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

OTHER ORIGINAL SUIT NO.4 OF 1989

SUNNI CENTRAL BOARD OF WAQF U.P.
AND OTHERS PLAINTIFF

VERSUS

GOPAL SINGH VISHARAD
AND OTHERS DEFENDANTS

STATEMENT OF P.W. '1'

MOHD. HASHIM

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

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Mohammad Hashim Sb Karim Baksh, age about 75 years, Resident of Mo. Kothia, Ayodhya, District Faizabad solemnly affirms on oath as under:

I do tailoring work. My house is at a distance of 3 furlong from Babri Masjid. Maulvi Abdul Gaffar was my teacher and I learned Quran Sharif from him and went with him to read Namaz at a number of times. For the first time I went to Babri Masjid to read Namaz. At that time the Namaz of Jumma was read in two Masjids. At that time Tarabi was read only in Babri Masjid. I have sometimes read five times Namaz and the Namaz of Jumme and Tarabi. There were arrangements of Wazu (water) in big pitchers. At that time Maulvi Abdul Gaffar was the Imam of Masjid who has now expired. Mouzzim was a gentleman named Ismail. I read the last Namaz there on 22 December, 1949. After the Government imposed restriction from the night of 22-23 December 1949. Abhay Ramdas Dharam Das and many other people kept inside the idols and there was a big crowd. When we went in the morning to read Namaz, there were constables on duty. RamDev Dubey, Mata Prasad etc., were the constables. They told that Dharam Das, Abhay Ram Das and a big crowd was there. They also said "the people have kept the idols inside, so you keep patience". We could not read Namaz. We were not allowed to

do so. After the Daroga told that he had got the report registered and the Masjid was attached. After that we and many other people tried to read Namaz and gave notice to the Government in this matter but could not read the Namaz. We the people including 100 boys were given the sentence of 6 months imprisonment and Rs.500.00 fine to reach for violation of Section 144. After appeal in the court of the Session Judge the sentence was reduced to two months imprisonment and Rs.50 fine to each. We completed the sentence. When we used to go to read Namaz, many other people also accompanied us. They included Mohd. Kashim, Mohd. Iklakh, Jan Mohd, Rajjab AN, Mohd. Sabir and others: At that time two brothers Zaqui Sahib and Jabbar made the arrangements of the Masjid. After placement of the idols Shri Gopal Singh Visharad filed a Suit. I was not the party to it but advocating the case under Section 145....? The party to it were- Hazi Mhd. Fayak, Mohd. Shami, Zaheer Ahmed, Ahmed Hussain alias Achchhan and the Sunni Central Waqf Board. Washir Sahab was the Commissioner in this case and he took the photographs of the site and inspected it.

Sd/

Mohd Hashim

After looking at the Paper No.104/4 Photograph No.1 the witness said that it was the photo of the sadar door of Babri Masjid, about Paper No.104/5, Photo No.2 he said those were stairs from north to south, to go to the Babri Masjid, about Paper No.104/7, Photo No.4 he said it was the western part of Babri Masjid, about Paper No.104/4 Photo No.1 he said it was the front part where the Imam stood to read Namaz, about Paper No.104/12, Photo No.9 he said it was the upper part of the place where Imam stood, about paper No.104/13 Photo No.10 he said it was the photo of the Chamber where Imam stood to give "Kutaba", about paper No.104/6 Photo No.13 he said that it was the urinal inside the Masjid. Towards the east of Masjid there is Ganj-e-Shaheedan. There is a road towards the north of the Masjid and after that Janamsthan Temple. There is a signboard also of the Janamsthan. There is a graveyard towards the south of Masjid. Except towards the West of Masjid, the total area of the graveyard all

around is about 9-1/2 bigha. There were many graves here in December, 1949. The graves were numerous and linked side by side. There were two doors in the Masjid, one in north and the other in the east. The north door had a link with the road through a way but eastern gate had no such link. One bricked road was the link with the eastern gate. We mostly entered the Masjid through the eastern gate. There was no hindrance on the way to enter Masjid. When we entered through the eastern gate there was a Chabootra towards the south. Sometimes the priests used to sit there. This Chabootra (platform) was 10 steps away from the way. There was a hut over it. Near the north gate of the Masjid there was a Chuiha (hearth) which was called Sita Rasoi. This Rasoi created no hindrance in the movement of the people through that way. There was a boundary wall in front of Sita Rasoi and during the rush of the people we used the northern gate. The east and north gates were surrounded by a boundary wall. One more wall was there inside the Masjid and the main gate of the wall was locked. The lock was put there when the Masjid was attached. No idol was put inside the Masjid till 22 December, 1949. Workship was never performed inside the Masjid, Namaz was offered there. There was no temple where the Masjid was. Had Babar demolished the temple and built a Mosque there, no Muslim would have offered the Namaz there. The arrangements for the suit (O.O.S.89) were done by advocate Ayub Sahab. I myself, Mohd. Quasim Sahab, Maulana Naseer Sahab, Maulana Wakiluddin Sahab, Athar Au, Zahoor Ahmed, Fayaq, Mahmood, Shahbuddin assisted in the arrangements of the litigation.

Shri Ayub Sahab had given notice to the officers of Faizabad and the Govt. The notice was given to the receiver Shri Priya Datt Ram also but it was returned. The witness desired to see the Paper No.44A that there were the signatures of Ayub Sahab. He said " I have seen Ayub Sahab earlier writing and signing the paper. After seeing Paper No.44 A (an unserved notice to the receiver which was returned without serving) and Paper No. 33A, 35A, 37A, 39A,

41A he said these were the acknowledgements of the notice. These acknowledgements were of these notices only which were served.

The foundation which was laid in 1989 was laid in the graveyard.

[When the witness (Plaintiff) was in the witness box, he was confronted with the question pertaining to the violation of Order of this Court for which earlier Civil Misc. Application No.30 of 1989 in O.O.S. No. 4 of 1989 was filed. Objections were raised by learned counsel for the defendants. This violation is alleged against one Param Hans Ram Chandra Das and two others, namely Aviram Das and R.S.Srivastava. Since there is no such issue in these suits and evidence in these suits is not part of the said application, we felt that the learned counsel for the applicant in case he presses this application and the same is taken up by this Court after opportunity to the respondents will have a right to lead evidence including calling the Present Plaintiff. Hence he need not lead evidence for the disposal of the said application in the present suit which is going on].

The building of the Masjid was demolished on 6th December, 1992 and a boundary wall was raised on it. The Kar Sewaks which included the people from Bajrang Dal, Shiv Sena and R.S.S. demolished this building. It was demolished in the presence of all the officers and the forces. When the building got demolished the people alongwith bricks etc., took away the idols kept there. The boundary wall was raised all around on 7th December, 1992 and after that new idols were kept there. There is a Chabootra outside the Masjid. Mahant Raghuwar Das filed a suit about that Chabootrara but he lost the case from Faizabad to Lucknow Courts.

(Cross examination by R.L.Verma, Advocate) Defendant No.3 Nirmohi Akhara.

Question: What is the name of the Mohalla where this structure existed?

Answer: The Masjid is in Ijhar Mohal Ramkot. Mohal means Mohalla, where the disputed structure stands, there are Mohalla Suthati Kochighat, Dorahi Kuan. At some distance there is Mohalla Kaziana. Beside this, the Muslims live in those Mohallas which are called Begampura, Mughalpura, Basaria Tola, Naugaji. Mohalla Suthati is towards the north of the disputed property. Suthati Mohalla and the disputed property are at the same level and towards its north there is Begampura at a low level. There are many Masjids in Suthati Mohalla. There are 13 Masjids. One Masjid is without the roof which is called Kanati Masjid and mostly used to read Namaz Janaza (Namaz on death). Other Masjids are also there in Suthati Mohalla.

Its building is 300-400 years old. Suthathi Mohalla is the oldest and the first Mohalla of Muslims in Ayodhya. Suthati Mohalla and the disputed property both are in Ramkot Village which is written Kot Ramchander. The landlord is Ahmed Hussain (Achchhan Main) and its map is only one. The map of the Village has been submitted in the suits. The map has been submitted in kisthwar suit.

The name of my father is Karim Baksh. He expired in 1932 at the age of 85 years. My brother Qasim is 5 years younger to me. He was 8 years old when my father expired. My father was a tailor by profession. My ancestors lived in Ayodhya and I have ancestral house in Mauja Jalwalpur. Dularai was the richman of that Mohalla. He had given permission to my great grandfather Peer Baksh to construct a house. I have no other property except this ancestral house. Kutia Mohalla is mostly inhabited by Ansaris who are the weavers. It is wrong to say that beggars live there. Kutia Mohalla and Kaziana Mohalla both are adjoining Mohallas situated on the Gorakhpur Road. Kutia is in the east and Kaziana is in the west. My shop is in Mohalla Singarhat. I was in the rented shop and my father owned a shop in Rani Bazaar. I started tenantry of the shop in 1966 to end it is 1976. The house owner was a man of Kalakankar Temple. This shop was in front of Ayodhya Post Office in Singarhat Mohalla. I left the profession

of tailoring and the shop in 1976. The reason was that we were fighting the case of Babri Masjid and were imprisoned under MISA. Shri Verma's father was also imprisoned with me. I was imprisoned in the month May, 1976. I was not imprisoned in D.I.R. It was written MISA in my warrant. I was not assigned any reason of my imprisonment. There was no criminal MISA against me but it was political MISA. I did not belong to any political party. I was imprisoned due to my association with Babri Masjid case. I have an adult son who did not continue the shop of tailoring after my imprisonment. The shop in Rani Bazaar, which was in the name of my father, could not be continued after his death. My brother Qasim and I lived together. My brother Wasim runs the cycle repairing shop. We were released after 18 months in 1977. The month I do not remember now in which I was released. Between the period after emergency in 1975 and before my arrest, I had filed a petition to remove the receiver and the appeal was pending in the High Court. The decision was in my favour. The petitioner to remove the receiver was lying with the Civil Judge. This petition was filed by me. I had demanded to remove the receiver K.K.Ram Verma because he did destructive work. My suit was in Civil Court but the City Magistrate appointed K.K.Ram Verma as a receiver. I had not given any petition to the City Magistrate to remove him, who had got written "Jai Ram" inside the Mosque with ochre and sabotaged at many places inside and allowed to perform kirtan before the Mosque. I submitted this petition in 1976 and the Civil Judge removed K.K.Ram Verma and appointed Madan Mohan Dubey in his place. I had given the petition to appoint Madan Mohan Dubey. Shri Dubey belonged to Patna and was the Manager of Ramcharitmanas Trust Bhawan which is located opposite. It is wrong to say that he was dismissed for embezzlement in this Ramcharitmanas Trust Bhawan. When I submitted the petition he was the Manager of the Ramcharitmanas Trust Bhawan. Ram Laxhan Saran Bhagat appealed in the High Court against this appointment. I used to go regularly to plead my case in connection with the petition given by me to the Civil Judge. My Advocate was Thakur Jagunath Singh. He was not the advocate of Madan Mohan Dubey. This suit

was not transferred from the Court of Civil Judge to any other Court in Faizabad but directly to the High Court. After I was released from Jail, this suit was transferred to Munsif Court. There were four other suits in the case and all the suits were transferred to the Munsif Court. I had been going continuously till 1986 to the Munsif Court to plead my case after my release from Jail. I had been going continuously for the 8 years till 1986 to the Munsif Court but my presence was not recorded but the presence of my advocate Shri Jilani was recorded. Zahoor Main, Hazi Mohd. Fayat and Hazi Pheku also went for pleading the case. When I was released from Jail in 1977 these three persons were with me. I do not know how older was Zahoor Mian to me. He was much older to me. Hazi Sahib was 55-60 in 1977. Hazi Pheku was 15-20 years older to me. Achchhan Mian was also called for pleading whenever he was required. These four people Hazi Pheku, Haz. Md. Fayat, Zahoor Ahmed, Md. Shami, Ahmed Hussain alias Achchhan Main were the rich people of the city. I had no such money. When the order of unlocking was given, I was the first man who filed a writ petition and I was the first party to it. I used the money for it which my father had left for me. He earned the money from Rangoon and left much money for me. When he went to Rangoon and returned from there that I do not remember. He was living in Ayodhya for the last 5-6 years before his death. He was alone in Rangoon as my mother did not go there. My mother died in the house of Mohalla Kutia. I do not know how much money my father used to remit from Rangoon. Before independence all the shops were located in the main market of Rani Bazaar. This market was inside Ayodhya. I had been coming regularly to attend the court even after 1986. I have one storeyed house measuring 40 X 30 feet. There is a Mosque opposite to my house. Whosoever reached there first he did the duty of Imam. The Mosque existed there before I reached the age to understand anything. The people of the Mohalla offer Namaz here and I also do the same. There is also a Mosque in Mohalla Kaziana towards the west of the road. Maulvi Gaffar belonged to Vashisht Kund Mohall which is towards south from Dorahi Kuan. The house of Gaffar Sahib is at a distance of one furlong from the Mosque and this

Mosque of Dorahi Kuan is at a distance of 200 yards from the disputed Mosque. Dorahi Kuan Mosque is there before my birth. There are minarets in this Mosque which is very old building. Maulvi Gaffar did not perform the duty of Imam in this Mosque. Namaz is offered in Dorahi Kuan Mosque but I never went there to read Namaz. White washing etc., was done inside the Dorahi Kuan Mosque but not from outside. But I do not remember who prohibited to white wash it. There is an old Mosque in Vashishtha Kund also which belonged to Mughal period. The house of Gaffar Sahab is next to the Vashishtha Kund Mosque. The Mosque of Vashistha Kund is at a distance of 200 yards from Ram Janam Bhoomi Thana. What was the age of Gaffar Sahab when I was released from Jail is not known to me. [went personally to meet his matter my release from Jail. He expired 6 years back. I attended his last ritua.I but cannot tell his age.

