

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

OOS No. 5 of 1989

Bhagwan Shri Rama Lala Virajman & others ... Plaintiffs

Versus

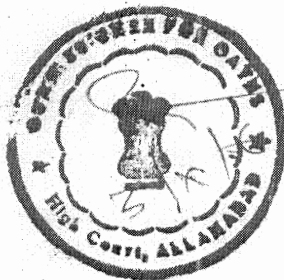
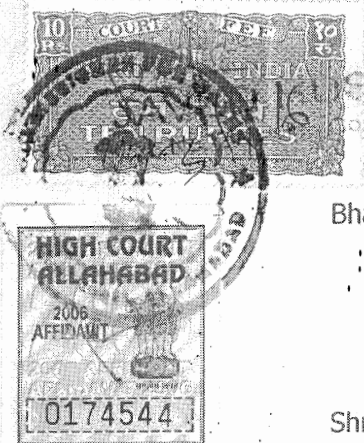
Shri Rajendra Singh & others ... Defendants

EXAMINATION IN CHIEF RAKESH DATTA TRIVEDI ON
AFFIDAVIT UNDER ORDER 18, RULE 4 Code of Civil Procedure

I, Rakesh Datta Trivedi aged about 71 years son of Shri A.P. Trivedi, resident of F - 17/111, sector 8, Rohini, Delhi, do hereby take oath and state as under -

1. That the deponent passed his M.A. examination in the year 1958 in Ancient Indian History and Archaeology subject from Lucknow University, Lucknow.
2. That the deponent joined National Museum New Delhi as Museum Lecturer and subsequently he was promoted to the post of Senior Museum Lecturer and remained there since 1962 to 1974.

Rakesh Datta Trivedi



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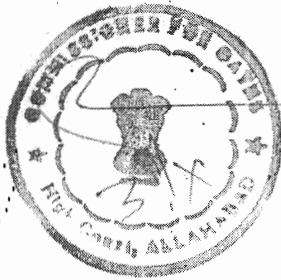
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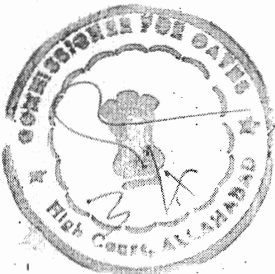
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3. That during his posting in the National Museum in New Delhi the deponent underwent specialized training in Museology in France during 1967-68 under the scheme of French Government scholarship.
4. That the deponent also visited for specialized study several museums of United Kingdom, Czechoslovakia and West Germany.
5. That the deponent joined the Archaeological Survey of India, New Delhi in the year 1974 and retired in the month of June, 1993 as Director of Archaeological Survey of India, New Delhi. During his service tenure in the Archaeological Survey of India the deponent visited a number of Archaeological sites, Museums and Monuments in Japan also under the cultural exchange program of Government of India.
6. That during his service tenure in the Archaeological Survey of India the deponent worked as Head of the temple Survey project of North India from 1977-1984 and remained engaged in research, interpretation of Indian Art, Temple Architecture, and Sculptures connected with Ancient Temples.



Raj

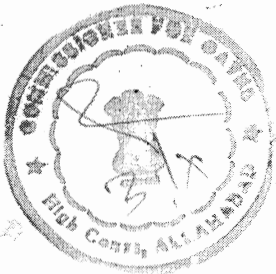
7. That the deponent has written a book titled as "*Temples of the Pratihara Period in Central India*" which has been published by the Archaeological Survey of India in the series of Architectural Survey of Temples. In Addition the deponent has written another book titled as "*Iconography of Parvati*" Published by Agam Kala Prakashan, New Delhi. The book deals also with Parvati as the consort of Siva. The deponent has also written a number of Articles and research papers pertaining to Indian Art and culture published in various journals of India and abroad.
8. That the deponent went through the report in two Volumes submitted by the Archaeological Survey of India on excavation of disputed site at Ayodhya under the instructions of the Hon'ble High Court.
9. That the deponent during his service was connected with the study and research of temple architecture and Iconography.
10. That the structural and architectural remains found in excavation at the disputed site proves the existence of remains of massive [REDACTED] structure underneath. The existence of massive walls coupled with other structures



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and pillar bases further indicate the existence of an extensive pillared Mandapa-like structure which is found in temples of northern India.

11. That the existence of 50 pillar bases exposed (some of them fully, other partially and a few of them traced in section) also indicate the existence of the Mandapa. The pillared structure which was below the surface of the disputed structure was standing on the much bigger area on lateral sides and front side facing east, further proves the existence of a big Mandapa.
12. That in the Southern side of the disputed structure, the remains of a circular shrine, which dates back earlier to the pillared structure facing east, has a Vari-marga (Pranala) on the northern side to serve as an outlet for water which is usually found in the temples. To the east of it are situated the remains of water tank (Pushkarini) encountered under the Rama Chabutara. It may be mentioned here that Pushkarini is associated with Hindu temples.
13. That the Architectural and Sculptural remains like Makar-pranala (Crocodile faced Chute) terminating in foliage pattern, architectural pieces carved with Patra-Lata or



Roy Chowdhury

kalpa-valli motif, pillar bases encased by orthostats and bhadra-ka-type pillar base, lower part of an octagonal pillar carved with foliage pattern, architectural piece carved with alternating 'padma and ratna (lotus and diamond) motifs reused in the lower portion of brick wall definitely belong to some earlier temple structure.

14. That the architectural pieces carved with diamond (ratna) pattern and ceiling slab carved with lotus relief, pieces of broken amalaka, ghatapallava pillars, fragmentary foliage and floral carvings, Shrivatsa mark carved on stone in low relief, carved bricks with Ardha ratna and rope design; all these are indicative of a temple repertoire.

15. That the book written by Percy Brown titled as "*Indian Architecture*" (Buddhist and Hindu) Published by D.B. Taraporewalla sons and Company Private Limited, Bombay, deals with architectural and pillar remains of Hindu temples reused in mosques. **Annexure No. 1** of this affidavit is true photocopy of the original book plate number XCVI showing re-erected pillars of Qutub Mosque which establishes that temple remains were adapted in mosque.



R. G. Ghosh

16. That **Annexure No. 2** of this affidavit is true photocopy of the original book plate number VI figure 1 & 2 of the same book relating to Islamic period also establishes reuse of temple remains and pillars in Islamic structure.
17. That **Annexure No. 3** of this affidavit is true photocopy of the original book "*Indian Archaeology 1998-99 a Review*" plate number 91 and **Annexure No. 4** of this affidavit is true photocopy of the original book Hindu Iconography (Based on Anthological Verses, Literature, Art and Epigraphs) by S.P. Tewari published by Agam Kala Prakashan, New Delhi, plate ¹²10 and ¹²11 which show the photo of Uma Mahesvara which indicate similarity to the badly damaged sculpture of Divine Couple.

Lucknow

Dated : 03-10-2006

Reynold
Deponent



VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1-9 & 14 of this affidavit are true to my knowledge, those of paras 10 to 13 and 15 to 17 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 : 03-10-2006

Roy Datta
Deponent

I identify the deponent Sri Rakesh Datta Trivedi who has signed above in my presence and is personally known to me.

Lucknow

Dated : 03-10-2006

Aja Pandey
Advocate

Solemnly affirmed before me on 3.10.2006 at 9.20 A.M./P.M. by Sri Rakesh Datta Trivedi the deponent, who has been identified by Sri Aja 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 :

R
RAVINDRA K. VERMA
OATH COMMISSIONER
High Court
Lucknow
104544 3/10-6



3485

ANNEXURE - 1

7/1

THE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

C.S. NO. 5 OF 89

VERSUS

PRODUCED BY

DATE OF PRODUCTION 3-10-66

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EXT. NO. 86

BY ORDER OF THE COURT

O.S.D.

INDIAN ARCHITECTURE

(Buddhist and Hindu Periods)

BY

PERCY BROWN

M.B.E., A.R.C.A., F.R.A.S.B.

Formerly Secretary and Curator, Victoria Memorial Hall,
Calcutta, Principal of the Government School of Art,
and Keeper of the Government Art Gallery, Calcutta

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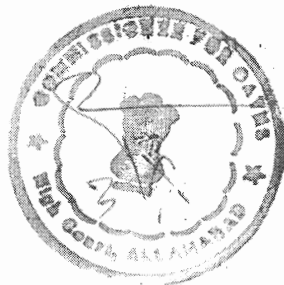
7/3

XCVI



Delhi: Temple pillars of the 8th and 9th centuries re-erected in the cloisters of the Quth Mosque.

Revised



3488

7/4 ANNEXURE-2

OF HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW
S.O.S. NO. 5 OF 89
VERSUS
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BY ORDER OF THE COURT 6.5.09
O.S.D. 6.5.09

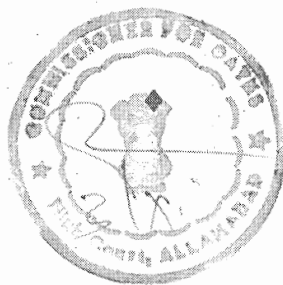
INDIAN ARCHITECTURE (ISLAMIC PERIOD)

BY

PERCY BROWN
M.B.E., A.R.C.A., F.R.A.S.B.

Curator, Victoria Memorial Hall, Calcutta, formerly
Principal of the Government School of Art and
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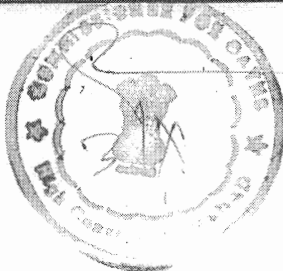
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VI

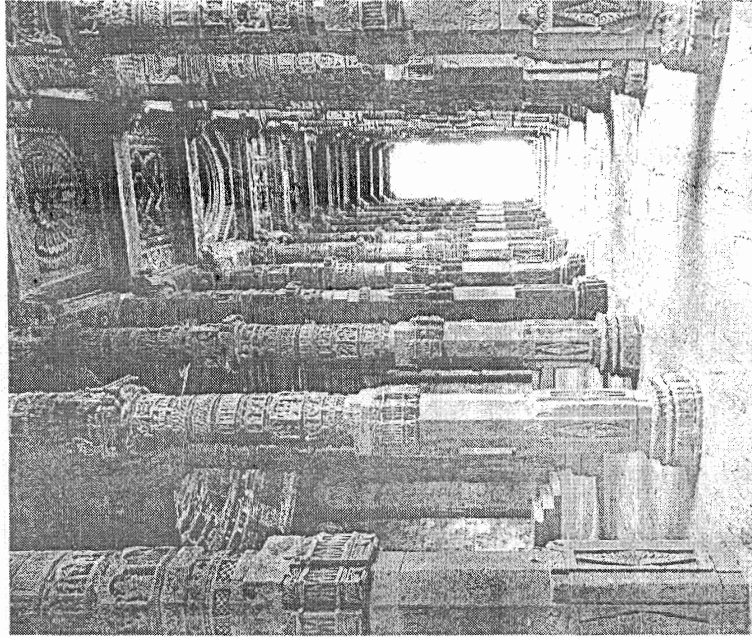


Fig. 2
Ajmer : The Arhai-din-ka-Jhompra (c. 1205)

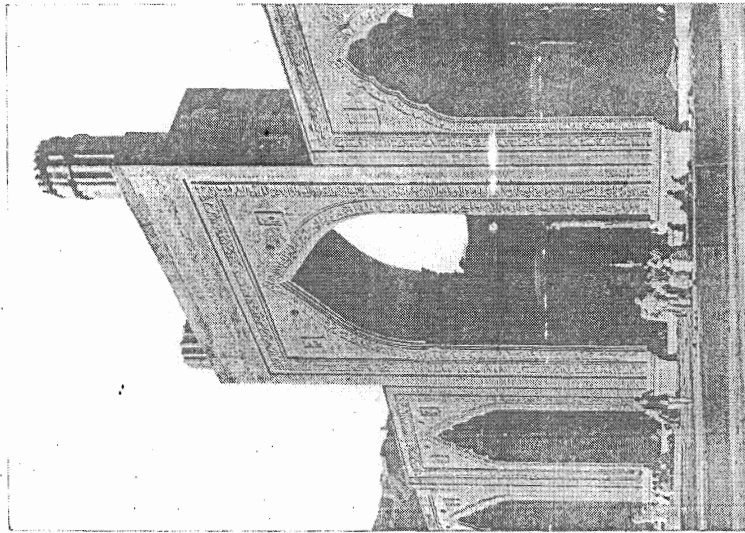
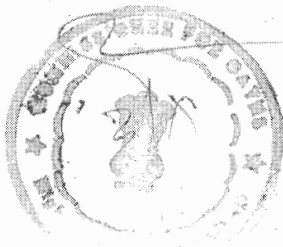


Fig. 1

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ANNEXURE-3

7/7

INDIAN ARCHAEOLOGY 1998-99 -A REVIEW

UP HIGH COURT OF JUDICATURE AT ALLAHABAD,
LUCKNOW BENCH, LUCKNOW
O.S. NO. 5 OF 89
Bhagwan Singh Ram Lal V. Ram Lal
VERSUS Rajendra Singh
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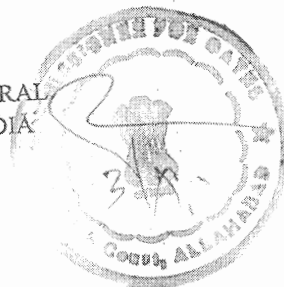
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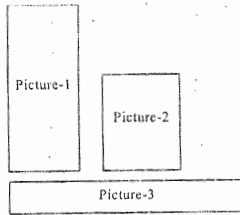
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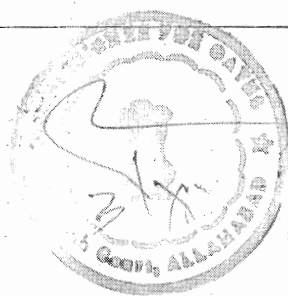
Cover : 1 and 2, Bisokhar : porch pillar and sculptural depiction of raising of Govardhana hill
3, Shyam Sundar Tilla: terracotta plaque with flying figures

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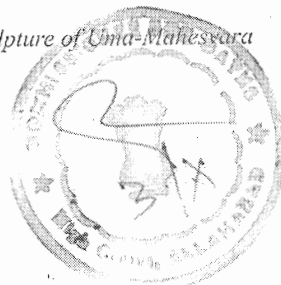
Rohrman





Siliguri : stone sculpture of Uma-Mahesvara

Robt. H. H. H.



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ANNEXURE-4

7/10

HINDU ICONOGRAPHY

(Based on Anthological Verses, Literature, Art and Epigraphs)

THE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

S. NO. 5 OF 89
Blaguen Sri Ram Kala Yashwantrao

VERSUS
Rajendra Singh Shastri

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DATE OF PRODUCTION 3.10.86
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BY ORDER OF THE COURT
by S. P. TEWARI O.S.D. 2.2.2010



Blaguen

AGAM KALA PRAKASHAN
NEW DELHI

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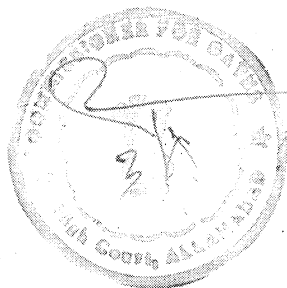
7/11

Ex. nos. 5-94

First Published 1979
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New Delhi-110035, Phone-563395
Printed by PRINT INDIA, A-38/2, Maya Puri Industrial Area, Phase-I,
New Delhi-110064.

R. G. Singh



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Ex. 003-5-94



10. Umā-Maheśvara, Pala, c. 11th century
A.D., Bihar, Indian Museum, Calcutta.

*Commissioner of the photo
not duplicate's contents desired
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2/2/11*

Rey Smith



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Ex 005-5-94

12. Umā-Maheśvara, Pala, c. 11th century A.D., Raikighi, West Bengal, Asutosh Museum of Indian Art, Calcutta.

*Dimensions of the photograph not
disputed; contents damaged
H. H. 2/1/11.*

Received



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 20.09.2006 of
Hon'ble Special Full Bench of Allahabad High Court, Lucknow
Bench, Lucknow passed in O.O.S. No. 5 /89 (R.S. No.236/1989)
Bhagwan Sri Ram Virajman at Shri Ram Janam Bhumi & Others
Versus Rajendra Singh and Others.)

03.10.2006

O.P.W 19 R. D. TRIVEDI

(Examination in Chief (page 1 to 7) of Rakesh Datta
Trivedi S/o Shri A. P. Trivedi aged about 71years R/O F- 17/111
Sector 8, Rohini, Delhi taken on record).

R.D. Trivedi

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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:-

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I had not visited excavation site at Ayodhya during the course of excavation. Recently on 24th of September 2006 I have visited the disputed site for a brief while. At this time most of the trenches were covered / filled with sand bags. I never visited Ayodhya prior to 24th September 2006. My parents and ancestors belong to Barabanki District, U. P. My ancestors were resident of village Mardapur, Tahsil Haidergarh, District Barabanki. I have been at several places during my tenure of service but presently I am settled in Delhi. I have never been posted in U.P. during my service. I joined my service ⁱⁿ National Museum in 1962 and retired in the year 1993 from ASI. My service in National Museum Delhi was not governed by ASI. ^{At} present both are separate organisations. When I was selected in ASI, I was relieved from National Museum. Initially I joined in ASI as Deputy Superintendent Archaeologist. From 1958 to 1962 I worked as custodian in educational museum Etawa, and state Museum Lucknow. By means of my affidavit of examination-in-chief, in nut-shell I want to convey that as per the excavation

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report submitted by ASI there were structures under the disputed structure and several fragmentary sculptural and architectural remains have been encountered underneath. The structures which were found below disputed structure during excavation were Hindu structure. The remains of the sculptural and architectural fragments which were found below disputed structure were indicative to temple association.

Q: Whether under your perception if the architectural members and fragments as told by you having been noticed there are ignored for a while then on the basis of structure itself which was noticed below the disputed structure during the excavation what would be your opinion about the same to be a Hindu religious temple structure ?

(Sri Ved Prakash Advocate, raised the objection to the above question that in an excavation all what has come out shall be taken into consideration and only then the opinion can be given. Nothing can be excluded and if a witness is put to a question suggesting him to exclude one particular thing and then opine then such type of question shall be confusing and a person shall get confused, such question should not be allowed to be put to the witness particularly in these circumstances that all the things which have come out from excavation. This is not a case of other ^{✓ Bde ✓} that as suggested one particular thing has not come

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out at all. Therefore such question should not be permitted to be asked.)

(In reply to the above objection, learned cross examiner submitted that the question which has been put to the witness in the context deposition going on, is quiet relevant and the objection raised by a senior counsel tends to suggest the reply and to the stature of Sri Ved Prakash it is highly undesirable.)

A: I think the question is based on presumption and can not be replied categorically and ignoring certain artefacts altogether.

I have got no personal difficulty in replying the question.

My book titled as "Temples Of The Pratihara Period in Central India" was probably published in the year 1990 but its exact date can be stated only after seeing the book. After seeing the above book the witness stated that this book was published in 1990.

Q: Whether the title of the book as given by you indicates that there has been a Pratihara period in Indian history and that pertain to central India ?

A: 'Pratihara' period indicates the time bracket of the imperial 'Pratiharas' dateable form 8th to 10th centuries A.D. and central India means the location of the temples of that region belonging to that time bracket. 'Pratiharas' were a ruling dynasty. Whole of India was not under their rule. It was only

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limited mostly in northern India. Uttar Pradesh as known today was under the rules of 'Pratiharas'. During their heydays Pratiharas ruled from parts of Himanchal Pradesh to Narmada in the south and from parts of Gujrat to parts of Bihar in the east. 'Pratihara' is a dynasties name of kings. They ruled from 8th to 10th century A.D. meaning there by they rule for about 300 years. They took over from some smaller King ruling from Ujjan and Kanauj in northern India. Pratihara surrendered rule from Chandelas, Paramaras, Kechhhapaghat etc. Prior to Pratihara's Kanauj was being ruled by 'Ayudha' dynasty. To be sure in this respect I have to refer to my book. I don't remember the who was ruling Ujjan prior to Pratihara.

Q: Whether your home district Barabanki in that period did fall within the territorial limits of Kanauj rulers or Ujjan rulers ?

A: Above question is irrelevant, with regard to my affidavit.

Q: Do you know that a question put to you in cross examination if not disallowed by the court is to be replied by you as a witness ?

(Sri Rakesh Pandey raised the objection to the above question that question relating to Barabanki is not at all involved in the present controversy and the witness has also clearly stated that it has nothing to do with the facts mentioned in his affidavit

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as such the learned cross examiner should explain the relevancy of the question before compelling the witness to answer the question.

(Learned cross examnier in reply to the above objection submitted that by raising such objection the witness is being encouraged to evade the questions. The witness having himself stated to be author of a book and Uttar Pradesh being under rule of the said dynasty regarding whose temple the witness professed to be well versed and as such to ascertain the veracity of such statement the question is quiet relevant)

A: I am not aware in this regard.

Q: What do you feel now about replying the question put to you ?

A: I think it was with Kanauj rulers.

I can mention the names of some Pratihara rulers such as Vatsaraj, Nagbhat, Bhoj, Mahendra Pal etc. I don't know whether people belonging to Pratihara dynasty are living these days in India or not. I don't know that whether the successors of Pratihara dynasty are living in Uttar Pradesh or not. So far study of Ancient Indian History was concerned in my course it pertains from the earliest period to 12th century A. D. By earliest period I mean from Palaeolithic period onwards. Palaeolithic period includes stone age. Rule of Pratihara dynasty does fall with in

Replied

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the course of Ancient History studied by me. I have also read Archaeology. Study of this subject was part of my M. A. degree. I have got practical knowledge of archaeology during my service period. I have not done any excavation. I have not written any excavation report. I have not scrutinised and reviewed any excavation report. I know Sri B .B. Lal and I have not worked under him. I don't think Sri B. B. Lal was holding any post in ASI in 1974, when I joined the service in ASI. Temples of Pratihara period have got significance. It is a transition period in architecture from Post-Gupta (7th century) to late Medieval (11th -12th century) temple architecture. Temples raised during Pratihara period in northern India are known as Pratihara temples. Temples in India have been noticed in 4th -5th and 6th century A.D. Generally the temples of this period are known as Gupta temples. Temples in 1st, 2nd and 3rd century have also been noticed in India but at very few places. No dynastic name is assigned for the temples of 1st to 3rd century A .D. Pratihara temples have got some distinguishing characteristic of their own. Temples have been noticed in other part of India also during period of 7th to 12th century A .D. They were known by the names of dynasty / regions in which they were constructed.

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Q: Is any style or design ascribed to the temples found in rest of the India beyond the territory under the Pratihara rules during 7th to 12th century ?

A: Chalukyan, Pallava, Chola, etc. styles were prevalent in other parts of India.

Temples were known generally by the dynastic names but some times they are also known by the names of regions in which they were built. The temples of Pratihara period are also known on the name of the dynasty. Pratihara is the name of style which flourished during Pratihara period. Chola, Pallava, Chalukyan are also known by the dynastic names. I have heard about Nagar style temples. Nagar style temple came into existence in India from early historic period onwards. Nagar style nomenclature is not generally prevalent in the case of modern temples.

Q: Whether as told by you the nomenclature (nagar style temple) has been taken over by some other nomenclature ?

A: No, it is generally known as northern style of temple architecture.

The term 'Nagar style' temple has been denoted in some of the 'Shilpa-texts' during 8th to 11th century A. D. Pratihara temple may be included in the Nagar style temples. The term Nagar style is a wider term which includes whole of the northern

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India and even parts of Deccan and part of South India. Pratihara temple architecture is a specific style within the Nagar Style.

Q: Can you indicate certain distinctive features in architecture of Pratihara temples from that of Nagar style temples?

A: Pratihara temples are part of Nagar style and they are characterised by low Adhishthan, simple Jangha portion, narrow Varandika and comparatively low Shikhara.

By low Adhishthan I mean a simple set of 4-5 mouldings. Simple Jangha Portion means comparatively less decorated wall portion. By narrow Varandika is meant a set of 3-5 mouldings above the wall portions and below the Shikhara of the temple. Shikhara is upper portion of the temple which is marked with Bhumi Amalakas to indicate the storeys of the temples. The whole set of these members is topped by a bigger Amalaka and other members over it.

Statement read and verified.

ROY MOCHI

03-10-2006

200

Statement typed on my dictation in open court. Put up for
further cross examination on 04-10-2006

H.S. Dubey
(H. S. Dubey) *3.10.2006*
Commissioner
03-10 -2006

REduced

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

(Commissioner appointed vide order dated 20.09.2006 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, Lucknow passed in O.O.S. No. 5 / 89 (R. S. No. 236/ 1989) Bhagwan Sri Ram Virajman at Shri Ram Janam Bhumi & Others Versus Rajendra Singh and Others.)

04.10.2006

O.P.W 19 R. D. TRIVEDI

(In continuation of statement dated 3-10-2006 the cross examination of O.P.W. 19 Sri R. D. Trivedi 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 mentioned in my earlier statement about four kings of Pratihara dynasty who ruled one after the other. Vatsaraja ruled first, Nagbhat-II was his successor, there after Mihir Bhoj became the king of Pratihara dynasty, there after Mahipal became the king of this dynasty. Mahendra Pal was also ruler of this dynasty. So far the names of other kings is

Rajendra

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concerned I can tell about them only after consulting my book.

Q: Can you give the mechanism / modus operandi through which the Pratihara rulers overthrew the earlier ruler?

A: I don't remember in this regard and can give the answer of this question after consulting my book.

Pratihara rulers firstly came to Ujjain and then to Kannauj. Pratihara rulers came from Rajasthan and Gujrat to Ujjain and Kannauj. I don't remember as to when Pratihara rulers captured Ujjain and Kannauj. The time gap of these incidents can not be said by me without consulting the book. So far as Pratihara are concerned these are the two major centres in their region. I am not aware as to whether any provincial system was prevalent in those time or not. The seat of their power was Kannauj which was capital city. Pratihara managed there kingdom from Kannauj. I don't remember the exact period of their rule but they ruled for about 200 years from Kannauj. I can't answer with going through my book as to how and in what manner Pratihara were over powered. Again said two invasions of Mahmood Ghaznavi over Kannauj were one of the major factors of their disintegration. They were mainly over powered by these two invasions.

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These invasions took place probably in 1018 and 1019

A .D. After these invasions Mahmood Ghajnavi did not rule, he destroyed and looted the city. The territory of Kanauj after Pratihara~~s~~, was taken over by the Chandolas. Chandelas occupied these territories after few decades but I don't remember its exact date. Chandelas did not occupy these territories after couple of years but they occupied it after a decade. I have said that Chandelas occupied after a couple of years, I don't remember the exact date.

I am conversant with the words 'Varna-Vyavastha'. This system was prevalent at the time of Pratihara~~s~~. Pratihara~~s~~ belong to Kshtriya Varna. Chandellas were also Kshtriya. I don't know how many years Chandellas ruled in their region. The period of Chandellas fall within the period of Ancient Indian History. My book on temples is in English language. I have used the words Adhishtan, Shikhar, Varandika and Jangha these words are from Sanskrit language. These words are prevalent in Hindi also. I can't say whether there are synonyms of these words in Hindi or not. But This much I know that these words are also used in Hindi. These words are based on Sanskrit Shilpa text. These words can be translated in English as base portion

ROY

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(Adhishthan), wall portion (Jangha), spire (Shikher) etc. I don't find any word in English for Varandika.

Learned cross-examiner drew the attention of the witness towards last para on page 16 of his statement recorded on 3-10-2006. The witness after reading his statement stated that this statement of mine is correct. There is no contradiction between the statement recorded at page 16 and the statement of date recorded in the last two line of page 20 and 6 lines from top at page 21. Above 4 words find place in my book.

I don't remember the span of rule of Chandella kings. I can't say whether this span was of 2 years, 50 years or 100 years. I know that there is Sultanate period in Indian History. Sultanate commences from 12th to 15th century A. D. After Chandelas, Sultanate period begins. Since 'Harsha' was a king who ruled over Kannauj there is no name of 'Harsha dynasty.' The full name of this king was Harshvardhan. The father of Harshvardhan was Prabhakarvardhan, he was a king but did not rule from Kannauj. He ruled from Thaneshwar. In Harshvardhan's family these are only two famous rulers. I don't remember whether any person succeeded as a ruler to Harshvardhan from his family or not. The region ruled by Harshvardhan was greater than the region ruled by his father

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Prabhkarvardhan. I don't remember who took over the Kingdom from Harshvardhan. Prabhakarvardhan and Harshvardhan ruled in 7th century A. D. Harshvardhan followed Hinduism and also Buddhism simultaneously. There was no regular system of transform^{ation} of power from one dynasty to other dynasty. At times struggling was there for taking over power from one dynasty to the other dynasties. Matrimonial relations were also the factor of taking over territory from the other dynasty. These are two major factor of the transfer of power from one dynasty to other. I don't recall whether apart from matrimonial relations territories were transferred from one dynasty to another without any conflict. 'Pala' dynasty ruled in eastern part of India. I have heard the name of 'Gahadwalas'. They ruled the northern India from Kannauj. They acquired the region from Chandellas and Kachchhapaghata. Kachchhapaghata is also name of dynasty. This dynasty ruled in 11th century A. D. Gahadwalas ruled in 11th – 12th century A. D. The territories of Gahadwalas were taken over by 'Slave dynasty'. I don't remember from whom Kachchhapaghata took over but it was after the Pratiharas. They ruled from Gwalior. My specialisation in History is regarding Pratihara period but I

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don't remember the whole details and date of the rulers of this dynasty.

