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

OTHER ORIGINAL SUIT NO. 5 OF 1989

BHAGWAN SRI RAM VIRAJMAN AT

SHRI RAM JANAM BHOOMI

AND OTHERS

PLAITNIFFS

VERSUS

RAJENDRA SINGH

AND OTHERS

DEFENDANTS

STATEMENT OF O.P.W.8

SHRI ASHOK CHANDRA CHATERJEE

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EXAMINATION IN CHIEF BY WAY OF AFFIDAVIT OF
SHRI ASHOK CHANDRA CHATTERJEE. O.P.W. 8 UNDER
ORDER 18 RULE 4 CODE OF CIVIL PROCEDURE:-

I, Ashok Chandra Chatterjee, aged around 52 years, son of Late Shri Anil Chandra Chatterjee, Resident of 2/1/2, Civil Lines, City and District Faizabad, solemnly affirm and state on oath as under:-

1. I have been residing in Faizabad city since birth. After completing B.Sc, I did LLB and am a partner in a firm with the name of Majestic Automobiles, Faizabad. I am also the owner of Majestic Talkies. I am an Income Tax Payer for the Government.
2. For the last 16-17 years, I have also been undertaking Journalism work for my own satisfaction. I have been sending news and articles in weekly news papers. I

have been the only correspondence of the weekly journal entitled "Panchjanya" of Faizabad Region since 1986-87. I was nominated as a recognized Journalist by the Uttar Pradesh Information Directorate in 1990 and accordingly, an I-Card was given to me. My name stands at Serial No. 28 in list of recognized Journalists.

3. I am fully aware of Shri Ram Janam Bhoomi Mandir located at Ayodhya about which the current suit is going on. I am a follower of Hindu Religion. Goddesses and God are worshiped in my family. Right from my childhood, I have been visiting temples like Badi Devi Kali, Kali Badi etc., in Faizabad along with my parents, brothers and sisters and I have also been visiting places like Sri Ram Janam Bhoomi, Kanak Bhawan, Hanuman Garhi, Nageshwar Nath etc. temple located in Ayodhya.
4. When orders were issued for opening of the lock of Sri Ram Janam Bhoomi in 1986, I was present at Faizabad Court. On information of the orders for opening of the lock, I reached the Sri Ram Janam Bhoomi site at Ayodhya, where a number of other Journalists were also present. There was a big rush for visitors to Bhagwan Sri Ram Lalla. After the opening of the lock of Sri Ram Janam Bhoomi by the Police administration, all the visitors started entering Bhagwan Shri Ram Lalla Temple in a jubilant mood, dancing and striking the bells, blowing the sacred shell and chanting the name of Ram. All the streets, mohallas of Ayodhya were full of visitors and devotees of Ram. Everybody started visiting worshipping

Bhagwan Ram Lal in Jubilant mood and chanting religious songs.

5. I have been collecting and reporting to weekly journal the movements and news about incidents relating to Sri Ram Janam Bhoomi after the opening of the lock of Sri Ram Janam Bhoomi temple and thereafter. The foundation laying ceremony of Sri Ram Janam Bhoomi Temple was held in the month of November 1989 by Shri Kameshwar Chaupal Ji belonging to a Scheduled Caste community in the presence and wishes of saints, seers and learned people. I had sent important news about this incident also to the newspapers.
6. During October 1990 at the time of Sri Ram Janam Bhoomi movement, I was present at the disputed site in Ayodhya and was engaged in collecting news by living nearby the agitators. During firing in Ayodhya on 2nd November 1990, I was present in Ayodhya by the side of unarmed agitator Hindus in the Lal Kothi wali Gali. Lacs of devotee of Ram had come to join this movement as Kar Sewaks, devotee of Ram.
7. On 6th December 1992, when the disputed structure was demolished, I was present there for collection of news. Besides Kar Sewaks, a number of Journalists from India and abroad were also present there. At the time of demolishing of the disputed structure, I was present on the back side of the building comprising three domes means on the western side. Many other journalists and Press Photographers were also standing by my side.

8. During June 1992 when the work of leveling was being undertaken by the Government of Uttar Pradesh in the eastern side of Sri Ram Janam Bhoomi premises, some stones were found which appeared to be ruins of the temple. Besides, some broken idols, clay idols, clay pots were also recovered. On getting the second information, I went to the leveling side where so many other Journalists were also present. All the Journalists saw these ruins, clay idols, clay pots etc. and sent reports about them to the respective newspapers. All the above items, i.e., ruins of the temple, a few broken idols, clay idols and clay pots recovered during the above process of leveling were placed in the custody of the Ram Katha Museum Raj Sadan Ayodhya, Archeology Department of Uttar Pradesh.
9. On 6th December 1992, when I was standing behind the disputed structure, I saw that the plaster of a part of the western wall was broken and stones and bricks of uneven shape and size were fitted in the wall in a random manner which is reflected in figure Nos. 4,5,6,13,14 and 18 of the black and white album document No.201-C-1 and fixture Nos. 21,22,23,24,27,33 and 34 of coloured album document No.200-C-1 prepared by the department of Archaeology of Government of Uttar Pradesh.
10. After sometimes, the Kar Sewaks, equipped with rods-balli, iron pipes attacked in the southern part of the three deemed building and the western wall of the middle dome and with this bricks, lakhauri bricks and stones of uneven shape and size started falling from the wall in haphazard manner. It was in my presence

that along with many adorned slabs, a slab which was around three and half feet long, two feet broad and six inches in thickness also fell down. All these slabs appeared to be ruins of some temple. Out of curiosity, I and my fellow Journalists present at the site saw the slab. It was there that a saint told that the Slab appeared to be an inscription of some old temple and it should be taken away carefully. Besides, the other adjourned slabs should also be collected near the building located at Ram Katha Kunj. Some of the Kar Sewaks picked up the inscription appearing as such and brought it near the building located at ram Katha Kunj and with this that Slab was broken. At the instance of that saint, the Kar Sewaks carried away the other slabs also, which fell out of the western wall near the building located at Ram Katha Kunj. The other slabs emerging out of the walls of the disputed structure and which appeared to be the ruins of the temple, were also taken away by the Kar sewaks and placed near the Ram Katha Kunj building. The slabs looking like the above rock inscriptions were put together. I and many other Journalists were present there at the time and were looking at the slabs, which appeared to be the ruins of the temple, curiously. When the above slabs and other ruins of the temples were being collected at Ram Katha Kunj, people started gathering and on this, the police people took all the slabs in their custody and dispersed the persons present there, by making them understand.

11. Reports relating to the ruins of old temples emerged from the walls of the disputed structure on 6th December 1992 were sent by me and other journalists to the respective newspapers. On 7th January, 1993

when the police administration were barricading the disputed structure, I saw a 'amalak' coming out and I apprised others also of the same.

12. Dr. Sudha Mallayya with whom I had come in contact on 6th December, 1992, when slabs were being laid in Ram Katha Kunj, requested me on telephone on the morning of 13th December 1992, that she was interested to have a look and study of the ruins and the slabs appearing like inscriptions which had been retrieved from the walls and debris of the disputed structure and that I should help her in getting at the spot.
13. I gave a lift to Dr. Sudha Mallayya on my Motor cycle to reach the building located at Ram Katha Kunj, where the ruins and slabs retrieved from the disputed building, were available. After a while, Dr. S.P. Gupta also came and Dr. Sudha Mallayya introduced him to me. These persons looked at the slabs, ruins and inscription lying there and took many snaps. From taking the photo of the inscription, I kept it in a vertical position, Dr. S.P. Gupta, Dr. Sudha Mallayya looked at the inscription. The photographer of the daily 'Aaj' who was present there, also took a photo of the inscription, in which I am holding the inscription in a vertical position and Dr. Sudha Mallayya and Dr. S.P. Gupta are looking at it. The photograph was published in the Lucknow edition of the daily 'Aaj' on 15th December 1992, a copy of which is available with me.
14. At the moment when the news reached at 6.00 P.M. on 6th December 1992 to the effect that the Chief

Minister Shri Kalyan Singh had resigned and that President's Rule had been imposed in Uttar Pradesh, Curfew was immediately clamped in Ayodhya Faizabad. On contacting police officers, it was given to understand that entry of persons outside Ayodhya Faizabad was banned and arrangements were being made to send the Kar Sewaks, who were present at that time, by buses or trains outside Ayodhya without any delay.

Sd/-

DEPONENT

Lucknow

Ashok Chandra Chatterjii

Dated 3.10.2002

VERIFICATION

Contents of Clauses 1 to 14 of the Examination in chief in the affidavit are true to the best of my knowledge and belief and nothing has been concealed nor anything false has been stated. May God help me.

Lucknow:

DEPONENT

Dated 3.10.2002

Sd/-

[Ashok Chandra Chatterjee]

Deponent Shri Ashok Chandra Chatterjee has signed this affidavit today, on 3.10.2002 in my presence, which I hereby verify..

Lucknow

Dated 3.10.2002

Sd/-

(Ajay Kumar Pandey)

Advocate

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

OTHER ORIGINAL SUIT NO.5 OF 1989

(R.S.No.236 of 1989)

BHAGWAN SRI RAM VIRAJMAN AT
SHRI RAM JANAM BHOOMI
AND OTHERS PLAINTIFFS

VERSUS

RAJENDRA SINGH
AND OTHERS DEFENDANTS

O.P.W. 8 SHRI ASHOK CHANDRA CHATTERJEE

Examination-in-chief- Affidavit (pages 1 to 8) of Shri Ashok Ashok Chandra Chatterjee, aged around 52 years, son of late Shri Anil Chandra Chatterjee, resident of 2/1/2, civil line city and District Faizabad was taken on record. (Cross examined was undertaken by Shri Ranjit Lal Verama, Advocate, on behalf of Defendant No.3, Nirmohi Akhara).

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The witness stated on oath that "I have not done any Diploma in Journalism. I have not undergone any training in Journalism from any Journalist before starting the work of Journalism. I have been associated with the work of journalism since 1986-87. I am not associated with the

daily newspaper 'Aaj'. I am not aware of any temple located in Ayodhya barring the four temples about which I have mentioned in my affidavit. Even before 1986, I used to go to the disputed site as a visitor. A number of small temples were built outside the disputed site. A few temples are built at a distance in the east to the eastern gate of the disputed structure. I had not visited these temples. I had seen ascetics sitting outside. In my view, detached saints and ascetics are the same. I had seen the saints and ascetics present in the disputed site. Sumitra Bhawan Temple was built at a distance around 150-200 feet in the south eastern corner of the disputed premises. I had gone upto the front portion of the temple. At this point of time, I do not remember whether the words '2 Sumitra Bhawan' were inscribed or not on the outside of Sumitra Bhawan Temple. I have no knowledge of Akharas, of course I have heard of them. I have not read any article about Akharas. I have not studied any book relating to the history of Sri Ram Janam Bhoomi but I have gone through a number of articles on the subject. Shri Tarun Vijay is the editor of the weekly journal 'Panchjanya' which is published by Bharat Publishers. Shri Bansal is its publisher. I am not aware whether this newspaper is lined with RSS or not. This is wrong to say that the newspaper publishes only details of pure Hindu Sanatan Dharam. It is true that 'Panchjanya' has brought out a number of articles about Ram Janam Bhoomi frequently. At this point of time, I do not remember if any article has been brought out in this journal in which it was stated that Nirmohi Akhara had been fighting this case since 1985. At this time, I do not remember whether or not it was mentioned in any article that this case was fought by Shri Raghuvar Das in 1985. I have heard the name of Nirmohi Akhara, it is located in Ayodhya. I have also heard the name of Nirvani Akhara. I have not heard that Hanuman

Garhi comes under Nirvani Akhara. At this point of time, I do not recollect whether I had read or read in Panchjanya that Ram Janam Bhoomi temple came under Nirmohi Akhara. I have heard about Digamber Akhara. I may not be able to tell the name of the Mohalla of Ayodhya where this Akhara is located but I can take you to the site. As we are aware, in 1986, people knew of Mahant Ram Chandra Param Hans of this Akhara. Param Hans Ram Chandra is alive even today. Since 1986 uptill this day, I have been to the Digamber Akhara many a times and have had frequent discussions with him about the disputed temple or disputed site. I am not aware whether the Akharas are managed by Panchayats in Ayodhya. I do not remember whether there was any temple adjacent to the disputed site, where foundation stone was laid in 1989. At the time of foundation laying a 7-8 feet deep and 7-8 feet long and broad pit was dug. During foundation laying, I was almost present right from digging upto the foundation laying ceremony. During my presence, no idol or stone or historical brick or any archaeological ruins were found during digging.

By the 2nd November 1990, I had understood that the dispute was over the disputed structure, which some people called a temple and some others called it is a mosque. By disputed structure I mean the building with three domes, the inside and outside courtyard, where Ram Platform is constructed. As far as I recollect, the Government had acquired this disputed structure on 9th October 1991. It is true that just after October 1991, the Government had started demolishing temples near the disputed structure like Sumitra Bhawan, some portion of Sakshi Gopal, Sankat Mochan Mandir of Hanuman Ji, tiny temples of Ram Lalla and Sita Koop Mandir. I do not remember now whether or not I had done exclusive reporting of the news

about demolishing of tiny temples by the Government in October 1991. At this point time, I do not remember whether these temples were built and managed by the saints or panch of Nirmohi Akhara. I also do not remember now whether the High Court had granted stay within 10 days of the notification of acquisition. The work of leveling had started around eight months after demolition of these temples. I do not know whether the State Government had appointed any officer or not for the work of leveling. I do not know whether the work of leveling was being done under the supervision of any officer in June 1992. The work of leveling was being undertaken by the State Government and not by the Vishwa Hindu Parishad. The work of leveling was undertaken on the vacant land on the eastern side outside the disputed premises. The leveling was done upto around 150 feet in east. The length of leveling from north to south would also be not more than 150-200 feet. The work of leveling also included the leveling of Sumitra Bhawan. I am not aware whether the work of leveling was being undertaken by any contractor or not. I cannot state whether I had been to the site on the day, i.e., the first day when the work of leveling had started. When I went during leveling I found that many tractors were digging the land and the debris was being taken towards one side. The debris included the portions of the temples which had been demolished by the Government after October 1991. It is true that the level of the land where the work of leveling was undertaken, was the same which was of the land at the eastern gate of the disputed premises. However, there was a slight slope towards the east. I am aware of Shri Ram Janam Bhoomi Trust but I do not know if it is managed by Vishwa Hindu Parishad. I am aware that the department of Tourism of the state Government had allotted 40 acres of land to Sri Ram

Janam Bhoomi Trust on a lease of rupee one in March 1991. The forty acres included the land under leveling. At this point of time, I am not aware whether the contract of leveling had been given to Kedar Nath Contractor, where the Trust was entrusted in raising a Platform. I am also not aware that at the place of leveling a big Platform was built which was called by the people as raft. Later on, it was stated that the labourers who were constructing the Platform called it a raft. I cannot tell the precise date as to after how many days of leveling the Platform was constructed. The work of construction of this Platform had started within a month. I was not always present during the time of construction of the Platform. I did not visit the site of leveling daily. I was not present when the ruins, clay idols, clay pots etc. were found during leveling, but I had gone to see when people told me about them. I came to know of it after three four days of the work of leveling started. When we reached the site, many journalists had accompanied me comprising Saral Gyaptey of Danik Jagran, V.N. Arora of Time of India, Rajender Soni of 'Aaj' Kumari Meenu Arora of 'Gandev' papers. I may not be tell whether or not the journalists whose names I have mentioned, reported the incident in their newspapers. I may not be able to tell that at the time when I visited the site whether only the labourers were present or some other officers were also present or not. At this point of time, I do not remember whether any particular office bearer of Sri Ram Janam Bhoomi Trust was present at the site or not. I also do not remember whether any Junior Engineer of Executive Engineer was present at the site or not. When the ruins were being brought out during leveling, the labourers were piling the material. When the remains were emerging during leveling, there was no photographer with me at that time. I had published report about this incident

in my journal 'Panchjanya'. The article was probably published in the issue relating to the period 7th to 15th July. I had gone through the issue also. I cannot state whether the article was in my custody or not. When I had visited the site of leveling for the first time after hearing about the same, I had visited the place again after four five days. Many correspondents were also present there when I visited the place for the second time. When I visited for the second time, the number of items had exceeded than the number of items I had seen in my first visit. Later on, it was stated that the number had increased substantially. During my first visit, the number of items of remains was three-four, which had increased to thirty-thirty five on my second visit. On my first visit to the site of leveling, the three four items that had emerged, included one two tiny clay pots, something like a hand of some idol. On my second visit, no photographer was present at the site. It was stated later on that no photographer had accompanied me or not and whether any photographer was available at the site or not. During my second visit to the site, there was not so rush. The incident of archeological finds during the first leveling did not have any significant effect on the saints and ascetics of Ayodhya. When I visited the site of leveling for the second time, an officer of the Archaeological Department was present there. I cannot tell whether he had come from Lucknow or not. I have mentioned in my news report that an officer of the Department of Archaeology was present there, but I do not recollect his name, at this point of time. I had come to know at the time that all this material would be kept in Ram Katha Museum Raj Sadan, Ayodhya. At that time, I knew that all these remains would be kept in Ram Katha Museum, which is located in Raj Sadan Palace of Raja Saheb, located in Ayodhya. I do not know whether Raj

Sadan Museum in Ayodhya is different from Archaeological Museum. I am also not aware of Ram Kathan Kunj, which is located in Raj Sadan Palace of Raja Saheb, located in Ayodhya. I do not know whether Raj Sadan Museum in Ayodhya is different from Archaeological Museum. I am also not aware of Ram Kathan Kunj, which is 200 steps in the east of the crossing of Hanuman Garhi from the Tulsi Crossing. Later on, he stated that he is not aware of it by its name.

Ram Katha Museum is under the Department of Archaeology of the Government of Uttar Pradesh, Among the agitators, about whom I have mentioned in para 6 of my affidavit included other persons and also residents of Ayodhya were also present. At this point of time, I am not in a position to disclose the names of those residents of Ayodhya. Later on, he stated that he remembered the names of the agitators, who had lost their lives during firing and who had been interviewed by him. These agitators comprised both saints ascetics and householders. I may not be able to mention the name of any such saint/ascetic. I have never lived at the places of these saints ascetics and I had not met those agitating saints ascetics in the disputed premises. The saints-ascetics also lived in the disputed premises. It is true that their pantry store was built there. From my ancestors and father, I have come to know that the disputed site has been Sri Ram Janam Bhoomi Mandir from its very inception. Our families and the Hindu psyche have always regarded it as the temple. According to my belief, the structure that was demolished on 6th December 1992, was a temple. The tiny temples outside the disputed premises were demolished by the State Government during the leveling. But the disputed structure was demolished by the Kar Sewaks on 6th December 1992. I had never been on

the rear, i.e., in the western side of the disputed building prior to 6th December 1992. I was aware that a Parikrama Marg had been constructed in the western side of the disputed building. I believe that the thickness of the western wall of the disputed building should surely be about one meter. From the point, where I was standing, the bricks did not appear arranged on disputed wall rather it appeared as if the wall was built by stones in a haphazard manner. One meter wide wall was filled with debris, garbage and small stones besides, tiny stones. A three and half feet long, two feet wide and around six inches thick big slab fell in my presence and it appeared as if something was inscribed on it. Besides, many other slabs, which were six seven in number, also fell. Designing was carved on the slabs. The six seven slabs were of nine inch thick and of 1.3 feet wide and 3 feet long. On a cursory look, all these slabs appear similar. Later on, Volunteer that they were appearing different from others. Many other Journalists were present there at that time but I may not be able to mention their names. They appeared to be outside Journalists. The big slab about which I have mentioned above, fell around quarter to three P.M. B.B.Rai, SSP was not present at the place where I was standing. There was no officer whom I recognized, I do not recognize all the senior officers of Faizabad. At the outset, the biggest slab was carried to Ram Katha Kunj and later on other slabs, were taken to Katha Kunj. I had accompanied the big slab up to Ram Katha Kunj. I may not be able to tell whether the other Journalists present there, had gone up to Ram Katha Kunj or not. When all the slabs were put at Ram Katha Kunj, all the Journalists of Faizabad including myself were present there. All the Journalists of Faizabad were present in Katha Kunj even before me. The officers had not acquired those inscriptions immediately on my reaching

there. It is true that after 6th December and 7th January 1993, the Central Government had acquired the entire premises and 67 acres of land attached thereto. It is also true that even before 6th December, 1992, the disputed premises had been barricaded. When I visited the disputed premises on 7th January 1993, I did not obtain any permission nor affixed my signatures anywhere. I was in possession of an Identity card (Journalists), issued by the State Government, on the basis of which I was allowed to get in. It was for the first time on 6th December 1992 that I came to know of Dr.Sudha Mallayya. Dr.Sudha Mallayya had also a Journalists's identity Card. Dr.Swarajya Prakash Gupta had reached the disputed site just after a while after we reached there. Later on, he stated that he had come near Ram Katha Kunj. I had seen Dr.Swarajya Prakash Gupta for the first time, in October 1992 in a Press Conference. Shri Ram Babu Aggarwal had never been my partner in my Petrol Pump. He never managed my Petrol Pump. I am known to him. I am not aware whether Ram Babu Aggarwal is an active member of Vishwa Hindu Parishad or not. I have gone to Kar Sewaks Puram many a times. I do not know about the occupation of Ram Babu Aggarwal. I also do not know whether he supplies atta, pulses, rice in Kar Sewak Puram. I had visited the disputed site at the time of the construction of big platform. I do not remember whether a deep digging was done at the time of construction of that platform or not. It is wrong to state that the inscription mentioned by me, had been found during digging. The photograph in which I am holding the inscription and about which I had mentioned in para 3 of my statement in my affidavit, was taken by the photographer of 'Aaj' journal. That photographer had taken photographs of other small slabs also. Those photographs had been published in 'Aaj'. It is wrong to attribute that

Ram Babu Aggarwal had been my business partner and that he had managed my Petrol Pump for a long time and I have come here to depose because he is a special worker of Vishwa Hindu Parishad.

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

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This is wrong to state that the newspaper named 'Panchjanya' is RSS or Jansangh dominated newspaper, rather it is a newspaper brought out by Bharat Prakashan. I am not aware of the details of the proprietors of Bharat Prakashan. I am the Faizabad correspondents of Panchjanya newspaper. I have been a correspondents of this newspaper for the last sixteen years and during these sixteen years, I am not aware the owners of Bharat Prakashan. The newspaper is published not from Lucknow but from Delhi. Since the day I became the correspondence of the newspaper, it is being brought out from Delhi only. ON 6th December, 1992, I was behind the western wall of the disputed building from 12.00 to 5.00 P.M. I did not stand remain at one place rather I kept on moving from one place to the other. The disputed building being a big building was demolished in peace meal. First of all, the dome on the northern side of the disputed building fell followed by the dome on the southern side and finally the central dome fell down. The entire building had been demolished by 5.00 p.m. on 6th December 1992. At the time of demolition of the disputed building, the police was stationed on the roof of another temple across the northern road away from the disputed building. There was

a distance around 250-300 feet in between the point where I was standing and the point where the police was located on the roof. Around 60 to 70 policemen were present on the roof. This temple is not the Ram Janam Bhoomi Temple. It was not the Janam Sthan temple also. As told to me that temple is known as Sita Rasoi Mandir, which was not demolished. The disputed building, which is called as: mandir by Hindus and a mosque by Muslims located in the disputed complex was demolished by the Kar Sewaks, whom I did not recognise. I was present all along the time of demolition of the disputed building. Barring a few Journalists, I did not recognise anybody present at the site. Saral Gyaptey of Faizabad, Rajender Sonia of 'Aaj' V.N. Arora of Times of India and some other Journalists were also present amongst others. I had seen them during 12.00 to 5.00, but I cannot say whether they were present in the disputed complex during the entire five hours. To my knowledge, there was no ban in entering the disputed complex on the day of the incident, there was a ban only in entering the structure. There was also a ban in entering the platform in the south of the disputed building. Boys had mounted the disputed building and had demolished it. Hundred of boys were seen mounting the building. I did not count the number of boys but I had seen the boys mounting the building and the very boys who had mounted, demolished the disputed building. Since I was at a distance from the northern dome, I cannot say how many people got injured or lost their lives in dismantling the dome. All these boys were Kar Sewaks, but I cannot say whether all of them were members of Vishwa Hindu Parishad or not. The northern dome was knocked down near by 1.34 or 1.40 on the day of the incident. Thereafter the southern dome was demolished at around 3.5.2006, whereas the middle dome had fallen down at around 5.00 P.M. I was present all along

upto 5.00 P.M. and a witness to all this. During this entire incident, the police did not try to use any force or fire any rounds at any stage. At the time of demolition of the disputed building, no one belonging to Muslim community was seen nearby the site. At that time, only those persons were present, who claimed to be Kar Sewaks or were police and other officers. Many leaders were present on the stage built up on the roof of Ram Katha Kunj. Since the above stage was not visible from the place where I was standing, I cannot say whether Shri Lal Krishan Advani was present on the stage in between 12.00 to 5.00 on that day. I kept on shuttling from here to there in the western side from 12.00 to 5.00 P.M. The reasons behind moving from one place to other was to evade the possible action by the police. During 12.00 to 5.00 P.M., I never went in front i.e., eastern side of the disputed structure. All the persons belonging to newspaper were not standing with me. In all, there were four five reporters who were around me. There were many other reporters beside them, but I do not know their names. As stated by me above, I did not visit the stage built on the roof of Ram Katha Kunj and as such, I cannot tell as to which leaders were present on the stage. Loudspeakers were fitted and speeches were being made. Since I did not recognize the voice of Advani Ji, I cannot say whether Advani Ji was speaking anything through the mike. However, there were repeated calls through the mike not to damage the disputed building, but still the Kar Sewaks managed to knock down the building. A few pieces of stones found in the disputed building were taken away by the Kar Sewaks and were kept behind the Ram Katha Kunj. The process of carrying and placing the stones had started at 3.00 P.M. which continued till the evening. I left the disputed site along with others after 5.00 P.M. The remaining Journalists would have left by their respective

vehicles. No Journalist had accompanied me, I had gone by my vehicle independently. At around 7.00 P.M., the officers of the Local administration informed us that the Central Government had dismissed the Government of Uttar Pradesh and President's Rule has been imposed and that they are enforcing curfew in Ayodhya and Faizabad. However, in practical terms, no curfew could be imposed till the noon of 8th December 1992 and it was only thereafter that curfew was imposed in a strict sense. I believe that it was impossible for the administration to impose curfew in the presence of four five lacs of people. Mostly Ram Janam Bhoomi trust had only brought the Kar Sewaks to the place of incident, i.e., the disputed site. Kar Sewaks had started gathering five six days prior to the incident of 6th December 1992. A number of tents had been erected near the disputed site and the Kar Sewaks were living in these tents only. I cannot state as to when were the tents erected but probably it was done five seven days prior to the date of incident. I cannot tell about the source from which the Kar Sewaks were getting their food. The Kar Sewaks had started leaving Ayodhya in the evening of 6th December itself and this exodus continued till 9th. I am aware of Kar Sewaks leaving on 9th because the administration had arranged buses for their journey. In another words, the Kar Sewaks had left Ayodhya in between 7th to 9th December 1992. I cannot state whether Ayodhya was free from Kar Sewaks by 9th December or not, there is a possibility that few of them might be living in the temples.

I do not have any information nor I came to know through newspaper that the then Central Minister Shri Arjun Singh had come to Lucknow at that time or not. I also do not know whether he went to Faizabad or not. I am not

aware of his visit to Delhi on 4th December 1992. There was no skirmish in between the Kar Sewaks and police on 6th December prior to the incident or during the incident. On 6th December 1992 before 12.00 noon, Shri Sudarshan Ji who is the present Sarsangshchalak of Rashtriya Swayamsewak Sangh and Uma Bharati Ji were present on the stage erected on the roof of Ram Katha Kunj. Besides, Ms. Ritambhara and Ashok Singhal were also present. Amongst these leaders, Shri Ashok Singhal himself was refraining from damaging the disputed building but no Kar Sewak was paying heed to him. Besides, Mahant Dharam Dass Ji of Ayodhya also pushed Kar Sewaks out and refrain them. As to my knowledge, Ritambhara Ji did not get down from the stage before 12.00. All the people present on the stage of Ram Katha Kunj tried that no Kar Sewak damages the disputed building. Besides, all other leaders, who were present there, also refrained the Kar Sewaks from damaging the disputed building, but no one listened to them. I did not hear the voice of Shri Lal Krishan Advani and I could not recognise whether the voice coming from the Stage belonged to Advani Ji or anyone else. Since I did not recognise the voice of Shri Advani, I cannot say whether the voice coming from mike was his or not. I had heard a female voice but I cannot say whether it was the voice of Ritambhara Ji or not. I could not also recognise the voice of Shri Murali Manohar Joshi, but all the leaders present on the stage were calling upon the people not to damage the disputed structure. The leaders kept of appealing upto 12.30, but thereafter the appeals weakened and they had realized that they could not do anything and thereafter there was no appeal for refraining from damaging the structure and then other things started coming from the mike. Then various voices started coming from the milk. There was no specific voice at the time of the demolition of

the first dome, i.e. 1.35 P.M. Only uproar and shouting by Kar Sewaks, chanting of Sri Ram was audible in all directions. After 12.30 I did not hear the voice of anyone of the persons, who were present on the stage before 12.00 noon, whose names I had mentioned above. I do not know if Advani Ji was present on the stage upto 5.00 p.m. or not nor I am aware whether Joshi Ji was present upto 5.00 p.m. there or not. I cannot tell that which leaders out of the leaders I have mentioned above, remained on the stage upto which time. I had witnessed the stage closely and from a distance both ways before 12.00 noon. I cannot say how and by which vehicles did the above leaders left the disputed site or stage after 5 P.M. After the demolition of the disputed building, the Kar sewaks leveled the debris of that building with each other help by using spade and thereafter established the Vighra of Sri Ram there. Place measuring around 40'X 40' was leveled. I believe around 300 to 400 Kar sewaks completed this leveling. Possibly more than 400 Kar Sewaks might be present at the disputed site.

Verified the statement after hearing.

Sd/-

Ashok Chandra Chaterhee

3.10.2002

Typed by the Stenographer in the open court as dictated by us, In continuation of this be present on 4.10.2002 for further cross examination in this case.

Sd/-

3.10.2002

Dated 4.10.2002

O.P.W.8 Shri Ashok Chandra Chatterjee

(Cross-examination of O.P.W. 8 Shri Ashok Chandra Chatterjee by Shri Abdul Mannan, Advocate in continuation of the proceedings of 3.10.2002).