Verified the statement after hearing.

Sd/-

Mohd Hashim

24.7.96

Typed by the Stenographer in the Open Court as dictation by me In continuation to this for further cross- examination on 25.7.1996

Date : 24.7.1996

Sd/-

Cross Examination of Mohd. Hashim, P.W.1 begins on Oath on 25.7.1996:

I do not know the name of the father of Abdul Gaffar. He did not run any Madarsa. I do not know what was his education. He knew Arabi and Urdu both. My education is upto 5th class. I have got my education in Madarsa Islamia whibh in Mohalla Kaziana. I passed 5th class in 1938 and know Urdu only. Mohd. Ismail lived in Momjin Basti. He did management of the Mosque and lived there. There was no other place in Ayodhya where he lived. He lived alone without family. I do not know in which village or Mohalla Mohcl. Ismail lived. I do not know any Chowk Sarai Mohalla in Ayodhya. My reply was not

enclosed in the case under 145. I had been attending and pleading on each prescribed date in the case. The advocate of this case were Shia Sahab, Rehmatullah Sahab and Zahoor Sahab. In addition to me many other Muslims used to go to plead the case in Ayodhya and Faizabad. Some local people pressurized, scuffled, thrashed and coerced the Muslims to give statement in the favour of Hindus.

Question: Did the Government administration admit or not that statement on Oath given under Coercion or pressure?

Answer: (Answered after asking many times) No help was given by the administration (Did not reply that question). We did not make any complaint against the administration. Anisur Rehman told that the administration was not giving any help. Anisur Rehman had gone to Pakistan because he was harassed.

He lived in Mohalla Begampura opposite the house of the advocate. Sayeed Ahmed is his son. Anisur Rehman had gone to Pakistan during that period I do not know but the year or time. I cannot tell how many months or years after 1947 he went to Pakistan. The Civil case started in 1950. When the case was admitted in 1950 Anisur Rehman was not pleading the case. I do not know whether Anisur Rehman had submitted any application in High Court to transfer the case from the Court of Civil Judge that he was in league with Hindus. As I have said above some Muslims were pressurized and coerced to give statement on oath in favour of Hindus, it happened before me. The people who were pressurized were Abdul Razaq, Abdul Aziz, Abdul Hakim, Abdul Mazid, and Abdul Gani. The coercion was from their landlords where they were living as tenants and municipality where some of them were in service. Abdul Razaq was serving in Municipality and no other was working there. This statement on oath was made by the people of Ayodhya and not by the people of Faizabad. There is a Chowk Sarai Mohalla in Faizabad. Mohd. Ismail was not Ansari. It is not true that there are four categories viz., Sayeed Sheikh, Mughal and Pathan in Muslims.

Muslims have only one community and nobody is high or low. Ismail belonged to Sheikh caste. I have not seen Mohd. Ismail Sahab reading or writing. He is not that Ismail as stated in statement 145. He is a torigawala Ismail. He used to drive Tonga in Ayodhya but I do not know to which Mohalla he belonged. The age of that Ismail as mentioned earlier was about 55-60 at the time of attachment of the building. The age of Tongewala Ismail was 30-35 years. I have been seeing respectable moanjim Ismail in Ayodhya when I attained the age to understand anything. I was about 20-22 years old then. From the very beginning till the attachment of the Mosque, I have seen Ismail in the Mosque. The Writ Petition which I filed in 1986 to open the lock was accompanied by an affidavit. The Writ is still pending, when the Government (Bhartiya Janata Party) acquired the land at that time also I filed the Writ Petition against it. I filed two letters of K.K. Nayyar, Deputy Commissioner, Faizabad with the Writ Petition. Both the letters were sent to Bhagwan Sahai, Chief Secretary, Uttar Pradesh. This letter was read out to me but I do not remember its contents. I also do not remember who gave me these letters. The Muslims of Ayodhya were so angry with K.K.Nayyar that they did not like to see his face. So I did not go to him to lodge the complaint. There was a law of jungle before keeping the idol in 1949, no officer was ready to listen us so I did not make any complaint. This law of jungle was in vogue in Ayodhya before 1 month of 22 123d December, 1949. At that time no officer listened to us. Baba Raghav Das was insisting for the last one month to keep the idols in the Mosque. He was a resident of Gorakhpur. Akshay Brahmchari raised his voice in favour of the Muslims who was the disciple of Basudev Brahmchari and was staunch Congress man. Akshay Kumar Brahmchari was a good and state level leader of the Congress . I know him very well. I had no friendship with him but he was well acquainted with me. He went to Supreme Court with me (said again "we both went separately"). Nobody used to give fiery speech except Raghav Das. Raghav Das did not belong to Ayodhya and from the whole district no body gave fiery speech . Only Raghav Das gave the speech. I complained to the D.M. and the City Magistrate but they paid no

heed. I myself have seen that they both touched the feet of Baba Raghav Das. I did not submit any written complaint to the Prime Minister, Home Minister and the administration. He wanted to contest the election of M.L.A. against Acharya Narendra Dev. I only know that he was Raghav Das, was he "Kali Kambli Wale" or not that I do not know. I also did not know that he was a Mahant in Gorakhpur, was he Bairagi or not that is not known to me. He used to wear unstitched clothes. There was no matted hair rolled up over his head but clean shaven head. Akshay Brahmchari was engrossed in the service of his Guru. He ran Virakt Press. He was a good leader. I do not know but he was a disciple of Rampadar Vedanti. From the very beginning I have seen him living in Smarak Sadan. I do not know when it was constructed. I do not know that its construction started in 1949-50. It is wrong to say that Akshay Brahmchari was ousted from the vedanti temple for the offence of abducting a girl. When he observed fast for Babri Mosque, he was ousted from the Ashram and beaten by the people. He started this fast against keeping the idols in Babri Mosque. We did not participate in this fast, he was alone. I had heard about the fast undertaken by Akshay Brahmchari which was hotly discussed. There was no riot in Ayodhya about disputed Babri Masjid prior to 1949. There was a Hindu Muslim riot in 1912 named Bakar Id Riot case and the other riot was in 1934. The riot on killing a cow took place in Shahjahanpur and the people returned to Ayodhya and did rioting in 1912. Shahjahanpur is a village of Faizabad. There were 40 culprits in this riot and Tajari tax was imposed on a Hindu Mahant. He said again "Tajari tax was imposed in the riot of 1934. I do not know if Mahant Narottam Das of Nirmohi Akhara was also an accused in this case (1912). Rahim Khan son of Ahmed Khan, Mohalla Kaziana, Ayodhya is not known to me. I do not know Baktaria Tola, I do not know to Bakal Hussain Baksh. I was not born in 1912. I did not see the record of the case of 1912. I am not telling a lie whether Narottam Das was acquitted or a case was filed against the above two for false statement.

The riot of 1934 occurred before me and I am well aware of it. The riot of 1934 was instigated by Raja Alwar, who lived in Rajasthan but was ousted from there and started living in Amawa temple in Ayodhya located opposite Babri Masjid Shahjahanpur village is adjacent to the new Panchkosi and Chaudahkoshi Parikrma road but was at a distance of 1 kilometer from the old road. There is Ranipali Mohalla towards east adjacent to Shahjahanpur. Towards the west of Shahjahanpur Mohalla there is Bachhara Sultanpur. Devkadi Mohalla is adjacent to it. Parikrama road leads to the west of Ranipali way. Towards the west of Ranipali colony there is railway line and the west Parikrama Marg. Previously Parikrama Marg was in the east of Gurukul but now it is in the west. I do not know whether the whole Parikrama Marg was Kacha 14 Koshi and the same has been made Pukka now. Tazia is buried on the day of Moharram towards the west of Gurukul Ashram, It is buried in the west of Parikrama Marg. I do not know whether on the day of Panchkoshi Parikram the riot of 1934 occurred because I was at my home on that day. This conflict was not for the wall of the temple and the Mosque. It is wrong to say that at that time Parikrama was being performed. The conflict was between Tazia or Parkrama performing people. This happened on the day of Bakra Id, it is wrong to say that it was on Moharram. I never lived in Suthati Mohalla and have no house there. During the riot of 1934 these people damaged Babri Masjid and torched Suthati Mohalla and killed two people. There was no other damage to the disputed building.

(At this stage, learned counsel cross examining the witness made a request to summon the record of Civil Misc. Writ Petition No.746 of 1986 Mohd. Hasim Vs. District Judge, Faizabad. On this oral request, we summoned the original record of the writ petition in the Court. The learned counsel wants to confront the witness with some parts of the original affidavit and the petition filed by him (witness) and undertakes to file certified copy of the same in the court within a week).

I do not remember that I mentioned my age 55 years in the affidavit submitted in 1986 with Writ Petition(The Affidavit of the Writ Petition was shown to the witness). He said "There are my signatures and thumb impression and age has been written as 55 years. My residence has been mentioned as Suthati Mohalla in that affidavit which is a typing error, I am not giving false witness and what is written in my affidavit is due to typing error. M.A.Siddqui, Advocate, Faizabad read out this writ and affidavit to me. Mushtaq Ahmed Siddiqui has come to my house many times. My house is in Kutia Mohalla. Two years before the opening of the disputed lock, he had gone to my house. It is not the fault of the advocate but a typing error. Neither the advocate nor I noticed this typing error. I do, not know who was the Oath Commissioner to attest it, because a long period has expired since then.

The Namaz which is read on the morning is called fazir. Second Namaz after declining the sun is called Johar. Third Namaz is Aksyar Namaz and the fourth Namaz is after the sun set which is called Magrib. Fifth Namaz is called Namaz of Isha. There is a difference of 30-15 minutes in the Namaz of Jumma in each city. It is generally read at 1.00 afternoon. The Namaz of Jumma is essentially read in the Mosque. The presence of Imam is essential for it. There are two Mosques in Faizabad, one is Sarai and the other Tatshah. This is the same Mosque where Ismail, Tongawala lived in its proximity. Namaz can be offered anywhere, viz, house, open filed, Masjid etc., but not in the temple. I do not remember who was the Imam of Tatshah Mosque in 1950. Mohd.Ahmed Mian was the Imam of Sarai Chowk Mosque who has expired now. He had no sons. I do not know where he lived in Azamgarh, what was the name of his father? We do not pronounce the name of Imam out of veneration and respect.

Question: In which month of the year 1938 you went to read Namaz for the first time?

Answer: Had I been aware about the dispute of Babri Masjid, I would have noted and remembered it.

It was known to me in 1938 that a litigation was fought in 1885 in which Hindus were defeated but I did not know that the litigation will further continue. Many Muslims told me about the litigation of 1885 but at present I do not remember any name this time. I maintained a diary but it got destroyed in the fire when my house was burnt on 61h December, 1992. I do not know in which month or season I went first to read Namaz in Babri Masjid, but it was in 1938 when I went first to read Namaz alone. My house was near the Mosque. I went direct there towards west and the distance was less than 2 kilometer. The way to Babri Masjid was quite near to my house, it was not a road but a footway. Four people could walk easily on that footway and Riskshaw could also be driven. The width was 2-3 yards. Gorakhpur Road is at a distance of 500 yards from my house. Faizabad Gorakhpur road is towards north-south. Faizabad-Gorakhpur footway is towards west. The footway is towards right from Yusuf's Saw-Mill. I did not go through this way but through this way but through a small way. The road coming from Yusuf's side meets with the way coming from Dorahi Kuan near Vashistha Kund (between them is the way which goes to Babri Masjid). The way going to Babri Masjid is towards west from Saw Mill. Towards west of Sihdada there is road going to Kaziana Mohalla and towards north it goes to Babri Masjid. There is a high land in the west of Sihdada which is called "Khwaja Hatti Mazar" and is not famously called "Kuber Teela". To go to the disputed site from this way there is no need to come on the high land. The way towards north of Sinhadada is 2 yards some where and at some places it is 3 yards wide and meets to Dorahi Kuan road in Hanuman Garhi which is a road beside the Mosque. When I used to go on the Babri Masjid way there were no trees and jungles and the disputed property was not close. I do not know that there were 2 Margosa (Neem) trees. I know that there were tamarind (Imli) trees. I do not know how many tamarind trees were there and what was their age. I also do not know that a Suit was filed regarding Imli trees. There were

Imli trees when the building was attached in 1949. There was Manas Trust Temple at a distance of 200-300 yards from the gate of the disputed site. In the east and all over Ayodhya there are many temples. In the east there is Kobar Bhawan Mandir. Anand Bhawan Mandir, Rang Mahal Mandir and Amawa Mandir. There are 4500 temples in Ayodhya. Amawa State Temple was built in 1939. This is the temple of Amawa State of Bihar. There is a well towards east at a distance of 100 yards from the gate of the disputed site. You say that it was not in any record. (You mean you Vakil Sahib not Hindu or Nirmohi Akhara). This well is very old of the royal time which relates to Babri Masjid. It belongs to the period of Babar Shah.

