

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

O.O.S. No. 5 of 1989
(REGD SUIT NO.236 OF 1989)

Bhagwan Shri Ram Virajman at
Sri Ram Janam Bhoomi etc.Plaintiffs

Versus

Shri Rajendra Singh and others ..Defendants

**STATEMENT OF OPW-5
SHRI RAM NATH MISHRA
ALIAS BANARSI PANDA**

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The affidavit of Shri Ramnath Mishra Alias Banarasi Pandey under order 18 rule 4 of Code Civil Procedure in support of the evidence of Other Original Suit No. 5 of 1989:-

I, Ramnath Mishra alias Banarsi Panda son of Om karnath Mishra, aged about 91 and resident of Nayaghat, Ayodhya – District, Faizabad after swearing in the name of God give the following statement-

1. My original place of residence was in Banaras city, House No. 10/66 – Prahladghat Mohalla. I had studied upto IV standard at Banaras. My family has been engaged in the vocation of Teerth Purohits. I was married to the daughter of Pandit Ramkrishna Upadhyay of Ayodhya. Pandit Ramkrishna Upadhaya was a very reputed Teerth Purohit, who enjoyed great reputation all over India. He enjoyed the patronage of great and well – known kings. I was married at Ayodhya. As per the family tradition, on the third day, my in-laws took me and my wife to the Bari Devkali temple after which, all of us

went to the Jalpa Devi temple for 'darshan'. After that, all of us had darshans and offered prayers at Sri Ram Janam Bhoomi and had 'parikrama' (rounds) of the Shri Ram Janam Bhoomi premises. Thereafter, all of us went and sat near the Sita Koop and had our food there. My mother-in-law and my father-in-law had expired prior to my marriage. The mother of my father-in-law was my Ajiya mother-in-law and one of my brother-in-law (brother of wife) was Shri Durga Prasad, who was younger than my wife. He died two years after my marriage.

2. After the death of my brother-in-law, the mother of my father-in-law had it conveyed through my father and grand father that there was nobody at Ayodhya to look after the affairs there and as such, I should be sent to Ayodhya so that I could take care of the teerth purohitship and yajmani of the Saryughat and the entire property. My father agreed at the request of the mother of my father-in-law and decided to send me to Ayodhya and in the Baisakh month of 1932. I, alongwith my wife came to Ayidhya and started living here. At Ayodhya, I started managing and looking after the Teerth-Purohiti of my father-in-law Pandit Ramkrishna Upadhya, which was all over India. I started looking after the 100 ghats including those at Ayodhya which was the ownership of my father-in-law. Besides this, I also started looking after the Movable and immovable property of my father-in-law and his mother (my Ajiya mother-in-law) at and outside Ayodhya. After sometime, the mother of my father-in-law transferred the whole movable and immovable property, Teerth-Purohiti and the proprietorship of all the 100 ghats in my and my wife's name. On the basis of that transfer deed, we both

became the proprietor of that entire property and continue to be so till date.

3. In Ayodhya in particular Chaitra Ram Navmi is celebrated as the birthday of Lord Ram. In the rainy season, i.e. Savan, Savan Jhoola festival is celebrated. In the Kartik month atshay Ram navmi, Devouthani Ekadashi, Kartik Purnima and Saryu Snan (bath) festival are celebrated. In the Kartik month, Pnchkosi and Choudahkosi Parikrama and Vrahad Mela are celebrated on Aghan Sudi Panchmi day Lord Rama's wedding festival is celebrated. On these occasions, 10 to 15 lakh devotees of Lord Rama come to Ayodhya everyday from every nook and every corner of the country. These devotees take bath in the Saryu River donate cash and cows on the ghats of Saryu in charity. After the Saryu bath, as a matter of tradition, they go for the darshan of the Ramjanambhoomi, Kanak Bhawan and Hanuman Garhi. After this, they visit the other temples at Ayodhya. At Ayodhya, everyday is a day of festival, where each and every street echoes with hymns; eulogising the glory of Lord Rama. In temples, bells echo and 'kirtan-bhajan' goes on continuously and the whole of Ayodhya is immersed in the colour and glory of Lord Rama. Everyday, people in thousands come from all corners of India and take bath in the Saryu river. After that they go to have the 'darshan' of RamJanambhoomi and for Ram Abhishek also. After Ram Abhishek, they go to Kanak Bhawan and have the sakshaat 'darshan' of Lord Rama. After that, they go to Hanumangarhi and have the sakshaat darshan of Lord Sri Hanuman. They offer flowers garlands and prasada etc. and they go to all the temples at Ayodhya for darshan. In every street and locality, hymns and kirtan

of Lord Rama are sung. At the Ramjanambhoomi, Ram Abhishek begins in the morning and continues till the afternoon.

4. The importance of Ayodhya has been described mainly in Brahmpuran, Skandpuran and Barahmpuran, which is as follows:-

Extract from Barahmpuran

X X X X

Extract from Skandpuran

5. During my life time, I have got thousands of devotees from all the corners of country of Lord Rama to have the 'darshan' of Lord Rama at Ayodhya prominent among who was the mother of King Mahendra of Nepal who came here about forty years ago. Maharaja Tehri had come here about fifty years back. Maharaj Bahnwar Singh of Oyal District, Kheeri had come 30 years back people from the family of Maharaj of Mewar come to Ayodhya in 1940-42. I had taken all these people to Sri RamJanambhoomi, Kanak Bhawan and Hanumangarhi at Ayodhya for 'darshans'. As per the wishes of the devotees of Lord Rama, I used to have Ram Abhishek done at the RamJanambhoomi and used to receive 'dakshina' from them.

6. The main door in the Lord Ram Janambhoomi premises was from the east which was known as 'Hanumat Dwar'. On both corners of the main gate, black pillars of touchstone were there with pictures of flowers and leaves and deities. After entraining through the main gate, there was a chabutra (platform) towards the south,

which was known as 'Ram Chabutra'. On that Ram Chabutra, all the idols of Ram Darbar were there and beneath that was the cave temple (Gufa Mandir). In the south-east corner of Ram Chabutra, also there were idols under the peepal tree which included idols of Lord Ganesha and Lord Shankar and other deities. Inside the main gate towards the north, there was a huge chhapar (Thatched enclosure) which was known as Bhandar (store) and in which were kept food grains, utensils, containers, karahi etc. for cooking purpose. Inside the barred wall towards the west of Ram Chabutra and the Bhandar, there was the 'Garbhgrah' temple covered by three domes (gumbads). According to elderly people, it was under the central dome the Lord Rama was born as the son of king Dashrath. It was on the basis of this faith and belief that I and all the Hindu devotees of Lord Rama used to have the 'darshan' of Sri RamajnamBhoomi. It was considered to be a sacrosanct place and a place worth worshipping.

7. The northern entry of Sri Ram JanamaBhoomi was called the 'Singh Dwar'. On the upper side of 'Singh Dwar' in the middle there was the picture of 'Garur' and on both sides two lions of it. Were drawn after entering the 'Singh Dwar', there was 'Sita Rasoi' (Kitchen of Sita Ji), where one could see the chowka, belan, hearth and the foot-prints etc. Towards its south was the 'Garbhgrah' of Sri Ram JanamaBhoomi, which was covered by the domes (gumbads) and which was a very holy and sacred place of the Hindus. All the Hindus have this old traditional belief that Lord Vishnu was born as the son of king Dashrath at this place only and that is why this place is so sacred and worthy of worship. It is on the basis of this faith and belief that lakhs of pilgrims have

been coming to Ayodhya for the 'darshan' and 'parikrama' of Lord Rama's birth place and continue to do it till date. There is a stone of the times of the Britishers outside the main entry gate, on which is written 'Janambhoomi Nitya Yatra' and the digit one of Hindi ('ek')

8. In the south-east corner of the Sri RamJanambhoomi premises at a distance of about 200-250 steps, the 'Sitakoop' is situated. The Hindus consider it to be a very sacred 'koop' (well). They have the 'darshan' of this koop (well), drink its water and take that water home too. One can see a stone over there of the British times on which the words 'Sitakoop' are written.
9. Never in my lifetime I have seen any Muslim going to the Sri Ram Janambhoomi premises - 'Garbhgrah' and nor does the question of any Muslim offering 'namaz' there arise. If by mistake also any Muslim was seen near the Sri Ram Janambhoomi, the saints and the hermits would run after him with sticks in their hands and he would thus run away from there. No Muslim dared even look towards this complex out of fear.
10. Inside the Sri Ram Janambhoomi premises in the domed 'Garbhgrah' there were pillars of black touchstone which had images of earthen pot (talash), flowers and leaves and of deities. Between the year 1928 and 1949, I had seen the picture of Lord Ram hung inside the 'Garbhgrah'. The idol of Lord Rama was there on slab in the corner of wall. I had seen this idol placed there till 1949.

11. In the barred wall, there were two doors, which used to remain locked and those doors were opened and closed by the 'pujaris' of the 'Nirmohi Akhara'. The same very 'pujaris' used to offer prayers and perform 'aarti' at Ram Chabutra and Sita Rasoi etc. We used to arrange 'darshan' of the 'Garbhgrah' for the pilgrims from the railing itself. A donation box was also kept there. On the main gate were the shops of 'Batasa' and frowers/garlands. One of those shops belonged to Sahdev Maalee.
12. In front of the main gate, wherever digging was done, burnt paddy was found at a depth of about one feet, which was given to our 'yajmans' as 'prasad'.
13. In October-November 1949, recitation (Akhand Paath) of Shri Ramcharitmanas was done collectively for several months at Sri Ram Janambhoomi and the nearby place. People in thousands took part in that recitation (Akhand Paath) and I also used to do recitation of Ramcharitmans there.
14. On 22/23 December 1949, Lord Rama appeared in the 'Brahmmurata' in the 'Garbhgraha'. When I came to know of it, I also went there on the morning of 23rd December and I saw that a one feet high idol of Lord Sri Ram was there on the throne. That idol seemed to be made of Ashtadhatu (eight metals).
15. From 1930 to 1950, I used to have 108 'parikramas' (rounds) of Sri Ram Janambhoomi every year on the occasion of Chaitra Ramnavami and from 1932 to 1950 on the occasion of 'Ekadashi' of every month; I used to have eleven 'Parikramas' of Sri Ram Janambhoomi.

Lucknow

DEPONENT

Date: 06.08.2002

Sd/-

(RAM NATH MISHRA)

VERIFICATION

I, Ramnath Mishra alias Banarsi Panda hereby affirm that the statements made from Para No. 1 to 15 in this affidavit are true and corrects, as per my personal knowledge. Nothing in it has been concealed nor has any wrong statements been made. May God help me.

Lucknow

DEPONENT

Date: 06.08.2006

Sd/-

(RAM NATH MISHRA)

O.P.W.5

I, Advocate Ved Prakash hereby certify that the deponent Shri Ramnath Mishra signed on this affidavit in my presence, which I identify.

Lucknow

Sd/-

Date: 06.08.2002

(VED PRAKASH)

Advocate

Date: 07.08.2002 O.P.W. – 5

In the presence of Commissioner Shri Narendra, Prasad, Additional District Judge/Officer on Special Duty - Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed vide order dated 02.08.2002 passed by Hon'ble High Court, Allahabad, Lucknow Bench, Special Full Bench in Other Original Suit (OOS) No. 5/89 (Original Suit No. 236/89) Bhagwan Sri Ram Virajman and others Versus Rajendra Singh and others.

Other Original Suit No. 5/1989
(Original Suit No. 236/1989)

Bhagwan Sri Ram Virajman at Sri
Ram Janambhoomi and Others..... Plaintiffs

VERSUS

Rajendra Singh and Others Defendants

Main examination – Shri Ramnath Mishra alias Banarsi Panda, Son of late Sri Onkar Nath Mishra, aged about 91 years, resident of Nayaghat, Ayodhya – District – Faizabad, Uttar Pradesh has been submitted in an affidavit. Taken on record.

Cross-examination Minjanib Nirmohi Akhara, Defendant No. 3 by Shri Ranjit Lal Verma, Advocate.

XXX XXX XXX XXX

I used to live in Prahlad Ghat locality at Banaras. Our family has been living at Banaras for a very long time. There are several temples and monasteries (Maths) at Banaras and it is a place of pilgrimage. The guru of Kabir Das, Guru Swami Ramanand used to live at Banaras only and there is a Shrimatth (monastery) in his name. I do not know about Swami Ramanand. I have read a little bit of Sanskrit. I have read Rudri, Sanhita, Padam Puran, Skand Puran and Barah Puran in Sanskrit; I have read scriptures in the Devnagri script also. I have read so many such books which are popular among the Hindus and are read by them. However, I am not able to recall the name of any such book at present. I know about Tulsidas and I have read Ramcharitmanas written by Tulsi Das. I have also read that Tulsi Das used to live at Banaras and his place is there at Assi Ghat. Everything about the ancient periods is mentioned in the Puranas and that the four Vedas emanated from the mouth of Brahmaji and that the 18 Puranas are the offshoots of those Vedas. Among these 18 Puranas, Mahabharat is also one Puran. Ved Vyas converted the Vedas into the 18 Purans. Skand Puran was written by Ved Vyas. I have read about Ayodhya in the Skand Puran. In para 4 of my main examination, which I have filed in an affidavit, I have mentioned a Shloka, which is from the Ayodhya Mahatm of Skand Puran, which I can read. Saryu River flows to the north of Ayodhya. Hundreds of ghats, which I have found, are situated on the bank of the Saryu River. Some of these ghats are 'Kuchha' while some are 'pucca'. The distance from the west of Saryu to the ghat in the east would be about three 'kose'. Guptar ghat is the same place where Lord Rama had vanished as we learn from the narration in the Puran and on the basis of our own faith. Kaushalya ghat is to the extreme east of Guptar ghat. Kaushalya ghat is in the north of the disputed

building. To the west of Janambhoomi, there is a road, which is known as the 'Brahmkund Chauraha' and which people in their colloquial language call 'Dorahi Kuan Chauraha' also. From 'Brahmkund Chauraha' to the west goes a road upto 'Brahmkund' ghat. From Hanumangarhi comes a road to the eastern side of the Janambhoomi. The road which is in the north goes to 'Kanak Bhawan'. To the north of Ram Janambhoomi temple, there is a 'Janamsthan Sita Rasoi', 'Gudartar' temple and then he said that 'Sita Rasoi' is inside the Janambhoomi temple. In the Janamsthan, 'Gudartar' temple also there is 'Sita Rasoi'. I have been gone there too. At the time of the decree of attachment, the Mahant of Janamsthan Sita Rasoi was Harihar Das. There is a road between Gudartar Janamsthan and Janamsthan. This road goes from the north to the south towards Hanumangarhi. From Janambhoomi, Hanumangarhi is in the east. The same very road in the east which emanates from Hanumangarhi goes upto Kaushalya ghat passing through Gudartar Janamsthan and Janambhoomi. The Brahmkund ghat would be at a distance of less than 400 feet from Janambhoomi temple. To the north of Brahmkund ghat is the Kaushalya ghat. After Kaushalya ghat to the north east side is Rajghat and to the east of Rajghat is Rinmochan ghat. After Rinmochan ghat there are the Laxman ghat and Golaghat. The place where I live is called Nayaghat. The names of the ghats mentioned in the Purans, about which I have read continue till date among the people. There is Nageshwar Nath Temple at Swargdwar. The Nageshwar Nath temple is an ancient temple. The bust size (Argha) of Lord Shankar in that temple is made of touchstone. That bust size (Argha) has the same diameter, which the touchstone pillar that I have seen in the disputed premises has.