On 6th December 1992, I was standing behind the disputed building in the west and a mob of 2.5-3 lacs of people were demolishing the disputed building. I had seen the disputed building being demolished from the rear portion. I saw the first dome, the second dome and then the third dome falling down. The three domes of the disputed building did not fall simultaneously; rather they fell one by one. I was present at the disputed premises upto 6.30 P.M. on 6th December 1992. After the demolition of the disputed building on 6th December 1992, the Kar Sewaks had taken some items out of the debris and carried them to ram Katha Kunj. They took away some items with them and the remaining debris remained there itself. The Kar Sewaks had taken away small slabs out of the debris, which according to them were portions of the temple. It was around 2-45 P.M. when the Kar Sewaks started taking away small slabs out of the debris from the point where I was standing. Two types of stones were fixed in the disputed building, some were of black colour and the others were like brown colour. The Kar Sewaks termed the latter as sand stone slabs and they took away only those stones. I am not aware where did the Kar Sewaks take away those stones. I cannot say nor I am aware where did the Kar sewaks take away the small stones. The first part of the northern portion of the disputed building fell down at around 1.35, whereas the southern portion was demolished at around 3.00 P.M. and it was at 5.00 P.M. when the

middle portion fell down. I am not aware whether Shri Advani Ji is a leader of Jansangh or not. As on this day, I know that Shri Advani Ji is Deputy Prime Minister of India. At this point of time, I do not remember what post was held by Shri Advani Ji in BJP as on 6th December 1992. However, he was a leader of the Bhartiya Janta Party. I do not know what post was held by Kumari Ritambhara Ji in BJP. I had seen Murli Manohar Joshi, Uma Bharati on the stage at Ram Katha Kunj before 12.00 Noon. At this point of time, I do not remember if any of the leaders of BJP besides, Shri Advani, Shri Murali Manohar Joshi, Uma Bharati, Kumari Ritambhara were present there or not.

I am a Journalist and have been working as such for the last sixteen seventeen years and have also been working as a Reporter for Panchajanya almost for the same period. As on 6th December 1992, I was a correspondent of Panchjanya. When the disputed building was being demolished on 6th December 1992 before me, police did not take any action. Later on, it was stated that no force was applied. Police was present in a sufficiently large number. Around 50-60 uniformed policemen were present at the point where I was standing. They did not indulged in any forcible action and were all standing like mute spectators. I am not aware of any reason as to why the policemen were standing like mute spectators at that time. I am not aware about the number of police personnel present in Faizabad on 6th December 1992. I do not know if 1000 additional policemen were present in faizabad besides, the regular police personnel. I am not aware whether a few out of these 1000 policemen were sent to the disputed site in Ayodhya. I have some knowledge of Ayodhya area. Faizabad Ayodhya have common boundaries but I cannot tell the distance in between the two cities. Distance

between Faizabad Kotwali and Ayodhya Kotwali would be around 4.5 kilometers. I am not aware that at that time 1000 policemen from Faizabad Police Line and Ayodhya Kotwali were present there. Around 300 policemen must have been around the disputed site at that time. There was a building in Ayodhya which Hindu claimed as their, temple whereas the Muslims claimed it to be their mosque and it was this building which was the cause of dispute and a number of suits were going on in various courts in connection with this disputed building. I was not aware whether a case pertaining to the disputed building was pending before three judges of the Lucknow Bench of the Allahabad High Court as on 6th December 1992. I am not aware whether the Hon'ble High Court had passed any order that no Kar Sewaks would visit the platform on 6th December 1992. I was given to understand that the Hon'ble Supreme Court or the Hon'ble High Court had appointed a District Judge as an Observer and deputed him to the site of incident on 6th December 1992. I do not know what role did the Observer play on 6th December 1992. I saw that the Observer was present at the disputed site on 6th December 1992, but I do not know whether or not he presented any report in the Court. The Kar Sewaks had started pouring in Ayodhya three four days prior to the incident, i.e., 6th December 1992. I do not know the agency which arranged for the lodging of the Kar Sewaks, but I do know that the Kar Sewaks had started gathering three four days prior to the incident. These Kar Sewaks remained in Ayodhya upto 7-8th December 1992. I was given to informed that the Government had got Ayodhya evacuated by Kar Sewaks on 8th December 1992. A number of camps were established in Ayodhya, where Kar Sewaks were residing. From the words camps, I mean temporary tents made of cloth. Mattresses, bed sheets, pillows were made available

in the camps. I do not know the exact number of such camps established in entire Ayodhya. I had seen a few camps behind Ram Katha Kunj close to the disputed site on 6th December 1992. Since I had not counted the camps, I cannot give their number of approximation. The camps were not in hundreds, they were less than a hundred. Besides these camps, the Kar Sewaks were available in other camps also. I am not aware of the place where the camps had been installed. No camps were installed around the disputed building, a few camps were there only in the southern side. I did not see any camp fixed in any other part of Ayodhya. I cannot tell whether the three lacs Kar Sewaks stayed in the camps fixed behind Ram Katha Kunj and on the southern side of the disputed site. They would have stayed in various temples. I do not know as to whom had installed the camps, which I had seen. I also cannot tell whether the camps, which I had seen were fixed with effect from 4th December 1992 or earlier or later. The Kar Sewaks had started gathering around the disputed premises right from the morning of 6th December 1992 and their number had swelled upto three lacs till 12.00 Noon. I do not recollect whether any meeting of Jansangh was held in Lucknow on 4th December 1992 and whether Atal Ji and Advani Ji had addressed the meeting or not. I was not present in any gathering or meeting in Lucknow on that day. I do not know where all these leaders went away on 5th December 1992. I do not know whether Atal Ji went to Delhi on 5th December 1992 and Advani Ji along with other leaders left for Ayodhya. I had not met Advani Ji in Ayodhya or Faizabad on 5th December 1992. I had no personal meeting with Advani Ji on 6th December 1992, of course, I had seen him standing on the stage. I had seen a number of Journalists present in the disputed premises. I had not seen Advani Ji on the stage at Ram Katha Kunj in

between 12.00 to 5.00 P.M., on 6th December, 1992. I was present within the municipal limits of Ayodhya city upto 6.45 p.m. on 6th December 1992 after which I left for Faizabad. When I left Ayodhya on my way to Faizabad, the mob at the disputed premises had substantially decreased. Still 40-50 thousand Kar sewaks must had been present there. A few of these 40-50 thousand Kar Sewaks were cleaning the debris of the disputed building or leveling and others were either standing, sitting or moving. I cannot say whether the Kar Sewaks had gone to tents or elsewhere when their number was reduced from three lacs to 40-50 thousand.

Right from my childhood, I have known the disputed building as a temple, but I am not aware as to when was it constructed. In my view, the disputed building was not a mosque. I do not know whether the Muslims ever offered prayers in the disputed building or not. Since I was born on 23rd November 1950, I cannot tell whether the Muslims had offered prayers upto 9.00 P.M. on 22nd December 1949. Even later on, no one ever told me whether or not the Muslims had offered prayers in the disputed building on or before 22nd December 1949. I do not know whether 23rd December 1949 was a Firday and whether the Muslims had gone there to offer prayers on that day or not. I am not aware of the fact whether the District Magistrate of Faizabad had refrained the Muslims to offer prayers in the disputed premises on 23rd December 1949 and sent them back I am also not aware whether the devotees had been sent elsewhere in the noon on that day. I am not aware whether the disputed building had been attached under an order of City Magistrate on 29th December 1949. It is not in my knowledge whether the disputed building had ever been attached or not under Section 145 Cr.P.C. I am also not

aware as to how long did the building remain under attachment. I also do not know whether proceedings under Section 145 Cr.P.C. went to the Lucknow or not.

I was 12-13 years old when I visited the disputed building for the first time. I do not remember whether police personnel were posted near the disputed building at that time. I had gone there with my father. I had gone to the disputed building many a time thereafter, but do not remember as to how many times and when did I frequent the building. In all I would have visited the disputed building forty fifty times. Whenever I went to the disputed building, my intention was only to worship and as such, I never cared to see whether police was ever posted there or not. I used to go to worship and come back. After 1989-90, the number of police personnel around the disputed premises had gone up to an extent that it had become noticeable.

I never participated as a Kar Sewak in the Ram Janam Bhoomi movement started in 1990, however, I have been a part of such movements in the capacity of Journalist. In 1990, one or two Kar Sewaks had climbed up the domes of the disputed building. I was not present at the premises of the disputed building on that particular occasion. At that time, I was on National Highway No.28, from where the disputed building is around 250-300 yards away. The disputed land was not visible from the very point where I was standing. The disputed building was not in front of that point. It was around 12-12.30 in 1990 when 1-2 kar Sewaks climbed up the domes. Because I was not present in the disputed premises at that time and on that day, I cannot tell the total number of Kar Sewaks, who were present in the disputed premises at that time. It is true

that on that day thousands of Kar Sewaks were present in between the disputed premises and the point on National Highway No.28 where I was standing.

Verified the statement after hearing

Sd/-

Ashok Chandra Chaterjee

4.10.2002

Typed by the Stenographer in the open court as dictated by us, In continuation of this be present on 7.10.2002 before commissioner for further cross examination in this case.

Sd/-

4.10.2002

www.vadaprativada.in

Dated 7.10.2002

O.P.W.8-Shri Ashok Chandra Chatterjee

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

{Appointed vide order dated 4.10.2002 of the Hon'ble full Bench in Other Original Suit No.5/89 (Original Suit No. 236/89)}

(Cross-examination on oath of O.P.W.8 – Shri Ashok Chandra Chatterjee by Shri Abdul Mannan, Advocate on behalf of Defendant No. 6 in continuation of the proceedings of 4.10.2002)

I have been working in the field of Journalism for the last 16-17 years. I am a resident of Faizabad proper since my birth. I do not know the date of construction of the disputed building and I also do not have personal knowledge as to who had built it. I have heard it from my elders that it has been a temple from times immemorial and that during the medieval period, the invader by the name of Babar had tried to demolish this temple and convert the place of his worship. I do not know that in which year Babar had come to India. I also do not know whether there had been any fight in between Babar and Ibrahim Lodi. I would have read History subject in ninth or tenth class. I passed my 10th class in 1965 and I had passed by 9th class in 1964. I do not remember if we had ever been taught as to when Babar had knocked down the disputed building and tried to convert it into his place of worship. I do not remember whether in 9th or 10th class, I had read anything in History suggesting that the disputed building in Ayodhya

was demolished by Meer Baqi, the Army Commander of Babar and made a place of his worship.

Question – Is it a fact that at the time when Meer Baqi built the Babri Mosque, two couplets had been inscribed thereon ?

(On this question, Shri Ajay Kumar Pandey, learned Advocate of plaintiffs objected that the witness is neither historian or an expert of script nor he is conversant with Urdu, Arabic, Persian and as such posing a question to him is not relevant. Such a question should not be allowed.)

Answer: I have no knowledge of this subject.

I was 12 –13 years old, when I had seen the disputed building for the first time. At present I am 52 years old.

When I went to the disputed building for the first time, my only purpose was worshipping and praying and, therefore, I did not look around unnecessarily. I am not aware whether any couplet was inscribed thereon or not. I am not a student of Literature and, therefore, I do not know what is meant by a couplet. It is not to my knowledge whether anything is inscribed on the main gate or not. For entry into the disputed building we were aware of only two gates from over childhood. I had seen something like Mandir Sri Ram Janam Bhoomi or something like this written in Devnagari Language on both the gates. When I went to the disputed premises forty years ago, I did not find anything written in Urdu. I am not all aware of Urdu Language. My last visit to the disputed building was in the month of November or December 1992. When I went to the disputed building was demolished. We had reached the disputed premises at around 7.30 –8.00 AM before 12.00

Noon on the day when the building was demolished. We had reached at around 7.30 –8.00 AM on that day. I was present in the disputed premises upto 6.30 –6.45 PM. In between 8.00 AM to 6.30 PM, three – four lac people had assembled there. I cannot say whether the mob comprised only Kar Sewaks or not. I had met a number of people in between 8.00 AM to 6.30 PM. Some of them were my Journalists colleagues and others were Kar Sewaks. Besides, a few Government officers, police personnel officers of the State Government etc. were also present. I do not remember the names of the officers of the District Administration, who were present there. However, his designation was that of an Executive Magistrate. Personally neither the Magistrate did not know me nor I knew him. Whenever such magistrates come for maintaining law and order , they are accompanied by their staff and they also come by Government vehicle. Journalists like us spot them with all these phenomenon. I do not know about the total number of journalists present in that mob. I may also not be able to tell the number of Executive Magistrate appointed there by the Government. I may not be able to tell whether the number of Executive Magistrate available there, was ten, fifteen or twenty. I had occasion to interact with a number of people there, who were Kar Sewaks. Many Kar Sewaks informed me about the province to which they belong. I do not remember the state from which they had come. The Kar Sewaks told me that some of them came from Andhra Pradesh a few had come from Haryana, Delhi and a few others had come from Bihar. Some of the Kar Sewaks had also come from Bengal. I do not know if Kar Sewaks from other States had also come or not. I had seen Kar Sewaks entering in Ayodhya some three- four days prior to 6th December 1992. They had started pouring in three- four days prior to the

date of incident. I do not know where all of them were staying. I had seen a few Kar Sewaks occupying the tents. It was probably on 2nd or 3rd December 1992. I had seen the Kar Sewaks for the first time on 2nd or 3rd December 1992. Thereafter, I had seen a number of Kar Sewaks on 4th December 1992 also. I had gone to the disputed premises on 4th December 1992 also. Since I am not conversant with Urdu language, I may not be able to tell whether anything was written in Urdu on the disputed building on 4th December 1992. I do not know whether anything was written in bold letters in Urdu language on the main gate. It will be wrong to say that I had never visited the disputed building. At this point of time, I do not remember whether I had gone inside the disputed building on 4th December 1992 or not. I also do not know that if anything is inscribed on the building whether it is Urdu or not.

I went into the inside of the disputed building and had seen pillars standing therein. There were three gates in the disputed building. On 4th December 1992, I had returned from the disputed premises after staying there for about 1-1.5 hours. When I came out of the disputed premises on 4th December 1992, I found 100-200 persons moving to and fro. I had talked to a number of people amongst them. I had asked them why had they come, how had they come and from where had they come. They told the name of the State from where they had come and also that they had come for Ram Kaaj. The Kar Sewaks included those belonging to Andhra Pradesh, Madhya Pradesh, Haryana, Delhi, Bihar, Bengal. On 4th all the Kar Sewaks had one common answer that they had come for Ram Kaaj. I do not know what did they mean by the 'Ram Kaaj'. In my view, by Ram Kaaj, they meant doing Kar Sewa at the

disputed complex. The Kar Sewaks knew on 4th December 1992 that would be doing Kar Sewa on 6th December and i.e. why they replied to me as above on 4th December 1992. During my stay of about 1-1.5 hours in the disputed premises on 4th December 1992, I had interacted with 25-30 persons and more or less all the Kar Sewaks had deposed that they had come for doing Ram Kaaj on 6th December 1992. I do not know what is the real meaning of Ram Kaaj. I have reproduced what the Kar Sewaks had told me there. I had asked them where were they staying and how satisfactory was the provision of food for them. They told that they were staying in tents and temples and are being provided food there itself. I do not know the number of persons staying in the tents. I also do not know how many of them were staying in temples. On 4th December 1992, I did not try to find out how many Kar Sewaks were living in the tents and how many were living in temples. We had visited the disputed premises in the morning of 5th December 1992 also. It was 11-11.30 in the morning. I had visited the disputed premises on 5th December 1991, but had not entered into the premises. I had seen the words 'Sri Ram Janam Bhoomi Mandir' written on the front gate of the disputed building on 5th December 1992. There are two gates for entering the disputed building –one was the main gate and the other was 'Hanumat Dwar'. We called the first gate as 'Singh Dwar'. At this point of time, I do not remember if an iron gate was fitted on the first gate. After entry through the first gate, one finds a verandah after which there is a platform on the left side. The platform would be 21' long and 17' wide. Beyond the platform, there was a type of a wall with rods, gate fitted therein. Later on, he stated that a frame of rods was fitted there. I remained at the disputed premises for about 1-1.25 hours on 5th December 1992. On that day also I had interacted with 10-

15 persons in the same way as I had done on 4th December 1992. I had left the disputed premises after staying there for about 1-1.25 hours on 5th December 1992. At this point of time, I do not remember as to where had I gone after returning from the disputed premises on 5th December 1992. I had talked to a number of journalists on 5th December 1992. Shri Tuli, BBC Correspondent was one of the prominent Journalists with whom I had talked. Shri Tuli was present in Ayodhya on 5th December 1992. I had met Shri Tuli Ji in Ayodhya and in Faizabad also on 5th December 1992. I had met and talked with Shri Tuli Ji in Ayodhya at about 12.00 Noon. We continued talking for about 15-20 minutes. Shri Tuli Ji was staying at Shan-e-Avadh Hotel, Faizabad on 5th December 1992. Many other Journalists were also staying there like Shri Viond Shukla, Editor of Dainik Jagran. Many others were also staying there, but I do not remember their names at present. Besides the Bureau Chief of 'Amar Ujala' and also Journalists from Jansatta, a number of foreign journalists were also present there. I may not be able to tell the number of foreign Journalists present there. I believe that the number of foreign journalists would be at least 14-15 as on 5th December 1992. Most of them were staying at Hotel Shan-e-Avadh on 5th December 1992. Amongst the foreign Journalists, I had interacted with Shri Tuli Ji, who is the senior most and a highly respectable journalist. Shri Tuli Ji was talking to us on hypothetical basis about the incident likely to happen on 6th December 1992.

During his talk with us on 5th December 1992, Shri Tuli had wondered whether the organizers of Kar Sewaks would be in a position to control such a large number of Kar Sewaks, who had assembled there. Our discussions revolved around this topic. In my opinion, if very provoking

activities had taken place, the Kar Sewaks could not be controlled in any way. This is a view we held on 5th December 1992. I have shared these thoughts with him and most of the journalists present there more or less shared my view point. When I was talking to Shri Tuli Ji, some 5-6 persons were present and it was around 5.00 p.m. On 5th December 1992, 25-30 journalists must have been present in the disputed premises besides us. A few whom I recognized were Journalists belonging to 'Dainik Jagran', Times of India Jansatta, B.B.C., Amar Ujala etc., Since I had not sought the views of each journalist, I cannot say whether their views were akin to mine or not. When I was talking to Shri Tuli Ji, all the journalists had more or less the same view point. I am not aware whether the remaining Journalists had apprised Shri Tuli Ji of their views or not. I had talked to Shri Tuli Ji many a times on 5th December 1992, but I do not remember precisely the number of times I talked to him. We had our talks near Ram Katha Kunj in the disputed premises. I had talked to Shri Tuli Ji in the hotel at around 8.00-8.30 or 9.00 P.M. On 5th December 1992, much of excitement was visible in the evening amongst the kar Sewaks because somebody had informed that the BBC, during its telecast, had shown the clippings of the incidents of 1990, which gave rise to a confusion whether this action was taken in December 1992 or October 1990. Shri Tuli was telling us that it was wrong and that it was never their intention to instigate the Kar Sewaks by showing all this. When we were talking to Shri Tuli Ji in the night some four five persons were present there. Shri Tuli Ji had not explained it to me as to how many Kar Sewaks had assembled by the evening of 5th December 1992. I do not know who had brought the Kar Sewaks there. This is wrong to attribute that I had visited the disputed premises on 4th December 1992 for the first

time. I had frequented the disputed premises many a times earlier also.

We had reached the disputed premises at about 8.00 A.M. on 6th December 1992. Nobody had accompanied me at 8.00 A.M. on 6th December 1992. Many a Journalist had already come before I reached there and still a few were dropping in. Shri Rajender Soni of Daily 'Aaj' Shri Harishanker Tewari of 'Swatantra Chetna' and Shri Vinod Shukla of Dainik Jagran had reached at around 8.00 A.M. Shri Vinod Shukla resides in Lucknow, whereas the others live in Faizabad. There were a number of other journalists were also whose names I am not able to recollect now. At this point of time, I am not able to recollect the names of Journalists who had come from Delhi. Amongst the Journalists, who had come from Lucknow, I remember name of only Shri Vinod Shukla. I do not remember the names of the other Journalists coming from Lucknow. I also do not know the number of Journalists belonging to Lucknow. I also cannot tell as to how many journalists had come from Delhi. Similarly, I also cannot tell anything about the number of Journalists coming from Lucknow. I also cannot tell the total number of journalists present at 8.00 A.M. in the disputed premises on 6th December 1992. I also cannot tell the number of Journalists present at the time of the incident. I knew only 8-10 journalists very well out of the journalists present on the site of incident on 6th December 1992. I recognized the other journalists by face only. The 8-10 Journalists known to me, included Journalists from Dainik Jagran, Aaj, Jansatta, Times of India, Dainik Aajkal of Calcutta and Shri Tuli from BBC. Shri Tuli had reached at around 8.00 A.M. on 6th December 1992. Others present, included Shri Saral Gyapety from Dainik Jagran, Shri Rajender Soni from

Aaj, Shri Vishwambher from Times of India and Shri Hari Shanker Tewari from Swatantra Chetna. I do not remember the names of other journalists who were present there. All these journalists were present there at 8.00-8.30. The crowd had started mobilizing from 8.00-8.30. In all around 30 thousand persons were present in an around the disputed premises at 8.00-8.15 A.M. Steadily, the crowd started swelling when it reached to a figure around three lac by 11.00 A.M. All these persons were coming to the disputed premises on foot where I was standing. I do not know the mode of conveyance through which these people had reached Faizabad. I cannot say whether these persons reached by bus or some through some other means. I do not know whether special trains were commissioned from Lucknow and Allahabad stations for going to Ayodhya on 6th December 1992. I also do not know whether such 5-6 trains were commissioned for going to Ayodhya on 6th December 1992 or not. At least 3-4 lac people were present in and around the disputed premises in between 12.00 Noon at 5.00 P.M. on 6th December 1992. I was present on the front portion of the disputed premises, i.e., in the eastern side and front of Ram Katha Kunj upto 11.45 A.M. on 6th December 1992 and from 12.00 Noon to 5.00 P.M. behind the disputed building i.e., in the west direction. Thereafter, I remained nearby Ram Katha Kunj located in the southern side of the disputed building. On 6th December 1992, I was in and around the disputed building from 8.00 A.M. till 6.30-6.40 P.M. We did not send any telegram to Bhartiya Janta Party on 5th December 1992. We also did not send any other type of message to the BJP. We had listened to the talk of Shri Tuli and grasped it. Shri Tuli and all of us concluded that if any instigating activity flared up, the mob could turn berserk. By instigating action, I meant an action, which could heart the Kar Sewaks physically or

mentally. The Kar Sewaks had been too much hurted and excited by 11.00 A.M. on 6th December, 1992. The word 'hurt' means any type of injury. To my knowledge nobody had sent any message to the BJP leaders by the evening of 5th December 1992. At this point of time, I do not remember whether Shri Advani and Ms. Uma Bharati Ji and Shri Murali Manohar Joshi Ji had reached Ayodhya by the evening of 5th or not. I also do not know whether Shri Advani Ji, Murali Manohar Joshi and Uma Bharati stayed anywhere in Ayodhya on the morning of 6th. All the three persons were present on the stage erected in Ram Katha Kunj at around 12.00 Noon on 6th December. Since I had moved slightly away from the stage at Ram Katha Kunj at around 12.00 so I cannot tell as to how long these people remained on the stage. On 6th December 1992, I remained in the western side behind the disputed building from 12.00 Noon to around 5.00 P.M. I had moved away from the disputed building twice. Once I had moved from there and went up to the rear portion of ram Katha Kunj in the south of the disputed building and then again returned back to the rear portion of the disputed building where I kept on standing. Ram Katha Kunj is at a distance of around 300 feet from the disputed building. I can not tell about furlongs. I do not know that a furlong stands for 220 feet. If we are standing in a field which is completely leveled and if it is longer than 300 feet, such things definitely be visible from a distance of 300 feet. I recognize the face of Murali Manohar Joshi and of Ms. Ritambhara Ji also. I also recognize the present Deputy Prime Minister of India Shri Advani ji. As stated by me, all the three were present at the stage before 12.00 Noon. I do not know if the above three persons were present at the stage after 12.00 Noon. I do not know if the above three persons were present at the stage after 12.00 or not. I also do not know whether the

three had hatched a conspiracy or not to get the disputed building demolished by Kar Sewaks. I was present in Faizabad and Ayodhya on 4th December 1992 and, therefore, I do not have any information whether Shri Atal Behari Vajpai or the above three persons had convened a public meeting in Lucknow on 4th and that all the above three persons came to Ayodhya and Shri Atal Behari Vajpai went to Delhi.

(Cross examination by Shri Abdul Manna, Advocate on behalf of Defendant No.6, concluded).

(Cross examination by Shri Zaffaryab Jilani, Advocate on behalf of Defendant No.4, initiated).

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When the first dome of the disputed building was knocked down at around 1.30 on 6th December 1992, a lot of dust was 't here in the air. It's not that the disputed building was not clearly visible because of the dust because I was standing on the southern side of the disputed building and the first dome of the northern side had fallen. There had been a whole in the western wall of the northern dome. The whole have been caused because of haphazard removal of the stones- it was around 5-6 feet in the northern southern side. The width of the western wall of the northern dome in the northern-southern side was 30-35 feet. From the rear side, the height of the western wall of the disputed building would be around 20-25 feet. It was only after the demolition of the northern dome that the Kar Sewaks who were present there, continued demolishing this wall. The western wall below the northern dome had been completely demolished by 2.30-3.00 P.M. I do not

remember at this point of time as to when did the northern wall below the northern dome fell. The eastern wall of the northern dome and the eastern portion was completely invisible from the point where I was standing. Even at 2.30 – 3.00 P.M. when the western wall of the northern dome had been completely demolished, the eastern wall below the same dome was not visible to me because the wall was not visible from the point where I was standing. I was standing around 20-25 feet in the corner of south west of the southern dome. The place where I was standing was some what slopping. The distance between the point where I was standing and the northern dome would be around 100 feet. I believe that all the three domes had been knocked down by 5.00 P.M., but some portion of the wall was still intact, which was being demolished by people. When I left the disputed site at around 6.30 in the evening, the activity of demolition was continuing. I cannot say precisely as to when did the disputed building was completely demolished. I had reached the disputed site by around 7.00-7.30 A.M. on 7th December. The Sun had arisen when I started from my house for the disputed site. I have come by my motorcycle and it would have definitely taken me 15-20 minutes to reach the disputed site. There is a possibility that I would have reached the disputed site at around 8.00 A.M. or even earlier on that day. When I reached the disputed site at 7.45 A.M. – 8.00 A.M. on 7th December, the disputed building had been completely demolished and I did not find any portion of the wall protruding out of the disputed building and also structure of a makeshift temple had been prepared by then. The boundary wall of the makeshift temple had been constructed. I believe that 3-4 feet high boundary wall had been erected all around. The Kar Sewaks were engaged in the activity by that time. A

few Kar Sewaks were busy in erecting stairs while others were bringing, laying bricks etc., work was going on.

The southern dome fell at around 3.00 P.M. and with that a major portion of the western wall below it had also demolished. However, this wall was intact upto a height of 7-8 feet. By 6.30 P.M, this portion i.e., western southern wall of the southern dome had been completely demolished. I am not sure whether the eastern wall below this dome had been completely demolished by that time or not. The work of demolishing the western wall below the southern dome was completely over in between 5.00-6.00p.m. When the middle dome fell at around 5.00 P.M., a very big whole had been made in the western wall below that dome. The whole was almost was circular and very big of a diameter of around 8-9 feet. The western wall below the middle dome had fallen at 5.00 P.M., i.e., along with the dome. The above wall fell under the weight of the dome. If some portion of the wall had remained intact, people would have knocked it down by 5.00 P.M. Kar Sewaks had started demolishing the western wall below the middle dome right from 12.0-0 noon itself, but the wall was very thick and as far as I recollect, the above circular whole had been caused by around 4.00 P.M. The falling of 3.5 feet long 2.00 feet wide and around 6 inches thick slab about which I have mentioned in para 10 of my affidavit, had fallen in the western wall of the southern dome from a height of 6-7 feet from the floor of the building. I do not know as to where this slab was exactly fitted in the wall. I cannot tell as to where this slab was exactly fitted in the wall before it fell. I can confidently say that this slab was fitted in the wall and the length, breadth and thickness of other stones fitted in the wall were different. No stone of this size was seen fitted in the western wall. On this point, the learned advocate cross-examining by way of Cassette document

No.118C1/33 showed to the witness through multi media projector, track 1 of CD prepared under the order dated 3.10.2002 of the Hon'ble Full Bench (which was presented in the court room by the learned Standing Counsel of Government of Uttar Pradesh Shri R.S.Tripathi in accordance with the order dated 3.1.2002 of the Hon'ble Full Bench). He was shown the scene (photo) at 9.57 minutes in CD and the following question was posed:

Question: What would be the probable time of this incident of 6th December 1992 where two persons are seen climbing the dome in the photo of the CD.

Answer: I feel it should be an incident of around 11.30.

By showing the photo representing the time 11.10 to 11.15 of the same, CD the following question was posed:

Question: What would be the time of this incident of 6th December 1992 where the Kar Sewaks are seen climbing the building in the disputed building in the scenes and which wall of the disputed building is visible in these scenes?

Answer: This scenes of 6th December 1992 pertains to 2-4 minutes past 11.30 and the wall which is visible in the scenes in the eastern wall of the middle dome.

Verified the statement after hearing.

Sd/-

Ashok Chandra chaterjee

7.10.2002

Typed by the Stenographer in the open court as dictated by us, In continuation of this be present on 8.10.2002 for further cross examination in this case.

Sd/-

Narender Prasad

Commissioner

7.10.2002

Dated 08.10.2002

O.P.W.8 Sh. Ashok Chandra Chatterjee

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

(Appointed vide order dated 04.10.2002 of the Hon'ble Full Bench in Other Original Suit No.5/1989(Original suit No.236/1989)]

(Cross-examination on oath of O.P.W.8- Shri Ashok Chandra Chatterjee by the learned Advocate Shri Zaffaryab Jilani on behalf of Defendant No.4 in continuation of the proceedings of 7.10.2002 initiated).

When I went to the disputed site at 7.00 A.M. on 7th December 1992, I saw Ram Lalla Virajmaan, where 'Vigraha' was established and it was covered by a curtain type of cloth on the three sides and the roof. The heights of the cloth would be 6-7 feet. I do not remember the colour of that cloth. (On this point, the witness was shown video cassette No.118C1/33 VCP by the Learned advocate cross-examining submitted by the plaintiffs in Other original suit No.5/1989 on TV (TV and VCP were made available by the learned Standing Legal Counsel of Government of Uttar Pradesh in the Court room today)] and following question was posed:

Question: Please tell whether the scene at 1.32 minutes visible in this cassette is of the makeshift temple built on 7th December 1992 or subsequent to that?

Answer: In my opinion, the scene in the edited cassette reflects the makeshift temple only built on the disputed site on 7th December. When I saw the scene of the place on 7th December, it was not the same as is being shown in this edited cassette. The difference in between the makeshift temple of 7th December and the makeshift temple visible in this scene of the cassette is that the wall built on the four sides of it is not visible i.e. the high wall built for the makeshift temple after the demolition of the disputed building, is not visible in this scene. On 7th December, I have seen a 3-4 feet high wall at the point of occurrence, which I had seen from a distance of 40-50 feet. On that day, the wall was visible from outside and the cloth was visible inside. I had seen the makeshift temple on 7th December 1992, there was a big rush of people there and 6-7 feet high boundary wall was visible in the north south direction, whereas the east west wall was looking 7-8 feet long. On my final visit on 7th December, I had returned from the disputed site at 6-7 P.M.

