 Vide order of Hon'ble Court passed  
 on 13-1-2010

H.S. Subey  
 O.S.D. (R.T.O. - B.M.)

entered into the register or to fix the time schedule or timeframe during which antiquity is expected to be maintained in the said register because of the reason that it will depend upon the state of preservation and other nature of the antiquity recovered during excavation. For maintenance of antiquity register the Director of the excavation may delegate powers to some competent person to perform the job. In this way, the nominee is expected to make entry in the antiquity register regarding the finds, such nominee may be assisted by the actual excavator who has recovered the finds. I am aware of the fact that excavation in eight to ten trenches were going on simultaneously in Ayodhya. The excavation of each trench was being supervised by an archaeologist or assistant archaeologist. Site note books are maintained by the trench supervisor and not the Director if he was not actually supervising the excavation of any trench. During excavation at Ayodhya every significant find recovered during excavation must have been reported to the Director of the excavation team. I was not present at the time of excavation at Ayodhya and therefore I am not in a position to say whether the procedure as stated above were followed in that excavation or not. In case of excavation of 8 to 10 trenches simultaneously the procedure as stated above has to be followed but in this situation since large number of trenches are under excavation the work is expected to be closed a bit early to enable the excavators to make necessary entries on that day. I have no

R. K. Munnay

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information whether the antiquity register was being prepared or not on daily or weekly basis. It is the duty of the Director of the team to periodically, atleast once in a week, review the site note book and antiquity register to ascertain whether they are being properly maintained in accordance with the settled principles of archaeology. It is his duty to ensure periodical inspections that the antiquities recovered are properly entered into the antiquity register. In the site note book only an entry regarding find is to be recorded while in antiquity register more details of such finds have to be recorded. In case of ordinary recovery of the finds it has to be observed by the person making the entry in the antiquity, register but in case of specialised antiquity, expert in a particular field has to assist the person making entry in the antiquity register. All the antiquities recovered during excavation are not to be sealed. Very precious antiquities such as gold and gem, etc. are to be sealed. I am not aware of the sealing of the antiquities by the ASI during excavation at Ayodhya except that it is mentioned in the report that the antiquities were sealed in the presence of all representatives of the parties as ordered by the Court. Stone sculptures are also antiquities. Stone sculptures are first expected to be recorded in the site note book and thereafter in the antiquity register. Before any stone sculpture is registered into the antiquity register the same is to be examined by the Director or his nominee and in case they are not experts to study the stone sculpture then they can take the

R. M. M. M. M.

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antiquity register during preparation of the report or not. This is true that in the report from pages 121 to 173 of chapter VI of the ASI report there is no mention of any existence or non-existence of the nature of the structure that might have earlier existed on the disputed site before the construction of the disputed structure. The authors of this chapter have given description of the architectural fragments found at the site during excavation. I have also taken into account all the architectural fragments listed in both the lists of this chapter. The opinion I have mentioned about the existence of a structure in the site is not mentioned in the chapter VI of the report of the ASI. My opinion is based on para 2 of page 122 which reads "stylistically these architectural members in general and pillar in particular may be placed in the time bracket of 10<sup>th</sup> - 12<sup>th</sup> century A.D."

The words 'these architectural members' used in line 5 of second para at page 122 refers to all the architectural members mentioned in Chapter VI of the ASI report, except a few which the report reads "can clearly be associated with the Islamic architecture on stylistic ground which might belong to 16<sup>th</sup> century A.D." onwards. Except the architectural members with the Islamic association belonging to 16<sup>th</sup> century, all other architectural members referred in chapter VI of the ASI Report belong to 11<sup>th</sup> century as I have stated in my affidavit. In reference to serial no.1 to 34 on pages 131 to 133 of the ASI report although the articles

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were found on the surface, in my opinion, they belong to 11<sup>th</sup> century A.D. In archaeology, articles found on surface may belong to any period indicated by the occupation of the site. My opinion that these finds which were found on the surface belong to 11<sup>th</sup> century A.D. is based on the totality of the context, where a large number of dressed stones have been found not only on the surface, but also in the trenches and some carved stones slab found beneath the wall 16, some of which have been stylistically assigned to 11<sup>th</sup> century.

Q. On what basis you are saying that the objects found at the surface as mentioned on pages 122 to 173 of the ASI report belong to 11<sup>th</sup> century<sup>A.D.</sup>?

A. Taking the totality of the architectural fragments listed in both the lists, some of which have distinct carvings, stylistically assignable to 11<sup>th</sup> century<sup>A.D.</sup>, I come to the conclusion that the architectural pieces found on the surface also belong to that group.

Q. Kindly let me know as to what is the basis of your opinion about item mentioned at Sl.No.91 at page 127 to describe it as belonging to 11<sup>th</sup> century A.D.?

A. On the basis I have mentioned earlier. I consider that this dressed architectural piece with deep irregular groove also belongs to the same group of 11<sup>th</sup> century A.D.

I have neither seen the said object nor its photograph.

R. M. M. M. M. M.

Q. Without looking into or seeing an object of antiquity and without looking even its photographs you can give the period of any such object merely on the basis of entries made about the same in chapter VI of the ASI report? Is it correct?

A. It is correct when taking the totality of the context is considered where nearly 440 dressed architectural pieces were found and the context in which they were found that clearly indicate that they may belong to same group and same time, i.e. 11<sup>th</sup> century.

By saying 'same group' I mean all those nearly 425 articles except 10 which I have mentioned earlier in my statement not belonging to this group. The articles mentioned in the charts of chapter VI which are shown to have been found from layer 1 to 7 and from dump, belong to the same group except the ten I have already mentioned. All these objects, except the ten, found from layers 1 to layer 7 or from debris belong to 11<sup>th</sup> century.

Statement read and verified

R. M. ...  
20.9.2006

Statement typed in open court on our dictation.

Cross-examination of the witness could not be concluded. Put up on 21.9.2006 before the Commissioner for recording further cross-examination.

R. M. ...

G. B. ...  
20.9.2006

**Before :-Commissioner Sri H.S. Dubey, Additional District  
judge/Officer on Special Duty High Court Lucknow.**

**21-9-20006**

**O.P.W17 Dr.R. Nagaswami**

(In continuation of 20-09-2006 the cross examination of O.P.W. 17, continued on oath, on behalf of The Sunni Central Board of Waqfs , U.P. defendant No. 4 in O.O.S No. 5/89, by Sri Z. Jilani, Advocate)

I have used the word ' same group' yesterday which means architectural pieces of same building which includes central sanctum tower which was built around 1050 A.D. along with the other 'Mandapa' and the enclosure there of.

Q: Without looking the aforesaid articles and even without perusing the photograph how it could be said that all those about 440 architectural pieces belong to same alleged building that is said to have existed there in 1050 A.D?

A: Basing my conclusion on ASI report and detailed description given in the two lists provided in the report and also drawing upon my experience I have come to the conclusion that they belong to the same temple building.

These architectural members include 159 architectural members given on pages 122 to 131 of the ASI report volume

*Dr. R. Nagaswami*

*2006*

1, and 286 architectural members mentioned in list B and given on pages 131 to 152 of the above report. Said voluntarily, in addition to the report para 2 in page 122 there the ASI's report reads 'The aforesaid pillars ..... the temples architectural' and also the conclusion given by ASI in its report on page 272 para 2 beginning from the word "viewing in totality and taken into account the archaeological evidence" up to 'are distinctive feature found associated with the temples of north India'.

Q: What do you mean to suggest by referring to the aforesaid observations of ASI report given on pages 122 and 272?