Pratihara temple style is part of Nagar style.

Q: Do you mean to say that as regards the style of temples, Nagar style of temple is a generic term and Pratihara style is a species of the same confined to central India ?

A: The term Nagar style includes the temples styles which developed in northern part of India right from Gujrat in the west to Bengal in the east including even certain parts of Deccan and south. The Pratihara style belongs to the region which was ruled by Pratihara kings in northern and central part of India during 8th to 10th century A. D. .

Q: What style of temple was in vogue prior to advent of Pratihara style of temple in the area covered by this style ?

A: It is generally known Gupta and Post Gupta style prior to Pratihara style.

Q: Whether Nagar style of temple was never in vogue in the area covered by Pratihara style ?

A: As already answered by me in relation to previous question Nagar style prevailed in the whole of northern India, Deccan etc. and Pratihara region falls within that area.

Q: In answer to my question that what style of temple was in vogue prior to advent of Pratihara style of temple in

R.D. Shrivastava

Dr. R.D. Shrivastava

the area covered by this style you have replied " it is generally known Gupta and Post Gupta style prior to Pratihara style" again you said that "Nagar style prevailed in the whole of northern India" which of the two replies is correct ?

A: The name of Nagar style is applicable to the temples of northern India including the temples of Gupta and Post Gupta , Pratihara and other succeeding dynasties in northern part of India. It is a broader term which includes all the regional variation of styles in northern part of India. My both replies are correct and they should be understood in correct perspective.

There are many variations / sub-styles in Nagar type of temples but I don't remember their exact number. Besides Pratihara sub-style other major sub-styles are Solanki in Gurjrat , Orissan temple sub-style in Orissa, Chandella sub-style in central India and Parmara sub-style in northern part of India and so many other sub-styles of temples are found in northern part of India. Above sub-styles including Pratihara sub-style are prevalent in northern India.

Q: Whether all these sub-style in northern India have been prevalent simultaneously or one after other ?

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A: These temple styles have been prevalent in different parts of northern India at different times.

I have already stated that Pratihara sub-styles of temples were prevalent from 8th to 10th century A. D. in the region under Pratihara rule from Himanchal Pradesh to Narmada and from western region of Gujrat to Bihar. I don't remember the region and time span of Solanki sub-style of temples. This sub-style was prevalent in Medieval times in Gujrat and part of Rajasthan. The time span of Medieval period can be divided into two period i.e. early and medieval period. First, early medieval period can be dated from 8th to 11th century A. D. and late-Medieval period can be dated from 12th to 17th century A. D. Solanki sub-style temples were prevalent in both early and late medieval periods. Generally they are dated as medieval. The Orissan sub-style temples were prevalent in Orissa and can be dated from 8th to 13th century A.D. Chandella sub-style of temples were prevalent in central India and can be dated from 10th century to 12th century A.D. It is not possible to precisely define central India during medieval times. Parmara sub-style of temples were prevalent in western, western part of central and part of Deccan area within the time span of 11th to 12th century A. D. I don't remember the precise area ruled by

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Parmaras. More or less these sub-styles of temple architecture were prevalent in the same span of time. These are regional variations of temple architecture. Some features are common in above sub-styles of temples. These common features are Shikhara which is known as Curvilinier in all these styles. Garbhagriha and Mandapa or pillared Mandapa are invariably found. These three features are common features as far as I recollect now.

The western Indian and central Indian temples are multi-spired, main Shikhar in their fully developed form, and the central shikhara surrounded by miniature Shikharas. Orissan temples are single-spired and the major portion of the Shikhara rises in straight line in lower part and curved near the top. All the Shikharas have Amalakas at the top and Bhumi Amalakas at the corner of the Shikhara to denote the storeys. It is true that above three common features are the major constituents of a temple. In Orissa the Mandapa is called Jagamohan. The Grabhagriha is the sanctum sanctorum where deity is installed whereas the Mandapa portion was meant for the assembly of worshipers and religious activities. The main Shikhar is over the Grabhagriha but Mandapa also has a top at a lower level in various forms. The top of Mandapa has also a Shikhara. The Shikhara at the

Ray Swachh

top of Grabhgriha is at a higher level than the Shikhara of a Mandapa. Said voluntarily flat roofed temples were also constructed in early period. For instance in 5th, 6th century A. D. i.e. temples without Shikhars were also constructed. Shikharas can not be called domes. I am conversant with the word 'Gumbad' of Urdu language. There is no similarity in Gumbad and Shikaras as regards its architectural formations. One is pointed and pyramidal where as other is round and bulbous. In very late medieval period some Shikharas were of round shape. I don't remember even a single Shikara of round shape. I might have read somewhere about these types of Shikaras but I don't remember the reference at this time.

No temple of Pratihara style has a dome as super structure meaning there by in Pratihara temples no Gumbad type Shikhar is found.

Statement read and verified.

ROY Shweta

04-10-2006

Statement typed on my dictation in open court. Put up for further cross examination on 05-10-2006

(H. S. Dubey) 4-10-2006
Commissioner

ROY Shweta

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

(Commissioner appointed vide order dated 20.09.2006 of
Hon'ble Special Full Bench of Allahabad High Court, Lucknow
Bench, Lucknow passed in O.O.S. No. 5/89 (R. S. No.
236/1989) Bhagwan Sri Ram Virajman at Sri Ram Janam
Bhumi & Others Versus Rajendra Singh and Others.)

05.10.2006

O.P.W 19 R. D. TRIVEDI

(In continuation of statement dated 4-10-2006 the cross
examination of O.P.W. 19 Sri R. D. Trivedi 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 Pratihara sub-style temples low Adhishtan in the
beginning develops into a higher Adhisthan, simple Mandapa
becomes larger with a number of pillars, low Shikhara becomes
more elongated and the door-jam develops from simple door to
become more elaborate. Garbhagriha, Mandapa and Shikhara are
also important constituents of Pratihara type of temple. Besides
these three important constituent. I have narrated above other

ROY Trivedi

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constituents of Pratihara temples, Above constituents are the major constituents of Pratihara type of temples.

Q: In first sentence today you have stated about low Adhishthan, about Shikhara, about door and you have stated about mode of construction. My question is absolutely different kindly indicate except that three i.e. Garbhagriha, Mandapa and Shikhara is there any other important constituent of a Hindu temple Pratihara style ?

A: I could not follow what is meant in the question by mode of construction. I was asked to give the main constituents of a Pratihara temple which I have already given.

I am not aware of the practice which was prevalent during Pratihara period regarding the entry of devotees in Garbhagriha.

Q: Can you indicate such practice in Uttar Pradesh with reference to Vaishnavite temples ?

A: It depends from temple to temple as far as I know.

Q: Do you mean to say that there is no such firm practice as regards the entry of devotees in Garbhagriha in the present era and if there are hundred temples in an area then there might be hundred type of such practices ?

(Learned counsel Km. Ranjana Agnihotri raised the objection in the above question that the question is totally

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irrelevant and not related to the ASI report. Such question should not be permitted to be asked)

A: The question was whether entry into Garbhgriha is allowed in modern time into the Garbhgriha of a Vaishnava temple or not. I replied it already that it depends on a particular temple. There can not be hundred options of this question only two are possible whether allowed or not allowed.

Q: Whether the Grabhgriha is always a place surrounded by wall/roof over the same and door for entry ?

(Km. Ranjana Aghnihotri raised the objection to the above question that the witness has not visited the place hence the question can not be answered by him. This question can not be related with ASI report. The question has been asked only to harass the witness and wasting for time.)

(In reply to the above objection learned cross examiner submitted that this question does not relate to any place and objection is for the sake of objection.)

A: In absence of time and place of a temple question can not be replied with certainty.

Q: Would it be correct to say that you are evading the reply. s regards time word always is there in the question itself and as regards place that has come in reply of objection. Kindly indicate what else is wanting in the question.?

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(Sri Rakesh Pandey, Advocate raised the objection to the above question that the question is offensive in form and is intended to insult the witness such questions are not permitted under the Indian Evidence Act and as such it should not be allowed to ask such type of question which are aimed to insult and annoy the witness)

(Learned cross examiner in reply to the above objection submitted that my friend has read some thing else in the question which is not at all there. The earlier question has been merely clarified due to difficulty in answering the same as expressed by the witness)

A: There is no mention of a period and name of the place in the question. I am not evading the reply.

In third line of para 10 of my affidavit a word between the word massive and structure has been blankened.

Q: When it was done?

(Sri Rakesh Pandey Advocate raised the objection to the above question that the witness has already replied that the typist bla kened it. This question is highly irrelevant and by putting such question the valuable time of the court is wasted in the affidavit. The initial of the oath commissioner is already the over the bla kened part and the witness can not be asked the question like time, date and place of the blackening of the word)

Rakesh Pandey

A: I don't know when it was done.

I don't know the particular word which has been blackened in para 10 of my affidavit.

Q: You have stated about two types of Mandapa, viz simple Mandapa and pillared Mandapa. Is there any third type of Mandapa also ?

(Sri Ved Prakash, Advocate raised the objection that the question which is being put refers to some previous statement and showing that the question is confusing and has been put only to harass the witness.)

A: There is no third type of Mandapa in Pratihara period. The simple Mandapa and elaborate Mandapa is differentiated by a lesser number of pillars in the earlier and large number of pillars in the latter.

In some areas the nomenclature of Mandapa changes as Rang-Mandapa. There are two types of Mandapas that is early and late Mandapas in Pratihara period. Not Mandapa's only but the temple complex may be surrounded by a compound wall in some of the places. Generally in majority of the cases temples are facing east but in a lesser number, they can also be oriented towards west or north. I am not aware whether a temple faces south. Such types of directions are applicable to all types of temples. Shikhar consists of several parts like Madhya Lata,

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Karnas, Karna-Amalakas, Griva-portion, Amalaka and Kumbha etc. at the top. Kalash and Bijapuraka are the top most members of a Shikhara in a developed temple. Earlier temples i.e. temples of Gupta period were not developed. This period can be dated to 4th to 6th century. Pre and post Gupta periods are not included in Gupta period. There is no definite date of commencement of Pre Gupta period. Pre Gupta period ended before Gupta period and post Gupta period is dateable to 6th – 7th century A. D. Pre Gupta period can not be confined into any definite time bracket. In the later period of Kushana pre Gupta period commences. Kushanas period is dateable. It is dateable to 1st and 2nd century A. D..

Q: Can pre Gupta period be said to have been in 1st and 2nd century B. C. ?

A: Specifically it can not be dated to 1st–2nd century B. C. .

Q: Can you explain the components of Shikhara as indicated by you in today's statement in English language ?

(Sri Ved Prakash Advocate raised the objection to the above question that in Christianity or Islam or in any other foreign language there is no conception of a Hindu temple and since there is no conception of a Hindu temple therefore in foreign language the terms like Shikhara, Amalaka etc. used for the Hindu terminology it can not be found in other language.

ROY Shroch

Therefore to put a question about a component of Shikhara in English is not possible. Has it been possible instead of using the word Shikhar some English word for the Shikhar could have been put to the witness. Therefore putting such question to the witness is merely to harass the witness and such question should not be allowed to be asked.)

A: The names of the constituents of temple parts are based on the names given in Shilpa-texts and it is appropriate to describe them with the terminology given in the Shilpa Shastra connected with Indian Temple Architecture.

I don't think that there is any vagueness or ambiguity in the above question. Para 7 of my affidavit deals with my published work.

Q: Is it correct to say that all your such published work finding place in para 7 of your statement is in English language?

A: Some of my articles are also in Hindi. The books mentioned in above para are in English language and some of my articles and research papers are in Hindi also.

With reference to para 6 of my affidavit " Interpretation of Indian Arts" includes the elucidation of temple architecture and sculptures of India. Interpretation of Indian Arts means describing and explaining art motifs and sculptures as found in

R. G. Shrivastava

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In Indian temples and icons. I consider myself an expert of interpretation of Indian Arts:

Lata Vallari or Lata-Valli or Kalpa-Valli or Patra-Lata are the terms to denote the foliage pattern with an undulating stem. These terms come under Indian Art and are found in Shilpa text connected with decoration of temples. 'Shilpa' means engraving on stone and in broader sense includes all activity connected with sculpturing and construction work. Patra lata or Lata vallari has got significance with relation to Hindu temples and denote the idea of prosperity. They have been followed in Hindu temples as well as in palaces and later on in other buildings also. I have seen the Mosques. Such decorations are found in Mosques but the pattern and style are different. The pattern of these decorations in Hindu temples and palaces is the same and it differs when used in the Mosque if not taken from the remains of a Hindu temple. In Mosques if it is not taken from a Hindu temple it is more stylised and loose the pristine (earlier) nature. The stylisation does not mean that the decoration becomes more attractive but it loses the naturalistic treatment found in the earlier period. I can't say how other persons having no expertise in this field would notice the difference between these decorations found in Mosques and used in other places.

ROY WOODS

ROY WOODS

Learned cross-examiner drew the attention of the witness towards the Annexure A (paper no. 7/3) of his affidavit. The witness after viewing it stated that in the pillar on the left side the lower portion of the pillar has a clearly defaced statue, in other pillars also one can notice the Purna-ghata motif repeatedly shown in other pillars. The pillar on the right side shows on the upper part a mutilated Bhara-vahaka (loadbearing) figure supporting the lintel and the lower portion of the same pillar bears a diamonds pattern in a small niche on the lower part. The other details such as Amalaka pattern and Mala designs are also visible to some of the pillars. By the term Purna ghata Pallava or Ghata Pallava is meant a pitcher overflowing with foliage motif containing water. Pitcher is also generally used to keep water. Pitcher are made up of earth or metals. Importance of water is common to every bodies. Foliage motif means the leaf and floral patterns coming out of Ghata and that makes the term Ghata Pallava. Foliage motif are the words of English language whereas the word Pallava is of Sanskrit language which means leaves with stem. Pallava means leaves with stem. Foliage motif are two words. By the word foliage I mean Pallav and motif means pattern or design. I don't think there is any other nearest word in English for the word foliage. Floral means pertaining to flower, motif means

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pattern. Flower and Pallav are general terms applicable to any flower and leaf. The defaced statue indicated by me in the left side of pillar (paper no. 7/3) is not decipherable as it is not clear. By the term diamond pattern is meant a rectangular decoration found generally in the temples. Amalaka pattern is the constricted Amalaka found on the pillars. Mala design is garland motif. Diamond pattern, Amalaka, Mala design floral motif and Ghata Pallava are symbolic religious motifs found in the temples. These things are decorative objects or not depends on their placement. These things can be found in other buildings also.

Q: Is it correct to say that the trees, leaves and flowers bestow their shade and fragrance on every body irrespective of one's religion ?

A: Yes, but when the Ghata Pallava, trees, leaf, flower pattern are represented on the door jambs, pillar or walls of the temple they have religious significance.

Aesthetic beauty of flowers is common to all human beings. Door jambs are side supports of a door.

Statement read and verified.

ROY Jyoti

05-10-2006

ROY Jyoti

ROY Jyoti

Statement typed on my dictation in open court. Put up for
further cross examination on 06-10-2006.

ROY WOOD?

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

5-10-2006

Commissioner

05-10-2006

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

(Commissioner appointed vide order dated 20.09.2006 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, Lucknow passed in O.O.S. No. 5/89 (R. S. No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram Janam Bhumi & Others Versus Rajendra Singh and Others.)

06.10.2006

O.P.W 19 R. D. TRIVEDI

(In continuation of statement dated 5-10-2006 the cross examination of O.P.W. 19 Sri R. D. Trivedi 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 word door jamb is an English word and in Sanskrit it is called as Dwara-Shakha. Door-jambs are the supporting columns of lintel of the door way. Door jambs are in both sides and stand in vertical position and lintel is resting on them in horizontal position above them. Thus the door-jambs, lintel (uttarang) and door sill (Udumbar). Door

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jambs, lintel and door sill comprise the door frame. Kapotpali, Kapot or Kapotika are the terms used for cornice slightly projected out in the scheme of the temple construction. Shaft means part of a pillar. Octagonal is the shape on the ground plan of a column or any other construction. In Sanskrit it is called 'Ashtashra' meaning eight-sided. These are the common component of a building but they attain sanctity when used in context with a temple. I don't know whether above component is used in Gurudwaras and Churches are given any sanctity by their followers. Above architectural members can be found in other buildings as well but the technical terms given in Shilpa text as Dwarashaka, Uttrang and Udumbar are not applicable to them. The other buildings will include religious buildings also. Madhyalata is the central shoot rising upwards in the middle of the Shikhara of the temple. Karna Amalaka is the constricted Amalaka placed on the corner portion (Karna) of the Shikhara to denote the storey of the Shikhara. Griva portion is the neck portion of the Shikhara below the top Amalaka of the Shikhar. Griva is a Sanskrit word. Indian Arts include the art which developed in India but it is commonly used in connection with the arts which originated in India. The architecture, sculpture, icons/ images, bronzes

ROY Shreech

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and paintings are studied in Indian Arts. This has no concern with any particular religion. It is true that statues may be found in the palaces. Besides Indian Arts I have expertise in Iconography also. Iconography is the study of images and their development through the ages. This is generally artistic study. Iconography is not related to any religion. There are large number of Gods and Goddesses which are worshiped by the followers of the Hindu religion. The one broad division is that the Gods are male deities and the Goddesses are the female deities. Some times there are composite forms also as in the case of 'Ardha-Narishvara'. I have never counted the number of Goddess (devis). I can distinguish one Goddess from the other if their images are placed before me. I have never tried to count the number of Goddesses. I am not aware whether roughly there are ten thousand Goddesses. I have never considered the problem of counting of different Goddess which I can distinguish.

Q: Your self being an expert of Iconography may I assume that you can distinguish at least 100 images of Hindu Goddess?

A: As I have already said I have never counted the number of Goddesses which I can distinguish. I don't

ROY Chowdhury

Dr. S. K. Chakravarty

remember all the names of Goddesses which I have come across during the course of my study of Iconography.

Q: Can you not name even five or ten Goddesses whose images you can distinguish from one and another ?

A: Yes, the names of the Goddess which I can distinguish are Parvati, Mahishamardini, Brahmi, Maheshvari, Kaumari, Lakshmi, Ishvari, Varahi, Saraswati, etc.

Lakshmi is known as Goddess of fortune/prosperity and Goddess Saraswati is known as Goddess of learning. Goddess Durga is ascribed as Goddess of power who emanated from power of all Gods. Varahi is the female counter part of the Varaha incarnation of Vishnu.

Q: Do you not treat Sitaji, Kaushalayji as Hindu Goddesses ?

A: They are the Goddesses but not independently represented and their images are not commonly found separated from the group images with their consorts.

I don't remember whether I have come across any image of Kaushalya ji without her consort but image of Sitaji in bronze found in South Indian bronzes commonly. I have not seen any image of Sitaji of prior to her marriage with Rama. Sitaji is worshiped as the consort of Ram and often

ROY *Shrotri*

compared with Lakshmi. Goddess Brahmi is the female counter part of Brahma the God of creation hence she may be associated with the role of creation. Ishvari is the female counter part of Shiva. In the Sapta-Matrika panels including Brahmi, Maheshvari, Kaumari, Lakshmi, Ishvari, Varahi, Narasimhi etc. are found in groups without their consorts. Sometimes their single images are also found.

These Goddesses are associated with different gods and the attributes of their male counter parts are also associated with them. Said voluntarily in this context following shloka is relevant -

यस्य देवस्य यद्रूपं यथाभूषणं वाहनम्।
तस्य देवस्य तत्क्षतिरसुराणां योद्धुमाययुः॥

These Goddesses are associated with major gods of Hinduism. Therefore the attributes mounts and other distinguishing features of their male counterparts were associated with them. Lakshmi is associated with Vishnu. Saraswati is associated with Brahma and Durga is associated with Shiva.

Q: Kindly indicate the distinctive features of the images of goddess Brahmi, Ishvari and Varahi to distinguish these Goddesses from one and another ?

ROY

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A: Brahmi is represented as seated on a Swan (hans) holding book and Mala or a small pot in her hands ; Ishvari is represented on a bull holding Trident (Trishul) and Varahi is shown with the face of boar holding Chakra and Shankha which are the weapons of Vishnu.

Q: Is it correct to say that if the images of these Goddesses come before you beside the object with whom you have said them to be associated in that situation you can not distinguish on account of their physical features ?

A: As I have stated earlier these Goddesses are generally represented in groups and can be identified in relation to the associated figures appearing with them. As I have said Varahi can be identified with her face even without any attribute on the basis of physical feature alone. Ishvari can be identified with the third eye represented on her forehead. Brahmi can be identified with her three or four faces even without her attribute.

Saraswati is seated on Hans and Lakshmi stands on Lotus. These two Goddesses have no distinguishing physical characters without the association of their male counter parts.

Q: Can you name any other Goddesses whose images can be distinguished from one and another only on the basis of their physical features ?

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(Sri Rakesh Pandey Advocate, raised the objection to the above question that this is irrelevant question.' The learned cross examiner should confine himself only to the idols which have been found at the excavation site and he should not ask imaginary question without mentioning the specific name of a Goddess.)

(In reply to the above question learned cross examiner submitted that the objection is absolutely misconceived. Obviously the distinguishing features are inquired to compare with the objects said to be found during the excavation)

A: Yes, Narasimha can be identified with facial features of a lion. And for the other Goddesses I don't remember instantly.

Q: Can it be said as regards distinguishing features for the images of Gods also ?

(Sri Rakesh Pandey Advocate, raised the objection to the above question that this is a confusing question. Learned cross examiner has no concept of Hindu gods in Hindu mythology. God is one and formless but it is believed that God is found in each and every object created by him and for the purpose of worship and for certain purposes some form is attributed. The learned cross examiner should indicate the

Rakesh

name of a particular God and Goddess regarding which he is putting the question to the witness.)

(In reply to the above objection learned cross examiner submitted that one is not expected to deliver Sermons and to propagate his own knowledge)

A: Yes, simply on the basis of physical features some of the Gods can not be identified.

Yaksha and Dvarpal are two different entities. Dvarpal means a door keeper whereas Yakshas are semi-divine beings who were also some times represented as the door-keeper. Yakshas are superior than man and inferior to Gods. Yakshas were also worshiped in the earlier period. From 3rd century B. C. onwards worship of Yakshas began, but references are available for their worship earlier also. Practice of worshipping Yakshas continued till late centuries and their Lord Kuber is still worshiped. Worship of Yakshas is still continuing although there is no temple built for them. In the earlier period the Yakshas were represented in the temples as ^{guards} of deities to serve the deity but gradually this practice was discontinued. The male counter parts of Goddesses are also shown with the attributes as associated with the Goddesses. Counter part of Goddess Brahma is Brahma who is also represented on Swan. Counter part of

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Goddess Ishvari is Shiva shown on bull. The counter part of Goddess Varahi is Varaha who is identified with Shankha and Chakra like Varahi.

Since I was not connected with excavation therefore I am not in a position to reply as to what are basic object^{an} of archaeological excavation. It is true that by excavation we become in a position to know about our past but the objective of each is different. In excavation we come across with different layers and layers are identified on the basis of finds. As such great care is needed during excavation. I know about three dimensional recording. It is recording of the position of an object from three dimensions i.e. from the three points, two on the surface and the third one measuring the depth of the object found. If a site is destroyed or left deserted for a number of years then the material is accumulated over the site by natural process or any other means and that material forms the layer over the site. One layer can be distinguished from the other layer by means of the different colour of the earth /deposit.

I have heard about the phase in-situ^{in situ} which means in its original position. This phrase 'in-situ' is given much importance in excavation. The reason behind it is that the position of the object^{in situ} found in-situ indicates its original

Raymond

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placement and helps in dating the object and the layer in which it is found. Some times object is dated from the layer in which it is found and sometimes the layer itself is dated with the object found in particular layer e.g. if a coin is found in a particular layer then that layer can be dated as the date of the coin itself. If a layer is already dated on the basis of some object the other objects found in the same layer also dated accordingly.

Statement read and verified.

ROY Incedi
06-10-2006

Statement typed on my dictation in open court. Put up for further cross-examination on 09-10-2006

ROY Incedi

(H. S. Dubey)
Commissioner
06-10-2006

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

(Commissioner appointed vide order dated 20.09.2006
of Hon'ble Special Full Bench of Allahabad High Court,
Lucknow Bench, Lucknow passed in O.O.S. No. 5/89 (R. S.
No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram Janam
Bhumi & Others Versus Rajendra Singh and Others.)

09.10.2006

O.P.W 19 R. D. TRIVEDI

(In continuation of statement dated 6-10-2006 the cross
examination of O.P.W. 19 Sri R. D. Trivedi continued on
oath, on behalf of Mohd. Hashim, defendant No. 5 in O.O.S
No. 5/89 by Sri M. A. Siddiqui, Advocate.)

As I have already stated in my affidavit I am specialist of
temple architecture and iconography therefore I am not aware
of whether dating of the layers is also known as periodization.
Temple architecture and iconography is part of Archaeology,
in this sense I know archaeology. The remains of common
building structure is part of the study of archaeology but it
does not come under temple architecture or iconography. My

R. D. Trivedi

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knowledge is confined only to temple architecture and iconography in the field of archaeology.

Q. If during course of excavation the remains of an structure are found which is said to be remains of a temple building, by some people while by others it is said to be remains of a common building whereas some say it to be remains of a Muslim religious structure. Would you be able to distinguish it?

Ans. As I have already stated, I have not done any excavation or written any excavation report. If the remains of a structure are brought to my notice I may give my opinion whether those remains may belong to a temple complex or its component. It is after distinguishing from other architectural structure that I may give my opinion. If a structure pertains to a temple complex it may not be part of any other structure.

Q. May I assume ^{that} you feel yourself competent enough to distinguish a structure found during excavation to be the remains of a temple structure or common building structure or a Muslim religious structure.

(Learned Counsel Shri Ajay Kumar Pandey, Advocate raised objection against the above question which has already been asked earlier, therefore same question should not be permitted to be asked again.)

Replied

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Ans. It depends on the structure shown to me. I can recognise the remains of the temple structure and give my opinion on that.

I am able to recognise the remains of a temple structure or parts of it, it means that by process of elimination I am not in a position to recognise the remains of above other two structures.

I have read Ayodhya excavation report. It is in two volumes.

Q. Have you carefully gone through both volumes of ASI report submitted in this case?

Ans. Yes.

Volume 2 of the ASI report comprises of photographic plates of the objects found in the excavation. I don't think that photographs of any extraneous material are there except to illustrate the comparison with the excavated objects that some of the already published materials in other reports have been included to elucidate the point, has been given in this report. Vol 1 of the ASI report comprises the text and drawing illustration and charts. I think there are 10 chapters in ASI report Vol 1. I don't remember whether there are certain appendixes in this report or not.

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Dr

Q. Whether except dating a layer by the finds noticed during excavation is there any other method to date the period of a particular layer?

Ans. C14 dating method will also apply in dating the layers. Thermoluminescent method is also applied to date certain category of the objects. If the objects found during excavation are not taken into account at all, I am not aware of dating the layer by any other methods.

Q. Whether among the two methods as indicated by you dating the layer by the objects noticed there or dating it by C14 method, is now taken to be more appropriate?

Ans. C14 dating is also applied only to the objects found in the excavation, whereas the question eliminates assumably any of the objects found in the excavation.

Q. Whether there are certain objects which can be carbon dated and other objects which can not be carbon dated?

Ans. Only the objects made of organic materials are dateable by the C14 method.

Q. Whether stone, wood, clay, burnt clay, metal are organic objects, and it can be carbon dated?

Ans. Only wood is organic object, rest four things are not organic objects and their carbon dating is not possible.

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Q. If certain amount of carbon has come on a stone piece, whether carbon dating is possible in such case?

(Shri Ajay Kumar Pandey Advocate raised objection that this is imaginary question which should not be permitted to be asked.)

Ans. Carbon is produced only in organic material and stone is inorganic material. If there is any growth of organic material on the stone it can be an object of carbon C^{14} dating. As I have said I am not a man of Archaeological Chemistry so I am unable to give any more details about C^{14} dating.