Question: By the time you remained at the disputed site on 7th December 1992, i.e., upto 6.00-7.00 P.M., the boundary wall of the makeshift structure was 3-4 feet, as per your statement. Were its length and breadth the same, as told by you or it had increased?

Answer: On my return on 7th as per my assessment the northern Southern wall was around 20 feet and

the eastern western wall was also around 20 feet, i.e., the structure was a square.

The 6-7 feet length of the northern- southern wall and the 7-8 feet length of the eastern western wall, as stated by me above, is because that the same size of the wall was visible among the crowd.

Question: As per your above statement that "it was 7-8 feet on 7th December 1992?"- Is it right or wrong?

Answer: It is right.

When I reached the disputed site in the morning of 7th December, work on boundary wall was going on and the crowd was also there.

Question: In this connection, refer to your statement on page 46-47 where you have stated that "when on 7th December.....the boundary wall had been built on all the four sides". Is it right or wrong?

Answer: The statement given by me above, is completely true.

Question: In your statement today, you have stated "When I reached the disputed site in the morning of 7th, work of boundary wall was going on" is this also true?

Answer: My above statement is also completely true.

Question: When you have stated that "when you reached in the morning, the boundary wall had been

constructed on all the four sides", then what type of work was going on the boundary wall?

Answer: By my stating that work was going on the boundary wall, I mean that Kar Sewaks were working even at that time. The Kar Sewaks were using bricks and plaster in the above boundary wall because on 7th December, it was not that important from Journalism point of view and I had witnessed the entire incident cursorily. The statement I am giving I the court today is on oath and not in terms of journalism.

Question: Yesterday you had deposed that "the boundary wall had been built and as per your statement today, the work on boundary wall is going on " do you not find any difference in these two statements.

Answer: In my opinion, the boundary wall had been built but in the view of kar Sewaks it had not been built completely and, therefore, they were working on that even by that time.

Question: Does it mean that you have given some statement from your view point and some of your other statement from the view point of Kar Sewaks?

Answer: No I have given my statement, as per my view and it is true.

Question: Should I make out from the statement "work was going on the boundary wall" that the Kar Sewaks

were placing bricks and mortar in the boundary wall?

Answer: Yes sir. What I mean from "Work was going on", is that bricks and mortar were being applied on the boundary wall.

Question: Upto what time did you see the above work being done on the boundary wall?

Answer: When I left the disputed site in the evening, work on boundary wall of the makeshift structure was continuing.

Question: As per your statement, "work on boundary wall had started at 8.00 A.M. on 7th December and had continued till 6.00 P.M.". What would have been the height of the boundary wall by that time, and whether there had been any increase in the length and breadth of it?

Answer: Since the above Kar Sewaks were not trained workers and the work was going on in a haphazard manner, therefore, despite a long time, there was no appreciable increase in the height of the boundary wall. There was no increase in the length and breadth of the boundary wall.

The boundary wall was being built by the same bricks which are called normal bricks now a days and whose size is 9x4x2.5 inches. When I saw, I found all the bricks were new.

Question: Whether the bricks used in the construction of the above boundary wall were kept at the disputed site or nearby or you had seen them coming from somewhere on 6th December 1992?

Answer: Another temple was being built adjacent to the disputed site much before 6th December 1992 and I had seen few bricks like this lying there. I cannot say whether the bricks used in the boundary wall are the same or not, I also cannot say whether the bricks used in the construction of the wall of the makeshift temple were lying there itself or brought there in the night or during the day of 6th December or in the morning of 7th December.

The other temple, about which I have mentioned, is known as Sheshavtar Mandir. I believe that the construction of this temple had probably started sometime in June or July 1992. I cannot say whether the construction work of the above Sheshavtar Mandir was stopped or not, but I know that the temple had not been constructed by 6th December 1992. The construction work of Sheshavtar Mandir had started in June-July 1992. I cannot confidentially say whether the foundation of the Mandir had been filled or not. I think that Sheshavtar Mandir would be around 300 feet in the south from the southern corner of the southern dome of the disputed building.

At this point of time, I do not remember whether the site of Sheshavtar Mandir was visible from the point where I was standing at 12.00 noon on 6th December 1992. There was no temple at the place where Sheshavtar Mandir was being built, it was a vacant piece of land. I was not present

on the day when the construction work of Sheshavtar Mandir had started. I also do not know the date on which its construction had started and as such I cannot tell the time after which I had visited the site. I would have been gone to the site once or twice after the construction of the temple had started. I have no knowledge about construction work and, therefore, I do not know whether the work of filling of foundation had been completed or not by the time I went there. In our general parley, by foundation, we mean that some digging is done in the earth and construction is started. This is what we call filling of foundation. Since Sheshavtar Mandir, which was under construction was of very big size, therefore, I cannot say whether its foundation had been laid down or not.

Question: Should I infer that at the time when you went there, the work of laying of foundation of the large size temple (Sheshavtar Mandir) was continuing?

Answer: If by foundation, we mean construction work after digging the surface of earth, the work had been over.

When I visited the Sheshavtar Mandir, which was under construction for the last time, it was rainy season. At this point of time, I do not remember the height of the wall of the temple raised above the foundation. This site had been under the control of the security personnel since 8th December 1992 and subsequently, when I went to have a glimpse of the makeshift temple, the site of Sheshavtar Mandir was visible. After 8th December 1992 when I saw Sheshavtar Mandir for the first time in 1993, the quantum of work had been the same, which I had seen during my

last visit in 1992. When I saw Sheshavatar Mandir in 1993 from the front of makeshift temple, I did not find bricks etc., of the Sheshavtar Mandir. I believe that the construction work of Sheshavtar Mandir had stopped after 6th December 1992 and even today, i.e., during my last visit the construction work of Sheshavatar Mandir was stalled at the same level where I had seen it for the last time in 1992.

Question: When you hold that there has been no addition to the construction work of Sheshavat Mandir done before 6th December 1992, then your statement of a short while ago that "I do not know.....work of construction had stopped" is true or false?

Answer: Both my statements are completely true. I did not see any construction of Sheshavtar Mandir after 6th December, 1992, but I do not know whether there had been any construction work or not in the portion which was not visible to me.

From the point of makeshift temple structure, complete site of Sheshavatar Mandir is not visible, its only northern- eastern portion is visible.

Question: During the construction of Sheshavatar Mandir, how much high had the walls been raised from the floor by 6th December 1992?

Answer: The Sheshavtar Mandir is built up like a 10-12 feet high platform from the ground. I do not remember whether there was any wall or not.

At this point of time, I do not remember the length and breadth of this platform. People present at the site had told me about its length and breadth in 1992, which I do not remember now. As far as I recollect prior to this day, I had seen Sheshavtar Mandir's site for the last time in 1993, thereafter I have not visited the site. The site where I stood at 12.00 noon on 6th December 1992 was seen by me for the last time on 7th December 1992. I cannot tell the approximate size of Sheshavtar Mandir whether its length and breadth was 10 feet x 10 feet, 50 feet x 20 feet, 50 feet x 50 feet, 100 feet x 50 feet, 100 feet x 100 feet, 200 feet x 100 feet or less or more than that. However, I do remember the approximate distance of three domes of the disputed building from the point where I was standing after 12.00 Noon on 6th December 1992 and I also remember as to which dome and which portion of which wall fell at approximately what time on 6th December 1992 and similarly, I also remember almost all the details of the activities undertaken at the disputed land on 7th December 1992.

At this point, the Learned advocate cross-examining showed to the witness the scene at 1-32 minutes of video cassette document No.118C-1/33 through VCP on TV and the following question was posed:

Question: Does this scene of disputed site related to 7th December 1992?

Answer: In my view, the scene visible in this edited cassette should be that of 7th December 1992.

Thereafter, scene at 1.38 minutes of the cassette was shown to the witness through VCP whereupon the Learned advocate cross-examining put the following questions:

Question: Had the stairs visible in the scene been built up on 7th December 1992?

Answer: From the scene visible in this edited cassette, I cannot tell whether the stairs visible belong to the disputed site or not. I also cannot tell whether this scene pertains to disputed site or not. He himself stated that it was an edited cassette. The work relating to the stairs by the Kar Sewaks on the disputed site had been completed by the midnight of 7th December.

At this point of time, I do not remember whether or not I had visited the disputed site on 8th December 1992. I had visited the disputed site much after 7th December, i.e., after three four months. The work of stairs at the disputed site which have been completed by the midnight of 7th December were seen by me in fully built up form three four months after 7th December. All the above stairs had been built up by the midnight of 7th December 1992 was something which some journalists had informed me on 13th December. I do not remember their names. Volunteer stated it today that when he visited the disputed site in December, unfinished stairs had been built.

The platform of Sheshavtar is different from the one which was built in the east of disputed building in July 1992. I cannot tell whether the platform of Sheshavtar Mandir was built by the Government of Uttar Pradesh or by whom. I do not know whether the above platform was built

by Vishwa Hindu Parsihad or not. I had not sent any report relating to the construction of this platform in my weekly journal 'Panchjanya'. I was present there from 12.00 noon to 6.30 – 7.00 P.M. on 6th December 1992 about which I had sent a report in the above weekly journal Panchijanya. I had sent this report through fax on 7th December 1992. The report ran into two and half three pages which was published in the 13-20 December 1992 issue of Panchjanya. My report had been published after editing and quite a major portion had been cut. At the moment, I do not have the original copy or any other copy of the report sent by me. The report, which I had faxed on 7th December, was torn by me on the same day. The report faxed by me on 7th contained details about the incidents relating to 6th December and morning of 7th December. I had prepared this report in the noon on 7th itself and by noon, I earn 12.00-1.00 P.M. I had written the report with my own hands. Second report about the incident of 6th December was sent by me to the above newspaper on 9th or 10th the December. Extracts of the report sent on 9th and 10th were also published in the 13-20 December 1992 issue of Panchjanya. At this point of time, I do not remember whether any of my reports relating to the incident of 6th December had been published or not in the 20-27 December 1992 issue of panchajanya. At this point of time, I do not recollect whether my report published in 13-20 December 1992 issue of panchajanya had a mention of my name or not. In Faizabad, there was no correspondent of Panchjanya except me, either in 1992 or even today. Our Bureau Chief had gone to Ayodhya on 4th December 1992 from Lucknow and had probably returned on 8th December. I am not aware whether any other report in the name of our Bureau Chief Shri Subhash Singh relating to the incident of 6th December had been published or not. Since I have

not read the report of our Bureau Chief, I cannot tell whether his report had been amalgamated with our report; or not. My report published in 13-20 December 1992 issue of Panchjanya contained not only my report but also other facts had also been incorporated therein. I cannot tell from whose report or from where the facts had been picked up. At the moment, I do not remember whether any report of our Bureau Chief Shri Subhash Singh had been brought out in December 1992 and January 1992 or January 1993 issue of Panchjanya. December 1992 and January 1993 issues of Panchjanya are not in my custody. I cannot tell whether these issues are safely kept by anybody in Faizabad. I am also not aware whether the above issues would be in safe custody in Bureau office of Panchjanya located in Lucknow. There is no separate Bureau office of Panchjanya in Lucknow. We call the residence of Bureau Chief as our office of Bureau Chief. As on this day, Bureau Chief of our Panchjanya is Shri Sarvesh Singh Sahib. Shri Sarvesh Singh Sahib lives in Lucknow, but I am not aware about his address. I believe that Shri Subhash Singh remained Bureau Chief of Panchjanya till the year 1994-95, but I do not know where did he live in Lucknow. I do not know of his address in Lucknow when he was holding the post of Bureau Chief. Head office of Panchjanya is located at Rani Jhansi Road, New Delhi. I cannot tell whether the December 1992 and January 1993 issues of Panchjanya would be safe custody or not. It is to my knowledge whether there is an office of Panchjanya in Deen Dayal Upadhyaya Research Institute. I am also not aware whether issues of Panchjanya are kept in safe custody or not in Deen Dayal Upadhyaya Research Institute. I had sent my report about the incident of 6th December 1992 in the evening of 13th December 1992. In this way, I had in all sent three reports to our Panchjanya weekly journal

during December 1992. I had sent one or two reports relating to the incident of 6th December 1992 or the disputed building to our Panchjanya in January 1993. At this point of time, I do not remember as to when my report of 13th December 1992 was published in our Panchjanya. At this time, I also do not remember whether my report of 13th December was even published in Panchjanya or not. I had faxed my report of 13th December at 7.00 P.M. on the same day. My report of 13th December comprised one or two pages. I had mentioned it is my 13th December 1992 (faxed) report, that as far as I remember, the rock inscription which I saw at Ram Katha Kunj with Dr.Sudha Mallayya and Dr.S.P.Gupta contained 19 lines. Both these persons had confidently told that this rock inscription must have been placed as a slab in a temple by Gahadwal rulers of 11th-12th Century. At this point of time, I do not remember whether my report of 13th December or any portion thereof predominately related to this rock inscription was ever published or not in Panchjanya. Report regarding the rock inscription, which I had seen along with these persons had been published by our Panchjanya in one of its issues of December 1992. Report relating to this rock inscription had been brought out in the 13-20 December 1992 issue of Panchjanya and the photograph of that rock inscription was also published in the same issue. The report relating to this rock inscription published in the 13-20 December issue was not solely my report. But some portions of my report relating to rock inscription had been published. The photograph of the rock inscription which was published in that issue was sent to Panchjanya by me. The photograph which I had sent was similar to the one published in that issue. I had sent this photo on 7th December 1992 and this photo was also sent through fax. I had faxed this photo to Panchjanya through the fax of our

journalist friend Shri Subir Rai, who was a frontline photographer of that time. Perhaps he lived in Lucknow and had come to Ayodhya from Lucknow. He stayed at Faizabad and I believe he would have stayed in some hotel. I cannot tell certainly whether he stayed in any hotel or elsewhere. I had used his fax from the Post Office of Faizabad itself from where I had faxed both the photo and the report. There is a separate machine for faxing photo and I had sent the photo through the fax of Shri Subir Rai, whereas the report was sent through fax of P&T, i.e., from head Post office, Faizabad. The photo, which I had faxed was clicked by me before 5.00 P.M. on 6th December, I had not clicked the photo from my camera, but had requested some one else to take the photo. At this point of time, I do not remember the man whom I had requested to take the photo. At this point of time, I do not remember whether I had requested any professional photographer or any of my journalist friends to take to take the photograph. I had received this photograph at around 10.00 P.M. on 6th December 1992. This photo which I had sent to Panchjanya on 7th December 1992, had not been clicked in my presence. I had requested somebody to take the photograph who later on, sent the photo to me. I do not remember whether I had made any payment or not to the person for taking and handing over the photograph to me. He had given me only one print of the rock inscription, which was of post card size. At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV and asked the following questions after showing the scene at 22.03 minutes.

Question: Is the large slab visible in this picture the same, which you stated to have seen at Ram Katha

Kunj along with Sudha Mallayya Ji and S.P. Gupta on 13th December 1992?

Answer: The scene visible to us on T.V. is indistinct and not clear, but still I believe that this is the same slab which I had seen at Ram Katha Kunj along with Sudha Mallayya and S.P.Gupta Sahib on 13th December 1992.

Question: The way in which this slab is visible in the scene, was it kept in the same way and at the same place when you saw it on 13th December 1992?

Answer: On 13th December, 1992, it was lying in Ram Katha Kunj almost in the same way as it is looking now.

Question: Does the slab in the scene look to be lying inside the building of Ram Katha Kunj or outside the building?

Answer: In this scene, the slab looks to be lying outside the building of Ram Katha Kunj.

The situation in which this rock inscription is placed in the scene is different from the situation in which it was lying on 13th December 1992, but it was kept at the same place, i.e., outside Ram Katha Kunj.

Question: The pillars and other material and bell etc., which are visible in the front and rear of the slab in the scene, were they placed in the same way

in the front and rear of the slab as on 13th December 1992 also.

Answer: The items visible in the front and rear of this rock inscription of this scene of 13th December, were very well available there, but were arranged differently, I believe the scene being shown on TV is that of 13th December, 1992.

On 13th December 1992, I stated for around two hours at the site of Ram Katha Kunj, which is visible in the scene. Many a journalists were present outside the Ram Katha Kunj on 13th December 1992, who belonged to both electronic and print media and many of them had undertaken videography too. I do not know whether any videographer of Jain Studio was present there or not. This slab was lying flat on the ground in the evening of 6th December 1992. The photograph which I sent to Panchjanya on 7th December 1992 was of this slab lying in flat position only. The witness was shown the scene at 21.52 minutes through VCP on TV by the Learned advocate cross-examining and the following question was posed:

Question: Is this the photo of the same slab lying in flat position, which you had just seen in vertical or horizontal position?

Answer: Though the scene is not very clear, yet it appears to me that it is the photo of the same slab lying in flat position.

I had sent the photo of this position to 'Panchjanya' but that had a different angle. The witness was shown the scene of the cassette at 21.55 minutes through VCP on TV

by the Learned advocate cross-examining and the following question was posed:

Question: Does a straight line in this photo reflect a broken slab, which given the impression that two slabs have been clubbed together.

Answer: Yes.

Question: Is it clear from the above scene that both the slabs which look to be broken in the middle, appear to be equal from the above?

Answer: In this scene, the slab lying in flat position appears to be divided in two pieces and their outer surface is in a straight line.

In the photograph, which I had sent to Panchjanya on 7th December 1992, the position of the slab at that time is almost the same as was on 13th December 1992. There is a possibility that it would have been slightly disturbed from its very place.

Verified the statement after hearing
Sd/-

Ashok Chandra Charterjee
8.10.2002.

Typed by the Stenographer in the open court as dictated by us, In continuation of this be present on 9.10.2002 for further cross examination in this case.

Sd/-
Narender Prasad,
Commissioner
8.10.2002

Dated 09.10.2002

O.P.W.8 Sh. Ashok Chandra Chatterjee

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

(Appointed vide order dated 4.10.2002 of the Hon'ble full Bench in Other Original Suit No. 5/89 (Original Suit No. 236/89).

(Cross examination on oath of O.P.W.8 – Shri Ashok Chandra Chatterjee by the learned Advocate Shri Zaffaryab Jilani on behalf of Defendanat No. 4 in continuation of the proceedings of 8.10.2002 initiated).

I cannot tell whether there was an increase of six inches, one feet, one and half feet, two feet or two and a half feet or more or less than that in the height of the boundary wall of the makeshift structure in between 8.00 AM of 7th December 1992 to 6.00-7.00 PM on the same day. I have seen that boundary wall many times after 7th December 1992 till this day and by many a time I mean 5 – 7 times. I had seen this boundary wall for the last time in the year 2002 themselves. At that time, I feel the height of the boundary wall would have been four – four and a half feet. I cannot tell whether the bricks have been plastered or not. It is true that inside the boundary wall and at a distance of two and a half feet, a cloth is fixed in three directions, i.e east – north –south and a curtain of cloth is also available in the west. However, I cannot tell how far the cloth is fixed from the boundary wall because I have not seen it from the rear side. After acquisition of land on 6th December 1992, I did not visit in the west side of the

makeshift temple, but I have crossed through 'Dorahi Kuan Wali Sadak' many a times. I have not seen the makeshift temple very carefully from 'Dorahi Kuan Wali Road' and, therefore, I cannot tell whether the curtain of cloth in the rear boundary wall is struck with that boundary wall or away from it and if away, how much away. I never tried to see the above makeshift temple from the western side in the capacity of a journalist. I believe that the distance between the western wall of the disputed building and the 'Dorahi Kuan Wali Sadak' should be around 400 – 500 yards. I do not know whether the land upto the above 'Dorahi Kuan Wali Sadak' is acquired or not. I do not have any knowledge about the limits of acquired land in that side. There is barricading on eastern side of the 'Dorahi Kuan Wali Sadak' covering a long distance of the road and police personnel keep on standing there. The police personnel do not allow entry inside from the eastern side of the barricading. The road in the east of the 'Dorahi Kuan Wali Sadak' which passes through the northern portion of the disputed building had been closed for the general public in December 1992 and I believe that the same remains closed even today.

At this point, learned cross – examining advocate showed to the witness video cassette document No. 118 C –1/33 through VCP on TV and asked the following question after showing the scene at 27.14 minutes:

Question : In this scene, you can see a constable and pillar by side and again yet another pillar in front of it – is it the scene of the same makeshift temple which you have stated to have seen on the disputed site on 7th December 1992?

Answer: From the scene visible from this edited cassette, I cannot tell whether the pillar is of the boundary wall of the same makeshift temple or not.

The witness was shown the scene at 27.16 minutes through VCP and the learned cross-examining advocate asked the following questions:

Question: is the boundary wall of the above makeshift structure, which you have stated to be under construction on 7th December 1992 visible in the scene?

Answer: It is a edited cassette and therefore , it is not possible for me to tell whether the wall of the makeshift temple in the scene is the same which was under construction.

The learned cross - examination advocate then showed to the witness the scene from 27.00 to 27.33 through VCP on TV and asked the following question:

Question: After looking at all these scenes, can you tell whether the new wall which is visible in the scenes is of the same makeshift structure, which you had seen under construction at the disputed site?

Answer: After looking on the scenes of the cassette, I can say that the scene could be of the boundary wall, which was constructed by the Kar Sewaks all around the makeshift temple on 7th December 1992.

Question : Can you find the makeshift structure constructed on 7th December 1992 along with the mounted cloth and stairs in the scenes and whether this is the same makeshift structure constructed on the disputed site?

Answer: After looking at the scenes from 27.00 to 27.33 on TV through VCP, I can say that the scene is of the same makeshift temple and its vicinity.

The witness was shown the scenes from the beginning of the cassette upto 2.41 through VCP on TV by the learned cross –examining advocate and the followed questions were posed:

Question: This cassette does not contain scenes only of 6th –7th December 1992, but it has been stated that it comprises scenses of 1st February 1986, November 1989, 30.10.1990, 2.11.90, 4.4.1991, July 1992, October 1992 etc. and scenes of places other than the disputed site, like India Gate of Delhi, President's House and scenes of other places have also been included – do you agree with it?

Answer: Yes, sir I agree with it.

I would have remained in between Ram Katha Kunj and the disputed sit from 7.0 – 8.00 AM on 6th December 1992 upto 12.00 noon. Learned cross –examining advocate then showed the scenes at 12.38 and 12.39 of the above, cassette and posed the following question:

Question: Are these scenes of 6th December 1992 and if so, what should be their time and which places are shown in the scenes?

Answer: Both the scenes represent the disputed building only and southern-eastern corner thereof. I cannot tell about the time of the scene, but it is of 6th December 1992. I feel the scene is of pot – 12.00 noon only. Then the scene at 12.59 was shown through VCP and the following question was placed:

Question: Three domes of the disputed building are visible in this scene along with persons climbing on the domes – is this photo also of 6th December 1992 and if so, of what time?

Answer: Yes sir. The scene is of 6th December 1992 and though the scene has been taken from the eastern side, yet I can tell it is of just after 12.00 noon on 6th December.

Scene of 13 –20 minutes of the above cassette was shown to the VCP and the following question was posed:

Question: Is this scene also of any side of the disputed building and on 6th December 1992 and if so, of what time?

Answer: On looking at the scene, it appears that it is barricading constructed on all the four sides of the disputed building and it looks a scene of 6th December 1992. I cannot tell about the timing of

the scene. I cannot tell whether the scene is prior to 12.00 noon or of later.

The witness was shown the scenes from 14.53 to 15.59 minutes of the above cassette through VCP on TV and the following question was asked:

Question: All the scenes shown to you shortly of the disputed site of 6th December 1992 or not and if so, whether they belong to the period prior to 12.00 or later or are there any scenes pertaining to post – 12.00 noon period – does the scene at 15.59 in which people are seen climbing on the domes, pertain to post –12.00 noon period or prior?

Answer: I feel that all the above scenes pertain to the disputed building and its vicinity on 6th December and they also look to be scenes of post –12.00 noon period because I do not remember if I had seen such a scene at the site before 12.00.

The work of demolition of the three domes of the disputed building had started almost simultaneously on 6th December 1992. The work of demolition of the three domes of the building had started one- half minute prior to 12.00 noon. It's not like that the work of demolishing one dome started at one time and demolition of the remaining domes started thereafter.

On this point, scenes from 10.52 to 11.01 were shown to the witness through VCP on TV and the following questions were posed:

Question: Does the work of demolition of the dome which is visible in the scene pertain to pre – 12.00 noon or post – 12.00 noon period of 6th December 1992? If it is of post – noon period, then after how much time and of which dome?

Answer: The scenes are depicting the southern dome of the disputed building and the scenes pertain to pre – 12.00 noon period of 6th December 1992. At that time, I was in between Ram Katha Kunj and disputed building in the eastern direction of the disputed building.

The activity seen in these scene pertain to hardly 10 – 15 minutes pre – 12 noon period and since then activity of demolition continued. At this point scene of 15.00 to 15.56 were shown to the witness through VCP on TV and the following question were asked:

Question: Had you seen these scenes yourself on 6th December 1992?

Answer: I had not seen the scenes being shown to me right now because they belong to post – 12.00 noon period. I had not seen them myself.

At this point, scenes of 1.56 were shown to the witness through VCP on TV and the following questions were posed:

Question: This scene of the disputed building is of the eastern gate or northern gate or the wall and the

wall which is visible in the scene belongs to which side?

Answer: The wall of the disputed building seen in the scene is of the eastern side of the building and the gate which is visible is also of the eastern side known as 'Hanumat Dwar'

Question: When did the action of demolition of this wall start?

Answer: The work of demolition of this wall had started some 10 – 12 minutes before 12.00 noon. However I may not be able to tell whether the work of demolition of the portion visible in the scene had started 10 minutes prior to 12.00 noon or not.

The work of demolition of the gate visible in the scene had not started in my presence. It is, therefore, inferred that the work of demolition had started after 12.00. I do not know as to when the eastern gate, i.e 'Hanumat Dwar' and the northern gate i.e 'Singh Dwar' were demolished and which of them had been knocked down earlier. I had seen forces on duty on 6th December 1992. There would have been at least 50 –60 police personnel in between the eastern gate of the disputed building and barricading on 6th December 1992. The above scene is not very clear, still no police personnel is visible to me.

I cannot tell as to when did the police personnel leave the above place. I cannot tell in definite terms whether the police personnel had left that place prior to 12.00 or later on. I cannot tell whether any police personnel were present in front of the eastern gate of the disputed building at the time when I went from the eastern side of the disputed building to its western side. I was present in front of the barricading opposite the eastern gate upto around 12.00, only after which I moved slowly in the western direction. It

took me around 10-12 minutes to reach the rear side of the western wall from in front of the eastern gate.

At this point, the witness was shown from the same cassette the scene at 16.09 through VCP on TV and the following questions were posed:

Question: In his scene, Kar Sewaks can be seen climbing upon all the three domes of the disputed building had the Kar Sewaks started the work of demolition of the three domes by that time and this scene should of what time?

Answer: Since I had not seen this scene, I cannot tell whether the Kar Sewaks had started demolishing the domes while making of this film. I also do not know the timing of this scene of 6th December 1992.

In my view, the above scene should e of 6th December 1992. I had seen Kar Sewaks climbing on the three domes from the western side of the disputed building on 6th December 1992. The time would have been 12.00- 12.15 P.M. of morning. I cannot tell more precisely. When I saw these Kar Sewaks climbing on the three domes simultaneously, many Kar Sewaks had started attacking the western wall down stairs. The number of Kar Sewaks attacking the western wall at that time should have been around 100-125 and they were in possession of some long angles, iron pipes, some big pieces of bamboo and had wooden poles in their hands. At that time, I did not see any spade, hoe, spade, axe or khurpa in their hands. At that time, I also did not find any sharp edged weapon with them. No one had any spear or trishul in his hand. Since a crown was heading towards the western direction of the disputed building, I cannot tell how long did the Kar sewaks continued their attack on the disputed land because they had been changing position. From 12.00 noon to 5.00 P.M.,

i.e., the time when the western wall had been completely demolished, some 2-4 thousand Kar Sewaks must have come to that side, i.e., the western wall, would have attacked and left away. Since the complete western wall of the disputed structure was very long, I cannot say as to how many Kar Sewaks had attacked the wall simultaneously, but of course, I can tell that as far as the western wall of the southern dome was concerned, at the most 20-25 persons would have attacked and used force at one time. By using force, I mean the Kar Sewaks had made one corner of their pipe pointed and with that they were using force to extract the stones out of the breaches in the wall. The iron pipes looked at be one-one and half thick. There is all possibility that these were the pipes from which the disputed building had been barricaded. These persons were using force by standing on 5-6 feet with path behind the western wall.

Verified the statement after hearing.

Sd/-

Ashok Chandra Chatterjee

9.10.2002

Typed by the Stenographer in the open court as dictated by us, In continuation of this be present tomorrow on 10.10.2002 for further cross examination in this case.

Sd/-

Narender Prasad

Commissioner

09.10.2002

Dated 10.10.2002

O.P.W.8 Sh. Ashok Chandra Chatterjee

Before the Commissioner Shri Narnder Prasad,
Addition District Judge/ Officer on Special Duty, Hon'ble
High Court, Lucknow Division Bench, Lucknow.

(Appointed vide order dated 04.10.2002 of the Hon'ble
Full Bench in Other Original Suit No.5/1989 (Original suit
no.236/1989)]

(Cross examination on oath of O.P.W.8- Shri Ashok
Chandra Chatterjee by the learned Advocate Shri Zaffaryab
Jilani on behalf of Defendant No.4 in continuation of the
proceedings of 9.10.2002 initiated).

I had told yesterday, i.e. 9.10.2002 in my statement
that "..... had started almost simultaneously on 6th
December 1992." I had also stated yesterday on page 71
that " in the scenes.....pertain to pre 12.00 noon period of
6th December, 1992". Both these statements of mine are
true.

Question: You have used the words "pre 12 noon period" in
the last line of your second statement on page
71 do you mean by it that it corresponds to your
statement on the same page which reads as
"one-one and half minute prior to 12.00 noon?"

Answer: The entire incident of 6th December 1992 was so
much heart rending that it was not possible to
keep a precise knowledge of the time.

Question: You are deposing around ten years after 6th December 1992 and do you still feel it so heart rending that you are not able to tell the precise time?

Answer: In my entire statement, I have told almost the right time. However, it is not possible for me to tell as to which particular incident happened at what time.

Question: Wherever you have told precise time in your state, is that not precise?

Answer: I have used the word 'around' in every answer of mine and wherever I have told the precise timings that is correct.

Wherever I have used the word 'around', it implies a difference of five ten minutes, may be more than that. Wherever I have used the word around, it could mean a maximum variation of 20-25 minutes.

I have used the words 'around' and 'about' like synonyms. The incident of kar Sewaks climbing on a dome of the disputed building on 6th December was a heart rending incident for me. When I saw the Kar Sewaks climbing on the dome of the disputed building for the first time on 6th December 1992, it was slightly prior to 12.00 noon.

Question You have stated that by the use of the word 'about' you mean a variation of 20-25 minutes in time should I take it from your words a few minutes prior to about 12', that the time could be 11.30 or 12.30.

Answer: The incident of 6th December 1992 about which you are mentioning is surely an incident of post 11.30 A.M.

Question: Is it not possible that the incident had happened after 11.50 AM?