A: I mean by referring to these observations of the ASI report that there existed a classical Hindu temple immediately beneath the disputed structure and all these stone fragments carrying carvings and also the brick bats and calcrete stone blocks were reused in the disputed structure after demolishing the temple mentioned earlier and taken from the temple parts.

Q: The architectural members noted on pages 122 to 152 of the ASI report could not be said to have carvings on all these pieces and as such your conclusion said to be based on the design of carving could not be said to have been formed

*P. M. M. M. M.*

*[Signature]*

with reference to or on the basis of all these architectural members numbering about 445?

A: It is not correct to say that all the architectural members do not have carvings on them. Except 10 or 11 pieces I have mentioned in my earlier statements, all the rest of the architectural pieces listed in the aforesaid lists A and B do have carvings as seen from the ASI report.

Q: Whether architectural members referred in the two paragraphs of the ASI report quoted by you as above from page 122 and 272 are also covered by the aforesaid list A and B given on pages 122 to 152 of the ASI report?

A: The architectural fragments mentioned in page 122, of the ASI report, also are found in the aforesaid list. Of the architectural members mentioned in page 272 the following are also found in the aforesaid list; "members with foliage patterns, amalaka, kapotapali, door-jambs with semicircular pilaster, broken octagonal shaft and lotus motifs" are also found in the list.

Out of the persons belonging to ASI team whose names are mentioned on the title page of ASI report volume 1, I know two of them who had contributed to the report namely P. K. Trivedi and P. Venkatesan who have worked on temples. They have worked on temple art, culture and art history.

*P. K. Trivedi*





which of them belong to 16<sup>th</sup> century A.D. I have not seen these bricks in original. I have seen only 1 or 2 photographs of these bricks. The photographs of remaining bricks are not available. Bricks said to have been recovered from the dump/fillings are difficult to be dated. It is difficult to determine their period. The bricks which were recovered from debris or surface could not be dated. The bricks which were recovered from the humus or debris are also difficult to be dated but if they are found in association with other datable antiquities a general indication can be given about their date. The description of glazed tiles fragments have been given from pages 163 to 172 but I have not studied this part of the report as I am not an expert in glazed tiles and glazed wares. I have not studied the details of 'Stucco' objects given on page 173 of the above report as I am not an expert of these objects. But these objects seem to be of Mughal period. I have no personal knowledge of the persons mentioned on page 121 who are said to be the authors of chapter six of the said report. I don't know whether they are expert of any field of archaeology or not. I have never heard the names of these people.

Chapter seven of the ASI report is said to be authored by the persons whose names appear on page 174. I know Mr. P. K. Trivedi and C. B. Patil but don't know about Mr. Gajanan

P. N. Munshi



L. Katade. So far I know Sri P. K. Trivedi has worked on north Indian temples but I don't know on which temple he has worked. I think Mr. P. K. Trivedi is Registration Officer in-charge of Registration of Antiquities. He was in service with ASI at New-Delhi. Sri C. B. Patil was in-charge of Export of Antiquities under ASI at New-Delhi. Sri C. B. Patil was in-charge of Identifying the Antiquities and Issuing Registration Certificates for Antiquities.

In chapter VII in the ASI's report no conclusion has been given about the existence or non-existence of any temple of 11<sup>th</sup> or 12<sup>th</sup> century. In chapter seven of the above report. No reference to demolition of any temple is also given. It is true that conclusion of this chapter is given on page 174 itself. I agree with this conclusion given on page 174.

I don't know about any of the two persons mentioned as authors of chapter VIII (eight) on page 204. I have not even heard about them. I have gone through the entire chapter eight of above report. I agree with all the observations made in this chapter except the reading of the 'Nagri' inscription, the last letter. I would prefer to see the original. It is not available for me therefore I accept what ever is written about it in this chapter. The authors of chapter eight have not given opinion about the existence or non existence of any alleged temple of

R. Munshi

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11<sup>th</sup> or 12<sup>th</sup> century. They have not given any opinion even about the demolition of any alleged temple of 11<sup>th</sup> or 12<sup>th</sup> century.

I don't know any of the authors of chapter IX, which are mentioned at page 219. I have not even heard their names. Most of the items mentioned in this chapter are gla<sup>ss</sup> beads and precious stones. Some of them are glazed<sup>^</sup> wares. The conclusion of this chapter is given only on page 219 but there is a note on page 228 about this. The authors of this chapter also had not given any opinion about the existence or non existence of any alleged temple of 11<sup>th</sup> or 12<sup>th</sup> century A.D. or even about demolition of any such temple.

Out of the four authors of chapter V (five) mentioned on page 73 of the above report I know two of them namely B. R. Mani and P. Venkatesan. B. R. Mani is well know in the field of archaeological excavation and P. Venkatesan, after serving as Superintending Archaeologist of temple survey in southern India, is working in Delhi as Director of Institute of Archaeology. P. Venkatesan according to me has worked on South Indian Temples and now he is in ASI's office in New-Delhi. I don't know whether P. Venkatesan has submitted any excavation report or not. I don't know whether P. Venkatesan has got specialisation in any branch of archaeology or not. I

R. Mani

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don't know about other two persons who are authors of this chapter. I have gone through this chapter in a very general way. In this chapter the authors have confined to dealing with the description of the potteries period wise. They have not given any opinion about existence or non existence of any alleged temple of 11<sup>th</sup> or 12<sup>th</sup> century A.D. They have not given any opinion about the demolition of any alleged Hindu temple of above period.

Out of six authors of chapter <sup>✓</sup>IV<sup>✓</sup> (four) mentioned on page 48, I know only B. R. Mani and none of the others. I have not heard even about the other authors. I have studied this chapter 4 (four) in detail. Whether structure four is mentioned in this chapter or not I can answer only after going through this chapter. The witness after going through the report, stated that on page 69 details of structure four is given in para 1 middle. This description of chapter four starts from page 67. This para on page 67 starts from the words. 'The wall 16 having its existing' and continues on page 68. This description of structure 4 (four) further continues on page 69, up to the end of para 1.

Q: Is there any other more accurate description of structure 4 (four) in this chapter IV of the report?

B. R. Mani



A: I think in chapter four this is the only description which I have mentioned earlier in my statement.

Q: Whether the reference of structure four in lines 2, 3 and 4 of second para on page 54 of the report is not a direct reference of structure four?

A: In second para there is description of structure four, but this description is incomplete and not full description.

Learned cross examiner drew the attention of the witness towards plate no. 32, 33 and 34 of the ASI report volume 2. The witness after viewing these plates stated that except plate 32 other plates show part of the structure four. In plate no. 33 no carved or decorated stone or bricks are visible. In plate no. 33 part of only wall 16 is visible. Other walls are also visible in this plate. I can't give number of these walls. In plate no. 33 three trenches are visible. One trench in which a black and white scale is standing belongs to the disputed structure. The wall on which scale is appended is not wall 16 but it is standing on wall 16. Wall 16 is visible in the right hand side of this trench.

Q: Is it incorrect to say that no portion of wall 16 is visible in plate no. 33 and rather the wall which is visible in this photograph is wall no. 6?

Dr. M. M. M. M. M.

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A: It is incorrect to say that wall 16 is not visible in this plate and instead the wall visible is wall 6 because there are two walls visible in this plate.