Prior to my marriage, I had not gone to Ayodhya. I had settled at Ayodhya in the year 1932 and my marriage took place in the year 1928. Between 1928 and 1932, I did not go to Ayodhya. The reason being that I had no work to attend to at Ayodhya and therefore, I did not go to my in-laws. In 1932, when I reached Ayodhya, the responsibility of managing the property etc. of my father-in-law and whatever, jajmani jobs he had, were entrusted to me. We were known as Gangaputra Teerth Purohiths. At a sacred river like Saryu and at Ayodhya, we used to get the devotees to donate cows and earthen lamps (Deepdaan) etc. This ritual is done near the waters at the ghat only. If the river flows one km. towards the north, the ghat too would go one km. towards the north, where the jurisdiction of 'jajmani' would continue to be ours. Where my ghat is situated, from there, Manorama river is about 4-5 'kose'. After 'cow-daan' and 'deep-daan' we use to take those pilgrims for the temple 'darshan' also. It was in 1932, when I came to Ayodhya that I started all that has been stated above. At that time, the main temples, where we took the pilgrims for 'darshan' were Hanumangarhi, Kanak Bhawan and Janambhoomi temples. I have been visiting Hanumangarhi regularly since 1932. The management at Hanumangarhi is looked after by the Nirwani Akhara. Nirwani Akhara is a monastery (Matth), where several sadhus live. At Hanumangarhi, it is mainly the idol of Hanuman ji and along with idols of "Ramjanki" nearby. In the small temple Lord Narsingh and Goddess Durga are there. Besides, there are several small temples. For Hanumangarhi, there is 'panchayati' system which is headed by a Mahant and which has four divisions (Pattees). For every division (pattee), there is one Mahant and they say that whatever is done here is done with approval of the

Panchayat: The Panchayat has four Mahants and one Sarpanch. There is just one Mahant on the seat who is not known as Sarpanch. It is learnt that there are three categories in every division (pattee). I do not know whether there is an executive comprising 24 Panchs, i.e. 6 Panch from all the three categories of every divisions, which mean in all 24 Panchs. The executive has one Sarpanch. There are many Akharas at Ayodhya. I have heard about the 'Digambar Akhara' and I have seen it also. Ahead of the road, where Digambar Akhara is, there is the 'Nirmohi Akhara'. I am not aware there is 'Kashi' temple beside the Niramohi Akhara or not. From Digambar Akhara, Nirmohi Akhara would be about 200 steps. I have read also about the history of Ayodhya. I have not read the rules and customs and connections, which the people Hanumangarhi of Ayodhya has got published. I have heard that majority of temples at Ayodhya are of 'Ramanandiya Bairagi' sect. At this point of time, I do not recall as to temples of which other sect are located at Ayodhya. There are only 8 or 10 temples of Ramanujacharya Sect, i.e. Acharyi sect. Those belonging to the Ramanandi sect, apply 'Laskari Teeka' i.e. Teeka applied with three fingers. They are trained on army lines and they are trained in the use of bows-arrows, sword, tega and barchha etc. The reason why they apply the 'Laskari Teeka' is that suddenly they have to proceed for fighting against the foreigners for protecting the religion for protecting, the Hindu society. The management of these Akhara is being carried on like this for the past four-five hundred years from the time of 'Yavans'.

From 'Hanumat Dwar', 'Sita Koop' is to the east and west corner. Then the witness said that it is at the Ishan angle. The distance of Sita koop from Hanumat Dwar is 10-

15 steps to serve the water to the people at Sitakooop, there lived a sadhu. It is not known who used to give the contract to that Sadhu for serving water. I do not know whether that Sadhu was associated with Nirmohi Akhara or not.

There are small temples also near the Sitakooop among which was a temple by the name of 'Sumitra Bhawan'. Besides, there were small temples of Thakur Ram Janki and Lord Ram Lalla also. In 1932, I also used to go for the 'darshan' of Janambhoomi temple. When I used to go there, 'aarti' and prayers were offered at Ram Chabutra temple, Garbhgrah temple, Chhatthi Puja temple, and 'Shiv Darbar'. I have been the 'Sarvrahkar' of several temples. The aarti of Lord which used to happen at Janambhoomi whenever I have gone there all devotees used to listen to sermons and 'kirtan'. At the time of the 'aarti', the devotees used to offer cash and sweets at the altar. The platform of the Ram Chabutra temple was thigh-high approximately 4 feet to 4 ½ feet height. On that platform, there was studded ganga jamuni made of wood of temple shape and over that was placed thatch and tin. The cave temple of the same height was built in that platform only to the left and right of that platform. There was several idols in the Ramchabutra temple that of Ram-Laxman-Janaki, Vashisht and other small idols. In the cave (gufa) temple, there were separate idols of Bharat Ji and Kaushlya Ji and there was also the 'Charan Paduka'. The foot-prints were inside the cave while the 'Charan Paduka' was outside. By outside, I mean outside the wooden temple. In the corner to the east and the south of this platform, in the courtyard itself there was a 'pipal' and a 'maulshri' tree. Under the 'pipal' tree in the corner were the idols of six-mouthed (Shashtmukhi) Shankar Ji, Ganesh Ji and Lord Nandeshwar. While entering from the gate to

the right is the Bhandar, kitchen and the Nirmohi Akhara, where the priests lived and which was quite long. The Chhathi Puja site where there were the footprints, the hearth and the chakla-belan were to the north of 'Garbhgraha'. I do not remember whether the aarti was first of all done at Ram Chabutra or not. At the aarti done at the Ram Chabutra, the priests used to be from the Nirmohi Akhara and those who sounded the bugles and the shells were also the saints from the Nirmohi Akhara. The same very people used to perform the same kind of puja and aarti in Shankar Darbar also. At Chhati prayer site also the same people used to perform similar puja and aarti.

For entry into the 'Garbhgraha', there were two doors in the wall. Below the three shikhars were the pillars of touchstone. These pillars were similar to the pillars flanking the Hanumat Dwar. In the 'Garbhgraha' was the idol made of black stone of approximated 7" – 8" height. The idol was made of black stone. It is difficult to say whether it was made of touchstone because we used to see it from outside. This was the idol of Sita and Lord Rama in one stone. Apart from that I do not remember whether there was Lord Salig Ram or not because I used to see it from outside and it used to remain locked. I had not seen the idol or Rambhakt Hanuman Ji inside. The key of the lock used to be in the possession of the people of Nirmohi Akhara and whose pujaris would open the lock, close the lock, and perform aarti puja and sounded bells and bugles. Whenever I went there, the devotees made the offerings from outside only and accepted the 'prasad'. They would not go in. From 1932 to 1949, I saw things happening in the same way.

At this point, the witness was shown photograph No. 9 of the coloured album document No. 200C-1, on seeing which, the witness said that this was the picture of 'Hanumat Dwar'. In the same very album, on seeing photograph No. 12, the witness said that in that picture, he was able to see the picture of 'Barah Devta' on the wall. On seeing photograph No. 43 of this album, the witness said that he could see stone (shilapat) fixed there. On seeing the same very picture, the witness said that it was the same stone about which I have mentioned in my affidavit that outside the main entry gate, there is a stone of the British period and on which 'Janambhoomi Nitya Yatra' and digit 1 (ek) of Hindi is written. On seeing photograph No. 44, the witness said that the same stone appears to be fixed there near the touchstone. In picture No. 45, the entire gate and the same stone is visible. I have seen this stone in 1932, but I cannot say when it was fixed prior to that. On seeing photograph No. 57, the witness identified it as 'Ram Chabutra' temple. On seeing photograph No. 56, the witness said that in that photograph, he could see the 'Ram Chabutra' temple and tin in front of that. In photograph No. 57, the cave temple could be seen built on both sides. On seeing photograph No. 58, the witness said that he could not say of which place that photo was. On seeing photograph Nos. 59, 60, the witness said that he could not say whether that photograph was of 'Shiv Darbar' or not. On seeing photograph No. 61, the witness said that he could see in that photograph, the picture of 'Shashtmuthi (6-mouthed) Shankar Ji, Parvati Ji, Ganeshji, Shivling on argha and in front of these, the picture of Lord Nandeshwara. On seeing photograph Nos. 71-72, the witness said that whether that the Shasti Puja site or not, he could not say because he had fallen ill and therefore, could not go there. I think I fell

ill after 1970. I had developed serious problem in my spinal bone for which I was treated at Lucknow. When I had gone in 1932, I had seen the Choolha (hearth), Belan and the foot-prints of all the four brothers at a height of half a feet.

Photograph No. 77 of album document No. 200C-1 was shown to the witness, on seeing which, he said that a door was visible in the photograph which was the entry door to the 'Garbhgrah'. On entering from the door in the east side, there was a platform with tin-shed opposite the Ram Chabutra, where 'kirtan' was held regularly. I have seen 'kirtan' being held there regularly since 1932. To the northern side of the main disputed premises also there is a door, which is known as the 'Singh Darwaza'. I do not recall whether in that 'Singh Dwar', the door opens and closes or not, but a door is definitely there. There is a road to the northern side for entry to and exit from that door upto which there is a staircase. In the event of overcrowding, people use this door for going to the fair.

Photograph no. 1 of album document No. 286C-1/4A was shown to the witness, on seeing which, the witness stated that in that photograph, he could see that very stone about which he had mentioned in para 7 of his affidavit. All around the Ram Janambhoomi temple, there is a 'Parikrama Marg'. There was a wall of 2 feet to 2 ½ feet on all the four sides of the 'Parikrama Marg'. On the east of the disputed building after the 'Parikrama Marg' there is no wall and similarly, there is no wall in the southern side also – it is even land. There is no wall in the northern side either. To the north of disputed building is the 'Parikrama Marg', then a staircase, then a road. There is no wall as such. Photogaraph No. 20 of album page No.201C-1 was

shown to the witness, on seeing which the witness stated that he could see the picture of a lion above the door.

Photo document No. 154/9 filed in Other Original Suit No. 1/89 was shown to the witness, on seeing which, he stated that in that photo also, there was the picture of a lion above the door.

Between 1932 and 1949, I had remembered the names of a few Mahants among whom I knew the names of Mahant Raghuvar Prasadacharya of Bada Sthan, Mahant Shobhdas of Mniram Das Cantt, who came prior to Mahant Nritya Gopal. I also know the name of Mahant Gangadas who was mahant of Balmiki Ashram Ramkot. I also know the name of mahant Ramswarup of Siripur temple. I know Raghunath Das, the Mahant of Nirmohi Akhara. However, I do not know Ram Lakhn Das Golki. I do not know whether the Mahant of Siripur Ramswarup Das was the Panch of Nirmohi Akhara or not. I had heard that during 1932-1934, the Mahant of Nirmohi Akhara was Ram Charan Das. From 1932 to 1949 till the time the decree of attachment was not passed, I have seen puja being performed in the diputed building. During that peiod, the devotees from outside came to the disputed premises used to stay there and would have organized 'Bhandara' on a small scale.

At Ayodhya, there is a very huge Nepali temple built near the Vibhishna Kund. This Nepali temple is not associated with royal family. The Nepali temple was being managed first by Modnath, who was a Nepali. Nepali people come to this Nepali temple and go for 'darshan' to other places also. From this Nepali temple, Janambhoomi is about 3 yards. The mother of king Mahendra of Nepal had come to Ayodhya in about 1940. I have received the red seal (Lal Mohar) from the king of Nepal in which it is

written that whosoever goes from Nepal to Ayodhya, he should treat me, i.e. Lal Moharia as his 'Teerth Purohit' (Priest of the pilgrimage). Our profession is known by three names, which are: Hanuman Prasad Chhey (six) Bhaiya, the second name is Banarasi Panda and the third name by which our profession is known is Lal Moharia Bhadriyas are touts while Teerth Purohit job is done by us. We, Gangaputra get 22 households done. The king of Mewar had come to Ayodhya in 1940-42. I do not recall his name right now. Ram Abhishek means that Lord Rama is bathed 108 times in 'panchamrit' and sixteen types of prayer (puja) is performed for him. I do not recall whether this Ram Abhishek which I used to have it performed at Ram Janambhoomi from the priests (pujaris) of the Nirmohi Akhara or not and then he said that he used to have it done himself. I used to lift the small idol of Lord Rama from the Ram Chabutra, with the permission of the Pujari, and used to have the Abhishek done where the railing was fixed and where the donation box lay. This ceremony took an hour or two. After giving me 'Dakshina', the devotees used to give offerings in the temples also.

Maharaj Bhanwar Singh of Oyal came to Ayodhya before the incident of 1949 and gave 150 bighas of land also to my family. These 150 bighas of land he gave to me in charity. Maharaj Bhanwar Singh did not perform the Ram Abhishek, he had 'darshans' only.

From 1949 to 1970, I used to go to RamJanambhoomi temple regularly. After the attachment of 1949, the receiver of 'Garbhgraha' Babu Priya Dutt Ram became the Chairman of the Municipality, Faizabad and at places like Ram Chabutra temple, Chhathipuja Sthal, Bandar Sthal and Shiv Darbar pooja continued to be performed in the same way as before and was performed by the same people who

used to perform it before. To the north and the east of RamJanambhoomi there are temples like Anand Bhawan, Rang Mahal, Ram Kachehri, Kohbar Bhawan, Amava Mandir, Ram Gulela temple etc. To the south of the disputed building were buildings such as Kuber Teela, Vashisht Kund and Mangal Bhawan etc. During this period also, there was no Muslim population between the disputed building to Ram Gulela, Kuber Teela, Mangal Bhawan and Janamsthan Gudartar. The population of Muslims at Ayodhya in 1932 was less. There was a Hindu-Muslim riot at Ayodhya between 1932 and 1934. At the time of that riot, I was at Ayodhya only. In the Mauja Shahjahanpur, the riot had not erupted due to cow-slaughter. At the time of the riot, Muslims in thousands came from outside places like Baharaich, Lucknow, Faizabad and several other places and wanted to enter the disputed building from the northern gate. It was then that they had a clash with the sadhus of that place. I do not know whether Muslim 'darogas', constables or Inspectors were posted at the police station of Ayodhya or not. There used to be frequent tiffs between me and the Hathi Wala Panda and in that connection, I used to go to the police station. I do not know whether Barkatullah or Dilawar Hussain Diwan were there or not. I do not remember whether or not in 1949 prior to the attachment, Barkatullah and Dilawar Hussain Diwans were at the Ayodhya Police Station. Opposite the Ayodhya, post office there was the shop of Zahur Surma Wala. Zahur Ahmed used to live in the shop, which is adjacent to the police station. Zahur Ahmed Surma Wale was a notorious Muslim. In October-November 1949, when thousands of people collected and the Paath (recitation) of Ramcharitmanas was done, I cannot say whether or not this thing offended any Muslim of that place. I cannot say whether on this count, the Muslims of Ayodhya showed any

protest or not. The witness was shown document No. 285C-1/2, on seeing which, the witness stated that he did not recall whether or not at the time of the 1934 riot, such type of notices or pamphlets were pasted at prominent places of Ayodhya or not. After the riot of 1934, a riot tax was levied which was announced by the beat of the drum. I have also given Rs. 150/- as riot tax. This tax was levied on the Hindus only. Several Muslims were killed in that riot. This tax was levied to give the compensation to Muslims. After this incident, no Muslim would ever go near the Ram Janambhoomi out of fear.

On the day, the December 1949 incident occurred, I had gone there in the morning. I had not gone there at the time of incident. I had gone there in the morning when I heard that God had appeared there. That day, I had reached the 'Garbhgrah'. I do not recall as to how many days after this incident the attachment took place. I do not remember that 5-6 days after the incident, the attachment was done on the 29th. Prior to the attachment, pooja etc. was going on as usual. I do not remember that after the attachment, Babu Priya Dutt Ram Reciever use to have the 'Prasad' prepared at the Janamsthan Gudartar temple and then had the Bhog of the prasad done. I have been a member of the Municipality. I do not recall the year in which I was member of the Municipality, but remained a member for twenty years. I do not remember whether or not during the period of my membership, Haji Pheku was also a member of the Municipality. During my time Shri Bhatnagar was the Executive Officer of Municipality. Prior to the December 49 incident, even prior to year 1932 an organisation was formed named as Ram Janambhoomi. I was also one of its members and the Mahant of Bada Sthan Raghuvar Prasadacharya was its President. I had

become a member of the RamJanambhoomi Sewa Samiti in 1932. Prior to 1949, this Samiti had convened a public meeting, which was attended by many people. It was a meeting and not demonstration. Hundreds of people came to that meeting. I do not know whether or not the Muslims of Ayodhya or outsiders were offended by this meeting. In 1932, in front of the eastern door, on the right side, there were two shops of gaudners and two of 'peras' and 'batasha'. At the time of mela, these shops used to be extended. Document No. 39C-1/22 filed in the other case No. 3/89 was shown to the witness, on seeing which, the witness stated that those were the signatures of Executive Officer Mr. Bhatnagar. I have seen Raghuvar Prasadarcharya the Mahant of Bada Sthan reading and writing and signing. On seeing document No. 39C-1/38, filed in the Other Original Suit No. 3/89, the witness stated that it bore his signature.

After the incident of the attachment of 1949, I have had the 'darshan' of Lord Rama in the 'Garbhgraha'. There were the idols of Lord Rama, Laxman and Sita on the throne. This idol was made of 'Ashtadhatu' and was on the throne it appeared to be made of gold. All three idols were on throne but they were separate. It appeared to be made of gold. The kind of Ashtadhatu idol of Ram which I have in my home similar type of idol which I had seen in the 'Garbhgrah'. The idol in my home was that of Lord Rama carrying a bow and arrow with a crown on his head. The joint idol of Lord Ram-Sita, which I had seen in the Garbhgraha before that idol was also there. Near the idols of Ashtadhatu there were the idols of Hanuman Ji and Saligram Ji also.

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

Statement read over and verified

Sd/-

RAM NATH MISHRA

07.08.2002

This was typed by stenographer in the open court on my giving dictation to him. Present yourself on 08-08-2002 for additional cross-examination.

www.vadaprativada.in
Sd/-

Narendra Prasad

Commissioner

Sd/-

RamNath Mishra

07.08.2002

Date: 08.08.2002

O.P.W. – 5

In the presence of Commissioner Shri Narendra Prasad, Additional District Judge/Officer on Special Duty – Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed vide order dated 02.08.2002 passed by Hon'ble High Court, Allahabad, Lucknow Bench, Special Full Bench of Lucknow in Other Original (OOS) No. 5/89 (Original Suit No. 236/89) Bhagwan Sri Ram Virajman and others Versus Rajendra Singh and others.)