I don't know details about C^{14} dating of wooden materials.

Q. Whether in C^{14} test the very object the piece of stone, wood or brick is tested or the carbon which comes over the same is tested?

(Sri Ajay Kumar Pandey, Advocate raised objection that this witness is not expert of an carbon dating, therefore this question should not be allowed to be asked.)

Ans. As I have repeatedly stated I am not an expert of C^{14} dating so I am unable to reply the details.

Q. Whether the ASI in its report, vol. 1 has based its report also on C^{14} test regarding periodization of different floors and layers?

Replied

25/6

Ans. Some samples of material have been got tested by ASI and the results of those tests have perhaps been taken into account in dating the layers and floors. I don't remember instantly whether I have read such references in the ASI report vol. 1.

Learned cross examiner drew the attention of the witness towards para second on page 271 and 272 which reads "The site has also proved occupation of the site" of ASI report vol. 1. Following question was asked:

Q. Whether the ASI has 'relied in this para on radio carbon dating test commonly known as C^{14} for periodization of different levels?

Ans. In the para under question as far as I understand the ASI has analysed the dating of NBPW and taken into account the dates provided by the C^{14} dating methods. I don't know whether ASI has totally relied on this test or not. I am not aware whether ASI people have partially relied or totally relied upon this C^{14} carbon dating results.

Q. Whether C^{14} test finding place at page 271 and page 272 of the ASI report vol.1 was carried by the ASI itself or by some other agencies?

Ans. I am not aware in this regard.

RC Shrivastava

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Q. Can you say that the conclusion deduced by the ASI as per C¹⁴ test finding place at page 271 correct?

Ans. I have not been associated with the process of analysing the material so what ever conclusions might have been drawn may be correct.

Q. Whether you have noticed any contradiction in ASI report on the question of periodization based on C¹⁴ testing?

Ans. I am not aware of them.

Learned cross examiner drew the attention of the witness towards last para at page 37. and asked following question:-

Q. Whether you notice any contradiction in this para and para 2 of ASI report at page 271. here at page 37 the ASI has disagreed the result of C¹⁴ test and at page 271 has relied upon the same. What do you say in this regard?

Ans. As I have emphasised repeatedly that I have not done any excavation or written a report on that and I am not an expert of C¹⁴ dating so I am not in a position to reply this question, better the same may be asked with excavation experts. My field is limited to architecture and iconography as given in my affidavit.

Replied

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Q. The question whether any contradiction exists in the report does not at all concern the expertise in C¹⁴ testing, it concerns only the reading of the report?

Ans. I have not gone through the report with this point of view.

Q. Kindly indicate the points of view, with which you have studied this report enabling me to confine the cross examination only to such points of view?

Ans. I have gone through the report with reference to sculptural fragments and architectural remains, which is my field of study.

Statement read and verified.

R. S. Dubey

09-10-2006

Statement typed on my dictation in open court. Put up for further cross examination on 10-10-2006.

R. S. Dubey

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

Commissioner

09-10 -2006

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

(Commissioner appointed vide order dated 20.09.2006 of Hon'ble Special Full Bench of Allahabad, High Court Lucknow Bench, Lucknow passed in O.O.S. No. 5/89 (R. S. No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram Janam Bhumi & Others Versus Rajendra Singh and Others.

10.10.2006

O.P.W 19 R. D. TRIVEDI

(In continuation of statement dated 9-10-2006 the cross examination of O.P.W. 19, Sri R.D. Trivedi, 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 pillared base structure in temple complex is meant for assembly of devotees and also performance of certain religious rituals.

Q: Is there any other use of pillared base Mandapa like structure in India besides its use for devotees and other religious activities pertaining to Hindu temple ?

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A: I don't recollect if there was any other use of a Mandapa in a temple complex besides the assembling of devotees and observances of various religious rituals.

Q: Do you not want to reply the above question as to whether in India at any place you have ever noticed pillared base Mandapa like structure being used for any other purpose except its use pertaining to temple ?

(Sri Ajay Kumar Pandey Advocate, raised the objection to above question that this question is being asked thrice. While proper answer of this question has been given by witness twice. It appears that learned cross examiner has scarcity of relevant questions therefore in order to waste the time of the court and witness same question is being asked repeatedly, therefore same question should not be allowed to be asked repeatedly.)

(Learned cross examiner in reply to the above question submitted that the witness is deliberately evading to reply the question and I am pained to notice that my friend has also said that the question has been properly replied.)

A: I am not evading at all to reply the question as I have understood it. I have specialised study on temples of

Revised

northern India and the question covers the whole of India in the temples of which I may not be conversant.

Q: Have you some knowledge of rural life in India ?

(Sri Ajay Kumar Pandey Advocate raised the objection to above question that this evidence is being recorded only on the point of excavation report therefore question relating to other subjects should not be allowed to be asked.)

(In reply to above objection the learned cross examiner submitted that in para 10 and 11 of the affidavit the witness has stated about Mandapa structure to be associated with temple and as such the question is whether in the country Mandapa like structure are being used' or have been used in earlier days for any other purpose except its use pertaining to temple. The witness is not replying this question and he is being encouraged by my friend Sri Ajay Kumar Pandey Advocate not to reply the question.)

A: Yes, I have some knowledge of rural life in India.

Q: Have you seen 'Baithakas' of Thatches, Chappers, Cow-shades, Madrsas, Varandas particularly in the country side in the shape of pillared structure ?

(Sri Ajay Kumar Pandey Advocate, raised the objection to above question that this question is completely

Replied

beyond the evidence adduced by the witness and has been put to the witness only in order to waste the time of the court and witness and to harass him therefore such question should not be permitted to be asked.)

A: I have seen some of the spaces as asked by you in the question but they are not called a Mandapa, as far as, I know. I don't know the exact nomenclature of such spaces prevalent in various parts of India.

Q: Do you follow these terms viz baithaka, cow-shades, madarsas, varanda and thatched chapper?

A: Yes I follow these terms.

Q: If you notice a pillared base structure in your saying of Mandapa shaped without any Garbhagriha there how will you determine it to be either a Mandapa pertaining to temple or a baithaka, varanda, cow-shade, pathshala or a madrasa?

A: A Mandapa is associated with the Garbhagriha of a temple and if the Garbhagriha is not visible it may not be associated with a particular temple. If the construction of a Mandapa as a scheme of pillars which is indicative of a religious structure it may be associated with a temple.

The scheme is meant here to show the arrangement of pillars. I don't remember whether there is any prescribed

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scheme in Shilpa-text for a pillared Mandapa. As far as I know the usage of such scheme is not prohibited for other purpose.

Q: Are you of the view that in India all the Mosques or majority of Mosques have been raised by demolishing the Hindu temples?

A: Some of the Mosques have been raised by demolishing Hindu temples. I can't say about all.

I am not aware of any other Mosque in Ayodhya except the disputed structure which was built after demolishing a temple. The disputed structure was raised in 1528 A. D. The disputed structure, which was raised in 1528 A. D, was a Mosque.

Learned cross examiner drew the attention of the witness towards para 12 of his affidavit. The circular shrine mentioned in this para was constructed on the floor dateable to 9 -10th century A. D. I don't remember the floor number at which this circular shrine was noticed during excavation. I don't remember whether ASI people have mentioned any floor on which this circular shrine was situated.

Q: Do you know that in archaeological excavation of vertical shape if different structures one ^{after the} other at

Ray Chowdhury

different levels are found flooring for such structure has to be done and such floors ^{are} to be numbered ?

A: If the floors are found they are to be numbered as far as I know. But in this case I don't remember the floor number as stated earlier by me.

In archaeological parlance it may be called as working level, if the floor is not there. Floor and working level is the same thing as far as I know.

Q: Whether your perception that disputed structure was raised after demolishing a temple is based on ASI report only or it is based on some other material ?

A: My perception is mainly based on the report of excavation conducted by the ASI.

Q: Kindly indicate the page and para where the ASI in its report has said that disputed structure was raised after demolishing a temple. ?

A: On being permitted by the commissioner the witness after going through the report (vol-I) stated that page 272 of this report suggests the remains of pillared Mandapa, ^A architectural and sculptural fragments of a Hindu temple just below the wall of the disputed structure suggests the existence of a temple below the disputed

Reynolds:

structure. Which implies that the earlier remains of a temple were reused after their demolition.

Q: Do you feel that you have replied the above question ?

(Sri Rakesh Pandey raised the objection to the above question that the witness in unambiguous terms has mentioned page 272 where in a conclusion of the report is given and the witness also stated that he formed his opinion on the basis of this conclusion of ASI. Now there remains nothing to be answered by the witness but the learned cross examiner intends to humiliate the witness as such he is putting such type of question)

(In reply to the above objection the learned cross examiner submitted that there is nothing to humiliate the witness who has been requested to state whether the reply given by him replies the question. Mr Ved Prakash the counsel for the plaintiff whose witness is being examined has not felt any humiliation to the witness who is very much sitting here and Mr. Pandey who represents another party has come to rescue and protect the witness. Raising such type of objection is nothing but to waste the time and to suggest the witness not to reply the question properly.)

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(Sri Ved Prakash Advocate, submitted that since his name has come in the above objection therefore he has to say that the learned cross examiner has no right to raise the question that Mr. Rakesh Pandey represents to another party. The court has already seen that in both the sides there are various parties but they have common case of one side and the other that is why the evidence is being recorded in leading case which is to read against all the parties to the case. Therefore Mr. Rakesh Pandey Advocate has equal right to raise the objection)

A: Yes, I have replied that above question.

Q: Kindly indicate the sentence or the phrase as indicated by you at page 272 of the ASI report which says about the demolition of the structure ?

A: The contents of last sentence on page 272 indicates that all architectural fragments and other remains used below the disputed structure were reused under it. They can be reutilized after demolition of the earlier structure. This part reads as "now viewing in totality in the temples of north India".

Q: Can you indicate the particular phraseology by which you infer ^{that} the demolition of earlier structure is stated?

Rajesh

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A: The architectural members and their fragments utilised can be obtained only after demolishing the temple. Though the word demolition is not specifically given here.

Q: Do you find any difference in demolishing a structure by human agencies and raising another structure over the same and disappearance /demolition of structure by other causes ?

A: When a structure is demolished by human agencies its members are mostly fragmentary in nature and their utilisation is not in their proper places. So in the present case the suggestion is towards the demolition of earlier structures just below the disputed structure. If the destruction is by the natural forces the objects remain scattered mostly in their original forms. I feel that in the present case the demolition was effected by human agencies to raise the disputed structure. The earlier structure was demolished prior to 1528 A. D. to raise the disputed structure.

It is not possible to give the exact time gap between the demolition of earlier structure and construction of the disputed structure in 1528 A. D. This time gap may be soon before the construction of the disputed structure or a few years before raising the disputed structure.

Reviewed:

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Q: Can you give any limit of this 'few years' to be 100 years, 50 years, 10 years or 5 years ?

(Sri Ved Prakash Advocate, raised objection to the above question that the question is presumptive and not based on any material. Since in 1992 the incident happened before us we could asses the time of demolition of the disputed structure which took 4 or 5 hours but the demolition which took place earlier 500 years ago nothing can be estimated as to how much time that took in demolition such question should not be allowed to be asked.)

A: I am not in a position to give the answer of stipulated time ^{gap (limit)} given in the question.

I don't find any phraseology at page 272 where it is mentioned that the earlier structure was demolished by human agencies. According to me circular shrine can be dated in 9th -10th century A. D. I have dated this structure on the basis of analogy given in the ASI report and also on my information that I have gathered by seeing circular temples of that period. The plan and formation of the circular shrine is comparable to other contemporary temples. I remember one temple known as Gargaja-Mahadev temple at Indor Guna District (Madhya Pradesh)

Rajendra

which seems to me earlier than the circular temple in question. I don't remember any other temple of this kind existing prior to 9th century A. D. in India. I don't remember instantly whether circular shrines were raised in India after 9th - 10th century A. D. I did not remember two days earlier also in this regard. I don't remember whether I knew this fact 2 years back or not.

Q: You have stated ^{about you} alleged circular shrine to be dated 9th - 10th century and this dating is also on your information that you gathered by seeing the circular temples of that period, you have further stated that the plan and formation of the circular shrine is comparable to other contemporary temples. You do not remember any such temple of prior to this period or later to this period then on what bases you make such a comparison. Kindly indicate.?

A: The temples prior to the 9th - 10th century or later than 9th - 10th century have not been taken into account. Contemporary means temples datable to 9th - 10th century only.

Q: Unless we know the plan and formation of earlier such temples and later such temples, how can we say that as per plan and formation a particular temple belongs to a particular period ?

Raymond

A: As I have indicated above the Gargaja-Mahadev temple at Indor district Guna in Madhya Pradesh is circular from out-side and square from inside as the temple in question and that's how the formation is comparable. Besides, there are a number of examples of circular temples given in the excavation report of ASI which are more or less of the same period.

Q: You have stated that Gargaja-Mahadev temple at Indor district Guna, Madhya Pradesh which seems to be earlier than the circular temple in question. Now you are comparing the alleged circular shrine at the disputed site with the Gargaja-Mahadev temple which means that your dating 9th–10th century A. D. stands truncated?

A: The circular shrine encountered in the excavation is roughly dated in 9th to 10th century A. D but the Gargaja Madeva temple is more accurately dated and published in my book "The temples of Pratihara Period in Central India" which may be very slightly earlier to the temple in question. So the answer could not be truncated at all in my opinion.

I have done dating of Gargaja Madeva temple in a bracket of short span of time.

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Q: May I know what is the basis of the dating of said temples by you ?

A: The temple has been dated in comparison with the other temples of central India and their architectural similarities and same can be seen in my book already referred to.

The temples whose help has been taken in dating Gargaja-Mahdeva temple are architecturally dated in my book. The temples with whom I have compared Gargaja Mahadev temple are 1. Teli ka mandir in Gwalior fort 2. Mahadev temple at Amrol. The names of other temples I don't remember at this point of time. This can be seen in my book.

Q: Were these two temples, indicated by you above, circular in shape comparable to Gargaja Mahdev temple ?

A: The architectural motifs are the basis of dating the Gargaja Mahadev temple and not their circular shape.

These two temples, according to me, can be dated to about 800 A. D. The basis of dating of these two temples is architectural motif and in one case the palaeography of inscription found therein.

Q: Is there any such material to indicate the architectural motif or architectural members pertaining to

Roy Indu

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different centuries divided into different periods, if so kindly indicate the periods ?

A: The sequence of mouldings at Varandika portion and other details have been taken into account to date these temples referred to by me.

Q: Kindly appreciate that you have not replied my question at all. The question is regarding the dating of the temples on the basis of architectural motifs or architectural members and your reply is absolutely otherwise ?

A: I am not able to follow what is meant by 'material' in the question.

Q: Is there some thing in temple architecture[✓] history indicative of fact that such and such periods' temple architecture is of such a nature and thereafter in the next period of different nature and so on ?

A: There are big volumes and publications in a big number which are to be consulted before understanding the development of motifs[✓] and styles in north Indian temples. That will take a very long time to compile such a list.

Q: Am I incorrect in assuming that you are well versed with all the same and can indicate within no time at finger tips ?

R. S. Chandra

S. S. Chandra

A: It is not possible for me to give all the details and motifs of development of temple architecture in India with in no time or on finger tips.

Statement read and verified.

ROY Shree

10-10-2006

Statement typed on my dictation in open court. Put up for further cross examination on 11-10-2006

ROY Shree

H. S. Dubey
(H. S. Dubey) 10-10-2006
Commissioner
10-10-2006

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

(Commissioner appointed vide order dated 20.09.2006
of Hon'ble Special Full Bench of Allahabad High Court
Lucknow Bench Lucknow passed in O.O.S. No. 5/89 (R. S.
No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram
Janam Bhumi & Others Versus Rajendra Singh and Others.)

11.10.2006

O.P.W 19 - R. D. TRIVEDI

(In continuation of statement dated 10-10-2006 the
cross examination of O.P.W. 19, Sri R.D. Trivedi, 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 Gargaja Mahadev temple at Indor has Garbhgriha
but the Mandapa is not preserved at present. The other two
temples with which this temple is comparable do not have a
Mandapa preserved at present. The later two temples have
also the Garbhagriha and Antarala preserved. 'Antarala' may
be translated as Ante-chamber in front of the Garbhgriha.
This Antarala is the integral part of Hindu temple often

R.D. Trivedi

[Signature]

situated within the door way of the temple and very closely associated with the Garbhagriha. First thing is Grabhagriha in front of which is there after Antarala then other parts such as Mandapa etc. in a temple in north India. Antarala closely joins Grabhagriha and often is not demarcated separately.

Q: If one says that Mandapa should adjoin Grabhagriha as per set norms of Hindu temple, would it be incorrect ?

A: Between Grabhagriha and Mandapa there is generally a narrow Antarala.

There ^{is a} prescribed norm for the plan of a Hindu temple which is generally followed but sometimes the deviations are also made / found. The prescribed norms are generally followed in the construction of north Indian temples. Existence of an Antarala ^{is} between Grabhagriha and Mandapa. I don't remember the size of above three temples. I don't remember the size and dimension of Gargaja Mahadev temple. I don't remember the size of circular shrine found during excavation. This circular shrine as far as I remember is found on the right side below the massive pillared structure. In Teli ka Mandir there is a small inscription engraved on the wall itself which also helps in dating this temple. The language of this inscription is Sanskrit and it is in the praise of the Goddess Durga. It's

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script is Brahmi. I have taken the help of epigraphists in the ASI in dating this inscription. I know little bit of palaeography but I am not an expert of that. I have already said that I have taken the help of epigraphists in dating the inscription. These epigraphists have helped me in reading and dating the same on palaeographic ground.

Q: Whether you your self were not in a position to read the said inscription with out the help of other epigraphists ?

A: I have read it myself in the first instance but I got it confirmed with minor variations suggested by epigraphists.

With the help of the epigraphists of ASI department I deciphered the above inscription which belongs to Teli ka Mandir, and then dated it. I dated this inscription on the basis of formation of letters. On the basis of formation of letters I, with the help of above epigraphists, dated the inscription. I have already said that I am not an epigraphist and expert in reading the inscriptions. I don't claim my self to be a palaeographer. Palaeography is a part of epigraphy. As far as I know, above inscription was not dated by any other epigraphist. I don't know whether the determination on the dating of above inscription was put to any public test or not. This reference of dating of above inscription does find place in my book titled as ' The temples of pratihara period

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in central India'. I don't know whether above inscription finds place in the records of ASI or not.

Q: Whether the dating of the above temple by you has seen the light of the day, otherwise also, except finding place in your book as stated by you ?

A: I don't remember whether the dating of above temple by me finds place in any other book / article or not.

Q: If photographs of certain inscription or writings are placed before you, you will date the same on the palaeographic basis ?

A: As I have already repeatedly stated that I am not an epigraphist so I may not be able to read or date the inscription with certainty without the help of any other epigraphists.

I don't remember the names and number of the epigraphists of ASI department whose assistance had been taken by me in dating the inscription of Teli ka Mandir.

Q: Have you taken into account historical aspect also in dating such inscription?

A: I have taken into account the history of architectural development also in dating the temple.

This dating is not only based on the epigraphical evidence but the architectural development and motif of the

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region have also been taken into account in dating the temple of Teli ka Mandir.

It has been compared with the Shiva temple located at Amoral in the same district and also another temple located at the site Naresar in district Morena in Madhya Pradesh.

Q: Could you indicate the structural changes in the architectural history of temples of the region on the basis of which you date the temples to belong to a particular period ?

A: It is not possible for me to give all the details of the development of temples in a region which are analysed to date a temple.

Q: Kindly give some account, if possible, to decipher the periodization in the said region particularly from 6th to 12th century A. D. ?

A: It is not possible for me to give the details of the development of temple architecture in central India from 6th century to 12th century A. D. just at the moment.

It will take two years or more to compile an inventory like this, to go through all the literature. However in my opinion the said three temples are datable to Circa 800 A. D.

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Q: Whether the alleged circular shrine, said to be found during excavation at the disputed site in Ayodhya, belongs to 800 A. D.?

A: The circular shrine in question may be of slightly later date assignable to 9th / 10th century A. D.

Q: Do you vary the period of two having noticed certain differences in the architecture of the two i.e. circular shrine and Gargaja Mahadev temple ?

A: I have not seen the circular shrine found in excavation at the disputed site so I am not in a position to compare the architectural difference in the above two temples. However there is one characteristic which is common in both the temples i.e. Gargaja Mahadeva temple and the circular shrine found in the excavation at the disputed site. That characteristic is the provision of Vari-Marg (water chute) provided in the northern direction of both the temples.

Though I have not seen the circular shrine but it has come to my notice, that the Vari-Marg or " water chute " is provided in the northern direction ,through the report of the excavation submitted by the ASI. I don't remember page and para of the ASI report where this information is provided.

ROY Luvendra

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Q: There is no water chute in the structure in question named as circular shrine. The said structure is made of bricks with mud mortar and at the said place the mortar has been removed showing as a passage of water and such a gap between the two bricks and the mud mortar is visible in whole of the said structure. What have you to say in this regard?

A: The position of Vari-Marg is generally found in northern direction of a temple and that has been encountered in the circular temple as well and the same is highlighted in the excavation report of the ASI.

Learned cross examiner drew the attention of the witness towards the statement recorded at page 10 which reads ' the remains of the sculptural..... to temple association and put the following question ?

Q. Can you indicate from the ASI report the fragments which according to you belong to a temple on the basis of physical condition of such fragments besides the names assigned to such fragments ?

A: During the course of excavation so many, about 450, fragments of architectural and sculptural pieces have been found and listed in list A and list B commencing from page 122 to 152. At page 121 B (Figure 59) there is a

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drawing containing the individual drawings of architectural members and fragmentary pieces of architectural members which indicate the association of these members and fragments with temples. It illustrates a pillar showing Ghaat Pallava at the base, foliage coming out at a pot. The upper portion of Ghaat pallava seems to represent a Kirti-Mukha form in stylised form. The octagonal shaft in the middle shows the multiple Mala design at each facet topped by another foliage decoration. The other piece no. 15 shows the diamond or Ratna Pattern, shown one above the other, the two patterns are complete whereas the lower one is partly preserved. Serial no. 40 shows a lotus medallion which has been partly chiselled. Serial no. 1 on the same page shows a compressed Amalaka in fragmentary state which appears to be part of a Bhumi amalaka found at the corner portion of a temple to demarcate the storey.

In volume II of the ASI report plate 23 shows Makara pranala which is embedded in the foundation of disputed structure over wall no. 16. Plate no. 25 shows a Patralata carved on stone slab which is generally found over the lintels or door jambs of a temple. The same piece is shown in close-up at plate no. 26. Plate no. 39 shows an octagonal pillar base carved in floral motif which is generally found

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over the base portion of the pillars in a temple. A Kapotpali or Kapot moulding is shown in plate no. 50. Again plate no. 51 shows a carved stone slab representing lotus padma and ratna design (lotus and diamond patterns) found generally in temples. Plate no. 80 shows in photographs the rechiselled lotus medallion and architectural member carved with ratna pattern.

Statement read and verified.

ROY Irwadi

11-10-2006

Statement typed on my dictation in open court. Put up
for further cross examination on 12-10-2006

ROY Irwadi

H. S. Dubey
(H. S. Dubey) 11/10/2006

Commissioner

11-10-2006

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

(Commissioner appointed vide order dated 20.09.2006 of Hon'ble Special Full Bench of Allahabad High Court Lucknow Bench Lucknow passed in O.O.S. No. 5/89 (R. S. No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram Janam Bhumi & Others Versus Rajendra Singh and Others.)

12.10.2006

O.P.W 19 - R. D. TRIVEDI

(In continuation of statement dated 11-10-2006 the cross examination of O.P.W.19, Sri R.D. Trivedi, 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 already replied the last question of yesterday. I don't follow what I have to reply beyond that. Now if the names ' assigned to such fragments' in the ASI report are not to be taken into account I don't know how they are to be given a new nomenclature. I have not seen physically any of the architectural and sculptural fragments myself. My

R.D. Trivedi

[Signature]

knowledge of the architectural fragments is based only on photographic and drawing illustrations to assess their form and nature and if the source of ASI report volume I and II is all together negated, I shall not be in a position to say any thing independently. I have already given yesterday the reply on the basis of certain photographs published in the report and if more information is needed on the visually published material I can give some more information. Otherwise it is not possible for me to reply this question.

Q: Whether on the basis of what ever is described in the ASI report volume I and II you have not to add any more objects to the objects stated by you yesterday ?

A: In addition to the objects described yesterday I will have to take the help of photographic illustration and give my reply.

Plate no. 62 showing patralata motif carved on slab, plate no. 79 shows rechiseled lotus pattern and plate no. 80 shows the diamond pattern carved in the small niches. Plate no. 81 shows part of a Bhumi Amalalaka. Plate no. 82 and 83 show the stone pillars and in the latter a lower part of a pillar is shown which represent a prominent purna Ghat supported on Bhara-Vahakas seated on the lower part of corners to support the pillar. The figures are mutilated under

Reddish

the Purna-Ghat. A stylised form of Kirti-Mukha is shown surmounted by foliage design. Plate no. 84 represents a mutilated part of a pillar and plate no. 85 shows part of a door jamb with semicircular plaster. Plate no. 86 and 87 shows lotus petals design and foliage pattern respectively. Similarly plate no. 88 showing Srivatsa motif and plate no. 89, 90, 95, 96, 97, 103 are also associated with the temple. Similarly plate no. 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 123, 124, 125, also seem to connote religious significance. Plate no. 235 representing a badly mutilated sculpture showing divine-couple is comparable to the photographic copies submitted as Annexures 3 and 4 in my affidavit and bears religious significance and can be associated with a temple. In ASI report volume I at page 122 to 152 list A and B have been given wherein details of architectural members have been given. In this list the objects and fragments, which have been mentioned by me herein above in my statement, there are other objects which have not been seen by me in photographic illustration. Therefore I am not in a position to give my impression about their nature. Seeing the nature of the objects illustrated in the plates it may be said that most of the objects listed may also have temple association.

ROY Madh

Learned cross examiner drew the attention of the witness on page 121 B of the ASI report volume I (figure 59) Bhumi Aamalaka has been shown as reg. AYD-1/ No. 1. The figure which is just above having no number is part of this figure.

Q: Whether Bhumi Aamalaka is installed on the surface of the corner of temple building structure ?

(Sri Ajay Kumar Pandey raised the objection that the witness has already stated that Bhumi Amalaka is fixed on which place therefore no question can be asked again in this regard)

A: As I have already stated yesterday and even earlier repeatedly that the Bhumi Amalaka is utilised at the Karna portion of a Shikhar of a temple.

Karna means corner and this I have also stated earlier in my statement while describing the parts of a temple.

Q: This figure marked (reg. AYD-1/ No. 1) has got another figure visible above the said figure. You have stated that both these are one. Kindly indicate whether in the corner of shikhar both these pieces are fixed side by side as visible in this figure ?

(Sri Rakesh Pandey Advocate raised objection on the above question that the witness has already stated that two

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figures shown in figure 59 are part of the same object i.e. Bhumi Amalaka, as such this question is irrelevant and an effort is being made to confuse the witness by repeatedly asking one and same thing again and again. The learned cross examiner is harping on the same string.)

A: As replied earlier the two drawings of the object in question show one and same object i.e. Bhumi Amalaka. The upper drawing shows the side view and the lower one shows the flat view of the Bhumi amalaka.

Q: Is it correct to say that such amalaka is fixed in the corner of a temple building and besides having a religious sanctity also adds to the beauty of the structure ?

A: The piece in question has religious sanctity as any other piece of a temple but this is utilised to demarcate the storey of a Shikhara .

Q: Whether this adds to the beauty of the structure or diminishes it ?

A: Of course this makes the view of Shikhara more beautiful to look at.

Q: Does the Shikhara not form part of the building of the temple ?

A: The Shikhara forms part of the temple structure as I have already stated in my earlier statement while asked by

ROY

the learned cross examiner to explain the parts of a Hindu temple.

Q: Whether something adding to the beauty of the Shikhara and Shikhara being part of temple structure would it be wrong to say that this adds to the beauty of the temple ?

(Km Ranjana Aghnihotri raised the objection to the above question that this question has already been asked and replied. This question is irrelevant and compound therefore should not be permitted to be asked)

(learned cross examiner in reply to the above objection submitted that the witness is deliberately evading the question by applying the method of side tracking. The very simple question has been evaded to be replied by him and ultimately reply has come on the fourth question, which could have come in the first question itself. In these circumstances repeatedly the questions are required to be asked.)

A: If something beautifies the Shikhara of a temple the whole temple is beautified itself, this is as simple as this.