Part of structure 4 (four) is visible in plate no. 34. Two walls are visible in this plate. I can't give the wall number of the wall in which label of floor 3 is affixed and labels of layer 2, 3 and 4 are affixed. The other wall which is visible in this plate is wall 16. In this photograph 13 brick courses of wall 16 are visible. Below that we have 3 courses of brick stone slabs with two brick courses sand-witched between two courses of stone. No carving is visible in the aforesaid stone slabs. No decorated stone or brick visible in this photograph. I can't give the trench number of this photograph. In plate number 35 no carved or decorated stone or brick is visible. I remember that there are other plates also in this volume in which structure 4 (four) have been shown. Plate 22, plate 25, plate 26, plate 29, plate 37, plate 38, plate 39, plate 41, plate 42, plate 44, plate 46, plate 47, plate 48, plate 49 plate 50, plate 51, plate 52, plate 53, plate 54, plate 55, plate 56, plate 62, and plate 67 are the plates in which structure 4 is visible. In plate no. 22, plate 25, plate 26, plate 29, plate 39, plate 44, plate 50, plate 51, plate 62, decorated or carved stone or bricks are visible in structure 4. In plate no. 25 two carved stone slabs are visible.

R. Manning

200

One stone slab in which foliage design is visible and adjacent to it on the right side there is another carved stone. It is up side down and is called 'Kapota'. A scale is attached in this slab. The stone slab which has foliage design in plate no. 25 is also visible in plate no. 26. In plate no. 26 another carved stone is visible below the aforesaid carved stone. This stone slab will be called as 'lintel'. No other carved or decorated stone is visible in this plate. In plate no. 29 one 'carved brick' is visible. No carved stone is visible in this plate. In plate no. 37 and 38 no carved or decorated stone/brick is visible. In plate no. 41 and 42 no carved stone or decorated stone/brick is visible. In plate no. 44 one carved stone of a bracket is visible. This carved stone is not visible in wall 16. It seems to be part of another wall. In plate no. 50 we have one carved stone lying on the floor by the side of wall 16. This slab is inside the trench. It is a 'Kapota' slab. We can see three projection in it with 2 slots carved at the end to receive another stone above. In plate no. 51 one carved stone is visible. In plate no. 62 no carved stone or brick is visible. In plate no. 39 sand stone block is visible which is not part of any structure. In plate no. 22 part of structure 4 is visible. I think wall 17 is visible in this plate. Only one carved stone is visible in plate no. 22. No carved or decorated brick is visible in this plate. In plate no.

V.R. Munnay

302'

23 wall beneath structure 4 is visible over which a carved stone can be seen. Most of the decorated or carved stones or bricks mentioned above have been found in the foundation of wall 16. One decorated stone has been found on top of wall 17 and it is not in the foundation of this wall.

Statement read and verified.

R. D. Manoj  
21-09-2006

Statement typed on my dictation in open court. Put up for further cross examination on 22-09-2006

R. D. Manoj

H.S. Dubey  
(H.S. Dubey)  
Commissioner  
21-09-2006



Before:-Commissioner Sri H.S.Dubey, Additional District Judge /Officer on Special Duty High Court Lucknow.

22-9-2006

O.P.W.17 Dr. R. Nagaswami

(Commissioner appointed vide order dated 20.09.06 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.236/1989) Bhagwan Shri Ram Lala Virajman, At Shri Ram Janam Bhumi Ayodhya and others Vs. Sri Rajendra Singh and others).

(In continuation of 21-9-06 the cross examination of O.P.W. 17 continued on oath, on behalf of The Sunni Central Board of Waqfs, U. P., defendant No. 4 in O.O.S No.5/89, by Sri Z. Jilani, Advocate,)

On page 222 on 14-9-2006 I have given the names of 5 books read by me. I don't remember whether there is any reference of Ram Janam Bhumi temple in Ayodhya in these books or not. Page 244 and 245 of my statement recorded on 15-9-2006 I have given the names of 8 books read by me. I don't remember whether there is any

P. Ramanathan



reference of Ram Janam Bhumi Temple in any of these books or not.

Learned cross examiner drew the attention of the witness towards para 39, 40, 41 and 42 of the affidavit and put the following question.

Q: Whether your statement in para 39 of the affidavit means that meat of animals is generally consumed by the Pujaris and by the worshiper in Vaishnav Hindu temples?

A: It does not mean that temple priest or Pujaris, worshiper in Vaishnavite temples consume meat of animals. Offerings of meat mixed with other kinds of food are offered to secondary deities in the temple and that is how bones are found in the temple premises.

Q: Whether the bones found below the main area of disputed structure in different layers could be said to be the bones of animals which might have been offered in sacrifice although you claim that the site was occupied by alleged Vaishnavite Temples at least from 11<sup>th</sup> century A.D.?

A: It is not unlikely that the bones found in the disputed site during the excavation in different layers were

*Dr. R. M. ...*

*Se*

offered to secondary deities in the temple I have mentioned.

Q: In your statement you have categorically said that even the so called circular shrine was not included inside the 4 enclosure walls of the alleged temple said to have been constructed around 1090 A.D. as per your statement. Then which other subsidiary shrine could have existed there within the enclosure walls of the alleged temple?

A: In Hindu temple irrespective of the fact whether there is a secondary shrine or not, the secondary deities like the directional deities are invoked in the respective directions and are offered these offering called 'Bali'. Even if there is no idol but the offering is essential in the directions of the respective deities and as such the finds of these bones are not excluded.

Q: Do you have any knowledge based on any reliable source about the alleged existence of any so called secondary deity at the site in question from 11<sup>th</sup> century onwards?

A: There could be no Hindu temple either with the structure or without structure where there is no secondary deity and in every temple the secondary deities are invoked and such offerings made.

R. Ramani



Q: You are giving general statements and you are deliberately avoiding to give reply to the specific question being put regarding the disputed site. Does it mean that you are not aware about the name of the alleged to any so called secondary deity at the disputed site, since 11<sup>th</sup> century onwards?

A: It is not correct to say that I am not aware of the existence of secondary deity in Hindu temple. I am hundred percent certain that the temple at the disputed site did have the secondary deities.

Q: Are you aware of any such alleged practices, as stated in para 40 of your affidavit, and <sup>some</sup> having been practised or any such alleged offering of blood and meat or flesh of animal having been made at the disputed site at any time since 11<sup>th</sup> century A.D.?

A: I am not aware that any such practices mentioned in para 40 of my affidavit were actually being practised in the temple at the disputed site but I was applying the practices invariably found in other Hindu temples to interpret the presence of bones in the disputed site.

There is a book on temple at 'Gudimallam' by I. K. Sharma who was in ASI as Director and was the excavator of the temple site. I don't remember the exact title of the

B. Sharma

Sl

book written by Sri I. K. Sharma but it reads some thing like 'Shaivism'. This book was published about 30 years back. This book is of about 250 to 300 pages including illustrations. I read this book about 20 years back. But I occasionally refer to the book.

Q: Why did you not file the photocopies of the relevant extracts of this book to support the averment made by you in para 40 of your affidavit?

A: I did not think it was essential as I have already given some extracts from ritual treatises.

The excavation at 'Gudimallam' was undertaken about 30 years back. The report of this excavation was published in 'Indian Archaeology A Review' in seventies but I do not remember the exact year of its publication.

Q: Can you cite any Sanskrit text showing that animal sacrifices were offered at any category of Vaishnavite temple.

A: I have appended in annexure 6 and 7 to my affidavit in this regard. For example paper no. 28/57 which refers to offering of meat, fish in para's 8 to 15.

Q: Does this refer to Vaishnavite temple?

A: It refers to all temples.