Answer: The time of this incident was the same, i.e., around 11.50 A.M. I may not be able to tell precisely whether this incident happened after or before 11.50 A.M.

At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV and asked the following questions after showing the scenes from 9.31 to 12.59.

Question: Do these scenes show Kar Sewaks are climbing on the domes from the left side of the disputed building on 6th December 1992 and also the scenes in which the mob of Kar Sewaks is appearing agitated and pelting stones.

Answer: From the comments of the commentator about the left dome, I understand that it is the southern dome of the disputed building and in these scenes, Kar Sewaks are seen to be climbing the same dome and agitated Kar Sewaks on the eastern side of the disputed building are also seen. In these scenes, Kar Sewaks are also seen pelting stones on the barricading of the disputed building. Police is also seen to be

running away for safety from the pelting of stones.

Question: Are the Kar Sewaks in the last scene, i.e., scene of 12.59 of cassette document No.118-C/33 through VCP visible near the middle dome also besides the left dome, but all the three domes are appearing fully intact by now.

Answer: In my opinion, in this scene itself 'Kamal Dal' located above the dome is also shown to be demolished and, therefore, it is wrong to say that in this scene, all the three domes are appearing full intact.

Question: In this scene, no Kar Sewak seems to be demolishing any part of the dome is it correct?

Answer: Though this cassette is very blurred and the images are not clear still looks that the Kar Sewaks are only damaging the above dome.

Question: In this scene, the portion of the flower on the top of the three domes is not very clear, but the roof of the dome appears to be completely protected- is it correct?

Answer: It appears from this scene that the Kar Sewaks have damaged the Kamal Dal on the top of the dome and the plaster also seems to be dismantled from the roof of the dome.

Question: You have just stated about the so called Kamal Dal of the domes and dismantling of the plaster of the roof thereof does this statement of your

relate to only the northern dome or it pertains to southern and middle dome also?

Answer In this scene, I am observing both the northern and southern domes of the disputed building being damaged.

I am also observing Kar Sewaks on the northern dome in this scene.

Question: At what time you would have sent the scene at site about which you have mentioned just a while ago?

Answer I did not see this scene at site, i.e. the scene which is being shown to me now, i.e., the scene at 12.59.

Question: Did you see any scene on 6th December, 1992, in which the Kar Sewaks were seen climbing on all the three domes and damaging them as you have stated in the above scene and if so, at what time?

Answer: I had seen such a scene slightly after 12.00 noon on 6th December in which the Kar Sewaks had climbed the northern southern and the middle domes and were damaging them. A similar scene continued till all the three domes were knocked down one by one. In my view, this incident had started at about 12.30. At this point of time, I do not remember whether this incident happened before 12.30 or thereafter. Of course I can say in certain terms that the incident had

started before 1.00 P.M. I feel that this incident in all probably happened before 12.30.

Question: As per your statement, the work of demolition of the three domes had started simultaneously? If it is correct, why all the three domes did not fall simultaneously?

Answer: I cannot tell that when the work of demolition of all the three domes have started simultaneously, why did the dome not fall likewise.

When the work of demolition of the three domes of the disputed building was going on I was presented in the western side of the disputed building and was witnessed this demolition work. It is not like this that the work of demolition of the second dome had started after first one had been demolished. On that day, the first dome to fell was the northern dome of the disputed building and then fell the southern dome and ultimately the middle dome fell down. The first dome, i.e., the northern dome had fallen at about 1.35 P.M. It had taken about one-one and a half hours for the dome to be damaged and knocked down.

Question: In your statement on page 21, you have stated that the southern dome had fallen at around 5-6 minutes passed 3.00 P.M. should I take it that it had taken two and half to three hours for demolishing this dome?

Answer: It had taken around three hours from the initial moments of demolishing this dome and its actual falling. It had taken around five hours for knocking down the middle dome.

Question: What would have been the maximum number of Kar Sewaks engaged in the demolition of the northern dome and whether the Kar Sewaks demolishing the dome were coming and going?

Answer: The maximum number of Kar Sewaks climbing and demolishing the northern dome would have been 7-8 at one point of time and they were changing their positions regularly, i.e., some new Kar Sewaks were coming while others were leaving.

I do not know how many Kar Sewaks in all were engaged in demolition work of the roof of the northern dome and how many had come or left the place. I cannot tell this number even in approximate terms. Since from the point where I stood, only a particular portion of the northern dome was visible, so I cannot say whether the number of people engaged in its demolition was 100-200 or 1000-2000.

In this point, the Learned advocate cross-examining showed to the witness photographs 5 and 6 contained in the black and white album document No. 201C-1 on which the witness said that both these photographs represented the western side of the disputed building. Some open area of the western portion of the rear side of the southern dome of the disputed building was visible in Photograph No.5. In my view, the distance from the western wall of the southern dome to the portion of the open area to the extent it is shown in the photograph, should be around 100-150 feet on the site. The distance in between the portion of the open area seen in Photo No.6., should be 50-60 feet from the

site. When I was standing on this area on 6th December 1992, the land at the site was looking different from the land shown in this photograph, i.e., the slope of the land was less at the site. In 1992, this slope was too much rugged as compared to the land shown in these photographs and the slope was also not that much. The height of the building visible in these photographs should be the same as was at the site in 1992.

Similarly, photograph No.4 of the album was shown to the witness and following questions was asked:

Question: In this photograph, another wall is visible adjacent to the rear wall of the southern dome of the disputed building on which some bags of cement are lying it is a well after the 5-6 feet wide passage about which you had told in your statement that it was there that the Kar Sewkas were trying to apply force for demolishing the wall.

Answer: Yes Sir.

On 6th December 1992, I was standing at a distance of 20-25 or 30 feet from the western wall of the southern dome on which the dome leaned. On 6th December 1992, I was standing at a distance of 50-60 feet in the northern-western direction from the southern end of the wall visible in Photograph No.4 on which bags of cement are visible in photograph No.4. On looking at photograph No.6, the witness deposed that the portion of the area where he was standing on 6th December 1992 is visible in photograph No.6.

Question: In photograph No.6 whatever portion of the field is visible which includes that portion also where you have stated that you were standing and all the three domes of the disputed building are clearly visible from there. Am I correct?

Answer: No please, because this photograph has been taken from a long distance and a different angle and that is why all the three domes are visible. From the point, where I was standing, only a portion of the northern dome, i.e., some western portion of the northern dome was visible.

Question: In photograph No.6, what is that is thwarting the clear visibility of the northern dome in between the northern dome that is visible and the portion of the field, i.e., visible in the photograph?

Answer: Since my height is 5'7" and I was standing around 25 feet away from the western wall of the southern dome, therefore, because of the middle dome of the building came in between the western wall, that dome was not visible to me and since this building was sufficiently high because, the northern dome was not clearly visible to the angle of my eyes.

It is wrong to say that if one stands at any point on the area shown in photograph No.6, western wall of the disputed land does not obstruct the visibility of the portion of the northern dome which is visible in this photograph. The witness was shown photograph No.6 of the album and the following question was posed:

Question: Will it be correct to say that the height of the western wall of the disputed building in this photograph terminates at the point where the lower portion of the northern dome is visible?

Answer: As it is clear from the photograph itself, the lower portion of all the three domes of the disputed building is not visible-some part of the lower portion of all the three domes has been covered by western wall in the photograph and the reason is the angle from which the photograph has been taken.

Question: The height of the above northern dome which is visible in photo No.6., represents how much portion of the total height of the dome from the roof of the disputed building- is it the height of $\frac{3}{4}$ portion, $\frac{2}{5}$ portion or $\frac{1}{2}$ portion?

Answer: As far as I know, there was no roof of the disputed building besides the dome and we regarded all these domes as the roof of the disputed building. Since I am not aware of any other roof of the disputed building, I cannot tell about the height of the dome from that roof.

Question: How much height of the above northern dome from the upper portion of the western wall of the disputed building is visible in this photograph no.6?

Answer: Around sixty percent of the height of the dome from the western wall of the disputed land is visible I this photograph No.6 I mean to say that

all the three domes were based on the wall of the above buildings.

Question: As per your statement, the above northern dome of the disputed building leans on the eastern, northern and western wall on which wall in the southern direction should it be taken to be leaning because the southern wall of the disputed building was located at a distance from the dome?

Answer: The northern dome of the disputed building was fully leaning on the walls in the western and northern directions- the wall on which the dome leaned in the eastern and southern directions, had two big gates in it.

In my view, the eastern portion of the northern dome leaned on eastern wall only, which had a gate also and similar was the position of the eastern portion of the middle dome which again leaned on the same wall in the east and which had a gate in the centre. The southern wall on which the northern dome leaned went to the bottom of the disputed building and a gate was cut in between. At this point, the witness was shown photograph No.10 of coloured album document No.200C/1 and the following question was posed:

Question: In this photograph, the wall which has covered the front portion of the dome of the disputed building, maximum portion of the middle dome and half portion of the northern dome belongs to which portion of the building?

Answer: The above wall is of the eastern portion of the disputed building. An arch on the middle gate of the disputed building is visible in this photograph. In this wall there was a gate below the arch.

Question: Did the middle dome of the above building lean on this very wall which is visible in photograph No.10, which you have indicated the presence of an arch?

Answer: The eastern wall of the disputed building was very thick and this high wall had protruded from the eastern portion of that wall and the eastern edge of the dome was starting from the rear of this wall.

In my view, the thickness of the eastern wall of the disputed building would be around 5-5.5 feet at the floor level and the thickness of the wall was the same at the point where did it join the dome. The lower arch of the two domes above the wall which were 7, 8, or 10 feet high started from this point and that is why when seen from inside the wall looks slightly thin in the lower side and slightly wide on the upper side.

Question: You have just now told that the wall looks slightly thin on the lower side and slightly wide on the upper side will you please tell how much wide this wall looked from the above.

Answer: In my view, at a height of around 15-16 feet, this wall had taken the shape of a gate being 15-16 feet wide this is how it looked by standing inside the middle dome. The 15-16 feet width of the wall about which I have stated above had a

width of 5-5.5 feet in the lower portion. The witness was shown photograph No.77, 78 of album document No.201C/1 and the following questions were asked:

Question Are these photographs of the lower portion of the same domes which were inside the disputed building?

Answer Scenes shown in photograph No.77 and 78 have been taken from inside the middle dome and a portion of the inside of the middle dome is visible in the photographs.

Witness was shown photograph No.6 of black and white album document No.201C/1 on which the witness deposed that the western wall of the disputed building was visible in the photograph. The upper portion of the western wall where the wall terminates was also visible.

Question: In photograph No.6, the northern dome is visible after the western wall or is it looks to be leaning on the western wall?

Answer In this photograph, the northern dome seems to be leaning partly of the western wall.

Question Can you see in this photograph the portion of the western wall on which, as per your statement, the above northern dome leaned?

Answer: No please, the portion of the western wall on which the dome leaned is not visible to me,

because in this photograph the base of the dome is not visible.

Question: Does it mean that you had gone on the roof of the disputed building and saw that the northern dome leaned on that portion of the western wall?

Answer I had never gone to the roof of the disputed building.

Question Then how did you know that the above northern dome leaned on some portion of the western wall?

Answer I had stated this fact on the basis of my general knowledge and at this point of time, I may not be able to tell and I also do not know what is the source of my knowledge.

The same thing applies about my statement to the effect that all the three domes leaned on the walls- this is again something which I told on the basis of my general knowledge, but I do not know and do not remember the sources of this knowledge. This is wrong to say that all the three domes of the disputed building did not lean on northern, eastern, western and southern walls, but the southern portion of the northern dome, northern portion of the southern dome and northern and southern portion of the middle dome did not lean on the forewalls.

At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-

1/33 through VCP on TV and asked the following question after showing the scenes of 11.49;

Question: You can see Kar Sewaks are standing on a wall in this scene and a dome is visible behind them is it the middle dome and as per your statement, did it lean on this very wall?

Answer: In my view, this is the scene of the middle dome only and the wall and the eastern portion of the dome visible in this scene lean on only one wall.

At this point, learned advocate cross-examiningshowed to the witness video cassette document No.118C-1/33 through VCP on TV and asked the following question after showing the scenes of 15.59 to 17.00.

Question Do all these scenes pertain to the action of demolition of the disputed building on 6th December 1992 or not?

Answer: I was not present at the angle from which these photographs had been taken and the time at which they were taken and, therefore, I cannot say anything in certain terms. However, it looks from looking at the scenes that they belong to the incident of demolition of the disputed building on 6th December 1992.

At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C1/33 through VCP on TV and asked the following question after showing the scenes of 17.00:

Question: The scene visible in this photograph pertains to which part of the disputed building?

Answer: The scene is so much hazy and unclear so I cannot tell about the place, which has been photographed.

At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV and asked the following question after showing the scenes from 16.47 to 16.57, on which the witness deposed that the scenes were of the disputed building only and as per his conjecture, they were of the upper portion of the disputed building by upper portion of the disputed building, I mean the domes and the place near them of the disputed building. In the scenes, he could see a Kar Sewak damaging the building with an iron rod and another person using an axe and a hammer for demolition.

At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV and asked the following question after showing the scenes from 17.01 to 17.31.

Question: In this scene, which portion of the building is shown being demolished and which portion of the disputed building is visible at 17.31 minutes and at what time on 6th December 1992 this portion was given this shape?

Answer: The angle from which scene of 17.31 minutes has been captured is alien to me and as such I may not be able to tell to which portion of the disputed building it belongs and I also do not know at what time on 6th December, 1992 it had turned into such a position. From the scenes from 17.01 to 17.31, the following portions are visible to me eastern wall of the disputed building, eastern wall beyond the courtyard, the

nearby place of the middle dome and some portion of the northern dome. Since the scene pertains to the photographs taken from the eastern side of the disputed building, I shall not be able to tell as to when were the photographs taken and when had the position of the building changed like this because on that day i.e., 6th December 1992, I was in the western direction of the disputed premises from 12.00 noon to 5.00 P.M.

Question: In your statement, you have mentioned about the demolition of the nearby place of the middle dome, which was clearly visible from the western side of the building. Please tell at what time had the demolition taken place there?

Answer: In these scenes, photographs have been taken from the eastern side of the disputed building and the Kar Sewaks visible in the scenes also look to be on the eastern side and, therefore the scene was not visible from the point where I was presented from 12.00 noon to 5.00 P.M. on 6th December 1992. This scene was completely invisible from the point in the western side where I was standing for the whole day.

Verified the statement after hearing.

Sd/-

Ashok Chandra Chaterjee

10.10.2002

Typed by the Stenographer in the open court as dictated by us, In continuation of this be present on 11.10.2002 for further cross examination in this case.

Sd/-

Narender Prasad

Commissioner

10.10.2002

Dated 11.10.2002

O.P.W.8 Sh.Ashok Chandra Chatterjee.

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

(Appointed vide order dated 4.10.2002 of the Hon'ble full bench in Other Original suit no.5/1989 (Original Suit No.236/1989).

(Cross examination on oath of O.P.W.8 Shri Ashok Chandra Chatterjee by the learned Advocate Shri Zaffaryab Jilani on behalf of Defendant No.4 in continuation of the proceedings of 10.10.2002 initiated).

I Had seen some of the Kar Sewaks who had climbed on the domes of the disputed building on 6th December 1992 attempting to climb from the side of the southern wall of the disputed building. I did not see any kar Sewaks climbing on the dome from the southern wall, I had seen them only after they had climbed up.

Question: Did you not see any Kar Sewak from 12.00 noon to 5.00 P.M. climbing upon the roof of the disputed building, i.e., the place where the Kar Sewaks had climbed to demolish the domes?

Answer: I did not see any Kar Sewak climbing upon the roof of the disputed building in between 12.00 noon to 5.00 P.M., but I had seen them when they had climbed.

Question: My question is that the distance in between the way of climbing on thereof of the disputed building from the south, i.e., the wall about which you have mentioned and the point where you have stated to be standing on the rear side of the disputed building should be only 25-30 feet is it correct?

Answer: No please, it should be distance of at least 60 feet.

Question: Did you find any difficulty recognizing some one climbing on the wall from a distance of 60 feet?

Answer: If by this question you mean why could I not see the kar Sewaks who were trying to climb that day at 12.00 noon, my answer would be that the western southern corner of the disputed building was obstructing the visibility in between me and Kar Sewaks and this point was completely invisible to me. I was later on, told that this was the point from where the Kar Sewaks had climbed upon the roof of the disputed building.

Question: In December 1992, upto what distance you did not find any difficulty in looking or recognizing any one in an open space, i.e., upto which distance you could easily see and recognize anyone walking or climbing?

Answer: On any day during December 1992, in case there are no extra ordinary circumstances, I could see or recognize anyone from a minimum distance of 150 feet.

I do not feel that there has been any retardation in my eyesight from December 1992 till this day. At that time i.e., in 1992, I did not use spectacles and my eyesight was normal and now after the spectacles, my eyesight is again normal. Though I have not seen with my own eyes the place from where the Kar Sewaks were continuously climbing upon the roof of the disputed building, still my conjecture is that this place should be at a distance of 30-35 feet in the eastern side from the southern western corner of the disputed building. Prior to 6th December, stairs were available for going to the roof from the southern side and it was covered with heavy shrubs and bushes and I believe that the Kar Sewaks would have used only these stairs and reached on the roof and on the domes in such a big number in such a short time. This staircase rose from east to the east to the west and I cannot tell its direction thereafter.

Question: My submission is that the staircase built for climbing upon the roof of the disputed building reached close to the western wall of the disputed building in the west and anyone climbing on the staircase could reach roof of the disputed building in the west and anyone climbing on the staircase could reach on the roof of the disputed building. There was no other staircase for reaching the roof of the disputed building is it correct?

Answer: I do not know whether any other staircase was built in the disputed building for climbing up the roof or not. This is correct to say that this

staircase touched the eastern side of the western wall.

Question: What would be the thickness of the above western wall, i.e., western wall of the disputed building?

Answer: In my opinion the thickness of the western wall of the disputed building should be at least seven feet.

I have never seen the point on the roof of the disputed building where this staircase landed. I cannot say whether anyone climbing through that staircase was visible to me or not from the point where I was standing on 6th December. At this point, the witness was shown photograph No.13 of black and white album document No. 201C-1 by the Learned advocate cross-examining and on seeing this, the witness stated "I do not know whether the upper portion of the staircase landed on the place of the southern-western corner behind the southern dome of the disputed building visible in this photograph, where a tree is also seen".

Question: My submission is that in the above photograph No. 13, the staircase rising from the ground and reaching to the roof of the disputed building landed on the southern – western corner behind the southern dome and it was from there that anyone went to the roof and this place was clearly visible from the rear of the disputed building. In this connection, you are concealing the facts and giving false statement?

Answer: In so far as the fact of this staircase landing on the roof and also that it was there from where anyone could go to the roof, I am ignorant. However, I am confident that it was not visible to me from the point where I was standing on 6th December.

As such I have not made any false statement nor tried to conceal any fact.

Photograph No. 44 of the same album was shown to the witness, on which, he said, "In this photograph, the western wall of the domed building and staircase attached to it and a tree beyond that are visible. Possibly, this is the photograph of the same staircase about which I have mentioned above". Thereafter, the witness was shown the photograph No. 83 of colour album document No. 200C-1, on which, the witness stated, "The staircase, about which I have mentioned above, is clearly visible in this photograph. I feel that the Kar Sewaks must have gone up through this staircase only."

At this point, the witness was shown photograph Nos. 5 and 13 of black and white album document no. 201C -1 by the Learned advocate cross-examining and the following question was posed:

Question: There was a outer boundary wall in the disputed premises, wherein a gate was fitted both in the east and north this boundary wall touched the western wall of the disputed domed building in the west – the western portion of the same outer boundary wall is visible in the south of the western wall of the domed building in above photograph Nos. 5 and 13. Did the Kar Sewaks

go to the roof of the domed building by climbing up the above outer wall?

Answer: I do not know whether the Kar Sewaks had gone to the roof of the disputed building by using one of the walls in the southern side visible in both these photographs. It is not clear to me from the two photographs whether this is the western portion of the boundary wall or not because I have visited this place only once in my lifetime and that to in very exceptional circumstances, i.e. on 6th December 1992.

Witness was shown photograph Nos. 17 and 18 of the same album, on which, the witness stated, "these are the photographs of the western wall of the disputed building taken from the western side". Similarly, on looking at photograph No. 19 the witness said, "This is a photograph of the western wall taken from the western side, but I cannot tell in definite terms which place has been clicked in photograph No. 16. I also cannot tell which part of the disputed building is visible in photograph No. 16". On looking at photograph No. 28 of the same album, the witness said "the wall visible in this photograph is of the disputed premises and this is a photograph of the eastern wall of the disputed premises taken from the western direction, i.e. it is a photograph which has been taken from inside the premises. This photograph appears to be a photo of the southern portion of the main eastern wall of the disputed premise. The height of this wall would be around 7.50 or 8.00 feet. It is wrong to say that the height of this wall was around 10 feet or more. This wall joined the southern wall of the disputed premises in the south. "The witness was shown photograph Nos. 8, 11 and 12 of

the same album, on which, the witness said, "the wall visible in photograph No. 8 is the eastern wall of the disputed premises and it is the southern wall of the 'Hanumat Dwar'. In so far as photograph Nos. 11 and 12 are concerned, I cannot say about the wall which has been photographed and whether the wall belongs to the disputed premises or not. "the witness was shown photograph No. 23 of the same album, on which, he stated "In my view, this is the photograph of the northern 'Singh Dwar' of the disputed premises. I had been to the northern side, but I was not present at the time when this photograph was taken. I feel it is a photograph of post – 1990 period. I had not visited the place after the barricading which is visible in the photograph. At this point of time, I cannot tell how many times I had been in the northern side after this barricading had been installed. As far as I remember, I had entered the disputed premises two, three and four times many years ago from the northern gate visible in this photograph No. 23. I do not remember whether I had visited this place three – four times prior to 1986 or in between 1986 and installation of barricading. As far as I remember at the time when I visited this place, stairs were available for going to the northern road from the northern gate." Witness was shown photograph No. 34 of the same album, on which, he stated, "I am not able to recognize the portion visible in the photograph. However, I feel that it is a photograph of some portion of the disputed premises only. "Witness was shown photograph No. 39 of the same album, on which, he said, "A wall is visible in this photograph and plaster has been dismantled from it and 'Lakhauri' bricks are also visible. This is a photograph of the northern wall of the disputed premises taken from the southern –eastern side. "Then, the witness was shown photograph No. 41 of the same album, on which, he said, "After looking at the photograph,

I cannot say whether it is a photograph of the disputed building or not. "The witness was shown photograph No. 43 of the same album, on which he stated, "In this photograph, a tree beyond some people and thereafter a wall is visible. This is a photograph of the southern wall of the disputed building taken from the northern side". The witness was shown photograph No. 54 of the same album, on which, he stated, "I cannot say whether this is a photograph of the disputed premises or not".

At this point, the witness was shown photo document no. 154/5 filed in another original suit No. 1/89, on which, he stated, "I cannot say whether this is a photograph of any portion of the disputed premises or not. I do not find any grave visible on the right side of the photograph. I am finding something like a platform on the right side of the photograph." Similarly, witness was shown photo document No. 154/7 filed in another original suit No. 1/89, on which, he stated, "It looks as a wall has been constructed in the southern side of the southern dome". The witness was shown photo document No. 154/8 filed in another original suit No. 1/89, on which, he stated, "In this photograph, I am seeing southern dome of the disputed building and also a wall before it. I am also seeing two stairs on this wall, which appeared to be the two stairs of the same staircase about which I had mentioned above and stated that the Kar Sewaks would have gone up by the same staircase."

At this point, the witness was shown photograph Nos. 25, 26 and 28 of colour album document No. 200C-I by the Learned advocate cross-examining, on which, the witness stated, "The northern dome of the disputed building, its western wall and yet another wall in the north which is touching the western wall of the disputed building are

visible in these photograph.” Similarly, on looking at photograph No. 27, 29 and 30 of the same album, the witness stated, “All the three photographs are photographs of the portions of the disputed building. Photograph No. 27 is of the western wall of the southern dome taken from the western side, but I cannot tell in defined terms as to which portions of the disputed building are visible in photograph No. 29 and 30. “The witness was shown photograph No. 6, 7 and 8 and from 20 to 24, on which, he stated, “All these photographs are of the western wall of the disputed building which have been taken from the western side of the disputed building. “On looking at photograph from 31 to 36 of the same album, the witness stated, “These are the photograph of the western wall of the disputed building and the adjacent Parikrama Marg”. The witness was shown photograph No. 62 and 63, on which, he stated, “Photograph No. 63 is a photograph of the disputed building taken from the southern – eastern side and photograph No. 62 also appears to be a photograph of the disputed premises, but I have forgotten as to which part of the premises are visible in the photograph”. The lattice was visible in photograph No. 63 was located in the courtyard or verandah in the eastern side of the dispute building. The thatched roof visible in this photograph No. 63 is placed on a platform, where the ‘Vigrah’ of Sri Ram has been established. On looking at photograph No. 77 of the same album, the witness stated, “The lattice wall visible in the photograph was located beyond the courtyard in the eastern side of the disputed building. A gate is visible in this photograph which was in the eastern side of the courtyard of the disputed building. The length of the courtyard would be around 100 feet on the north – south side and its width would be around 20 feet on the east – west side. I would have definitely entered the courtyard

10-12 times through the gate visible in this photograph. I have entered the courtyard through this gate after 1986 only". The witness was shown photograph No. 75 of the same building, on which, he stated, "The gate which is visible near the tree in the photograph is of the disputed premises only and was fitted in the lattice wall in the eastern side of the disputed building. The gates visible in photograph Nos. 75 and 77 are actually only one gate but was taken by different angles. "On looking at photograph Nos. 79 and 80, the witness stated, "The courtyard located in the east of the disputed land and people moving therein are visible in these photographs. It was in respect of this courtyard that I had told that its width in the east – west side was around 20 feet." The witness was shown photograph Nos. 89 to 93, on which, he stated, "it appears that these are the photographs of the upper arch of the middle gate of the disputed domed building or its wall. As regards, photograph No. 93 something is engraved on the slab lying in the middle but I cannot tell what is engraved therein. I also cannot tell the language in which the engraving has been done or the decorated flowers/petals." The witness was shown photograph Nos. 85 and 86 of the same album, on which, he stated, "These are the photographs of the gate of the disputed building and I believe that this photograph of the gate below the southern dome of the disputed building." On looking at photograph No. 84 the witness stated, "The gate visible in this photograph is the same which is shown in photograph Nos. 84 and 85. "I have not used the northern or the southern gate of the building either for entering or for coming out of it. I would have definitely gone below the middle dome 10 –12 times through the middle door. The witness was shown photograph Nos. 87 and 88 of the same album, on which, he stated, " The niches shown in the

photographs are the niches of the southern wall of the middle gate." On looking at photograph No. 97, the witness stated, "the niches shown in the photograph are the niches of the northern wall of the middle gate." The witness was shown photograph No. 98, 99 and 100, on which the witness stated, "The gate visible in all the three photographs is the gate below the northern dome." On looking at photograph No. 201 the witness stated, "The wall and the middle gate visible in this photograph is the lattice wall which was located in the eastern side of the building and its gate. " On looking at photograph Nos. 77 and 201, " The gate visible in photograph No. 201 is not the gate which is visible in photograph No. 77. Both the above gates were fitted in the lattice wall located in the eastern side. Whenever I went to the courtyard in the eastern side of the disputed building after 1986, I mostly found both the gates opened. I have entered the courtyard through the gate visible in photograph no.201, but I do not remember as to how many times, I have gone like this. Whenever I went to the disputed building for the purpose of worshipping I used to go by the way through which others were going. I did not specifically care as to which door did I use for entering".

Question: Then is it possible that you would have not entered the building through the gate visible in photograph No.201?

Answer: "No please, I had definitely gone to the courtyard for worshipping through the gate visible in photograph No.201, but I do not remember whether I had gone like this 4-6, 9-10 or 1-2 times. Prior to 1st February 1986, whenever I entered the disputed premises, I have often

found both these gates closed. I have used the word often because I had seen the Priests entering and going by opening the northern gate out of both these gates. I have never seen the common visitors using both these doors for entering or coming out prior to 1st February 1986”.

The witness was shown photograph Nos.152 to 156 of the colour album, on which, he stated, “These are the photographs of the idol of Sri Ram set up below the middle dome of the disputed building. Photograph No.156 is also of the same part, but in this photograph, the lower portion of the throne of the idol of Sri Ram is visible. In photograph Nos.152 and 154, a photograph of the childhood of Sri Ram fitted in a glass frame is visible above the idol of Sri Ram. I do not remember whether there were one or many idols of Sri Ram Chandra Ji on the throne visible in photograph No.152 to 155. The idol of Sri Ram set up on this throne was of his childhood. I do not feel there is any difference in between ‘Vigrah’ or idol. I do remember that photographs of some Goddesses and Gods were lying there, but I do not remember whether any ‘Vigrah’ or idol of any Goddess or God excepting Sri Ram Chandra Ji had been set up.” On looking at photographs from 152 to 155, the witness stated, “Whenever I went there for darshan, I found only one throne, on which the idol of Sri Ram was set up. I would have looked at the idol visible in these photographs from a distance of around 6-7 feet, but still I cannot tell the precise size of the idol of Sri Ram. Because whenever I went there for worshipping I found the idol laden with garlands of flowers and other material for worship. I can tell that the idol was of a small size but I cannot tell whether its size was 4-6 inches, 8-10 inches or 1-2 feet. I had seen

this idol only at this place, i.e., below the middle dome and no where else. I have never seen the idol of Sri Ram Chandra Ji placed at the Ram Platform during my life." On having a look at photograph Nos.128 and 129, the witness stated, " this photograph is of 'Thakur Gurudutt Singh' and is fixed on the southern wall below the southern dome of the disputed building". The witness himself stated that the photographs of Chandra Shekhar Azad and Bhagat Singh were hanging side by side the photograph No.128 of Thakur Gurudutt Singh. I had seen this photograph on the site also. Often whenever I went to the building for darshan, I used to stay there for a maximum of 10-12 minutes and whenever there was a rush, I used to stay there as per the directions of Manager or District administration. I would have definitely stayed at that place for around one and a half minutes. We were allowed to have darshan by entering two three steps inside the eastern wall of the disputed building, which has got a door and the dome is also leaning thereon. An iron rod or a rope was tied at the place upto which we could go and entry was not allowed beyond that. I have seen the above photograph of 'Gurudutt Singh' from that point also and I remember that probably once we had gone to see the photograph of Sri Gurudutt below the southern dome for a while. On looking at photograph Nos.131 and 132, the witness stated, "It looks as if both these photographs are of lower side of the same southern dome which is visible in photograph No.128". The witness was shown photograph Nos.133,134 and 135, on which, the witness stated, "Photograph Nos.134 and 135 seem to be the photographs of the lower portion of the southern dome taken from inside and I cannot tell the lower side of which dome is visible in photograph No.133". The witness was shown photograph Nos.168,169,171, 172 and 174, on

which the witness stated," These are probably the photographs taken from below the northern dome".