(The Cross-examination was begin by the learned advocate of defendant No. 4 Sunni Central Board of Wakf, Shri Zaffaryab Jilani after 07.08.2002 on the cross-examination on oath of OPW-5 Shri Ramnath Mishra alias Banarsi Panda.)

The witness gave a statement on oath that

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Banaras is a thousand of years old ancient city. I have heard that there was a king named Bannar at Banaras after whose name Banaras came into being. A fort by his name is there till date. I have heard that Banaras is situated between Varuna river and Assi Ghat and this is the reason why the habitation between the above two places came to be known as Varanasi. Assi Ghat is a ghat of the river Ganga and is situated in the city only where there is the place of Tulsi Das. Tulsi Das Ji used to live there. I can not say whether Banaras city came into being two to

four thousand or ten to twenty thousand years back. This city came into being after the name of Kashi Vishwanath Shankar. Vishwanath Ji is another name of Shanker Ji only. The Baba Vishwanath temple at Vanarasi is the temple of Shanker Ji only in which the main temple is that of Shanker Ji only. I cannot say how old that temple is – 400 to 500 years old or 1000 years old then said it may be lakhs years old. Tulsi Das Ji was not born at Vanarasi. I cannot say where he born. Tulsi Das Ji was the disciple of Narhaidas. I do not know whether Narharidas Ji lived at Vanarasi or not nor do I know where he lived. I cannot say by which age in his lifetime, Tulsi Das Ji lived at Assi Ghat. Since there is a temple by his name there, that is how I know that that ghat is known by the name of Tulsi Das Ji. I have heard that it was at Ayodhya that Tulsidasji had started writing Ramcharitmanas. At Ayodhya to the east of the Janambhoomi is the place, where he started writing Ramcharitmanas this place is called Tulsi Chaura from disputed place Tulsi Chaura is approx 2 yards away. Tulsidas Ji wrote whole Ramcharitmanas in Ayodhya only. In the beginning, Tulsidasji lived at Varanasi initially and subsequently he came over to Ayodhya. I can not say when Tulsidas Ji started writting Ramcharitmanas what was his age. I cannot say that the period during which Ramcharitmanas was written whether or not the emperor of India was Akbar during the said period. I cannot tell the year /era when writting of Ramcharitmanas started and in which year/era it concluded, but I do know that there is a couplet (Doha) in his life history which says “Samvat – sixteen hundred and eighty – on the banks of Assi Ganga – during Sawan – shukla Saptmi – Tulsidas renounced his body (i.e. expired). The above couplet finds mention on the first page of Ramcharitmanas. I do not know who has written this couplet. From the above couplet, one learns

that Tulsidasji died in Vikrami Samvat 1680. At Banaras, there is no Samadhi of Tulsidasji because among the Hindus, the dead are cremated or flowed in the river – among Hindus the custom of building a samadhi does not exist. I do not know whether Tulsidasji has any connection with the Etah District of Uttar Pradesh or not. At Ayodhya, there is a Chabutra (Platform) at Tulsi chaura on which his temple is built. The word 'chaura' means Chabutra (Platform). I cannot say whether the temple at Tulsi chaura belongs or not to the period when Tulsidasji was writing Ramcharitmanas because this dates back to old times. I cannot say where tulsidasji lived at Ayodhya while he was writing Ramcharitmanas. The oldest temple at Banaras is that of Kashi Vishwanathji. This is the same very temple beside which mosque was built during the time of Aurangzeb. That mosque still stands there. The fact of Vanarasi being a place of pilgrimage has been mentioned in the Puranas. In Skand Puran, Where Ayodhya Khand is written Kashi Khand is also written at the same Varanasi place as pilgrimage finds mention. Skand Puran was written during Ved Vyas's period and kalyug started from the time of king Parikshit. I can not say that howmany years back and Kalyug started two thousand years back one lakh years or three lakh years back. According to the scriptures, there have been four eras (Yugas) – Satyug, Dwapar Yuga, Treta Yuga and Kalyug. No Yuga has been of less than one lakh years. First of all, there was Satyuga followed by Treta Yuga, Dwapar Yuga and then the Kalyug through which we are currently passing. Lord Rama was born during the Treta Yuga. During the Treta Yuga, Lord Rama had given up his corporeal frame at the Guptar ghat. So far as I remember, Lord Krishna was born during the Treta Yuga. Lord Krishna born after Lord Rama and both are considered to be the incarnations of Lord Vishnu. We

have read that there are several places of pilgrimage in India and among them the principal place of pilgrimage is Saat Puri and among Saat Puri also Chardham are the main places of pilgrimage. I have read the following shloka "Vishnupadam Mastkam" in the Padam Puran. This has been mentioned in para 4 of my affidavit. This shloka defines what a place of pilgrimage is. In my affidavit, I have not mentioned that this is a shloka from Padam Puran. This shloka means the feet of Lord Vishnu is Ujjain and as such Ujjain is a place of pilgrimage. Kanchipuri is in Madras – Shivkanchi and Vishnukanchi has been called the thigh of Lord Vishnu – that is why it is called Puri. Mayapuri is called Haridwar. Mathura is called the throat of the Lord. Mathura is both a city and a place of pilgrimage and it is here that Lord Krishna was born. The nose of the Lord had been called Kashipuri. The forehead of the Lord has been called Ayodhya. The seventh place of pilgrimage is Dwarka. Nabhodwar is the navel of the Lord and this is what Dwarikapuri means. Varanasi had been considered as a place of pilgrimage because that is Lord Shankar's place and river Ganga flows there.

Swami Ramanand has been called a sect. There must have been a person by the name of Swami Ramanand but I do not remember now. I had heard that Swami Ramanand was the Guru of Kabirdas and the sect is after his name – known as Ramanandi sect. That Swami Ramanand was the guru of Kabirdasji. I had said this yesterday at the instance of Shri Ranjit Lal Verma, advocate. I had not read about Swami Ramanand in any book, I had heard about it. I do not remember how many years before Swami Ramanand lived. I do not know whether Swami Ramanand was devotee of Lord Rama or not. In my opinion, Skand Puran written by Ved Vyas dated back to lakhs of years. I cannot tell that the exact number of shlokas of Skand Puran has

today been there from the beginning or were added subsequently. I have read but I do not remember how many shlokas are there in the Skand Puran. There is a chapter with the title Ayodhya 'Mahatmya' in Skand Puran. I do not remember how many chapters are there in Skand Puran. As Ayodhya is a city which dates back to lakhs of years, I remember that the king of Ayodhya during the Satyuga was known as 'Chakravarti king' and this has been mentioned in the Skand Puran. From this, one can infer that Ayodhya was there during the Satyuga and it continues till date. It is also said that since Satyuga till date, there have been three 'Mahapralayas'. I have also heard that during the 'Mahapralaya' the whole earth went upside down. During those three 'Mahapralayas', Ayodhya did not go upside down because Ayodhya and God are indestructible. So far as I think, Varanasi also must have not gone upside down during these 'Mahapralayas'. Same must have been the case with the remaining five puris. I have mentioned about. So far as I remember Ved Vyas lived during the 'Treta Yuga'. Lord Rama was born prior to Ved Vyas. King Parikshit was a 'Chakravati' king and Ved Vyas Ji belonged to his period only. King Parikshit was the king of Ayodhya. King Parikshit belonged the family of king Dilip of the 'Satyuga' but king Parikshit was the last king of Treta Yuga. Lord Rama lived in the beginning of the Treta Yuga. Ved Vyas Ji had not seen the period of Lord Rama. The temple of Lord Rama's period is still there. The Janambhoomi temple is the same very temple. Similarly, the Ramghat in Ayodhya also dates backs to period of Lord Rama. Ramghat is roughly two to three furlongs from the east of my Nayaghat. The management and maintenance of Ramghat is under my charge. I think this is why I am known as the owner of the Ramghat. Bharatkund, Swarg Dwar, Laxman Ghat, Kaushlyaghat, Rinmochan Ghat – all

these also are there since the period of Lord Rama and are standing at Ayodhya even today. Guptar ghat dated back to the period prior to that of Lord Rama, which is at Ayodhya even today. All these have been there at the same very place, where they were during the period of Lord Rama. It is said that Sita Koop also dates back to Lord Rama's period. Hanumangarhi of Ayodhya also dates back to Lord Rama's period. Besides the above, there are some other places, which date back to the prior of Lord Rama, but I do not recall their names now. The kind of bricks used during Lord Rama's period is not available today. The bricks used in Hanumangarhi belong to the period of Lord Rama. I cannot say that the lime and cement used in Hanumangarhi also belongs to the period of Lord Rama. I do not know what material was used during Lord Rama's period to join the bricks.

Question: The ghats of Lord Rama's period about which you have mentioned above – do the bricks, mortar used in them belong to the period of Lord Ram or not?

Answer: I do not remember the period to which the lime, stone and pebbles used in them belong.

'Ghat' means 'the bank' and these ghats were constructed by the religious kings. I remember that these banks and ghats are at the same place where they used to be during the period of Lord Rama. The water that flowed from the eyes of Lord Vishnu is known as 'Saryu' river. At Ayodhya, Saryu river is flowing at the same very place, where it used to flow after it trickled down the eyes of Lord Vishnu. Saryu river called in the stomach of Ghagra river because Saryu river and Ghagra river are meuged merged near Chauka ghat. Chauka ghat is in the Barabanki district

and quit for from naya ghat. Chauka Ghat is approximately hundreds of miles away from the Naya ghat.

From Ayodhya, the Saryu river flows towards Basti, where the Hindus call it Saryu. So far as I remember, the Hindus do not call it Ghagra. I do not know by what name the Muslims call it. At Ayodhya, I do meet the Muslims also and they keep coming to me. When I came to Ayodhya in 1932, since then and after that also, I used to visit the Muslims.

The hundred ghats that I own are all situated on the bank of river Saryu at Ayodhya. I remember the names of all these ghats – prominent among which are – Guptar ghat, Jamthara ghat, Kaushlya ghat, Rajghat, Rinmochan ghat, Laxman ghat, Swargdwar ghat, Nayaghat, Ramght, Vilvhari ghat etc. The rest of names I do not recall as with age my memeoery has gone weak. My own employees sit at my hundred Ghats. My own employees sit at my hundred ghats to whom I give 10% commission of the income. Besides my hundred ghats, there are other ghats also belonging to other people. The names of the owners of the other ghats are Chhail Bihari, Bhagwat Prasad, Avadh Prasad. Vansh Gopal, Ram Charitra, Chandreshwar Prasad, Jamuna Prasad, Krishna Prasad, Ram Chandra etc. I do not recall the names of others. The rest of these people own the remaining 900 ghats. There are in all 1000 ghats at Ayodhya. One ghat measures minimum 40x5 feet (length/breadth). All the ghats are of the same measurement, which has been recorded since the time of the Britishers. These ghats were there prior to the Britishers also ownership of which was decided by Ghaziuddin Haidar. Ghaziuddin Haidar was the Nawab of Avadh and the administration of Ayodhya was also under him. The ownership of these ghats has been continuing

since olden times and the decision about which was taken by Ghaziuddin Haidar. The above decision of Ghaziuddin Haidar is in my possession, which is in the directive form and is in Persian language. The directive contains decision about one thousand ghats. So far as I remember, the old owner of these ghats from among the ancestors of my in-laws, his name was Hanuman Prasad and they were six brothers and they were known as 'Chhey Bhaiyya'. My wife belongs to the family of Dwarika Prasad – the younger brother of Hanuman Prasad. Dwarika Prasad was the real grand father of my wife. Prior to Hanuman Prasad etc., who were the owners of these ghats, I do not remember. I do not recall whether the ghats I have mentioned in my statements above, find mention in the Ramcharitamanas of Tulsidasji or not, but all the same these very ancient ghats. As far as my memory goes, the ghats I have mentioned in my statement, those names do not have figure in the Balmiki Ramayana. I do not remember whether the ghats that I have mentioned in my statements, whether they are mentioned in the 18 Puranas or not. In the four Vedas, i.e. Samveda, Rigveda, Yajurveda and Atharveda – mention of the places of pilgrimages and rivers has been made, but the ghats I have named in my statement do not find mention there. Besides the Vedas, Puranas, Ramcharitamanas and Ramayana, I have read several religious books but I do not recollect their names now. These books are of the period prior to the 20th century. The ghats mentioned by me are described in these books, but in which specific book that description is – I do not remember now. I do not have the stamina to tell after giving a thought as to the books in which description of the ghats mentioned by me find mention. I am able to retain in my memory only broad details.

Question: Is it important for you to know or not that of the 100 ghats owned by you, which ghat (s) has been described in any book of the 20th century?

Answer: Yes – it is important for me to know this. Due to old age, I do not remember in which book prior to the 20th century does the description of the above ghats find mention.

I have heard the names of Nawab Shujauddaula and Nawab Asifuddaula. He was the nawab of Avadh and the ruler of Ayodhya. I do not remember whether or not permission was given to construct Hanumangarhi during the period of Shujauddaula because this relates to a very distant past. The present Ayodhya is the same Ayodhya, which was inhabited by the first king Vikramaditya. Himself said "There is mention of roads of silver, palaces of gold, thrones of diamonds of the Ayodhya of Lord Rama's period. It is also mentioned that Amravati of Lord Indra and Lanka of Lord Kuber paled into insignificance before the beauty of Lord Rama's Ayodhya. This description is there in Ramcharitmanas of Tulsi, in Valmiki Ramayana and in the Adi Ramayana too. It is because of that the king of Ayodhya was known as 'Chakravarti king' and all the countries like China, Japan, America and France were under the king of Ayodhya.

The description of Lord Rama having vanished from Guptar ghat finds mention in Valmiki Ramayana as also in Ramcharitmanas. At the time, Lord Ram vanished from the Guptar ghat, by then Sitaji had assimilated in the earth. Sitaji had assimilated in the earth at Ayodhya only. When Lord Rama vanished in Guptar ghat, prior to that Laxman had immersed in Saryu. Moment of death by that time Laxman had already immersed in Saryu river. Sitaji had left Ayodhya and gone to the ashram of Valmiki during the lifetime of Lord Rama. Lord Rama had ordered that she

should be ousted and Laxman had escorted her upto the Valmiki Ashram. Valmiki ashram is at Chitrakoot, which is a mountain. At the time also, Valmiki ashram was at Chitrakoot and even now it is there. Valmiki ashram is on the Valmiki mountain and it is about 60-70 kms. from Ayodhya. The sons of Sitaji – Lov and Kush were born at Valmiki Ashram only. The place where Vamiki Ashram is there in District Bandra and not in Allahabad. When Lord Rama was heading towards the forest consequent upon his exile, Valmiki in the guise of Valmiki Muni bowed down (Pranam) in front of Lord Rama. Lord Ramchandra Ji did not stay in Valmiki ashram. Valmikiji belonged to a period prior to Lord Rama. The place, where Laxmanji vanished in Saryu, is in my opinion known as 'Laxman Ghat'. Since Kaushlya Ghat is near the Janambhoomi, it has come to be known as 'Kaushlya Ghat'. I do not know whether there is any Dashrath Ghat at Ayodhya or not. Billahar Ghat is known as 'Dashrath Ghat' also because Dashrath was cremated there.

Brahm Kund would be about 30-40 steps to the west north corner from the disputed land. Brahm Kund is a pond 10'-15' in length and 10' in breadth. I have no idea about the length of the Brahm Kund. It is like a well and water is always there in it. I have been there only once and at that time my age was about 35-40 years. After that, I have never gone there. I am not sure nor have I seen whether the Hindus go there for 'darshan' and prayers. I do not remember whether or not the name of Brahm Kund is mentioned in any Puran, Ramchatrimanas or Ramayana. In Ayodhya, 86 Kunds have been described out of which one Kund is Brahm Kund also and this description is found in the Ramcharitmanas of Tulsi. I do not remember whether or not these 86 Kunds have been mentioned in Valmiki Ramayana. I think Brahm Kund has been there since the

time of Lord Rama. Why is this Kund called Brahm Kund – I have not done any study about that nor do I have any knowledge about this. At Ayodhya, 86 Kunds are still there and this is written in the decision of Ghaziuddin Haidar and I have read this in Faizabad gazetteer also. During the period of king Edward Shirin and Crooks, they have also written about Ayodhya and Shirin and Crooks have written about these Kunds. The above book is in the library. near Kesarbagh. I do not remember what is the name of the library. It is either Sirajuddaula or Amiruddaula library. This is mentioned in the 'Hojez' note also. At Ayodhya, there is Brahm Kund ghat also which is at a distance of 10 – 15 steps from Brahm Kund. This ghat is on the bank of Saryu river. I think the disputed place is fifteen steps away from Saryu river. It is said that one step is equivalent to 1½ - 2 feet. Saryu river keeps rising and receding and therefore, at times it goes a little farther also. In 1970, the distance of Saryu river from the disputed site was what I have mentioned above. After 1970, I was not living in my home and I am not able to go to any temple at Ayodhya. The temples which I visited and about which I have made a mention in my statement – that was prior to 1970. Rinmochan ghat is to the north and east of the disputed site. Kanak Bhawan was built by King Tikamgarh. Kanak Bhawan was there prior to my coming to Ayodhya but how far back it was built, I cannot say. I can also not say whether this Kanak Bhawan is 100-200 years old or 500-600 years old. Further said" I can say that when Lord Ramchandraji married Sitaji at Janakpur, his dola came there only and his Charanpaduka also is imprinted there. This Charanpaduka is inside the Kanak Bhawan. The Charanpaduka is that of only Lord Rama and not of all the four brothers. The Sita Rasoi temple, which is to the north of the disputed site, was built by some king". I cannot say

how far back that temple was built and that which king got it built. I cannot also say whether that temple was 100-200 years old or 400-500 years old. I have seen the Janam Sthan Sita Rasoi temple ever after seeing. I cant say how old the temple is. I think that the entire area of this Janam Sthan Sita Rasoi temple, i.e. length and breadth should be within 100 feet. The Sita Rasoi which is in the Janamsthan temple is not the real Sita Rasoi – people call it Sita Rasoi to before. The real Sita Rasoi was in the Janambhoomi temple. I do not recall whose idol is there in the Janamsthan temple.