R. Sharma

Signature

Q: In the translation of all these paragraphs 8 to 15 given on the next page i.e. paper no. 28/58 there is a reference of fish meat and goats <sup>fat</sup> but there is no reference of 'animal meat or bones'. What do you have to say in this respect?

A: It is true that there is no specific mention of 'animal meat' but it refers to dried meat, meat and fat.

Q: Will it be correct to say that in Vaishnavite temples, consumption of meat of animals and birds is strictly prohibited?

A: I am not aware whether consumption of meat in Vaishnava temple is expressly prohibited.

In annexure 8 on page 49 (paper no. 28/66) I have referred to 'Siddhanta Vami' School but I do not mean to say that the alleged temple said to have been existing at disputed site from 11<sup>th</sup> century belonged to the followers of this school. I am not aware whether followers of this school were residing at Ayodhya in 11<sup>th</sup> century or thereafter. I don't know exactly whether there is any follower of this school at Ayodhya in present time or not.

Q: Are you aware of any such Vaishnavite temple in the excavation of which animal bones might have been found from the main temple area?

R. P. M. n. n. n. n.



A: I am not aware of any such excavation.

I have heard about 'Hastinapur' excavation conducted by Prof. B.B. Lal but I have not read the excavation report. I have heard that the report of this excavation was published in ASI's journal 'Ancient India' in the year 1954-55. At that time the Director General was Mr. A. Ghos. I am not aware whether this excavation was conducted under the auspices of ASI.

Q: Are you aware of the fact that Sri A. Ghos, the then Director General of ASI, had reprimanded Sri B. B. Lal for creating the impression in Hastinapur report that as if the said excavation had yielded the archaeological evidence about the story of Mahabharat?

( Sri Ajay Pandey raised the objection to the above question that this witness can not be inquired about the excavation conducted at Hastinapur therefore this question should not be allowed to be asked.)

A: I am not aware of any such reprimand.

Q: Have you heard that in Hastinapur excavation report Sri B. B. Lal has shown that no 'iron' was found in the main Painted Grey ware level at Hastinapur but later on he has been saying that iron was found in the Painted Grey ware level at Hastinapur?

D. G. (Signature)

(Signature)

A: I am not aware of this fact.

Q: Have you heard that in the Red Fort in Delhi the ASI has broken down original marble screens and was destroying old fountains and the Supreme Court had to stop it from doing so?

A: I am not aware of this fact.

The averments made in para 41 of my affidavit do not apply to the temple of Lord Rama. Similarly averments made in para 42 of my affidavit do not apply to temple of Lord Rama. The averments made in para 38 of my affidavit about 'finds' is based on the report of ASI only. I had not seen the finds of the said excavation, when I filed my affidavit. I have not seen the finds even thereafter although I have seen the trenches in the first week of September after filing of my affidavit.

'Gudimallam' is a 'Shaivite' temple. Annexure 7 of my affidavit does not refer to offering of meat or existence of bones in temples. I have not read the G.P.R survey report filed in this court but I have read it from the ASI report. I have read about G.P.R survey report only to the extent as referred with ASI report submitted by the ASI. The facts mentioned in last 4 lines of para 29 of my affidavit have been taken from ASI's report

A. Ramani





Q: Kindly point out the relevant portion of ASI report where ASI might have written "The anomaly alignment corresponded to a wall foundation belonging to successive construction periods associated with ancient and contemporar structures like pillars, foundation walls, slabs etc" as stated by you in para 29 of your affidavit?

A: I think this portion has been taken from chapter X page 268 para 1.

Q: The language used by you in aforesaid para 29 of your affidavit has not been used by ASI on page 268 of the report. What would you say in this respect?

A: Yes, it is not in the report and probably this is my own observation.

With reference to my statement recorded on page 74 on 21-8-2006 ( first 5 lines from the top ), The witness stated that this part of my statement refers to plate no. 31 of ASI report volume 2 where a pillar is seen in the photograph.

Q: On what basis you have called this pillar to be the part of Mandapa of alleged temple of 11<sup>th</sup> century?

A: In general pillared structures are called 'Mandapa' hence I have mentioned it as 'Mandapa pillar'.

B. R. M. N. N. N.



Q: Have you made this observation about this pillar only on the basis of photograph given in plate 31?

A: Yes.

At page 95 ( last para ) of my statement I have referred to 'Dwarshakha'. Which is different from lintel. In plate no. 25 and 26 carved stone of with foliage pattern has been described by me as part of 'Dwarshakha'. It is not in its actual place where it was used. It appear to be reused in the foundation of wall 16. I don't think that foundation of wall 17 is visible in any photograph of volume II of ASI report. 'Divine couple' as visible in plate no. 235, was recovered from debris of disputed structure. The objects recovered from the debris can be dated on stylistic grounds.

Q: Is there any special style of any particular period visible and decipherable from the photograph of the sculpture shown in plate no. 235 of the ASI report volume II?

A: There is no style or particular feature that is discernible from the sculpture illustrated in plate no. 235 of ASI's report volume II.

I don't remember whether books mentioned on page 244 of my statement refer about Sultan Ibrahim about

*R. Munir*

*[Signature]*

whom I have stated on page 147 and 148 that he had demolished a temple at the disputed site. I have not read about the said Sultan Ibrahim in any book of history but I have read about him only in one gazetteer. I think this gazetteer of 'Oudh' was written by Edward Thorinton. On page 171 of my statement ( last six lines ). I have referred about the establishment of his capital by Syed Salar Masood 10 miles away from Ayodhya. I have read about it in the gazetteer but I don't remember its reference in the gazetteer.

Q: From no historical text or source it appears that Syed Salar Masood had ever established any capital 10 or 20 miles away from Ayodhya or he had ever attacked on Ayodhya. What do you say about this?

A: I am confident that I did read about it, but I don't remember its reference at this stage.

Q: From no historical source or text it appears that any so called 'Sultan Ibrahim' had ever invaded Ayodhya much less around 1080 A.D. What do you have to say about this?

A: As the gazetteer has mentioned about the Sultan Ibrahim specifically and about his invasion of Ayodhya. I have taken it as a historical fact.

R. M. M. M.



Regarding pillar base no. 13 as mentioned in the chart on page 59 of the ASI report, volume I in the column of any other feature, it is mentioned that foundation was resting on floor 4 and cutting through floor 3. It means that floor 2 is not mentioned but the statement that the foundation was resting on floor 4 and cutting through floor 3 indicates that it comes from floor 2.

Q: Can it be said that some structure resting on floor 4 could not be said to have been constructed during the period of floor 2?

A: I am unable to answer this question.

On page 59 of the above report in the remarks column pertaining to pillar base no. 15 it is mentioned that the top of the foundation was exposed on plan only cutting through floor 3 which means that there was some disturbance on the top so only the cutting was visible.

Q: Can it not be said that this so called pillar base no. 15 has no concern with floor 2?

A: It can not be said that the foundation of this pillar base has anything to do with floor 2.

From the last column of page 59 to the first column of page 60 the description of so called pillar base no. 16 shows that it was noticed cutting through floor 3 and 4. It

*Dr. Munir*

*[Signature]*

was resting on below floor 4. There is no indication here of any other floor below floor 4 but there were other floors below floor 4. I think number has been given to this other floor as floor 5 etc. Pillar base no. 17 I mentioned on page 60 of the above report was resting on floor 4 cutting through floor 3. It should have come from floor 2.

Q: Whether these so called pillar bases were going from top to bottom or they were going from bottom toward top?

A: Foundations go from top to bottom.

Q: Is it possible that single pillar base can rest on different floor?

A: It is not possible.