The learned cross examiner drew the attention of the witness to the figure marked as reg. AYD-1/ No. 15 and the

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figure which is just above without any number and asked following question:-

Q: Are both these figures one and same ?

A: These two figures are one and the same and show the same object from two angles. This is generally fitted on Adhisthan or wall portion of the temple.

This also adds to the beauty of the temple and has religious significance.

Q: Whether you have come across any religious text in which the religious sanctity of Bhumi amalaka and this other figure shown as reg. No. 15 finds place ?

A: I don't remember instantly a reference in this regard.

Q: Do you feel that you knew about this well earlier but at the moment you are not remembering it ?

A: Yes, I don't remember at this stage. Earlier I might have seen some text in this regard.

Q: I feel you must be aware of the difference in the two phrases i.e. 'I do not remember', 'I do not know.' What have you to say in this regard ?

(Km. Ranjana Aghnihotri raised the objection to the above question that since long repeatedly insulting and annoying questions are being asked by learned cross

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examiner only in order to waste the time of the court and divert the mind of the witness.)

(Sri Ajay Kumar Pandey Advocate also raised the objection that the witness is being examined on a particular subject. He has not come here to appear in the exam in English literature / grammar therefore such question should not be permitted to be asked.)

A: What is meant by 'must' here. Yes I know the difference between above two phrases. These are two sentences and not two phrases rather they are two sentences joined together. Some times I use both the above two sentences in the same sense.

Figure at the extreme left side is figure 59 (page 121 B) was shown to the witness who stated on being questioned that the figures shown as reg. AYD-1/ No. 4 has two drawings. The lower one is plan of the base of the pillar and the upper one shows the elevation of the pillar.

Q: Whether the lower figure which you have said to be plan has got any mark of religious significance ?

A: This is only a drawing and not an object and it can not be fixed at the temple. So there is no question of sanctity.

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[Signature]

Figure shown to as reg. AYD-1/ No. 40 at the above page has two drawings of one and the same object from two angles. The lotus flower carved as shown in the drawing has religious sanctity but not the drawing shown here.

Q: Is the object shown by this drawing used in the temple building, if so at which place ?

A: The object shown in the drawing is used in a temple to form its ceiling.

Statement read and verified.

ROY Inwadi

12-10-2006

Statement typed on my dictation in open court. Put up for further cross examination on 13-10-2006

ROY Inwadi

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

Commissioner

12-10-2006

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

(Commissioner appointed vide order dated 20.09.2006
of Hon'ble Special Full Bench of Allahabad High Court
Lucknow Bench Lucknow passed in O.O.S. No. 5/89 (R. S.
No. 236/1989) Bhagwan Sri Ram Virajman at Sri Ram
Janam Bhumi & Others Versus Rajendra Singh and Others.)

13.10.2006

O.P.W 19 - R. D. TRIVEDI

(In continuation of statement dated 12-10-2006 the
cross examination of O.P.W.19, Sri R.D. Trivedi, continued
on oath, on behalf of Mohd. Hashim, defendant No.5, in
O.O.S No. 5/89 by Sri M. A. Siddiqui, Advocate.)

Lotus flower has sanctity in Hindu religion. I am not
aware whether this flower has any religious sanctity in any
other religion or not. This flower has also religious sanctity in
Buddhism. My studies are particularly related to Hindu
religion but I have some study of Buddhism and Jainism also.
I have used three terms 'foliage pattern', 'foliage design' and
'foliage decoration'. These terms have been used by me

R. D. Trivedi



almost in the same sense. The 'diamond pattern' and 'ratna pattern' carry same meaning. By the term lotus medallion is meant a lotus pattern carved within a circle. In words 'Ghata Pallava', Ghata is meant for pitcher and pallava is meant for foliage. I have already explained the meaning of foliage a few days back. Foliage means the leaf pattern joined by a stem.

Q: What is meant by Kirti Mukh ?

A: 'Kirti-Mukh' is representation of a stylised facial form.

It is not confined to any particular person. Apart from human beings and animals it does not represent any other object as far as I know.

Q: Do you notice three arched shaped design on the wall of this court no. 19 ?

(Sri Ajay Kumar Pandey raised the objection to the above question and stated that the witness has come to state on a particular subject. In a cross examination only those question can be asked which are related to the objects and photographs relating to disputed site. Similarly questions can be asked showing photographs of other temples and it remains. If no photographs is available on record with regard

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to the question put to the witness therefore such question should not be permitted to be asked.)

(Learned cross examiner submitted that my learned friend presupposes the existence of a temple below the disputed structure. However to my mind the question to be probed is whether the structure found below the disputed structure pertains to Temple, Eid-gah, Kanati-Masjid or any other building of common use and as such this question is most relevant)

A: Yes, I noticed semicircular arch shaped design over the wooden decoration. These are mere decoration here.

In the semicircular arches there is not a pilaster but on the sides there are wooden pilaster. I don't see any lintel in this decorative pattern. These pilaster are not supporting any lintel of a door way so they can not be called door jambs. In common parlance the common people make such decorations in there houses.

Yesterday I had stated about plate no. 23. Pranala is an outlet of water.

Q: Whether pranala is essential architectural member of the building ?

A: Yes.

Raymond

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Q: Is it correct to say that the people to their thinking and capacity fix pranalas in their building, even plain and decorated in different manners ?

A: Yes.

Q: Can you indicate what type of decorations are commonly noticed in pranalas ?

A: I am not aware of different types of decorations in the pranalas but in a temple the pranala is generally decorated with the figure of a 'Makara-mukha' carved with foliage pattern behind.

Q: Whether you have not noticed any sort of decoration in pranalas used in temples and other buildings except this Makara shape ?

A: About other buildings like palaces etc. I am not aware but in the temples I have seen generally Makara pranala. It has religious significance.

I have not seen Kirti-mukha pranalas.

Q: Whether Kirti-mukha can be said to have some religious sanctity ?

(Km. Ranjana Aghnihotri Advocate, raised objection to the above question that the witness has already stated that he does not know about Kirti-mukha pranala and he has not seen it. In this circumstance he can not be compelled to reply the

Replied

Yes

above question. The question is totally irrelevant and can not be permitted to be asked.)

A: I have never heard or seen the Kirti-mukha pranala so I am not in a position to give any opinion.

I have not noticed 'Mala' design and floral motifs on pranalas.

Q: Can you say that in your perception pranala having mala design or floral motif can be treated to have some religious sanctity ?

(Sri Ajay Kumar Pandey Advocate, raised objection to the above question that the witness has already stated that he does not know about Mala design and floral design pranala and he has not seen it, in this circumstance he can not be compelled to reply the above question. The question is totally irrelevant and can not be permitted to be asked.)

A: I am not aware of any pranalas with 'mala' or 'floral design' in a pranala.

Q: My question is not related to your awareness but it relates to your perceptions. Kindly reply if you think proper ?

A: If I am not aware of it, how can I form a perception about it.

Learned cross examiner drew the attention of the witness towards statement recorded on page 79 (last para)

Raymond

which continues on page 80 and mentions plates of volume II of ASI report viz 23, 25, 26, 39, 50, 51 and 80 and asked following question.

Q: Whether these objects are used in palatial and other buildings also, except plate no. 23 ?

A: I have seen these motifs generally represented in the temples but I am not aware of other buildings.

Q: If such objects are used in common building would they carry any religious sanctity ?

(Sri Ajay Kumar Pandey Advocate, raised objection to above question that imaginary questions should not be permitted to be asked.)

A: As I have already stated I have not seen these objects in other building therefore I am not in position to reply.

Q: Do you remember that you have already stated that such objects are used in common buildings also without any restriction but when they are used in a temple a particular name is given to them and they attain religious sanctity ?

(Sri Ajay Kumar Pandey Advocate, raised the objection to the above question that this question is compound question and has already been asked from the witness hence same can not be permitted to be asked.)

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A: Besides these motifs having been seen in Hindu temples I have come across some literary references also which helped me in associating them with Hindu temples.

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Q: Is there any such reference which excludes the possibility of such objects being used in other building also, apart from Hindu temples?

A: I am not aware of any reference to that effect.

Q: Whether you have come across with any such literary reference which exclude the possibility of using the objects visible in plate no. 82 and 83 in the buildings other than the Hindu temples ?

A: I have not come across with any reference of these motifs being prohibited for being used in the building other than temple.

Q: Would it be correct to say that the objects visible in plate no. 84, 85, 86, 87, 88, 89, 90, 95, 96, 97, 103, 104 to 116, 123, 124, 125 and 235 indicated by you yesterday have got no religious significance except plate no. 88 and 235 ?

A: On page 83 of my statement itself I have stated that these objects connote religious significance.

Q: Would you like giving any reason of such saying or you suppose that you are above all and what has come from your mouth is final ?

A: I have seen the motifs and the objects narrated here in the temples at various places and based on my own experience. I have made the statement that these objects

Raymond



connote religious significance. I don't suppose myself above all.

Q: Is it correct to say that your basis of saying so is only the factum that you have seen such objects in certain temples ?

A: Yes, the basis of my statement is that I have seen such objects and motifs in temples.

Q: Do you recollect that you have seen such objects being used in other building also ?

A: I don't remember having seen the motifs in other buildings.

I have not noticed above objects being used in the building such as Red fort Agra, Red fort Delhi and Raja Ka Kila of Jaipur.

Q: Are you sure enough that none of these objects visible in these plates are found in any of these buildings ?

A: I have not noticed these objects in the buildings mentioned above hence how can I be sure about it.

Q: Have you ever come across with any literary or religious source excluding the possibility of such objects being used in the buildings other than Hindu temples ?

A: I am not conversant with all religious and literary sources so I am not in a position to exclude the possibility of

Raymond

such objects being used in the buildings other than Hindu temples. I have not come across with any such religious and literary sources.

In absence of photographs or drawing illustration of the objects mentioned from page 122 to 152 of ASI report volume I. I am not in a position to give my opinion authentically as to whether these objects are related to any Hindu temple structure or not except the objects for which photographic and drawing illustration are available as illustrated in both volumes of the ASI report. I have also stated in this regard earlier.

Q: Can you indicate regarding the objects mentioned in page 153 to 163 (from serial no. 1 to 175) regarding their association with the structure of Hindu temple ?

A: I am not an expert of bricks so I am not in a position to give any opinion on them except on the bricks which have some carved motifs on them and are illustrated in the photographs of the report of ASI for which I have stated earlier.

Learned cross examiner drew the attention of the witness from pages 164 to 174 of ASI report volume I. The witness after going through the contents of these pages stated

Reynock

that from serial no. 1 to 155 there is mention of glazed tile fragments.

Q: On the basis of description of these objects finding place on these pages can you indicate whether any of these had got any association with Hindu temple?

A: I am not an expert of glazed tiles so I am not in a position to give an opinion on these glazed tile fragments authentically.

At page 173 of the above report 9 stucco objects are listed. On all these objects I am not in a position to give my opinion. Only on the basis of description given against these objects. Some of these objects have been given in the photographic illustration of ASI report volume II on which I have already given my opinion. In absence of photographs of other objects I am not in a position to give my opinion authentically as to whether these objects are associated with any Hindu temple structure or not.

On page 174 to page 203 serial no. 1 to 131 terracotta figurines are listed. I have given my opinion regarding some of these objects illustrated in the report, the photographs of which are given in ASI report volume II. So far as other objects are concerned they can also be identified on the basis of description but in general I am not in a position to give my

Revised

opinion as to whether these other objects are related to any religious temple structure or not.

Statement read and verified.

ROY Khodke

13-10-2006

Statement typed on my dictation in open court.

Cross examination of this witness could not be concluded.

Put up before Hon'ble Special Full Bench on 16-10-2006 for recording further cross examination of this witness

ROY Khodke

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

13-10-2006

Commissioner

13-10-2006

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

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

16.10.2006

O.P.W 19 - R. D. TRIVEDI

(In continuation of statement dated 13-10-2006 the cross examination of O.P.W.19- Sri R.D. Trivedi, 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 case of a building having collapsed on account of natural causes, it will depend upon the occupants of the land to use or not to use the building material of the collapsed building. In case of the building material being reused, it is possible to give another shape to the ^{or new} building material. I don't remember that at Sarnath in Varanasi, building material of the old buildings was reused or not. I find in plate no.28 of ASI's report, Volume 2 that some of the fragmentary architectural members have been reused. It is not clear from the plate as to whether it is a wall or it is a foundation wall but they are not reused in their original position. They have been utilised as slabs of stones to construct the wall. These

R.D. Trivedi

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fragmentary architectural members used in the wall of plate no.28, appear to be a part of a Hindu temple. I am not aware of the fact that at Sarnath, any Hindu temple was demolished or had fallen on its own. It appears that these fragmented architectural members were reused of a fallen local temple. The building material of a collapsed temple can be reused in construction of ~~an~~ another temple. With the demolition of a temple, the religious sanctity of a fragment gets displaced but with its reuse in construction of another temple, the religious significance is again sanctified. It is immaterial whether such fragment is reused in foundation or at any other place of a temple, as far as I know. I have not seen any Buddhist temples. Of course, I have read about Buddhist temples. I don't think that any fragment recovered at the site in dispute during excavation belongs to a Buddhist temple. As far as I know there is no difference between the architectural features of a Buddhist and a Hindu temple and fragment^{is of architectural} members of a Buddhist and Hindu temple. As a matter of fact, it is the subject i.e. the idol etc. which distinguishes a Buddhist temple from a Hindu temple. On the basis of the other features like a circular shrine having been discovered at the site in dispute, I can say that the fragmented architectural members found at the site in dispute were associated with Hindu temple. Circular shrine is not the only specific feature indicating about a Hindu temple but there are other fragments of

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11th and 12th Century which indicate about the existence of the temple. The presence of inscriptional evidence found at the site also indicates that a temple of Vishnu Hari was constructed there in the 12th Century A.D. All the 450 fragmentary architectural pieces cannot be associated with any particular temple. They may belong to time bracket of 11-12th Century A.D.

Besides circular shrine and inscriptional evidence, there are other objects to be associated with a Hindu temple and these can be enumerated as—Pillared Mandapa and the bases of the pillars. Garbhagrah of a temple has not been noticed during excavation at the site in question but possibility is there that a garbhagrah was beneath the central dome of the disputed structure which has not been excavated and it is only my guess. I can add further with reference to plate no.67 of ASI's report volume 2 that the presence of a pit generally meant for a 'Garudadhwaja' just in front of a central dome of the disputed structure was indicative of the fact that possibly a garbhagrah in the alignment of a 'Garudadhwaja' existed there. Generally, the depression like structure of a Garuda dhwaja is constructed on the same floor/ level on which garbhagrah of a temple is built. According to me, the depression of Garudadwaja was associated with pillared Mandapa found at the site. Since I am not an excavator, I cannot say as to what was the level/floor of the pillared Mandapa. I have already said that the

Rayachari

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pillared Mandapa was below the floor of the disputed structure. I am not aware of the details of the floors and levels or the stratigraphy, therefore, I cannot answer with authority that the depression of the Garudadwaja was more or less at the same floor at which the surface of the disputed structure was found.

The pillared mandapa is datable to 11-12th Century A.D and since I am not an expert of stratigraphy, I cannot answer with accuracy about the date of construction of Garudadwaja's depression. On the basis of the ASI's report and its findings, as also the existence of the evidence of Vishnu Hari temple inscription, I have dated the said construction of a Hindu temple to be of 11-12th Century A.D. It is not amazing to date a structure at the same floor while plead ignorance about another structure of the same floor. In fact, I would repeat again that I am not an expert of stratigraphy. It is incorrect to say that I am deliberately giving an imaginary reply. I don't remember that as to whether ASI team has in its report dated this depression of Garudadhwaja or not.

Q. . On 13.10.2006, you have stated by showing certain plates in volume 2 that the objects visible in such plate can be said to be associated with Hindu temple. Later on, regarding other objects you have said that you cannot say unless you see the photographs. Whether

Rajiv Mehta

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you can identify certain more objects from the plates of volume II ?

- A. Above was not the exhaustive list. There may be one or two photos more to be associated with temple which might have missed my notice or attention.

It is wrong to suggest that on 13.10.2006, I made a wrong statement about certain photographs to be associated with temple. It is wrong to suggest that my opinion is one sided in favour of one party of the litigation. Since I am an expert of North-Indian Hindu temples but not of other secular buildings like palaces etc. therefore I have not compared nor conducted a comparative study about the Hindu temples, palaces and other secular buildings.

(Cross examination on behalf of defendant no.5 Mohd. Hasim by Shri M.A.Siddiqui, Advocate, recorded and concluded).

(Cross examination on behalf of defendant no.4, Sunni Central Board of Waqf U.P., by Shri Zafaryab Jilani ,Advocate started.)

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I have not thoroughly studied the report of the ASI, though I have cursorily gone through it. Since my expertise are in iconography and temple architecture, I have specifically studied sculptures connected with Hindu temple and also noticed the report

Replied!

GS

from the same point of view. Chapter VI of the report (Volume I) deals with the architectural fragments. Although other chapters do not deal with the field of my specialisation, yet I have cursorily gone through it. Alongwith the report, I have seen cursorily some of the designs/figures sketched by the ASI team. Apart from the findings of Chapter VI, I don't remember the findings or inferences given by the ASI in other chapters. I do not know the specific chapter of ASI's report in which periodization is given. As I recollect, the ASI has divided its report in nine periods. The ASI, as far as I remember, has placed 11-12th century in period VI. I don't remember which dynasty has been referred to by the ASI, as the ruler of northern India in 11-12th century. With reference to the findings of the ASI's report at page 40 (Volume 1), I can say that the ASI's description about periodization and nomenclature regarding period VI is correct so far as it refers to the medieval period but I do not agree that the description of this period as Sultanate period is appropriate, as I know that the Sultanate period started during the period of 13th Century. Although I am not an expert of Islamic history, yet I can say that Quttubuddin Aibak was the first ruler of the Sultanate period. I do not agree with the suggestion that Mahmood Ghaznavi was the first ruler of the Sultanate period. I also do not agree with the suggestion that Quttubuddin Aibak was not the first king of the Sultanate period. I

Rajiv Mehta

CE

have studied Ancient Indian History, upto 12th Century A.D., as part of my curriculum but I have knowledge about 13th century because there is no distinction between the history of these two centuries. Mughal period forms part of Medieval history. Period VII as referred to by ASI at page 41 of its report (Volume 1) also deals with medieval level. Said voluntarily, medieval period is divided in two parts—1), early medieval,; and, 2) late medieval. I do not find that this division as stated by me, is recited in ASI report with reference to period VI and VII. The ASI in its report at page 43 (Volume 1) refers to period VIII as that of Mughal level and not a part of medieval level. I am not aware as to whether reference to period IX as late and post mughal level, as recited at page 44 of ASI's report, is historically correct or not. If I know correctly, the late mughal period can form part of 18th century.

The disputed structure was constructed in 1528 during the regime of Babar. I don't think that ASI has specifically said in its report that the disputed structure was constructed after the demolition of any Hindu temple. But some of the remains found in the foundation of the disputed structure suggest that the disputed structure was constructed after pulling down some Hindu structures. Except the ASI's report, I don't have any independent information about a Hindu structure having been pulled down before the construction of the disputed structure. Although, in the

Rohini

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ASI's report, there is no specific indication about the demolition of a Hindu structure/temple, yet there are several remains of architectural members which suggests the pulling down of a Hindu temple before the construction of the disputed structure. In the ASI's report, there are specific findings in the summary which suggests that a Hindu structure/temple pre existed and was demolished before the construction of the said mosque.

According to me the last sentence of summary of ASI's report in Vol 1, at page 272 is suggestive of the fact that there existed temple prior to the construction of the disputed structure.

Q. Is it correct to say that in the aforesaid last sentence at page 272 starting from the word ^{in reviewing it} "now view in totality", there is nothing which may suggest or indicate that any temple or Hindu structure existed there at the site in dispute in or around 1528 A.D. before the construction of Babri Masjid.

A. "The mutilated sculpture of divine couple and carved architectural members including foliage patterns, amalaka, kapotapali, doorjamb with semi-circular pilaster, broken octagonal shaft of black schist pillar, lotus motif, circular shrine having pranala (waterchute) in the north 50 pillars base in association of the huge structure, are indicative of remains which are distinctive features found associated with the temples of north India"

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This portion of the summary in the end of the ASI's report at page 272 indicates that there was a temple below the disputed structure as has been concluded by ASI.

Q. Is it correct to say that the last lines of the aforesaid sentence of the ASI's report providing that the material referred therein was "indicative of remains which are distinctive features found associated with the temple of north India", do not suggest either existence of any such temple in or around 1528 A.D. or so called demolition of any such temple during that period.

A. Some of the pieces like pranala (waterchute) has been found laid in the foundation of the disputed structure. Similarly other pieces have been also found below the disputed structure at various places and these things suggest that the earlier structure might have been pulled down earlier to the construction of the disputed structure though there is no specific time mentioned in the report.

This is true that in this portion of the ASI's report there is nothing which is indicative of the fact that there existed temple in or around 1528 A.D. or the same was demolished also around that period before the construction of the disputed structure. Instantly I am not aware of any other portion of ASI's report in which there could be any indication regarding the existence or demolition of

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any temple prior to the construction of the disputed structure. My statement in paras 10 and 11 of my affidavit is not solely based on what is mentioned in the ASI's report at page 272 as referred to above but on other portions of the said report too, such as chapter 4 which deals about the structure.

The word "pillared mandapa like structure" mentioned in para 10 of my affidavit has been derived from the discussions in the ASI's report under the heading 'the massive structure below the disputed structure' from page 54 to page 56 of ASI's report Vol-1. Although I have not read chapter 4 of ASI's report in detail but I have gone through the said chapter cursorily.

Q. Have you studied in detail about the said "50 exposed pillar bases" as mentioned in para 2 of the ASI's report at page 54 under the heading "the massive structure below the disputed structure".

A. I have studied that 50 pillar bases were exposed of various shapes and sizes. 12 of them fully exposed, 35 partially exposed and 3 found in the Section of excavation. Thus, I have studied about the pillar bases cursorily.

Q. Have you based your findings and inferences given in paragraphs 10 and 11 of your affidavit only on such cursory study of the so called pillar bases as given on pages 54 to 56 of the ASI's report Vol-1.

Reg. No. 12345

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- A. Yes. My finding in para 10 and 11 of my affidavit is based on cursory study of the aforesaid portion of ASI's report.

The words used in para 10 of my affidavit, namely, "pillared mandapa-like structure" have been conceived by me from the facts mentioned in the ASI's report at page 55, last para, regarding existence of the pillar bases and their alignment. My this opinion is based only on the basis of 50 exposed pillar bases and not on the basis of 17 rows of 5 pillars as mentioned on page 55. Although I am not an engineer but I have seen pillar bases of about 1 square meter or 1.5 meter square roughly to support the pillars to bear the load of huge structure. This is true that the ASI has used the word massive structure for a structure of the dimension of 50 meters x 30 meters. The structure of this size can be called a huge structure also. I cannot say what height would have been of the structure which might have existed prior to the construction of disputed structure at the disputed site. On the basis of the information available in the ASI report I can say that it was 'Nagar' type of temple which is generally found in

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the northern India on the disputed site before the construction of the disputed structure.

Statement read and verified

R. G. Jindal

16.10.2006

Statement typed on our dictation in open court. Cross examination of this witness could not be concluded.

Put up before us on 17.10.2006 for recording further cross examination of this witness

R. G. Jindal

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B. J.

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16.10.2006

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

O.O.S NO. 5 OF 1989

(R. S. No. 236 / 1989)

17.10.2006

O.P.W 19 - R. D. TRIVEDI

(In continuation of statement dated 16-10-2006 the cross examination of O.P.W.19 - Sri R.D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf U.P., by Shri Zafaryab Jilani, Advocate ~~started~~.)

The pillared Mandapa which might have existed at the site in dispute would have been an elaborate Mandapa, that is developed one, having a large number of pillars. There would have been 50 or more number of pillars in that Mandapa. In the temples of Pratihara periods, I have not found a Mandapa with such a large number of pillars as found at the disputed site. Mandapa is always associated with the Garbhagrah of a temple and such garbhagrah is the main part of the temple where the main deity is installed. The garbhagrah of the temple at the site in dispute would have been at the ^{central} centre place of such temple.

Raj Trivedi

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The Mandapa of the temple was in east, north and south of the said Garbhagrah. I don't recollect as to which part of the ASI report deals with the existence of such a three sides located Mandapa of a Garbhagrah but I have drawn such an inference on the basis of some drawing of the ASI report. For this inference, I have not solely relied upon figure 3A of page 48A of the ASI's report (Volume I) but I have mainly put reliance on figure 3B at page 51-A which appears to be clearer. All the 50 pillar bases are not shown in figure 3B but as I can count there are as many as 45 pillar bases visible in this figure. Some of the pillar bases being in a section have not been depicted. It is correct, as I find from figure 3A, that number of pillar bases visible in it is 50. The pillar bases no.25 to 27 are shown to be located in the central part of the drawing of figure 3A but they were not actually located in the central part of the disputed area. By now I have not formed any opinion about the estimated size of the garbhagrah of the temple which might have existed at the disputed site prior to 1528 A.D. Said again, "the said garbhagrah would have been 15 x 15 metres in area, although I am not sure about it." Whatever inferences I have drawn, are based on ASI report. Since the details of pillar bases are furnished in the ASI's report including drawings, I have been able to disclose about the size of the Mandapa but

Rajendra

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such details being lacking about garbhagrah I am not able to disclose the size of the said garbhagrah. In my estimation in figure 3A the existence of pillar bases no. PB-2, PB-7, PB-10, PB-15, PB-22, PB-25, PB-28, PB-31, PB-37, PB-43 and PB-47 being in one line and alignment reflect the length of the Mandapa which might have existed at the site in dispute. The garbhagrah would have located towards west of the aforesaid alignment starting from pillar base 2 coming down at pillar base 47. There is a possibility of said garbhagrah extending to some extent towards the east of the said alignment. It is correct that the said garbhagrah ^{could} would not have extended beyond pillar base no. 26 in the east. I am not sure about the exact location of the garbhagrah viz-a-viz the Mandapa. Whatever I have disclosed above, is all based on my inferences. There would have been no possibility of the garbhagrah of the earlier temple having located beyond the western wall no. 16. I have not come across about the existence of wall or pillar base of the garbhagrah in the ASI report. With reference to the Aamalaka recovered from the site in question, I cannot disclose either the height or the size of the temple. Even with reference to the number of architectural fragments and sculptures referred in the ASI report, I am not in a position to form any idea and disclose about the size of the garbhagrah or the temple. I was able to

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assess the size of Mandapa with the help of the number of pillar bases and the remains of some pillars. It is wrong to say that the remains of the pillars which I have noticed from the report of the ASI form part of the structure constructed in the year 1528 i.e. the mosque. The existence of the remains of such pillars on the surface of the disputed site might indicate that the pillars were reused in construction of the mosque although they seem to have belonged to an earlier Hindu temple. The pillars visible in plates nos.82 and 83 of ASI report, Volume -II, are the same pillars which were recovered at the site in dispute. The pillar visible in plate no.31 was also a pillar found at the surface of the floor of the disputed structure from the site in question. I have not stated about the existence of 'garbhagrah' on the basis of the above referred pillars but I have inferred about the existence of Mandapa on the basis of these pillars. In para 10 of my affidavit, I have mentioned about the 'existence of remains of a massive structure underneath—which I mean a pillared Mandapa. By massive structure, I mean Mandapa and not a temple which has not been found. Mandapas are associated with a temple though garbhagrah has not been excavated. Mandapa cannot exist without a temple and it is a part of temple. Since Mandapa is a part of temple, by massive structure I mean a part of temple. I have inferred, as said in

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my affidavit that a part of temple existed in the shape of massive structure at the site in dispute. Massive structure, as referred in para 10 of my affidavit, comprised of pillar bases and wall nos.16 and 17. All the 50 exposed pillar bases formed part of this massive structure.

The description of massive structure below the disputed structure has been given in para 2 on page 54 by the A.S.I. in its report, Volume 1 and in para 10 of my affidavit, I have referred to the same massive structure. The said massive structure comprised of 50 meter long wall (wall 16) in the west and 50 exposed pillar bases to its east. It is correct that A.S.I. has nowhere stated in its report that wall 17 formed part of the massive structure. Since wall 16 rested on wall 17, I inferred that wall 17 too was the part of the massive structure. It is my feeling that wall 17 served as foundation of wall 16. I understand that wall 17 was about hundred years older to wall 16. So the two walls are not contemporary. The construction of wall 16 is datable to about twelfth century. I agree with the opinion of the A.S.I. mentioned in para 2 at page 41 of its report Volume 1 that massive wall no.16 might have been constructed in sub-period (A), which starts from the end of the 12th century A.D. It is possible that the entire massive structure

RAY no.16

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which existed earlier was constructed towards the end of the twelfth century A.D.