Question: How do you know that this well belongs to royal time?

Answer: Because well is a must for the Mosque. It is the deepest well in that area. I did not try to fathom it. I cannot tell its depth, which is 10 yards or 100 yards I do not know. I only know that it is very deep. Lakhori small bricks have been used in it. It has no Jagat (raised platform). From 1938 till 1949 there was no other well at the disputed site except this. When I went to read Namaz in the disputed building for the first time, there were 15-20 people in the Mosque. I had gone there alone from my Mohalla. 4-5 people were from Kaziana but I do not know their names. I do not know the names of the people who came from Dorahi Kuan and Suthati Mohalla. They all were older to me by 5 to 10 years. None of them is alive today. Two sons of Maulvi Abdul Gaffar were killed on 6th December, 1992. Their names were Sabir and Nazir. They had one more brother who is still alive and living in the same house where Abdul Gaffar lived but I do not know his name, the compensation was given by the Government to the wives of the dead brothers killed on 6th December, 1992. They have small boys. I used to go many times to the disputed site for Namaz. The people of my Mohalla also accompanied me. From 1938 to 1949 those who accompanied me from my Mohalla to read Namaz are not in my memory and I cannot tell their names. The tension increased one month prior to 22 December 1949, so that more and more Muslims in maximum number used to go to offer the

Namaz. The Muslims of the districts of Ayodhya and Faizabad knew about the tension because people outside from Faizabad had started coming. So the D.M. Faizabad had obtained the signatures of Muslims through the police that not more than 50 people will assemble in Babri Masjid. There was no restriction to enter Ayodhya but the restriction applied only to enter the Mosque. This written agreement was made in Katra Police Post where a constable got signatures of Munshi Amanat Ali. My signatures were not taken. I heard it from the people that Munshi Amanat Ali signed the paper on the instruction of a Constable. There was an uproar on this matter against Musnhi Amanat Au, Musnhi was a resident of Machhuana. He served in the police force and retired as a Constable. This was the year 1949. Munshi had no family. Dorashi Kuan is in the north west of Machhuana Mohalla. There is no Masjid in Machhuana. Machhuana adjoins Brahm Kund Mohalla. Towards the east of Dorahi Kuan crossing there is Babri Masjid at a distance of 200 yards. Towards the west of this crossing there is Brahm Kund Ghat. There is no Mosque in Brahm Kund Ghat. There is a Mosque between the Masjid crossing and Brahm Kund which is in the compound of Iklakh Sahib's house located in the side of the road. Only the family members of Iklakh Sahib read Namaz in this Mosque, no outsider went there. This is a big Mosque having minarets with lot of space.

This Mosque is in Mohalla Dorahi Kuan. There is 300-400 years old Mosque in Suthati Mohalla. Apart from it there were two more old Mosques which were demolished on 6th December, 1992. One more old Mosque is still there in Suthati Mohalla but I cannot tell its measurement. This old Mosque is of the period of Babar Shah, may be of pre or post Babar period but it is at least 200 years old. It has no specific name but is called the Mosque of Suthati Mohalla. This is towards the west of Suthati Mohalla. The two demolished Mosques were towards north and south each. There is no well near the old remaining Mosque. I cannot tell the area of the demolished Mosque which was in the south. The disputed site is at a distance of 4 furlong from the demolished southward Mosque. There is a well near

this demolished Mosque and its level is parallel to the disputed site. This demolished southward Mosque was not reconstructed. There is a house of a Sadhu near this Mosque. This Mosque was not reconstructed to avoid further riots. This northward Mosque which was demolished was not reconstructed. There is a well at a distance of 20-25 steps from this Mosque. These both the Mosques were 200-400 years old. The graveyard is in Suthati Mohalla. The local people do not allow to bury the dead bodies there. Volunteer: A case was filed in this connection and the decree was in favour even then the people do not allow the burial.

According to my knowledge five times Namaz was daily offered at the disputed site. The disputed Mosque has two parts one is inner and other is outer. There are two gates at the outer wall, one towards the east and the other towards the north. There are iron rods in the inner part and this iron rod wall has three doors. One door was towards the north. The outer door of the disputed building and the door of the iron rod wall are at the same alignment. The inner door was made of iron rods and the outer door towards the north was made of wood. There was no door in the east. The east door was 3 feet higher than me Volunteer: and Allah is written on its both sides. Volunteer: My height is 4 feet (by appearance seems to be about 5-1/2). I have no idea of the width of the eastern door. I do not know the length of the outer eastern wall. The measurement of the Chabootra towards south is 17 X 21 feet. Its height is 1 meter. It has thatched roof. Around the corners of Chabootra are not visible to the passers by. It is not that in the east or west side of the western wall of Chabootra there are two caves. This is a closed Chabootra from all sides. I cannot tell whether the idols were on a wooden throne or not. The thatched roof was in some portion of the Chabootra towards north.

I do not know Mahant Raghunath Das of Nirmohi Akhara. When we used to go to plead the case under Section 145 Abhay Ram Das was there but we never saw Baldev Ram Das. I know Shaskar Das but he did not come to plead in the section 145 case. Bhaskar Das used to go to High Court to plead the case so I know him since then,

he was not known to me prior to it. Many renowned Mahantas of Ayodhya know me and I also know them. There are many Akharas and 5500 temples in Ayodhya . In Ayodhya the famous temples which I know by name are Hanuman Garhi, Kanak Temple and every King and every Sect. had its separate temples. There were four Mahantas of Hanuman Garhi in 1949 but I do not know their names. Towards the north there is Janamsthan Mandir and Sita Rasoi .“ Janamsthan and Sita Rasoi” is written on a stone. Harihar Das was the Mahant of Janamsthan and Sita Rasoi in 1949. There was a graveyard towards north east of this temple which was included in the disputed site. Towards the east is a road, towards the west is a graveyard and towards north is also graveyard of Janamsthan and Sita Rasoi. There is at present no Mahant in that temple because it is under Government control. I told about the thatched roof and Chabootra measuring 17X21 it was in the context of 1949. When we came to Ayub Sahab in Lucknow the thatched roof was there on the Chabootra. I did not get it written about the thatched roof because in 1885 the other party had lost the case. (Paper No.44 A which was in English was translated in to Hindi and read out to the witness and he was asked tot eli that there was a tent shaped structure on the Chabootra according to that paper, was it true or not ? He replied “It is true what is written in the notice, it was from inside. There was a wooden structure on the Chabootra with a thatched roof. This tent shaped wooden structure is often made in each temple to house the idols. When we used to go for Namaz we never used to see any Sadhu there, we do not know whether idols were placed or not on the structure. It was not necessary to find out who raised that wooden structure on the Chabootra. I do not know the name of the Guru of Mahant Harihar Das and I do not know the name of his great Guru also. I do not know since when the Chabootra measuring 17X 21 is in existence. I did not try to know or come to know who built this Chabootra. The height of the outer northern wall was 2 % meter. The distance of Chabootra was about 1 yard from the outer wall. There was a tree towards north east of the Chabootra. There was no tree at the south east corner of the Chabootra. There was no Pipal tree

towards the east south of the Chabootra. The distance of the iron rod wall from the outer eastern wall was 10 meter. The Chabootra was 21 feet towards north south and 17 feet towards east west. Towards the south of Chabootra there was outer wall also. I do not know what was the distance of the southern wall from Chabootra. After entering 5 meter inside from the eastern gate the Chabootra was at a distance of 4 meter towards south. While going to the Mosque we did not see the either side of that 4 meter distance.

Question: While going to the Mosque on the west side ,you did not see towards the Chabootra because Hindu worshipped there?

Answer: We believe in Wahyaniat and Nirankar and therefore, we do not like to see any picture.

Question : Did you know that there was idol or picture on the Chabootra for the reason you did not see there?

Answer: The case about Chabootra was lost so we did not give importance to it.

We did not see any priest sitting on that Chabootra (The Statement given yesterday by the witness was read out to him by the examination in chief "when we entered through the eastern gate, there was a Chabootra towards the southern side. Priests used to sit there sometimes". He replied What I said earlier that priests used to sit there was not correct. It is correct that some people used to sit there. These were common Hindus but not sadhus or priests. These people did not belong to Ayodhya I have seen some people sitting there only once. I do not know why did they sit there though they did not belong to Ayodhya. I had seen 2- 3 people only once at a glance.

There was no store or kitchen towards north of the Chabootra. There was a neem tree in the north of Chabootra. What was the distance of the northern wall from this neem tree that I cannot tell. I also do not know the age of the neem tree. What was the distance of Sita Rasoi towards west from neem tree is also not known to me. In

1949 Sita Rasoi was at the level of the floor and there were dough board, rolling pin, hearth on Sita Rasoi made on lime plaster. There were no four pairs of foot prints. The dough board was not higher than the floor or just visible so. In the beginning we also used to look at it closely when there was no tension. Common people used to call it as Sita Rasoi. We did not see that the common people used to go to Sita Rasoi for darshan.

Verified the statement after hearing
Sd/-
Mohd Hashim
25.7.1996

Typed by the Stenographer in the open court as dictated by me .In continuation for further cross-examination on 26.7.1996.

Dated 25.7.1996

Sd/-

Date 26.7.1996

P.W.1 The cross examination of Modh. Hashim started on oath today on 26.7.1996.

It is true that the west side Mosque of Suthati Mohalla Mosque is at a level of the colony. It has a dome and a newly constructed minaret. Towards its west there is slope, where the road coming from Alamganj Katra meets. The distance of the west side Mosque from this road is about 100 steps. In the west of this road there is one more Mosque which is in Alamganj Katra Mohalla. There is a Police Post towards north of the west side Mosque which is called Katra Police Post. The Police Post is at a distance of 200 yard from this western Mosque. There is a road towards the north of the Police Post and a Mosque opposite to it. This Mosque is in Meeranpur Mohalla. There was a Mosque towards the north of Meeranpur Bulandi which was demolished on 6th December 1992. In the exact east of this demolished Mosque there is Tiloi Raj Kothi at a distance of about 200 yards. People say it Bhootaha Kothi (bulgalow haunted by ghosts) which is desolate. There is a big Mosque on its side at a distance of 20 steps. It has dome and minaret. It is called Mohalla Mugalpura.

One more Mosque is there at a north slope about 50 steps away from this Mugalpura Mosque. It is near the house of a New Mullah. Towards the west of Maharaja Inter College there is another Mosque in Mohalla Begampura. It is a big Mosque. It is a neat and tidy Mosque which was damaged on 6th December 1992, it was repaired, doors were replaced and white washed. It is wrong to say that Namaz is not offered here. Five times Namaz and Namaz of Jumme is offered in the Mosque near Tiloi Kothi, fifty percent people of Mugalpura read Namaz here. There were three families of Muslims in 1949 but now there are 7 houses of Muslims. Those seven houses are near the house of New Mullah and the Mosque of there. The area of the Mosque is very big. During 1949 the families who lived near this Mosque, offered Namaz here and used to read the Namaz of Jumme in Babri Masjid. They did not read Namaz of Jumme in the Mosque which was near to their houses. It is wrong to say that Namaz is not read in the Mosque of Tiloi Kothi. Five times Namaz is read there. There is Saidwara Mohalla in the north of Mugalpura where both Shias and Sunnis live. During 1949-50 there were 14-15 houses of Muslims in this Mohalla. There are Kaziana. Suthati, Dorahi Kuan, Alamganj Katra, Katra, Mughalpura, Begampura and Saidwara Mohallas inhabited mostly by Muslims. Six families of Muslims Six families of Muslims lived in Chhoti Kutia Mohalla during 1949-50. Mohd Ali, Abdullah, Lallan, Shaukat, Barkat, Deen Mohammad, Chand Mohammad were the residents Naseer son of Ramzan liveed in Bari Kutia and they both have expired. Noor Mohammad son of Abdul Haq lives in Mohalla Panji Tola. Mohammad Kutia and Pani Tola are two separate Mohallas and Gorakhpur Lucknow Road is between them. Sayeed Asif S/o Mohd. Idris lives in Mohalla Kaziana and I know him. Sayeed Aiklakh Ahmad S/o Abdul Sattar lives in Mohalla Dorashi Kuan. Mohd. Mahmood S/o Hafiz resident of Mohalla Hasanu Katra is not known to me. He is in Mohalla Faizabad. Hasmatullah Sb Niyamtullah, Mohalla Kaziane of Ayodhya is well known to me. Noor Mohammad Sb Abdul Haw, Mohalla Panji Tola, Ayodhya is also well known to me. Abdul Razaq Sb Sheikh Khedi Rio Mohalla Kutia, Sayeed Asif Sb Mohd. Idris, Mohalla Kaziana, Skeikh

JummanSbo Mohammad, Mohalla Kaziana, Hazi Mahboob Sic Hazi Phenku, Mohalla Tehri Bazaar are well known to me. The above mentioned persons are known to me since I gained my senses They also know me.