Question: The above temple which you have called Janamsthan Sita Rasoi temple – was that the birth – place of Lord Rama or somebody else?

Answer: This place is not considered to be the birth – place of Lord Rama. This temple is not ancient at all and nor does it appear to be so. I do not know whose birth – place is the Janamsthan Sita Rasoi temple.

The area of the disputed building would be approximately 100X100 feet. There was a roof at the rear in the entire 100X100 feet square area and the rest of the portion was blank. I think the roof was 30 feet long and 30 feet wide. In that roof, there were three temples like domes, which the Muslims can call gumbads also. I do not recall whether or not at Ayodhya there is any other temple of the same type as the disputed building was. A temple can be both big and small. A temple can be built at a site of 10X10 feet. For this entire 10X10 feet area, a roof is a must and there has to be a dome also above the roof. To the east in the disputed building was a pass (dar) but there were no doors to close the pass (dar). To the east of that pass (dar) was an open courtyard. The witness was shown photograph No. 37 of album document No. 201C-1, whereupon he said

that in his opinion, the railings shown in the photograph were inside the disputed building. The witness was shown photograph Nos. 43 and 46 of the same album, on seeing which, the witness said that he do not know whether or not the pass is visible in photograph No. 43, but in photograph No. 46, it is visible. At this point of time, I cannot recall of which part of the building that picture is visible in photograph No. 46. I cannot say that the railings, which are visible in photograph No. 37 to which side of the pass (dar) shown in photograph No. 46 they are. I cannot make out anything from the picture. On seeing photograph No. 52, the witness said that the picture is perhaps of the northern gate of the disputed building. On seeing photo No. 53, the witness said that the picture is that of the disputed building, but I cannot say of which part of disputed building it is. On seeing photograph No.51, the witness said that he could not make out whether that photograph was of the disputed building or not. On seeing photograph No.47, the witness said that he could not make out whether that photo was a part of the disputed building or not. On seeing photograph No. 42, the witness said that the photograph was certainly of the disputed building. I think this photograph is of the eastern side of the disputed building. On seeing photograph No.48, the witness said that he could not make out whether that photograph was of the disputed building or not. (On seeing photograph No. 6 of this very album, the witness said that this photograph appears to be that of the rear part of the disputed building. On seeing photograph No.7, the witness said that he could not make out whether photograph was of the any part of disputed building or not. On seeing, photograph Nos. 21 and 22, the witness said that he could not make out whether that photograph was of any part of the disputed building or not. He said the same thing on seeing photograph No. 24. On seeing photograph No.23, the

witness stated that it appeared that it was the photograph of that area which had been covered from outside. No portion of the disputed building is visible in that photograph. On seeing photograph Nos. 20, the witness said that it appeared to be the north gate of the disputed building, which is known as 'Narsingh Dwar'. On seeing photograph Nos. 1 and 2, the witness said that in that photograph, the outer portion of the disputed building was visible. That was the eastern side of the disputed building. On seeing photograph Nos. 3 and 4, the witness stated that it appeared to be the photograph of the road on the rear side of the disputed building. No portion of the disputed building was visible in that photograph. On seeing photograph No. 11 and 12, the witness stated that he could not make out whether or not it was the picture of any part of the disputed building. On seeing photograph No. 14 and 16, the witness stated that he could not make out as to of which part of the disputed building those photographs were. On seeing photograph No. 17, the witness stated that it appeared to be the picture of the road, which was to the north of the disputed building. On seeing photograph No.19, the witness said that he could not make out whether that was a picture of any part of the disputed building or not. He said the same thing on seeing photograph No.27, photograph Nos. 35 and 36. Similarly on seeing photograph No.107 also, the witness said that he could not make out whether that picture was of any part of the disputed building or not. He said the same thing seeing photograph No.38. Similarly, on seeing photograph No. 29, the witness stated that he could not make out whether that picture was of any part of disputed building or not. He said the same thing on seeing photograph No. 29. On seeing photograph No. 30 also, the witness said that he could not tell whether that belonged to any part of the disputed building or not. He said the same thing on seeing

photograph Nos. 31, 32 and 33. On seeing photograph No. 54, the witness said that he could not make out whether that photograph was of any part of the disputed building or not. On seeing photograph No. 53, the witness stated that it appeared to be the picture of the outer part of the disputed building. On seeing photograph Nos. 81 and 82, the witness stated that it was the picture of the inner portion of the disputed building. The way it appears in these photographs, I had seen it like this in the disputed building before 1970. The way it has been shown in the pictures, I had seen it like this in the disputed building around 1950. On seeing photograph No. 92, the witness stated that he could not make out whether that picture was of any part of the disputed building or not. On seeing photograph No. 91, the witness stated that the picture appeared to be of the pillar inside the disputed building. On seeing photograph No. 89, the witness stated that he could not make out whether or not that picture was of any part of the disputed building. He said the same things on seeing photograph No. 74. He said the same thing on seeing photograph No. 64 also. On seeing photograph No. 61, the witness stated that the picture appeared to be of the trees outside the disputed premises. On seeing photograph Nos. 79 and 80, the witness said that he could not make out whether those picture were of any part of the disputed building or not.

Statement read over and verified

Sd/-

RAM NATH MISHRA

08.08.2002

This was typed by stenographer in the open court on my giving dictation to him. Present yourself on 09.08.2002 in continuation for additional cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

Sd/-

Ram Nath Mishra

08.08.2002

Date: 12.09.2002 (2.00 PM)

O.P.W.-5 – Sh. Ramnath Mishra alias Banarsi Panda

In the presence of Commissioner Shri Narendra Prasad, Additional District Judge/ Officer on special duty – Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed today, on 12.09.2002 afternoon as per orders passed by the Hon'ble full bench).

(Cross-examination on oath of O.P.W. 5 – Shri Ramnath Mishra alias Banarsi Panda began by the learned Advocate Shri Zaffaryab Jilani on behalf of Defendant No. 4 in continuation of the cross- examination of 08.08.2002).

The witness was shown the photograph No. 5 of the black and white album No. 201C, on seeing which, the witness stated that he could not make out as to of which place that belongs because I can not see Properly and I can not understand photographs. On seeing photograph No. 8 of the same album, the witness stated that it appeared to be a mound (a teela), but nothing was clear to him. In photofraph no of it appeared to be a dog and In photograph No. 10 appeared to be that of an ass, however, I am not able to see it properly, said the witness. On seeing photograph No. 13 of the same album, the witness said that it appeared to be the photograph of a mountain. In photograph No. 15, he could see a tree, however, he could not make out. On seeing photograph No. 18, the witness stated that he could not make out whose photograph that was. On seeing photograph No. 20, the witness stated that it appeared to be the 'Mehrab' of some door. On seeing photograph No. 25, the witness stated the he could not make out as to what that photograph was

about. On seeing photograph No. 26, the witness stated that in this photograph, there appeared to be a tractor and a man lying. On seeing photograph No. 40, the witness stated that it appeared to be the photograph of some gate. I cannot say whether this photograph is of any gate of the disputed building or not. On seeing photograph No. 41 also, the witness stated that he could not make out as to what that photograph was about. On seeing photograph No. 49, the witness stated that it appeared to be the gate of High Court. On seeing photograph Nos. 55, 56, 57 and 58, the witness stated that photograph appeared to be that of pillars, but he could not say of which building those pillars were. Similarly, on seeing photograph Nos. 59, 60, 61 and 62, the witness stated that it also appeared to be the photograph of some pillars, but of which building those pillars were, he could not tell. He said the same thing on seeing photograph Nos. 63, 64, 65 and 66. On seeing photograph No. 69 of the same album, he stated that it appeared to be the picture of an aeroplane, while photograph No. 70 appeared to be the picture of tree. Photograph No. 71 appeared to be that of a pipe of mills, from which smoke emanates and photograph No. 72 appeared to be that of some pillar. On seeing photograph Nos. 73, 74, 75 and 76 of the same album, the witness stated that those also appeared to be the pictures of some pillars but he could not tell of which place those pillars were. On seeing photograph No. 77, 78 he stated that he could not make out as to of which place those pictures were. On seeing photograph No. 79, the witness stated that in that photograph, there appeared to be a man holding a flag. On seeing photograph No. 80 he said it appeared to be a photo of flag and on seeing photograph Nos. 83 and 84, the witness stated that it appeared to be a place where cows are tethered. On seeing photograph Nos. 86, the

witness stated that he could not make out as to of which place and what that picture was about. On seeing photograph No. 87, the witness stated that it appeared to be the picture of a bell. On seeing photograph No. 88, he stated that he could not make put what all that picture was about. On seeing photograph Nos. 90, 91, the witness stated that in that picture also, he could see pillars, but he could not tell of which building those pillars were. On seeing photograph No. 93, the witness said that he could see a 'mehrab' in that picture and in photograph No.94, he could see a tree. He said that the mehrab appeared to be like the mehrab of Belligard or Imambada. On seeing photograph Nos. 95 to 102, the witness stated that those appeared to be the pictures of pillars, but he could not say of which building those pillars were. On seeing photograph No.103, the witness stated that it appeared to be the picture of trunk of a palm tree. On seeing photograph No. 104, the witness stated that it appeared to be the picture of pipe in mills from which smoke comes out. On seeing photograph Nos. 105 and 106, the witness stated that those also appeared to be pictures of pillars, but he could not tell of which building those pillars were.

The witness said, his eye-sight nowadays is very weak. He said that for about 15 years his eye-sight has been weak. When I use my spects, I am able to read a little bit. Today, I have not brought my spects. Last month also, when I had come to make my statement in this court, then also I had not bought my spects. I will be able to make out and identify whatever is clear and visible and what I have seen I can recognige. He said that he knew advocate Shri Ranjit Lal Verma very well, but he did not know whether he was the advocate of Nirmohi Akhara or not. Photograph No. 108 of album document No. 201C-1 was shown to the witness, on seeing which, he stated that

in that picture, there was a gentleman in a black coat, but who he was, he could not tell. On seeing photograph was about on seeing photograph No. 20 of the same album, the witness stated that he could not say of which place and of which building that photograph No. 20, there was any idol etc. He said that in the picture, he could not see anything. On page No. 10 of the statement made by me on 7th August 2002, when I had said that I could see the picture of a lion on the door. I had said so because on that day the picture of a lion on the door was visible. The picture that was shown on that day was big and large, but today in photograph No. 20, I cannot see the picture of the lion.

The witness was shown photograph Nos. 1 to 6 of the coloured album document No. 200C-1, on seeing which, the witness stated that those appeared to be the pictures of a dome of some temple, but of which temple and of which place, he could not say. On seeing photograph Nos. 7 and 8 of the same album, the witness stated the he could not make out of which place those photographs were. On seeing photograph No. 9, the witness stated that it appeared to be the picture of the Hanuman Dwar of the Janambhoomi. On seeing photograph No. 10, the witness stated that it appeared to be the picture of the upper portion of the Hanuman Dwar. On seeing photograph No. 11 and 12, the witness stated that he could not make out of which place that picture was. The witness was shown photograph Nos. 13 to 18, on seeing which he stated that he could not say of which place those pictures were. Photograph Nos. 19 to 24 of the same album were shown to the witness by learned advocate, on seeing which he stated that those also appeared to be the pictures of the domes of a temple, but he could not say of which temple those domes were. On seeing, photograph Nos. 37 and 38 of the

same album, the witness stated that he could not make out of which place those pictures were. On seeing photograph Nos. 39, 41 and 42, he stated that those appeared to be the pictures of some mehrab, but he did not know of which place those mehrabs were. On seeing photograph No.40, the witness stated that he could not make out of which place that picture was. On seeing photograph No. 43, the witness stated that it appeared to be the picture of a waiting room of some railway station. On seeing photograph No. 44, the witness stated that he could not make out of which place that picture was and, whether it was of the disputed building or not. On seeing photograph Nos. 45 and 46, the witness stated that those pictures appeared to be that of some gate, but he said that he could not tell of which building those gates were. On seeing photograph Nos. 47 and 48, the witness stated that those appeared to be the pictures of the boards affixed in the hospital. On seeing photograph Nos. 49, 51 and 52, the witness stated that the pictures appeared to be that of a signboard and on seeing photograph Nos. 53 and 54, the witness stated that the picture appeared to be that of some pillar. On seeing photograph No. 50, the witness stated that the picture appeared to be that of some hanging decors on the throne like the ones that are there on the sides of a crown. The witness stated that he could not say whether photograph Nos. 49 to 54 pertained to the disputed building or not. About photograph No. 56, the witness stated that it appeared to be the picture of a tent while photograph No. 57 appeared to that of the Kanak Bhawan. The witness said that since there was something dark inside the temple, as such he could not see any idol inside the temple. According to the witness, photograph No.57 appeared to be that of Kanak Bhawan, where throne photograph No.61 was shown to the witness on seeing he

stated that he could see the Lord Ganesha, Buddha and Buddha's wife. About photograph Nos. 63, 64 and 65, the witness stated that photograph No. 63 appeared to be that of the gate of some police station, but he could not make out of which place photograph Nos. 64 and 65 were. On seeing photograph No. 66, the witness stated that he could not make out as to of which place that picture was. He said the same thing on seeing photograph No. 67. About photograph No. 68, the witness stated that he could not make out of which place that photograph was. On seeing photograph nos. 75, 76, 77 the witness stated that he could not make out of which place these photographs were. The witness made the same statement on seeing the photograph Nos. 69, 71, and 72 of the same album, on seeing which the witness stated that he could not say of which place those pictures were. On seeing photograph No. 78, the witness stated the it appeared to be the picture of the Hanumangarhi gate and about photograph Nos. 73 and 74, the witness stated that he could not make out as to of which place those pictures were. On seeing photograph Nos. 79 and 84, the witness stated that he could not make out as to of which place those pictures were and whether any of them pertained to the disputed building or not. About photograph No. 85 to 90, the witness stated that he could not make out as to of which place those pictures were and whether any of them pertained to the disputed building or not. About photograph Nos. 91, 92 and 93 the witness stated that he could not say whether those pictures were of any part of the disputed building or not because his eyesight was weak. On seeing photograph Nos. 97 to 103, the witness stated that he could not say whether those pictures were of the disputed building or not nor could he tell as to of which place those pictures were. On seeing the photograph Nos. 104 to 127, the witness stated that those

pictures appeared to be that of a pillar, but he could not tell of which Bhawan those pictures were nor could he say whether the pillars were of the disputed building or not. The witness was shown photograph Nos. 128 to 135 whereupon, he said that he could not say of which place those pictures were and he could not also tell whether those pictures were of the disputed building or not. Similarly, the witness was shown photograph Nos. 136 to 147 of the same album, on seeing which, he stated that the pictures were of the pillars but from which place they belong he could not tell nor he could tell whether they are of the disputed building or not. On seeing photograph Nos. 148, 149 and 150, the witness stated that he could not say as to of which place those pictures were nor could he say whether they were of any part of the disputed building or not. On seeing photograph Nos. 152, 153 and 154, the witness stated the pictures appeared to be that of Kanak Bhawan. On seeing photograph Nos. 151, 155 and 156, the witness stated the he could not make out as to of which place those pictures were nor could he say whether those were of the disputed building or not. The witness was shown photograph Nos. 157 to 167, whereupon he stated that he could see pillars in those photographs, but he could not say of which place those pictures were and whether the pictures were of the disputed building or not. The witness stated the same thing on seeing the photograph Nos. 168 to 175. The witness was shown photograph Nos. 176 to 200, on seeing which, the witness stated that he could see pillars in those pictures, but he said he could not say of which place those pillars were nor could he say whether those pictures were any part of the disputed building or not. Photograph No 201 of the same album was shown to the witness whereupon he stated that he could not say of which place those pictures were and whether these were of any

portion of the disputed building or not. The witness was shown photograph No.202 and 203 and he was asked whether in those photographs, he could see Shri Ranjit Lal Verma, Advocate or not, whereupon the witness stated that he could not see Shri Ranjit Lal Verma in those pictures.