Q. Whether it is possible that the sub-period (A) might have extended upto beginning of 13th Century A.D.?

A. The extent of sub-period (a) can go upto the beginning of 13th century. I would add further that the possibility maybe on both sides and this period can go upto 1150 A.D. also.

I do not exactly remember who was the ruler of Ayodhya towards the end of 12th century but certainly he belonged to the Gahadwal dynasty. Now I recall he may be Jai Chandra. Jai Chandra was defeated by Mohd. Ghouri sometime around 1191. I cannot certify that the rule of Gahadwal dynasty came to an end with the defeat of Jai Chandra. Also, I do not remember that Jai Chandra was the last ruler of Gahadwal dynasty. I do not know as to who was the ruler of Ayodhya region after Jai Chandra's fall. Govind Chandra was the ruler, who got the massive structure beneath the disputed structure, constructed. Although I cannot give exact period of the rule of Govind Chandra, yet I can endeavour to say that he ruled from 1115 A.D. or so to 1160 A.D. or so. There is likelihood of the Vishu Hari Temple being the same massive structure found beneath the disputed structure referred in the ASI's report.

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Generally speaking all the pillar bases will be on the same floor. The 50 pillar bases found during excavation of the disputed site should also be on the same floor. I have not examined from this point of view whether all the 50 pillar bases are on the same floor or not? I am not able to recollect whether ASI in its report has anywhere given the floors of 50 pillar bases referred to in the report and found during excavation. I know there are some ^{or appendices or} appendix in the reports. Since I have not gone through the said appendix⁶⁰s filed by the ASI in its report, therefore, I cannot say that all the details are there regarding pillar bases in the said appendix. Voluntarily said that since I am an expert of temple architecture and Iconography, therefore, I studied report thoroughly only from that point of view and I have not studied the report in regard to other fields connected with the excavation and therefore, I cannot answer regarding excavation, stratigraphy and placement of the flooring etc.

Q: You have specifically mentioned and stated about pillar bases said to have been found during excavation, so kindly let us know whether pillar bases do not concern with the excavation?

Replied

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A: Since pillar bases referred to in the ASI's report formed part of temple architecture and therefore, I had studied about them in general.

Q. When you had based your findings on the said pillar bases whether you were not supposed to examine the details about the same as given in the ASI report ?

A. I think, I am not supposed to examine in details of the whole process of excavation how these pillar bases were found.

I have not read the details given on pages from 56 to 67 in regard to pillar bases referred to in the report of the ASI Volume 1. This is true that pillar base no 13 on page 59 is shown to be resting on floor 4 but I have not examined its correctness, therefore, I cannot certify that said pillar base was actually resting on floor 4 or not. I have not examined pillar bases referred to in the ASI report from that point of view as on which floor they were resting.

Q. Is it correct to say that you have not carefully gone through the report regarding the details of pillar bases as given in Chapter 4?

A. I have earlier said that I have gone through the report cursorily but I have assured myself that there were 50 pillar bases in number.

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I have not examined the details of pillar bases but only on narration ^{of} the ASI report, I found that there were 50 pillar bases.

Q. Will it be correct to say that your statement on page 51 that you had carefully gone through both the volumes of the ASI report appear to be contradicted by your statement given today.

A. It is not contradictory at all because I have gone through the report cursorily and not thoroughly in all respects. I have used the word carefully and cursorily in the same sense.

Q. Do you subscribe to the view that pillar bases resting on floor 2 cannot form part of the structure in which pillar bases are resting on floor 4 and both these kinds of pillar bases could not be said to have been constructed at one and the same period?

A. I am not in a position to answer this question as I am not an expert of excavation process and their analysis as given by the excavators.

Statement read and verified

Ray Shrivastava
17.10.2006

Statement typed on our dictation in open court.

Cross examination of this witness could not be concluded.

Ray Shrivastava

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Put up before us on 18.10.2006 for recording further
cross examination of this witness

Richard

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17.10.2006

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

O.O.S NO. 5 OF 1989

(R. S. No. 236 / 1989)

18.10.2006

O. P.W 19 - R. D. TRIVEDI

(In continuation of statement dated 17-10-2006 the cross examination of O.P.W.19 - Sri R.D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf, U.P., by Shri Zafaryab Jilani, Advocate.)

I have not studied any book pertaining to the rule of Gahadwala dynasty. I know about Rama Shanker Tripathi who has written history of Kannauj. I have not heard about Roma Niyogi who has authored a book 'The history of Gahadwala dynasty'. I don't know that Thakur Prasad Verma who is an historian is one of the plaintiffs of this suit in which I am appearing as witness. However, I know Mr. S. P. Gupta, who is an archaeologist. I can read and write Hindi easily. I have not read the book 'Ayodhya ka Itihas Evam Puratatva' (Ext. No. OOS 5-3, shown to the witness)

R.D. Trivedi

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authored by Thakur Prasad Verma and Swaraj Prakash Gupta. I have not even heard about this book. I have heard about the book of Hans Bakker on Ayodhya (Paper No.120 C-1/2) but I have not read it. I have perused one article written by Prof. K.V. Ramesh in which there is a reference to Vishnu Hari temple of Ayodhya. This article was published in Puratatva magazine. This magazine is published by Indian Archaeological Society and Shri S.P. Gupta is associated with the said society. I read this article one or two years back. I derived the inference of Vishnu Hari temple being at the site in dispute from the inscription on a stone slab recovered from the disputed site the photographs of which was published in that article with its translation. The inscription was translated by Prof. K.V. Ramesh in his article. This very inscription is printed at page no.210 paper no.289 C-1/10-11. The printed version of this inscription is at paper no.289 C-1/195 of the same book. The *Bhavanuvad* of the inscription is at paper no.289 C-1/197 to 199. I read the English translation of the aforesaid inscription. I know a little bit of Sanskrit language. In the Sanskrit language of the inscription at Paper No.289 C-1/196, the temple of Vishnu Hari finds place in verse no.21, which can be quoted as below :

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“ टंकोत्खात वि

शाल शेल शिखर श्रेणी शिला संहति

व्यूहैर्विष्णु हरेहरिण्य कलश श्री सुन्दरं मंदिरं।

पूर्वैरप्य कृतं कृतं नृपतिभिर्येनेदमित्यद्भुतं

संसारार्णव सी(शी)घ्न लंघन लघूपादान्वियाध्यायता

गोविन्दचन्द्र क्षितिपाल राज्य

Its Bhavanuvad is mentioned in para no.21 at paper no.289 C-1/198. I don't agree with the note given at the foot of Hindi Bhavanuvad of verse no.21 at paper no.289 C-1/198. Again said that so far as the note is concerned, I am not sure about the first sentence of the note but I fully agree with the latter half of the said note. I don't agree with the suggestion that in verse no.21, the reference is not to Vishnu Hari temple but Vishnu Hari has been referred to in appreciation as Lord Rama. It is correct to say that Vishnu Hari temple was not got constructed by Govind Chandra himself. However, his name occurs in the inscription as overlord of the region. My earlier statement at page 119 where I have stated that the temple was got constructed by Govind Chandra is still correct because the credit of the construction goes to overlord as acknowledged in the inscription. I don't agree with Hans Bakker's given view at

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pages no.256 to 260 with (Book Paper No.120 C-1/2) of his Book regarding Vishnu Hari temple being located at the Ghat of ChakkraTirth at Ayodhya. I agree that the duration of Govind Chandra's rule has been rightly given between 1114 to 1154^{AD} in this book at paper no.289 C-1/198 (Exhibit OOS 5-3). I have not heard that Salaar Masood had ever made any strike or assault at Ayodhya. The earlier structure, of which wall no.17 formed part, was constructed about 100 years prior to the massive structure of the temple.

I do not remember that wall no.17 had any association with any other structure found by the A.S.I. at the disputed site. I have no idea about the nature of the structure which might have existed alongwith the wall no.17. Perhaps, a smaller temple existed prior to the construction of wall no. 16 which was associated with wall no.17. I do not know whether the temple associated with wall no. 17 was demolished or it collapsed on its own. I have no idea about the size of the said temple of wall 17. Also I have no idea about the deity which might have been installed in the temple of wall 17. I think four pillar bases were associated with the temple of wall 17. I cannot point out with exactitude the serial numbers with their location of the said four pillar bases, I simply read it somewhere in A.S.I. report. It is my own inference that the

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structure associated with wall 17 was a temple, although it is not so mentioned anywhere in the A.S.I.'s report. The said four pillars associated with the structure of wall 17 might form part of the Mandapa.

Q. When you are not aware of the location of those four alleged pillar bases said to be associated with wall 17, how could you say that they might have been part of some Mandapa?

A. Generally the pillars are made to support a Mandapa.

I have not seen any Mosque having pillars to support roof of the Mosque. With reference to figure 2, plate XX of the book titled as 'Indian Architecture' (Islamic Period) by Percy Brown (Paper No. 120 C-1/69), I can say that the pillars visible in it are not the original pillars of the structure of Mosque, rather these pillars are of a temple and they have been reused to support the roof of the Mosque. This Mosque in figure 2 might have been constructed in 1205 A.D. This "Adhai ^{Deen} ka Jhopara Mosque" is still in existence. Said voluntarily that this Mosque was built hurriedly during the time of Qutubuddin Aibak. The estimated height of these pillars is about 30 feet. In this figure of Adhai ^{Deen} ka Jhopara the left most pillar is visible with its pillar base. Maybe that the length and width of the said pillar base would

Rajivendra

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+ Corrected Video Court's order
dated 24.2.10

have been 2 feet x 2 feet. They are stone pillars. The pillar base is also made of the stone. Each pillar has three different pillars, that is one upon another. The lintels visible in the roof of the mosque shown in figure 2, supported by the pillar capital, do have carvings and decoration. I cannot give a nomenclature of the said lintels' carving because it is not very clear.

In plate No. XXIV, figure 2, of the same book very heavy and small pillars are visible to support the high arches below the roof of the Mosque.

Q. Whether the roof of the Adhina Mosque situated in Panduva, referred to above, is or is not resting on the pillars?

A. The roof of the Mosque is resting on high arches which in turn are resting on heavy and short pillars.

All the pillars of each row appear to be of one and the same dimensions of Adhina Mosque. The pillar base of the pillars on right side may be 3 feet x 3 feet in dimension and the pillar base of the left row would have been 2 feet x 2 feet.

All the pillars shown in figure 2 of plate XX on page 24/4 as also all the pillars of plate XXIV on page 24/8 are on same floor. In figure 2 of Plate VI on page 8/4 of this book, all the pillars are in straight line as also the roof, with carving

Ry. Adhina

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and decoration, are in the same line and on the same floor. On the basis of motif decoration in the pillars and the ceilings carved in lotus pattern show that these pillars and the ceilings were of Hindu temple which were re-utilised in the Mosque. I cannot say for re-use of the pillars and the ceiling they were brought from somewhere else or they were re-used after demolition of the temple at the same site. I am sure that there existed a temple at the site over the base of which a Mosque was constructed which is known as "Adhai Din ka Jhopara". The gate shown in figure 1 of plate VI on page 8/4 is an addition and it was constructed for the mosque. The carvings shown in the said figure 1 of plate VI on page 8/4 are not similar to those of the pillars and ceiling of figure 2 of the said pillars. Although it is not very clear to me but it appears that in figure 1 something is written in Arabic calligraphy over the arch as well as the rectangular decoration surrounding it. In figure 2 of plate ^{VII} VI on page 8/5, there are ^{Corrected previous to original date on which it was} ~~are~~ two panels having a stylised foliage decoration and below the same in two panels, there is Arabic calligraphy. The upper two panels showing stylised foliage decoration seem to be of temple design of about 1200 A.D. or of period slightly later. I cannot say definitely whether the said two panels bearing temple carving were got prepared soon before the

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construction of the said Qutub Mosque or they were reused after being brought from somewhere else. I cannot assign any particular dynastic nomenclature to the said foliage patterns. The design of Arabic calligraphy in the lower two panels in the figure belong to the period around 1200 A.D. I may have seen the Qutub Mosque but I cannot actually recollect the area in which the said panels are located in the said Mosque. In figure 2 of plate XXV on page 28/1 there are lintels having carvings and decorations over the double arches. On the top there is a monogram like decoration but the same has no resemblance with any temple design or carving. In this photograph, the other designs or carvings also do not have any resemblance with carvings in Hindu temples. Figure 1 of plate XXXIV and of plate XXXV on pages 40/2 and 40/3 show the building of the same mosque and their roofs are resting on pillars. The height of the pillars in both the figures could be around 20 feet. The pillars in both the photographs are on the same floor. The pillar bases of the pillars of the two figures could be of maximum sizes in 3 feet by 3 feet.

Statement read and verified

R. S. Khanna

18.10.2006

Statement typed on our dictation in open court.
Cross examination of this witness could not be
concluded.

Put up before us on 19.10.2006 for recording
further cross examination of this witness

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18.10.2006

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

O.O.S NO. 5 OF 1989

(R. S. No. 236 / 1989)

19.10.2006

O. P.W 19 - R. D. TRIVEDI

(In continuation of statement dated 18-10-2006 the cross examination of O.P.W.19 - Sri R.D. Trivedi, continued on oath, on behalf of defendant no. 4, Sunni Central Board of Waqfs, U.P., by Sri Zafaryab Jilani, Advocate.)

In Sultanate period, in the beginning, kings and rulers utilised the pillars from Hindu temples to be used in the Mosques. Later on, they may have started making their own pillars, of which I am not aware. In Mughal period they started making/building their own pillars. Generally the Mughal rulers have not used any temple or religious buildings pillars and if any pillars have been sparingly used by the Mughal ruler, I am not aware about the same. I think that the base and capital of the pillars visible in Plate XXXIV figure 1 and Plate XXXV figure 1 of the book (paper no.

R.D. Trivedi

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120/C-1/69) are indicative of the fact that these pillars were of some Hindu temples and reused in this Mosque. The Kumbhika portion in figure 1 of plate XXXV of the pillar indicates that it was of a Hindu temple. The base of a pillar is called Kumbhika. The pillars of figure 1 in both the plates no. XXXIV and XXXV appear to be same and similar with a slight difference in the lowest mouldings. The capital supporting the lintels of these pillars also appear to be of a Hindu temple. The witness having seen figure 1 of plate XXXV of the above book states that the square part of the pillar base is surmounted by octagonal, then sixteen sided and then perhaps round shaft of a pillar which is usually found in Hindu temples. Though it is not clear whether any joint is there in the pillar of figure 1 of plate XXXV but it seems to be separate from the shaft of the pillar. Although scale is not given in this figure, yet I can say that the base part could be two to three feet and this part is generally known as pillar base. In temples, this pillar base is called Kumbhika, but in common parlance it can be called as pillar base. There is difference in the type of pillar base in figure 1 of plate XXXV and figure 1 of plate XXXIV. The upper portions of the pillars in the above referred two figures are different in decoration and design but not in style. In figure 1 of plate

Raymond

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XXXV there is ardha-ratna (half-diamond design) visible on the pillar base which seems to be a Hindu motif. In this plate, the said ardha-ratna motif is visible. Two sides of the pillar, which are visible in this plate, bear this motif. It is incorrect to say that the design is visible only on one side of the pillar base, which I have described as an ardha-ratna motif, but as I see it is visible on two sides of the pillar base. Ardha-ratna is a half-diamond and it is a symbol of jewel and prosperity and it is also associated with the goddess of prosperity, i.e. Lakshmi. I think the religious motif of ardha-ratna is found in the pillars of 8th and 9th century. Said again that I do not exactly remember since when this ardha-ratna motif started being inscribed upon the pillar bases of temple. I do not remember whether the above motif is used in northern India alone or whole of India but I am sure that it is used in northern India because Gujarat is in northern India. I do not know whether these pillars of plates no. XXXIV and XXXV were pillars of a demolished Hindu temple and reused in the Mosque. Also I do not know whether any temple in that part of the country was or was not demolished. Ardha-ratna motif is not associated with any particular type of Hindu temple. I am not aware that this ardha-ratna motif is used in other buildings such as palaces and residential

ROY Shroch

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houses. I do not know whether the aforesaid design to which I have described as ardha-ratna is or is not used in Mosques or other religious places of other religions. No other motif is visible in the pillars of plate nos. XXXIV and XXXV. I have not visited the Jami Masjid of Ahmedabad, pillars of which are shown in plates no. XXXIV and XXXV.

Figure 1 of plate VII of the above book indicates that the roof of the building is resting on pillars. The pillars visible in this figure (page no. 8/5) appear to have been reused. These pillars appear to be of a temple. Voluntarily said that I have seen the building of Sultan Ghari shown in figure 1, plate VII. As I know the pillars visible in this plate were of a temple, which earlier existed at this very place. After demolition of the said temple a Mosque was constructed, then a tomb and at present this place is regarded as sacred by Hindus and Muslims both. The building visible in figure 1, plate VII is of a Mosque where remains of a temple are in existence.

I saw there a number of sculptural fragments stored in the area, pillars installed in the Mosque and also certain lintels of a Hindu temple. These fragments were lying in an open corner. They were fragments of architectural members and of images. I did not enquire from anyone as to since

Rajendra

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when these fragments were lying there. I know that this Sultan Ghari building was constructed in 1231 A.D. I am not aware since when the above referred fragments were lying there. I did not enquire from any official of A.S.I. posted at the premises of Sultan Ghari building that since when the said fragments were lying there. I read about the said Sultan Ghari building in a book titled as "Delhi and its Neighbourhood" written by Dr. Y. D. Sharma, published by A.S.I. I got the information about the Hindu temple being in existence at Sultan Ghari building from the aforesaid book which was perhaps demolished in early 13th century and thereafter the mosque/tomb known as of Sultan Ghari was constructed sometime in or around 1231 A.D. The said temple is datable to 7th century.

Q: Do you mean to suggest that the pillars visible in figure 1 of plate VII were used in the temple which is claimed by you to have been constructed in 7th century A.D. and is said to have been demolished in early 13th century A.D.?

A. The original Hindu temple at the site was constructed sometime in the 7th century A.D. Later additions to it might also have been made in the succeeding centuries

ROY Indra

G.S.

and the pillars visible in the photograph are datable to around 11th century A.D.

Obviously, these pillars were not used in the original temple datable to 7th century A.D. To me, there are several pillars similar but some are different. I do not remember whether Dr. Y. D. Sharma has or has not mentioned about these pillars having been added in 11th century in his book as titled above. As an expert of Temple Architecture I have myself inspected the building of Sultan Ghari and on my study I derived that the pillars were of 11th century. The temple was datable to 7th century and this fact was recited in the book of Dr. Y.D. Sharma. However, I do not remember that Dr. Sharma has or has not mentioned in his book about the pillars being added in 11th century to the original temple and also about other additions. I inspected Sultan Ghari twenty years back and therefore now I do not recollect the special features and characteristics of the pillars on the basis of which I drew a conclusion that the pillars were subsequent additions and datable to 11th century A.D.

Q. Do you remember that twenty years back you have noticed, while visiting the building of Sultan Ghari, shown in figure 1 of plate VII, that the pillars found there were of 11th century, you had not taken any notes at that time?

R.D. Shinde

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A. I had not taken any notes after having inspected and studied the special features and characteristics of the said pillars. However, now I am reminded of the fact that the pillars were datable to 11th century A.D. after I have seen this figure 1st plate VII.

I do not remember the exact number of the pillars in Sultan Ghari building. The pillar visible on the right side having a base supporting the pillar square at the lower side, octagonal in the middle and again square on the upper part below the capital supporting the lintels is also of 11th century A.D.

In the photograph of Sultan Ghari Building, figure no.1, plate VII at page 8/5 of this book, motif or carving is not visible on the pillars. I am familiar with the nature of carvings and motifs of 11th century pillars. The 11th century pillars in North India are generally carved with Ghatapallava, foliage pattern, mala design or they have square kumbhika at the base with decorations over which octagonal, 16 sided or round shafts are made to support the brackets below the lintels. In the building in figure no.1, of plate VII, there appears to be a courtyard on three sides with entrance on the front side. Said again that there is only one courtyard in the said building. It is true that there is an octagonal platform in

Raymond

CR

the said courtyard. The roof of the said building is not a pyramidal one but there is a dome like super-structure over the central portion of the building. I do not remember whether the building shown in figure no.1 of plate no.7, represents 13th century structure or of 11th century. At present, I do not remember whether there was any special feature in the ceiling of the said building. I do not remember also whether it was a domed ceiling or a flat ceiling.

Q. Is it correct to say that you remember only one thing about this building that the pillars were of 11th century and belong to some temple and you do not remember any other feature or speciality or details of the said building?

A. Since the pillars are visible in the photograph, I recall their features. Besides that, I remember that below the dome like structure, an impression for the installation of an image was also there.

Witness having seen the photograph of Jami Masjid Mandu of plate 42 on page 44/2, figure no.1, and 2 answered that the roof of this building is not resting on pillars but it is resting on the arches which are resting ^{on} ~~on~~ lower side on heavy pillars. There is no difference in formation of arches and pillars in figure

Rajendra

GS

no.1 and 2 of plate no.42. I am not in a position to say from the photograph whether the pillars of the said building are original or have been reused. I have neither read nor heard about the construction of the said Jami Masjid, Mandu whether the same has been made at the site of any temple or not. Roof of the building shown in figure no.2 of plate 58 on page 60/2, is resting on pillars. The said pillars do not have motif and carving or decoration except that they are fluted from the base to the top. These pillars have no resemblance with the pillars of any temple. I cannot imagine the height of the pillars visible on the left side of the building. Merely by looking the photograph of figure no.2 of plate 58 on page 60/2, I cannot tell whether the pillars were made of stone or wood. The pillar bases are however, visible ⁱⁿ ~~on~~ the photograph. The pillar bases may be of 2 or 2-1/2 square ft. as I can guess. The mosque shown in figure no.2 on page 88/3 rests on arches which are resting on pillars. As it appears to me, these pillars are made of bricks and then plastered. The lower portion of pillars shown in figure no.1 of plate 89 on page no.96/1 have carvings on the lower part. The pillars are in pair supporting the arches. These pillars

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have some decorations showing arch like decoration on the lower part. I do not think that the design in the lower part of the pillars can be said to be foliage design. Since I am not an expert of Muslim Architecture, I cannot give any nomenclature to the design in the lower part of the pillars. The lower portion of the said pillars, in which the design appears, can be called pillar base. Similarly, since I am not an expert of Muslim Architecture, I cannot give any specific period of the pillar on the basis of their features. On the basis of the decorations in the lower part of the pillars and the appearance of the double pillar construction are the special features on the basis of which I say that it is a Muslim architecture. In Hindu temples, the pillars are not placed in pairs as is in figure no.1 and not of such type of decoration. I cannot say about the Hindu buildings in general other than the temples about the use of such pillars and decoration. I have not visited the mosque shown in figure no.2 of plate 112 on page 134/12 i.e. Laat Ki Masjid, Dhar. From the arrangement of the pillars and other visible features, it appears that the pillars belong to a Hindu temple used in a mosque and these pillars are datable to about 12th

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Century. By arrangement of the pillars, I mean that they are directly supporting the roof without any arch and they are large in number and in rows. It appears that the building shown in figure no.2 of plate no.112 was actually a temple. I cannot say as to when the said building in figure no.2 in the present form was constructed.

Statement read and verified

ROY Chowdhury
19.10.2006

Statement typed on our dictation in open court.

Cross examination of this witness could not be concluded. *GS*

Put up for recording further cross examination of the witness

ROY Chowdhury

GS *SGN* *li*
19.10.2006

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

O.O.S NO. 5 OF 1989

(R. S. No. 236 / 1989)

15.11.2006

O. P.W 19 - R. D. TRIVEDI

(In continuation of statement dated 19-10-2006 the cross examination of O.P.W.19 - Sri R.D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf, U.P., by Shri Zafaryab Jilani, Advocate.)

I know the locus and level from where some of the architectural and sculptural remains, as referred to in para 13 of my affidavit, were found during excavation. The 'Makar Pranala' has been found at the top of wall no. 16 which served as the foundation of the disputed structure. As far as I remember, pieces carved with Patra-Lata or Kalpa-valli Motif were also found in wall no. 16. Only one stone piece carved with Patra-Lata or Kalpa-valli Motif has been seen by me in photograph. Pillar bases encased by orthostats and bhadra-

R.D. Trivedi

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type have been found at floor No.3. I do not remember the trench number of such pillar base wherein it was found. Lower part of an octagonal pillar carved with foliage pattern has also been found from floor no.3. Piece carved with alternating padma and ratna (lotus and diamond) motifs was found reused in wall no. 16. These articles belonged to the temple structure of 11th century constructed on the site in dispute. I cannot say as to who got the said temple constructed in 11th century. The said temple might have remained for about a century or so. I cannot say whether the said temple was demolished by anyone or it fell down on its own. My impression regarding the construction of temple in 11th century and its existence for about a century at the disputed site is based on the ASI report and not any other evidences. At the moment, I cannot answer by looking the report cursorily about the existence of temple on the disputed site in 11th century where finds place in the report. However, if I go through it carefully, I can answer this.

Q. Whether you have examined about the locus and level, etc. of the architectural and sculptural remains mentioned in para 13 of your affidavit from the ASI report or not?

R. S. Thakur

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A. Whatever I have seen and understood by going through the ASI Report, I have stated in my affidavit and above statement.

As far as I remember, the wall which served as a foundation wall of the disputed structure was numbered as wall no. 16 by ASI in its report, however, I do not remember what number was given by the ASI to the wall above wall no.16. Wall No. 16 served as the foundation wall of the disputed structure which was demolished in 1992.

Statement read and verified

ROJwedi
15.11.2006

Statement typed on our dictation in open court.
Cross examination of this witness could not be concluded.

Put up before us on 16.11.2006 for recording
further cross examination of this witness

ROJwedi

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15.11.2006

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

O.O.S NO. 5 OF 1989

(R. S. No. 236 /1989)

16.11.2006

O. P.W. 19 - R. D. TRIVEDI

(In continuation of statement dated 15-11-2006 the cross examination of O.P.W.19 - Sri R.D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf, U.P., by Sri Z. Jilani, Advocate.)

The wall no.16 on the top of which Makar Pranala was found, was constructed in the 12th Century. The Makar Pranala visible in plate no.23 of ASI's report Volume 2 is the same Pranala which was found in wall no.16. In plate 25, a part of the foundation of wall no.16 is visible. As far as I remember, the stone portion, three courses of stone slabs, are of wall no.17 which also serves as foundation of wall no.16. Upon those slabs, the brick part, which has 16 or 17 courses, is wall no.16. In plate no.25, Makar Pranala is not visible. The other portion of wall no.16 at the top of which Makar Pranala was found is not visible in this plate. The plate no.25

R.D. Trivedi

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is of different trench. Since I visited the site of excavation only for few hours and found most of the trenches filled up with bags, I cannot tell the location of individual trench. On the day of my visit, I did not find the label of trenches affixed at the top of that. However, I tried to locate the trenches from the figures given in the ASI's report. The trench E-8 and D-7 are adjacent to each other. Makar Pranala was found in trench D-7 and this wall 16 as depicted in plate 25 was found in trench E-8. The wall no.16 as visible in plate 25, must have been found on the western side of trench E-8. The Makar Pranala was found on the eastern side of wall no.16. The stone slab bearing Patralata or Kalpavalli motif is visible in plate no.25 in the second course of the stone blocks from the bottom. I have stated about this very Patralata or Kalpavalli motif in para 1 of my statement at page no.144. In plate 26 also, the close up of this very Patralata is visible.

Q. Yesterday, you have stated that this stone block having carving of so called Patralata or Kalpavalli motif was found in wall no.16 and today you have stated that this stone forms part of wall no.17. Which one of these two statements is correct?

RR Shrivastava

GS

- A. My both statements are correct because the three courses of the stone blocks shown in plate no.25 serve as the top portion of wall 17 and the foundation portion of wall no.16. So these stone courses can be associated with both the walls.

The Patralata or Kalpavalli motif is normally used in the construction of temples. The religious significance of Patralata or Kalpavalli is that it is associated with water cosmology and shown on the door jamb of the temples. This motif can also be used elsewhere in the temple buildings such as lintels or mouldings of Adhithan portion. It is correct to say that door jamb, adhithan portion and the lintels are part of super structure above the ground. It is correct to say that such Patralata or kalpavalli motif is never used in the foundation of the temple. The Patralata or Kalpavalli motif visible in plates nos.25 and 26 both is not at its original place rather it was reused in this position of the plate.

- Q. Do you say that the three courses of stone blocks visible in plate no.25 and 26 form part of the wall of the alleged temple said to have been constructed in 11th Century AD?