I do not remember how thick were the outer east and south walls of Babri Masjid. The length of east-west wall of Babri Masjid was 80 feet and its length from north to south was 120 feet. The level of the outer wall towards the east of the disputed site was lower by one brick and inside the Mosque it was up by one brick. The grounds towards east of the disputed building is very wide and its area may be equal to about this Court room (60X 40 feet). The land towards the south of Babri Masjid is uneven which is very deep. Towards the south of the southern wall of Babri Masjid there is no even land. It is at low level and is the place of grave yard. The outer wall of the disputed structure was in two sides, north and south. There was 2 meter wide land for its maintenance. There was slope towards north and no thorough fare was there. At the end of the north wall there was road and after that there is Janamsthan Temple. This was the position of the eastern wall. Towards the west of the disputed site there was 2 meter unused land and had $2^{1/2}$ -3 feet high wall and its malba maTedhial and masala was the same as of Babri Masjid. Towards the west of these boundary wall there was a deep slope. There was no graveyard towards the north of Babri Masjid. In the suit filed by Gopal Singh Visharad in 1950 if one Shiv Shankar Lal, Commissioner had gone there is not known to me. I had been going from the very beginning to plead the suit of Gopal Singh Visharad. Commissioner Bashir Sahab had visited the site in this case. This information I got it from my advocate who asked me to go to the site. Shiv Shankar Lal Commissioner will visit the site was also told to me by my advocate. (Shiv Shankar Lal had drawn a map first which was told to me by my advocate). After that the advocate informed me about the impending visit of Shiv Shankar Lal. When Shiv Shankar Lal visited the site, he surveyed land took measurement of it, I was sitting there separately. Many people including Lekhpal, my Advocate Rehmat Sahib and many Muslims were also there at site . I do not remember the names

of those Muslims. I do not know whether my advocate signed any paper or not on the spot. May be so but it is not known to me. The measurement was taken one hour daily for 2-3 days.

The pillar of the eastern gate was made of black marble. I saw the northern door from the road down. This door was about 5-6 meter high from the road. Stairs were there having width of more than 10 meters. After climbing the stairs, there was no way to reach east and west side,. There was a large gate in the east to go to the Mosque and was also another stair. The eastern stair was out of the northern and eastern outer wall. There was no stair towards west and south. I do not remember what was the width of the northern gate. This was more wide than the eastern gate. On the northern gate, a door made of tin was also there.

It is long time since now, I do not remember when Bashir Sahab went to take the photographs or the photographer took the same. Volunteer The advocate did not take the photo himself, a cameraman was with him. I do not remember the length of the outer wall from north gate towards the west. I do not remember if Bashir Sahib took its photograph from the northern gate of the outer west wall down side or not. After enTeding from the eastern gate there was a long thatched hut towards north, inside the outer wall, which was store room or not that I do not know. This long hut was under the neem tree. People lived there but their identity is not known to me. Hindus lived in that hut and not the Muslims. There was an open courtyard in the south of the inner side of the disputed site and towards its south and inside the outer wall there was ablution room and aurinal and after that an open courtyard. The inside prtion of the western part of the mosque which was locked, had been attached. This attachment was done in 1949 under Section 145 of Code of Criminal Procedure. Towards the east of the locked place there was open courtyard and a gate after that. Similarly, towards the south of the attached property there was open courtyard and then the outer wall. Court yard means an open place without roof. Towards the north there is open Court yard after Sita Rasoi and then the outer wall. The

Parikarama way towards the west of the attached site was not for Parikarama but for repairing of the wall. The western part of the attached building had three domes and an open courtyard towards the east. I do not at present remember the measurement of the court yard. At the time of the attachment I was not present there.

After the attachment a list was prepared and the charge of it was given to chairman, Babu Priya Datt Ram. I did not see the list of the attachment but my advocate must have seen it. My advocate told me about the attached items which were Quran Sharif, Musalla, Mats, large pitchers and thier lids, earthen cups, some iron pitchers. There was nothing more than it. My advocate Rehmat Sahab told this to me. I did not file an objection about the list of attachment. Rehmat Sahab did not tell me about the boundary mentioned in the papers of the attachment. There were two huts inside the outer wall for the attached property, one was on the Chabootra and the other under the neem tree adjoining the eastern wall.

Towards the south of the disputed building there was Sumitra Bhawan which was also demolished and other 5-6 temples were also demolished to take possession of the Mosque. I do not know the names of these temples but they were demolished on 6th December 1992. There was no Police Post in the east of the main gate at the time of attachment in 1991. There was a brick road towards north east of the outer eastern gate to go to the Mosque. The brick road met to the main road coming from Hanuman Garhi Dorahi Kuan. This brick road existed in 1949 before the attachment. This was the only straight way to go to the Babri Masjid. If there was any Sakshi Gopal Temple on the brick road is not known to me. The length of this brick road from gate to the pitch road was about 200 feet.

When we went to read the Namaz in the morning of 23rd December, 1949 it was found that the idols were kept there during the night of 22nd 123rd December. I came to know about it from RamDev Daroga and Mata Prasad Constable. The Namaz of Isha can be read at any time during the night after 1-1/2 hours of the sun-set. The

Namaz of Jamati Isha is read within 8.30 P.M. I read the Namaz of Isha on 22nd December in Babri Masjid. I read it at 8 in the night. Thousands of Muslims had assembled towards the west of the outer wall on 23rd December and thousands of Hindus had assembled on the eastern wall and the officers were instructing to read Namaz only after a decision had been taken in the matter. It was the day of Jumme. (Volunteer "The god has appeared you go for his darshan").The above mentioned talk was made by the officers. The officers were Shri Nayyar, Deputy Commissioner and Shri Guru Datta Sahab, City Magistrate. These officers did not tell about keeping the idols inside. There was a large gathering of Muslims from the western wall to Dorahi Kuan and Aiklakh Masjid. When I went to read Namaz on 23 December the gathering was already there. We reached at the crossing of Dorahi Kuan on that day and reached Babri Masjid through Mohalla Pani Haula and Ram Jiyawan Bagh. There is a straight way from Ram Jiyawan Bagh towards the north of the disputed building. We did not go through Sumitra Mandir but from the corner of that Bagh. When we come through this way it leads to east and west both sides.

The way which leads towards east from Ram Jiyawan Bagh gets divided in two ways one to east and the other to the west. We went through the eastern way to the Mosque.

Question: Does the eastern way leads to the north side of Ram Janam Bhoomi Temple or the eastern way leads towards the east of Ram Mandir?

Answer: The way which leads towards east meets with the main road after meeting with the gate of the Mosque. After meeting with the brick road it terminates in the main road. I always used this road. It was nearer to go through this road.

It is wrong to say that during rainy season the road was water-logged. There was no difficulty in travelling through this way during the rains because the road was at a high level.

When we came to the Masjid in the morning of 23 December, 1949 there was dark as the sun had not risen. We were coming

through the way as mentioned above but there was so much crowd and the policemen did not allow us to go so we came from the west side way. The police was not there at the divarication of Ram Jiyawan Bagh. I cannot tell the strength of Police. We were stopped at that divarication of the road by the Constable and when we asked the reason thereof he told us that there was an apprehension of riot because of placing of the idols in the Mosque in the night. There was no restriction on going towards the west. For the first time I came to know from the Uttar Pradesh constable that the idols had been kept in the Mosque in the night. At that time we did not know who had kept the idols there. I did not know for how many last days Ram Dube, Daroga was on duty there. Ram Dube, Daroga was not known to me previously. We knew Mata Prasad Constable. We have heard that he lived at Katra Chowki which was in the north of Suthati Mohalla. He was posted at Katra Police Post for many days. Babri Masjid was under the jurisdiction of that Police Post. We knew Mata Prasad, Constable due to the reason that he was deputed on duty many times in the Babri Masjid. I do not know any other constable who was deputed on duty in Babri Masjid. I did not know any other policeman or Dewan in Katra Police Post. When I reached at the "Dorahi", I heard the noise of the people. The sound was not understandable, it was "Ha Ha" like sound. There was a mammoth gathering all around Babri Masjid and the sound of the "Ha Ha" was echoing.

Question: Did you hear any sound coming from the premises of Ram Janam Bhoomi?

Answer: As we were not allowed to go inside so we could not experience whether the sound was coming from inside or not.

When we reached at the divaricated road only the noise of the crowd was audible.

From this way we reached at the crossing of Dorahi Kuan. Officers were present on the crossing of Dorahi Kuan also and they were preventing the people to come close to each other contact to avoid

any conflict. At that time Muslims out numbered Hindus but I cannot tell whether they were one thousand or ten thousand. It was not possible to count them. I found Ram Dev, daroga and Mata Prasad, Constable together. Ram Dev Dube told me for the first time that the crowd had assembled inside and the idols had been placed there. He asked us to have patience and bear with them. He also told that Abhayaram Das had kept the idols with the help of his companion. We did not know Abhayaram Das before. Dharam Das as mentioned in the statement was the resident of Golaghat. When RamDev Dube told me this I did not know Dharam Das. Only at that time I came to know that Dharam Das lived in Golaghat and Abhayaram Das lived in Hanuman Garhi, when I heard this from the people talking in the crowd. I cannot tell the names of the persons who were talking in the assembled crowd. Ramdev Daroga did not tell me so. Mata Prasad, Constable also did not tell that Abhayaram das lived in Hanuman garhi and Dharam Das lived in Golaghat. During that time , all sort of takings was going amongst the crowd. They told that the idols had been kept but did not tell which were the idols. Since 3.00 O'Clock in the night they had been announcing through the loudspeakers that the god had appeared.

Question: Did you hear that the idol of god had been kept?

Answer: We and many other people heard from the loudspeakers that the god had appeared and were asking to have his darshan. I heard this announcement from the loudspeakers in my house at 3.00 A.M. It was being announced that the god had appeared, idol kept inside and have his glimpse and darshan. After hearing this I did not pay any heed expecting that the Govt. would make some arrangements.

Question: From one month before you knew that there was tension and the announcement of keeping the idols was being made and when you heard at 3.00 A.M. about keeping the idol, why did you not make any enquiry about it?

Answer: We could not believe it because it was continuously going on . The announcement was being made through loudspeaker on the main road.

We got up early at 3.00 A.M. to hear this announcement but slept again because we could not believe it. We got up at 5.00 A.M. during the month of December on that day. When we got up the gathering of Muslims was going on and we also joined it. The gathering was from each Mohalla. I came alone from my house and joined the people. When on 23 December 1949 we reached at the divaricated (Duraha) point of the road, people were running towards the road. I joined the gathering at the crossing of Dorahi Kuan and before that people were running towards it individually. All the people were running towards the Mosque. There was noise and tumult when we joined gathering, I can't say something was going inside. Deputy Commisisoner, City Magistrate and Kotwal were present there. They were not telling that Rhajan, Kirtan was going inside but only that the idols had been kept inside. When the officers persuaded us that time, we came back. When we reached home the sun has risen and the time of Jumme was over. When we reached Dorahi Kuan from the house it took 10 minutes and the returning time was also the same but talking with the officers took much of our time and it was about 12.00. Noon by that time. After returning home we reported it nowhere. No Muslim wanted to meet any officer that day so we did not meet any officer.

On the next day (24.12.1992) some action might have been initiated by big people but I did not do anything. I was told that people had sent telegrams to Lucknow to lodge their complaints but I did not. I came to know about these telegrams after 10-15 days. After that incident when we got no justice from the officers, for the first time in 1954 we sent notices to the senior leaders and the officers in Delhi and Lucknow intimating that we shall read Namaz in the Mosque.

I came to know the incident of attachment after 10 days. My advocate told me that Mata Prasad, Constable and RamDev Dube, Daroga got the report registered. It became known to me that RamDev Dub got it written "Abhayaram Das and his companions have desecrated the Mosque by keeping idols there". This case was registered and I never appeared as a witness in that case.

Question: Do you know what happened with the report regarding conspiracy of keeping the idols inside by Abhayaram Das and his companions?

Answer: It was the conspiracy of the administrators, and therefore, no action was taken.

It is not known to me that a case was filed against Bhaskar Das at the same time for demolishing a grave. I do not know if the Session Court sentenced him. After the incident which occurred at 12.00 P.M. on 22/23 December, 1949, In ever went to the site of Babri Masjid.

Verified the statement after hearing

Sd/-

Mohd Hashim

26.7.96

Typed by the Stenographer in the open Court as dictation by me. In continuation for futher cross- examination on 1.8.96.

Sd/-

26. 7. 1996

Cross examination of Mohd. Hashim, P.W.1 begins on Oath on 1.8.1996.