Statement read over and verified

Sd/-

RAM NATH MISHRA

12.09.2002

This was typed by stenographer in the open court on my giving dictation to him. Present yourself on 09.08.2002 in continuation for additional cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

12.09.2002

Date: 13.09.2002

O.P.W.-5 – Sh, Ramnath Mishra alias Banarsi Panda

(In continuation of the cross-examination done on 12.09.2002, the cross-examination of O.P.W.-5 further, cross-examination of O.P.W.-5 – Shri Ramnath Mishra alias Banarsi Panda was begun on oath by advocate Shri Zaffaryab Jilani before the Hon'ble full bench).

There are three types of 'Parikramas' of the disputed building, the first is fourteen 'kosi,' the second five 'kosi' and the third 'antargrahi', i.e. all around the disputed building. The 'Parikrama' of the third day after my

marriage, which I have mentioned in my affidavit was the 'antargrahi parikrama' done by us. This 'Parikrama' is done close to the northern gate and not from the road situated toward the north. The road to the north of the disputed building is about 8-10 feet below the surface of the disputed building. When during the 'Parikrama' one had to go to the east from the west, the road was not required, and one had to pass side by side with the wall of the disputed building. The northern 'Parikrama' path of disputed building would have been 1 ½ - 2 hands wide. There was no wall between the northern 'Parikrama' path of the disputed building and the road. The road started after the 'Parikrama' path going to the north, which was 1 ½ - 2 hands wide. To the north of the disputed building for going from the west to the east, one had to go down the stairs after the 'Singhdwar' to come to the northern road. The point where the outer wall to the north of the disputed building came to an end from there for going to the eastern gate to the south, there was a path way the width of which would be around four hands. Close to that path-way to the east were the shops of the maali and 'Batasha-peda' vendors which were upto the eastern gate. From the northeastern gate to the main gate was unmetalled. To the north of the disputed building for going to the 'Dorahi Kuan' from Hanumangarhi, there was a metalled road which must have been 15-20 feet wide and that road was metalled and motorable. From the opposite side of the gate of the Janamsthan temple, there was a pathway leading to the eastern gate of the bhawan where there were no stairs, but a slope, which was made of bricks and was pucca. That slope pathway was flanked by trees and beneath the tree were placed idols. When for the first time, I went with my wife for the darshan of the disputed building; I went by the same very slope pathway. At the time, besides my wife,

there were 60-70 men, women were with me. At that time, my wife lived at Naya Ghat. From the Naya Ghat house, I with my wife and others had gone to the 'Devkali' temple by horse puller rickshaw. On our way back, we had the 'darshan' of 'Jalapa Devi'. From there, I had come by road to the Janambhoomi by the same horse puller rickshaw. It was around 9 or 10 in the morning and when we reached the disputed building, the time must have been about 11-12 AM. At that time, we had entered the disputed building through the eastern gate and had the 'darshan' of the chabutra on the left side. On the Chabutra, on the left side, were placed the idols of Lord Rama, Bharat, Janaki, Hanuman Ji and Laxman Ji etc. At the time, the roof of that chabutra was of thatch and tin and chabutara was about 3-4 feet above the ground. The chabutra was pucca and marble had been used in it. This chabutra was square with a length of 7 and 8 hands. On this chabutra under the roof, the idol of Ram Janaki was at a little height and below that were all the other idols.

At this point of time, the learned advocate drew the attention of the witness to the photograph Nos. 29 and 30 of black and white album document No. 201C-1, on seeing which, the witness said that on that chabutra (platform), the same type of roof and pillars were there. At that time, we did not pay much attention whether the idols were placed in front of the middle door only or in front of all the three doors. At that time, the grandmother of my wife told me that it is RamJanambhoomi. When in 1928, I had seen this chabutra (Platform), at that time also the situation of this chabutra (platform) was the same as is visible in this photograph. I do not recall now nor did I pay attention to this that in 1928 neither was there the marble chabutra nor, were door passes (dar) of this type. At that time, these

idols were shining like gold. I am not able to tell at this point whether these idols were made of gold or silver or brass or stone. The height of Lord Rama's idol was half a hand. Himself said at that time, since I was overjoyed at my marriage so I did not pay much attention as to what was the idol and in what position it had been put there. After the marriage, I went to Banaras and then from 1932, I started living at Ayodhya. From 1932 to 1970, I used to go regularly to the disputed site for 'darshan'. From 1932 to 1970, I used to take the pilgrims for 'darshan' there and as such, I used to see only cursorily. I used to be more involved in having them offer prayers, darshans and in my own 'dakshina' (offerings by the pilgrims) – as such, I won't be able to say as to in which posture the idols were kept. After 1970, I never went to the disputed site because my spine bone had developed serious problem and as such I was unable to go there. I used to go there only on the Chaitra Navami day with a religious feeling for having the darshans of the Lord and for performing the 'Parikrama'. On the rest of the days, I used to take the pilgrims for 'darshan' and for getting my own Dakshina (offering). I also used to go there with religious feeling on the 'Ekadashi of Kartik' for having darshan and doing the 'Parikrama'. From 1932 to 1949, i.e. before Rama Lord made his appearance, I used to go there twice a year with a religious feeling for having the darshan of the Lord. Between 1932 and 1949, I properly saw the idol of the Lord about 25 – 30 times. I used to have the darshan of the Lord standing at a distance of 4-5 hands from the chabutra (platform). When I used to go there with religious feeling, I used to give offerings at the chabutra idol and I also used to put money in the 'Daan Patra' (Charity box). This daan patra was placed close to the railing, but I do not remember whether it was to the east or to the west of the railing or it was

outside or inside the railing. At the chabutra, I used to give donation (charity) to the pujari and at times, I used to place it at the feet of the Lord. I do not remember now that when during 1932 to 1949 I used to go to the chabutra for darshan, whether there was one pujari or different pujaris, but whether the pujari was one or different he used to be bearded, who would give us a garland and cotton soaked in 'ittar' (perfume). As I had heard during those days, these pujaris had been appointed there on behalf of the Nirmohi Akhara. At the disputed premises, I used to have darshans at three places – first, at the chabutra on the left, then of the domed (shekhar wale) 'Garbhgraha' from the railing outside and then north to have darshan of Sita Rasoi. I used to go out through the northern gate and sometimes, when there was crowd, I used to come back from the Sita Rasoi and go out of the eastern gate. From 1928 to 1949, whenever I went to the premises, I found the northern gate open. Between 1928 to 1970 when Lord Rama made his appearance, I went to the disputed building once. On the rest of the occasions, I had the darshan from the outside wall of the railing. On the day next to the one when the Lord made his appearance, I went inside the disputed building once. When the world went round that the Lord had made his appearance, I had gone for the darshan that very day. On that day, there went thousands of people inside the disputed building. At that time, I had gone right inside the middle shikhar of the building and there I had the darshan of the idol of Lord Rama. That idol was placed on a throne, which was placed almost in the middle ahead of the western wall. This throne, which was placed almost in the middle beneath the main shikhar (pinnacle), i.e. the middle gumbad (dome). In the rush and jostling of people, at that time, I did not pay much attention as to whether that throne was pucca or made of wood. There was no

policeman near the throne at that time. The throne was at an approximate distance of 5-6 feet from the western door. In addition to this first visit, I went inside the disputed building on two or three other occasions also. These two or three visits took place within a span of 4 to 6 days. When I went there for the second and the third time, I found that the throne was made of brass.

At this point, the learned advocate drew the attention of the witness to the picture document No. 154/13 of the disputed structure prepared by Bashir Ahmed Advocate, Commissioner and filed in the Other Original Suit No. 1/89. On seeing that, the witness stated that when in 1949, he had gone inside the building three times, the idols were placed in the same manner. He said at that time, I had seen one idol of Rama having "laddoo" in his hand and other was with bow and arrow. On one side of that idol was the idol of Sitaji while on the other side was the idol of Laxmanji. All these idols were at one place and they were not made of stone, but were made of Ashtdhatu. Out of those idols, I had not seen even one idol at the chabutra outside before. I had seen other idols of Lord Rama, Laxman and Janaki etc. on the chabutra outside. The idols, which I had seen placed on the chabutra till 1949. I found the same idols placed on the chabutra till 1970. The learned advocate drew the attention of the witness to the photo document No. 154/10 and photograph No. 154/7, on seeing which, the witness stated that he could see all the three shikhars (domes) of the disputed building in those pictures. He said, I have not seen this type of dome visible in the photograph in any mosque. I have seen many mosques. I have seen mosques at Ayodhya also, but I have not seen this type of shikhar on any mosque at Ayodhya. I have seen mosques at Faizabad and Banaras also. I have also seen the mosque adjacent to the Lord

Vishwanath temple. That mosque also does not have this type of shikhar, which is visible in this photograph. I went to Delhi only once. I have not seen the Jama Masjid of Delhi. From one or two Muslims, I have heard the name of the Babri Masjid. I do not remember as to when for the first time, I heard the name of the Babri Masjid. I also do not remember whether before 1949 I had heard the name of Babri Masjid or not. At the time when Lord Rama made appearance then also I had not heard the name of Babri Masjid. I had heard about the opening of the lock of the disputed building, but I do not remember the year. This much I do remember that at that time, there were festivities at Ayodhya. I do not remember that the Muslims had opposed it at that time and that it was observed as a Black Day. At the time of the opening of the lock also, I have not heard the name of the Babri Masjid. I did not use to read the newspapers nor did I used to listen to the radio. Of course, I do watch TV. Till 1970, I had heard TV news. I did not have TV at my place in the year 1970. I do have a TV at my place these days. So far as I recall, I had heard the name of Babri Masjid from some Muslims prior to the opening of the lock, I had heard that the foundation stone was laid to the east of the disputed building in the year 1989. I do not remember that at that time also, there was great opposition to this and that curfew was imposed. At the time of the laying of the foundation stone also, I had not heard the name of Babri Masjid. I do not remember that there was some programme relating to the disputed building in 1990 as a result of which curfew was imposed at Ayodhya. In 1990, I heard that a monkey had caused the collapse of the disputed building whereas that building was so solid that thousands of people also won't have been able to raze it with in months even if they wanted to. I do not recall now whether this incident of razing the disputed

building took place in the year 1990 or 1992 when monkeys demolished the disputed building the Mulayam Singh was the Chief Minister. At the time, there was firing and curfew was clamped. This building was razed not by two or three monkeys, but only by one monkey. The whole building was razed by just one monkey in three to four hours. That monkey could not be caught and his photograph was published in 'Janamorchha' which is published from Ayodhya. Perhaps it was the Government of Shri Kalyan Singh when this building was razed. At the time this building was razed, lakhs of Hindus had come from Madras etc. and gathered at Ayodhya for Kar Sewa. This incident took place perhaps in October-November or December. I do not recall now. After this building was razed, there was curfew at Ayodhya for 15-20 days. I have heard that the place where the structure existed, by putting up a tent over Lord Rama darshan – puja was going on. At the time this building was razed by a monkey even then I had not heard the name of Babri Masjid since then to till today. I had not heard the name of Babri Masjid from anybody. A month from now when I had come to make my statement even then I had not heard the name of the Babri Masjid.

I had given my consent to appear as witness 8-10 days before I came to this court for giving statement. Shri Triloki Nath Pandey had come to get my consent. Pandey Ji had told me that I had to give evidence in the Janambhoomi related suit. He had not told me as to who were the parties to the suit. Hindus or Muslims – in which I had to appear as a witness. The affidavit of statement which I have filed was prepared in Lucknow only on 06.08.2002. I had gone to Lucknow a day prior to Triloki Nath Pandey had come to me along with another pleader – he went on writing what I spoke. The advocate to whom I had spoken, the affidavit is present in the court and his

name is Ajay Pandey. We did know that this suit was going on between the Hindus and the Muslims, therefore, Shri Triloki Nath Pandey and Shri Ajay Pandey did not tell anything. I also knew that the Muslims called the RamJanambhoomi as Babri Masjid. We also knew that the Muslims called the RamJanambhoomi as Babri Masjid, from 20 to 25 years.

From 1928 to 1949, there were two gates in the wall of the railings and both of them were locked. The gates were those of bars and both of them were locked. As such we used to have the darshan of Lord Rama from the railing only and from those railings only, we used to throw flowers, batasha and garlands. I had asked the people why those locks were there and I was told that those locks were those of the Nirmohi Akhara. The Mahant of the Nirmohi Akhara lives at Ayodhya only. The Nirmohi temple is there only in which the Mahant of the Nirmohi Akhara lives. Nirmohi temple is about 2 furlongs from my residence. I have had no meeting with the Mahant of the Nirmohi Akhara between 1928 and 1949 nor did I have any talks with him between 1928 and 1949. I never made any attempt to have the locks of the railings opened for the purpose of having darshans. When in 1940, the queen of Nepal had come with her grandson at that time also I had not made any attempt to have the locks opened and the queen and her grandson also had the darshans from outside the bars. The grandson of the queen was about 25 at that time, who later on, became the king and was killed last year. The queen and her grandson also did not ask me to get the locks of the bars opened nor did they ask me why those locks were there. When the queen along with her grandson came for darshan, District Magistrate of Faizabad was also present. I do not know whether the Mahant of Nirmohi Akhara was present in the Janambhoomi premises or not. I do not

remember now whether any pujari of the Nirmohi Akhara was present or not – of course, some sadhus and Mahant from the Nirmohi Akhara was present. The queen and her grandson had darshans of the idols on the chabutra (platform) also and had given some offerings also. As I threw some offerings through the bars, the queen and her grandson had thrown some sweets, clothes and gold etc. wrapped in a red cloth. The queen and her grandson had gone towards 'Sita Rasoi' also for darshan. They did not have the 'Parikrama' of the RamJanambhoomi, but had given Rs. 1200/- for the meals for the sadhus and the saints. The queen and her grandson had entered the RamJanambhoomi premises through the eastern gate and had come out of the same gate. The queen and her grandson had stayed in the Janambhoomi premises for over an hour. I do not know whether they had come in their own cars or in the cars given by the Government of India. All that I remember is that these people had come in cars. I also sat in the Jeep with them and came to the Janambhoomi premises. Their cars had come upto the Hanuman Dwar. At Ayodhya, the queen, her grandson and their manager etc. had stayed in the circuit house for two days. In para 5 of my affidavit, I have written that the mother of king Mahendra of Nepal came forty years back. In my statement of today, I have addressed the same very mother of king Mahendra came here 40 years back and that is correct when I said that she came in 1940 – that was by mistake. I think that at the time, the queen came the incident relating to the appearance of Lord Rama had not taken place. The police personnel used to be there everyday in the Janambhoomi even at the time when the queen came. Approximately, 8 to 10 police personnel used to be there in the Janambhoomi premises everyday. I do not remember now nor can I guess as to when the police

personnel were posted there. So far as I remember, after I came to Ayodhya, a madrasi had scaled the mosque with a bomb tied to his back and had talked of blowing that up. The pujari had informed the police and had him arrested. Since then the police is there. This incident occurred prior to the incident of Lord Rama made his appearance. That madrasi had come long before the queen of Nepal came.