In my house, besides Sri Ram, Kali, Ma Durga, Sri Krishan all are worshipped, but I do not have the idols of all of them set up in the house. I do have photographs of a few Gods like Sri Ram, Sri Krishan, Lord Shiva, whom we worship and also the idol of Ma Durga is set up in my house. I do not have any other idol barring that of Ma Durga set up in my house. I do not have a deep knowledge of the religion and, therefore, I cannot say whether I am a staunch devotee of Vishnu or whether my parents were like this.

At this point, Learned advocate cross-examining showed to the witness video document No.118C-1/33 through VCP on TV showing the scenes at 1.29, on which the witness stated, "IN this scene, idol of Sri Ram is visible. However, I cannot tell whether this is the photograph of the disputed premises or not or of which place." The witness was shown the scene at 3.03 minutes of the cassette, on which, he stated, "This is the photograph of Sri Ram and it appears that it is the photograph of his childhood".

Subsequently, the Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV and after showing the scenes 26.06 minutes, on which the witness stated, "It was the idol of Sri Ram. To me, it looks like the idol of Sri Ram of his childhood. On looking at the scene, I can tell that it is a small idol but I cannot tell whether its size of 4-6 inches or 10-12 inches. This is a scene of the makeshift temple built at the disputed premises. I have gone for the darshan of makeshift temple three four times. I have gone for darshan

and worshipping this makeshift temple on 13-14th December 1992 for the first time. I have never been to have darshan of the makeshift temple earlier than that.

Verified the statement after hearing.

Sd/-

Ashok Chandra Chatterjee

11.10.2002

Typed by the Stenographer in the open court as dictated by us, In continuation of this be present on 21.10.2002 before full bench for further cross examination in this case.

Sd/-

Narender Prasad

Commissioner

11.10.2002

www.vadaprativada.in

Dated 22.10.2002

O.P.W.8 Sh.Ashok Chandra Chatterjee

Cross examination on oath of O.P.W.8 Shri Ashok Chandra Chatterjee before the Hon'ble Full Bench by the learned Advocate Shri Zaffaryab Jilani on behalf of Defendant No.4 in continuation of the proceedings of 11.10.2002 initiated.

When the second dome, i.e., the southern dome of the disputed building fell down, I was standing at around 30-40 feet behind the southern dome in the western side of the disputed building. The second dome had fallen at around 3.00 P.M. The rock inscription/slab about which I have mentioned in my above statement, had fallen from the western wall of the southern dome in my presence and it was in my presence that the kar Sewaks had taken it away to Ram Katha Kunj. The western side of the western wall of the southern dome, in which this slab/rock inscription was set up had fallen prior to the fall of the southern dome. The above rock inscription/slab had fallen down around 25 minutes before the fall of the southern dome. When I had moved around five feet away from the western portion of the disputed building, the western wall had not been fully demolished by that time and the Kar Sewaks were still on the job of demolition. The southern dome fell on the southern side and by that time, the western wall had not been fully demolished. The southern dome was not knocked down from the above, but from the base because of which it fell down of its own weight. The southern dome leaned on the walls from two sides and its other two sides leaned on the arches made upon the gates. Since I was standing in the western side of the disputed building, I had seen persons demolishing the western base, but I have not seen

persons demolishing northern, eastern or the southern base. The work of demolishing of the western wall on the disputed building had started at around 12.15 noon. The height of the western wall of the disputed building from below i.e., ground was around 20-22 feet. The work of demolition of the western wall had started from the bottom, around two feet above the ground. The above rock inscription/slab which had fallen from the western wall was fitted in the wall at a height of around 6-7 feet from the ground. Some portion of the western wall of the disputed building was plastered and plaster had been dismantled at other parts of the wall. Further stated that he had not seen the rock inscription/slab fitted in the wall, but he had seen it fallen from the wall.

Question: Can you tell whether the point at which the above rock inscription/slab was fitted in the western wall was plastered or the plaster had been dismantled?

Answer: I do not know whether the point at which the rock inscription/slab was fitted in the wall was plastered or not before the demolition of the wall.

I had seen this rock inscription/ slab from a distance of around 8-10 feet at 2.40 P.M. for the first time. At that time, a number of persons were available there whose name I do not remember Dr.Sudha Mallayya was not available there at that time. At that time around 100-200 people were present there. When I saw this rock inscription/slab there for the first time, no cameramen, photographer, videographer was available there because the Kar Sewaks had adopted a very aggressive attitudes

towards photographers/ videographers. The above rock inscription/ slab after falling from the western wall remained there for 2-4 minutes. Just after, i.e. 2-4 minutes after the fall of the slab, a saint said that it was the slab of the temple and told the Kar Sewaks to carry it away honorably. Thereafter, the Kar Sewaks carried this slab to the ram Katha Kunj. The Kar Sewaks had carried away this slab to ram Katha Kunj through the southern side of the southern dome. For carrying this slab upto Ram Katha Kunj, 8-10 Kar Sewaks had used the same poles, pipes and angles with which they were demolishing the wall. I have never seen nor I know the kar Sewaks who had carried the slab upto Ram Katha Kunj or the saints who had asked them to carry the above slab. I am also not aware whether they had any concern with Ayodhya or not.

Verified the statement after hearing

Sd/-

Ashok Chandra Chatterjee

22.10.2002

Typed by the stenographer in the open court as dictated by us . Be present yourself tomorrow, i.e. 23.10.2002 for further cross examination .

Sd/-

22.10.2002

Dated 23.10.2002

O.P.W.8 Sh.Ashok Chandra Chatterjee

Cross-examination on oath of O.P.W.8 Shri Ashok Chandra Chatterjee before the Hon'ble full Bench by the learned Advocate Shri Zaffaryab Jilani on behalf of Defendant No.4 in continuation of the proceedings of 22.10.2002 initiated.

The age of the saint, who had asked the Kar Sewaks to take away the rock inscription/ slab upto Ram Katha Kunj would be around 40 years. I do not remember at this time, whether this saint had accompanied the rock inscription/ slab upto Ram Katha Kunj or not, further said he had stayed back there itself. It would have taken five six minutes for the Kar Sewaks to take away that rock inscription/ slab upto Ram Katha Kunj. This slab had been kept five six feet outside the northern nortion of the building of Ram Katha Kunj. When the Kar Sewaks were placing the rock inscription/slab in Katha Kunj, it had broken into two pieces and a few chips. When this slab was being placed I the north of Ram Katha Kunj, one two police constable or Head constable were present at that point. I do not remember at this point of time whether any senior officer of the police or administration was available there or not. I had come back to my place just after the kar Sewaks had placed the slab in Katha Kunj. I had stayed for about half an hour in the evening of 6th December 1992 at the place in Katha Kunj, where the rock inscription/slab had been placed. I had not seen any photographer or videographer at the point where the rock inscription/slab had been placed. I had requested a few persons, who were available there at that time to take photographs of this slab, if possible. I do not remember the names of those persons

at this time. A few among them belonged to Ayodhya or Faizabad and were associated with various journals. Photo of this rock inscription/ slab was handed over to me at night by someone at 10.30 P.M. on the same day. I do not remember the name of the man who had come to deliver the photo. I have not studied Sanskrit. Later on, he added that he had studied Sanskrit of a level, which is taught upto 6th class. I cannot read the inscription engraved on the rock inscription/slab. When I reached at the place of slab at 6.30, Sudha Mallayya, a female journalist of Madhya Pradesh told me that she is an expert in reading script. She had done Ph.D. in the science of Script and Archaeology. On looking at the rock inscription, she stated that it was an inscription by Gehadwal rulers of eleventh or twelfth century. She could not give more details. There was sufficient light at that time. No special light has been arranged for the place at which this slab had been placed and the light provided by the poles etc., was sufficient. I did not see the above mentioned saint at Katha Kunj. I have not seen that saint after 6th December 1992. I had met Sudha Mallayya Ji, for the first time at 6.00 P.M. on 6th December 1992. Since 6th December 1992, I have had two meeting with Sudha Mallayya Ji. At the time, when I saw this rock inscription/slab, mortar or lime etc., were attached with the rock inscription/slab. When I saw this rock inscription/slab, mortar or lime etc., were attached with the rock inscription/ slab. When I saw that rock inscription/slab at 6.00 P.M. in the evening at Ram Katha Kunj, it looked as if the engraved portion had been sufficiently cleaned and mortar or lime was attached on the remaining portion of it. When I took Sudha Ji to the spot on 13th December, the position of rock inscription/slab was the same as was on 6th December 1992. On 13th December, Sudha Mallayya Ji had cleaned the engraved portion of the slab with a brush

in my presence. When I went to Ram Kaha Kunj on 13th December, the rock inscription/slab was lying almost at the same place where it was on 6th December. When I reached close to the slab on 13th December, it was lying flat on the ground with its engraved portion on the top. On 6th December also, the slab was lying in the same position. When I went to Ram Kaha Kunj on 13th December, more slabs of various sizes were lying at the place of the slab. All these slabs were lying around the rock inscription/ slab. When I had gone to that place on the evening of 6th December, then also many slabs were lying there, but their number was smaller as compared to the number of slabs lying on 13th December. We had reached Ram Kaha Kunj along with Sudha Mallayya Ji at around 11.00 A.M. on 13th December and had come back at about 2.00- 2.30 on the same day. Sudha Mallayya Ji had come to Ram Kaha Kunj on motorcycle with me. I had picked her up from Shan-e-Avadh hotel, where she was staying. Shri S.P.Gupta had also joined us sometime after we had reached Kaha Kunj on 13th December. I cannot say from where he had come. Shri S.P.Gupta had come back from Ram Kaha Kunj along with us. After coming out, I do not know where Shri S.P.Gupta went, but I left Sudha Ji at Shan-e-Avadh hotel, Faizabad. As far as I remember, I have not seen that rock inscription/ slab after 13th December. Photograph of this slab/ stone has been probably published in Panchjanya Journal of 13-20th December 1992 issue. I had sent the photograph of this slab to our Panchjanya office on 7th December. Photograph of this slab had been published in 15th December 1992 issue of Aaj also, but I do not know whether it was published in any other journal or newspaper. Those days, a paper named Jan Morcha was published from Faizabad daily. Journalists of Dainik Jagran, Amar Ujala, Gandeew, Times of India etc., lived in

Faizabad/Ayodhya and they lived there in 1992 also. Representatives of various newspapers lived in Ayodhya/Faizabad during 1992. I do not remember whether any news about the rock inscription/slab had been published in any national or regional newspaper or journal prior to 13th December 1992. When this rock inscription/slab fell from the building, it was lying on the debris and not under the debris. Since I was standing on the western side of the western wall of the disputed building, I may not be able to tell whether anyone was demolishing the western wall from inside or not. When the Kar Sewaks were demolishing the western wall from outside, it never happened that the complete wall had been demolished and I could see across the inside portion.

At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 17.29, on which the witness stated, "The scene is not clear and, therefore, I may not be able to tell whether this is a scene of the dome of the disputed building or not." At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 17.33, on which the witness stated, "With regard to this scene also, I cannot tell whether this is of the disputed building or not, because the camera has clicked in a different angle. The place where I was standing and the type of background that was visible to me was not the same as that of the disputed premises. Two domes are visible in the scene, but I cannot say whether they are of the disputed building or not. I also cannot tell whether the two domes visible in the scene are the southern or middle domes or not. On looking at the caption of the scene, i.e., "left dome fell down time 2.45 minutes from the scene being

shown in this edited cassette and from the caption written on it, it is not clear as to the word 'left' has been used for what, i.e., the left portion of the building or the left portion of the scene or the left portion of the photographer. On looking at this scene, I cannot tell whether the word 'left' has been used for the northern dome. At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 17.45, on which the witness stated, "This scene appears to be of the disputed building and the southern and middle domes of the disputed building are visible in it. It is true that the western wall between the middle dome is looking demolished right through. I had witnessed a similar scene at around 3.00 P.M. on 6th December 1992.

At this point, again Learned advocate cross-examining showed to the witness video cassette document no.118C-1/33 through VCP on TV showing the scenes at 17.47, on which the witness stated, "It appears to be a scene of the middle dome. The caption indicated above it. I.e., time 4.30 the right dome also knocked down appears to me to be wrong because the southern dome had been knocked down before 4.30. In this scene, the entire Parikrama Marg seems to be covered by debris. At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 17.51, on which the witness stated, "It appears to be a scene of around 4.30- 4.45". He stated himself though he had not witnessed this scene from this angle. Still in his view, it was a scene of the disputed premises. In this scene, it appears that debris is lying behind the middle dome". At this point, learned advocate cross-examining advocate showed to the witness video

cassette document No.118C-1/33 through VCP on TV; showing the scenes at 17.53, on which the witness stated, "In this photograph, dust is visible below the middle dome, but I cannot say what is the reason behind the dust, i.e., whether it is because of the demolition of the building or because of something else. In this photograph, debris after the demolition of the southern dome is visible. At this point, learned advocate cross-examining advocate showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 18.00, on which the witness stated, "On looking at this scene, it appears that dust started rising after the fall of the middle dome." At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 18.07, on which the witness stated, "I almost agree with the caption of the scene, i.e., "time 4.45 P.M. middle dome also knocked down." As I have stated earlier in my statement, I never went to the western side of the disputed building after 5.00 P.M. on 6th December 1992. On 6th December 1992, I was at Ram Katha Kunj in between 6.00 and 6.30 and at that time also Kar Sewaks were bringing some stone slab." At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 21.06, on which the witness stated, "I cannot tell whether it is a scene of the disputed building or not." At this point, learned advocate cross-examining advocate showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 21.37, on which the witness stated, "It looks from the photograph that persons are trying to retrieve out of the debris of the disputed building, the artifact of the temple. It appears that it is a photograph of 7th December 1992." At this point, Learned advocate cross-

examining showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 22.12, on which the witness stated, "It is a scene of 13th December 1992, when Sudha Mallayya Ji had accompanied me from Faizabad to Ayodhya Ram Katha Kunj and it appears that she was observing the rock inscription/slab in Ram Katha Kunj". At this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 25.19, on which the witness stated, "This scene is neither of 6th December 1992 nor of 7th December 1992". Again at this point, Learned advocate cross-examining showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 25.24, on which the witness stated, "In my view, the slabs had not been carried to Ram Katha Kunj from the disputed building on head in the way shown in the photograph." At this point, learned advocate cross-examining advocate showed to the witness video cassette document No.118C-1/33 through VCP on TV showing the scenes at 25.33, on which the witness stated, "Such a slab was carried to Ram Katha Kunj from the disputed site laying on head, but I may not be able to tell whether the slab shown in the photograph was carried to Ram Katha Kunj or not.

By the time I was present at the disputed site on 6th December, 1992, Kar Sewaks were on their work. As far as my knowledge goes, this work went on uninterruptedly throughout the night." Volunteer stated that there was strong rumour that police could intervene any time and as such they wanted to fulfil their aim as early as possible. When I went to the disputed site on 7th December 1992, same type of activity was going on, i.e., first, the demolition was done and thereafter, work of making temporary

makeshift structure continued. When I reached there on 7th December 1992, work on the construction of makeshift structure was going on.

At this point, the witness was shown photograph No.6 of the colour album document No.220 C-I by the learned advocate cross-examining, on which, the witness stated, "The above rock inscription/slab which I had seen lying flat on 6th December, was lying in this photograph on the Parikrama Marg visible in this photograph, i.e., on the Parikrama Marg in the western direction of the southern dome. Looking at photograph No.8, the witness stated, " I had seen the above rock inscription/slab lying below that portion close to the southern dome visible in this photograph where the plaster had been dismantled. Similarly, on looking at photo No.23 of the same document, the witness stated, " In this photograph many slabs are visible in the western wall of the southern dome, whose plaster has been dismantled. When I went to the disputed site at 12.00 noon on 6th December 1992, the position of the wall was the same as is visible in this photograph, similar slabs were fitted at that time. The stones visible in photograph No.27 are of the western wall behind the southern dome of the disputed structure. It is correct to say that the situation of the western wall of the disputed structure as is visible in the photograph was the same on 6th December 1992 before the demolition of the structure. The rock inscription/ slab which was available after the demolition of the structure does not appear to be fixed in the wall. I cannot tell in indefinite terms that the wall visible in photograph No.31 is of the disputed structure only, but possibly it could be the wall of the rear portion of the southern western wall behind the southern dome of the disputed building. Photograph No. 33 is the photo of

western portion of the western wall situated behind the southern dome of the disputed premises. This photograph has been taken from a height of 2.00-2.25 feet from the ground. In photograph No.33, big stones of the third line are at a height of around 3.00-3.25 feet from the ground level. The biggest stone visible in photograph No.34 is the same stone, which is visible in photograph No.35. In photograph Nos.33 and 34, the slab which was found in the shape of a rock inscription after the demolition of the disputed building and which had been placed in Ram Katha Kunj by the Kar Sewaks is not visible.

In photograph No.14 of white and black album document No.201 C-1, the western wall of the southern dome of the disputed building is visible, in which some small and big stones are visible. In this photograph, I am not finding the rock inscription/slab about which I have mentioned above. Photograph No.18 of this album is the same as is photograph No.,33 of colour album document No.200 C-I.

I had seen the western wall of the disputed building which has been mentioned above and some photographs of which have also been referred at 12.00 noon on 6th December 1992 for the first time. I kept on seeing it by standing at many places in the west of the western wall of the disputed building, but I did not go upto the northern dome. I had never stood in the west of the northern dome at any time on 6th December 1992. I had reached upto half portion of the middle dome. I did not stand for long in the west of the middle dome. I did not see any leader associated with Ram Janam Bhoomi movement nearby the western wall on that day in between 12.00 noon and 5.00 P.M. I am known to almost all the persons associated with

Ram Janam Bhoomi movement. I did not see any leader nearby the disputed building or in Ayodhya till 5.00 P.M. by which time I had remained in Ayodhya. As far as I remember, I did not meet Shri Param Hans Ramchandra Das in between 6-13th December 1992. I have met in a number of times after 13th December 1992 till this day, but I do not remember the date of my first meeting with him. This is correct to say that I must met him in between one year from 6th December, 1992, but I do not remember when did I meet him.

As far as I remember, I had met late Shri Devaki Nandan Aggarwal once after 6th December 1992. Later on, he stated that he had seen him, but did not talk to him. I had seen him when advocates concerned with this case had gone to Ayodhya. At this point of time, I do not precisely remember the place where I had met him whether it was Janaki Mahal or Ram Katha Kunj or any other place. I have had no meeting with late Shri Gopal Singh Visharad or his son Rajender Singh, who are a party in this case. As a journalist, I have contacts with Mohd. Hashim, Param Hans Ram Chandra Das, Hazi Mehboob and a few persons associated with this movement. I have no specific meeting with Umesh Chandra Pandey, or course, I have seen him once or twice. When the lock on the disputed building was opened in 1986, I had no personal meeting with Umesh Chandra Pandey, I had simply heard his name. As a journalist, I have never met him. I only know that he lives in Ayodhya. I know that he is a party in the cases relating to Param Hans Ramchandra Das and I had this information even before 1986. I am also aware that Nirmohi Akhara is one of the parties of the case even from prior to 1986. I, in the capacity of a Journalist, have never met the Mahant of this Akhara as a journalist. I have also not conducted any

interview of any Mahant of this Akhara. I visited Hanuman Garhi, a renowned temple of Ayodhya many times before 1986. I had met Baba Dharam Das of Hanuman Garhi on 6th December 1992 and since then I have met him only two times and not frequently. I might have seen him amongst saints on a dias during the last ten years. I am not at all known to Ram Dayal Saran nor I have seen him. I also do not know Shri Ramesh Chandra Tripathi, who is a party in this case. Shri Veereshwar Dwivedi advocate of Shri Umesh Pandey had been known to me prior 1986. Shri Ranjit Lal Verma, advocate of Nirmohi Akhara and Shri Madan Mohan Pnadey, advocate of Param Hans Ramchandra Das are also known to me prior to 1986. I had met these advocates within a year after 6th December 1992. I have met Shri Madan Mohan Pandey and Ramjit Lal Verma many a times, but had met Veereshwar Dwivedi only once or twice. Besides these advocates, I have not met any other advocate within a year after 6th December 1992. I had visited Digamber Akhara Janaki Mahal and Hanuman Garhi for two three times during conference of journalists within two years after 6th December 1992. Later on, he stated that there had been no movement in the initial one two years. Of course, had been gone there after that. After 6th December, there had been a conference of journalists on 13th December 1992 and 7th January 1993, in which I have participated. The discussions had taken place in Ram Katha Kunj on 13th December 1992. Later on, discussions were held in the east of the make shift structure outside the acquired building on 7th January 1993. During disussions held on 13th December 1992 in Ram Katha Kunj, four five journalists, besides 10 Videographer, cameramen had participated. I had also interacted for a while. This discussion of journalists was interactive. It was not a conference of the journalists, we

had assembled of our own. I have gone to Ram Katha Kunj with Sudha Mallayya on 13th December 1992 because she had come from outside and was interested in studying rock inscription/ slab. She had informed me about her visit of 13th December 1992 on 9th or 10th December 1992. Thereafter, she had asked me by telephone to come to Shan-e-Avadh hotel. I do not know at whose instance the remaining journalists had come to Ram Katha Kunj on 13th December 1992. All the journalists had assembled at Ram Katha Kunj within 10-12 minutes of my reaching there. During inter personal talk, I had informed the journalists that the rock inscription/slab had been retrieved from the debris of the western wall of the disputed premises on 6th December 1992 in my presence and that Sudha Mallayya had come to study it. I do not know whether Dr.S.P.Gupta knew about my presence in the west of the disputed structure on 6th December 1992. Of course, Sudha Mallayya knew that at the time when this slab was retrieved from the debris on 6th December 1992, I was present in the west of the disputed structure. I am not aware whether it was published in any newspaper or journal that the above rock inscription/ slab had been retrieved from the debris of the western wall of the disputed structure in my presence, i.e., it had not been published in any newspaper or journal that I was present at the time of the retrieval of the above rock inscription slab. The news published in the 15th December 1992 issue of the Daily Aaj in which my photograph was also published did not mention that the above rock inscription/slab was recovered in my presence. Those days, Shri Rajender Soni was handled by Shri Mahinder Tripathi. He had taken my photograph which was published on 15th December. Shri Rajender Soni had prepared the report for the issue. The name of the Press Reporter and photographer of Swatantra Chetna

newspaper is Shri Hari Shanker Tewari, who is alive even today. I do not remember names of other press reporters of that newspaper. The journalists whose names have been mentioned above or those who had assembled in Ram Katha Kunj on 13th December 1992 had met on 7th December 1992 also, but there was no videographer and cameramen. I had not mentioned about the recovery of the rock inscription to any journalist during 7-8th December 1992 nor there had been any talk on the subject. I had seen Shri Mark Tulli, BBC correspondent and his entire team going through "Samparak Marg" at 5.00-5.15 P.M. on 6th December 1992. This road is in the east of Ram Katha Kunj. I have no talk with him. Since curfew have been imposed in Ayodhya after 6th December 1992 and the atmosphere had become tense, I had not met any journalist on 8th December 1992. I had visited Shan-e-Avadh Hotel on 7th December 1992, where I had met a number of journalists. Shri Subir Roy and Shri P.K. Roy, correspondent and photographers of Front line and The Hindu were present there. I had not talked with these journalists about the above rock inscription/ slab because as compared to the demolition of the disputed structure, this was a news of no great importance. Besides the above journalists, I had met a number of other journalists at Shan-e-Avadh hotel on 7th December, whose names I do not remember, but I had not talked about the recovery of the rock inscription/ slab even with them. About one- one and a half month ago from now, I had informed Shri Triloki Nath Pandey, a supporter of the cases for the first time that I was present at the time of the retrieval of the above rock inscription/ slab. I have had no talk with Shri Veereshwar Dwivedi, Advocate of Shri Umesh Chandra Pandey that I was present at the time of the recovery of the rock inscription/slab nor I mentioned to any other advocate,

supporter of the above cases about my presence at the time of the recovery of the above rock inscription/ slab. Shri Triloki Nath Pandey had sought my concurrence about deposing, but prior to it nobody talked about including my name in the list of witnesses. My affidavit, on which this cross examination is going on, was prepared in Lucknow itself. It had been drafted by the advocate at my instance.

All the facts mentioned in para 10 of my sworn statement were written at my instance. With regard to decorated rock inscriptions, I am to state that nearly five six rock inscriptions had been recovered. He further himself stated that these includes the slabs, which were shown in photograph No.33 and photograph No.27 (colour album). When we looked at these rock inscriptions carefully on 6th December 1992, we came to know that they are the remains of some temple.

Verified the statement after hearing.

Sd/-

Ashok Chandra Chatterjee

23.10.2002

Typed by the Stenographer in the open court as dictated by us. Be present tomorrow, i.e. 24.10.2002 for further cross-examination

Sd/-.

23.10.2002

Dated 24.10.2002

O.P.W.8 Sh.Ashok Chandra Chatterjee

(Cross-examination on oath of O.P.W.8. Shri Ashok Chandra Chatterjee before the Hon'ble full Bench by the learned Advocate Shri Zaffaryab Jilani on behalf of Defendant No.4 in continuation of the proceedings of 23.10.2002 initiated).

I had sent the above rock inscription carefully in Ram Katha Kunj and felt that it might be remains of some temple. By my statement in para 10, page 5 that "Out of curiosity, I and my fellow journalists presented at the site, saw the slab", I mean the disputed site and not the Ram Katha Kunj. I do not remember the names of the journalists presented there at that time. I also do not know whether they belonged to Ayodhya or Faizabad or anywhere else. My affidavit had been prepared on 3rd October 2002 and even at that time, I did not remember the names of these journalists. I also cannot tell whether they were journalists or ordinary persons. Since they were different from Kar Sewaks, so I have called them journalists. By the above slab, mentioned in the 6th line of para 10 of my statement, I mean rock inscription/slab. With reference to my statement in para 10 page 5 that "a saint told that the slab appeared to be an inscription of some old temple and it should be taken away carefully," I mean that a saint was standing near the rock inscription and it was only after this instruction that we went near that slab and observed it closely. However, the above saint had given the instructions only two three minutes after the fall of the rock inscription/slab. I have mentioned about the "other adorned slabs" in para 10 page 5 of my statement, I mean, these adorned slabs had fallen 15-20 minutes before the fall of the above rock

inscription/slab. Out of these slabs, three four slabs were of big size, whereas the number of small sized slabs would have been 10-15. Later on, he stated that they had fallen before fall of the above rock inscription/ slab. I have mentioned about other adorned slabs in my statement, these were the same slabs, which had fallen before the fall of the above rock inscription/ slab. No idol was engraved on the above rock inscription/ slab, but something was written thereon. Nothing was written on the other adorned slabs, but some embroidery work had been made. The size of those slabs was slightly big, i.e. 2.00-2.5 feet long, 1.00-1.25 feet wide and around 6-7 inches thick. Besides, there were some slabs, on which no embroidery was made, but they had been specifically cut. The slabs which were big and had embroidery over them were covered under the debris and the slabs over which some words were engraved were above the debris. The remaining slabs had neither any embroidery nor anything engraved on them, but were cut in specific shapes and were lying in the debris. This was the position at the time when the saint stated that it appeared to be slabs of some old temple. The slabs on which embroidery was done were covered by big rock inscriptions/slabs. At the time when the above saint asked to carry the above rock inscriptions/slabs to Ram Katha Kunj, the work of demolition was going on and debris was falling from the wall. There is a possibility that the slab might also be fallen. At the time when the saint gave the above instructions around 100-150 people were engaged in the work of demolition of the western wall of the building. The above rock inscription/slab was lying on the Parikrama Marg in the west, whereas other slabs were lying there itself and these 100-150 kar sewaks were demolishing the wall of the disputed building by standing on the debris lying on the same Parikrama Marg. At that time, I was

standing at a distance of 25-30 feet in the west from the western wall of the southern dome of the disputed building. The Parikrama Marg. in the western might have been six seven feet wide and just thereafter there was a minor slope. The Parikrama Marg might be 2.00-2.25 feet high from the point where I was standing.

At this point, the witness was shown photograph No.20 of colour album document No.200 C-1 by the Learned advocate cross-examining and the following question was posed Do you find the wall behind the middle and southern domes of the disputed building and the Parikrama Marg stated by you in the rear in this photograph. On seeing the photograph, the witness replied, "The middle and southern dome and the western wall of the Parikrama Marg are visible in this photograph. 1.00-1.50 feet high parapet wall had been constructed in the western corner of the Parikrama marg, which was a part of the Parikrama marg, where the parapet had broken and a bag of cement had been placed at that point. The height of the portion of the western wall of the parikrama Marg visible in photograph No.20 of the album would be around 10-12 feet. On looking at photograph No.21 of the same document No.200 C-1, the witness stated, "It is a photograph of the western wall taken from a different angle. Some portion of the wall of Parikrama Marg shown in photograph No.20 is visible in this photo also. In this photograph, photo of the western slope of Parikrama Marg is also visible. I was standing somewhere on the slope on 6th December 1992, when the above saint had given the above instructions about the rock inscription/slab, but the position of the slope on 6th December 1992 was not the one which is visible to me In this photograph today. On 6th December 1992, the height in between the Parikrama Marg and slope was less.

On 6th December 1992, one could easily climb to Parikrama Marg through the slope in the west. On 6th December 1992 that parapet wall and a layer of some bags filled with Yamuna sand were visible at 12.00 in the west of the western Parikrama Marg and its position was almost the same as is seen in photograph No.20 and 21. When the above saint had given instructions about the rock inscription/slab on 6th December 1992, we and a few other people had climbed in the west on the Parikrama Marg through the same wall. There was no parapet at the point where I was standing only bags of Yamuna sand were lying there. The number of persons, who had climbed with me, would be around 14-15. On instructions from the saint when all of us climbed up, we first of all saw that rock inscription/slab, on which some words were engraved. Later on, that rock inscription/slab was carried away straight to Ram Ksatha Kunj. When the above rock inscription/slab had been taken to Ram Ksatha Kunj, other slabs were also taken there. After the big rock inscription/slab had been taken to Ram Ksatha Kunj, we observed the other slabs. We had seen the remaining slabs when they were lying under the debris. We had observed at that time that embroidery had been done thereon. Lime, mortar was affixed with these slabs. The engraved portions of the slabs were filled with lime, mortar etc. We had taken 1-2 minutes to have a cursory glance on all the slabs. I may not be able to tell that when I went to Ram Ksatha Kunj along with the rock inscription over slab, the persons who had climbed along with me, had accompanied me or not. When I climbed up the Parikrama Marg from the ground, I had stayed there hardly for five seven minutes. At that time, 20-30 persons were standing there. The area was 18 X 8. By 8 feet, I mean the width of Parikrama Marg including that parapet wall. The width of

the parapet is 1.00-1.50 feet. Not more than one person can stand at any point on the width of the parapet wall. No debris from the domes or the wall fell on anyone of the 20-25 persons standing there with us. The point at which we were standing was the western portion of the southern and middle dome. All these Kar Sewaks along with rock inscription/slab had gone through Parikrama Marg straight in the south and from there, they proceeded to Ram Katha Kunj. All the above slabs had not been brought to Ram Katha Kunj in my presence. The Kar Sewaks had brought the big slabs measuring 2.00-2.50 feet long by their hands. I did not see anybody carrying the slabs on their head or shoulder. I may not be able to tell the weight of the big slabs measuring 2.00-2.50 feet. I may not be able to tell their weight even in approximate terms, i.e., whether they weighed 5-10 kilograms or 2.00-2.50 tones. When I went to Ram Katha Kunj at 6.00 P.M. on 6th December 1992, all the slabs which we had seen lying on Parikrama Marg had reached there. I had requested the photographer at 6.00 P.M. to click the photographs of all the slabs, if possible. I had received only one photograph of the above rock inscription/ slab on the same night, i.e., the night of 6th December 1992. I did not receive photograph of any slab or rock inscription after 6th December 1992 nor I tried to procure any. When I went to Ram Katha Kunj with Sudha Mallayya Ji on 13 December 1992, I did not take any photo of these rock inscriptions and slabs nor I asked any other photographer to have photos.