When we were going through Ram Jiyawan way in 1954, the police arrested us at a distance of 150 yards under Section 144. We were three people, Razzab Au, Qasim, Rehmatuallah and myself going together. There was restriction under Sec 144 on more than 5 people going together so we were only 3 people going together. Before two months of this incident, we gave notice to the Govt. that we would offer Alvida Namaz (Last Namaz) in Babri Masjid. On that day about 100 Muslims assembled in Ayodhya, to violate the Section 144, out of them 50 were from Ayodhya and the remaining 50 were from faizabad and Rudauli. Apart from the way of ram Jiyawan Bagh, people were coming from other ways also viz., katra road, tehri Bazaar, Suthati. They were coming from all sides. They all were prevented at a distance of 150 yards and there was police force all around. When this happened, the Civil Suit of Gopal Singh and the Suit under section 145 were subjudice. Out of the three persons mentioned above Qasim was my brother and three people each from all sides were going together. The Liberhan Commission, Delhi, has taken the statement of Qasim. My statement was not taken there. The third man Razzab Ali is no more. We were shouting the slogan "Allah ho Akbar" to violate Section 144 and were saying so to offer Namaz. We were also saying that we will go the disputed Babri Masjid forcibly to read Namaz there. I do not know if Hindus were also arrested before it for violation of this prohibitory section.

I came to know about keeping the idols inside on 22 123rd December 1949 later on at the time of my arrest in 1954, because I had not seen it personally. It was heard and not seen by me about the idols. When I said that idols were kept on 22nd 123rd December 1949 it meant that one idol had been kept, because I am not much of educated person to differentiate the meaning. I have heard that most of the temples in Ayodhya are of Ram Janaki or Sita Ram. There are very old temples in Mohalla Ramkot where the disputed site is

situated. Kanak Bhawan Temple is also there. I have heard that Kanak Bhawan is Sita Temple and whether only the idol of Sita is there that I do not know. Towards the south of Kanak Bhawan Temple there is Sara Sthan Temple also. I have not heard that it is the temple of bow- wielding Ram where Ramlila was also held .This Ram Gulela Temple is an ancient temple, may be 400-500 years old. I do not know that it was the place where Ram used to play Gulel (pellet bow). The eastern side of the boundary given in this case, is adjoining to this Ram Gulela Temple. This temple is towards east at a distance of 200 meters from Babri Masjid. Towards the north of the disputed site, a Police Post was established in 1949. (Volunteer- taking the northern part of the east in front of the main sadar gate a Police Post was created which is known as Ram Janam Bhoomi Temple). Police Post was established after demolishing a grave. This grave was demolished after 22/23 December, 1949. I do not know after how many days, months, year it was demolished. I have heard about it and not seen. I did not submit any complaint or portest against it to some officer or in a court . When Ayub Sahib prepared the notice of this case I did not make any mention about the demolition of the grave resulting in creation of police post . I cannot tell the reason why I did not tell it. Towards the east of Police Post, there is a brick road and in the east of it there is an ancient temple. I do not know the name of the temple. Towards then orth of this ancient temple there is pitch road Hanuman Garhi Dorahi Kuan road and wide Janamsthan temple. It is Sita Rasoi Janamsthan Temple. The name is known to me since my childhood. The ancient temple, which I have mentioned above, was constructed after 1949, it did not exist earlier. I have heard and not seen that the temple was constructed after 1949. We never went inside the Janamsthan Temple. There is a tin board and a stone written Ram Janamsthan (said Janamsthan Temple) on it. This stone is 1 meter high from the surface. A number is written on this stone which I have not seen. Such stones are there in many Temples of Ayodhya. There are no such stones at the road crossing. I have been seeing these stones since my childhood. Towards the east of this Janamsthan Temple there is a road going to Mohalla Suthati.

There are many temples towards the east of this road but I cannot tell the names of other temples in its vicinity. I also cannot tell how many temples are there. The place which was attached on 22nd 123rd December, 1949 is called Ram Janam Bhoomi by Hindus and Babri Masjid by Muslims. In the suit of Gopal Singh visharad also it has been called Ram Janam Bhoomi by Hindus and Babri Masjid by Muslims. In the suit under Section 145 we had not submitted any counter statement. Any Muslim on the case under 145 submitted no counter statement. I used to go myself alongwith salar Mohd to plead the case. In the Suit by Gopal Singh Visharad, I did not submit any counter statement. After Gopal Singh Visharad, the other party of the case submitted a counter statement. These people included Hazi Pheku, Zahoor, Ahmed Hussain alias Achchhan, Mohd. Shami etc., Janamsthan Temple is Ram Jariam Bhoomi Temple. I did not tell this to these people because I did not deem it necessary. I did not tell this to my advocate Ayub Sahib also, who filed this notice and the present case, because I did not think it necessary to do so.

Question: This Janamsthan Temple whom you say Janamsthan Temple is not the famous Ram Janam Bhoomi Temple?

Answer: It is wrong. Indeed it is that ancient temple which is in Govt. record.

I have submitted the counter statement in the Suit filed by Nirmohi Akhara in 1959, it is not known to me. I have no knowledge about the Suit by Nirmohi Akhara. The four Suits which I have mentioned above are :First Suit by Gopal Singh Visharad, second by Paramhans Ramchandra Das, third by Nirmohi Akhara and the fourth by Sunni Waqf Board. I do not know what counter statement was filed in Nirmohi Akhara Suit. My advocate knows it. I did not make any inspection of the record of the disputed site but my advocate did so. 9 ¼ bigha as stated by me in earlier statement not excluding disputed structure (23 plots in 9 ¼ bighas).

Question: Is the disputed structure included mt hat 9 ¼ bigha as you stated above?

Answer: Yes, the disputed structure is also included in it.

Question: Can you tell what is the area (Inside and outside) of the disputed structure?

Answer: I can say that it is 130 feet long and 80 feet wide.

I do not know the measurement of bigha and biswa. This 9 ¼ bigha is in one plot. Towards east of this plot there is a bungalow and a temple of Amawa State. Towards the west of it there is vacant land and filed. This land and filed belong to the family of / Achchhan Mian. Towards the south there is Jiyawan Bagh. Towards the north there are many temples but I do not know their names. Towards the north of 9-1/2 bigha there is a road first and then a temple. There is a graveyard from Raja Ram House to Kanak Bhawan road and after there is a road.

Question: Is the Raja Ram's house is famous as Unval Temple?

Answer: The house is known as Unval temple.

The above road is towards the north of Unval (Raja Ram House) temple. The road starts from Raja Ram's house and going through Kanak Bhawan and Hanumangarhi terminates in Gorakhpur road. For identification it may be called the road from Unval temple to Kanak Bhawan. This road goes from Unval Temple to Kanak Shawan towards north of 9 ¼ bigha.

Question: Is the boundary of 9 ¼ bigha as stated above is upto Kanak Bhawan road of Unval temple towards north and Ram Jiyawan Bagh towards south?

Answer: There are many houses behind Raja Ram house and after that the graveyard starts and after it there are houses of different shape and size.

The Hanuman Garhi Dorahi Kuan road towards the north of the disputed site goes through the graveyard. It goes inside through the graveyard but was not constructed by demolishing the graves.

Prior to 22 123rd December, 1949 towards east of Babri Masjid upto Amawa Kothi, there was a graveyard in an area of 200 meter. Its width towards north and south was 200 meter. At that time there were innumerable graves in this 200 x 200 meter area which could not be counted. The graves were Kachchi and Pukki both. There were countless Pukki graves having "Turbat" on it. Their height was 2-3 feet. No date and name was written in any grave. Similarly there were countless Kachchi graves. There was an Imli (Tamarind) tree in this eastward land. Towards this open land of 200 X 200 meter, there was Jiyawan Bagh. Towards west was Unval temple and through the graveyard Kanak Bhawan Road. Towards the north of the disputed structure there was a road used for repairing work and after that a slanting place and then a road and the temple of Janamsthan. Beyond that also there were graves. I do not remember how many graves were there as mentioned above. The graves were in north and south and not in east and west. These graves were also Pukki graves and had "Turbats". I do not remember whether Bashir Sahab took the photographs of the graves or not. Towards the south of the disputed structure were also graves, it is wrong to say that there were no graves. I cannot tell the length and width of the place which is south to the disputed site. I do not know how many pukki and Kachchi graves were there, it was countless. When Bashir Sahab went to take the photographs all the graves were there. (The statement of the witness given on 24.7.1996 was read out that except the western side the area of grave yard was 9 % bigha)". He answered The statement given by me earlier is correct and it includes mosque also.

(The witness said) that 9 % bigha which I have said earlier includes Masjid also.

The graveyard towards the north of Dorahi Kuan Hanumangarhi road was also a disputed land. The 9 34 bigha land mentined above was separate from the road. The total plot is 9 /2 bigha. The graveyard is within that area. The entire Ram Kot Mohalla is a graveyard. I cannot tell the measurement of that graveyard which is in the north to Dorahi Kuan Hanuman Garhi. I also cannot tell the

boundary for its identification. How many graves were there, how many were pukki and how many Kachchi is not known to me.

I cannot tell about the people who were landlords there except Achchhan Mian. Munsii Amanat Alal was one of the relatives of Achchhan Mian but what was the exact relation, I do not know. Dulare Mian also lived in Machhuana Mohalla in 1949 including Achchhan Mian and Munshi Amanat Ali. The house of Dulare was adjacent to the house of Achchhan Mian. It was a joint landlordism of Munshi Amanat Ali, Achchhan Mian and Dulare Mian. They all were relatives.

Question: The owner of the disputed site is improvement Trust, do you know it?

Answer: It is right; its owner is Improvement Trust. Mahant of Barasthan, Achchhan Mian, Ram Charan Das, Izhar etc., were under the Improvement Trust. I do not know whether there was any number in the land of Improvement trust. I do not know, if any one was the sharer in the mutation register. I cannot tell the plot numbers of the Improvement Trust. I know it is a separate department, under the Collector. I do not know if the Collector maintains any register. It is not known to me whether there is a mutation register of names. I do not know whether Mahant Raghunath Das was registered as Improvement Trust number in the name of Nirmohi Akhara since 1941 or mutation was registered in his name. Mahant Raghunath Das filed the suit in 1949. At that time in 1949 the Municipality of Ayodhya and Faizabad was the same. I know that the houses in the Municipality are entered in the register of Municipality. I do not know if any entry was made about the disputed structure in the record of Municipality. I did not enquire about the disputed property in the Municipality before filing this Suit. During the last Janata Government the Municipality of Ayodhya and Faizabad became separate. Perhaps, it was the year 1977. The old records about this disputed property will be available in Faizabad Municipality. Saryu flows in the north of Ayodhya City. As Mecca is important for Muslims so is Ayodhya for Hindus

due to Lord Ram. Within the boundary of Ayodhya Saryu is called Saryu but beyond it, is called Ghaghra. Towards the south of Ayodhya at a distance of 10 kosh or 25 kilometers there is Bharat Kund. I d not know if Bharat made penance here. Towards the south of Bharat Kund there is Tamasa river at a distance of 3-4 kilometers. I know that Ganga river is in Prayag which is at a distance of 100 kiloheters towards the south of Tamasha. I cannot say that Ganga is regarded as the holy river for Hindus.

At the side of the Mosque near Katra Police Post there were quarters of Police in 1949 which are still there. These quarters were away from the wall of the Mosque at a distance of about 1-2 feet. Mata Prasad, constable who was deputed in the Police Post during 1949 lived in that quarter or not, I do not remember. I cannot say that the people who were on duty at Katra Police Post lived in these quarters. I do not remember what was the age of Mata Prasad, constable at that time in 1949. The house of Achchhan Mian is at a distance about two furlongs from these police quarters. The landlordism of Achchhan Mian was in Chakratirath. I cannot tell whether he had a land holding of 1600 bighas. I do not know that Mata Prasad, constable used to go his house frequently due to his being landlord. Suthati Mohalla is in the south opposite to this Police Post. Musnshi Amanat Ali who was a relative of Achchhan Mian, retired from the police force. I do not know that Mata Prasad, Constable lodged a false report on 22 123rd December, 1949 to file a false suit. Hazi Phenku was not with us in the case of 1961. Hazi Phenku had filed a counter statement in the Suit of Gopal Singh Visharad. Hazi Phenku was elected member from Ayodhya ward for Faizabad Municipality. (Volunteer: "he lost the election later on due to the suit of election petition). In 1949 Mohd. Fayaq was elected for this seat before him. (He was a member consecutively for 9 years). But I do not remember the starting and the ending period of his membership. He was with me in this suit filed in 1961. Ayodhya Ward had only one member even if he was Hazi Phenku or Hazi Fayaq. At

that time the members of Municipality had a good influence on the officers. I do not know whether Mata Prasad as stated in para 12 of Petition wrote the report. It is wrong to say that Mata Prasad used to take bribe and he got this report written under the pressure of Achchhan Mian, Hazi Phenku and Hazi Fayaq, but this report was written by the officers under the pressure of K.K.Nayyar and City Magistrate. Mata Prasad got this report registered under the pressure of K.K.Nayyar and Guru Datt Singh, City Magistrate.

Question: Have you got this information from Mata Prasad or somewhere else?

Answer: It was a general information which I heard from the people. It was told that as a sequel to the meeting of some officers the incident of 22/23 December, 1949 occurred.