ROY Juvadu

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- A. This wall no.17 which is shown in plate nos.25 and 26 is not part of the 11th Century temple rather it is a foundation wall of the 12th Century temple.

The stone slabs visible in plate no.25 and 26 might be associated elsewhere in the 11th Century temple on the same site and reused in the foundation of 12th Century on that site. There is no other motif in any stone slabs visible in plates nos.25 and 26. As visible in plate no.25, the wall no.17 of the stone slab is not riding on left side over any other wall. The wall no.16 as visible in plate no.25 was the foundation of the same temple which was constructed in 12th Century. This temple of 12th Century was constructed by Govind Chand, Gahadwala ruler. This patralata motif according to me might have been used in the construction of temple by the said Govind Chand.

- Q. Can you give any reason for the said Patralata or kalpavalli motif being used in the foundation and not being used in Adhistan or door jamb or lintels of the alleged temple?

- A. Since the stone slab bearing the Kalpalata motif is a fragmentary piece and broken on the site, it was used in the foundation.

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There is no size prescribed for the stone of a Patralata motif to be used in door jamb, lintels or Adhisthan of a temple. The size of such a stone having motif will depend upon the availability of the size of stone and the space where to be used and also as per the requirement of the constructor.

Q. Whether such stone bearing motif of Patralata or Kalpavalli can be of any size between 3 ft. to 6 ft. or more or less?

A. As I said earlier, it can be of any size depending upon the requirement of the space and availability of the size of stone.

I cannot guess from plate no.25 as to whether this stone bearing Patralata motif can be of 5 to 6 ft. or more. It is incorrect to say that the stone bearing Patralata motif is a full stone and not a fragmentary piece rather it is a broken stone. It is incorrect to say that this stone slab bearing Patralata motif was used by Muslims in the foundation of an Islamic structure.

Q. Do you remember that any other stone slab, bearing a motif other than patralata motif, was found in wall no.16 or 17.

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A. I can answer this question after I refer to the ASI report.

As visible in plate no.51, there is a padma and ratna(Lotus and Diamond) motifs. I am not sure which wall, whether 16 or 17 ~~is~~ bears this lotus and diamond motif in stone slab ; perhaps it may be wall no.16. sometimes I may forget things within one day. My yesterday's statement is to the effect that "this piece of carved stone with alternating padma and ratna motifs was found reused in wall no.16. These articles belong to the temple structure of 11th Century constructed on the site in dispute".

My aforesaid statement is correct. The object belongs to 11th Century but it was reused in the foundation of 12th Century temple. This stone bearing motif could have been used in door jamb or in the lintel in 11th century temple. I think the stone bearing motif which is visible in plate no.51 is fixed in the same foundation wall in which patralata motif stone is visible in plate no.25. The three stone courses visible in plate no.25 are not visible in plate no.51. It is incorrect to say that the wall visible in plate no.51 being found in trench D-7 and the wall which can be sighted in plate no.25 and

RD Subedi

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found in E-8 cannot be the same wall. I can add that the same wall goes across both the trenches.

Q. Whether both these photographs appearing in plate no.25 and 51 depict the same side of the wall?

A. It is not clear to me as to whether the photographs of plate no.51 and 25 depict the same side of the wall.

In the plate 51, the structure visible is the foundation of wall no.16 alone.

Q. Is it correct to say that the stone slab described by you as bearing padma and ratna motifs had been shown by the ASI being the part of wall no.17 and not of wall no. 16 ?

A. According to me, the stone slab having padma and ratna motifs is a part of wall no.16 only.

The brickbat structure visible in plate no.51, on which the scale is lying, according to me, is part of the wall no.17 but I am not sure as I have not seen the site. I cannot differentiate between the structure of wall no.16 and 17 from my study of the ASI report. I have given my statement before this court in respect of wall no.16 and 17 and about the carved stones, on the basis of my study of the ASI report and general impression gathered out of the ASI report. Statement in para

ROJ Shvedt

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10 of my affidavit is based on my studying the ASI report and the impression drawn from the facts recorded therein. I have gone through both the volumes of ASI report cursorily but I have gone thoroughly through the report in respect of architectural fragments and other temple remains and finds in regard to the temple recovered during excavation. I have gone through Chapter 6 thoroughly only in respect of Architectural fragments found in the excavation and not in respect of stratification part of the excavation. I have gone thoroughly through chapter 6 of ASI report Volume 1.

My statement recorded in page 51 that I have gone through both the volumes of Reports carefully is to this extent contrary that I have gone through the report thoroughly only in respect of chapter 6 regarding architectural fragments and other temple materials and that the other part of the report ^{is not} gone through by me cursorily. Similar meaning may be drawn in respect of my averments in para 8 of the affidavit. Voluntarily said that I have already stated that I have not done any excavation, I have not written any report on excavation nor I have ~~not~~ reviewed any report on excavation. Therefore, I am not aware of the whole process of excavation and stratigraphy. This is correct to say the in chapter 6 ASI report

R. S. Srinivas

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Volume 1 which starts from page 121 and ends at page 173, there is no mention of any massive structure of 12th century. Similarly, there is no mention of massive walls in that chapter. From the study of Chapter IV of ASI Report I gathered the opinion as recorded by me in para 10 of my affidavit that there existed remains of massive structure and massive walls coupled with other structures underneath. This impression was drawn by me while going cursorily through chapter IV of the ASI report and from this study I assured myself to the facts recorded in para 10 of my affidavit. I cannot say specifically as from which part of the ASI Report I gathered the impression as recorded in para 10 of my affidavit but one of the portions of the report is from page 54 onwards under the heading 'The Massive Structure Below The Disputed Structure' which was taken into account by me. This is correct to say that I have not verified and examined authenticity of this part of the ASI report which is from page 54 to 56 on the basis of other portions of ASI Report but relying on this part of the report I have recorded my statement in para 10 of the affidavit. Voluntarily said that no doubt I had gone through the second Volume of the ASI report also which contains photographic plates of the excavated site and finds in

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regard to my statements. My statement in para 10 is based on the study of ASI report in chapter IV from page 48 to 72 and Chapter VI from page 121 to 173 and the plates in volume II of the ASI report. I do not know whether ASI has specifically stated in its report about existence of the extensive 'pillared mandap' like structure as has been stated by me in last part of para 10 of my affidavit or not but the said impression has been drawn by me on study of chapters IV and VI of the ASI Report Volume I and the plates in Volume II. The temples of Northern India as referred to by me in last line of my statement in para 10 refers to the temples of Northern India from 9th to 12th century.

Q. Whether your statement in para 10 of the affidavit is based on the comparison of the architectural remains found at Ayodhya with the architectural remains of any other temple of 9th or 10th century of Northern India.

A. Yes. I have compared with the Gargaja Mahadeo temple, Indor, District Guna in Madhya Pradesh and Teli ka Mandir in Gwalior Fort of 9th century A. D.

Guna was considered to be in Northern India during 9th century. I have gone through the photographs and description of these temples in my book "Temples of Pratihara Period in

ROY Mehdi

G.S.

Central India". In the said book I have treated Guna to be part of Northern India. Similarly I compared the finds recovered on the disputed site with the temples at Khajuraho and Gwalior Fort for ascertaining that the material belonged to the temples of Northern India. Out of the 445 remains/members recovered during excavation I compared only few, details of which have been given in plates in Volume II of ASI Report to arrive at the conclusion that they are remains of the temples of the Northern India of 11th 12th centuries. As far as I know the pieces which I examined, do not pertain to 9th or 10th century and they pertain to 11th and 12th century. Only circular shrine found during excavation was compared by me with the temples of 9th century referred to above. I have read about the circular shrine in the ASI report but I cannot say whether there is any reference of the same in chapter VI of the report. The comparison of circular shrine was comparison of only structure and not of architectural fragments or of Architectural remains. In my opinion the architectural members in general and pillars in particular are datable to 11th -12th century and not to 10th century also as mentioned by ASI in its report at page 122 Volume I. I had compared pillars discovered at excavation site with pillars of other temples of

Ray
Richmond

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11th – 12th century, such as temples of Khajuraho and Kadhwa District Guna or Shivpuri in Madhya Pradesh. Comparison was done by me on the impression I had drawn through photographs of Khajuraho temple and on the basis of the impression I had during my visit to Kadhwa temple. I had gone to Kadhwa temple about 18-20 years ago when I was in-charge of the Temple Survey Project in ASI Department. Photographs of pillars of Kadhwa temple are not in my book and also I cannot say whether any other book contains the photograph of pillars of said temple or not. The photographs of Khajuraho temple are available in several books. I do not remember whether photographs of pillars of Khajuraho temple are in the book of Percy Brown or not. No comparison of the pillars found on the disputed site during excavation was done with the photographs in figure 1 of plate 95 of paper no. 333C1/5. Voluntarily said that there are other temples like Kandariya Mahadeo Temple of Khajuraho of 11th Century. Comparison of those pillars was done in regard to general features. The pillars found on the disputed site during excavation have some decorative features in common with the pillars of figure 1 on paper no. 333C1/5 although they differ in plan and formation. Since I have not seen the pillars found

R. G. Shrivastava

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during excavation at the disputed site, I cannot say whether height of the pillars in figure 1 of paper no. 333C1/5 is double to the height of the pillars found during excavation. Height of the pillar as shown in plate no. 82 of ASI report Volume II would be about 8-9 feet. In photograph of pillar shown in plate no 82, the portion above the Purna Ghatapallav up till the garland design is plain and octagonal in design. There appears to be sindoor colour in more than half of this plain portion. The fragment of the pillar in plate 83 of the ASI report Volume II is decorated with Ghatapallav supported by two visible seated dwarf figures at the corners and the upper portion as stylised Kirtimukh design in floral pattern and then foliage pattern going upward. None of the decorations of two pillars of plate no. 82 and 83 of ASI report Volume II can be found in the pillars in figure 1 which is of Ghantai temple in Khajuraho.

Statement read and verified

ROY Swami
16.11.2006

Statement typed on our dictation in open court.

Cross examination of this witness could not be concluded.

ROY Swami

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Put up before Commissioner on 17.11.2006 for
recording further cross examination of this witness

ROY Ince

16.11.2006

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

18-11-2006

O. P.W. 19 R. D. TRIVEDI

(Commissioner appointed vide order dated 16.11.2006 of Hon'ble Special Full Bench of Allahabad High Court Lucknow Bench ,Lucknow passed in O.O.S. No. 5 of 1989).

(In continuation of statement dated 16-11-2006 the cross examination of O.P.W.19 - Sri R.D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf, U.P., by Sri Z. Jilani, Advocate.)

With reference to figure no. 2 of Plate no. 95 on Paper no. 333C1/5 the witness stated that only the upper parts of the pillars visible in this figure are clear. The 3 round mouldings of upper part of the pillars visible in figure no. 2 seem to be similar to the pillar which is visible in plate no. 82 of ASI report volume II. The pillars visible in plate no. 96 on Paper no. 333C1/6 are similar with the pillar no. 82 and 83 of the above report in which the 'Purna-Ghat' motif with foliage coming out from the pot are shown. The 'Mala' design is also visible in some of the pillars shown in the plate

R.D. Trivedi

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96 of the above noted paper. The round neck on the upper part with a 'Square-Pattika' is also similar in the above figures. I think five pillars of plate no. 96 (paper no. 333C1/6) are fully visible. Out of these five pillars four pillars appear to be square in the lower part. About four pillars are square in full, whereas one pillar is square only on the lower part but the shaft is round. The upper portion of all these pillars are square in shape. The first pillar in the left side is circular in shape in the upper part and there appear to be two pillars joined in this one pillar. All the pillars visible in plate no. 96 have the motif of 'Purna-Ghat'. The second pillar from the right side has 'Purna-Ghat' in the upper portion. Other pillars have 'Purna-Ghat' in the middle portion. The height of these pillars might be 18 to 20 ^{feet}. It is true that these pillars are bearing the load of Roof/Ceiling. These pillars are datable to around 10-11th century A. D. and not to 8th and 9th century as mentioned in the Plate. These pillars are ^{of} north Indian temple style.

Q: Is there any historical proof about the original position of these pillars visible in Plate no. 96 (Paper no. 333C1/6) that to which temple they might have belonged ?

A: The pillars shown in Plate no. 96 above belong to the Qutub Mosque reused from different temples which

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Dr. J. P. Singh

existed at the site. The inscription to this effect is engraved on the eastern 'Facade' of the Mosque that the remains of 27 local temples were reused to construct the Mosque in question.

My information in this regard is only based on the inscription mentioned above and the reference given in the book titled "Delhi and Its Neighbour-Hood" by 'Dr. Y.D. Sharma' and published by the ASI. To my knowledge no such book is available with regard to the pillars installed in the disputed structure of Ayodhya.

The pillars visible in Figure no. 1 of Plate no. 98 (paper no. 333C1/7) belong to 10th century A. D. and the period mentioned in this figure (11th century) is not correct, as I feel. These pillars belong to the style of temple architecture which developed in western part of India. The style visible in plate no. 82 and 83 is different from the style as visible in Figure no. 1 of Paper 333C1/7. This temple of 'Mewar' represented in Figure no. 1 belongs to the region of western Rajasthan, which is also a part of northern India. The Figure 1 on Paper no. 333C1/8 (Plate no. 114) is of 'Mahadev' temple, Ambarnath which is perhaps in northern Maharashtra adjacent to Madhya Pradesh. The style of this pillar is of 11th century and comes within northern India. The square base and three

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round mouldings on the upper part visible in Figure no. 1 of Plate no. 114 seem to be similar to the pillars visible in Plate no. 82 and 83 in ASI report volume II. The similarity is in the base of these pillars in respect of square formation at the ground plan.

The pillars visible in Figure, no. 1 of Plate no. 129 (paper no. 333C1/9) belong to 12th century A. D. They are not of northern Indian style. They belong to southern style of temple architecture. 'Dharwar' is in Karnataka region. I don't find similarity between these pillars and the pillars found at Ayodhya on excavated site.

Q: Whether in any of the pillars visible in paper no. 333C1/2, to paper no. 333C1/9 any pillar base, like the pillar bases referred by you in para 10 of your affidavit, is visible or not ?

A: I had used the term 'pillar bases' in my affidavit as per the mention of the 'pillar bases' given in the excavation report of the ASI which served as 'foundation of the pillars', but here the term 'pillar base' I have used for the lowest part of the pillar resting over the ground and visible in the photographs.

Q: Do you mean to say that in paper 333C1/2 to paper no. 333C1/9 the lowest portion of the pillars which have been

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described by you as pillar bases, are of the same dimension as the pillars themselves ?

A: In majority of the pillars the pillar bases are slightly broader than the upper part of the pillars.

In Figure no. 2 on Paper no. 333C1/2, Plate no. 66, there is no pillar base, again said no pillar base in two central pillars which bear perhaps the figure of 'Lion' to support the pillars whereas the pillar on left side has a usual pillar base. The height of the pillar base of the left side of plate no. 66 is about two feet from the ground. The height of the pillar base of the pillar of right side may be about 4 feet from the floor. These pillar bases of the height of 2 or 4 feet are part of the pillars. On the right side of the stair in figure 2 there is Wheel of Chariot which seem to represent the movement of the 'Viman' as a temple in South India is called with that name.

Q: Whether this Wheel/Chakra has got any religious significance ?

A: Chakra has also religious significance which represents the movement of the 'Universe' and also serves as 'Weapon' of Lord Vishnu.

In the pillar bases of the pillars visible in Plate no. 70, paper no. 333C1/3 the height of the pillar bases may be about 4 feet from the floor and the height of the pillars may be

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about 18-20 feet. The roof appears to be resting on these pillars. These pillar bases are intrinsic part of the pillars. In Figure no. 1, plate no. 95, on paper no. 333C1/5 ^{or shown} pillar bases in the lower part of the pillars and height of these pillar bases may be 1 to 1.5 feet. In Plate no. 96, Paper no. 333C1/6 pillar bases are visible which may be about 1.5 feet in height. Figure no. 1, of Plate no. 114, Paper no. 333C1/8 has pillar base, its height may be about 2 feet from the floor. In Figure 1, of Plate no. 129, paper no. 333C1/9 pillar base is visible which is 2 feet in height.

Q: Whether pillars shown in Plate no 70, paper no. (333C1/3), in Figure 1 of plate no. 95 (333C1/5), in plate no. 96 (paper no. 333C1/6), in figure no. 1 of plate no. 114 (paper no. 333C1/8) and in figure 1 of plate no 129 (paper no. 333C1/9) appear to be placed on floor with out any underground foundation or whether the same appear to be going down the floor ?

A: Since these pillar bases are resting over the floor their position under ground cannot be stated as it is not visible in plates.

The pillar bases which are mentioned in para 10 and 11 in my affidavit are 50 in numbers. I have not seen the photographs of all these 50 pillar bases. I don't remember the

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number of the photographs of the pillar bases which I have seen in the ASI report volume II. Apart from these photographs given in volume II of the ASI report I have not seen any other photograph of these pillar bases.

The number of photographs of pillar bases which I have seen are 15 in number. They are plate nos. 9, 10, 35 to 39 and 41 to 48 which are given in ASI's report volume II. Apart from these plates I have not seen any other photograph in respect of pillar bases. My observation about pillar bases made in para 10 and 11 of my affidavit are based on the study of these plates only. I can not tell the pillar base numbers on the basis of the photographs of these pillar bases shown in plate no. 9, 10, 35 to 39 and 41 to 48.

After seeing the details of the pillar bases given in volume I of the ASI's report, I will try to give the pillar base number of the aforesaid pillar bases.

After going through the report (volume I and II) the witness stated that I am not in a position to state about the numbers of the pillar bases shown in the aforesaid plates. Again said in plate no. 36 pillar base number is mentioned as 13. In plate no. 37 pillar bases have been numbered 1 and 5. In this plate pillar base no. 1 is in the upper side of the photograph and pillar base no. 5 is on the lower side where

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the scale is lying. In plate no. 39 pillar base number 32 is mentioned. Trench no. in which this pillar base is found is F-7 as mentioned in figure 3A of ASI report volume I. This 'pillar base' is similar to the 'pillar base' shown in plate no. 40 as both are cut on one side to make the base of the pilaster and foliage design represented on the corners of both of them.

Q: Whether the carving of the foliage design on the said pilaster member shown in plate no. 40 is not at all there in the 'octagonal sand stone block' shown in plate no. 39 ?

A: Carving on the corners showing foliage motif is visible in both of them but the foliage carving shown on the central part of plate no. 40 is not there on the pillar base shown in plate no. 39.

Q: Whether the so called floral motif said to be there on the octagonal sand stone depicted in plate no. 39, is there even in the alleged pilaster member depicted in plate no. 40 ?

A: As I see there is no floral motif in the stone blocks visible in plate no. 39 and 40. It is only foliage motif which is visible at the corners of both stone blocks depicted in plate no. 39 and 40.

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The pilaster member as visible in plate no. 40 is datable to 12th century A. D. The decorated octagonal sand stone^{block} depicted in plate no. 39 can also be dated to 12 century A. D.

Q: Whether the so called pilaster member shown in plate no. 40 can not be described as a pillar base ?

A: It is the lower part of the pilaster which can be termed as basal part of the pilaster.

Q: Whether the ASI has described the said pilaster member of plate no. 40 as a 'pillar base' at any place in its report ?

A: I do not know whether ASI has described the pilaster member shown in plate no. 40 as pillar base in its report.

Q: Then on what basis you have described this so called pilaster member of plate 40 as a pillar base ?

A: I have said that the stone block shown in plate no. 40 is the basal part i.e. the lower part of the pilaster.

There is a chiselled outline at the top of the stone block which shows that the central part supported the pilaster over it. There is no plaster visible at the top of the stone block shown in plate 40.

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Q: Whether the decorated stone block shown in plate 40 is a complete stone block in itself and cannot be described the part of any pillar ?

A: The stone block in question is cut on the other side which might have been adjusted against a wall to make the pilaster. It is incorrect to say that the stone block visible in plate 40 is a complete stone block in itself, but it is lower part of a pilaster.

My statement on page no. 168 " this 'pillar base' is similar to 'pillar base' shown in pillar base no. 40" is correct in the sense that it serves as the lower part or the base of pillar or pilaster.

Q: Is it correct to say that the stone block depicted as a pilaster member in plate no. 40 can not be a 'pillar base' in the sense in which the term 'pillar base' has been used by the ASI in its report as well as in plate no. 39 ?

A: Yes, it is not a 'pillar base' in the sense in which the ASI has used the term 'pillar base' to support the complete pillar.

Statement read and verified

R. G. Jindal

18.11.2006

[Signature]

Statement typed on my dictation in open court.
Cross examination of this witness could not be
concluded.

Put up on 20.11.2006 for recording the further
cross examination of this witness

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H. S. Dubey

Commissioner

18-11-2006

18-11-2006

My Lords.

(1) On 4.8.96 Sri Deoki Nandan Agarwal plaintiff No. 3 had filed ten photographs through list no. 119C-1/C. These photographs have been numbered as paper no. 109-C-1/1 to 10. Numbering of photographs is not correct. It ought to have been marked as paper no. 119-C-1/C-1 to C-10.

(2) In O.O.S. No. 5/89 book entitled as "Indian Architecture" (Islamic period) written by Percy Brown has been filed and numbered as 120 C-1/69. It ought to have been numbered as 121 C1/1-A.

(3) In O.O.S. No. 5/89 through list 120 C1/1 the book entitled as "A Dictionary of Islam" written by Thomas Patrick Hughes has been filed. This book has been numbered as 120 C1/3. The date mentioned on the list is 14.10.89 which is incorrect. It ought to have been written as 14.10.98.

(4) In O.O.S. No. 5/89 the book entitled as "Indian Architecture" written by Percy Brown has been filed through list 120 C1/1. The date mentioned in the list is 15.10.89 which is incorrect. It ought to have been written as 15.10.98.

If approved, above mistakes may be ordered to be corrected as per report.

Submitted.

H. S. Dubey
(HARI SHANKER DUBEY)
(G. S. D.) RJB/BM

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

20-11-2006

O. P.W. 19 R. D. TRIVEDI

(Commissioner appointed vide order dated 16-11-2006 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 statement dated 18-11-2006 the cross examination of O.P.W.19 - Sri R.D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf, U.P., by Sri Z. Jilani, Advocate.)

In plate no. 39 of ASI's report volume II the caption given under this plate mentions about pillar base no. 32. Part of this pillar base is visible in this plate below sand stone block. This pillar base is made of brick-bats or of something else is not clear from this plate. I can not say whether the pillar base visible in this plate was made only for this sand stone block or it was made for the pillar above it. Said voluntarily, since I was not present at the time of excavation

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so the find spot of the stone block should have decided its position. Plate no. 39 is in-situ photograph of the above sand stone block. Upper portion of pillar could have been placed over this sand stone block. The upper portion of the pillar would have been placed upon the said stone-block in position with the weight of ceiling.

Q: In what manner the said octagonal sand-stone of plate no. 39 would have been joined with the upper part of pillar, if any, placed upon the same ?

A: It would have been placed in position by the weight of ceiling and the support of wall on the other side which seems to be cut in the farther side of the sand stone block.

I can trace out the position and locus of the sand stone block after going through ASI report volume I. On being permitted by the commissioner the witness perused the ASI report volume I, and stated that the ^{location} of the pillar base no. 32 is in trench no. F-7. I am saying this fact on the basis of Figure 3A annexed with the above report.

With reference to page no. 63 of the ASI report volume I, the witness stated that pillar base no. 32 has been shown in trench F-6, F-7 (in the baulk of these trenches) but in figure 3A pillar base no. 32 seems to be in the baulk of trench F-6

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and G-7. The entry given on page 63 regarding locus of pillar base no. 32 may be wrong.

Q: In making your observations on the basis of alleged existence of 50 pillar bases, which description of so called pillar base no. 32 i.e. given in figure no. 3A or on page no. 63 of the report, has been relied upon ^{by} you?

A: I have not ascertained the position of the pillar bases from the chart of the pillar bases given in the report.

Q: With out ascertaining the locus of the alleged 50 pillar bases how you have arrived at the conclusion, given in paras 10 and 11 of your affidavit, that these alleged pillar bases indicated the existence of an alleged extensive Mandapa like structure ?

A: It is given in the report that 50 pillar bases have been found in the excavation and I have relied on that information to give in my affidavit's para 11.

Q: Do you mean to say that you have given your conclusions in your affidavit treating the ASI report as a gospel truth?

A: It is not a matter of gospel truth but a source of information on which I could rely.

REYNOLDS

On page 63 in the last column against the entry of pillar base no. 32 it is mentioned that the foundation of pillar base was resting on floor 4.

Q: Whether from the aforesaid description given by the ASI on page 63 of the report about the alleged so called pillar base no. 32, it may be presumed that the ASI has treated the said so called pillar base no. 32 as belonging to the period of 11th century, which has been described by you to be the construction period of wall 17 ?

A: The pillar base no. 32 might have rested on Floor 4 contemporary to wall 17, but the same pillar base seem to have been utilised in the period of Floor 3 which was contemporary to wall 16.

In the aforesaid entry regarding pillar base no. 32 it is also mentioned in the last column. that a broken octagonal member carved with floral design motif was resting on Floor no. 2.

Q: Whether from the aforesaid entry about the said octagonal sand stone block it is evident that the said octagonal sand stone was not resting on any pillar base but rather it was resting on Floor no. 2 ?

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A: The octagonal member carved with floral design was resting on Floor no. 2 but it was supported by the pillar base no. 32 raised on Floor no. 4.

The size of scale which is lying near the above sand stone block is about 20 cm. There are several scales utilised in the excavations as far as I know.

Q: Are you an Archaeologist or not ?

A: Yes, I am Archaeologist with specialization on temple Architecture and Iconography. This I have told repeatedly in my earlier statement.

Q: Whether the Archaeologists use the scale of 20 cm also ?

A: Yes, they use a scale of 20 cm also.

I don't see any other stone block except above mentioned octagonal sand stone block in plate no. 39.

Q: Whether the alleged Pillar base no. 32 is fully covered by the stone block visible in Plate no. 39 ?

A: No, part of the Pillar base appearing on the upper and right side of the stone block does not seem to be covered by the sand stone block.

On two sides (upper side and right side) of the above mentioned sand stone block, pillar base no 32 is partially visible. And in the lower side and left side of the stone block

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the said pillar base no. 32 is not visible in the photograph, only the sides of the pillar base are visible on the latter two sides.

Q: Do you mean to say that the size of the top portion of the alleged pillar base no. 32 was broader than the size of the said octagonal sand stone block ?

A: Yes, the 'pillar base' in question seem to be broader than the sand stone block.

According to me the size of the sand stone block may be about 35cm X 35 cm. The tentative size of the upper portion of the pillar base might have been 75cm X 1m in both the sides. It is not clear from the photograph of plate no. 39 that any sand stone block in lime mortar is visible in this plate or not. On the left side there appears to be a thin course of lime mortar in plate no. 39 but I can't say whether there is any course of mud mortar also ^{shown in the} said plate no. 39.

Q: Do you see any courses of lime mortar or mud mortar in the so called visible portion of alleged pillar base no. 32 in plate no. 39 ?

A: The visible portion of the pillar base in question seems to have some 'hard covering' but it can not be said from the photograph whether it is a lime mortar or mud mortar.

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Q: Whether this 'hard covering' seen by you in the said pillar base no. 32 can be said to be one course or two courses in mud mortar or lime-mortar or more than that ?

A: I can't say how many courses of the mortar are there over the pillar base visible in plate no. 39.

Size of the pillar base may be about double of the size of octagonal sand stone block as visible in plate no. 39.

Q: Whether for an octagonal sand stone block/ pillar, like the one depicted in plate no. 39, the pillar base should also be of an octagonal shape or it should be circular or square in shape ?

A: I think it is not necessary that the pillar base should also be octagonal for the octagonal sand stone block/ pillar. It may be of any shape either circular, rectangular or square.

On page 63, in column 4, size of pillar base no. 32 is given as 95cm X 155cm X 40cm. 95cm is the width and 155cm is length and 40cm is the height of the said pillar base. Such pillar base is called as rectangular pillar base. Pillar base no. 32 can not be said as square or circular, it may be rectangular or irregular in shape. In column 5 of the same entry, six courses in mud mortar is mentioned. These courses may be in the height of the pillar base. The 6th column on page 63 with reference to pillar base no. 32 mentions about

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irregular sand-stone blocks in lime mortar which means setting of small sand-stone pieces of irregular shape set in the lime mortar in the height of 40cm. In 7th column, on the same page no. 'two' is mentioned which means number of stone blocks may be two in number out of which one is visible and the other block may be behind this sand-stone block.

Plate no. 38 shows 'orthostats' on all the four sides of the pillar base stone. These 'orthostats' are also stone blocks. The meaning of 'orthostats' is 'side support'. This side support may consist of one piece or number of pieces of solid stone materials like stone pieces. This pillar base is square in shape and is of one stone block which is also square in shape.