Figure 6 at page 52 B of the above report was shown to the witness and he was questioned whether floor 2 was <sup>See</sup> ceiling the so called pillar base as shown in this figure?

The witness stated that floor 2 was ceiling the so called pillar base on the northern side. This pillar base is shown above floor 3. Probably there seems to be some disturbance on the top of the pillar base, close to floor 2. This has not been indicated in this figure as to on which floor this pillar base is resting.

R. Manning





examination of this witness on behalf of all the objectors  
against ASI report is closed.

The witness is hereby discharged.

Statement typed on my dictation in open court.

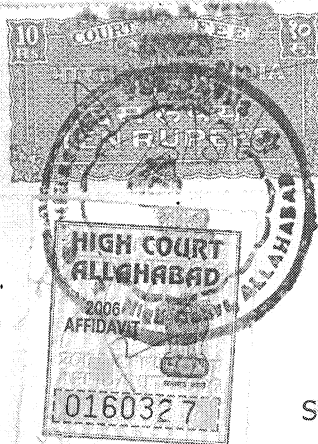
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*H.S. Dubey*  
(H.S. Dubey)  
Commissioner  
22-09-2006

O.P.W. 18

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

OOS No. 5 of 1989



Shagwan Sri Ramlala Virajman & others

... Plaintiffs

Versus

Sri Rajendra Singh & others

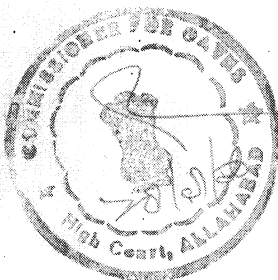
... Defendants

EXAMINATION IN CHIEF ARUN KUMAR SHARMA ON AFFIDAVIT

UNDER ORDER 18, RULE 4 Code of Civil Procedure

I, Arun Kumar Sharma, aged about 73 years, s/o Late Shri A.D. Diwan, r/o F-8/5, Sector-3, C.B.D., Belapur, Navi Mumbai – 400 614, the deponent do hereby take oath and state as under:

1. That the deponent has retired from the post of Superintending Archaeologist, Archaeological Survey of India in the year 1992.
2. That The deponent is a member of the Central Advisory Board of Archaeology, Government of India.
3. That The deponent did his M.Sc. in Physical Anthropology in 1958 from University of Sagar, and Post Graduate



*[Handwritten signature]*



Revised copy  
MA  
28/8/2006  
28/8/2006  
JHP  
28/8/2006

Revised  
T. J. H.  
28/8/2006

Diploma in Archaeology in 1968 from Institute of Archaeology, Government of India.

In Post-graduate diploma in archaeology examination, the deponent was awarded –

- (a) Maulana Azad Memorial Medal for topping in the batch;
- (b) Maulana Azad Memorial Prize;
- (c) Sir Mortimer Wheeler Prize for excavation;
- (d) Dr K.N. Puri Prize for publication.

4. That the deponent served in Archaeological Survey of India from 1959 to 1992 and got the opportunity to explore and excavate archaeological sites ranging from pre-historic times to modern times, through out India.

5. That the deponent has excavated the following sites under the licence issued by the Director General, Archaeological Survey of India as team Director of these excavations, and the reports of all these excavations were submitted to the Archaeological Survey of India within one year of the completion of the excavations. All these reports have been duly published in the book form:

- (i) Excavations at Gufkral (J&K) in the year 1981-82



*[Handwritten signature]*

- (ii) Excavations at Karkabhat (Chhattisgarh) –1990
- (iii) Excavations at Sekta (Manipur) – 1991
- (iv) Excavations at Anangpur (Haryana) – 1991-92
- (v) Excavations at Bhaithbari (Meghalaya) – 1991-92
- (vi) Excavations at Ladyura (presently in Uttaranchal) – 1992
- (vii) Excavations at Darekasa (Maharashtra) – 1992

6. That after retirement, the deponent

- (i) was appointed as Officer on Special Duty in 1993 in Indira Gandhi National Centre for the Arts, New Delhi and excavated the Rock Shelter site at Jhiri (M.P.) in 1993-94 in collaboration with the French Team. He was the leader of the Indian Team.
- (ii) On request from Gurudev Siddha Peeth, Ganeshpuri, Maharashtra, explored the entire Tansa Valley to locate and document archaeological remains.
- (iii) From 1997, he was appointed as Director (Projects) in Bodhisatwa Nagarjun Smarak Sanstha Va Anusandhan Kendra, Nagpur to



*Abel*

conduct explorations and excavations and, as Director, conducted excavations at Sirpur (Chhattisgarh) from 2000 to 2004. He is conducting excavations and simultaneous conservation at Mansar (Maharashtra) since 1997-98 till this date under license from Archaeological Survey of India.

- (iv) He has been appointed as Archaeological Adviser to the Government of Chhattisgarh since 2004 and is conducting excavations and simultaneous conservation at Sirpur (Chhattisgarh) since 2004 under license from Archaeological Survey of India.

7. That the deponent has authored the following books containing reports of excavations and explorations:-

(A)

- (i) Emergence of Early Culture in North east India (New Delhi, 1993)
- (ii) Pre-historic Delhi and its Neighbourhood (New Delhi, 1993)
- (iii) Manipur – Its Glorious Past (New Delhi, 1994)



APPL

- (iv) Megaliths in India – in context of South-East Asia  
(New Delhi, 1994)
- (v) Early Man in Eastern Himalayas including Nepal  
(New Delhi, 1996)
- (vi) Pre-historic Burials of Kashmir (New Delhi, 1998)
- (vii) The Departed Harappans of Kalibangan (New  
Delhi, 1999)
- (viii) Archaeo-Anthropology of Chhattisgarh (New  
Delhi, 2000)
- (ix) Early Man in Jammu and Laddakh Kashmir (New  
Delhi, 2000)
- (x) Heritage of Tansa Valley (New Delhi, 2004)
- (xi) Excavating in a Cave, Cist and Church (New  
Delhi, 2005)
- (xii) Excavating Painted Rock Shelters (New Delhi,  
2006)

**(B)** That the deponent has edited the following volumes

- (i) Pura-ratna – 3 volumes – Shri Jagat Pati  
Joshi Felicitation volume, New Delhi, 2002.



*After*

- (ii) Puraprakasa – 2 volumes – Dr. Zia-ud-din Ahmed Desai commemoration volume, New Delhi, 2003.

8. That the deponent also participated as a team member in the following important excavations and wrote reports on specific topics assigned to him:

- (i) Kali Bangan (Rajasthan)
- (ii) Burzahom (J&K)
- (iii) Lothal (Gujarat)
- (iv) Surkotada (Gujarat)
- (v) Malvan (Gujarat)

9. (a) That the deponent, on request from Vice-Chancellor, Kurukshetra University, studied animal bones from excavations at Mirzapur and Karan-ka-Teela (both in Haryana) and wrote reports thereupon which have been published.

(b) That the deponent on request from Late Prof. G.R. Sharma of Allahabad University examined the bones from Sarai Nahar Rai and wrote report which was published in the book "Beginning of Agriculture" – Allahabad – 1980.