There is a Muazzin in the Mosque who cleans and sweeps it and gives prayer call. I took after the two Mosques one in Pazi Tola and the other in Kazian Mohalla. I am the Mutwali (caretaker) of these two Mosques. There is no Muazzin in both the Mosques. The Mosque of Kaziana is very old. There was no Mutwali preceding me. These two mosques are about 200-300 years old. There is no Imam in such Mosques. Khadim is appointed in tombs and not in Mosques. There is Muazzin in Mosque. There is an institution in Ayodhya named Anjuman Mohafiz Makabir, Masjid, Avadh which is more than two years old. When this incident occurred in 1949 this institution did not exist. The entries of Mosque, tomb and graveyard are made in the register of this institution. In 1949 there was no such register to make entries of the Mosque, tomb, or graveyard. As I have said earlier, Zaqui Sahab and Zawad were Mutwali (caretakers) of the disputed property, who were appointed by Waqf board. They are the residents of Sahanawon which is five appointed by Waqf board. They are the residents of Sahanawon which is five kilometers away from Ayodhya. They were real brothers who were appointed Mutwali by Sunni Waqf Board. After the death of Zaqui his brother Zawad was appointed Mutwali. Now both have expired. I do not remember whether Zaqui

Sahab had expired before 22 December, 1949. I had not seen Zaquie Sahab after 22nd December, 1949. Zawad had no cultivation, the source of his livelihood was a small land with the Babri Masjid and he also arranged for the affairs of Masjid from the earning from this land. I do not know the name of his father. There was only one Zawad in Sahanawon. There was no property in Sahanawon in the name of Zawad but it was in the name of the Mosque. There was a house of his own in Sahanawon and a Mosque was also there. I do not know how he acquired this house which was in the colony. I do not know how many Purwas (hamlets) were there in Sahanawan. The Mosque of Sahanawan is toward west of the colony. There is no Mutwali or Imam of it, the village folk look after it. Zawad had no concern with this Mosque. I do not know when Zawad expired but I saw him after 1949. I do not know how much Mohd. Ismail got as remuneration. This amount was not written but as a general rule the expenditure of Mutwalis is borne by waqf Board. If there was any account it may be between the Waqf Board and Mutwali that I do not know.

I used to go to the house of Maulvi Gaffar Sahib to read Quran. Maulvi taught the Quran only and no Urdu language etc. It took many years to learn Quran by me. I was the only learner, no body was with me. I began reading Quran in 1937-38, the pillars of the disputed property had leaves and flowers inscribed and there were no photos of gods. It is wrong to say that there were human faces on the pillars. Namaz will not be offered in any such building where the pictures of Humans, animals, birds etc., exist.

Question: It is unholy to read Namaz according to the Islam where there is picture of god or human or animal?

Answer: Such place is considered unholy. It is a sin and a great sin if any Muslim reads Namaz there.

Paper No.104/9 and Photograph No.6 was shown to the witness. He replied "These are lions on the either side. These are the two statues of the lions made on the north door of the disputed

property. There are not two figures of the peacocks engraved with plaster on both sides of the north door, I have not seen it. I do not remember that main doors and the door frames of windows were made of wood, but I remember that the doors were made of iron. It is wrong to say that there was a wooden beam to support the vault inside. There is no restriction on the use of wood in the Mosque. I mentioned about a Chabootra in the south while entering through the eastern gate and it was Sita Rasol which existed even before my birth. When I came to understand anything, I remember that the hearth, rolling pin, dough board were there in Sita Rasoi. It is linked with the name of Sita wife of Ram.

Raghav Das wanted to contest election against Acharya Narendra Dev so the idol was kept forcibly. At that time there were Congress Governments both in the centre and the State. It was said that Congress was a Secular Party. I do not remember who was the M.L.A. of Ayodhya at that time. I also do not remember that the general election was to be held in 1952. Raghav Das was from Congress Party. He was not M.L.A. in 1949. I do not know that Madan Gopal Vaidya contested election against Acharya Narendra Dev. Raghav Das did not contest election of 1957, he had to defeat only Narendra Dev.

The riot of 1934 begins from Village Shahjahanpur and spread upto Suthati Mohalla. The reasons of the riot were butchering a cow. The damage of the Mosque as stated by me was in 1934 in respect of the upper side of the middle dome. I do not know which portion of the dome was damaged. This damage was in many parts of the dome. Holes had crept in the dome alongwith dismantling of the plaster. No other damage was there of the disputed property. According to my estimate in 1949 this disputed property was more than 500 years old. The saplings of Pipal or Banyan did not grow on the roof or the dome of the disputed building during rainy season. I do not know whether there was any Govt. approved Contractor in Ayodhya. I do not know that Tauvar Kahn was a big landlord of Faizabact but I know that he

was a Government contractor. He lived in Lal Garh Mohalla of Faizabad City. I do not think Lal Bagh is in Janaura Village. Janaura and Lal Bagh are at close proximity. Towards the west of Janaura Lal Bagh there is Bahu Begam Tomb. I do not know at the Allahabad Faizabad crossing there was a house of Tauvar Khan. I have not seen Tauvar Khan. I have heard that he was a contractor and had taken the contract to repair Babri Masjid. He had sons but they have expired. I do not know their names. I do not know if anyone is alive in their family or not. When we went in the Masjid to read Namaz people used to say that Tauvar Khan had got the contract of its repairing. Repairing work was carried out in other parts also in addition to middle dome. The contract was given to him to repair the damage which happened in 1934. There was British rule at that time. Fazal Abbas was the famous "Kalandar (recluse)" of that time. I do not know that Amir Ali and Ram Charan Das were hanged to death on a tree at this place. I heard so (said again "I did not hear so"). I do not know what was the amount given to the contractor for repairing by the British Government.

Question: am to say that British Government gave the contract in 1934 to make false entries of the disputed property, while there was no damage to the dome and no repairing was done?

Answer: It is absolutely wrong to say that a false case was made. The contract was actual and repairing work was done.

It is wrong to say that the contract was worth to rs.12.00 and some Ana but it was of thousands, the exact amount is not known to me. Had Tauvar Khan repaired any other big Mosque or tomb that I do not know. There were many other contractors also in Faizabad. I do not know whether other contractors were Hindus. No graves were demolished in 1934 but the houses were demolished. Compensation was given to the people for demolition of their houses and killing of family members. There were no contracts to rebuild the houses. Who got the compensation was Mohd. Baksh and nobody else. Mohd. Baksh had no son, but a grandson who lived in Bombay and his name

is not known to me. When Mohd. Maksh expired is not known to me. This house is closed now. His grandchildren used to come sometimes but did not live here.

There is no Muslim population from disputed property to east Hanuman Garhi and upto Faizabad Gorakhpur road. There is no Muslim population upto Suthati Mohalla towards the north of the disputed property. There is no Muslim population upto 3 furlongs towards the south of the disputed property (Said again "from two furlongs the population of Muslim starts") After two furlongs the places from where the population starts are called Kaziana, Panji, Tola, and Tehri Bazaar. Muslims live in Majority in Kaziana Mohalla towards west on Gorakhpur Faizabad road and their population is less towards east. There were about 20 houses of Muslims in 1949 towards west and there was a large Imambara.

Verified the statement after hearing.

Sd/-

Mohd Hashim

1.8.96

Typed by the Stenographer as dictated by me In continuation for further cross-examination on 5.8.96.

Sd/-

1.8.1996.

Date 5/8/1996.

The cross examination of Mohd. Hashim, P.W.1 begins today on 5.8.1996 on Oath:

There were not 20 houses of Muslims in the west of the disputed property. No big Imambara was there in the west. There is Mohalla Kaziana towards the south. The Imambara towards south is not in one's house. It is wrong to say that Imambara is the personal property of any Muslim. I do not know whether any rich Muslim builds Imambara in his house. This Imambara is at a distance of 100 meters towards west of Gorakhpur Faizabad road. It is towards south at a distance of two furlongs from the disputed property. There is no

house of any Muslim adjacent to this Imambara. There is no Imambara in the house of Hazi Faiz. There is no Imambara in the house of Hazi Pheku and Iklakh also. There is no other Imambara in the surrounding of the disputed property. There are houses of Muslims at a distance of 100 meters towards west of the disputed property. Five houses are of a particular family. These houses were hundreds of years old which were demolished on December, 1992, some of them were reconstructed and some are under construction. In 1949-50 there were three houses of Chikwa Muslims (Bakre Kasab) but now there are hundred people in these families. Apart from these houses there were no houses of Muslims towards west. There were two brothers Kaloot and Bhaloot before 22nd December, 1949 who were the heads of these families and the members of these families are living there presently. I do not know what was the age of Kaloot and Bhaloot at that time. It is wrong that Kaloot and Bhaloot filed an affidavit under Section 145 on behalf of Hindus. Kanak Shewan is at a distance about two furlongs from Unwal temple towards north of the disputed property. The north road from the disputed property links with Unwal temple and Kanak Temple. The Muslim habitation of Suthati Mohalla is at a distance of about 150 meters from there. Towards the north of the disputed property, between Unwal temple and Kanak temple where the road meets there are many temples and habitations. It is wrong to say that the prayer call given from the disputed property will not be heard in Suthati Mohalla. Upto a long distance towards east of the disputed property there is no habitation of Muslims, for example towards Hanuman Garhi, Digambar Akhara, Nirmohi Akhara etc.

Salar Mohammad also accompanied me in the case under Section 145. Our advocate was Rehmatullah but other advocates were also there. At that time I used to write my name Hashim alias Bafati. Rehmat Sahab was the advocate of Anisur Rehman. I had accepted it. So long as Anisur Rehman used to go to attend the court, we did not go there. The hearing of the case had begun from 29th December, 1949. Anisur Rehman began to go w.e.f. 2nd December,

1949 but we did not go. Anisur Rehamn pleaded the case for a month but there was a theft in his house and Rehmatullah, Advocate's house also. Anisur Rehman left for Pakistan after that. This much is not known to me whether it was 1950 or so when he went to Pakistan. After him it was the turn of myself and Salar Mohammed to attend each hearing after a month. From the side of Hindus we did not see Baldev Das but only Abhiram das attended the court to submit the reply. What reply he submitted was neither told to us nor was read to us. We knew the replies were filed regarding attachment under Section 145. Anisur Rehman had submitted his reply and affidavit both in this case. His reply was read out and it was correct. (Para 3 of the affidavit by Anisur Rehman was read out (Page 94)).

I filed this suit against all the concerned Government officers and Nirmohi Akhara. I do not remember whether any Suit was filed against Nirmohi Akhara. A long time has since passed and I cannot recollect whether I made Mahant Raghunath Das. Mahant and Advisor, Nirmohi Akhara a party of the case. I did not know that the Nirmohi Akhara filed a suit for the ownership of the disputed property which was attached. I knew that Nirmohi Akhara filed a suit before filing the case by me. I did not know that for which property Nirmohi Akhara had filed the suit. I also did not know what was the ground of Nirmohi Akhara to demand the ownership of the property. It was not known to me that the case was filed through Mahant Raghunath Das of Nirmohi Akhara. I did not enquire about the entry in the Survey Book of the Improvement Trust when the case was filed under Section 145. Zahoor Ahmed son of Noor Mohammed was also a plaintiff with us in the case. Zahoor Ahmed, Hazi Mohd. Faique, Mohd. Salim, Ahmed Hussain alias Achchhan were the party in the Suit filed by Gopal Singh Visharad. When Bashir Sahab went to take photographs, I was aware of the Suit filed by Visharad but what reply was submitted on behalf of the Muslims was known to my advocate and not to me because I did not try to know. The knowledge about the documents was given to me through the advocate and not me.

As a long time has passed I do not remember whether affidavit or petition was submitted to file the Suit or an application was submitted. I was told about it but I do not remember after 30 years.

(The witness was read out the translated version of Para 10 of PetitionNo.746/1986 in 1986 and he replied)" I remember that the eastern gate was locked when Gopal Singh Visharad filed a Suit on 15th January, 1950 but I do not know about the other gate. (Para 6 of the petition was read out with translation and he was asked (It is not the statement given by me, it may be yours). It is not my reply that Nirmohi Akhara has filed a Suit in which they have said that the disputed building is not Babri Masjid but a temple. Even in1986 we could not know that Nirmohi Akhara called the disputed building Ram Janam Bhoomi temple instead of Babri Mosque. When the three suits were filed, the hearings were going separately. The three suits were consolidated on our application. Before taking the three suits together we often did not go for pleading, but sometimes went together. It is true that the Muslims submitted a reply in Gopal Singh Visharad case and the case under Section 145 that the last Namaz of Jumme was read on 16th December,1949, the five times Namaz was continued till the night of 22 December, 1949. I cannot read Hindi but can read Urdu. There is Ganj-e-Shaheedan opposite the Babri Masjid where a tent was erected on 22 December,1949 and Hindus performed kirtan (devotional singing) there round the clock, and Baba Raghav Das gave lectures. They constructed a Chabootra there which was 10 yards long and 10 yards wide. It was formed with wooden planks and was open. There were tents around it. In 1949 there was boundary wall in Ganj-e-Shaheedan. The land was even and no graves were there. When the Hindus formed a Chabootra, there was wall all around (Volunteer:), which was broken after 1949. The boundary wall was higher than a yard and a gate was there towards its west. The width of the wall was 2 bricks. This wall was pulled down after filing of the suit by Gopal Singh Visharad. I do not know after how many months or years after filing of the suit, the wall was pulled down. This

Chabootra is at a distance of 10-15 meter from the disputed site. I do not remember that there was a Kanati Mosque towards the east of the disputed property. It is wrong to say that two domes of the disputed property and 25 graves were demolished before one month or within two months after 22 December, 1949. During the hearing of the case under Section 145 only the signatures of mine and Abhimram Das were taken in the Court. I do not know others viz., Ramsubhag Das, Brindaban Das, Subdarshan Das, Nagaram sakal Das, Ram Vilas Das. I do not know that their Guru Baldev Das was also there. Abdul Barkat was the Head Constable of Police Post Katra on 22 December, 1949. He was there but I do not remember that he attended the hearing in the Court.