I have stated on 18-11-2006, on page 167-168 that "In plate no. 37 the scale is lying". My this statement is correct.

Q: Today you have stated that the pillar base shown in plate no. 38 is pillar base number 1, while about the same pillar base, where the scale is lying, you have stated on page 167-168 that the same was pillar base no. 5 whether these two statements contradict each other. What do you have to say in this regard ?

A: My two statements referred to above are not contradictory at all. The photograph shown in plate no. 38

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showing the close up of the pillar base no. 1 is a different photograph with a different setting and with a separate scale placed near it. Whereas the photograph shown in plate no. 37 shows the two pillar bases with a scale placed near pillar base no. 5.

Tentative length and width of the stone block put over pillar base no. 1, may be 35cm X 35cm. On page 56 length and width of pillar base no. 1 including orthostats has been shown as 63cm X 61.5cm and 9cm is the height of the orthostats. The size of the stone block has been mentioned by ASI as 38.5 X 43 X 18cm. 18cm is depth of the pillar base. The next column deals with the size of individual orthostats placed on the north, east, south and west respectively.

Q: If the size of the stone block kept within orthostats in pillar base no. 1 is about 48.5cm. only in length then how the size of its orthostats can be 71 or 64cm as shown in the column against the entry of pillar base no. 1 on page 56 of the report ?

A: The length of the orthostats seems to be the outer side, so it is longer than the pillar base placed in the centre.

Q: If the length of the stone block is 48.5cm on the side in which scale is lying then how can the length of the

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orthostats in the same side be said to be 71cm as mentioned by the ASI ?

A: The additional length given in column 10 includes the length of both the sides of orthostats extending beyond the stone slab of the pillar base, so it is about 22cm more than the sand-stone block placed in the centre.

Q: Whether on page 57 of the ASI report the length of stone-block described as pillar base no. 5 is 47cm and length of the orthostats of the same in northern side is 59cm ?

A: On page 57 the size of sand-stone of pillar base no. 5 is mentioned as 47 X 46.5cm and the size of the orthostats has not been given in column 10. Again said the 10th column gives the size and measurement of the orthostats. The size of orthostats may be less due to the fact that the orthostats may not be preserved in its complete form.

Statement read and verified

R. S. Javed

20.11.2006

Statement typed on my dictation in open court.
Cross examination of this witness could not be concluded.

[Signature]

Put up on 21.11.2006 for recording further cross
examination of this witness

Reynolds

H. S. Dubey
H. S. Dubey

Commissioner

20-11-2006

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

21-11-2006

O. P.W. 19 R. D. TRIVEDI

(Commissioner appointed vide order dated 16-11-2006 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 Sri Ram Lala Virajman, ^a _{at} Sri Ram Janam Bhumi Ayodhya and others Vs. Sri Rajendra Singh and others)

(In continuation of statement dated 20-11-2006 the cross examination of O.P.W.19 - Sri R. D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf, U.P., by Sri Z. Jilani, Advocate.)

In plate no. 10, of ASI report volume II, about 6-7 pillar bases are visible. I am not sure whether the number of pillar bases is 6 or 7. It is not clear to me as to whether the pillar bases visible in plate no. 9 are also visible in plate no. 10 or not. At least 3 pillar bases are visible in plate no. 9. Only 3 pillar bases are visible in plate no. 9. Even after perusal of ASI report volume-I, I am not in a position to state that

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photograph in plate no. 9 is of which trench as trench no. is not given in this plate.

Q: Whether you have made your observations in para 10 and 11 of your affidavit even on the basis of the pillar bases visible in plates 9 and 10 of the ASI report volume-II ?

A: As I have stated repeatedly that on the basis of the facts mentioned in ASI report volume-I and also consulting the figure no. 3A and 3B in the said volume, I have assured myself that there are 50 pillar bases and on the basis of that I have recorded in para 11 of my affidavit but I have not consulted plates no. 9 and 10 which mention no trench number.

Q: Does it mean that you had not seen and studied the plates no. 9 and 10 at all, while preparing your affidavit dated 3-10-2006 ?

A: I might have seen plate no. 9 and 10 before filing my affidavit but I did not find any thing to be studied in plates 9 and 10 as trench number were not mentioned in the plates.

Q: Do you mean to say that the plates in which trench number is not mentioned was not studied and examined by you before and after filing of your affidavit ?

A: My above statement is regarding the plates no. 9 and 10 only, not about others.

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Q: Whether the trenches mentioned in the chart of pillar bases given in the ASI report from pages 56 to 67 were ascertained by you with the help of Figures and Plates given by the ASI ?

A: Some of them have been consulted with reference to plates given in the ASI report.

Q: I have made specific question about ascertainment and unless you don't know the meaning of word "ascertain" you are supposed to reply as to whether you have ascertained the fact being put to you in my question ?

A: I don't find any difference in the word 'consult' given by me in my reply above and the word 'ascertain' given in the question for me. Both words are similar in meaning.

Q: As you have said in your statement today that you are unable to state about the trench numbers of plate no. 9 and 10, should it be presumed that you were not able to identify the pillar base numbers of these trenches shown in plates no. 9 and 10 as well as their locus and level ?

A: It is wrong to assume that I have not been able to identify the pillar base numbers. I have identified the pillar base numbers from the figures given ^{as} 3A and 3B which are

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more explicit in giving the collective locus of the pillar bases and their situation.

Q: If you are able to identify the pillar bases visible in plates 9 and 10 then why you have not been able to tell us about the trench number and pillar base numbers for the last about 45 minutes ?

A: The photographic view of the pillar bases is not given in figure no. 3A and 3B so the same could not be compared with plate number 9 and 10 of ASI report volume II which does not mention the trench number.

Q: Unless you are able to identify the pillar bases with reference to the numbers assigned to them by the ASI as well as about the trench in which they are found, how could you examine and study their stratigraphical position which could be evident only from the plates given in volume II as you have not seen them physically on the spot ?

A: As I have said again and again that the location of the pillar bases have been studied and examined by me from the figure no. 3A and 3B, it was not necessary for me to consult the plates where the trench numbers were not given as in the case of plate no. 9 and 10.

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Q: Can you give the Floor numbers with which the different pillar bases were found attached or resting upon with the help of figure no. 3A and 3B only ?

A: The association of pillar bases with the floors have been consulted by me from the description given by the ASI in its report. From figure no. 3A and 3B the floor numbers of the pillar bases can not be found.

Q: Can it be said that you have not tried to identify the pillar bases with reference to the plates given in volume II in as much as you had a preconceived notion to support the theory of so called pillar bases without examining the same ?

A: It is wrong to say that I had any preconceived notions regarding the pillar bases. I have already stated that I have consulted many of the pillar bases with reference to plate numbers given in volume II of the ASI's report.

Q: On 18-11-2006 you have stated in para 2 of page no. 167 that your observation about pillar bases made in paras 10 and 11 of your affidavit were based on the study of plate no. 9 and 10 also but today you have stated that you had not consulted and studied plate no. 9 and 10 in respect of your averments made in para 11 of the affidavit. Kindly clarify which of these two statements is correct ?

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A: My both statements are correct. Today I have said that I may have seen plate numbers 9 and 10 also but I can not tell the trench numbers in which the pillar bases shown in plates number 9 and 10 are located but on page no. 167 I have not said that I have consulted and identified the pillar bases given in plate no. 9 and 10 with reference to trench numbers.

Q: Will it be correct to say that most of the pillar bases numbers 1, 2, 3, 4, 5, 6, 7, 8, 13 and 14 are visible in the said plate no. 9 and 10 ?

A: Some of them may be visible but I can't say whether all the pillar bases mentioned in the question are visible in plate no. 9 and 10 or not as the trench numbers are not given in the plate and I am not familiar with the excavated site.

Q: Whether the pillar bases visible in plate no. 9 and 10 appear to be contemporary with the floor of Mughal or post Mughal period or the same were attached to the so called floor of 12th century ?

A: The pillar bases referred to in question are associated with the floor of 12th century as far as I understand.

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Q: Can you give the estimated depth or actual depth of the trenches visible in plate no. 9 and 10 in which the aforesaid pillar bases were found ?

A: I am not in a position to give the depth of trenches either estimated or actual depth of trenches visible in plate no. 9 and 10.

Q: Whether the floor visible inside the trench shown in plate no. 9 is floor 1 or floor 2 ?

A: I can't say.

Q: Whether all the pillar bases visible in plate no. 10 are located/found on the same floor and whether the said floor/floors on which the said pillar bases were found is floor 1 or floor 2 ?

A: I can not say specifically in this regard.

Q: Whether 3 or 4 pillar bases depicted in the lower part of plate no. 10 of the ASI report are located on the surface of the modern floor and the same could in no way be said to be attached to floor 2 ?

A: As it appears to me in the photographs the said 3 or 4 pillar bases may be resting on the lower floor than the surface visible in the photographs.

Q: Whether the aforesaid pillar bases found at the surface of modern floor could be said to be resting on any

R. P. J. Medv

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lower floor without excavation of the site around the said pillar bases ?

A: It depends on the location of the pillar bases. If they are located at the surface at the foot of the slope then they can be visible on an upper level.

Q: Whether the pillar bases visible in plates 9 and 10 are located at the foot of any slope ?

A: I can't say as I have not seen their location at the site.

Q: Your reply to my earlier question is therefore no reply. Kindly give a proper reply to the query made in my question ?

A: In my answer to the previous question I have stated that it depends on the location of the pillar bases and the second sentence in the answer presumes a possibility only.

Q: My specific question is about the pillar bases visible in plate no. 9 and 10 and you are not giving reply about the same. Does it mean that you have no reply to my question and as such you are avoiding to reply the same ?

A: I am not avoiding the reply at all. Since I have not seen the location at the site so I am not in a position to give any reply in the matter. In photographs shown at plate no. 9 and 10 I don't find any indication to reply the query.

Reynolds

Q: From the photographs given in plates 9 and 10 it is evident that no further excavation of the said site visible in the aforesaid plates was made and as such it was impossible to give any opinion about any floor which might have existed below the surface visible in the aforesaid plates. What do you have to say in this regard ?

A: I have nothing to say in the matter.

Q: As there is no plate showing any area of the portion below the surface visible in plates 9 and 10, on what basis you have made this statement on page 189 today that the 3 or 4 pillars visible in the lower part of plate no. 10 " may be resting on the lower floor than the surface visible in the photograph"?

A: I have expressed only a possibility by saying "may be resting on the lower floor than the surface visible in the photograph". The excavated area below the scale lying at the plate no. 10 hints at the possibility as expressed by me.

Q: Is it correct to say that the excavated area lying near the scale is in different trench while the pillar bases situated at the surface are quite away from that excavated trench and there is no sign of the excavation of any trench in the lower side of the photograph in plate no. 10 in which the pillar bases in question are situated ?

R. B. J. Swedh

A: As I have already stated I have no idea about the trench numbers and their demarcations in the plate no. 10. So the digging below the scale might have possibly determined working level of the other pillar bases. This is only a possibility which I have expressed.

Q: Again you are avoiding to reply my question which is to be answered on the basis of bare perusal of plate no. 10 as I have not inquired about any thing which is not evident from plate no. 10. Kindly therefore reply my question with reference to plate no. 10 only as to whether any excavation appears to have been made in the trenches in which the said 3 or 4 pillar bases are visible in the lower part of plate no. 10?

A: I am not avoiding any reply. I have already said what I had to say with regard to plate no. 10 as I have no further information with me after seeing the plate.

Q: Does it not appear from the said plate no. 10 that even the level of the pillar bases visible in this plate is not the same and the pillar bases appearing in the lower side of the photograph are at a higher level than the pillar bases appearing in the upper portion of the said plate no. 10?

A: The pillar bases may be at the same level ^{as} the ^{as} depth of the cutting on the lower side is not visible to me.

Reynolds

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Q: Whether plate no. 35 also depicts the same pillar bases which are visible in plate no. 10 ?

A: Plate no. 35 seems to show the same area as shown in plate no. 10 but from the opposite side.

Q: Whether any pillar base is visible in plate no. 41 also ?

A: Yes, one pillar/pilaster base is visible in plate no. 41.

Q: I am not concerned with any so called pilaster base kindly reply about the alleged pillar base only, if any ?

A: In plate no. 41 it is written that it is the base of pilaster which is visible in this plate but there is no other 'pillar base' visible to me in this plate.

Q: Do you find no difference between the terms 'pillar base' and the 'pilaster base' ?

A: Pilaster base may be smaller, whereas the pillar base may be larger than that of the pilaster.

Q: Whether in para 10 and 11 of your affidavit the term 'pillar base' used by you is confined to the so called pillar bases referred in the ASI report or the same includes some 'pilaster base' also as pointed by you in plate no. 41?

A: I have said 'base of the pilaster' as indicated in plate no. 41 of the ASI report but in my affidavit I had used the term 'pillar bases' including those of the pilaster base as well.

ROJ Murah

Q: Do you mean to say that the term 'pillar base' used by the ASI in third line of para 2 on page 54 of the report, volume-I includes some 'pilaster bases' also like the one referred to by you above with reference to plate no. 41 ?

A: I think so.

Q: Then kindly clarify as to how many alleged 'pilaster bases' may be there included in the term 'pillar bases' used by the ASI in the aforesaid portion of the report ?

A: I have not studied the report with the distinction between 'pillar bases' and 'pilaster bases'. Architecturally both of them served the same purpose.

Q: You have yourself stated above that so called 'pilaster base' is smaller than the 'pillar base'. Therefore kindly let us know that out of the so called 50 pillar bases mentioned by you in para 11 of your affidavit, how many of them are so called bases of pilaster ?

A: Only the size of the base is not the deciding factor of a pillar or pilaster. I have not studied the report with that point of view to differentiate between the pillar and pilaster bases.

Q: Does it mean that you have simply copied the language of ^{A.S.} I report in para 11 of your affidavit and you have not at all applied your mind to ascertain as to whether

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so called 50 pillar bases did really exist or not at the excavated site ?

A: I have relied on the report of ASI in the matter of 50 pillar bases. I have applied my mind to ascertain the position of the 50 pillar bases as given in figure no. 3A and 3B.

Statement read and verified

ROY Swedy

21.11.2006

Statement typed on my dictation in open court.

Cross examination of this witness could not be concluded.

Put up on 22.11.2006 for recording further cross examination of this witness

ROY Swedy

H. S. Dubey

H. S. Dubey

Commissioner

21-11-2006

21.11.2006

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

22-11-2006

O. P.W. 19 R. D. TRIVEDI

(Commissioner appointed vide order dated 16-11-2006 by 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 Sri Ram Lala Virajman, at Sri Ram Janam Bhumi Ayodhya and others Vs. Sri Rajendra Singh and others).

(In continuation of statement dated 21-11-2006 the cross examination of O.P.W.19 - Sri R. D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf, U.P., by Sri Z. Jilani, Advocate.)

Pillars in a building are constructed for laying roof there upon and pillars are of equal size. Pillar bases are constructed for installing pillars upon them. Pilaster is not a broken piece of pillar but it is not a complete pillar and is placed attached with wall or any other pillar in order to support the wall and ceiling. Pilaster goes up to the height of ceiling.

RD Trivedi

Q: Do you mean to suggest that pilaster and pillar are of equal height ?

A: Yes, they are of equal heights.

Q: Is it not correct to say that term 'pilaster' is used for a piece of pillar and not for the entire pillar ?

A: It is a complete pillar so far as the height is concerned but it may be smaller in breadth.

Plate no. 41 of the ASI report, volume II, was shown to the witness, who after viewing it, stated that pilaster base is on the upper side of the scale, lying on the floor. Five courses of bricks are visible in this pilaster base and on the top of which a stone block is visible. Whether this pilaster base, as stated by me, is mentioned or shown in figure 3A or 3B or in any other figure of the ASI report volume-I, can be stated only after going through the report. On being permitted by the commissioner, the witness perused the volume-I of the report and stated that I am not able to identify the base of the pilaster, (as shown in plate no. 41) in the figure no. 3A or 3B or in any other figure attached with ASI report as the trench no. has not been given in the aforesaid plate.

Q: The label of trench no. E-6 is very much there at the north-western corner of this trench and whether from this label you are not in a position to identify the trench in which

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the so called base of the pilaster has been pointed out by you ?

A: In the plate no. 41 the trench no. given in the photograph as E-6 seems to me to belong to the adjacent trench and not to the trench in which the aforesaid pilaster base is located.

Q: Are you not aware of the procedure of putting labels on different trenches, as adopted by the ASI in its report ?

A: I am aware of that, though I am not an specialist of the excavation procedure.

Q: Claiming yourself to be an archaeologist and appearing as an expert witness in this case, are you not supposed to be well acquainted with the basic norms and procedures of excavation ?

A: I am not supposed to be aware of all the procedures of excavation as I have appeared as witness in this case as an expert of temple architecture and iconography.

Q: Whether so called pillar bases mentioned by you in your affidavit have got any thing to do with the specialised knowledge of temple architecture and iconography as nothing special comprising of any special carving or motif is alleged to have been found in the said so called 50 pillar bases ?

ROY

A: The pillar bases found in the excavation were meant for supporting the pillars of a structure which was supposed to be a part of temple complex and that is how it helps in understanding the form of temple, so they are related with the temple architecture.

Q: As no pillar has been found attached to any so called pillar base and the so called pillar bases have not revealed any carved or decorated stone or brick having any motif, how can it be said that any of the so called pillar bases had any such speciality which could be studied by any expert of temple architecture and iconography ?

A: As discussed earlier a couple of days back plate no. 39 showing a decorated octagonal sand stone block with foliage motif on pillar base no. 32 is resting on a pillar base and was supposed to serve as the lower part of the pillar, it can not be said that nothing has been found associated with the pillar bases which bears any carving. In plate no. 82 and 83 there are photographs of pillars which are likely to be associated with the pillar bases excavated at the site. Several architectural fragments found in the excavation as illustrated in plate no. 86, 87, 88 etc. and sculptural remains of a divine couple as illustrated in plate no. 235 are associated with the

Ray Choudhary

excavated material at the site. That is how an expert in temple architecture and iconography can help.

Q: Is it not correct to say that the so called octagonal sand stone block depicted in plate no. 39 was simply described as found on so called pillar base no. 32 and it had no association with the alleged pillar base no. 32 ?

A: The decorated octagonal sand stone block carved with foliage motif is resting on pillar base no. 32 in-situ as found in the excavation, so it can not be taken as not associated with pillar base.

Q: On page 63, of the ASI report volume-I the said octagonal sand stone block has been mentioned as "resting on floor 2", whereas you said that it was "resting on pillar base no. 32". Do you mean to say that the description given by ASI on page 63 in this respect is not correct ?

A: The description given by the ASI is correct that the foundation of pillar base no. 32 was resting on floor 4. My statement that the octagonal sand stone block was resting on this pillar base which continued through floor no. 2 which was on upper level on which the said sand stone block was resting.

RPY Insd

Q: My simple question was whether the said octagonal sand stone block was resting on floor 2 or the same was resting on pillar base no. 32. Kindly reply this query ?

A: The pillar base no. 32 continued from floor 4 to floor 2 and that is how the pillar base no. 32 was supported on floor 2 which was in-turn supported by pillar base on floor 4. So the foundation continued from floor 4 to floor 2 which supported the decorated octagonal sand stone block.

Q: The pillars depicted in plates no. 82 and 83 were the pillars of the disputed structure which was demolished on 6th December 1992 and same were found above the modern surface/floor. How can these pillars, therefore, be said to be associated with any of the so called 50 pillar bases mentioned by the ASI?

(Sri Rakesh Pandey Advocate, raised the objection to the above question that since the learned cross examiner used the words 'modern surface' which has nowhere been used in ASI's report and such he should clarify it what does it mean by the word 'modern surface' or what these words denote)

(In reply to the above objection the learned cross examiner submitted that it is surprising that the witness has not expressed his inability to understand the sense and meaning of the word 'modern surface' but the learned

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counsel, in order to assist the witness, has raised the objection. However, it may be clarified that the word modern^{surface} has been used in the sense of surface/floor as existing on 6th December 1992)

A: The pillars shown in plate no. 82 and 83 datable to 12th century A. D. were reused in the disputed structure and same were recovered from the remains of the disputed structure. Since the disputed structure was raised on the remains of an earlier structure associated with floor 3 over which the pillar bases were found during the course of excavation so they appear to belong to the period of pillar bases and might have been ^{reutilised} in the disputed structure after the earlier structure datable to 12th century A. D. was pulled down. That is how they seem to be associated with the pillar bases.

Q: Are you aware of the archaeological procedure about putting of labels on the trenches? Whether such labels giving the number of trenches are affixed on the northern or southern^{side and} at the top or^{at} the bottom of the trench concerned?

A: No, I am not aware what procedure was applied at the site of the excavation.

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Q: Having studied figure 3, 3A and 3B have you not become aware that the ASI had put the labels of trenches in the north-western corner i.e. at the top left side of each trench ?

A: In the earlier question I have heard the question as inquiring about 'level, not about the 'label' so the answer was given accordingly now I state that I am aware of nomenclature given in the figures 3, 3A and 3B of the trenches.

Q: Now on the basis of procedure of labelling as referred in figures 3, 3A and 3B can it not be said that the trench visible in plate no. 41 was trench no. E-6, the label of which was affixed on the north-western side (top left side) corner of the said trench ?

A: In plate no. 41 no indication of direction is given there so it can not be said at which corner the label is shown. Generally the labels are shown on pegs and here it seems to be a photographic label which may also indicate the adjacent trench not the trench in front of it.

Q: Is it not correct to say that the direction of trenches is very much evident from the figures 3, 3A and 3B, which are said to have been studied by you and also from the plates number 42, 43, and 45 which are also said to have been

R. G. Innes

studied by you and as such you are simply avoiding to give a correct reply about the trench no. shown in plate no. 41 ?

A: In plate no. 42, 43 and 45 the trench numbers have been given in the caption given by the ASI below photographic plates which helped me to decide the location of the pillar bases. But in plate no. 41 the trench number is not given in the caption by the ASI which could help me to identify the correct trench number. That is the difference between the photographic illustration. I am not avoiding any reply which is known to me clearly.

Pilaster is used for the preparation of niches also. The term 'pilastered niches' has been used by me in my book titled as "Temples of The Pratihara Period in Central India".

Q: Do you remember that you have given the photographs of any such niches in your aforesaid book ?

A: I don't remember instantly whether the photographs of pilastered niches have been given in my book or not. Without seeing the book it is not possible for me to reply definitely in this regard.

At this stage Sri Z. Jilani Advocate, learned counsel for Sunni Central Waqfs Board filed copy of the Title page, Foreword and of pages from 89 to 100, 177 to 181, 196, 215 to 217, 220, 232, 233, 235 to 237, 239 to 243, 252, 257, 259,

Replied



268, 269, 275, 276, 278, 285 to 287, 305 to 307, 311, 314, 316, and 334 of the Book Entitled as "Temples of the Pratihara Period In Central India" by R. D. Trivedi paper no. 334C1/1 to 334C1/52.

The witness was asked to compare paper no. (334C1/1 to 334C1/52) with original book. The witness after going through these photocopies stated that these are true photocopies of the title page, forward and aforesaid pages of my above book.

Attention of the witness was drawn towards page no. 236 of the above book (paper no. 334C1/28). The witness after viewing plate no. 60 stated that in this plate the 'pilaster niche' is visible in the upper part of the plate. No deity is installed in this niche. In the lower part of the photograph idols (images) are represented in the niches. The lower niches may also be called as pilastered niches. In the upper niche there are two pilasters, one on each side of the niche.

Q: Whether the above pilasters are having any such base which may be called as "pilaster base or pillar base"?

A: The pilasters are resting on a block of stone on the wall portion so there is no underground base below them.

R. D. Trivedi

Q: Do you not find any trench label in plates number 42, 43 and 45 on the north-western (upper left side) corner of the trench concerned ?

A: In plate no. 42 where the trench no. F-2 is given in the caption the same trench no. is given in the photograph at upper right corner of this plate. Whereas in plate no. 43 the same is given at the upper left side as G-2. Whereas, in plate no. 45 the trench no. given on the photograph is in the middle of the photograph so the trench numbers given on the photographs of above plates do not follow any fixed system and that is how the plate no. given on the photographs do not follow the system of giving them on upper left side.

Q: Is it correct to say that you are totally unaware of the basic norms of the excavation and that is why you are not even in a position to observe the plates 42, 43 and 45 in a correct manner although it is very much evident from these plates that the trench labels of F-2, G-2 and F-6 were kept on upper left side (north-western side) corner of all these trenches ?

A: I am familiar with them as far the location of pillar bases given in plate no. 42, 43 and 45 is concerned as the

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same is given on the lower side of the plates by the excavators. That is how I have been able to locate them in the respective trenches shown in the concerned figure.

Statement read and verified

ROYwedh.

22.11.2006

Statement typed on my dictation in open court.

Cross examination of this witness could not be concluded.

Put up on 23.11.2006 for recording further cross examination of this witness

ROYwedh

H. S. Dubey

Commissioner

22-11-2006

22.11.2006

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

23-11-2006

O. P.W. 19 R. D. TRIVEDI

(Commissioner appointed vide order dated 16-11-2006 by 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 Sri Ram Lala Virajman, at Sri Ram Janam Bhumi Ayodhya and others Vs. Sri Rajendra Singh and others).

(In continuation of statement dated 22-11-2006 the cross examination of O.P.W.19 - Sri R. D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf, U.P., by Sri Z. Jilani, Advocate.)

Attention of the witness was drawn to the plate no. 41 of the ASI report. The witness after viewing this plate stated that a wall is visible in this plate. I don't know its wall number. In plate no. 42 of the above report, one pillar base is visible but no wall is visible in it. In one side of the pillar base which is in lower and upper part, its length may be about 115cm to 125cm as estimated by me. To me this pillar base appears to be square in shape. There seem to be two

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pieces of stone block in this pillar base. The size of the stone block which is in the lower part of this pillar base may be about 60cm on one side, whereas the upper stone block is not clearly visible, but it may be of the same size.

Q: Whether a label of floor 3 is visible in this trench no. F-2 shown in plate no. 42 ?

A: Yes, the label of floor 3 is visible in trench no. F-2 as shown in plate no. 42.

Q: Whether it was this very floor 3 which has been shown to be floor 3 in this plate, on which the so called pillar base was resting ?

A: The pillar base seems to be resting on floor 3.

Q: Whether, in ^{the} photograph shown in plate no. 43, label of trench no. G-2 is visible in the north-west (top left side) corner of the trench ?

A: The trench no. G-2 is given in plate no. 43 in the caption. It is also given in the photograph at upper left side but I can not say the direction in which it is placed in the trench.

Two pillar bases are visible in plate no. 43. One pillar base is in the left side and the other one is on the right side. By left side I mean the side in which the label of trench G-2 is placed. After measuring the pillar base on the left side, the

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witness stated that it is about 150cm on the upper side. The other side of this pillar base is not visible as only half portion of this pillar base is visible in this photograph. I have stated the length of this pillar base as about 150cm. The width of the visible part of this pillar base is about half of its length. In the upper part of this pillar base a floor is visible but I can't say its floor number as it is not mentioned in this photograph. The labels are fixed in this plate but they are invisible.

Q: Is it correct to say that both the so called pillar bases pointed by you in plate no. 43 appear to be the part of the floor with which they are attached in the northern side. By northern side, I mean the side in which label of trench G-2 is placed ?

A: In plate no. 43 the pillar base does not appear to be part of the floor shown on the upper side.

In plate no. 44 of the above report part of a pillar base is visible on the lower left side of the plate. In plate no. 44 the complete pillar base is not visible so its size cannot be estimated. A wall is visible in the right but I can't give the number of the wall. In this plate the labels of the floors are not visible. After viewing this photograph with magnifying glass the witness stated that the floor no. 4 is given on the lower side and the label of floor number two is fixed in the

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middle above the label of floor 4. The labels of upper part are not clear to me. Thus according to me the pillar base visible in plate no. 44 is resting on floor 4.

Having been shown figure 10 (page 60-A) of the ASI report volume-I, the witness stated that as I have not consulted this Figure no. 10 (page 60-A) I am unable to state any thing about it. Having been shown figures 8, 9, 11, 12, 13, 14, 15, 16 (page nos. 58A, 59A, 62A, 66A, 66B, 68A, 68B, 69A) the witness stated that since I have not consulted these Figures therefore I am unable to state any thing about them.

Q: Are you aware of the fact that there are several discrepancies about the details of the so called pillar bases given on pages 56 to 67 of the ASI report as well as in the details given/shown in figures 8 to 14 and 16 referred to above ?

A: I don't know about the discrepancies as I have not consulted the above Figures.

Q: Can you state about the nature of Figure no. 15 and the purpose of giving this figure in this report ?