King Tehri also had come before the incident of Lord Rama made his appearance. King Tehri also had come by cars. The name of the king was Narendra Shah and his car had stopped at Hanuman Dwar. The king of Tehri had come to Ayodhya before India became independent and at that time, he was the king of Tehri. King Tehri had made offerings of sweets, flowers and money at the chabutra (platform) and inside the bars also. I do not remember now whether he had made any offerings of gold or silver or not. This type of offering was not made at Sita Rasoi. Other people used to make offerings at the Sita Rasoi, but king Tehri or the queen of Nepal did not make any offerings at that place. The king was there for only 15-20 minutes. He did not do the 'parikrama'. As a matter of fact, he also did not try to know why there were locks on the bars of the doors and why entry inside was not allowed. I do not recall whether the District Magistrate or other police officer were present there at that time the king came. The king had given me Rs. 11000/- as 'dakshina' and 25 bighas of land and that land is with me even today. In my affidavit, I have mentioned about King Bhanwar Singh of Oyal District Khiri having come to Ayodhya 30 years back. I do not exactly remember the year. Whatever I have written is correct. I had gone with king Oyal in his car to the Janambhoomi premises. His car had also stopped at the Hanumant Dwar. At the time he reached there the District Magistrate or police officer or other officers of the district were not

present. I do not remember whether King Oyal had come before or after the incident of the appearance of Lord Rama. When king Oyal had come to Ayodhya he was both a king and a Member of the Parliament. He also had the darshan first at the chabutra, then at the bars and thereafter he had the darshan of the Sita Rasoi and he had also made offerings at all the three places. I do not recall whether he had made the offerings of gold or silver or not. He was accompanied by his wife, his son and one child was in the lap also. He also was there in premises for about half an hour. He did not ask anything about the locks having been affixed and entry inside not being allowed. King Oyal had given Rs. 1100/- by way of 'Dakshina' and his father had given 150 bighas of land to my father-in-law in Kheeri. That land is with us even today. King Oyal also had stayed at Ayodhya for a day or two. His ancestors have got a temple and a Sonkar Kund built at Ayodhya and he had stayed in the same Sonkar Kund temple. He had not stayed in the palace of the king of Ayodhya. King Tehri had stayed at our place. King of Mewar had also come to Ayodhya for darshan. I do not remember when he had come. I have it written with me, which is now at my residence as to when he had come – the dates etc. everything is written. Now I do not remember whether king Mewar had come before or after the incident of the appearance of Lord Rama. I also do not remember whether he had come prior to the incident of the deployment of the police personnel or after. King Mewar had come upto Ayodhya by train. He had come to the Janambhoomi premises in a hired vehicle. He had stayed at Ayodhya for two-three days. His vehicle had gone upto the Hanumant Dwar. He also had darshans at the Chabutra, through the bars and at Sita Rasoi and had made offerings at all the three places. I do not remember how much was the

offering that he had made and whether he had made the offering of gold-silver or not. He also did not question me as why there were locks on the bars and why he was not allowed to go inside. At the time the above mentioned kings or the queen visited the Janambhoomi premises, the Mahant or the sadhus of the Nirmohi Akhara did not open the locks nor did any Mahant or pujari ask them to go inside. None of the above-mentioned kings and queen did 'parikrama' of the Janambhoomi premises. I do not recall how long was king of Mewar there in the Janambhoomi premises – 15-20 minutes or half an hour. I had Ram Abhishek done for all the above kings and the queen and all of them had gone between 10-11 in the morning. King of Mewar had given me Rs. 5000/- as Dakshina. I had Ram Abhishek done for all the above persons from opposite the gate of the wall of the railing. They had the Ramabhishek done sitting in front of the gate and I had recited the 'mantras' etc. I had recited 16 'mantras' of the Purakh Sutra. In this Ramabhishek and recitation it took approximately 1½ to 2 hours. Ramabhishek and recitation of mantras took about 1½ -2 hours was spent in the case of all the above four, I do not remember now, but Ramabhishek did take 1 ½ -2 hours. In the case of the queen of Nepal and her grandson Ramabhishek was not done. Ramabhishek was not done for King Oyal or King Tehri either and I do not remember whether it was done in the case of King of Mewar or not. Besides the above, four persons, so many people came to Ayodhya for whom I had got Ramabhishek performed at the Janambhoomi, but I do not remember the name of any of them now. For whomsoever Ramabhishek was done, it was done in the morning around 10-11. I used to get the darshans of the idol of Sita Ram and of the hung photograph of Lord Rama done for the pilgrims and the above-mentioned kings and

the queen through inside the bars. The idol of Sita-Ram was placed on the stone affixed on the wall beneath the northern shikhar. This stone was in the corner of the northern and western wall. This idol was made of black stone, which appeared to be the touchstone. This idol would have been about 1-1½ feet high or may be more high. The two idols were in the same stone only. The width of the idol could be around 8-9 inches. The stone affixed in the wall, on which was placed the idol of Sita-Ram, that idol was upto my chest level from the floor (the height of the witness would be about six feet and the height upto the chest about 5 feet). In 1949, when Lord Ram made his appearance, at that time also the above idol was there, which I could not see properly due to overcrowding. When in 1949, I had gone inside the disputed building for the second-third time, at that time, I had seen the idol properly. At that time, I had not gone to make offerings at that Sita-Ram idol because one idol was placed in front under the 'shikhar' and I had darshan of that idol and made offerings. After 1949, I used to get the darshans done of the idol placed under the middle 'shikhar' and the pilgrims also had 'darshan' of the same idol. After 1949, when lock was affixed in 1950, I used to take the pilgrims for the 'darshan' of the idol placed below the middle 'shikhar'. I do not remember now as to for how many days in 1949 did the lock remain open. After the appearance of the idol of Lord Rama the locks which were fixed on the doors made of bars, they were got affixed by the City Magistrate and he had appointed Shri Priya Dutt Ram as the Receiver. It is correct to say that Shri Priya Dutt Ram – Receiver was looking after all the arrangements of the disputed buildings both inside and outside. Nobody had told me about the Receiver having been appointed. I had heard it. I do not remember whether the hue and cry was or was not due to

the Muslims calling the disputed building as Babri Masjid. I did not think it necessary to find out, as to why a receiver had been appointed. I do know that when there is disputed of land or property between two parties, the litigation is processed under Section 145. I know it for certain that the appointment of the receiver was done in relation to the disputed building under Section 145. In 1950, among the Muslims of Ayodhya, I knew Shri Haji Pheku Father of Haji Mehboob, Acchan Mian, Fayak Mian, Haji Zahur Mian etc. I do not know whether these people were involved in the suit of 145 or not, but they were gentle people. Except Haji Mehboob, the rest have expired. Haji Mehboob, the son of Haji Pheku is still alive. I know that after the action under 145, Gopal Singh Visharad had filed a civil Suit regarding the disputed building. Gopal Singh Visharad was a writer, lecturer and mukhtar and he was a native of Ayodhya. I knew him. He used to meet me before or after filing the suit. Nither I asked him nor he had time to tell me that the suit that he had filed – the disputed building relating to that suit was called a mosque by the Muslims. Whenever we met on the road, we wished each other. I do not know whether after he filed the suit, Paramhans Ram Chander Das also filed a civil suit or not regarding the disputed building. I used to meet Haji Pheku, Haji Zahur and Acchan Mian till the time of their death. I used to meet them roughly once in a month. Either in the market or in Singar Haat, we met. Haji Zahur had his shop also in Singar Haat and we would either meet on the way or come across each other elsewhere. These people also never told me whether or not some suit had started relating to the

Babri Masjid nor did I ask them about this. My relations with them were cordial and we used to visit each others places on invitation to any marriage.

Statement read over and verified

Sd/-

RAM NATH MISHRA

13.09.2002

This was typed by stenographer in the open court on my giving dictation to him. Present yourself on 16.09.2002 in continuation for additional cross-examination.

Sd/-

(Narendra Prasad)

Commissioner

13.09.2002

Date: 16.09.2002

O.P.W.-5 – Sh. Ramnath Mishra alias Banarsi Panda

In the presence of Commissioner Shri Narendra Prasad,, Additional District Judge/ Officer on special duty – Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed vide order dated 13.09.2002 passed by the Hon'ble full bench in Other Original Suit No.5/89).

(In continuation of 13.09.2002 further cross-examination of O.P.W. 5 – Shri Ramnath Mishra alias Banarsi Panda was begun on oath of the learned Advocate Shri Zaffaryab Jilani of Defendant No. 4 Sunni Central Board of Waqf).

In October-November 1949, the Akhand Paath of Ramcharitmanas held in and around the disputed building and which has gone on for months together that had started in 1949 only and thousands of people used to take part in that. That Akhand Paath used to be held during the day time, but how long it used to last, I cannot say, but it used to start in the morning. Whenever I took part in this Akhand Paath, it was started around 9-10 in the morning. I had heard that this Akhand Paath was held day and night. I cannot tell as to which people who recited the Ramcharitmanas. I do not remember the names of any person who used to recite the Ramcharitmanas. This, of course is correct that some prominent people recited the Ramcharitmanas and the rest of the people heard them. When recitation of Ramcharitmanas is done after taking a 'Sankalp' (resolution), then only prominent people do the recitation job, but in this Akhand Paath, these used to be thousands of people and almost all of them did the

recitation. No tent etc. was fixed there nor were there any loudspeakers, but thousands of people were there. I do not know whether lighting arrangements for the night were made or not. I had not seen any electricity light around there. I do not know whether in October-November 1949, there was electricity light in the disputed building or not. At that time also electricity light used to be there on the roads of Ayodhya and it used to be there everyday also. In 1932 when I came to Ayodhya, there was no electricity light and no water taps. For water, there used to be a well and for light, the lantern and the light of the Dhebri. After 1932, electricity light came to Ayodhya. For the Akhand Paath of the Ramcharitmanas, no platform or other raised place was constructed there – wherever one was sitting from there only, he would start reciting the Ramcharitmanas. No speeches were delivered during this Akhand Paath. I do not know whether Ram Manohar Lohia Ji or Acharya Narendra Dev ever came there or not to take part in the Akhand Paath. This Akhand Paath used to take place both within inside and outside the disputed building. One would start reciting Ramcharitmanas wherever one sat or wherever he could get some place to sit and the whole place resounded with the chants of Shri Rama and people would say that Lord Rama had made his appearance. When the above Akhand Paath was going on at that time, Lord Rama had already made his appearance. This Akhand Paath had started only after Lord Rama had already made his appearance. What I have said in clause 14 of my affidavit that on 22/23 December 1949 at the time of the Brahm Muharat' Lord Shri Ram had made his appearance in the 'Garbhgraha' that has been rightly written. In clause 13 of my statement in the affidavit what I have written "October-November 1949.....used to do" – also has been correctly written.

Question: Please tell us that if the Akhand Paath had started after the reported incident of Lord Shri Ramlala's appearance then how could it start in October-November 1949?

Answer: I do not remember the date when Lord Rama made his appearance, but it was the month of October when Lord Rama had made his appearance.

Question: You made a statement just now that Lord Rama had made his appearance in October, but in para 14 of your affidavit dated 06.08.2002 you have written that Lord Sri Rama had made his appearance on 22/23 December 1949. Both these statements you have given on oath which of these two is true and which one is false?

Answer: Whatever I have said and written in my affidavit that too is true and whatever I have stated today that also is true. I do not remember the date.

The dated mentioned in the affidavit are the same that I had told the learned advocate. The affidavit which was got written by me was subsequently read out to me after it was typed. I am aware of the fact that making a false statement in an affidavit is a crime. It is wrong to say that despite knowing this, I am giving a false statement. According to me, I am giving the right statement. I do not remember whether there were criminal cases against me or not in 1981-1982. I do not remember whether a case crime No. 185/81 under Section 436 IPC was proceeded against me or not. I also do not remember whether crime No. 653/82 under Section 395/472 IPC was initiated against me or not. Nor do I remember whether crime No. 654/82 under Section 379 IPC was proceeded against me or not. I do not

recall whether there have been several other criminal cases against me or not. At the Ayodhya police station, my history sheet was opened for the reason that there was a confrontation between me and the SP. It so happened that early in the morning, I was going to recover the contract money of Najul at the Rinmochan ghat and he was coming in his jeep from the opposite direction. I was in my vehicle. I took a turn from the right as a result of which the dust spread out and descended on the SP also whereupon he brought his jeep in front of my vehicle and then admonished me severely. Getting down from my vehicle, I also retorted sharply as to what had happened. This offended him. He would perhaps have beaten me or done what, but since he had to drop Kidwai Saheb, he left and he asked the constable deployed at the crossing to challan me. The constable did not have the paper and pen which I gave to him and asked him to write the challan. After dropping Kidwai Saheb, the SP sahab came to the police station and opened my history sheet, which I got cancelled by meeting the Secretary of Sh. Jawahar Lal Nehru – Mr. Rawat. I do not remember the year and the date when my history sheet was opened. Kidwai Saheb whom I have mentioned above, he was Rafi Ahmed Kidwai, who was a Minister then, but whether he was a Minister of the Government of India or some State, I do not know. Kidwai Saheb had to go to Bahraich and since at that time, there was no bridge over the Saryu river, he had crossed the Saryu in a steamer. A month or a month and a half after my history sheet was opened, I had got it cancelled through Mr. Rawat. The incident of confrontation with the SP and the incident of opening of the history sheet took place much before the incident of the appearance of Lord Rama. At that time, I was less than 30 years of age. I was about twenty five years of age. I had got married in 1932 and the incident of

confrontation with the SP took place four-five years after that. My brother-in-law (brother of my wife), i.e. Shri Durga Prasad sahab died in 1932. Then said that in 1932 when I came to Ayodhya, my brother-in-law had died and that he (witness) had got married in 1928. What I have stated above, that my marriage took place in 1932 that has been said by mistake. I have got married during the summer season. It was the month of Baisakh and I do not remember whether there was loo at that time or not. On the third day after my marriage when I had reached the disputed building for 'darshan' at 11-12 AM, the reason was that I had gone to the Devkali temple and other temples. After prayers and 'darshan', there was some shade at Sitakooop and sitting at the parapet of the well, we had our meals. The parapet of the well was very wide and there was sufficient shade. Nearly sixty-seventy people took meals with us. I cannot say anything about the depth of the Sitkooop.

Water from that well was drawn in a bucket and container through a rope. Due to jubilation of my marriage, I could not see how long the rope was. On the third day after my marriage, my 'Ajiya' mother-in-law told me that it was RamJanambhoomi. Prior to that I did not know that it was RamJanambhoomi. I do not remember how many times I went to the disputed building in one year. Between 1932 and 1970, I have gone to the disputed building hundreds of times. I do not remember whether during above period I have gone there 100 times, 200 times, 500 times or 900 times or not. The ghats of my father-in-law were at Saryu river only at Ayodhya and nowhere else and he had his standing all over India and even outside India. What I have stated in para 2 of my affidavit that "after sometime, my Ajiya mother-in-lawdid 'Hiba", that is correct. This

'hiba' (transfer) was done in 1932 only and its registration was also done which is with me even today.

I do not know whether or not the suit in which I am giving evidence, that suit was filed by Devkinandan Ji, the former Judge of the High Court. I do not know whether or not Shri Triloki Nath Pandey pleads this case. When Shri Triloki Nath Pandey Ji came to ask me to give evidence, at that time, I had not asked him as to in which capacity he was asking me to appear as a witness. When Triloki Nath Ji had come to ask me to give evidence, he had told me orally only whereupon I have said that I would give evidence in the name of God and Allah. At that time, all he had said was that it was a matter of just one day, you give evidence. When he came for the second time, he had brought the summons, but I do not remember whether or not he had given the summons to me. It was Shri Triloki Nath only who had brought me to Lucknow from Ayodhya to give evidence and I am staying at my daughter's place. I do not know what the complainants of this suit have said in their plaint. I cannot say whether this thing has been mentioned in the suit or not – "There was a temple of the period of Vikramaditya at disputed place, and during the period of Babur, an attempt was made to demolish that temple and construct a mosque there." I can also not say whether or not what has been mentioned above regarding constructing a mosque by demolishing the temple is true or wrong. It is possible that the complainant of this suit might have given a statement that the idol of Lord Sri Ram, which was placed beneath the central dome on 23rd December 1949 at dawn, that was the same idol, which was there on the Ram Chabutra. I agree to this. I did not notice whether or not after 1949 there was a reduction in the number of idols placed on the Ram Chabutra.

Question: Is your statement which you have given on page no. 46 that "out of the idols placed there..... till 1970", you had seen all of them at the chabutra was got written wrongly?

Answer: No, I did not have it written wrongly and the statement, which I am giving today that also is true – it could be a mistake of my mind.

I cannot say even on the basis of guess work as to what was north-south length of three domed building and the east-west width of the building. The width of the walls of the three domed building would have been about two hands. I do not know the width of the three passes which were there in that building. Whenever I went there, I did not see any curtains on those passes. May be, I have not seen anything placed in those passes to keep away cold, heat or rain. I do not remember whether or not there were any doors in the three passes below the dome. Till 1970, I did not see electricity in the disputed building. In that building, I did not see anything other than the pillars of touchstone. The distance of the inside western wall would have been around 100 feet from the wall of the railing where we used to stand.

What I had stated in para 10 of my affidavit that "I had seen the picture of Lord Rama hanging inside the 'Garbhgraha' from 1928 to 1949", is correct. Whether or not after 1949 this picture was still hanging there, I did not notice, but I did see an idol placed there. The picture was hung below the central dome. The above picture of Lord Rama was hung against the western wall. I had seen that picture hung in the middle of the western wall. The picture was neck high (height of my neck) from the floor. The

picture was hung against the wall and whether or not it was framed, I do not remember. This picture was drawn on a paper and the paper was hung against the wall in a peg. I did not notice that when I went to the disputed building after the appearance of Lord Rama whether or not that picture was hanging there or not. The picture I had seen there in 1928, the same very picture which I saw there in 1949, no part of it had got torn. The picture of Lord Rama, which I had seen, hung against the western wall; the width of that picture would have been about one hand and the length slightly more. That picture was of Lord Rama's youth with bow and arrows. On one side of that picture was Laxman Ji while on the other side was Sitaji. At this stage, the witness was shown photograph No 116 of the coloured album document No 200C-1, on seeing which, he said that the picture which was hung against the wall was of Ram, Laxman and Sitaji though the picture in picture No. 116 was that of Lord Shankar or somebody else. The photograph I can see in picture No.116, I had never seen that hung in the disputed building. I cannot tell the distance between the idol, which has been stated to be there before 1949 and the picture of Ram – Laxman and sita hung against the western wall. I can also not say as to what was the distance between the two whether it was 50, 100 feet or how much, and then said that it could be around 10 to 15 feet. The witness was shown photo document No.154/13 filed in the Other Original Suit No. 1/89, on seeing which, the witness stated that the picture was of some portion of the western wall of the disputed building. But I cannot say for certain. In this picture, I can see something that appears like a throne, but which is that throne – whether or not it is the same one where an idol was placed in the year 1949 – I cannot say. It is correct to say that in this picture stairs are visible.