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10. That the deponent has also published a number of research articles on various topics of archaeology in international and national journals.
11. That the deponent is one of the experts of the Indian Council of Historical Research, New Delhi to evaluate various projects for grant of fellowships to scholars.
12. That the deponent delivered lectures and gave field training on exploration and excavation technique to the students of Institute of Archaeology, Government of India.
13. That the deponent has visited the excavation site on 06<sup>th</sup> & 07<sup>th</sup> August, 2003 and critically examined the excavated structures, layers and deposits.
14. That the deponent has examined the reports of excavation of disputed site at Ayodhya submitted by Archaeological Survey of India on 22.8.2003 in the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow contained in two volumes as well as the photographs and other connected records.
15. That the report submitted by Archaeological Survey of India is in conformity with the archaeological principles



*Abel*

and norms and is a most scientific report of the excavation of the disputed site at Ayodhya and is based on well-established and internationally accepted norms of archaeological excavations. From the perusal of the report, it is clear that the layers are well stratified and the periodisation has been done in a proper way and the finds have also been recorded and interpreted strictly in accordance with the settled archaeological norms.

16. That in the excavations at Ayodhya which was conducted under the orders of the Hon'ble High Court, the standardized international norms for excavations, recording and writing of reports were strictly followed. Namely 1. Grid system of layout for excavation 2. Vertical and Horizontal excavation 3. Three dimensional recording 4. Principle of stratigraphy 5. principle of concordance 6. Scientific documentation. In this connection following references may be quoted. (a) *The Penguin dictionary of Archaeology*, (England, 1984) PP. 87-88. (b) *Macmillan dictionary of Archaeology*, (London, 1983) pp. 485 & 489. (c) Brian M. Fagan, *In The Beginning an Introduction to Archaeology* (Canada 1978) Third Edition. pp. 197 – 215. (d) *Ancient India, Number 3*, (Published by Government of





India) (Delhi 1947), The Recording of Archaeological Strata by Sir R. E. M. Wheeler. pp. 143 – 150. (e) *Ancient India, Number 4*, (Published by Government of India) (Delhi 1948), Further notes on digging and recording by Sir R. E. M. Wheeler. pp. 311 – 321. (f) *Archaeology from the earth*, (Australia, Penguin, 1954) by Sir R. E. M. Wheeler. (g) पुरातत्व परिभाषा कोष, भारत सरकार, दिल्ली, १९७६, पृष्ठ १०१, १०२, २७१ से २७३। I have these books and relevant pages of the books are annexed with this affidavit as **Annexure no. 1, 2, 3, 4, 5 & 6.**

17. That the trench supervisor's site notebooks and diary are the primary records for writing the reports and they have been duly recorded and preserved. It is an established practice that at the time of writing the report it is for the Director to make an analytical, comparative and critical assessment and reach the final conclusion, in consultation with the team members, which has been followed in the report by A.S.I. submitted to the Hon'ble High Court.

Sir Martimer Wheeler in his book *Archaeology from the Earth*, pp. 154, Penguin, Australia – 1954 writes. "The Director, and he alone, is responsible for the record of his work, he knows, or should know, better than anyone else



exactly what his record should express; and he can achieve the best possible record only through a full knowledge of the capacity of the mechanism which he is using. So throughout the complex operation of modern field – work the Director sets the standard of achievement and must know enough to impose his standards without question on his experts."

Please also see page 214 of Brian M. Fagan's book *"In The Beginning an Introduction to Archaeology"*, Canada, 1978 in aforesaid context. I have these books and relevant pages of the books are annexed with this affidavit as **Annexure no. 7 & 8.**

18. That the excavation must be problem oriented with sound research strategy. Brian M. Fagan *"In The Beginning An Introduction to Archaeology, Third Edition, pp. 198 (Canada 1978) "Unfocused excavation is useless, for the manageable and significant observation are buried in a mass of irrelevant trivia. A problem focus is essential for every excavation, to hold the observations to a reasonable and controllable limit. Any excavation must be conducted from a sound research design that seeks to solve specific and well-defined problems."*



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It is submitted that the Hon'ble special full Bench of Allahabad High court, Lucknow took a view in order dated 5<sup>th</sup> march, 2003 that archaeological evidence will be of importance to decide the issue. "Whether there was any temple/structure which was demolished and mosque was constructed on the disputed site." as mentioned on page 2 and 3 of the A.S.I. report Vol. -I. As per International norms of the problem oriented excavation, G.P.R. Survey and archaeological excavations were conducted.

19. That the deponent states that G.P.R. Survey is a well-recognised electronic method of probing the area to be surveyed below the surface of the earth for finding out anomalies.

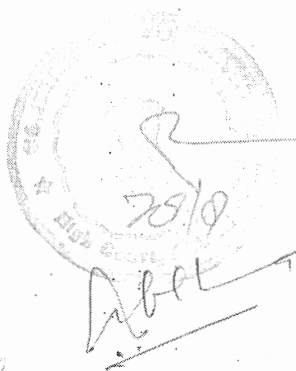
20. That the deponent is of the view, after himself physically examining the site, structures and layers, that in the excavation, right from the virgin soil up to the present surface level having cultural deposit of 10.80m (Page 37, Ch. 3 of A.S.I. Report) which has been divided into nine Periods based on cultural deposits, finds and carbon 14



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dates there is no hiatus (gap). The area remained in continuous occupation.

21. That the deponent is of the view that from Period III to Period IX there were non-residential structural activities of large dimension in the area. In archaeological context residential structural activities means the presence of dwelling houses draw – wells, soakage pits, privies (lavotory) working floor connected with a system of drain, Latrine, Hearth, Kilns, Houses and house hold clusters. (Storage pits, graves etc.), Bathroom, Storeroom, Street and Lane (For reference (a) Ghosh A. , Delhi 1989 *An Encyclopedia of Indian Archaeology Volume I*, pp. 133-153. (b) Fagan M. Brian "In The Beginning an Introduction to Archaeology, third edition, (Canada 1978), pp. 423- 427. (c) Kameshwar Prasad, Delhi 1984, "Cities Crafts and Commerce Under the Kushana's" pp. 76 – 94 may be seen. I have these books and relevant pages of the books are annexed with this affidavit as **Annexure no. 9, 10 & 11.**



22. That there may be variation in nomenclature of periodisation as amongst the scholars, so far, there is no unanimity in this regard. In archaeology it is well established that periodisation is done mainly in three ways

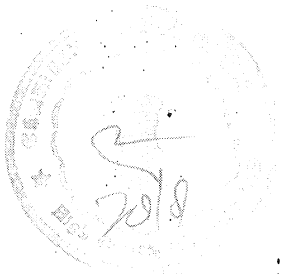
(a) Time frame – Century wise

(b) Dynasty wise

(c) Stratigraphically

A perusal of the report of A.S.I. makes it clear that A.S.I. has adopted all the three method of periodisation which proves the same to be conclusive

23. That it is wrong to say that the mediaeval period in India is supposed to be related to Islam. Professor R.S. Sharma mentioned in his book "Perspective in Social and Economic history of early India on page 228-229". *"An important problem in the general history of India is that of transition from the ancient to mediaeval, certain dates such as AD 647, 711, 750, 916, 997 and 1206 have been suggested as landmarks in political history . But since politics was the preoccupation of a small section of society in early times, it has to be shown whether any of the above-mentioned dates or whether any other date or point of time is equally significant in the history of land system,*