At this point the witness was shown photograph No.1 of paper document No.289C1/226 original suit No.5/89 by the Learned advocate cross-examining and the a question was asked "Did you see anybody carrying the slabs in this way at that time or not". On looking at the photograph, he

replied, " I do not recognize the persons or place or the slabs visible in this photographs- I do not recognize them also nor I may be able to tell whether this is the photograph of the disputed site or not. I did not see anybody carrying slabs on their shoulders like this".

On 6th December 1992, I did not see persons carrying the slabs on wooden planks as shown I photograph No.2 of document No.289C-1/285. I have mentioned from 3rd to 6th line in my sworn statement on page 6 that the other slabs emerging out of the walls of the disputed structure and which appeared to be the ruins of the temple, were also taken away by the Kar Sewaks and placed near the Ram Katha Kunj building"- here I am referring to the same slabs about which I have mentioned above. By the words "put together", I mean that they were kept nearby other slabs in Ram Katha Kunj. The process of bringing the slabs and placing them in Ram Katha Kunj would have carried on for 20-25 minutes, though later on, I had returned to my earlier place through the same passage. Similarly, by my sworn statement from sixth to eighth line " At that time.....which appeared to be the ruins of the temple", I mean my presence and observations at Ram Katha Kunj. Many journalists about whom I have mentioned in my above statement, were not the same journalists who were standing in the west of the disputed building with us at the time when we were looking at the rock inscriptions and other adorned slabs, but they were some other journalists whose number should be around 8-10. By that time, I have not paid attention to as to who were these journalists and belonged to which place Ayodhya or Faizabad or some other place. However, no one amongst them was a photographer nor anyone was there with a camera. When the crowd started swelling at around 3.00 P.M., the police

took all those slabs from their possession which were being placed there at Ram Katha Kunj. The number of police personnel would be 2-3. When I went again to Ram Katha Kunj at 6.00 –6.30 P.M. on 6th December 1992, the number of police personnel were again two or three. These two or three constables were not allowing persons to make a crowd. The other journalists about whom I have mentioned in para 11, page 6 of my sworn statement belong to Aaj, Gandeev, Times of India. Etc., I did not find the reports sent by these journalists in any newspaper on 7th or 8th December nor in any other newspaper subsequently. Since the journalists often send reports about any incident, I had conjectured that the journalists present there would have sent the report of this incident to their respective newspapers. It is correct to say that my sworn statement in para 11, page 6 is not based on knowledge, rather it is based on conjecture. I had not told this fact to my advocate, when he was preparing my affidavit that this statement of mine is not based on knowledge and is rather based on conjectures. As I have stated in my verification of the affidavit, it is based on my conjecture and not my knowledge. Representatives/journalists of the three newspapers about whom I have mentioned above, i.e., Aaj, Gandeev, Times of India, were surely present at around 2.45 P.M. and 6.00 P.M. on 6th December 1992. However, I cannot tell in definite terms whether these persons were with me or not behind the disputed building that day between 12.00 noon to 5.00 P.M. The amalaka, which emerged in my presence while the police administration was barricading the disputed site on 7th January 1993, about which I had mentioned in my sworn statement in para 11, was found at a distance of around 40-50 feet in the north eastern side from the stairs of the make shift structure built at the disputed site. At that time it

was 2-3 P.M. The officers of police administration present there at that time, included a Magistrate on duty, an Inspector of Police and few others administrative officers, whose designation and names are not known to me. This amalak had emerged at the time when digging was going on for putting the poles for barricading. The amalak was extracted by digging the pit 3.00-3.50 feet wide and a similar length and 2.50-3.00 deep. The barricading was being done by iron angles measuring 3"X 3" with 3-4 soot thickness. A pit was being dug for putting a 1.00-1.50 feet wide and about 2.00-2.50 feet deep angle and then only a amalak came up. When the pit was being dug and during digging, amalak struck with the spade, I was present there at that time. When the spade struck the amalak, I could not guess that it was a amalak. However, a labourer present there and who was digging the pit, told me that a slab had come up. He asked from a officer standing at a distance of 10-12 feet whether the digging should be carried at some other point or it should be continued after breaking the slab. By 1.50 haath, I mean around two feet. The angles being used for barricading were around 10-11 feet long and were being placed atleast three feet deep into the ground.

Verified the statement after hearing.

Sd/-

Ashok Chandr Chertjee

24.10.2002

Typed by the stenographer in the open court as dictated by us. Be present tomorrow, i.e., 25.10.2002 for further cross-examination in this case.

Sd/-

24.10.2002

Dated 25.10.2002

O.P.W. Sh. Ashok Chandra Chatterjee

(Cross-examination on oath of O.P.W.8- Shri Ashok Chandra Chatterjee before the Hon'ble full Bench by the learned Advocate Shri Zaffaryab Jilani on behalf of Defendant No.4 in continuation of the proceedings of 24.10.2002 initiated).

I do not know the name and the designation of the officer to whom the labourer had asked to bring out the slab after digging. That officer had asked the labourer to dig at that very point because angle was to be fixed there only. The distance between one angle and the other angle would have been approximately 6-7 feet. The slab did not break because of digging rather it was brought out. I do not know where was it placed thereafter. I remained there for about 2.00-2.30 hours and it had taken around 2.00-2.30 hours to dig up the slab. Many other journalists were also present there at that time. Nobody had called any journalists at the time of barricading rather they had come of their own. The work of barricading had been going on from many days. It would have been continuing from since a week or even more than that. I did not visit daily when the work of barricading was going on-m I used to go on alternate days. I had not sent any report about barricading to my newspaper 'Panchjanya'. I may also not be able to tell in definite terms whether the work of barricading was being done by the State Government or authorized persons/ commissioner. I am aware that some land have been acquired after the incident of 6th December 1992 and was placed under the custody of an authorized person. The portion where barricading was being done was a part of the acquired land. Later on, he stated that barricading was

being done of the acquired land only. When I went for the first time during barricading, many journalists were present there which included representatives of 'Janmorcha', Gandeerv besides journalists like Shri Maurya, Shri Ram Chankar Agnihotri. I do not recollect from which side the work of barricading had started. However, the work of fixing angles in the eastern portion of the disputed structure was completed by 7th January 1993 and work was going on the northern portion. I may not be able to tell the approximate number of angles fixed by 7th January 1993, but I presume they would be around 50-60 in number. The angles of barricading had started from the eastern side of the disputed premises and was heading towards the north. At this point, the witness was shown the photograph on para 11 of document No.118C-1/35 (47) by the learned advocate cross-examining, on which, the witness stated, "This is the photo of the eastern portion of the disputed building. This is the photo of the front portion of the eastern side of the disputed building, where the eastern ground is visible. The position of the ground and the barricading visible in this photograph is not the one, which was there on 6th December 1992. There are two differences in between the situation of 6th December 1992. There are two differences in between the situation of 6th December 1992 and this photographs-firstly there is no raft in this photograph and secondly, some slabs are placed in the southern side of the staircase, which were not available on 6th December 1992. The remaining situation, i.e., dug ground. Barricading etc., is the same. The point where amalaka had emerged was around 30 feet in the north from the middle gate of the outer wall of the disputed premises and barricading, which is visible in the photo." He himself stated "Since the entire scene had changed on 7th January, so he could not tell precisely about the place. The position

of the ground visible in the photograph has not undergone any significant change during 6th December and 7th December excepting that debris is scattered in the eastern side and all the barricading has been dismantled. The red umbrella visible in the lower portion of the photograph is the place of laying foundation, which was done on 9-10th November 1989". Later on, he stated that that as per his memory, the work of laying of foundation was accomplished on 10th November 1989. It will be wrong to say that foundation was laid on 9th November of 1989. The distance between the middle gate of the outer wall of the disputed premises and the point of laying foundation was around 150 feet. The work of barricading going on in January 1993, was around 2-4 feet away in the north east of the barricading visible in this photograph. The barricading visible in this photograph and the one which was done in January 1993, was more or less at the same place, where barricading had been done earlier. By seeing this photograph, I cannot tell precisely the place from where the amalaka had emerged during digging on 7th January 1993 about which I have mentioned in my above statement. It is correct to say that Sakshi Gopal mandir was located in the north east of the disputed building. On 6th December 1992, some portion of Sakshi Gopal mandir was available. I may not be able to tell the distance in between the southwestern corner of the above Sakshi Gopal mandir and the place from where the amalaka had emerged, as per my statement. The above amalaka about the emergence of which I have mentioned in my statement had been placed out at around 4.45. I had not taken any photograph of that amalaka. No one had taken photograph of that amalaka at any instance, but some people had taken some photograph of that amalaka which included Shri Ram Shanker Agnihotri and one of his colleagues. They had taken the photograph

when the slab was under the ground. I feel Shri Agnihotri Ji is alive even today and lives in Delhi. He is a journalist, but I may not be able to tell about the journal with which he was associated. I am not aware whether he is associated with Vishwa Hindfu Parishad or not. He had not taken the photograph of this amalk from his camera, but had called some photographer from Ayodhya to take this photo. The shop of that photographer is situated on national Highway No.28, where Pramod Van joins the road his shop is on the northern pavement on the same road. At this point of time, I do not remember his name, I had not procured the photograph of the above amalak from that photographer and sent it to my newspaper Panchjanya. I do not know whether any other photographer had taken photograph of this amalak or not. After the amalak had been brought out, I had not seen it from a close quarter, rather I had seen it just cursorily. The Magistrate on duty, Ram Janam Bhoomi was present at the time when the above amalak emerged. Besides, police personnel upto the rank of Inspector were also available. No officer of the rank of DM or SP was available there. I may not be able to tell whether any Government Engineer or someone from the Department of Archaeology was present there at that time or not. I may also not be able to tell whether anyone associated with Vishwa Hindu Parishad was presented there or not. I am aware of names of only two persons out of those who were present there and both these persons were journalists. Maurya Sahib is alive and lives in Faizabad. I have simple knowledge of the amalak which is fixed on the top of the building of the temple. Amalak is not a square type but round in shape. All the amalaks are of the same shape are cut like a bit. The malak found during digging at that time was not complete, but a portion of the broken amalak, which was smaller than one fourth. The amalak which had

emerged in my presence was one and half feet long, around 6 inches thick and around one foot deep. I have never seen that amalak after 7th January 1993 nor I have seen any photo of the same. Later on, he stated that he did not remember if he had ever seen a photograph of that amalak or not.

At this point, the attention of witness was drawn to the upper photograph on document No.118C-1/35(43) by the Learned advocate cross-examining, on which the witness stated, "In my opinion, it is the photograph of an amalak. The front shape of the amalak which I had seen on 7th January 1993, was similar to this but it is looking smaller. I cannot tell in definite terms whether it is a photograph of the same amalak or not. There is a possibility that it may not be a photograph of the amalak which I have stated in my statement to have emerged on 7th January 1993. "On looking at the photograph in the same document No.118C-1/35(37), the witness stated, Two amalaks were visible in the photograph. However, the amalak which as per my statement had emerged on 7th January 1993, is not visible in this photograph. I have met Shri S.P.Gupta in Ayodhya only once after 13th December 1992. I have not met him anywhere else besides the above. I have had no talk with him. Even before 13th December 1992, I had no meeting or acquaintance with him. I had only seen him probably in some press conference. I can recognize him by his face, I have seen his photographs also.

It is correct that I have stated in para 8 of my affidavit that during leveling in June 1992, I had visited the disputed premises. I had not met Shri S.P. Gupta at the disputed premises at that time. As far as I remember, I had visited during leveling on 22nd or 23rd June 1992. I am not aware

as to when the work of leveling had started. I also do not know since how long the work of leveling had been going on the disputed site. The position of digging shown in the photograph in the middle of document No.118C-1/35(47) is the same as was there on my visit on 22nd June 1992. The work shown as completed in the photograph had been finished by that date.

On looking at the coloured photograph on the lower side of document No.118C-1/35(38), the witness stated, "It was a photograph of the eastern portion of the disputed building in which, some portion of the southern part is also visible. The situation visible in this photograph is different from that of the morning of 6th December 1992. A raft had been built there, which is not visible in this photograph, Besides, some slabs/ artifacts are visible lying below, which were not available on that day. The remaining situation is more or less the same as is visible in the photograph. The type of barricading shown in the southern side of the disputed building is more or less the same as was on 6th December 1992. When I saw the disputed site on 6th December 1992, the depth of the cut visible in this photograph was around 8-9 feet and not 12 feet. However, when I went to the disputed site in June 1992, its depth would have been around 12 feet. I would have visited the place shown in this photograph 2-4 times in between 22-23 June and 6th December 1992. At this point of time, I do not remember whether I had visited the place in June-July or November, December. The outer wall of the disputed building is visible in this photograph. The Parikrama Marg was outside the outer wall of the disputed building. Having shown this photograph to the witness, the Learned advocate cross-examining asked, Can you see the Parikrama marg about which you have mentioned any

where in this photograph or not?" On looking the photograph, the witness stated, "The Parikrma Marg coming from the western side of the disputed building went in the southern side and joined this passage only Parikrama Marg is visible here. The palce which is visible in between barricading and the outer wall is the one which I have named as Parikrama Marg. The passage through which the Kar Sewaks had carried the rock inscription/slab to Ram Katha Kunj on 6th December 1992 was a part of this Parikrama Marg. The Kar Sewaks had carried the rock inscription/slab through the barricading visible in the photograph and had gone to Ram Katha Kunj by stepping down from its western side. From that place, the Parikrama marg was on a slide slope and there was not a vertical cut like this." At this point, the attention of the witness was drawn to photographs No.2 of document No.289C-1/207, filed in this original suit by the Learned advocate cross-examining and the following question was asked "Was there the same type of barricading on the morning of 6th December 1992, as is visible in this photograph". The witness stated, "Such a barricading was there on the western side of the disputed site on 6th December 1992, but I cannot tell whether it is a photograph of the same barricading or not. However, the distance of barricading might have been the same as is visible in this photograph between western wall and the disputed building.

Question: Are the bags placed on the embankment wall built in the western portion of the disputed building and its height visible in this photograph the same as were on the morning of 6th December 1992?

Answer: I had gone in the western side of the disputed building at around 12.00 noon on 6th December 1992 and at that time, the structure of the surface was looking different and the embankment wall in the western side of the southern dome was looking of very low height.

Since I had not see the disputed building on 6th December 1992 from this angle, I cannot tell whether the height of the embankment wall in the southern side of the disputed building was the same on that day as is visible in this photograph. The point, at which I was standing in the western side of the disputed building on 6th December 1992, was in the middle of the embankment wall and barricading visible in this photograph. I may not be able to tell at what distance was I standing in the eastern side of the barricading visible in this photograph, but I was standing at a distance of 12-15 feet in the western direction of the embankment wall. When I went in the western side of the disputed building at 12.00 noon on that day, the situation of barricading of the western portion was almost the same as is visible in this photograph and the barricading had not been dismantled by that time. I cannot tell in definite terms whether the western barricading had been dismantled on that day, i.e., 6th December 1992 or not, but it is certain that it had not been dismantled completely. I had come to the western side of the disputed building from the southern side because by that time some portion of the southern barricading had been dismantled and I had come out of the dismantled portion. On looking at photograph No.1 of the same document, the witness stated that it was the same photograph as was there in document No.118C-1/35(47). In this photograph, a gate is visible in the eastern side I the middle of the barricading and stairs

are also visible below it through which the visitors entered the disputed site from the eastern side. If anyone from Ram Katha Kunj has to visit the disputed site, he will come only through the red gate attached with the barricading visible in this photograph the outer gate of the disputed building in the northern western side is visible through which people will be entering. No one has done Parikrama of the disputed building in my presence till this day and, therefore, I cannot tell whether the visitors started their Parikrama from the main gate or from some other point.

Verified the statement after hearing.

Sd/-

Ashok Chandr Chaterjee

25.10.2002

Typed by the stenographer in the open court as dictated by us. Be present after the lunch for further cross-examination in this case before the Commissioner.

Sd/-

25.10.2002

Dated 25.10.2002

O.P.W.8 Sh. Ashok Chandra Chatterjee

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

[(Appointed vide order dated 25.10.2002 of the Hon'ble full
Bench in other original suit No.5/1989 (Original suit
No.236/1989)]

(Cross examination on oath of O.P.W.8 Shri Ashok Chandra
chatterjee initiated after lunch today by the learned
Advocate Shri Zaffaryab Jilani on behalf of Defendant No.4
in continuation of the proceedings of 25.10.2002).

My parents with whom I had started visiting the
disputed building had never done Parikrama of the
disputed building. I have also never done so far Panchkosi
or Chaudankosi parikrama being done in Ayodha. I have
done Parikrama after worshipping in temples like Hanuman
Garhi, Kanak Bhawan, Nageswar Nath, Dev Kali etc., in
Ayodhya. I have never done Parikrama of Site Rasoi
Mandir. In my presence no one has called Site Rasoi
Mandir as the Janam Sthan Mandir. This is the same
temple, which is built in the north of the road | the northern
side of the disputed building. I have always entered the
disputed building from the eastern gate of the outer wall
only. Later on, he added that he had entered the disputed
building from the northern gate also, i.e., the Singh Dwar.
Upto December 1992, most of the visitors visiting the
disputed building used to enter through the Hanumat Dwar
located in the east. Upto 6th December 1992, there were
only two ways to reach the disputed building. One of the

ways was from the road from Hanuman Garhi leading to Dorahi Kuan.

Question: Besides the above road, which was the other way through which you could reach the eastern gate of the disputed building?

Answer: We could reach to the disputed premises through the Singh Dwar by passing through the passage in between the disputed building and Sita Rasoi Mandir and by moving 100-50 steps on this passage towards Hanuman Garhi, there was turn towards the south, which again turned and went upto the Hanumat Dwar or eastern gate.

Question: Did the passage from Hanuman Garhi leading to Dorahi Kuan went straight through the northern gate of the disputed building?

Answer: Yes Sir.

Question: I am saying that whether the passage from Hanuman Garhi leading to Dorahi Kuan passes around 8-10 feet below the level of the northern gate at a distance of around 25-30 feet from the front of the northern gate of the disputed building?

Answer: Yes sir, it is correct.

There is no variation in my statement that the passage from Hanuman Garhi leading to Dorahi Kuan passes through the front of the northern gate of the disputed

building and my statement given later on, in my opinion, both carry the same meaning.

Question: I am saying that there was a ascending slope in the southern side of the passage from Hanuman Garhi leading to Dorahi Kuan. On which stairs have also been built and it was through the stairs that one could go to the northern gate of the disputed building and the road which has gone from Hanuman Garhi upto Dorahi Kuan did not lead to the northern gate of the disputed building?

Answer: The road from Hanuman Garhi leading to Dorahi Kuan passed from the front of the northern gate, it is correct to say that by climbing some stairs in the southern side of this road, one could reach the northern gate of the disputed building.

For reaching the northern gate, these stairs went in the southern direction. At this point, the Learned advocate cross-examining showed document No.154/5 filed in Original suit No.1/1989, on which, the witness stated, "In this photograph, the northern gate of the disputed building is visible to me and also the stairs for going upto the gate".

Question: Have you ever seen the stairs visible in this photograph at the site?

Answer: I do not recollect whether I had seen such stairs at the disputed premises or not.

The witness was shown photograph No.23 of the black and white album by the Learned advocate cross-examining, on which, the witness stated, "The northern gate of the

disputed building is visible in this photograph, besides a passage in front of the northern gate. This is not the passage which has gone from Hanuman Garhi to Dorahi Kuan. This is the passage which has come from above the stairs after taking a turn from the passage from Hanuman Garhi to Dorahi Kuan. Two staircases from going to the western side from the east are visible in photograph No.23. From looking at this photograph, I am not able to recognize whether these are the stairs leading to the south or not, about which I have mentioned.

Question: I am saying that whether the stairs shown as going to the west in the above photo (document No.154/5) and photograph No.23 of album document No.201C-1 were the only stairs for reaching upto the northern gate of the disputed building. Were there any other stairs going towards the south for reaching the northern gate, as stated by you?

Answer: I had never witnessed the scene being shown to me in photograph No.154/5 at the disputed site. Also, the situation of this place shown in photograph No. 23 of album document No.201C-1 has undergone so much of changes that I cannot tell how far the stairs went in the south. So far as I remember, besides the stairs shown in the photographs, there were stairs going towards south from the road.

The witness was shown photograph No.37 of colour album No. 200C-1, on which, the witness stated, "It is the colour photograph of the photograph No.23 (album 201C-1). I have been visiting the disputed site since 1960-62.

The scene shown in photograph No.154/5 from that time till 6th December 1992 was never witnessed by me. I have not witnessed such a scene at the disputed site, which is shown in photograph No.23 of album 201-C-1 and photograph No.37 of album No.201C-1. These are the scenes, which I had witnessed after the year 1990. I had not witnessed a scene of this type of barricading prior to it, but I have never seeing the passages and stairs visible in both these photographs since 1960-62. Of course, I had gone through these passages only one or twice upto 6th December 1992.

Verified the statement after hearing.

Sd/-

Ashok Chandra Chaterjee

25.10.2002

Typed by the stenographer in the open court as dictated by us. Be present yourself tomorrow, i.e., 26.10.2002 for further cross examination in this case.

Sd/-

25.10.2002

Dated 26.10.2002

O.P.W.8 Sh. Ashok Chandra Chatterjee

Before the Commissioner Shri Narender Prasad, Additional District Judge/ Officer on Special Duty, Hon'ble HighCourt, Lucknow, Division Bench, Lucknow.

(Appointed vide order dated 25.10.2002 of the Hon'ble Full Bench in other Original Suit No.5/1989 (Original Suit No.236/1989):

(Cross examination on oath of O.P.W.8- Shri Ashok Chandra Chatterjee initiated by the learned Advocate Shri Zaffaryab Jilani on behalf of Defendant No.4 in continuation of the proceedings of 25.10.2002).

The building of Ram Katha Kunj was constructed sometime in 1991-92 and since that very day, it is known as Ram Katha Kunj. It is around 2-3 furlongs towards the west from the National Highway 28. Prior to 1992, the passage from highway to Ram Katha Kunj, which is known as the link road, was a fully metalled road. A lot of vacant land was lying on both the sides, i.e., north and south of that road. On 6th December 1992, there was a big rush on this vacant land as well as the link road. There was no provision of table chair or carpet etc., for sitting of the people. Arrangement for sitting of leaders on the roof of Ram Katha Kunj was made on 6th December 1992. Leaders were present on the dias facing east. The direction of the dias towards east and leaders were giving lectures sitting in the same direction. Many Kar Sewaks were present on the vacant land in between Ram Katha Kunj and the disputed building. The number of Kar Sewaks present there would be 200-400. At 11.30 A.M., when the situation started going

out of control, the Kar Sewaks started assembling in the northern plot in front of the disputed building by breaking the wooden poles of the barricading. The number of Kar sewaks was the maximum at around 12.00 in the eastern side of the disputed building, next in the order was south, then west and lastly north. The number of Kar Sewaks at around 12.00 on 6th December 1992 in the east of the disputed building must have been about 40000: their number would be around 2000 –4000 in the south of the disputed building and around 1000 in the west of the building. At the time when this turmoil was going on, the maximum number of Kar Sewaks was in the east side in front of Ram Kath Kunj and most of these Kar Sewaks had left this place before 3.00 PM and the number of Kar Sewaks left at 3.00 PM was around 1000 –1500. On that day, the number of kar Sewaks in the east of the disputed building would have been 1.50 –2.00 lacs. At that time, the number of Kar Sewaks in the south of the disputed building must be 10 –12 thousand and their number in the west would be 4 –5 thousand. The Kar Sewaks present in the east, west and south of the disputed building were looking very much agitated and excited and many of them were coming in side for demolishing the disputed building. When at 3.00 PM we went with Kar Sewaks along with the rock inscription to Ram Kath Kunj, we had passed through these Kar Sewaks. On that day, when I came from the west to the eastern side of the building at 5.00 PM, the number of Kar Sewaks present there would have been 40 –50 thousand and their number at Ram Katha Kunj at that time would be 4 –5 thousand. When I returned from the disputed premises would have been almost the same as was at 5.00 PM. On that day, was adequate arrangement for lighting. Announcements were being made from the dias to control the Kar Sewaks – I had heard all this upto 2.45 PM, but

thereafter I do not remember when did the announcements stop. Nobody associated with this movement or any Kar Sewak was present at the dias of Ram Kath Kunj at about 5.00 PM. However, some people were moving there at around 3.00 –4.45 PM, but I do not remember who these people were. The dias had been built at a height of around ten feet from the ground. The dias covered the entire roof of Ram Kath Kunjm its length would have been 25-30 feet and width would have been 20-25 feet. There was no museum in Ram Kath Kunj prior to 6th December 1992, but I cannot tell whether there existed any office in Ram Kath Kunj or not. I do not know which agencies managed the building before 6th December 1992. I do not know whether Ram Kath Kunj building was managed by Vishwa Hindu Parishad before 6th December 1992 or not. I also do not know as to who got this building constructed. I cannot tell whether there was a passage for going to the disputed building from Ram Kath Kunj at the time of leveling during June 1992 because I had not visited this place prior to June 1992. I had visited Ram Kath Kunj on 22-23 June 1992 through the Dorahi Kuan passage. Land covering an area of 2.77 acres was acquired from the disputed site in 1991. It was only after acquisition in October 1991 that the shrubs and bushes lying between Ram Kath Kunj and the disputed building were cleared and a few buildings coming in the way were also demolished. After the acquisition in 1991, but before June 1992, a Ram Diwar was built at the disputed site and cleaning was done. A raft, i.e., a concrete platform was built in the east of the disputed building in July 1992, but I cannot tell whether it was included into the 2.77 acres acquired area. At this point, the witness was shown to the picture in the middle of document No.118C-1/35(47) (Page No.11) on looking at which, the witness stated, "The dug portion visible in the east of the disputed

building is the point on which the raft, i.e., the platform was constructed. The length of the above raft/ platform would be around 50-60 feet and its width would be 30-40 feet. The above raft/platform was available on 8th December 1992 also, which starts from the stairs in the east of the dug portion visible in the middle photograph and the above platform terminated 20-25 feet before the point of laying of foundation visible in the middle photograph. Kar Sewa had been performed at that time also, i.e., in July 1992 and the Kar Sewaks had contributed in the construction of the platform. At that time also, 3-4 lacs Kar Sewaks had assembled at the disputed site. I cannot tell in precise terms as to how many days it took in the construction of the raft/platform, but I believe it would have continued slightly more than a week and the Kar Sewaks remained there till the completion of the entire work. At this point of time, I do not remember whether any platform had been built at that time from where the Kar sewaks were reigned. During July 1992, I did not visit the place of kar Sewaks daily. I would have been gone there only once or twice during Kar Sewa in July 1992.

The work of leveling prior to July 1992 would have continued for about a month. This work had probably started in the first week of June 1992 or the last week of May 1992. I had gone to see the work on 22-23 June 1992 for the first time and did not visit the place again during the work of leveling. I had sent a report to my newspapers Panchjanya on 22-23 June 1992, wherein I had mentioned that artifacts i.e., adorned rock inscriptions had been found during the leveling of the temples and also some parts of terracotta had been found. I do not remember whether I had sent some photographs with the above report or not. I had sent only one report relating to leveling. I had sent a report

about Kar Sewa to my newspaper Panchjanya in July 1992. As far as I remember, I had not sent any photograph with those reports. I do not remember whether any report relating to leveling or Kar Sewa during July 1993 had been published in Panchjanya or not and if so, in which issue of 'Panchjanya' thereof.

During leveling and before visiting the place of leveling, as far as I remember, a report about artifacts/slabs recovered from the site have been published in other newspapers. I do not remember how many newspapers published this report. I also do not remember whether the report had been published in the Janmorcha newspaper, which is a local newspaper. In my view, photographs of the above slabs had been published in the newspapers. At this point of time, I do not remember whether Dr. S. P. Gupta had called any press conference or talked to journalists about the recovery of the slabs in June or July 1992. Possibly a conference of historian forum was held in Ayodhya in October 1992 which was covered by we people. During the conference, many photographs of artifacts/slabs and items relating to terracotta had been shown to us (Journalists), but no photographs were given to us. At this point, the witness was shown all the three photographs in document No. 118C-1/35(50-51) (Page 14-15) on which, the witness stated, "All the three photographs were also shown to me during the conference of historian forum. We the journalists were also shown 2-3 photographs of Amalak also. About all the photographs shown to us on that day, we were told that these were the photographs of the artifacts/slabs and items of terracotta recovered from a pit during leveling." On looking at the upper photograph of document No. 118C-1/35(43) (page No. 47), the witness stated, "I was shown the similar photographs of amalak on

the day of the historian conference, but I cannot tell whether these are the same photographs of amalak or not. I do not remember whether the photograph published in document No.118C-1/35(37) was shown to me on the day of historian forum conference or not." The witness was shown document No.118C-1/35(44,45 and 46) (page 8,9,10), on which the witness stated, "I recollect that some of these photographs were shown to me on the day of the historian forum conference, like the lower left photograph on page No.8 and lower right photograph at page No.9. Besides the above photographs, on looking at all the pages of the same document No.118C-1/35, the witness stated, "The photograph on the reverse of the cover page, both the photographs on Page No.3, lower photographs on page No.4, all the four photographs on page No.5, photograph of page No.12, were shown to me on the day of the historian forum conference.

At this point, the witness was shown book document No.289C-1/208 to 289C-1/225 by the Learned advocate cross-examining, on which, the witness stated, "I remember that lower photograph No.3 on document No.289C-1/217, photograph No.4 on document No.289C-1/219 lower left photograph No.3 of the lower right document No.289C-1/220, the upper right photograph No.2 on document No.289C-1/221, upper right photograph No.2 on document No.289C-1/222, photograph No.2 on document No.289C-1/224, i.e., the right hand photograph all these photographs were shown to we journalists on the day of the historian forum conference. Their some photographs had been affixed on a Board and some had been shown to us in their hands. Press briefing had taken place after the above conference and two three persons had told about the above photographs that there had always been a temple at Ram Janam Bhoomi which was in the form of a very good temple

by the 11th-12th Century the temple existed even thereafter, which were constructed by various rulers who had also provided a lot of technical details which neither I could comprehend nor I remember. I do not remember at this point of time as to who were two three persons who were conducted the press briefing. I also do not remember whether Dr.Sudha Mallayya or Dr.S.P.Gupta were present in that briefing or not. I recognize Prof. B.R.Grover by face and he had definitely participated in the conference of the historian forum, but I do not remember whether he was a part of press briefing or not. I cannot tell whether Dr.K.M. Srivastava, Dr.Y.D.Sharma or Prof. K.S.Lal were present in the conference of the historian forum or not. I also do not remember the place where the conference of historian forum was organized in Ayodhya of course, I had gone to the conference. The press briefing in which I had participated was held in Shan-e-Avadh hotel in Faizabad. All the journalists of Faizabad and Ayodhya numbering 10-12, were present in the above press briefing. News about this press briefing had been published in the newspapers of the following day, but I do not remember the newspaper in which it was published.