A: As I have not consulted this figure also so I can not say the purpose of this figure no. 15 as well.

Ref. 15

[Signature]

With reference to plate no. 43 of the ASI report volume II, the witness stated that the other pillar base shown on the right side of this plate is only partially visible. The size of the visible part of this pillar base is about 80cm from upper side to lower side and the other side visible with the floor may be about 60cm.

Q: Can you give the distance between these two so called pillar bases of trench G-2 ?

A: The distance between these two pillar bases from end to end is about 125cm.

The scale which is lying in this trench and visible in plate no. 43 is of 40cm. No stone block is visible in the pillar base which is in the right upper side of the scale. The pillar base of right side which is partially visible is attached with a wall on the right side.

Having been shown plate no. 45 of the above report, the witness stated that one pillar base is visible in this plate. Four or five stone blocks are visible in this pillar base. The length of the pillar base as visible in plate no. 45 is about 120cm, whereas the width of the visible part of this pillar base is about 65 to 70cm. Two stone blocks which are in the middle of the pillar base seem to be square in shape, whereas three

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other stone blocks are rectangular in shape. The size of square stone block may be about 25cm.

Q: Is it correct to say that only three stone blocks are visible in this plate no. 45 as shown by the ASI on page 62 of ASI's report, volume-I ?

A: After seeing the photograph of plate no. 45 I find that the number of stone blocks in the above trench seem to be four or five in number.

Q: Is it correct to say that your observations about the alleged existence of 'Mandapa' like structure or 'Massive structure' as given in paragraph 10 and 11 of your affidavit are based on your preconceived notion about the existence of alleged temple prior to construction of Babri Masjid and the same are not based upon any study or examination of the ASI report ?

A: As I have already stated I have no preconceived notion about the existence of the pillared-Mandapa like structure as given in my affidavit in para 10 and 11 and the observations given by me in para 10 and 11 of my affidavit are correct and they have been written on the basis of the ASI report.

Learned cross examiner drew the attention of the witness towards last five lines of para 12 which reads " To the

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east of it with Hindu temples" the witness after reading these lines stated, on being questioned, that the exact period of construction of water tank (Pushkarini) encountered under the Ram Chabootra is not known to me but it seems to be more or less datable to 12-13th century A. D. It is definitely earlier to the disputed structure.

Q: Do you mean to suggest that the so called 'Puskarini' (water tank) referred by you in para 12 of your affidavit might have been originally constructed in 13th century A. D. and not prior thereto ?

A: It may not have been constructed prior to 12-13th century A. D.

Q: On what material/archaeological evidence recovered from the site, you are making the statement that the said water tank might have been constructed in 12th century A. D.?

A: Since the large number of temple remains have been found in the area excavated by the ASI, it is likely that a water tank was situated in the complex under the Ram Chabootra, which was honoured by the devotees in general.

Q: Whether from the bricks, stones, shape of structure and other finds recovered from the trenches of J and K series around the site of so called Ram Chabootra, any opinion

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could be formed about the periodization of the said water tank ?

A: The water tank (Pushkarini) as referred by me is a rectangular tank which was also provided with the steps and its proximity to the circular temple suggests its religious importance associated with the temples.

Q: You have given no reply of the question put to you by me. Does it mean that the periodization given by you about the water tank is totally imaginary and based on no archaeological evidence ?

A: Though I am not aware of any definite archaeological evidence but its form and situation suggests its association with the structures found near by.

Q: Have you examined the plates 14 to 20 of the ASI report volume II, in the light of the discussion about Ram Chabootra in the ASI report ?

A: I have consulted plate no. 16 only in the light of the discussion given in the ASI report.

Q: While making your observations about the so called Pushkarini in para 12 of your affidavit, why did you not consider it necessary to study and examine plates 14, 15 and 17 to 20 of ASI report volume II ?

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A: I did not think it necessary to consult plate nos. 14, 15 and 17 to 20 in this regard as plate no. 16 gave me the idea of being the water tank from which the water might have been utilised in the temples by approaching it through the steps given in the tank.

In this plate no. 16, regular layers are visible in the wall which is adjacent to the place where a man is sitting.

Q: Have you tried to examine from the ASI report as to which regular layer was found at the lowest level of the said trench and what period was assigned to that layer by the ASI?

A: No, I have not examined that.

I can not say whether the white Chabootra visible in plate no. 16 was constructed after the filling of water tank.

Q: Do you know that ASI has described this 'white plate-form' as the earliest shape/form of the so called 'Ram Chabootra' ?

A: No, I don't know whether ASI has described this white topped plate-form as the earliest shape/form of Ram Chabootra.

Q: Do you know as to when the Ram Chabootra existing in the premises of the disputed building in 1992 was constructed ?

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A: On being permitted by the commissioner, the witness, after going through the report submitted by the ASI, stated that I don't know when the Ram Chabootra was constructed in its original stage but reference given in the report of the ASI indicates that it existed in 18th century A. D.

Q: Whether the word 'Pushkarini' used in para 12 of your affidavit is not an Architectural term ?

A: It is a term associated with temple architecture but it has not been given in the 'Glossary of Indian Architectural terms' given in my book titled as "Temples of the Pratihara Period In Central India".

In plate no. 17, adjacent to white platform the label of floor 5 has been affixed.

Q: Was this floor 5 of a period earlier to the period of floor 4, already referred by you in the context of wall no. 17 ?

A: No, floor 5 does not seem to be earlier than floor 4.

This numbering of floors is not associated with the numbering of floors of the area associated with wall no. 17.

Q: Do you agree with the caption given in plate no. 17 about the nature of the platform, depicted therein as being the first stage of the so called Ram Chabootra ?

A: I don't know whether the caption given in plate no. 17 is correct or not.

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Similarly I don't know whether the caption given in plate no. 18 is correct or not.

The labels of floor 2, 3 and 4 are visible to me in plate no. 19. Other labels of floors or layers are not legible in this plate.

In plate no. 20 the labels of floor, structures and pit are legible. I don't remember whether, I have seen any figure or drawing in ASI's report regarding Ram Chabootra.

Q: Have you studied and examined figures 4(page 51B), 5(page52A), 6(page52B) and 7(page53A) of the ASI's report volume-I ?

A: I have not studied and examined the above figures.

Q: Do you remember as to whether you have studied and examined the details given in figures 19, 20 and 22 given on pages 39A, 39B and 38A of the ASI report ?

A: Having seen figures 19, 20 and 22 (pages 39A, 39B and 38A) the witness stated that I have not studied and examined these figures.

With reference to last words of para 14 of the affidavit of examination-in-chief " Temple repertoire" the witness stated that the meaning of this word is the "assemblage of objects related with temple".

R. S. Choudhary

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Q: Are you aware of the locus, levels and layers from where the objects/items mentioned in para 14 of your affidavit were allegedly recovered ?

A: Yes, I am aware of the locus and level of most of the objects given in para 14 of my affidavit but I am not aware of the actual locus of the objects found in the debris.

Q: Which of these objects referred in para 14 of your affidavit were found in the debris ?

A: I think they are the pieces of broken Amalaka, Stone slab carved with Srivatsa Mark and brick carved with Ardhratna design and rope design as given in para 14 of my affidavit. But the association of most of these objects is related to the structures prior to the disputed structure as they were found from the debris of disputed structure.

Q: Whether this debris of the disputed structure was found above the surface/floor of Babri Mosque demolished on 06-12-1992 ?

A: Yes, these above objects were found from the debris of the disputed structure, which had fallen down on 06-12-1992.

Q: Whether you can give the locus of the architectural pieces carved with diamond (ratna) pattern and ceiling slab carved with lotus relief ?

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A: As indicated by me a few days back in connection with the discussion on wall no. 16 and 17, I have already pointed out that the architectural piece carved with diamond or ratna pattern was found in the foundation of wall no. 16 in-situ.

Q: Can you point out the pages of the ASI report on which we can find locus and level of the 'Ghat-Pallava pillars', 'Fragmentary Foliage' and 'Floral Carvings' as referred in para 14 of your affidavit ?

A: I don't remember the page numbers.

I can give page numbers of the ASI's report after going through the report volume-I.

Statement read and verified

R. S. Dubey

23.11.2006

Statement typed on my dictation in open court. Cross examination of this witness could not be concluded.

Put up on 24.11.2006 for recording further cross examination of this witness

R. S. Dubey

H. S. Dubey

(H. S. Dubey)

Commissioner

23-11-2006

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

24-11-2006

O. P.W. 19 R. D. TRIVEDI

(Commissioner appointed vide order dated 16-11-2006 by 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 Sri Ram Lala Virajman, at Sri Ram Janam Bhumi Ayodhya and others Vs. Sri Rajendra Singh and others).

(In continuation of statement dated 23-11-2006 the cross examination of O.P.W.19 - Sri R. D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf, U.P., by Sri Z. Jilani, Advocate.)

Now I can point out the pages of ASI report on which I can find locus and level of the 'Ghat-pallava pillars', 'fragmentary foliage', 'floral carvings' as referred in para 14 of my affidavit, only after seeing my personal note.

On being permitted by the commissioner the witness perused his personal note and stated that the 'Ghat-pallava pillars', 'fragmentary foliage' and 'floral carvings' are mentioned on page no. 121 and 122 of ASI report volume-I

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and also mentioned in the list of Architectural members given at page 125 and page no. 140.

Q: Is there any mention of the words 'ghat-pallava pillars', 'fragmentary foliage' and/or 'floral carvings' on any of the pages referred by you as above ?

A: Page no. 121 mentions 'Ghat-pallava' base with 'dwar' beings as weight bearers, that is the indication of Ghat-pallava pillars. The description of 'foliage motif' is given in the last line at page no. 121 which continued on page no. 122 as 'this pattern is a distinct one resembling like that of 'stencil' work (plates 86, 87)'.

With reference to last para of the statement of this witness on page 19 recorded on 04-10-2006, the witness stated that the two invasions of Mahmood Ghaznavi were one of the main reasons of decline of Pratihara empire.

Q: Is it correct to say that in your book entitled as "Temples of the Pratihara period in Central India" you have not given invasions of Mahmood Ghaznavi as the main reason for downfall of the Pratihara rule ?

A: I don't remember the exact wordings given in my book.

At this stage Sri Z. Jilani Advocate, counsel for Sunni Central Waqfs Board filed copy of the title page, and of

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pages 5 to 13, 135 to 141, 288, 293 and 300 of the book entitled as "Temples of the Pratihara Period in Central India". The witness was asked to compare title page and above pages of the aforesaid book from photocopies filed today. The witness, after comparing these pages stated that title page and above pages are true photocopies of the above book (marked as paper no. 335C1/1 to 335C1/20).

Learned cross examiner drew the attention of the witness towards paper no. 335C1/10 and asked whether the description given in the last sentence of this page is correct. The witness stated that it was correct. He further stated ^{that} on paper no. 335C1/2 in the second para I have mentioned the name of Yasovarman (Circa A. D. 725-752) and Amaraja. They are the rulers who ruled at Kannauj prior to Pratihara rule in Kannauj. The first ruler of Pratihara period was Vatsaraja who occupied Kannauj after 770 A. D. He was ruling at Ujjain prior to shifting to Kannauj as capital. His father Devaraja was ruler of Pratihara dynasty, but he was not ~~the~~ ruling from Kannauj, but Devaraja was ruler. I don't remember the name of the father of Devaraja. Pratihara dynasty started from Nagbhat-I. He was ancestor of Devaraja.

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Q: Whether you have correctly mentioned in your book referred to above on page 6 (paper no. 335C1/3) that originally Pratiharas ruled from Mandor, district Jodhpur, Rajasthan and Lakshmana was the first Pratihara ?

A: Yes, it is correctly mentioned. The name of Lakshmana, the younger brother of Lord Rama, the first Pratiharas have claimed their descent from Lakshman like any other dynasty which ruled in India and wanted the origin of the dynasty with a divine person.

Q: In your aforesaid book on Pratihara temples you have mentioned about Chaturbhuj temple of Gwalior fort on pages 135 onwards. Whether this temple was constructed around 876 A. D. ?

A: Yes it was constructed around 875-76 A. D. during the time of Mihir-Bhoja.

Q: Whether there is any similarity between any part of this Chaturbhuj temple and any structure found during excavation at Ayodhya ?

A: The Chaturbhuj temple in question is a rock-cut temple and has no similarity with any of the structures found in the excavation in the disputed site at Ayodhya.

On paper no. 335C1/20, (page 300) in plate no. 153, reference of a niche is given. This niche is situated on the left

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side of the door-way of the temple. On paper no. 334C1/22, (page 216) in plate no. 32, a niche has been depicted in a Shiva temple at Dang, (Bhind) Madhya Pradesh. This temple belongs to about 800 A. D. This niche is at the height of about 1.5m above the ground. On two sides of this niche are pilasters. The height of this niche is about 1m. 'Kapili' niche is a niche which is located in the Kapili part of the temple. 'Kapili' is Sanskrit word used in architectural terms. On paper no. 334C1/16, (page 178) I have given the meaning of 'Kapili' as wall portion of the 'Antaral' on both the sides of a temple which is correct. On paper no. 334C1/23, (page 217) in plate no. 33, Karna-niche^{as} has been shown which means^{the} the niche located on the 'Karna-portion' of a temple. Karna-portion of the temple is a corner portion. The height of this niche from the ground floor is about 1.5m. On paper no. 334C1/24, (page no. 220) in plate no. 37, Bhadra-niche has been shown, which means^{the} the niche located on the Bhadra-portion of a temple. Bhadra-portion is the central portion of a temple. On page 334C1/ 15 (page no.177) the meaning of Bhadra is given as Central projection of a wall, which is correct. In paper no. 334C1/24, (page no. 220) the tentative height of the niche from ground floor is about 1m. In paper no. 334C1/25, (page no.232) in plate no. 54, the Karna-niche

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of a different temple is visible. It is about 1.5m from the ground floor. On paper no. 334C1/28 (page no. 236) in plate no. 60, there are several niches of smaller size in the lower part, whereas there is a big niche in the upper part. The niche in the upper part would be about 3.5meters from ground level. In paper no. 334C1/38 (page no. 268) in plate 110, Adhishthan-niche is visible. It may be at the height of about 50cm from the ground level. On paper no. 334C1/39 (page no. 269) in plate no. 112, is a Bhadra-niche at a height of about 2m from the ground level. In all the aforesaid above paper nos. 334C1/22, 23, 24, 25, 28, 29, 30, 38 and 39 all the niches have idols installed therein except the upper niche of paper no. 334C1/28, plate no. 60.

On paper no. 334C1/51 (page no. 316) in plate no. 174-175 the figures of 'Yakshi' are visible. 'Yakshi' is a female counter part of 'Yaksh'.

On page no. 156 of my statement in fourth, fifth and sixth lines from bottom I have mentioned about Teli-ka-Mandir and Gargaja-Mahadev temple which are depicted in paper no. 334C1/26 to 334C1/34. Both these temples are datable to about 800 A. D.

Q: From the photographs of the temples given on paper no. 334C1/26 to 334C1/34 can you point out as to whether

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there was any similarity between any portion of these temples and the structures found during the course of excavation at Ayodhya ?

A: The reference of Gargaja Mahadev temple was given in connection with the circular temple excavated in Ayodhya as the Gargaja Mahadev temple is circular in plan and square in the inner side and the reference of Teli-ka-mandir was given to point out the similarity of Gargaja Mahadev temple with the Teli-ka-Mandir in Gwalior fort. The photographic illustration given on page no. 334C1/26 to 334C1/34 are the photographic views of the two temples, of images and architectural features which had not been found in the circular temple encountered in the disputed site.

Q: On page no. 156-157 you have stated that you had compared the architectural remains found at Ayodhya with the Gargaja Mahadev temple and Teli-ka-mandir and in this respect you have made a specific mention of the so called circular shrine. Kindly, therefore, point out the alleged similarity, if any, in the structure of the so called circular shrine depicted in plates no. 59 and 60 of ASI report volume II and the structure of Gargaja Mahadev temple and Teli-ka-mandir depicted in paper no. 334C1/32 and 334C1/26 respectively ?

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A: On page no. 156 of my statement I had compared certain features of Gargaja Mahadev temple with that of the Teli-ka-mandir in Gwalior fort to indicate their similarity for dating them. The circular shrine encountered at the disputed site was compared in plan with only Gargaja Mahadev temple at Indor, District Guna, Madhya Pradesh.

Q: Is it correct to say that there was absolutely no similarity with respect to structure or in any other manner between the so called circular shrine of Ayodhya excavation and Gargaja Mahadev temple and/or Teli-ka-mandir ?

A: As I have said earlier the Gargaja Mahadev temple is similar in plan and orientation to the circular temple found in excavation at the disputed site as both of them are circular in plan from out-side and square from inside and face towards east. I have not compared Teli-ka-mandir in Gwalior fort with the circular shrine found in the excavation at disputed site.

Q: Whether these temples of Gargaja Mahadev and Teli-ka-mandir depicted in paper no. 334C1/32 and 334C1/26 will be called small temple or medium size temple or big temple ?

A: These temples may be called small to medium size temple.

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Q: Is there any difference between 'Mandapa' and 'Mukha-Mandapa' ?

A: Where there are two Mandapas in a temple the front one is called Mukha-Mandapa which gives entry of Mandapa.

Q: Whether 'Mukh-Mandapa' and 'Mandapa' are generally based on four pillars each ?

A: It depends on the size of 'Mandapa'.

Q: What may be the biggest size of Mandapa and what may be the smallest size of Mandapa ?

A: I am not able to answer this question as I have no measurement of the Mandapas available with me.

Q: In para 11 of your affidavit you have used the terms 'Mandapa' and 'Big Mandapa'. Did you have no idea about their estimated size while using these terms in your affidavit?

A: The earlier question was about the size of the biggest Mandapa and the smallest Mandapa for which I have no statistics with me. But in connection with my affidavit, para 11, I have to state that a Mandapa having indication of 50 pillars and extending in an area of about 50 to 60meters by 30meters can be said to be a big Mandapa.

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Q: You have replied in respect of Big Mandapa kindly reply in respect of that Mandapa also which is not called big Mandapa or which may ^{be} call^a a small Mandapa ?

A: The small Mandapa may be resting on four pillars only.

Q: What will be the tentative size / dimension of an entire temple, the Mandap^as of which comprise of 50 pillars or more, in an area of about 50-60meter ?

A: I am not able to guess.

Q: You have already stated that apart from Mandapa the temple has Garbhgriha and other parts also. Kindly, therefore, let us know the estimated size of the Garbhgriha of a temple, the Mandapa of which comprises of about 50 pillars?

A: The situation of a Garbhgriha in relation to the pillared Mandapa at the disputed site has already been discussed in my earlier statements in detail and it is stated again that the situation of the Garbhgriha was below the central part of the disputed structure which has not been excavated. Further the size of a Garbhgriha depends on the type of temple because in Shilpa texts various types of temples have been discussed.

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Q: You have not replied to my question at all about the estimated or tentative size of the Garbhagriha of such a temple as has been mentioned in my question. Does it mean that you are not in a position to reply to my question ?

A: I have already replied what I could. I am not able to reply further in this regard on the basis of assumption.

Q: What do you mean by the phrase " On the much bigger area on lateral sides and front side facing east", used in para 11 of your affidavit ?

A: In relation to above query " the pillared structure which was below the surface of the disputed structure was standing on much bigger area on lateral sides and front side facing east" means that below the disputed structure the area which was occupied by the pillared Mandapa was larger on the sides, northern and southern, as well as on the front on the eastern side.

Q: Does it mean that by using the term "Pillared structure" you had simply a Mandapa like structure in your mind ?

A: Yes.

Statement read and verified

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24.11.2006

Statement typed on my dictation in open court. Cross examination of this witness could not be concluded.

Put up on 27.11.2006 for recording further cross examination of this witness

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

24.11.2006

Commissioner

24-11-2006

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

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

04-12-2006

O.P.W. 19 R. D. TRIVEDI

(In continuation of statement dated 24-11-2006 the cross examination of O.P.W.19 - Sri R. D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf, U.P., by Sri Z. Jilani, Advocate.)

The three photographs, as referred in para 17 of the affidavit and contained on pages 7/9, 7/12 and 7/13 of Annexures 3 and 4 of the affidavit, are the photographs of Uma Maheshwar but the photographs are of different sculptures and not of one and therefore, they may have some slight variation in them. Uma Maheswar means Parvati and Shiva. In such sculptures of Uma Maheswar, the special feature is that they are seated in Alingan Mudra and their respective vehicles, namely, the lion and bull respectively are shown below their seat. In sculptures of Uma Maheswar, the special feature, so far as the face is concerned, in the image

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of Shiva, Jatabhar is shown over his head while the head of Uma is shown with a coiffure. In such types of sculptures, one hand of Shiva is around the bosom of Uma and the other hands may have either weapon such as trishul or trident and touching the chin of Uma. In the Uma Maheswar sculptures, the legs of Uma and Maheswar both may be dangling down and resting on their mounts. So far as waist part is concerned, Shiva may be wearing Yagnopavita and girdle and Uma also may wear girdle. In para 17, ^{as of my affidavit the words} 'which' refers to the three ^{contained} photographs in Annexures 3 and 4 referred to above.

Q. What similarities are there in the photographs as shown in plate 235 of ASI Report, Volume II and on pages 7/9, 7/12 and 7/13 of your affidavit?

A. The photograph shown in plate no.235 of Volume II of ASI Report captioned as 'divine couple' is badly damaged. Its upper part is not preserved, but the waist portion of both the figures seems to be in 'Alingan Mudra'. The Yagnopavita and girdle portion of the figure has Yagnopavita and the remnant of girdle, which is generally called as Mekhla in the left figure. The leg of female figure on the right side is dangling below and seems to be resting on the mount. The remains of tail of ~~mount~~ ^{lion} is also visible on the right side which indicate it to be the mount of Uma. Rest of the features

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as given in the photograph are not visible in the sculpture as it is badly damaged.

Q. Do you mean to say that only waist portion of the body, some part of the leg portion of Goddess Parvati and tail of lion are visible in plate No.235?

A R. The waist portion of figure of Uma is damaged, but the thigh portion and the leg dangling downwards towards the figure of lion indicated by the remnants of tail are visible.

Q. Is it correct to say that in plate no. 235, no such carving or features are visible which may be said to be similar with the carvings and features depicted in the photographs of Uma-Maheshwara given on pages 7/9, 7/12 and 7/13 of your affidavit?

A R. As I have already said that the sculptural piece shown in plate 235 is badly damaged, ^{As} its upper part is not visible at all, but the waist portion has the remnants of girdle and Yagnopavita of the figure of Shiva, which are also visible in the copies of photographs shown in my affidavit.

I do not agree with the suggestion that the figure shown in plate 235 of ASI Report Volume II is not identifiable and no one can identify it as that of Uma-Maheshwara. It is also

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wrong to suggest that I have described it as 'divine couple' simply in order to support the stand of the ASI that this plate contains the features of 'divine couple'.

Statement read and signed.

ROYINBEDI

4.12.2006

Statement typed in open Court on our dictation. Put up tomorrow, i.e. 5.12.2006 for further cross-examination of this witness.

ROYINBEDI

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4.12.2006

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

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

05-12-2006

O.P.W. 19 R. D. TRIVEDI

(In continuation of statement dated 04-12-2006 the cross examination of O.P.W.19 - Sri R. D. Trivedi, continued on oath, on behalf of defendant no.4, Sunni Central Board of Waqf, U.P., by Sri Z. Jilani, Advocate.)

Q. Whether your statement in para 16 of your affidavit that Annexure 2 'also establishes re-use of temple remains and pillars in Islamic structure' refers to the building shown in Annexure 2 (figure 2) or any such general practice of 13th Century A.D. ?

A. Para 16 of the affidavit shows the re-use of temple pillars re-used in an Islamic structure as has also been indicated in para 15 of my affidavit. This statement particularly refers to the monument shown in figure 2 of Annexure 2 enclosed with my affidavit, but it also indicates the general practice adopted of using the temple remains in a mosque.

RAY Trivedi

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This practice of re-using the temple remains in Mosque was in vogue from the end of 12th Century till about 16th Century.

Q. How can a monument of early 13th Century be said to show the so-called practice of late 13th Century or of subsequent period?

A. I do not remember any specific example instantly in which the remains of temples of 13th Century were re-used in the later Centuries.

Q. Do you have any authentic book of history or archaeology in your mind to substantiate your statement about the so-called practice of re-using temple material in Islamic structures?

A. Instantly, I do not remember the name of any book but the Lat Ki Masjid in Dhar and Bhojshala in Dhar have the pillars of a Hindu Temple re-used in the mosque.

I do not remember any book of history on Mogul Period. I do not agree with the suggestion that the instances of Annexures 1 and 2 of my affidavit do not establish re-use of temple pillars in construction of Babri Masjid at the site in question.

Ray Chaudhary

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- Q. If any Architectural member of Gupta Period is found in a layer of Mogul Period whether that layer of Mogul Period will be described as the layer of Gupta Period?
- A. It depends on how an object of Gupta Period has reached the layer of Mogul Period. Whether it is in a pit or has been dumped from elsewhere. It is not possible that such an object is found in regular layer without the layer being disturbed by a pit or any other such device.
- Q. If a pillar of Gupta period is re-used in a building of Mogul Period and then during excavation the said object of Gupta Period is found in situ in the layer of Mogul Period, will it be called a layer of Gupta period or the layer of Mogul Period?
- A. If the monument as a whole belongs to Mogul Period and a pillar is found re-used in Mogul Structure the structure as a whole will be dated in a Mogul period only, except that exceptional pillar.
- Q. The pillars used in Babri Masjid which according to you belong to 11th to 12th Century A.D., are found from layer 1 of the excavation of Babri Masjid site,

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whether this layer 1 can be dated to 11th -12th Century or to the modern period?

- A. The layer-1 in which some material belonging to 11th to 12th century is found at the excavating site of Babri Masjid such layer would be called or referred to as that of modern times.

If a coin of Sultanate period is found in the post Mogul Period^{in a layer,} such layer cannot be dated to be of Sultanate Period.

- Q. Is it possible that the coin of subsequent period may be found in the layer of earlier period, while the coin of earlier period can be found in the layer of a subsequent period.

- A. In a regular layer, it is impossible for a coin of subsequent period to percolate to the layer of earlier period.

I have mentioned in my earlier statement at page 48 that if a coin is found in a regular layer, the layer can be dated to the date of the coin. Therefore, there is no anomaly in my today's above statement and the statement recorded at page 48.

It is impossible to date a regular layer to that of the coin of an earlier period found in that layer. It is true to

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say that I am not an expert nor a man of stratigraphy, but it is wrong to say that I cannot reply any question on the subject. Whatever I am capable, I have already answered. It is wrong to suggest ^{or that is} I have given my statement with the pre-conceived notion that there was a Hindu Temple existing at the site prior to the construction of Babri Masjid. I completely disagree with the suggestion that there was no archaeological or historical evidence to prove existence of a temple at the site in question prior to the construction of the disputed structure. It is wrong to suggest that I have supported the ASI report on account of my religious faith about the existence of a Ram Janam Bhoomi Temple at the site in question since before the construction of Babri Masjid.

(Cross-examination of the witness by Sri Z. Jilani
concluded)

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Sri Syed Irfan Ahmad, Advocate for defendant no.26 adopted the cross-examination of O.P.W. 19 already made on behalf of defendant nos. 4 and 5.

Sri Syed Irfan Ahmad and Sri Fazle Alam, Advocates for defendants no.6/1 and 6/2' in O.O.S. No.3 of 1989

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adopted the cross-examination of O.P.W.19 already done on behalf of defendants no.4 and 5.

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

Statement read over and verified

ROY Inedri

5.12.2006

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

as [signature] [signature]

5.12.2006

ROY Inedri

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.10866-10867 OF 2010

IN THE MATTER OF:

MOHD. SADDIQ (D) THROUGH LRS. APPELLANTS

VERSUS

MAHANT SURESH DAS & ORS. ETC. ..RESPONDENTS

AFFIDAVIT

I, Ashok Kumar Singh S/o Shri Virendra Singh, aged about 49 years, working as Officer on Special Duty, Home Department, Government of Uttar Pradesh, Lucknow, presently at New Delhi, do hereby solemnly affirm and declare as under:-

1. That in my aforesaid official capacity I am well conversant with the facts and circumstances of the case, hence competent and authorized to swear this affidavit.
2. That I have read and understood the contents of the accompanying applications and I state that the contents of same are true and correct to the best of my knowledge and belief.
3. That the annexures/documents are true and correct copies of their respective originals.

DEPONENT

VERIFICATION

Verified at New Delhi on this the 28th day of October, 2017, that the contents of above affidavit are true and correct to my knowledge and belief and no part of it is false or concealed therefrom.

DEPONENT