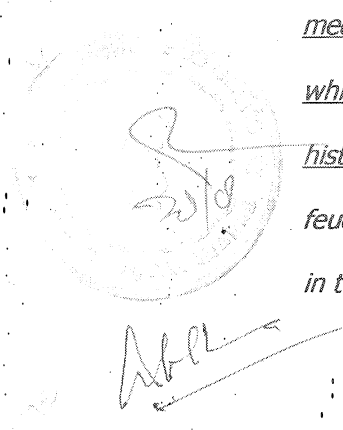
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*crafts and commerce, polity, society, language, art, religion, etc. There has taken place a lot of discussion whether Harsavardhana's death in AD 647 marks the end of one and the beginning of another era in Indian history. The statement of Vincent Smith that the death of Harsavardhana set in the process of decline in Indian history has been ably refuted by a number of scholars, and especially by H.C Ray. But for those who wish to investigate patterns of social and economic life, the real point to look for is not the presages of decline and prosperity but the nature of change in the existing way of life. If the change is of a fundamental nature, it should be regarded as heralding the advent of a new period. If it is a minor change it would not necessitate any new characterization of the period. Even the question of decline and prosperity has to be examined in relation to the process of change involved in it. We have to carefully consider how far the decline of the existing system of life shows symptoms of the rise of a new pattern of life. None of these points has been taken into account by V. Smith when he says that the death of Harsavardhana in AD 647*

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*begins a period of decline nor by those who try to refute his theory.*

*On the grounds of dynastic and political history H.C. Ray suggests that AD 916 should be accepted as the line of demarcation between the two periods in the history of northern India. In his opinion: "these may be called the ancient and the mediaeval periods; but it would be perhaps more reasonable to call them simply the Hindu period and the period of the Turks and Afghans. A similar approach has been adopted by some other scholars. In the fifth volume of the History and Culture of the Indian People it is said at one place that ancient India came to an end in AD 997, and again at another, that in Indian history the mediaeval factor was introduced in the thirteenth century. Both views are based on the assumption that the Muslim conquest ushered in medievalism in India. Does it mean that without the Muslim conquest there would have been no medievalism in India? Does it imply that the countries of Europe which escaped this conquest had no mediaeval period in their history? In Europe it is difficult to think of medievalism without feudalism, the origins and nature of which have to be examined in the case of India."*



Another world fame renowned scholar of Indian History professor A.L. Basham used the term "Mediavel Hindu India for Chapter 6, pp. 51- 59 in his book "Cultural History of India", Oxford, 1975". It is pertinent to point out here that Professor Romila Thapar of Jawahar Lal Nehru University, New Delhi, Professor R.S. Sharma of Delhi University, Late Professor V.S. Pathak (Vice Chancellor) of Gorakhpur University, Gorakhpur had done their Ph.D. under the supervision of Professor A.L. Basham. I have above mentioned books written by Prof. R.S. Sharma and Prof. A.L. Basham. Relevant pages of these books are annexed with this affidavit as **Annexure no. 12 & 13.**

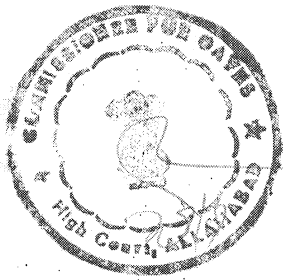
24. That in Archaeological excavations, it normally happens that later material creeps down through the rat, root holes, cracks created in the earth due to dryness and natural calamities. This has been duly enumerated from page 45 to 47 of the ASI Report Vol. I. as disturbance in strata.

25. **Pillar Bases** – That in all 50 pillar bases have been unearthed of which 12 were fully exposed, 35 were partly

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exposed and 3 were traced in section as per the ASI's report (page 55, Vol. I). Forty-six pillars belonged to floor No. 3 of period VII, dateable to Circa 12<sup>th</sup> Century A.D. whereas four pillars belong to floor No. IV dateable to 11<sup>th</sup> Century A.D. The Pillar bases are constructionally well-founded. Besides, the three pillar bases partly also available in the section in trench No. F-2 - G-2 (balk), pillar base no. 20 (page 60 of the report), F-8 - F-9 (balk), Pillar base no. 40 - 41 (page 65 of the report) F-8 - F-9 (balk) are constructionally well embedded and can not have been created or manufactured by the excavators under any circumstances as the section reflects only the pre-existing things (in part or full). Moreover, the G.P.R. Survey report on page 31 states "in conclusion, the G.P.R. Survey reflects in general a variety of anomalies ranging from 0.5 to 5.5 meters in depth that could be associated with ancient and contemporaneous structures such as pillars, foundations, walls, slab flooring extending over a large portion of the site. However, the exact nature of these anomalies has to be confirmed by systematic ground truthing, such as provided by archaeological trenching".



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And the excavation by A.S.I. has now confirmed it. (Figure No. 12 & 13).

26. That the Pillar bases are in alignment as under-

Seventeen are in north-south orientation, five in east-west orientation and they suggest a total span of sixty meter north-south and thirteen meter east-west. These pillar bases belong to period VII, and are in equidistance amongst themselves except for pillar base No. 27 (trench No. H-5).

27. That the concordance of layers is very clear which has been mentioned in the A.S.I. report.

#### **28. Walls and Floors**

Walls and floors exposed in excavation are stratigraphically properly co-related. Stratigraphically wall No. 16 which is 50m long and 1.77m wide and runs north-south is attached with floor 3 belonging to period VII-A, 12<sup>th</sup> Century A.D. It is not a solitary wall. This wall corresponds to 46 pillar bases. With this wall, Wall No. 18-



A, 18-B and 18-C are attached and interlocked thus forming a rectangle. The pillar bases are well in alignment of these walls. Moreover, in the same level, i.e., associated with floor No. 3, is the wall No. 18-D, a short wall. Thus the question of wall No. 16 being the wall of a "Kanati Mosque" is simply wild, unfounded imagination.

It is also stated that the word Kanati Mosque is not mentioned in (a) Dictionary of Islam, Delhi, 1985 by Thomas Patrick Hughes (b) Glossary of terms, pp. 128 – 130, "Indian Architecture" Islamic period, Bombay 1975, by Percy Brown (c) Macmillan dictionary of archaeology, London, 1983, pp. 337 (d) Penguin dictionary of architecture, England, 1966, pp. 222.

In उर्दू हिन्दी शब्दकोष (लखनऊ नवम संस्करण, २००१) संकलनकर्ता मुहम्मद मुस्तफा खाँ, मद्दाह पृष्ठ सं० ६७ The word कनात (स्त्रीलिंग) Means "मोटे कपड़े का परदा जिसकी दीवार खड़ी की जाती है।"

It means Kanat was never associated are attached with any permanent brick wall (like wall no. 16 as excavated in Ayodhya excavation). I have above mention book and relevant pages of the books are annexed with this affidavit as **Annexure no. 14, 15, 16 & 17.**

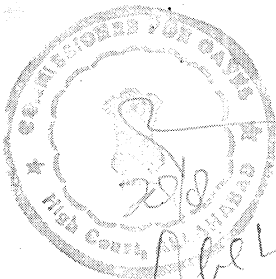


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Wall No. 5 which is the foundation wall of the disputed structure, directly rests over wall No. 16, which indicates that immediately after the demolition of the structure belonging to wall No. 16, the disputed structure was raised right over the wall of earlier structure. There is no foundation trench for wall no. 5.

In wall No. 5, the structural members like *Makar Pranal* of earlier structure has been re-used. This *Makar Pranal* is used only in temples for outlet of water. This clearly proves that the structure which existed at the site prior to the disputed structure was nothing but a Hindu temple.

Between Wall No. 5 and remains of Wall No. 16, over which Wall No. 5 directly rests, there is not a centimeter of wind or water borne deposit. This clearly shows that Wall No. 5 was immediately raised over the demolished Wall No. 16. In the core of Wall No. 5, bricks used for filling are the bricks collected from the demolished temple (Plate No. 33, Fig. 4). The size of the bricks is 29X19X5cm to 22X14X5cm. These bricks



originally belonged to wall No. 16 (page 68 of ASI Report, Vol. I).