We had not gone into the hall when the conference of historian forum was going on in Ayodhya. We were told during press briefing that 10-12 persons had attended the conference and their names were also announced, but at this point of time, I do not remember those names. Names of Dr.S.P. Gupta and Prof. B.R. Grover were mentioned to us but I do not remember that the name of Dr. Sudha Mallayya was also mentioned to me or not." At this point, the witness was shown the comments published on the photographs in document No.118C/35(38) (page No.2) by the learned advocate cross-examining advocate to which the witness stated,," I cannot tell whether the comments

published of the photograph are true or false because I have no knowledge of the subject. I also cannot tell whether the word masjid/mosque used here refers to the disputed building or any other building. I believe the pit shown in this photograph was in the east and south of the disputed building. There was no other building except the disputed building around the pit visible in this photograph which could be in any way called a mosque. Some people called the disputed building as a mosque. The witness was shown both the photographs in document No.118C-1/35 (39) (page 3), on which the witness stated, "On witnessing the scene of the wall in these photographs, I cannot tell whether this is a photograph of the disputed building or which part or which side of the pit in the east of the building. Though the face of the person visible in the upper photograph on this page, is not completely visible, I feel it is photograph of Dr.S.P.Gupta. The witness was shown document No.118C-1/35(40) (Page 4), on which, the witness stated, "The upper photograph is of the southern eastern corner of the disputed building, in which the right side portion visible is of the eastern side and the left side portion is of the southern side. I cannot tell on looking at the upper right side photograph whether it is a photograph of the disputed building or of which direction of the pit in front of it or of which place. Four persons are visible in this photograph, out of which I recognize Dr.S.P.Gupta. The situation visible in the upper left side photograph was not the same as was on 6th December 1992".

Question: What changes had been there in the situation of the pit visible in the above left side photograph by the morning of 6th December 1992?

Answer: A raft/platform had been built on 6th December 1992 in the eastern side of the western wall of the pit visible in the photograph but the same is not visible in the photograph and a lot of earth had fallen on the southern portion of the disputed building prior to 6th December 1992 and the place was not looking so much deep on 6th December 1992 as it is looking in the photograph. At this point, the witness was shown the photograph on the same document No.118C-1/35(48) (page 12), on which, the witness stated, "The photograph on page '3 of this document is of the same place, but the photo has been taken from a different angle.

Out of the photographs on all the four pages, I had seen the situation visible in only photograph on page No.2 in the disputed building on 22-23 June 1992. The situation visible in the remaining photographs of all the four pages was not same, which I had seen at that place on 22-23 June 1992. When I went there on 22-23 June 1992, the work of leveling was not being undertaken on the place visible in the above photographs. On that day, leveling was being done in the southern portion of the last eastern edge of the ground in front of the disputed building. The place on which work was going on at that time, was located in the south east of the point of laying of foundation visible in the middle photograph of this document No.118C/1/35 (47) (page 11) and the place where the work was going on, is not visible in this photographs. On that day, I had not visited the place where work of leveling was being done, but had straight away reached the place where artifacts and adorned slabs were reported. My journalists friends had told me the place where artifacts were lying. It was

something what Saral Gyapate had told me Saral Gyapate was the correspondent of Dainik Jagran in those days and had told me about this one two days prior to my visit to that place. When I went to that place on 22-23 June 1992, where artifacts were lying, a few people were present there but I cannot tell whether they were Government officers or not. No police personnel in uniform or any other employee was standing there for safety of these items. The witness was shown photograph on page 2 of document No.118C/1/35 on which, the witness stated, On 22-23 June, I had seen the slabs or stones visible in this photograph, kept on the plank at this place in this way only as is shown in the photograph. However, I cannot say in definite terms whether these are the same artifacts or not, In this photograph, some slabs are seen lying on the ground, but I did not remember whether I had seen them at this point or not. On 22-23 June 1992, I had not seen artifacts. Slabs on any place other than the one visible in this photograph. Nobody had told me about these slabs in details at the site and I had also not met Dr.S.P.Gupta or Dr.B.R.Grover, Sudha Mallayya etc., there. I had also not met any leader at this place on that day. I cannot tell in definite terms that for how long did the slabs remained there and where did they go afterwards. I do not know where the slabs visible in the photographs are lying at present. Persons present at the site had told me that the slabs/artifacts had been recovered on 18th June out of a pit some 40 feet in the south of the place where the slabs are visible lying in the photograph. I cannot tell who these persons were. In my opinion, these persons were labour type, who were engaged in the work of leveling. They only had told me that these slabs had been found on 18th June 1992.

I had stated in para 8 of my affidavit in the chief examination "In June 1992..... Clay pots were also recovered" and it was based on the information given to me by Saral Gyapte and the above labourers. When the labourers informed me about the above, journalists like Kumari Meenu Arora of Gandeerv, Shri Rajender Soni of Aaj were also present. I do not remember about the others. To my knowledge, no journalists had photographed himself with the slabs and I do not remember whether anyone had taken a photo of these slabs on that day in my presence. The slabs included clay idols, broken idols, clay pots and remains of temple. On 22-23 June 1992, I have not counted the slabs but their number would have been 40-50. The witness was shown the photograph printed on document No.118C-1/35(37)(page 1) on which the witness stated, "The slabs visible in this photograph were included in the photograph at page No.2 of this document. I have not witnessed the scene visible on page No.1 anywhere at the site. When I went to Ram Katha Kunj on 6th December 1992, I had seen Shri Dalip Awasthi, correspondent of India today at that time. Possibly, it was 6.00 in the evening, but I do not remember now whether there was any photographer with him or not.

At this point, the witness was shown the lower left side photograph No.3 in document No.289C1/221 of document No.289C/1 on which , the witness stated," The heading given on the photograph is appropriate. The scene visible in this photograph No.3 is almost the same as was there at around 3.00 P.M. in Ram Katha Kunj on 6th December 1992. The items visible in the photographs were lying in the north of Ram Katha Kunj building. No item was brought and placed there in my presence. I do not know whether there is any particular name of the white throne

type of item visible in this photograph. I do not remember whether I have seen such a throne type of items placed in the disputed building. I had never seen the round stone visible in the forefront of this photograph placed in the disputed building. I had never seen the brass bell visible on the right side of the stone of the same photograph hanging in the disputed building, I had seen this bell hanging on a peg in the dome area below the middle dome of the disputed building.

Verified the statement after hearing.

Sd/-

26.10.2002

Typed by the Stenographer in the open court as dictated by us. Be present yourself on 28.10.2002 for further cross-examination in this case. The witness be presentf.

Sd/-

26.10.2002

Dated 28.10.2002

O.P.W. 8 Sh. Ashok Chandra Chatterjee

Before the Commissioner Sh. Narender Prasad,
Additional District Judge/ Officer on Special Duty, Hon'ble
High Court, Lucknow Division Bench, Lucknow.

(Appointed vide order dated 25.10.2002 of the Hon'ble
full Bench in Other original Suit No.5/1989 (original Suit
No.236/1989).

(Cross examination on oath of O.P.W.D.8 Shri Ashok
Chandra Chatterjee initiated by the learned Advocate Sh.
Zaffaryab Jilani on behalf of Defendant No.4 in continuation
of the proceedings of 26.10.2002).

I do not remember that any pillar of white stone was
built inside or outside the disputed building, I remember
that pillars of black stone were built in the walls of the
disputed building. I had seen pillars of black stones only; I
did not see pillars of white stone. I do not remember
whether I have ever been gone inside the rooms of Ram
Katha Kunj in which artifacts/rock inscriptions had been
brought and placed there. I do not remember to have
visited any building in which slabs seen on 6th and 13th
December were available. I had visited Ram Katha
Museum by the side out side the palace of Raja Saheb,
Ayodhya. As far as I remember, there was only one big hall
in it. I would have visited the palace in the year 1993-94.
Though I have been gone to the palace only once, yet I
remember some pieces of slabs and artifacts of terracotta
were placed there. I do not remember whether the adorned
slabs or pillars of white marble were placed there or not.

At this point, the witness was shown the lower left side photograph no.3 in document No.289C-1/221 of document No.289C-1, on which, the witness stated, "When I had seen the items visible in this photograph placed in the north of Ram Katha Kunj on 6th December 1992, the slab/inscription which I had seen falling from the western wall of the disputed building on 6th December 1992 and about which I had mentioned was not placed nearby them. I am not finding that slab/inscription in this photograph. Since this photograph was not taken in my presence, I cannot tell whether the above slab/inscription was present at the time when the photo was being taken and if so, how far it was from the artifacts visible in the photograph. When I saw the above inscription/slab for the first time in the north of Ram Katha Kunj, it was around 10-12 feet away in the east from the items visible in this photograph." The witness was shown the lower right side photograph No. 4 in document No.289C-1/289C-1, on which the witness stated, "The right side idol amongst the idols visible in this photograph appears to be a human face, whom I had probably seen on 22/23 June 1992 during leveling of the disputed site. As regards the left side idol, I do not know whether I have seen this idol or not. I had not taken any photograph of the idols visible nor any such photo is available with us. The witness was shown document No.289C-1/188 of document No.289C-1 and the following question was asked, "Do you fully or partly agree with the paragraph of the heading of the shikhar amalak printed on this page?" On going through the paragraph, the witness stated that I fully agree with whatever is written from 6th to the 8th line "Amalak.....seen" and in so far as the remaining portion is concerned, I cannot say anything "The witness was read over the portion "being fixed I the tapering tower the amalak appears half moon from the paragraph and a

question was asked do you agree with it? On this, the witness stated, Since I do not have any knowledge of the science of construction of the temple, I am unable to give any reply to these technical questions".

Question: Were all the answers given by you to such questions earlier wrong?

(On this, Shri Ved Prakash, the learned advocate of the plaintiffs objected saying that this question was very vague having no reference to any answer given by the witness and this question is being posed to the witness just to confuse him and permission should not be given to ask such questions from the witness)

Answer: No please, I have given correct answers based on my general knowledge

Question: You were expressing your inability today about the half moon shape of the amalak because you did not have the knowledge of the art of temples, but you had stated on page 141 of your statement given on 25th October 2002 on oath that "this amalak is not square, it is rounded.....it is cut" were you able to reply on 25.10.2002 and you are finding yourself unable to reply today?

Answer: The paragraph shown me today in document No.289C-1/188 under the heading of the peak amalak contains a lot of technical details but based on my general knowledge, I know only what I have stated on page 141 of my above statement of 25.10.2002.

Question: What technical details or technical difference do you find in stating the amalak as half moon and square or round? How is that you are able to call it square or round and find yourself incapable to call it half moon?"

Answer: In our common parley, the moon from second day of lunar fortnight to the 13th day is called half moon, whereas from the word round, I mean a circular shape. Later on, he added that we call the moon only upto the 7th day of the lunar fortnight as the half moon and the moon of 13th and 14th day is not called half moon. The moon of the 14th and 15th day is called round. In my view, there is a difference in between the half moon and round.

Question: My submission is that there is a big difference in between the half moon and the round because round is something like full circle, whereas half moon is half or even less than half circle is it correct?

Answer: I feel it is correct.

At this point, the witness was shown the upper right side photograph No.2 of document No.289C-1/221 of document No.289C-1, on which, the witness stated, "In my opinion, it is semi circular and not half moon. This is wrong to say that I have not seen a amalak before giving my statement here and as such, I am not aware of its shape etc. This is also wrong to say that the fact of emergence of an amalak during barricading on 7th January 1993 about

which I had mentioned in my affidavit or statement, was wrong or that I had stated it at the instance of someone else.

The witness was shown the photograph No.51 and 59 of album document No.286C-1/2A on which, the witness stated, " I cannot say whether I had ever seen the stones visible in these photographs in the disputed building." On this, the witness was shown photo document No.118C-1/146, 118C-1/148 and 1129C/1/151 by the Learned advocate cross-examining, on which, the witness stated, " I do not remember whether I had seen the slabs visible in the three photographs in the disputed building or not. Even if I had seen them, I do not remember where were they placed. Later on, he stated that as regards photo document No.118C-1/148 and photo document No.118C-1/146, I can say in definite terms that I had never seen them fixed in the disputed premises. No photographer/ videographer was available in the west of the disputed building, where I was standing at around 12.00 or thereafter on 6th December 1992. There were heated arguments in between the Kar Sewaks and journalists at around 11.45 A.M. and the Kar Sewaks had turned very aggressive towards the whole media, on which, the photographers and the videographer had run away from the disputed site taking their cameras etc., with them. I have stated in para 7 of my sworn statement "It was around 12.00 when many other journalists and photographers were standing with me. After the above clash, the media persons had either concealed their cameras or they had been brooked. Thereafter, they were standing like common people with no courage to write anything on the note book or with the pen nor anyone had taken any photograph from the camera. Such a situation prevailed from around 12.00 noon to 5.00 P.M. The

photographers about whom I have mentioned I para 7 of my sworn statement, had not taken any photograph on 6th December 1992 from 12.00 noon to 5.00 P.M.

With reference to para 12 of my affidavit (of the witness), I which I stated "Dr. Sudha Mallayya with whom I had come in contact.....when slabs were being laid", I meant that the slabs were being placed neither by Dr. Sudhya Mallayya nor by me. The slabs were being placed by the Kar Sweaks. I came in contact with Dr.Sudha Mallayya at around 6.00 P.M. on the same day, i.e., 6th December 1992. Nobody has introduced me to Dr.Sudha Mallayya and it had happened of its own. During my stay at Ram Katha Kunj from 6.00 to 6.30 P.M. on 6th December 1992, I had not met anyone else except Dr.Sudha Mallayya. I had come in contact of Dr.Sudhya Mallayya because in the presence of everyone, she had told herself that besides journalism, she was also an expert of the science of scripts and that was something due to which I turned to her. I feel everybody is fond of showing and she was also demonstrating her knowledge she had herself stated" I am an expert I the science of scripts and that is how, I came to know of all this. I had not talked to her on 6th December 1992 and while addressing everybody, she had stated, "These inscriptions pertained to the Gahadwal rulers of 11th-12th century. At that time, I did not try to find out her address nor I had such desire.I do not know for how long did Dr. Sudha Mallayya stayed in Ayodhya during those days. I am also not aware how Dr. Sudha Mallayya got hold of my telephone number. On 6th December 1992, neither I told her my name or address nor she asked for it. Dr. Sudha Mallayya had rung me up on 9th and 10th December 1992, but I do not remember whether I received the telephone in morning or in the evening, I also do not know

whether she telephoned me from Ayodhya, Faizabad, Delhi or Bhopal. She had told me on telephone that she would be going to Faizabad within 2-4 days and she requested me to accompany her to Ram Katha Kunj. When Dr.Sudha Mallayya talked to me on 9th or 10th December 1992, indefinite curfew was imposed in Ayodhya and Faizabad. Curfew is not a very big thing for journalists and it is generally during curfew that we collect news and that is why I did not inform Dr.Sudha Mallayya that indefinite curfew had been imposed in Ayodhya. Dr.Sudha Mallayya had not clarified whether she was coming as a journalist or as an expert of science of script. I have mentioned in para 12 of my affidavit that there was a telephonic talk in between Dr. Sudha Mallayya and me it was based on my talk with her on 9th or 10th December 1992.

Question: It is clearly mentioned in the aforesaid para 12 that Dr.Sudha Mallayya had told you that she was interested to see and study the remains and slabs/ rock inscriptions recovered from the walls of the disputed building and the debris? Could you not infer from the above that she was coming as an expert of the science of scripts or as a journalist?

Answer: No please, because it does not look possible that the journalists and the Kar Sewaks present at the disputed site and Ram Katha Kunj on 6th December 1992 could have seen the slabs thoroughly. Therefore it did not surprise me when she said that she wanted to have another look on the slabs and I took that she was coming as a Journalists. I have not studied the remains recovered from the walls and the debris

of the disputed building in the capacity of a journalist or in any other capacity.

Question: If you being present in Faizabad and working as a correspondent of Panchjanya did not feel it necessary to see and study the remains and the so called inscriptions allegedly recovered from the disputed building, how did you infer that a jouranlist belonging to Bhopal was coming to Ayodhya during curfew as a journalist for observing and studying the above items?

Answer: Every one has his own desire for observing, examining and closely looking at any incident. I did not have any interest in this matter and possibly Dr.Sudha Mallayya might be having an interest in it.

I had no prior information about the coming of Dr. Sudha Mallayya to Faizabad as on 13th December 1992, I came to know through her telephone at 8.00 A.M. on the same day that she had come to faizabad and was staying I Shan-e-Avadh hotel. Those days, no curfew pass was necessary for the journalists I faizabad and Ayodhya and, therefore, I did not try to procure a curfew pass for Dr. Sudha Mallayya nor I felt it necessary to intimate about it to any officer.

Even during curfew, journalists were having the facility to move I Ayodhya/Faizabad without a curfew pass. In December 1992, around 28 journalists in all would be present in Faizabad/Ayodhya they are permanent residents and include journalists of almost all dailies, weeklies and newspapers. Number of journalists coming from outside and staying during the period 7th to 13th December 1992 would

be around 15-20. Police people stopped the journalists but allowed them to go after seeing their I cards. Dr. Sudha Mallayya had also an I card, but I did not see it. On 13th December 1992, no policeman had seen the I card of Dr. Sudha Mallayya and had seen only my I card and allowed us to go. I had reached Shan e Avadh hotel of Faizabad at around 10.30 to fetch Dr. Sudha Mallayya and have left immediately because she was waiting for me outside the hotel. I had not seen Dr.S.P.Gupta at that time there. By the time Dr. Sudha Mallayya and I reached Ram Katha Kunj on 13th December 1992, I was not informed that Dr.S.P.Gupta would be coming it was only after reaching Ram Katha Kunj that Sudha Mallayya asked me to wait because Dr.SP.Gupta Saheb was coming and by that time, the photographer present there could take the photographs. These photographers had come there of their own, no one had invited them. Dr.S.P.Gupta reached 15-20 minutes after we reached Ram Katha Kunj. At that time, I have had no talk with Dr.S.P. Gupta or Sudha Mallayya to indicate that Dr.S.P.Gupta was coming from Delhi or whether he was staying in Faizabad Ayodhya or was coming from Lucknow, Dr.S.P.Gupta had told at Ram Katha Kunj that he and Dr.Sudha Mallayya would return. I had gone to Shan-e-Avadh hotel of Faizabad at around 2.30-3.00 P.M. to drop Dr.Sudha Mallayya, but I had no knowledge about Dr.S.P.Gupta where would he go from Ram Katha Kunj, where would he stay and from where would he return along with Dr.Sudha Mallayya. If Dr.SP.Gupta has stated in his statement that Dr.Sudha Mallayya had accompanied him to Ram Katha Kunj on 13th December, I feel it is a wrong statement, If Dr.S.P.Gupta has stated in his statement that he had stayed with Dr.Sudha Mallayya at Shan-e-Avadh hotel on 13th December 1992, it could be correct because I do not know where did he stay.

I had stated in para 8 of my statement that "During the above process of leveling.....were placed in the custody" and this statement of mine is based on my statement of today in which I have stated that I would have gone to the place of Raja Sahib, Ayodhya in 1993-94 and it was during a visit to Raj Sadan, Ayodhya in 1993-94 when I saw the items mentioned in paragraph 8. From idols of clay, I mean idols of terracotta. " The witness was shown the lower right side photograph No.4 at page No.289C-1/219 of document No.289C by the Learned advocate cross-examining, on which the witness stated, I had seen the idol visible in this photograph in the Raj Sadan Museum. All the slabs/idols which I had seen on 22-23rd June 1992 at the disputed site, had reached Raj Sadan, Ayodhya and I had seen them during 1993-94 Raj Sadan Museum of Ayodhya was under the control of Government of U.P. The museum is present event to day, of course, its location has changed and has moved to Tulsi Samarak Sadan or some other building at a small distance from Digambari Akhara. I have seen the present building of the above museum, which is very much bigger than the old building or the building of Raj Sadan Museum. I cannot tell even in by guess as to when the items placed in the above Raj Sadan Museum were shifted to the present museum. I guess that the above museum would have shifted to the present building some two four years ago. I have never been inside the present building of the museum. I had seen the above slabs/artifacts, stated to have been seen by me on 22-23rd June 1992 only once in the museum. I am confident that all the artifacts/slabs which I had seen lying in Ram Katha Museum, Raj Sadan, Ayodhya must have been kept in the existing Tulsi Memorial Sadan Museum, ayodha at present

because the responsibility of managing this museum is also that of the Government officers.

Question: Does it mean that on 26.10.2002 you had deliberately given a wrong statement that you were not aware as to where were the slabs lying at that time?

Answer: My statement on page 162 that "I do not know where the slabs visible in the photograph are lying at present" refers to the slabs. He stated today itself "I am not sure whether the slabs which I had seen on 22-23rd June, 1992, are the same slabs, which are visible in the photograph on this page".

My statement on page 162 "I cannot tell in definite terms for how long did the slabs remained there and where did they go afterwards" is perfectly true because I had seen these slabs and idols of clay in Ram Katha Museum during the year 1993-94 and therefore, I cannot tell as to where were they in the intervening period i.e. from 22-23rd June, 1992 till the day of my seeing them. Even today, I do not know as to where these slabs/idols of clay remained after 22-23rd June 1992 till 1993-94 when I saw them in the Ram Katha Museum.

My reference to photographs of document No.201C.1 and 200C-1 in para 9 of my affidavit during the chief cross examination is based on the showing of the above album to me by Shri Ved Prakash Nigam and Ajay Kumar Pandey, Advocates of plaintiffs. These advocates only had informed me that these albums had been prepared by the Department of Archaeology, Government of U.P. My statement in para 10 of the affidavit in which I have stated that the length, width and thickness of the slab was around 3.5 feet, 2.00 feet and 6 inches respectively, is based on my guess.

By my statement on page 26 ".....had taken and carried them" I meant the small sized pieces of slabs which the Kar Sewaks thought to be the remains of the temple were carried away by them.

It is not a must that a correspondent of Panchjanya must be a member of Rashtriya Swayamsevak Sangh or its follower or believing its ideology. If the editorial board of Panchjanya thinks some communist minded individual to be appropriate/deserving. It would have certainly inducted him as a correspondent. I have never been a member of Rashtriya Swayamsevak Sangh or its follower, however, whereas I agree with many of its thoughts, I disagree with many others. I cannot tell whether Vishwa Hindu Parishad is an allied organization of Rashtriya Swayamsevak Sangh. I do not know what is the official ideology of Rashtriya Swayamsevak sangh with regard to the issue of temple. I have not studied thoroughly as to why the disputed building is called Ram Janam Bhoomi and since how long it is being called as such. I have not done a serious study of Valmiki Ramayan and Ramcharitmanas, I have simply read them. I regard Sri Ram Janam Bhoomi Temple as such because of my personal faith, I have not done any intensive study of the subject. I do not know whether the disputed building was used as a mosque prior to 22nd December 1949, or not, I also do not know whether prayers were offered all the five times or only on Friday because I was not even born by that time. This is wrong to say that I was to present in the western direction of the disputed building from 12.00 to 5.00 P.M. on 6th December 1992. This is again wrong to say that the rock inscriptions. slabs which I have stated to have fallen from the western wall of the disputed building, did not fall from there. This is also wrong to say that the above slabs/rock inscription had not

been recovered from the disputed site on 6th December 1992 and had not been kept at Ram Katha Kunj. This is also wrong to attribute that the rock inscriptions/slabs had been kept at Ram Katha Kunj by bringing them from some other place. It is again wrong to attribute that I being a worker of Rashtriya Swayamsevak sangh and a supporter of Vishwa Hindu Parishad, am giving a false statement. It is correct to say that I am not aware as to who are the plaintiffs of the case and it is also true that I have never met the plaintiffs of the case. Shri Triloki nath Pandey had shown me a court paper in which I had been summoned by the court that is why I have come here to depose I am not fully aware of the contents of the paper I simply know that I was summoned by the court on 3rd October 2002. It was a scribbled writing because of which I could not read the name of the case.

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

(Cross examination by Shri Mushtaq Ahmed Siddiqi, Advocate on behalf of defendant No.5 initiated)

xxx xxx xxx xxx

My statement that I had visited Ram Katha Kunj Museum during the year 1993-94, is based on my guess it would have been during the year 1993 or the year 1994).

Verified the statement after hearing

Sd/-

Ashok Chandra Chatterjee

28.10.2002

Typed by the Stenographer in the open court as dictated by us. Be present yourself on 29.10.2002 for further cross-examination in this case.

Sd/-

28.10.2002

Dated 29.10.2002

O.P.W.8 Sh.Ashok Chandra Chatterjee

Before the Commissiner Sh. Narender Prasad, Additional District Judge/ Officer on Special Duty, Hon'ble High Court, Lucknow, Division Bench, Lucknow.

(Appointed vide order dated 25.10.2002 of the Hon'ble Full Bench in Other Original Suit No.5/89 (Original suit No.236/1989).

(Cross examination on oath of O.P.W.8 Shri Ashok Chandra Chatterjee initiated by the learned Advocate Shri Mushtaq Ahmed Siddiqui on behalf of Defendant No.5 in continuation of the proceedings of 28.10.2002.)

The address of Ram Katha Museum is Raj Sadan Museum, Ayodhya. By Ram Katha Museum and Raj Sadan Museum, Ayodhya, I mean the same Ram Katha Museum, Ayodhya. I have seen only one big hall in the above museum, where officers and employees do there duty. I have visited the museum only once. When I visited the above museum, only two three persons were present there and there was no restriction on the entry in the museum. I have not seen the register of maintenance of artifacts in the above Ram Katha Museum. I have known Subir Rai, Photographer of Frontline only after the incident of 30th October 1990. It is true that tha after the incident of 6th December 1992, my first meeting with Subir Rai was at Shan e Avadh hotel, Faizabad on 7th December 1992. I do not have any special knowledge about archaeology and, therefore, I cannot tell whether the artifacts/slabs kept in Ram Katha Museum were from the disputed building only or from somewhere else also. On 6th December 1992, I had

remained in the western direction of the disputed building from around 12.00 noon to 5.00 P.M. I was sanding on a slope beyond the Parikrama Marg in the west of the disputed building. I have never stated that I was standing at a distance of 60 feet from the western wall, on 6th December 1992, I was standing at a distance of around 20-25 feet from the western wall of the disputed building. The parikrama Marg was at a height of 2.00-2.25 feet from the point where I was standing. The slope in the rear of the western wall of the disputed building would have been 15-17 feet in deep south direction, but the slope was, as stated by me above, i.e., 2.00-2.25 feet from the point where I was standing. In the western direction from the western wall of the disputed building, the depth in extreme north and extreme south was 15-16 feet and in between the depth was not that much I was standing at this mid point only. There was no arrangement of tea, water etc. from 12.00 to 5.00 P.M. on that day, i.e, 6th December 1992. I was not keep standing continuously at that point from 12.00 to 5.00 P.M. During my stay, I had visited Ram Katha Kunj once at around 2.45 P.M. and then had returned to my place after some strolling. As stated by me above, I had been mainly at that place only in the western direction of the disputed building from 12.00 to 5.00 P.M. I had not gone in the west of the disputed building again after 5.00 P.M. on 6th December 1992 and had rather gone to Ram Katha Kunj and from there to my house. I had gone to Ram Katha Kunj again at around 6.00 P.M. and had stayed there for about half an hour. At that time i.e at 6.00 P.M. many a persons were present at Ram Katha Kunj and I had asked someone to take the photographs of the above rock inscriptions/slabs, if possible and pass on the same to me. I do not remember even today as to whom brought that photograph to my house. I did not try also to find out as to

who was the man who had brought the photograph for me. I feel that no press photographer gives any importance to the negative of the photograph and that was the reason that I also did not try to find out about the negative. I did not even try to find out as to which photographer took this photograph from which camera. As far as my knowledge goes, it is not of much importance for the professional ethics of journalism to know as to which photographer took the photo from which camera at what time. Often the name of the photographer is mentioned on the photographs published in the newspapers, but in my view, it is not binding on the newspapers to give the name or reference of the photographer and in most of the cases, the name of the photographer is not mentioned in the newspapers. The rock inscriptions/slabs which I had seen being recovered from the disputed building had some engravings on them. It was for the first time at around 2.45 P.M. on 6th December 1992 that it came to my knowledge that something had been engraved on the slab. I had observed at 2.45 P.M. itself that something had been engraved on the slab, though it was not clearly visible at placed, the engraving was covered either fully or partly by lime an debris. As far as I remember, the colour of the lime sticking to the slab of the lime sticking to the slab was light red earthy. That day, i.e., on 6th December 1992, I had seen the inscriptions engraved on the above slab at the disputed building. This is wrong to say that it was not to my knowledge upto 6.30 P.M. on 6th December 1992 that something had been engraved on that rock/slab. Though I have obtained degrees in Science and law, but I have no interest in Literature. The building of majestic cinema is rented building and I am running the cinema hall. I am a partner in the Majestic Automobile Petrol Pump. My firm pays the income tax separately and I also pay it separately and both

have different PANs. I am correspondent of only Panchjanya and have been holding this position for the last 15.16 years. My articles do not publish in any other journal except Panchjanya.

Question: Will it be false that it is attributed to you that you keep on sending news and articles to weeklies, dailies?

Answer: I might have possibly written some article for any other weekly except Panchjanya, but I have been sending my articles regularly to Panchjanya only.

I do not remember that I have written anything for any journal except Panchjanya during the last four five years. It will be wrong to say that I had been writing for other newspapers besides Panchjanya till 1st October 2002. It is wrong to say that I am concealing anything at this point. The verification written on page 8 of my main cross examination is true to my thinking, it is a verification of 3rd October 2002. My statement in para 2 of my affidavit that I have been sending news and articles in weeklies and newspapers is true and my above statement that I do not remember whether I have written anything for any other journal during four five years is also true. I believe I am in perfect good health and there has not been any deterioration in my health from 3rd October 2002 till this day.

Question: You have in your affidavit dated 3.10.2002 which you are confirming even today that you have been sending news items and articles to weeklies, newspapers and your are also stating today that you do not remember if you had

sent any article in any newspaper except Panchjanya during the last four five years is there no contradiction in between the two statements?

Answer: As I have stated in para 2 of my affidavit, I have been working as a journalist for the 1st 16-17 years for personal satisfaction and during the initial years, I have been sending my articles to many weeklies, newspapers but since the year 1986-87 I have been writing for Panchjanya only and therefore, there is no contradiction in both my statements, In my opinion, the words have been sending in my affidavit refer to the prior 1986-87 period. I have never been a student of literature and language and, therefore, I am conversant with only the colloquial Hindi language, I have Hindi as a subject at inter level. I know the difference in between the words past and present.