After the damage of the dome in 1934 there was no incidence of sabotage at the disputed site till 1949. I said earlier that the holes had erupted in the middle dome, but how big the holes were, I do not remember. There were big holes but I cannot tell their size. I came to know about the damage and the holes from Namaz readers, who used to go there for Namaz reading, but I do not remember any name.

Sayeed Nabi Haider lived in the west of Katra Police Post and he was head clerk (Bare Babu) in P.W.D. I do not remember when Taubbar Khan got the job of repairing Mubarak Ali was the Bill Clerk of P.W.D. I do not know that Ahmed Raza was the Head Clerk of P.W.D. I do not know who was the Collector in 1934. I also do not know that he was an Englishman. It is not known to me that a quotation of Rs.451- per 100 square feet was submitted at that time. I do not remember how many days after of the riot the repairing of the dome was carried out, was it after a month, year or 10 years. It is wrong to say that no repairing was done. All the contracts were recorded on the documents.

There are no Kasauti stones in any other Mosques of Ayodhya. Two big Mosques viz., Tat Shah Masjid, Sarai Chowk Masjid

in Faizabad were also having no Kasauti stones. Such type of black Kasauti stones were used in the tomb of Sufi elder man in the graveyard. Those two stones were not in the Vashistha kund but were in Mohalla Hatha towards the east of the road. The stones were between Tedhi Bazzar and Dorahi Kuna. (Photo of the Paper No.54 A112/44 was shown to him). After seeing the photo he replied "there is a human figure in the photo". (Photo Paper No.54 A 2/41 was shown to him). He said "These figures are of Hindu Gods". Having seen the Paper No.54 A 2/43 he replied- " These are also the photos of Hindu Gods. I do not know that a photographer on the order of the High Court went to take the photographs of the disputed property and a videograph was prepared. There was no stairs towards the north of the disputed building which was attached. It was out of the disputed property. It was out of the outer wall. There were stairs to go up toward the south of the attached property (Volunteer:) where the Muazzin stood to give prayer call. I do not remember how many steps were there in 1949. These stairs were inside the attached inner boundary wall and were with the Mosque for going upstairs. There is some open space with these stairs and after that there is space for ablution and urinal also and again then comes the wall. I do not remember how much space was there after the stairs. The urinal is within the inner wall (said again) is touching the outer wall. The stairs are from east to west and terminate with the dome. The north part of the stairs was with the disputed property and southern part was open. There was pukki land towards the south of the stairs. Towards the south of this Pukki land there is large space for ablution and after that the outer wall.

There was a courtyard between outer south wall and the stairs. The courtyard was even having no construction and towards the west of the courtyard was outer wall. All the walls were more than 6 feet in height. A man standing on a courtyard could not see anything outside. I do not remember whether towards the east of the courtyard there was a Chabootara measuring 21 X 17 feet or not. Ablution room was the part of courtyard. It is not necessary that the well should be close

to the Mosque from the inside or the outside. The well is dig according to the space. Tedhi Bazaar Mosque has a well inside and one outside also at a distance of 50 steps towards south. Dorahiwali Masjid and a well are located side by side. It is true that there is a road opposite to Katra Chowki Masjid and a well close to it. The width of the road is 8 feet. There is also a well inside the Tatshah Masjid of Faizabad.

Whether a mention was made of Sitakoo in the case between Mahant Raghuwar Das and Asgar Au in 1885 or not. Sitakoo is not in the Government record. It was only a well in the record. I do not know till this date that it is famously called Sitakoo. There was no signboard of this name there. I have not seen the stone at this site like a stone before the Janamsthan. I have to seen such a stone at the east and south corners of the disputed property. There was a common drain through which the water of ablution room and the urinal flowed away towards south from the corner of the southern wall. This drain begins from the last corner of southern wall and this last portion was towards north. The drain was wide not more than one 'Balist'. There was no drain towards west in the wall. The place of ablution was slightly higher than the floor. This space was enough to accommodate a man to comfortably sit there. It was about 1 1/2 feet high from the floor. There was no fixed number of pitchers. According to the need it may vary from 3,4,5 or 6. Ismail filled water in the pitchers. I do not remember how many pitchers were placed there between the period from j6th to 22 December, 1949.

When I went to read Namaz in the Mosque for the last time on 22nd December, 1949 all the articles viz. Quran, Mussalla, Mats, badana and iron pitcher were placed there.

Verified the statement after reading.

Sd/-

Mohd Hashim

5.8.96

Typed by the Stenographer in the Open Court as dictated by me. In continuation for futher cross-examination on 6.8.96.

Sd/-

Dated: 5.8.1996.

Date 6.8.1996

(In continuation of dated 5.8.1996).

Cross examination of Mohd. Hashim begins on Oath today .8.1996.

I came to know about the attachment of the articles from Anisur Rehman. If the list of the attachment is read out to me, I can tell the boundary of the attached property. (The attention of the witness was drawn towards the Paper No.20, placed with the case File of 145 Cr.P.C. The Learned Counsel read out the list of attachment. The witness replied mostly about the boundary. He said "We were not told about this boundary. We did not give any heed about the suit by Gopal Singh Visharad or about the boundary given in that suit, because this suit was to be dismissed without notice. The suit filed by Gopal Singh Visharad was to change the Mosque into the temple. It is true that Gopal Singh Visharad filed a suit for that property which was attached under 145. I was never told about the contents of the counter statement given by Abhiram Das in this case.

Prior to 1949 there was arrangement of these pitchers for ablution. There was a tank of water towards south where people went for ablution. It was downward of the place of ablution. I do not know whether Bashir Sahab took its photo or not. The lower part which was called "Sahan Masjid" remained as it was in 1949. The Kasutis could not be maintained in that position till 6th December, 1992 as they were in 22 December, 1949. Some figures were drawn on it with red ochre. The engravings on the Kasautis were also changed. The flowers and leaves engraved there were intended to give the shape of pictures to them. We had come to know about it when K.K.Ram was replaced. Shri Ram Mishra, Advocate replaced him, in 1970. K.K.Ram was removed on our request. Since a long time has passed; I do not remember whether Hon'ble High Court removed Shri Ram Mishra in 1974 due to his old age or on the instructions of the Civil Judge to replace him. It was attempted to make pictures on the Kasautis but could not be made successfully because we had filed an affidavit in

the Court of Civil Judge in 1974 (said himself). Nirmohi Akhara was also with us against K.K.Ram Verma. Mahant Ram Kewal Das was with us on behalf of Nirmohi Akhara who lived at Ramghat.

(The Advocate drew his attention towards a picture of the coloured Album No.62 taken by Archaeological Survey of India and the witness replied) "this photo is of the southern part of the courtyard of the disputed site where the water tank was located, which is visible in this picture".

(The Learned Advocate showed him Photo No.11 of the said album and the witness replied "this is the photo of the southern part of the outer wall of the disputed property. There is a tree at its corner which was planted after 1949. (After seeing the Photo No.59 of the above album he replied "the tree shown in Photo No.59 is outside the wall and not inside". Having seen Photo No.56 he replied that it was the photo of the Chabootra measuring 21 X 17 feet towards the south after entering the eastern gate of the outer wall of the disputed building, but some changes were made in it after 1949. This Chabootra was out of the disputed building but some changes were made in it after 1949. This Chabootra was out of the disputed building not inside. He was shown Photo No.57 and he replied "This is the photo of the thing made at the wooden tent shaped Chabootra but it was made more attractive after 1949. Previously it was in an ordinary shape. It was made attractive later on. Earlier it was not there and it must have been made later on. At the lower part of this wooden structure there is cave like space towards east and west. After having a look at Photo No.66 he replied "I did not go in the rear side of the wooden structure so, therefore, cannot say that it is the photo of the rear side. We never went of the rear side of the wooden structure. There is a south courtyard of the attached property in the west of the rear part of this Chabootra. I have not seen the so called tin shed in front of northside this Chabootra. The Learned Advocate showed him Photo 70,71 and 72 and he replied that all the three photos were of the place where the so called Sita Chulha, dough board and rolling

pin existed but it were in a even land but had been shown in the photo very attractively. This place was famously known as Sita Rasoi.

The learned Advocate drew his attention towards Photo No.45 and 46. To see the photo he replied "The photos are of the eastern main gate from where Kasauti is visible. It is right to say that this type of Kasauti was used in the 16 pillars of the attached property". He was shown Photo No.176 of the album and he replied -"This photo is of the lower part of the dome. The pillars of Kasauti are visible in this photo".

The Learned Advocate drew his attention towards the black and white photos taken by the Archaeological Survey of India. The department of survey means the Archaeological department. Photo No.25 was shown to the witness. He replied- This stone is not similar to the stone fixed in Janamsthan Mandir. There are many such stones which have been fixed in Ayodhya but the stone shown in the photo is not like the stone of Janamsthan Mandir. Janamsthan is written on the stone, which is in the Janamasthan Mandir but in the stone shown in the picture many things are written. It is wrong to say that these two stones have the same measurement. The stone at Janamsthan Mandir was smaller in size than this stone.

Ismail used to be on duty always in the disputed property before 22 December, 1949 but he did not live there. Nobody had the residence in that disputed building. Nobody looked after this building except Ismail, as only he was appointed by Mutwali for this purpose.

I do not remember whether anybody came on behalf of the Waqf Board to the site to survey of incident during the night of 22/23 December, 1949. I do not know whether any Inspector came on 22 December, 1949 on behalf of Waqf Board for investigation. I also do not know whether any Inspector had come to took into or investigate the property during the last one two months of that incident. I do not try to elicit information about it. This was the duty of Mutwalia. I also

did not get any information from other Muslims that any Inspector had come to Ayodhya prior to the last 1-2 months of the incident of 22 December, 1949.

I do not know what the population of Muslims in Ayodhya in 1934. I cannot tell the number of houses of Muslims in Ayodhya in those days. It is correct that in 1934 the majority of Muslims were Sunni Muslims. At least 10 hours of Shia Muslims were there in Ayodhya in 1934. It is true that Zaqui and Jawwad were Shia Muslims. The Muslims who were killed during the riot of 1934 belonged to Sunni Community. Being the Muslim every person has a relation with the disputed property and this property was the Mosque. Shia Muslims did not use it as religious view and they had no claim that the Mosque belonged to Shia Muslims. I do not know that the Shia Muslims filed a Civil Suit in 1946 about this property. Due to the riot of 1934 and the killings of people in that riot had created a terror among the Sunni Muslims which subsided later on. There were thousands of Bairagi Babas in Ayodhya during 1934. It is wrong to say that due to the terror as stated above no Muslim went to the disputed building after the riot of 1934. After the arrest of about 50 persons on third and fourth day the terror among Muslims got subsided. (Volunteer :) Since that very time the Muslims started to offer Namaz in the Mosque more vigorously.

When I left the profession of tailoring after 1976, I did not consider it necessary to earn money because my son, brothers and nephews earned sufficient for our livelihood. Mehboob is the son of Hazi Phenku. I have good relations with him. It is wrong to say that we trade allegations against each other and because of these fights, we embezzle the donations. No propaganda against me have been published in any newspaper that I misappropriate the donations received from Saudi Arabia or Gulf countries or received from Bombay for the Muslims. This is false reporting and I do not believe in it, so I did not deem it necessary to refute it. I neither published any news on the day of Barawafat nor took part in any procession where it

was propagated that Hazi Mehboob misappropriated the donations. I do not know that Hazi Mehboob must be 50 years old at that time. I have seen him; he is young and healthy and I cannot guess about his age. I have no knowledge about the age of Mohd. iklakh. He is also young and healthy.

I was about 8-9 years old at the time of my admission in the first class. Islamia Madrasa is no more where I got my education. The teachers of Madrasa got their pay from Municipality. Each class was passed in one year. It was not so that students passed 5th class within 2-3 years. I have passed fifth class after regularly studying for 5 years. I cannot say that Zaheer Ahmed was old to Maulana Naseer Ahmed, Maulana Mufti Vakiluddin, Athar Au and Shahbuddin. Zahoor Ahmed lived in Mohalla Naugaji near Kotwali. He was a tobacco trader previously and then he started sellign surma. I was not running any shop in 1949 when I was a student. I was getting the education of Arabi at that time. I was getting education from Imam Sahib. I had no shop before 1949. I do not remember when I started learning Arabic. I know only Urdu and Arabi and have got no other education. After passing 5' class I started to learn Arabic.