Wall No. 6 which is wall of the disputed structure, directly abutts with Wall No. 16 and it could be clearly seen in Plate No. 29 that the niche of Wall No. 16 has been blocked by the same size of bricks of the Wall No. 16. In the non-blocked area, i.e., in the original wall there is thick plaster of lime (2cm, Plate No. 49). This clearly shows that the series of niches existing in the Wall No. 16 were blocked after demolishing the existing structure and before raising the disputed structure. The construction pattern of the niches (Plate No. 49) does not indicate that they are Mehrabs of any mosque but are niches provided for installation of minor deities in a temple as they exist just above the floor level of the temple. After the demolition of the structure belonging to Wall No. 16, the mosque people did not plaster the blocked area as it fell below the floor of the disputed structure.



\*29. That the niche in wall no. 16 is not in the centre of the wall. Therefore it can not be the wall of a Eadgah. Mehrab (Niche) is not only a part of Islamic architecture by its

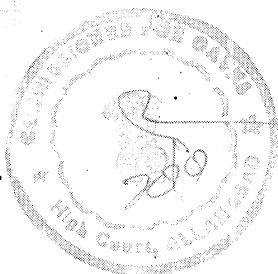
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origin. The idea has been borrowed from the Hindu architecture where niches have been a salient feature of Hindu sacred buildings. According to "*Dictionary of Islam*" (Delhi, 1995) by Thomas Patrick Hughes, page 348. (This dictionary was for the first time published in 1885.)

"The Mihrab, as it now exists, dates from the days of al-Walid (A.H. 90), and it seems probable that the Khalifah borrowed the idea from the Hindus, such a niche being a peculiarly Hindu feature in sacred buildings"

The focus for prayer in a mosque, usually a niche (sometimes a flat slab) is in the centre of the Qiblah wall. It first appears in the late C7. "The Penguin Dictionary of Architecture" Newzeland, 1980, pp. 217." I have these mentioned books and relevant pages of the books are annexed with this affidavit as **Annexure no. 18 & 19.**

30. That the wall no. 17 excavated to the length of 50m is 1.86m wide. This wall belongs to period VI dateable to 11<sup>th</sup>-12<sup>th</sup> Century A.D. Wall No. 16 substantially rests over this wall. Both walls no. 16 and 17 extend beyond the limits of wall no. 5 on the northern as well as southern sides; walls no. 16 and 17 also extend beyond the excavated area on northern side.



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**31. Circular Shrine**

That the stratigraphically speaking, circular shrine belongs to period V, dateble from 700-1000 A.D. It was built prior to Wall No. 17. The existence of carved-brick *Pranala* in north clearly shows that it was a circular shrine. Such a circular shrine has been excavated by Sri Jagat Pati Joshi Retd. D.G. A.S.I. and the deponent at Mansar (Maharashtra) – Indian Archaeology – 1998-99 – A Review, Plate No. 46, Page 110<sup>117</sup>, a photocopy of the relevant pages of this book got prepared from its original is annexed with this affidavit as **Annexure no. 20**. The circular shrine as reported by A.S.I. is surrounded by Wall No. 19-A and 19-B which are contemporary to the circular shrine. (page 70)

32. It is wrong to say that glazed tiles and glazed ceramics (pottery) are Islamic features. They have been found in many sites from much earlier levels (from Kushan onwards) to the Islamic period. In China the technique of glazing in poetry were known in 14<sup>th</sup> century B.C., much before the invention of Islam (Macmillan Dictionary of Archaeology, London, 1983, pp. 187.) and "Wedington



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(1942) is of opinion that glazing came in India from the China during Kushan period and by Chinese travelers also". by A. Ghosh, (Delhi 1989) *An Encyclopedia of Indian Archaeology* vol. I, pp. 260. I have these books and photocopy of relevant pages are annexed with this affidavit as **Annexure no. 21 & 22.**

That teracotta figurines consist of Vamnakas of Kushan period bearing a glazed coat is reported from period III of Kankali Teela at Mathura. as mentioned by A Ghosh, (Delhi 1989) *An Encyclopedia of Indian Archaeology* vol. 2, pp. 286 also see "Some glazed ware in north India" by J.S. Nigam, pp. 476 – 483, in Dr. Ziauddin Ahmed Desai felicitation volume "*Pura Prakash*, edited by A.K. Sharma, M.I. Quddusi, M.Y. Quddusi and G.S. Khwaja, (Delhi 2003.) These books with me and photocopy of the relevant pages are annexed with this affidavit as **Annexure no. 23 & 24.**



33. That it is wrong to say that lime-surkhi in India made its appearance from Islamic period. This mortar was used in Gangetic plain from C. 2<sup>nd</sup> Century B.C., e.g., at Kausambi (The excavations at Kaushambi (Allahabad 1960) by Professor G.R. Sharma, page 34-37), Ganvwaria

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(Perspective in Social and Economic History of Early India by Prof. R.S. Sharma, (Delhi 1983), page 181-182, Mathura (I.A.R. 1976-77 page <sup>548</sup> 55). In connection with the presence of Surakhi in Kushana period Prof. Sharma is of the opinion that the Surakhi is purely indigenous and was not brought to India by the Kushana's from Central Asia.

"But the use of Surakhi and Tiles may not have been adapted from outside". Ancient India by R.S. Sharma. NCRT, 1999, page 145. I have these books and relevant pages of the books are annexed with this affidavit as **Annexure no. 25, 26, 27 & 28.**

34. That from the scientific evidence brought to light from the excavations conducted by the Archaeological Survey of India as per international norms and report submitted in unusually short time, it has been clearly brought out that below the disputed structure there existed temple structures belonging to different periods at least from 700 A.D. onwards to 14<sup>th</sup> Century A.D. and not a series of any Islamic structures. The temple of 12<sup>th</sup> century A.D. was undoubtedly demolished and over its remains the disputed structure was raised. Thus, taking into account all the scientific evidences, that there existed a Hindu temple



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which was demolished and disputed structure was raised on the disputed site, utilizing some structural material of the temple.

Lucknow

Dated : August 28, 2006.

  
Deponent

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1-14 and 34 of this affidavit are true to my knowledge, paras 16, 19, 23, 29, 32, 33 are true to my knowledge based on the books, paras 15, 20, 26, 27, 30 are true to my knowledge based on A.S.I. report, paras 17, 18, 21, 22, 24, 28 & 31 are true to my knowledge based on books and A.S.I. report, and para 25 is true to my knowledge based on A.S.I. and G.P.R. Survey report. No part of it is false and nothing material has been concealed. So help me God.



Lucknow

Dated : August 28, 2006

  
Deponent

I identify the deponent Sri  
Arun Kumar Sharma who  
has signed above in my  
presence and is personally  
known to me.

Lucknow

Dated : August 28, 2006

*Ajay Pandey*  
Advocate

Solemnly affirmed before me on 28.08.2006 at  
10.30 A.M./P.M. by Sri Arun Kumar Sharma the  
deponent, who has been identified by Sri Ajay Pandey  
Advocate, High Court, Lucknow Bench, Lucknow. I have  
satisfied myself by examining the deponent that he  
understands the contents of this affidavit which have been  
read over and explained to him.

Lucknow

Dated : August 28, 2006



*Ravindra K. Verma*  
RAVINDRA K. VERMA  
Oath Commissioner  
HIGH COURT OF ALLAHABAD  
Lucknow Bench, Lucknow.  
160327 28/8/06