I had not read the names of the plaintiffs and defendants of the case in the summon and, therefore, I cannot say whether this statement of mine is on behalf of the plaintiffs or the defendants. Broadly, I know only this fact about the dispute of the case that two communities regard one disputed building as the place of their worship and the same dispute is going on here. I have seen the disputed building from inside and from outside and since I do not have any knowledge about the science of construction of a temple or a mosque, I cannot tell by seeing the building whether it appeared as a temple or a mosque. Since I worship there, it always appeared a temple to me.

Question: Since as per your statement you do not know the science of construction of a temple and a mosque, you cannot say by seeing the building

of a temple and a mosque whether it is a building of a temple or that of a mosque?

Answer: By simply looking at any building I cannot tell whether it is a temple or a mosque, I can differentiate only for witnessing the way it is being used.

By looking at any building from inside or outside. I cannot tell whether it is a temple or a mosque. By looking from outside or inside a church, gurudwara, temple or mosque. I cannot identify it till I am not allowed to look at the material being used there or the manner of its use he himself added that by the word material, he meant an idol, cross or manner of keeping the books. In my opinion, if any building is a mosque, some people would be visible performing prayers in Muslim system and from that only, I could know that it is a mosque. If such a building is completely vacant and there is no one offering any prayers in it, I cannot tell by simply looking at the building whether it is a temple, a mosque, a church or a gurudwara.

I am aware that Muslims offer their prayers by facing towards Mecca and from Faizabad Mecca should be on the western side. I do not have a through knowledge of the Islamic system of worshipping so that I could tell the difference in between group namaz or individual namaz.

By Islamic system of worshipping, I mean offering namaz facing towards Mecca. I do not have any other knowledge about Islamic system of worshipping,

Question If you had seen anybody offering prayers facing the western direction in the disputed building, would you have called it a mosque?

Answer: If I did not see an idol or photograph or any engraved idol in the disputed building and had seen somebody offering prayers in a completely empty building, I would have taken it as a mosque.

Question: If idols are put in some building and people are having their darshan and if there are some people offering namaz also, would you take it as a mosque or a temple?

Answer: It is a hypothetical question. I have not seen any Muslim offering namaz in front of any statute or idol and, therefore, I do not agree that both these situations could arise simultaneously.

By statute, I mean an idol of any type. In my view, idol and statute is the same thing, but vigrah is different. By Vigrah I mean an idol which has been consecrated as per the Hindu established procedures and is worshipped accordingly. If there is an idol of our Lord Ram Chandra Ji, which has not been consecrated by established procedures, it would simply be an idol and not a vigrah. I have no knowledge about the process of consecration.

Question: If someone breaks the locks of the gates of a building in the night or clandestinely puts an idol with the help of staircase, will you call it a vigrah?

Answer: Only someone versed in religious matters can reply to such a hypothetical question, I cannot do it.

Question. As per your knowledge of Hindu religion, if some Hindus forcibly enter in the place of worship of some other religion and place some idol during the dark, will this action be proper and will such a idol be avigrah?

(On this, Kumari Ranjana Agnihotri, learned Advocate of defendant no.20 in other original suit no.4/89 objected saying that since the witness is not versed in religious matters, there is no justification of such a question being put to him and therefore, permission should not be granted to ask such a question).

Answer: Only someone versed in the religious matters can reply to such a question, I cannot do it.

By the words versed in religious matters, I mean someone who has thorough knowledge of religion.

I have come to depose as a witness in a court for the first time in my life. I have not practiced law after obtaining the degree of law. I have not got myself enrolled as an advocate anywhere. I frequent with the courts and have some knowledge of the functioning of the courts. I have been visiting the courts in connection with my cases and cases of my firm.

Question: Do you know that a witness can refuse to give a reply to a question placed by the cross examining by calling it as improper?

Answer: I have not refused to reply any question by calling it an improper question.

Question Do you understand that a witness can refuse to reply a question placed by the cross examiner by calling it a hypothetical question?

Answer In my view, the witness replies the question by the way as he understands it. Since it is true that I do not have a legal knowledge about the functioning or cross examining in a court, by the word understand, I mean whatever is known to the witness.

Question: In reply to my above question, you have stated, only someone versed in religious matters can reply to such a hypothetical question, I cannot do it is this your knowledge and is this a complete and appropriate reply of the question?

Answer: Because a hypothetical situation has been described in the above question about which, I do not have any knowledge, I feel that the reply given by me is appropriate.

By the word hypothetical, I mean an incident which has not occurred in my presence and about which I have no knowledge. During my chief examination whatever statements I had given are based on my personal knowledge and incidents, which have occurred before me. As far my general knowledge, theft, robbery are regarded as condemnable in Hindu religion. If it is certain that it is a place of worship of some other community and if some people forcibly enter and damage it, in my view, it is improper.

Question: If during cross examining you in the capacity of an advocate, I tell you that hypothetical

questions can also be asked in the cross examination, will you believe it?

Answer Because I am not conversant with the legal procedures, I will believe on it.

As per my knowledge, the dispute about the disputed building relates to a period prior to my birth. I do not have a through knowledge of the case and, therefore, I am not aware whether 22-23rd December 1949 were important days or not. I do not have any specific interest in this case. I have decided to depose in this case. I have decided to depose in this case about one and half two months ago, when Triloki anath Pandey Ji told me that I would give a statement in the court. Since I did not know that I had to describe only about the incident of that day, i.e., 6th December 1992, I did not try to acquire any other knowledge on this subject. Shri Triloki nath Pandey had told me that I would have to give a statement about the incidents of 6th December 1992.

Shri Triloki Nath Pandey had meant by his statement above that I would give a statement about the incidents that happened at the disputed site on 6th December 1992. I was not asked to give any statement about any other facts. The facts included in my statement, besides the incidents of 6th December 1992 are not undesirable. I apprised my advocate of whatever I felt proper and he accordingly, drafted the affidavit of my chief statement.

In so far as graves are concerned, I have seen both Hindus and Muslims going to the graves and I have not identified them with any particular religion. I have never visited any Muslim graveyard and, therefore, I cannot tell

what happens there. When I do not know what do they do there, I also do not know whether that fall under the Islamic system of worshiping or not.

Question: After being convinced that hypothetical questions can be put during cross examination and after you have evaded to reply the two questions calling them hypothetical questions to be replied by someone versed in religious matters will you like to add something to it?

(At this point, Shri Puttu Lal Mishra, plaintiff of other original suit Noi.1/1989 and Shri Ajay Kumar Pandey, Advocate of plaintiff of other original suit No.5/1989 objected saying that since replies to the questions had been received in whatever form they were, it is not proper at this stage, to ask if the witness would like to add something to his reply to some particular question).

(In reply to this objection, the Learned advocate cross-examining Shri Mushtaq Ahmed Siddiqui said that he is not repeating the question just to save time still both the questions just to save time still both the questions and their replies be read over to the witness and it may be left to him to reply what he feels proper).

At this point, the above questions and answers were read over to the witness as here under:

(1)Question: If someone breaks the locks of the gates of a building in the night or clandestinely puts an idol with the help of staircase will you call it a vigrah?

Answer: Only some one versed in religious matters can reply to such a hypothetical question, I cannot do it.

(2) Question As per your knowledge of Hindu religion, if some Hindus forcibly enter the place of worship of some other religion and place some idol during the dark, will this action be proper and will such an idol be a vigrah?

Answer: Only some one versed in the religious matters can reply to such a question, I cannot do it.

Answer I will not like to add anything to the answer of the first question, because I do not have any other knowledge on the subject I have not to add anything to the answer of second question because I do not have any knowledge of the subject.

At this point, the witness was shown and read over FIR document No.A.193 under Section 145 of Criminal Procedure Code by the Learned advocate cross-examining and the following question was posed:

Question Will you like to call the disputed building a temple after going through this report written by the government officers?

(On this Shri Ved Prakash, the learned advocate of the plaintiffs objected saying that the witness had come to give his evidence and that he is not an expert and he should not be asked any such question, in which, he may

be required to provide an inference after going through on the records such a question is beyond the scope of cross examination, Therefore, permission should not be granted to ask such questions).

(In reply to this objection, the Learned advocate cross-examining Shri Mushtaq Ahmed Siddiqui stated that the witness had already accepted that he could identify a temple or a mosque by simply looking at its use and the question is, therefore, extremely relevant).

Answer: Yes sir, I will like to call it a temple only for two reasons (1) My faith is associated with it. I have been worshiping since my childhood. (2) the FIR, which you are reading over, is only an information and I do not have any reason to regard it as true.

Question At this point, kindly tell if you have any reasons to disbelieve the facts mentioned in the FIR?

Answer: When I was a student of Law, I was taught that according to Indian Law, everybody is innocent till allegations are proved against him. In the court, FIR has only been read over to me and it is not a final order passed by any court. Therefore, I regard that building as a temple even today.

When the FIR was being read over, I had heard that it was a FIR lodged by Police Inspector Sh. Ram Dev Dubey at Police Station, Ayodhya.

Question: Were you not taught during study of Law that until you have reasons to disbelieve the

statement of someone, you should take it to be true?

(On this Sh. Ved Prakash the learned advocate of the plaintiffs objected saying that the witness had come to give his evidence in the court. It is not his job to infer from the records it is a work of the court, where the case is pending. Asking questions from the witness about the education or the knowledge acquired there from, tantamounts to harass and confuse him and also to delay the trial of the suit. The question is beyond the scope of the cross examination there is no point in the suit under which such a question can be asked from the witness. Therefore, permission should not be granted to ask such questions.)

Answer: I do not recollect any such thing.

Question: Do you not generally hold that until there is a solid ground to disbelieve someone's statement, it should be taken as true?

(On this question, Sh. Ved Prakash, the learned advocate of Plaintiffs repeated his above objections).

Which facts should I take as true and which as false, depends on the circumstances.

On 1st February 1986, I was at Faizabad courts. I had no case on that day and had gone to the court for talking with my advocate. It was at around 3.00 3.30 P.M. on 1st February 1986 that I came to know that the court has ordered for opening the lock of Ram Janam Bhoomi'. I have no knowledge as to why a lock had been placed there. I have never tried to acquire any information about the

reason behind locking the premises. Now, when I am deposing on oath, my efforts are to give my replies about the date, time and place as precise as possible and my policy would be the same regarding the facts. Wherever I have any doubts, I put them on record. I go through my statement and I put my signatures only after fully satisfying myself.

The witness was shown the verification on page 8 of his affidavit and the following question was asked:

Question: Would you tell which of the paragraphs of the above affidavit are true to your knowledge and which of them are true and correct to your belief?

Looking at the above affidavit, the witness stated.

Answer I may not be able to tell them individually.

Knowledge and belief are two different words having different connotations.

Question Should I take it that having a clear understanding of the difference in between knowledge and belief, you have not given due attention to this aspect during preparation of your affidavit, putting your signatures on it and during verification and even till this day?

Answer: I have stated whatever was true to my limited knowledge and have put my signatures on it.

In my view, my above answer to the above question is complete. When I went to the disputed premises at the age

of 12 years with my father and family, it was for the first time that I believed that the disputed building is Ram Janam Bhoomi. The same belief is there even today and the basis of this belief is whatever I had seen in the disputed building and whatever I had heard from my parents. My parents had told me that this is Ram Janam Bhoomi. They had told me only this much. When I went to the disputed building with my parents for the first time, I saw a huge temple fitted with large sized gates people were signing hymns Vighrah of Lord Sri Rama was visible by getting into the adjacent door. Then we offered prasad the priest took it inside and later on, we returned with prasad. I had seen the vighrah of Ram Chandra Ji for the first time from a distance of around 25 feet and it was during 1962. At that time I had no desire to get close to the vighrah because while performing pooja, I do not try to touch vighrah.

Question: Do you try to touch the vighrah of the temple any time beside the time of worshipping?

Answer No sir.

When I went to disputed building for the first time, I could reach only till the iron gate. I do not know if there were any restrictions or not. Later on, I came to know that visitors were not allowed to go through the iron gate, only priests could use it. There was a restriction for entering through the iron gate it was a fact, which came to my knowledge in the year 1985. There was a wall with a gate of two window bars and lattice windows of many bars. In my opinion, the walls were made of bricks. After entering from the Hanumat Dwar one had to walk around 20 feet to reach the wall with the window bar, which had a gate also. When I entered the disputed building for the first time, hymns and songs were going on the right side of the gate of the wall.

There was platform on the right of the gate on which some vigrahas were established, hymns and kirtan were going on. That platform is called Ram Chabutra. It was there that I had performed pooja and offered prasad on that day. I had the same regard for the vigrah of Ram Chandra Ji set up at Ram Chabutra and the one set up inside the disputed building. It is wrong to say that I am making a false statement here.

Verified the statement after hearing.

Sd/-

Ashok Chandra Chatterjee

29.10.2002

Typed by the stenographer in the open court as dictated by us, Be present yourself on 30.10.2002 for further cross-examination in this case.

Sd/-

29.10.2002

www.vadaprativada.in

Dated 30.10.2002

O.P.W.8 Sh. Ashok Chandra Chatterjee

Before the Commissioner Sh. Narender Prasad,
Additional District Judge/ Officer on Special Duty, Hon'ble
High Court, Lucknow Division Bench, Lucknow.

Appointed vide order dated 25.10.2002 of the hon'ble
full Bench in other Original Suit No.5/1989(Original suit
no.236/1989).

(Cross examination on oath of O.P.W.8 Shri Ashok
Chandra Chatterjee initiated by the Advocate Shri Mushtaw
Ahmed Siddiqui on behalf of defendant No.5 in continuation
of the proceeding of 29.10.2002).

When I went in the disputed building for the first time,
I had give prasad to the priest through the rods of the gate
of the wall and thereafter I had gone to Ram Chabutra. In
my opinion, the wall with the gate of window bars was
around eight feet high. It had two gates and around 7-8
lattice windows. There was verandah in the west of the wall
and a big gate beyond the verandah. The vigrah of Lord Sri
Ram Lalla was set up inside the gate. In my view, the
building, in which the vigrah of Sri Rama was established,
had three gates on the western side of the building. The
building would have been 90-100 feet long and the
verandah was in the western side of the gates. I believe
that the length of the verandah was similar or slightly more
than the length of the building. It is wrong to attribute that
I have never gone into the disputed building. It is also
wrong to say that I am giving a false statement in the court
on this point. It is wrong to say that the wall in which the
gate with window bars was fitted there was no verandah;

except the building with three gates inside it. As far as I remember the wall with a gate of window bars and frames had been plastered. I did not visit the disputed building once during a week. The journalists presented at the disputed site before 12.00 noon on 6th December 1992, included the journalists of Faizabad, which included correspondents of newspapers like Dainik Jagran, Aaj, Times of India, Swatantra Chetna, Gandeew etc., The names of the local correspondents of Faizabad, who were presented at that time were Shri Rajender Soni, Shri V.N.Arora, Shri Saral Gyapate, Miss Meenu arora, Shri Hari Arora etc., Times of India was represented by V.N.Arora. A very senior journalists Shri M.G.Gupta used to write for Times of India from faizabad, but he had expired. I had not requested any journalist presented at 6.00 P.M. on 6th December 1992 to take any photograph. At this point of time, I do not know which of the journalists mentioned by me above, were presented at Ram Katha Kunj at 6.00 P.M. I also cannot tell whether any of the above journalists was presented at Ram Katha Kunj at 2.45 P.M. or not. There were definitely other journalists present at 2.45 P.M. and 6.00 P.M. on that day, i.e., 6th December 1992 at Ram Katha Kunj, Possibly, some of them might have been photographers also, but no one had any camera with him. There would have been around 150-200 people present at RamKatha Kunj at 6.00 P.M., who were coming to see the slab and returning. I did not notice the faces of the persons coming and going because I was upset with the incident of 6th December 1992. I had requested only the persons coming and going to click a photograph, if possible and hand over the same to me. I do not remember if I had requested someone specifically to click the photo. I had not remember if I had requested some one specifically to click the photo. I had received the photograph at 10.00 in

the night. I do not know even on this day as to who took these photos and who delivered it to me I did not try to know about it even. I had sent this photograph to my Panchjanya office the next day. I do not know the time when the photograph was taken. It would have been any time after 2.45 P.M. when the photographs would have been taken. However, I cannot tell as to when was the photograph taken and whether it had been taken before 6.00 or not. Till 6.00 P.M. I had no knowledge whether anyone had taken the photograph or not. When I received the photograph, I thought it would be the same photograph because at a cursory glance, the photograph appeared to be of the same rock inscription and I had not seen any other rock inscription there of the same shape. The engraving on the rock inscription was partly visible in the photograph, but was not very clear. It will be wrong to attribute that no one had given me the photograph of that rock inscription and that I had not sent the same to the Panchjanya newspaper. Since I am not a photographer, I cannot tell on looking at the photograph about the timing of clicking of the photograph. When I cannot tell in definite terms about the time of clicking of photograph, it could have been clicked at any time. However, there is no basis of its being taken one two years ago because it was in my presence that this slab had fallen from the western wall of the disputed building at around 2.40 P.M. Therefore, there is a possibility that the timing of the photograph should be beyond 2.40 P.M.

Question: Should I take it that as per your views no other rock inscription of this type is available in the entire world?

Answer: Yes sir, because the point from where the slab had broken and the way its chips had scattered

and the position it had obtained at that time at that place, I believe that there could not be a possibility of any other slab being broken at the same place in the same manner.

By the words "at that place" in the above answer, I mean the point from where the slab was broken. From the words at that place I do not mean Ram Katha Kunj or the disputed building. The slab had broken in my presence by the Kar Sewaks while they were keeping it. As I have stated earlier, many Kar Sewaks had carried this rock inscription with the help of iron angles, pipes and wooden poles. The iron angles, pipes and wooden poles were in the hands of the Kar Sewaks and it was with the help of these iron angles etc., that they carried away this rock inscription at a height of 2.00-2.50 feet from the ground. I cannot tell whether there had been any carelessness on the part of Kar Sewaks while placing this slab at Ram Katha Kunj. These Kar Sewaks had been carrying the rock inscription with full honors and kept it flat. When I went there on 13th December 1992, the above rock inscription was lying in a flat position. The photograph, which I had sent was also of its flat position. It is wrong to say that my lack of information about the time of the above photograph was false. At this point, the witness was shown the following part of his statement at page 62, "The photograph which I faxed on 7th December had been clicked before 5.00 P.M. on 6th December and he was asked whether his above statement was true, on which, he stated that as per his belief, the above photograph would have been clicked before 5.00 P.M. but in the absence of knowledge of the correct timing, he could not tell anything in definite terms. The witness was then read over the following part of his statement it is wrong to say that my lack of information about the time of the above

photograph was false and he was asked whether his answer was true or false, on which, the witness stated that as per his limited knowledge, both of his statements were true and that there was no contradiction in between the two.

Question: Is it not a fact that your faith in Lord Rama is so intense that your power of thinking and understanding has been subjugated by it?

Answer: My faith in Lord Rama is so staunch that not only my power of thinking and understanding rather every moment of my life is under his control. I believe that my entire prudence, all the actions of my organ work as per His will and whatever I do in this world, is as per the desire of Lord Sri Ram.

I do not know whether a man can possess prudence even without the reluctance on the part of divine power.

I worship the visible form of God, and therefore, I do not find any difference in between Lord Rama son of King Dashrath and ultimate Param Braham Rama.

Question: Do you believe that the Rama described in valmiki Ramayan is the same Rama, who was born as a son of king Dashrath?

Answer Yes sir.

In this dispute, I have heard about the word Ram Lalla from which I mean the infanthood of Sri Rama. Lord Sri Rama would definitely not have been born in the night on 22/23 December 1949 because. He is eternal and I believe

He would have been born lack of years ago. I am not aware if anybody has stated about the birth of Ram Lallal in the night of 22/23 December 1949 and in my opinion, if anybody holds that Sri Ram was born in the night of 22/23 December 1949, it is completely wrong and baseless.

Question Do you hold that the incident of the night of 22/23 December 1949 has any importance in this dispute or not?

Answer Since I do not have any knowledge of law, I cannot say whether the incident in the night of 22/23 December 1949 has any importance or not in the dispute.

Question Does the incident of night of 22/23 December 1949 has any importance for this dispute ideologically or in terms of faith?

(At this point, the learned advocate of the plaintiffs objected saying that this question was completely irrelevant and imaginary and was being asked simply to harass the witness and, therefore, permission should not be granted to ask such questions).

Answer From the point of view of ideology or the faith, the only importance of the incident of 22/23 rd December 1949 was that vigrah had emerged at the birth place of Lord Sri Rama for the first time out of his Supermatural powers.

I was not in this world of 22/23 rd December 1949, and, therefore, I cannot tell how did the vigrah of Sri Rama emerge there on that day.

Question Will you kindly tell the basis of your reply to the earlier question, in which you had stated that Sri Rama had emerged in the disputed building for the first time in the night of 22/23rd December 1949?

Answer: I have nowhere stated about the emergence of Sri Rama rather I have only stated of the emergence of vigrah of Sri Rama.

Question Will you tell us the source from where you came to know of the fact of emergence of Virah of lord Sri Rama or the basis of your statement?

Answer: When I had visited Rama Janam Bhoomi temple during my childhood, saints, ascetics and my parents all of them had told this very fact, which I am repeating.

I have faith in the vigrah of Lord Sri Rama located at the birth place because. The saints and ascetics had told that this vigrah of Lord Sri Rama had emerged because of His supernatural powers.

In my view, faith and attraction towards the birth place and faith towards Lord Rama are two different things. Even since I got to my wits, I had a faith towards Lord Rama. At the age of 52 years, I can say that there is no logical reason behind faith, faith is only faith. By the words logical reasoning, I mean basis. The word good is a comparative term and, therefore, I cannot say whether I was a good student or not. During my study life, some of my classmates got lesser marks and some higher marks than me, I take

myself to be a mediocre student and not a good student. I am conversant with the English words basis. Though I have never been a student of English language, still in the common parley, I believe the logical reasoning is based on some basis and in my view, both carry the same meaning and I have used the words logical reasoning in the same sense. The word basis can be interpreted as aadhar in Hindi, though the English of aadhar is also base.

Question: What is the basis of your faith in Lord Rama?

Answer: The basis or the aadhar on which the belief and faith of a child towards his parents is based, the same is the basis of my faith towards Lord Rama.

The length of the western wall of the disputed building from north to south would have been 100-125 feet or still more. The north south length of the place of low slope in the west of the western wall of the disputed building would be around 30-35 feet and this 30-35 feet long area would be 2.00-2.25 feet deep from the parikrama Marg. Beyond, it was northern and southern portions very deep. On 6th December 1992, I was presented from 12.00 noon to 5.00 P.M. I was presented at this very point of lower depth of 30-35 feet area.

Question: Was the 30-35 feet area which you have stated to be 2.00-2.25 feet deep plane?

Answer: This place on the west from the eastern direction was slightly uneven, with a slight slope and not plane.

I was presented almost at the same point from around 12.00 to 5.00 P.M. on 6th December 1992. It is wrong to say that I did not keep on moving and remaining at that point from around 12.00 noon to 5.00 P.M. except once when I went to ram Katha Kunj. I had left that place only once during 12.00 noon to 5.00P.M. At this point, the witness was shown and read over his statement on page 44, where he had stated I had moved away from the disputed building twice, on which a question was asked whether his above statement was true. On this, the witness stated, I had moved from the western side of the disputed building only once and my statement that I had moved from the disputed building twice is due to some misunderstanding. In my view, faith towards supernatural powers do not motivate towards committing wrong rather it motivates in the right direction. The supernatural powers always motivate everyone at all points of time and in all circumstances to do the right thing and not wrong deeds. Around 2.50 to 3.00 lacs persons would must have been present at the disputed premises on 6th December 1992. The persons stated to be standing in the western direction of the disputed building were standing at the Parikrama Marg and the uneven land. When the wall in the west was being demolished initially only bricks, stones and debris had fallen on the Parikrama marg, but later on, when too much of debris accumulated, the Kar Sewaks pushed away some of the debris and some got scattered of its own. In my presence, nothing had fallen from the wall with such a velocity that it could reach the western slope of its own. The witness was shown and read over his statement on page 26 that "On 6th December 1992.....were demolishing the disputed building" and asked if his statement was true to which he replied that as per his knowledge, it was true.

Question: You have stated the fact of emergence of the vigrah of Lord Rama on 22-23rd December 1949, did this vigrah emerge or he was seen playing in the form of an infant?

Answer: Since I was not available at that point on 22-23rd December 1949 and I had told the fact of emergence of Vigrah on that day on the basis of hearsay. As far as the question of looking a supernatural power in the human form of a child is concerned, so many saints and ascetics hold such a view in Ayodhya.

Question What is your faith and belief in this regard?

Answer Because I have not thought over it deeply, I may not be able to tell the mysterious meaning of the question.

Question If I refer to late Shri Devaki Nandan Aggarwal, Plaintiff, who had filed this suit in the capacity of next friend of Lord Rama and also to his statement in the court to the effect that Vigrah of Lord Rama had not emerged in the disputed building on the night of 22/23rd December 1949 and that the idol kept on the outside platform had been brought and placed there will you agree with this statement?

Answer: Since I have not gone through any document relating to this suit except those which have been shown to me during my evidence, my concurrence or otherwise towards his statement

is of no relevance. If he had stated like this then it is in contravention to what is my knowledge on this day. As I have learnt from various persons, I believe that the idol was not picked up from Ram Chabutra and brought there.

Whatever demolition work of the disputed building was carried on 6th December 1992, I believe it would have been inspired by some supernatural incitement. As per my faith, it was a temple. On the falling of that rock inscriptions slabs, the saint had commented that it was a part of a temple. I do not know whether the comments of the saint were based on the adoration or the engraved letters on the rock inscriptions. When the saint offered the above comments, he was very close to this slab. At that point, I found something engraved on the rock inscription, a portion of which had been covered by the debris and lime. I had reached the point of falling of the above rock inscription/slab just 2-4 minutes afterwards. At that time, I was looking at this scene, i.e., the scene of the falling of the slab from a distance of 20-22 feet from the western wall of the disputed building. I do not know if I had moved even upto a distance of 60 feet from the western wall of the disputed building on 6th December 1992 between around 12.00 noon to 5.00 P.M.

Question In reply to one of the questions, you have stated in your statement on page 93 that the minimum distance in between your point of standing and the western wall was 60 feet is it correct?

Answer Yes sir.

Question Just a little earlier, you have stated that it is wrong to say that the distance in between your

point of standing and the western wall of the disputed building was 60 feet and that the distance was 25-30 feet do you not find any contradiction in both these statements of yours?

Answer No please, In this question, I was asked to tell the distance from the point in the southern direction of the disputed building from where the Kar Sewaks were trying to climb upon the roof of the disputed building and, therefore, the western end of the western wall would have been around 25-26 feet from the southern side of the disputed building and from there, diagonally I would have been at a distance of around 35-36 feet and in this way if both the distances are combined, the distance from the point of my standing and the point where the Kar Sewaks were climbing upon the roof of the disputed building would have been around 60 feet. I have tried to clarify this fact in my next answer on page 93.

I have not stated in my statement on page 93 that the distance of my point of standing from the southern end of the western wall of the disputed building was 60 feet.

Question Is it a fact that you have very the first question and its answer and also the second question and its answer on page 93 very confidently and steadily and, therefore, you are replying cautiously and there is no confusion with you?

Answer The court had shown me page 93 and I had read it also. As regards, replying a question in a confident manner, I may submit before the

Hon'ble court that whatever I am stating, 'is after a very careful thought.

By the base of a building, I mean the point from where the building is emerging or rising above the ground, In other words, in my view, the layer above the foundation is the base of the building. In my view, the base of the roof of the building should be the upper portion of the wall and the base of the wall would be the upper portion of the foundation, In my view, the distance from the base of the western wall of the disputed building to the base of its roof should be around 22-23 feet.

The Kar Sewaks who had climbed upon the domes of the disputed building after 11.30 on 6th December 1992 was not only for a fun, but had climbed with the intention of demolishing it, but they could not damage much while in the state of climbing. The thickness of the western wall of the disputed building would be not less than seven feet. I had seen the disputed building from the west side only once in my life and when it was being demolished, it was looking more than one meter thick from south to north and at least seven feet thick in the middle. In hindu religion, Brahma, Vishnu and Mahesh are our three greatest deities. I do not have a deep knowledge about hindu religion and spiritualism and, therefore, I may not be able to tell as to which are the still greater powers. As per my belief, Sri Rama had taken birth as a incarnation of Lord Vishnu and for a man of limited intelligence like me, it is a difficult question to me to say as to who is senior – Lord Vishnu or his incarnation Lord Sri Rama. The temple of Kaliji is at Dhara Road in Faizabad and the 'vigrah' of Goddess Kali is established there. Maa Durga is one of the various forms of Kali. I do not have a deep knowledge of Hindi

philosophy and spiritualism and, therefore, I may not be able to tell as to Maa Kali is the incarnation of which of the three powers.

My knowledge about Hindu religion is very little and, therefore, I cannot tell that how many religious communities are there of the followers of Lord Sri Rama. I had not asked from any of my seniors about the religious community to which I belonged and, therefore, I may not be able to tell the religious community of the followers of Lord Rama to which I belong.

Question: Should I take it your intense faith in Lord Rama is only for namesake because your answer reflects a great distance in between you and Lord Rama?

Answer In my view there is a lot difference in between knowledge and faith, though I do not have any knowledge of law, still I have complete faith in judiciary and courts. Similarly, my knowledge about various aspects of Lord Rama is very little, but my faith is complete. My faith in Lord Rama is the same as I have in the court.

Question: Is it not true to say that the Benagalis do not keep faith on Hindu Lord Rama, rather they have faith in other Goddess, Gods?

(At this point, Shri Ved Prakash, the learned advocate of the plaintiffs objected that the word Bengali Hindu used in this question is neither relevant nor a point of the suit because Hindu is a Hindu, who cannot be differentiated on the basis of regions and this question is being asked to

confuse the witness. Permission should not be granted to ask such question.)

Answer: Due to my limited knowledge, I cannot say anything about the entire Bangla – speaking Hindus, but in so far as the question of my faith is concerned, I have faith in all, i.e Lord Sri Rama, Maa Kali, Maa Durga and many other Goddess and Gods.

This is wrong to say that I was not present at the disputed site on 6th December 1992 and it is also incorrect to say that I am giving a false statement about the incident of 6th December 1992. This is also wrong to say that the disputed building is not the birth – place of Lord Rama and this is also incorrect to say that the disputed site is not a temple. Since I do not have knowledge of history, I do not know whether a mosque had been built at this site or not. This is wrong to say that the disputed building demolished on 6th December, 1992 was a mosque. Since I was not born by then, I cannot tell whether the Muslims offered 'namaz' till the night of 22nd December, 1949 in the disputed building or not.

(Cross-examination by Shri Mushtaq Ahmed Siddiqui, Advocate on behalf on Plaintiff No.5 concluded).

(On behalf of defendant No.26, Shri T.A. Khan, Advocate accepted the cross-examination done by defendants No.4, 5 and 6).

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

Cross-examination by all the defendants / parties
concluded and the witness is discharged.

Verified the statement after hearing

Sd/-

30.10.2002

Typed by the Stenographer in the open court as
dictation by us.

Sd/-

30.10.2002

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