Something is placed on the stairs, but what it is, I cannot make out. I cannot say whether or not in 1949 the idol was placed on these very stairs because there was a lot of rush. This is wrong to say that I have made a wrong statement that in 1949 the idols were placed on the throne made of brass. In this photograph, I can see a picture hanging against a wall. I do not remember whether or not I saw this picture hung there prior to 1949. In this picture, I can see the image of Ram.

The picture which I had seen hung against the western wall of the disputed building was larger than the picture can be seen in photograph No.154/13 witness shown the photograph No.154/12, 153/14 and 154/15, filed in Other Original Suit No. 1/89, on seeing which, the witness stated that he could not say whether or not those pictures were of the western or any other wall of the disputed building. He said that he would also not be able to tell that whether or not these pictures were of any portion of the disputed building.

Between 1928 and 1949, I did not see anybody cleaning the portion inside the railing wall and inside the disputed building. I had never seen anybody doing white wash there. I never took any notice whether or not at any time during this period white-washing was done there. The witness was shown document Nos. 154/7 and 154/10, filed in case No.1/89 and was asked whether or not the strips in white colour seen in that picture were of white-washing or of marble whereupon the witness said that he had never taken notice of that. Prior to 1949, I never saw any pujari or any other person inside the wall of bars in the disputed

building. Further said once I had seen a pujari performing aarti inside the disputed building, i.e. in the portion below the gumbad (dome). I do not recall whether or not I had seen this pujari before or after 1949. I and other people used to throw the offerings inside through the railing wall, as a result of which there used to be heaps of the offerings prasad inside. I never saw anybody carrying those heaps of offerings and prasad. I did not notice that when I would go there the next time, whether or not the heaps of offerings of prasad continued to be there or had been removed. The heaps of offerings and prasad which got collected there would be 1-1½ feet high. I also did not notice as to length and the breadth in which those heaps get spread out.

What I have started in my affidavit about the locks on the doors in the wall of the railing and their locking and unlocking by the pujari of the Nirmohi Akhara – that is based on what I had heard – as such I did not see any pujari locking or unlocking the doors. Then he said, only once he had seen that door in which touchstone were affixed. The touchstones were affixed in the eastern gate, which was at the outer wall, they were fixed in the disputed building too and in the wall of the railing also touchstones were affixed. It is wrong to say that touchstone was not affixed in any of the doors in the railing wall. Once when I saw the pujari opening the lock that was the lock of the gate of the railing wall. I do not remember whether or not I had seen the pujari opening this lock before or after 1949. The idol which was placed below the gumbad (dome) in the disputed building in 1949, bhog was also offered there. I had seen the pujari offering bhog there. After 1949, the Receiver had got a donation box placed there where people used to put money/offerings etc. The said donation box was put inside the wall of the railing.

What I have stated in para 12 of my statement on oath that wherever digging was done in front of the main gate, one would find burnt paddy one foot below. This kind of digging I myself have done on the eastern side outside the eastern gate. I do not remember as to how many times this kind of digging I had done it prior to 1949. I had done this kind of digging before 1949. After 1949 also, I did this type of digging 5 to 10 times. Till 1970, I used to do this kind of digging and nobody would stop me from digging. I used to dig about one 'Vitta'. After digging, I would find some paddy covered with soil, which I would give to the pilgrims as prasad. In para 6 my sworn affidavit, I have said that "on both sides of the main door, there were pillars of touchstone on which were the pictures of leaves flowers and Gods made", I do not recall as to of which Gods those pictures were. The statement that I have made to the effect that the 'darshanarthi' would come upto the gate by car, the reference was to this gate only. The path, which came from the northern road to the eastern gate, was wide enough for a car to pass. The width of the path which I told of four hands may be more than that the said width I have told approximately. I have said that the width of the 'parikrama marg' to the north of the disputed building was 1½ - 2 hands, what I mean thereby is that about 3-4 hands width.

Question: If I say that the path in front of the northern gate and to the north of the disputed building was more than 10-12 feet wide – is that correct?

Answer: This is wrong. That path was less wide.

This is true that path, there was 10-12 feet broad land, but it is wrong to say that on that land, there was graves.

I do not know as what is the population of Ayodhya now. I cannot say the percentage of Muslim population at Ayodhya, but it is very limited. I cannot say whether the population of Muslims at Ayodhya is 10% or 20% or how many percent. I cannot tell at this moment whether the total population of Ayodhya is less than one lakh or not. The length and breadth of the habitation of Ayodhya would be about 1½ miles each because there is a 'parikrama marg' and a road of five 'kose'. In this area of 1.5 miles X 1.5 miles 10 to 15 lakh people gather at the time of the mela.

Question: If I can say whether in this square area of 1.5 miles X 1.5 miles in which houses have also been built, 10 to 15 lakh people cannot even stand – is it true?

Answer: It is possible that this area could be 2 mile X 2 mile but all the same it can accommodate all the people.

This is wrong to say that one lakh 'darshanarthi' do not gather at Ayodhya at one single point of time. It is wrong to say that on one single day from morning till evening, if people go for the 'darshan' of Ramchabutra and Sita Rasoi, not more than 10-15 thousand people can go inside.

I had said that the distance of the disputed building from the Kanak Bhawan is about 40-50 steps. I had said that by mistake – the distance is about half a kilometre. The palace of king Dashrath is in one Km. sq. area. The whole palace falls in the Ramkot area. The eastern gate of this palace is Hanumangarhi. The western boundary is Kaushalya ghat, the northern boundary is Matgajendra temple, which is also known as Matgair. Its southern boundary is the road opposite Haji Pheku's residence and

Brahaspati Kund. The boundaries of king Dashrath is palace which I have told above, are mentioned in the book. The name of that book is 'Rakt Ranjit Itihaas'. I do not know whether or not this book was published near about 1986. It was already published when I came Ayodhya I read it. I do not know when it was published. I agree with what has been written in this book that there have been clashes on 72 occasions in connection with the disputed building. After reading that book, I learnt that on so many occasions, there were clashes opposite to the eastern door and sadhus were hacked and thrown in the pond-like place in front of the eastern wall of the disputed building. I cannot say till when such clashes took place. I cannot say whether these clashes took place till about 100-200 years back or till a thousand-two thousand years back. I would also not able to tell as to when did the first clash took place and when did the last clash occur. I do not know whether or not during these clashes, the disputed building remained safe or some damage was caused to it.

What I have stated in para 3 of my affidavit on oath that "used to go for Ramabhishek" by that what I mean is that Ramabhishek is done by a few people not the general masses. In the same para of my statement, I have said that "Ramabhishek starts in the morning and goes on till afternoon" – this Ramabhishek was done on daily basis' it used to be performed now and then not everyday. Apart from myself, I had not seen anybody else having the Ramabhishek done. I had only heard. In para 10 of my sworn affidavit, I have said that "Shri RamJanambhoomi premises Pictures of Gods were there". I had seen pictures made on the touchstone pillars two to three times in 1949 when I had gone inside the disputed building and prior to that I had seen those pictures from outside the wall of bars. These pictures of Gods would be of size of

4to 6 fingers. Among these deity pictures, were the pictures of Ganesh Ji, Hanuman Ji, Shankar Ji and many other Gods.

Question: Can you tell that the outer wall of the disputed building in which the eastern and the northern gates were fixed, that wall appeared to have been made at the time the domed bhawan was constructed or before or after that?

Answer: Both appeared to have been constructed simultaneously.

The Sita Rasoi is the disputed building also appeared to have been constructed at the time when the disputed (domed building) was built.

Question: Does this Sita Rasoi also pertain to the period of Lord Rama.

(When this question was asked, the learned advocate of the plaintiffs Shri Ved Prakash raised an objection saying that there is no issue or point of dispute in this case that what has been constructed in the disputed building or in the disputed premises are of the period of Lord Rama or not. Hence, permission should not be granted for asking such type of questions. Besides this, the witness is not an Architect or Engineer, who would be able to say correctly when the building was constructed. On this ground also, such questions should not be allowed to be asked.)

(Responding to the above objection, the learned advocate of the respondent Zaffaryab Jilani said that in this dispute, it is an important point whether or not the disputed site is the birth place of Shri Ramchandra Ji or not and in his statement of 08.08.2002, the witness has stated that the disputed building is the temple of Lord Rama's period

and that Hanumangarhi also relates to the period of Lord Rama – so on and so forth. As such the question that whether Sita Rasoi also relates to the same period is wholly justified and the objection raised there to is unfounded.)

Answer: I have heard that Sita Rasoi relates to the period of Lord Rama.

The hearth, belan etc. in the Sita Rasoi also belongs to the same period. The footprints in this Sita Rasoi are made on the line of stone and pebbles. I do not know whether these footprints are the real footprints of Ramchandraj and his three brothers or they have been built subsequently.

I had seen police personnel in the disputed building, but since they were in their uniform, I cannot say whether among those policemen Muslims were there. I cannot say whether or not I had seen any Muslim officer or any police officer in the premises of the disputed building. In the other temples of Ayodhya also, like Kanak Bhawan and Hanumangrahi etc., I did not see any Muslim.

Statement read over and verified

Sd/-
RAM NATH MISHRA
16.09.2002

This was typed by stenographer in the open court on my giving dictation to him. Present yourself on 17.09.2002 in continuation for additional cross-examination.

Sd/-
(Narendra Prasad)
Ram Nath Mishra

Commissioner
16.09.2002

Date: 17.09.2002

O.P.W.-5 – Sh. Ramnath Mishra alias Banarsi Panda

In the presence of Commissioner Shri Narendra Prasad, Additional District Judge/Officer on Special Duty – Hon'ble High Court, Lucknow Bench, Lucknow.

(Appointed vide order dated 13.09.2002 passed by Hon'ble Full Bench in the Original Suit No. 5/89).

(In continuation of the cross-examination on 16.09.2002, further cross-examination of O.P.W.-5 – Shri Ramnath Mishra alias Banarsi Panda was begin on oath by the learned advocate Shri Zaffaryab Jilani of Defendant No. 4 – Sunni Central Board of Wakf).

In 1934, I was at Ayodhya only. In that year Hindu-Muslim riots had broken out at Ayodhya. In that riot, no portion of the disputed building was razed. After that riot, the Government had levied a tax on the Hindus. It is wrong to say that in that riot one dome and a part of the rear wall of the disputed building had collapsed, which the Government had got repaired with its own funds. I do not know whether or not the Hindu Bairagis had demolished a dome and a portion of the rear wall of the disputed building. I used to go to the disputed building only when the pilgrims came. I do not remember as to how many times, I went inside the disputed building in the year 1934 when the riot took place and whether or not how many times there was any interruption. As per my information, the 1934 riot had taken place only on one single day. I do not remember for how many days after the riot I had not gone to the disputed building.

Ved Vyas Ji belongs to the 'Dwapar Yuga' and not to the 'Satyuga' Ramchandraji was of Treta yuga while Lord Krishna was of Dwapar Yuga, Dwapar Yuga comes subsequent to Treta Yuga. King Parikshit was of Dwapar Yuga. In Ayodhya, the king of Dwapar Yuga have also been Chakravarti kings.

In para 10 of my sworn Affidavit, I have stated that in the corner of the wall on a bracket the idol of Lord Rama was placed – the statement is correct. What I refer to the idol placed on the bracket, I mean the idol of Ram Janaki. What I have stated at page 53 of my Cross-examination that "The idol of Sita Ram was placed on the stone fixed against the wall below the northern Shikhar" – I had said that by mistake. The bracket on which the idol was placed, was in the corner of north-west. Then said what I have said in para 10 of my statement about the bracket – that bracket refers to the corner. The bracket is built inside the wall. The bracket is made by fixing a slab in the wall which protrudes out and the bracket is meant for placing things there. The witness explained that the corner is also called bracket.

I do not recall when the disputed building was razed. Thereafter the witness said that the disputed building was razed by a monkey in 1949. I had heard that when the disputed building had collapsed, the idols had got suppressed inside. I do not remember whether or not after the collapse of the all disputed building, I had gone to the disputed building. It is true that I have said in my statement that after 1970, I did not go into the disputed building. This is wrong to say that disputed building which I have referred to as Janambhoomi was Babri Masjid. It is also wrong to say that till 22nd December 1949, namaz was read there. I do not remember whether or not till 22nd

December 1949, I had gone for the 'darshan' of the disputed building. The witness himself said that he tends to forget the year. I do not know that Lord Rama had not made appearance in the disputed building and that the idol was stealthily placed there under the dome (gumbad). It is wrong to say that till 1949 neither I nor other people threw prasad inside through the railing wall. It is also wrong to say that after going inside through the eastern gate, on the dwelling of the 'Maujgin' and not a bhandar (store), as I have stated. It is wrong to say that the three-domed building was never a temple, but a mosque. It is wrong to say that this place is not the birth place of Lord Rama. It is also wrong to say that I am giving wrong statements here at the instance of Triloki Nath Pandey. It is true that Triloki Nath Pandey is pleading on behalf of the Vishwa Hindu Parishad.

(On behalf of defendant No. 4 the Cross-examination by Shri Zaffaryab Jillani concluded).

(On behalf of defendant No.6 Cross-examination begin by advocate Abdul Mannan).

XXX XXX XXX XXX

I do not know whether or not Babri Masjid was built in 1528-1529. I do not know whether or not on the Babri Masjid Urdu poetry was written. I do not know whether or not till the Babri Masjid was there, Urdu poetry was written there. I do not recall the date but lock was opened. On the orders of the Hon'ble Judge of Faizabad lock was opened. I do not remember whether or not the lock was opened on the first day of February 1986, I do not remember the year and the date. I do not remember whether or not on 18th

Jan. 1986 any meeting of the Legal Aid Committee was held at Faizabad. I do not know whether or not any Judge of the High Court was present in the meeting. I do not know whether or not it was decided in that meeting that Babri Masjid should be opened.

Question: Did a Judge of High Court and a Judge of Faizabad hold any meeting at about 9' O clock at night?

(At this question, the learned advocate of the plaintiffs Shri Ajay Kumar Pandey raised an objection that the witness had already said that he does not know whether or not any meeting of the Legal Aid Committee was held. Whether the meeting of the Legal Aid Committee was held and whether there is any such Committee, he does not know. How can he have information about when the High Court Judge and Lower Court Judge have their meeting. Hence, such questions should not be allowed to be asked.)

Answer: I do not know that the Legal Aid Committee is of the Uttar Pradesh Government and it has 15-20 members and on its behalf all meetings are held in various districts. I have no knowledge whether or not any meeting of the Legal Aid Committee was held at Faizabad on 18th January 1986. I do not know that after that the Judge has written a book also. I do not know that in that book the demolition of Babri Masjid has been justified. I do not know whether or not the Hon'ble District Judge had decided the appeal on 1st February 1986. I am not aware whether or not fifteen-twenty minutes after the judgment was dictated, the Masjid was opened. I do not

know whether or not on 3rd Feb 1986 any writ was filed in Lucknow. I also do not know that on 3rd February 1986, an order to maintain status quo was issued or not. I also do not know whether or not after 3rd February 1986 the proceedings of the suit were held in the High Court. I also do not know that on 7th Feb 1986 in cases of High Court no order was passed. I do not know this also that the date of 14th February fixed. It is wrong to say that the disputed building was a mosque and continued to be a mosque.

(The Cross-examination was concluded by Shri Abdul Mannan Advocate on behalf of defendant No. 6.)

(The Cross-examination was begin by Shri Mushtaq Ahmed Siddiqui on behalf of Defendant No. 5)

XXX XXX XXX XXX

To the north of the disputed building is a road and to the north of the road is the Janamsthan temple. I have gone to that Janamsthan temple. In the Janamsthan temple is the idol of Ram, Laxman, Janki, Rasoi is built and the pilgrims are bluffed here because that rasoi is not Sita Rasoi but has been built there to bluff the people. Pilgrims are taken to that rasoi (kitchen) in the name of Sita Rasoi by bluffers.

The Janamsthan temple was built much later. It was built in our presence. The Janamsthan temple was built by some king. Fifty years or more ago, this temple was built. The disputed building dates back to the period of king Vikramaditya. The Mahant of the Janamsthan temple was

Harihar Das, who has expired. I do not remember now as to when Harihar Das expired. After Harihar Das somebody else has become the Mahant of the temple whose name I do not remember. I do not remember as to from which period to which period Harihar Das was the Mahant of Temple. Prior to Harihar Das, there was no Mahant of the Janamsthan temple. In the Janamsthan temple, prayers, aarti, hymns etc. must be taking place everyday. In all temples, arrangements for prayers are there. In every temple, the idols are bathed everyday, aarti is held regularly and the ritual of bhog is also done. In the Janamsthan temple also, prayers, bath, bhog, aarti etc. must be taking place everyday. I have also seen the Janamsthan temple being built. I do not remember that how much time it took to construct the Janamsthan temple. The Janamsthan temple was built approximately four-five years after my marriage. The Badasthan temple is distinct from the Dashrath mahal (palace) – both are close to each other. There is a little distance between the two. I have gone to the Badasthan temple. The Badasthan is also known as the Akhara of Paltu Das. Ever since I have known Badasthan, I have known it by this name only. Mahant Raghubar Das was its Mahant and was also the President of the Committee of the disputed building. That committee was known as the Janamsthan committee and I also was a member of that committee. I had made no contribution in the constitution of that committee as it had already been formed. That committee does not exist today. After the death of Raghubar Das, that committee became defunct. Reghubar Das was the disciple of Ram Manohar Prasad. Prior to Rabhubar Das, Ram Manohar Das was the Mahant of Badasthan, At present also, somebody is the Mahant of Badasthan, but I do not remember his name. I do not recall when Mahant Raghubar Das died. In the

Janambhoomi Committee, some people from Faizabad were also its members. At that time, two advocates were also the members of that Committee. Advocate Pandit Kalika Prasad and advocate Lal Surendra Nath were the members of this committee.

Gopal Singh Visharad used to live in a rented accommodation at Ayodhya and he was the Secretary to be checked of the Janambhoomi committee. There were two persons by the name of Gopal Singh Visharad – one used to write poetry while the other was the Secretary of the Janambhoomi committee. The Gopal Das Visharad who had filed the suit was the Secretary of the Janambhoomi Committee. Gopal Singh Visharad who was the Secretary of the Committee had a shop of Bisatkhana at Ayodhya. The same Gopal Singh of Bisatkhana Shop had filed a suit in 1950. the said Gopal Singh Visharad has expired several years back, but I do not remember as to when he died. The witness then remarked that he was semi-advocate. Now there is nobody in his family. I know Bhola Nath Srivastva who was an advocate at Faizabad. I had no contacts with him. I do not recall whether or not the said Bhola Nath Srivastva was a member of the Janambhoomi Committee.

In the proprietorship of Badasthan temple, there are lots of immovable assets. The immovable assets of the proprietorship of Badasthan temple are outside Uttar Pradesh also as in the various districts of Uttar Pradesh. This is the same property, which people used to give as offerings to God. In the Hanumangarhi proprietorship also there is huge property. The property of the Hanumangarhi proprietorship is outside Uttar Pradesh also. I know the Badi Chhavni (bigger cantt) temple. The Mahant of that temple was Baba Raghu Nath Das. The said Baba Raghu

Nath Das is now no more. There have been many mahants of that temple after death of Raghunath Das Ji. I can not tell that who is the mahant at present. Kaushal Kishore has never been the Mahant of Badi Chhavni temple. The property pertaining to temples is entered in the 'Khasra Khatauni' in the name of that very temple. In the 'Khasra Khatauni' the name of Mahant is also entered along with the name of the temple. There is 'Chhotti Chhavni' temple also which also has assets. Kanak Bhawan is the trust temple of the king. I do not know whether or not that trust has property. In the assets of the Janamsthan temple, which is to the north of the disputed building, there is no property outside Ayodhya. I do not know whether or not the Janamsthan temple has ownership property in Lucknow. It is possible that it might have.

In every temple, pujaris are there for the purpose of prayers, bhog, aarti etc. Pujaris get the devotees who visit the temples to offer prayers. Pujaris keep changing. At Kanak Bhawan and Hanumangarhi, pujaris are invariably there and the same is true of Bada Sthan temple also. The great kings etc. who were my patrons and who came here, I did not take them to the Badasthan temple. I had taken them to Kanak Bhawan, Hanumangarhi and Janambhoomi.

At Kanak Bhawan and Hanuman Garhi, the puja and 'darshan' for those kings was got done by the pujaris there. I had taken them for the prayers and darshans of the Janambhoomi only. I know Babul Priyadutt Ram of Faizabad. He was a respectable and renowned personality. Earlier the municipality of Faizabad and Ayodhya use to be the same. Babu Priyadutt Ram had been the chairman of that municipality. In my opinion, he was a nice man and he was not anti-Lord Rama. In para 4 of my sworn affidavit, I have written a shloka 'Saryu Teermagatam.....Teerth

Phalam Shrutey". I fully well know the meaning of this shloka also. This shloka is from Skand Puran and I agree with what is written in this shloka. The witness himself said that on the basis of that shloka only he told the pilgrims about the rituals and procedures etc. because in this shloka, only those rituals and procedures have been mentioned and nothing else. In the above-mentioned para of my affidavit, I have written another shloka also – "Vishnu Padam.....Mastkam" below the above shloka. This shloka is a part of the Padam Puran. I understand its meaning also and I agree with it also. Himself said by mistake, I have mentioned the Vishnu Padam shloka as an extract of the Padam Puran. As a matter of fact that is an extract from the Barah Puran. I did not think it proper to write any shloka from the Brahm Puran in my sworn affidavit.

200 people accompanied the Barat on my wedding and the Barat had taken leave after two days. It was three-four days after the departure of the barat that my wife had left. Our Ajiya mother-in-law (the mother of my father-in-law) had detained us because the pooja of Devkali Ji and Saryu Ji was yet to be performed. What I have stated in clause 3 of my affidavit on oath that 'Ramabhishek.....Have darshan' has been correctly stated. In the said line of my statement what I have mentioned about going to Kanak Bhawan and having sakshat darshan of Lord Rama – is right. At Kanak Bhawan darshan is done in the same manner as in the other temples. I have heard about Siya Raghav Saran. He has since expired. I do not know whether he had any association with the Badasthan temple or not. Siya Raghav Saran was the Mahant of some temple. He was a devotee of Lord Rama. He was not in the Janambhoomi committee. At Ayodhya, I had good relations with Muslims. On

occasions of joy and sorrow and on festive occasions, we used to visit one another. I had contacts with all the prominent Muslims of Ayodhya. I did not have contact with the common Muslims. I do not know Muslims of which biradari (clan) were there at Ayodhya.

Babu Priyadutt Ram has also been the Receiver of the disputed property. However, I do not know whether or not after the attachment, he was the first Receiver of the disputed property.

Question : Till when was Babu Priyadutt Ram was the Receiver of the disputed property?

(The learned advocate of the plaintiff raised an objection to this question saying that those facts of the case to which both the parties agree and also because this witness has never been a party to those proceedings, hence such questions should not be allowed to be asked from this witness as there is no dispute between the two parties about the question which has been asked.)

Answer: I do not remember this.

I do not remember this also as to when the disputed property was attached. There are hundreds of temples at Ayodhya and I do know whether in the case of the in the case of the ownership of all the temples, immovable property is there or not. There are eleven thousand temples at Ayodhya among which the highly revered are Hanumangarhi, Janambhoomi, Kanak Bhawan, Chhotti Chhavni, the Mahant of which is Nitya Gopal Das etc. Among the temples at Ayodhya, the most important temple is the Janambhoomi temple. By mistake I mentioned the name of Hanuman Garhi temple above. At No.1 is the Janambhoomi temple followed by Hanuman Garhi. As per

my knowledge, there is no immovable property in the ownership of the Janambhoomi temple.

In the disputed building, where Hanumat Dwar is located to its east is the Sitakoop and to the east of Sitakoop is Rangmahal, which is a temple. The Rangmahal is at a short distance from Sitakoop, but I cannot tell how much distance that is. Between me and the advocate, who is arguing – there is a distance of 3-4 hands. Among the temples at Ayodhya, the maximum immovable property is with Hanumangarhi. The property, which is with the temples; that has been surrendered by the devotees in the name of the Lord out of sheer faith. I have gone only once to the Sita Rasoi of the Janamsthan temple. One can also see the hearth, the belan etc. used in Rasoi (Kitchen). In that Sita Rasoi, there are no footprints. Ever since the Janamsthan temple was built in my presence, the hearth, the belan and the inside Rasoi has been there. The hearth and the belan there are made of cement.

At Ayodhya, slabs are fixed at various places wherever there are any such slabs, the name of that place is written there. I have particularly noticed that slabs fixed at Janambhoomi, Sitakoop, Hanuman Garhi and Kanak Bhawan. About the rest, I did not notice. I do not know since when these slabs are there. I have not noticed whether or not a slab like this is fixed in the corner of the road, which is to the south of the Janamsthan temple wall. If the photo of the Janamsthan temple is shown to me, I shall be able to identify. I do not remember whether or not on the door of the Janamsthan temple, there is a slab with some name written on it. Brahm Kund is to the west the Janamsthan. At that very place, there is a gurudwara of the Sikhs also. I do not know which people have their

houses near that gurudwara. One comes across that gurudwara as one goes from Dorahi Kuan to the west. I do not know whether or not there is a big graveyard on the road leading from Dorahi Kuan to the gurudwara. I also do not know whether or not a huge 'mazar' is built there. I do not know whether annual Urse is held there or not. When I went for 'parikrama' I went through that road from Dorahi Kuan to the gurudwara. When the Saryu river exceeds, this very road is the 'Parikrama' road. On the south of the road going from Dorahi Kuan to the gurudwara there are houses etc. Near the Dorahi Kuan Chauraha, people of tailors' clan do not live. I do not know whether or not near the Dorahi Kuan Chauraha, people of Qureshi clan live or not. I do not know whether or not the ancestors of Rafi Ahmed Kidwai were known as 'Kazi Kidwa'. I have not seen the 'mazar' to the south of the disputed building. I have not seen something like a mound or bricks to the south of the disputed building. I have also not seen the 'mazar' of Kazi Kidwa to the south of the disputed building.

The witness then himself said that he has seen the 'Sugreev Teela' and the 'Kuber Teela' (mound) to the south of the disputed building. To the south of the disputed building, first comes the 'Kuber Teela' and then the 'Sugreev Teela'. Between the disputed building and the 'Kuber Teela' there were trees and greenery. There was no building as such. It would be wrong to say that there were building between the disputed building and the 'Kuber Teela'. Not even by guess can I tell the distance between the disputed building and the 'Kuber Teela'. However, this distance is not much, it would be about 20-25 feet.

As on date, I have 200 bighas of agricultural land. This 200 bighas land is at Ayodhya. I have 150 bighas at Lakhimpur. 25 bighas at Tehri Garhwal, 20 Bighas of land

is at district Ara in Bihar. The land that I have is of different ownership, some land is in the name of my wife, some in the name of my wife, some in the name of my sons and daughters while some land is in the name of my brother-in-law (brother of my wife) and my father-in-law.

Guptar Ghat is at Faizabad. I think that the Guptar Ghat would be at a distance of more than 2 'kose' from Ayodhya. I have heard and read that it was at Guptar Ghat by and Ramchanderji had vanished. I do not remember when I heard for the first time that Ramchanderji had vanished in the Guptar Ghat. The distance of Kaushalya ghat from Guptar ghat would be about 2 'kose'. Brahm Kund is on the bank of the river. Kaushalya ghat also is on the bank of the river. I think Kaushalya ghat is to the north of Brahm Kund. Kaushalya ghat is not included in the 100 ghats that belong to me. There is no owner of Kaushalya ghat. On that ghat people bathe, but very less. From the disputed building, Kaushalya ghat is in the western direction.

Majority of Muslims at Ayodhya lives in localities like Kaziana, Saidwara, Panjitola etc. No Muslims live in the Dorahi Kuan. I do not know whether or not there is any place by the name of Bijli Shahid. I do not know the mazar of some Shah Ibrahim. I do not know whether or not every year a mela is held at this mazar and that Hindus and Muslims in large numbers gather there. The witness then said that there is one mosque with kalash of gold and that mosque is very big. Every Friday, hundreds of Muslim read the namaz there and a mela is held there. Some people call that mosque also as Babri Masjid. I know the Ayodhya police station. Behind the police station is the Nogji grave, which I know. At that place, there is one complete

graveyard one of the graves in which is known as Nogji Kabar. I do not know that what is the faith of Muslims regarding Nogji grave. From Ayodhya, I have gone to Darshan Nagar from Ayodhya. On the way, there is a place known as Mani Parvat. At Mani Parvat, a mela is held. I do not know whether there is a mazar by the name of Sheesh Paigambar near the Mani Parvat. I do not know whether I have ever heard the name of Sheesh Paigambar. I cannot say as to how many mosques would be there at Ayodhya besides the disputed building. I have seen mosques at Ayodhya. I do not know any Sayyab Saheb of Saidwara. I do not remember whether or not there was any Munshi Farzan Ali of Saidwara.

I have been to the court at Faizabad quite frequently. I do not know whether or not there was any petition-writer by the name of Lallan Ji at Faizabad court. At Faizabad court, I had contacts with Yahya Saheb advocate. I had contacts with the pleaders at Faizabad, namely – Aftab Saheb, Lal Surendra Nath, Lal Ji, Fayyaz Saheb, Kalika Prasad, Sita Ram, Dutta Babu, Vipin Chandra, Shambhu Nath, Parmeshwar Nath etc. I never went to the residence of Babu Bhola Nath Srivastava. I used to meet him in the court. I do not know whether or not at Ayodhya, there were persons by the names of Azim Ullah, Peeru Mohammed Umar, Mohammed Hussain, Wali Mohammed, Hassnu.

People belonging to the Ramanandiya sect are devotees of Lord Rama and they come under the Vaishnav sect. Those from Ramanuji sect are known as Acharyi sect. These people come under the Vaishnav sect. I do not know whether in the Nirmohi Akhara, there are people from the Ramanandiya sect or only those of Ramanuji sect only. I do not know whether or not Nirmohi Akhara has Panchas or members. Nirmohi Akhara has a Chairman who is called Mahant. I do not know as to who is the Mahant of

Nirmohi Akhara at present. I do not know who was the Mahant in 1970 or prior to that. Siya Raghav Saran is the Mahant of Gola Ghat, but he is not associated with the Nirmohi Akhara. Siya Raghav Saran was a devotee of Lord Rama. The idol of Lord Rama in the Badasthan temple is the one in which he has bow and arrows. It is likely that he is called Lord Dhanurdhari.

At my ghats, the pilgrims come, take bath, and gave charity. Pinddaan, Godaan and atonement also done at my ghats. The last rites of a person are performed on the sands. It has nothing to do with my ghats. That is the eight of the Mahapatras. I do not know whether or not among Mahapatras also area is divided for last rites.

At present, I have ownership of 100 ghats. I do not pay anything to the Najul Department for these ghats. Pucca ghats are exempted and for kuchha ghats, I pay tax to the Municipality. I have about 60 pucca ghats. The statement which I have given earlier that the Muslims and Muslims from outside were about to enter the disputed building from the northern gate and that is what had caused the 1934 clash – is correct. If two to four local Hindus had entered the building through the eastern door, there won't have been any clash. I do not know why so many Muslims had come there. What I have said in para 9 of my Affidavit "by mistake also.....Could look towards" – is correct. This is written in my affidavit dated 6.8.2002. It was from 1934 that an atmosphere of animosity got generated. I do not know whether or not prior to 1934, there was any dispute between the Hindus and the Muslims. I have never seen any Muslim being shooed away. It was on the basis of hearsay that I stated the above in para 9 of my affidavit. I had heard this thing from a number of people, but at this juncture, I do not remember the name of any person. For the first time, I had heard this

from a constable in the police station, who was a Muslim but in which year, I do not remember. I had heard this prior to the incident of the appearance of Lord Rama, but I do not remember how long before that incident I had heard this. The said constable had told this to me on the road opposite the police station. I knew that constable already.

The road to the west of the disputed buildings would be approximately 30-40 feet wide. It is wrong to say that the three-domed building was a mosque. This is also wrong to say that in the disputed building, the Muslims used to read the Friday (Juma) namaz in large numbers and the other five namaz regularly. This is also wrong to say that in the disputed Ajan of all the five times was held. This is also wrong to say that till 22nd December, 1949, namaz was read in the disputed building. It is wrong to say that what I am saying about a mosque not being there is wrong.

(The Cross-examination done by Shri Mushtaq Ahmed Siddiqui on behalf of defendant No.5 concluded).

(Advocate Mohammed Azhar accepted the cross-examination done by the plaintiff No.4, 5 and 6 on behalf of defendant No.26).

(On behalf of defendant No. 6/1 and 6/2 – Suit, No.3/89 Advocate Shri Fazle Alam accepted the cross-examination done by defendant No.4, 5 and 6).

The cross-examination done on behalf of all the defendant/parties concluded. The witness is discharged.

Statement read over and verified
Sd/-

17.9.2002

The Stenographer typed it in the open court on my giving dictation to him.

Sd/-
Ramnath Mishra

Sd/-
(Narendra
Prasad)
Commissioner
17.9.2002