At the time of B.J.P. Govt. in Uttar Pradesh, 2.77 acres of land was acquired. We filed a Writ Petition against it in the High Court. This Writ Petition was filed in my name. The attached disputed property was not included in the acquisition otherwise all the disputed property had been acquired. I do not know whether Nirmohi Akhara had also filed a Writ Petition against this acquisition. It is true that after that acquisition B.J.P. Government demolished some temples also in the surrounding. I do not remember whether we had enclosed the copies of the petitions by Sakshi Gopal, Tulsi Ram and Savitri Devi with our petition. I had mentioned about the suit of 1885 by Mahant Raghuwar Das in my petition. Raghuwar Das lived in Ayodhya but do not know what relation had he with Nirmohi Akhara. I do not know whether he was the Mahant of Barasthan Mandir or not. Mahant Raghuwar Das was a claimant to change that Chabootrara

into temple which was with the middle wall of Babri Masjid. I do not know that Ragubar Das had occupied the Chabootra illegally. Asghar Ali was defendant in this case. It is right that Asghar AU filed counter statement in that suit and pleaded that in the mutiny of 1857 Mahant Raghuwar Das forcibly occupied the Chabootra and built a wooden temple on it and Pooja- path was being performed there without temple. We did not read that Suit so cannot say Asghar AU had got written in it that after entering from the eastern gate the Bairagis had constructed a store room or Sita Rasoi or rolling pin or hearth to start worship.

The learned Advocate drew the attention of the witness towards Suit No.1/I 989, exhibit A-25, those documents were in Urdu and the witness replied Cursive Urdu is written on this document which I cannot read. I can read only upto Chhappar (thatch) and Sakunat and not further to it. Other lines are not readable to me. I cannot read "koop abnosi" which is said in this document. The well near to the property whom the advocate call "Sitakoop" had no Chabootra adjoining to it only the well was in a raised form.

The case of Mahant Raghuwar Das was dealt in 1885 in the Civil Court of Faizabad, which was that particular Court that I do not know. But it maybe in that Court where other Civil Cases are dealt. The decree of possession was passed in favour of the Muslims. It is wrong to say that the decree was not executed or the Muslims were not given the possession or Muslims could not get the benefit of decree owing to Hindu Officers. The decree was in the name of many Muslims and not in the name of Asghar AU. I do not know which Court issued the decree. I know only that the decree was issued through the Court. I also know that Asghar AU executed the decree to take possession and take action against Mahant Raghuwar Das on behalf of all the Muslims. I do not know when the occupation was taken after the decree. The attached part may be anything but the Mosque was in an area of 130 X 80 feet including the outer wall. If the Namaz is offered on a particular occasion on the road outside the Mosque, the part of that road will not be called Mosque. It is wrong to say that

Mahanat Raghuwar Das did not honour the judgement of the Court. I do not know whether the thatched hut or the wooden temple of the Bairagis on the Chabootra existed even after the occupation of the property. I do not remember whether the thatched hut and wooden temple still existed there in 1949 when the property was attached. There was no Hindu Muslim dispute except for the property attached on 29 December, 1949 and it is not even today. I am not ready to accept that the outer Chabootra was in the possession of Hindus or they were given permission to perform their worship there. I do not know any Ibrahim who is said to be Inspector of Waqf Board. I have heard his name only. I do not know if Ibrahim Sahib or any other Inspector had come to investigate about this property on 10th December 1949. I do not know whether there was any person named Munshi Jawad Hussain in Ayodhya. After Zaqui, Jawad Hussain became Mutwali of the disputed property. I knew Nurul Hussain. I do not know that the Inspector Waqf Board enquired about this property with Nurul Hussain in December 1949. There was no night shelter in this disputed property. Nobody stayed there during the night. Nothing has come to my notice that Nurul Hussain and other Muslims had complained on 10th December, 1949 about the terror of Hindus and Sikhs, due to which Muslims could not offer Namaz in disputed building and no traveller could stay there. I also did not hear that many Hindus lived in the courtyard of the building and it was their temple and they prevented Muslims to go to the Mosque. I also do not know that any Inspector of Waqf Board met to Zahoor Ahmed or other aged Muslim on 22nd December, 1949 and made some enquiry about it. There was no Police Camp there after the riot of 1934 but only a Police Constable was deputed on duty because the normal visit of Muslims in good number had started. This way one Constable was on duty from 1934 to 22nd December, 1949. There was no complaint of tension between Hindu and Muslims due to disputed building from 1934 to 22nd December, 1949. During this period no Muslim complained that any Hindu Bairagi Baba assaulted him or prohibited him from going to the Mosque. (Volunteer:) The tension had started one month earlier on the lecture of Baba Raghav Das. Ram Manohar

Lohia had not come with Raghav Das. He neither gave any lecture. One or two Hindus from outside lived in the thatched and tent shaped wooden temple but except that tension as stated above there was no complaint from the Muslims and they were living happily and peacefully since 1934. I cannot tell that the Hindus were also living peacefully in that thatched hut. I do not know that any changes, alterations, white washing, painting etc., in the outer part of the attached property were not allowed to be done without the permission of City Magistrate. I also do not know that the plan was required to be passed by the Municipality for any construction or alteration in his outer part. It is not known to me that the permission of Municipality was necessary or it was a practice to get the permission for such constructions. It is also not known to me that a plan, of the tin shed or anything was passed in the name of Mahant Raghunath Das in 1960. I do not know that Rajaram Chandracharya gave an application to city Magistrate on behalf of Nirmohi Akhara to get this plan passed or objections were called for on it. It is correct that our Civil Suit was filed on 24 December, 1961. It is not known to me whether there were such entry in the old record indicating about any construction by Mahant Raghunath Das or the name of Mahant Raghunath Das was entered for passing plan.

While enteing through the eastern gate, the part having the thatched roof hut towards the orth upto neem tree, was not the land for which Mahant Raghunath Das had filed a Suit. Volunteer: "The Suit for 1885 was for the entire area and Mahant Raghunath Das had lost the case. I do not know the measurement of that area. There was no dispute in that suit about Sita Rasoi, that suit was only regarding Chabootra where they wanted to make temple.

The north door was opened only at the time of rush of Muslims. Opening of the door was not limited only upto one or two occasions in a year but many times. In the outer part of the eastern main gate shops were arranged which started after 1949. It is wrong to say that before 1949 people had been selling flowers, garlands, batasha etc.,

sitting in the Kiosks. It is also wrong to say that such temporary shops were upto road Kharaja. Such shops were at the crossing of Kharaja road. These shops were for the people who came to visit Janamsthan temple. These shops were run on the occasion of festivals and to on other times. Volunteershops were arranged on Tuesdays also. People came on that day to have Darshan. The people from outside India also came to visit Ayodhya. The people came there at the aforesaid chauraha and purchased the worship maTedhial.

If my Advocate Ayub Sahab has given any statement on my behalf it may also be read out to me. If he has given any statement it is all correct. Have given correct statement.

The notice to read Namaz in 1954 was given by me alone. About 100 people of all ages were arrested with me. I do not

remember who was the youngest man of Ayodhya, who was arrested with me. We all the 100 arrested people were sentenced to six months imprisonment and a fine of rs.5001- each. Our houses were attached for not paying the fine till the evening. Volunteer : the attached items have not been returned back to us till this date. My leg also got fractured in that arrest.

Village Bahuranpur and Sholapur where the other property of Waqf was located, are at a distance of about 10 kilometer from the disputed property towards east and south. The property of Shahnawam Village was in the Waqf of Idgah. Jawwad Hussain was Mutwali of this Idgah also. I do not know if Jawad had claimed that it was his personal property not of the Waqf. The property of Shahnawan is still in the possession of the people of Jawad Hussain's family and the properties in Bahuranpur and Sholapur are in the possession of other people. The land has gone to other tenants. I do not know how much is the land of Shahnawan village.

The largest Idgah of Ayodhya is in village Ranopali which is surrounded from all the sides by graveyard.

I will not be able to tell that at which place the foundation stone was laid in 1989 (said again). It was done at Nazul No586. The Nazul number of the Mosque was also 586. I do not know what the area of this number. I know nothing about the entry of Nazul No.586.

Question: Is it not that the Nazul number of disputed property in 583?

Answer: The numbers of 583 and 586 are together.

I had filed a Writ Petition against the land acquisition. I do not know for the compensation of the acquisition, who was the claimant and who was the recipient is not known to me.

I was arrested under MISA in 1976. The father of the Advocate Sahib of Nirmohi Akhara was also arrested but he was not concerned with this case but with the politics. He was not arrested with me. I meant to say only that he was also arrested under MISA.

It is wrong to say that I knew Bhaskar Das since my childhood. Mahant Ram kewal Das of Nirmohi Akhara was not well known to me. It is wrong to say that Mahant Raghunath Das was well known to me before filing the Suit. It is correct that I was a minor in 1938. It is correct that the Panchayat of their own makes arrangements for the Akharas of Ayodhya. It is also right that Nirmohi Akhara is also a Panchayati Math. I do not know whether the decision of Panchas is implemented in its arrangements.

There are many Ghats at Saryu river but I do not remember all their names. It is right that Golaghat is near to Saidwara Mohalla and Laxmanghat is next to it.

It is wrong to say that Namaz was not offered in the disputed property after 1934 or the property remained in the possession of Nirmohi Akhara or the worshipping etc., were done regularly there by Nirmohi Akhara. It is wrong to say that I am concealing something on

some other's behest. It is also wrong that I do not want to speak the names of the Mahants of Nirmohi Akhara.

(Cross examination of Defendant No.3 concluded on behalf of Nirmohi Akhara).

Cross examination on behalf of Defendant No.13 begins by Ved Prakash Advocate:-

It is not that the common man in our country identifies the Mosque by its minarets. I will not say Mosque to the court room. To regard a building as a Mosque by outer appearance depends on its structure and construction. It's all the doors, archs are considered to identify that it is a Mosque. Mosque has a special structure; a house cannot be called a Mosque merely due to its Arch shaped doors.

Question: What are the outer features of the building which make it a Mosque?

Answer: Minarets, round shaped dome, arch shaped doors or the writing on the doors are certain things which make us to decide whether it is a Mosque or not.

There is no reason to construct minarets on the Mosque. It is not the practice everywhere that minaret should be made for the purpose to stand and give prayer call from there. Every place has its own customs. Where the money is in abundance minaret or other things are mad.

Question: Where there is a picture of god, goddess, or a pitcher with flowers is placed, or there is a picture of any bird or animal, no Muslim would go to offer Namaz?

Answer: Namaz will not be offered there because it is prohibited to do so in front of such a place.

Question: Will any Muslim go to read Namaz at such a place as stated above?

Answer: No Mulsim will read Namaz before a picture.

It is Hindu ideology not ours that animals are also gods. I do not know which animals Hindus regard as gods. When we cannot do "Sizada" (Salute in prostration) before a pigeon, it is our insult to suggest us to make Sizada before a boar.

Verified the statement after hearing.

Sd/-

Mohd Hashim

6.8.96

Typed by the Stenographer in the Open Court as dictated by me . In continuation for futher cross- examination on 7.8.96

Sd/-

6.8.96

Date 7.8.1996 (In continuation of 6.8.1996)

Cross examination of Modh. Hashim P.W.1 begins today on 7.8.1996.

There is much difference between each the house and the Mosque. The Mosque is constructed facing to west and there is difference in its structure. The main gate of the Mosque is kept towards the east. (Said again) it depends on the availability of the space, sometimes the main gate may be towards the north or south also. Minaret is not necessary for the Mosque, domes are also not necessary. Arch shaped doors are also not a requirement. But it is wrong to say that there is no difference in the structure of the residential house and the Mosque. There may be any picture in the house. The shape and structure of the Mosque is a different from the house. Minarets, domes, arch shaped doors and verses of Quran are not often found on the outside of the houses. I have seen Taj Mahal. There are minarets but not of the shape of the Mosque. Dome is also there but not of the shape required for the Mosque. It is wrong to say that the verses of Quran are written there. Something is written there is Arabi. Taj Mahal cannot be called a Mosque.

It is correct that there is not any specific system to construct a Mosque, it depends on one's liking and choice. If anyone calls to a

building a Mosque or a house and the other does not agree it is their perception. There is not a particular system to construct a Mosque in faizabad. It depends on the availability of money, land etc., This is true about Ayodhya also. There are many Mosques in Ayodhya and Faizabad which have no minarets. It is wrong to say that there are minarets in every Mosque there.

A mention has been made about constructing a new minaret in a Mosque of Suthati Mohalla; it is about repairing of the Mosque. There were no minarets earlier in that Mosque. To give a shape of the Mosque and for beautification, the minarets were constructed. It is not compulsory that when there is money, minaret is constructed and when there is no money it is not built. Two people cannot be of the same countenance, similarly two Mosques can not be of the one shape. Mosque and tomb are two different things. Namaz is offered in the Mosque but tomb is a grave where Namaz cannot be offered. Tomb has dome and minaret also but there cannot be Azan (prayer). Minaret is not necessary for Azan. There is no difference in the domes and minarets of the tomb and the Mosque respectively.

If someone reads Namaz at his house then it cannot be called a Mosque. The Central Mosque of the city is made Jama Masjid, where many people assemble. If someone builds a separate Masjid in his residential house, other common people cannot go there. The family members and his relatives can offer Namaz there. The outsider cannot go there to offer Namaz taking it as a Mosque but if he is by chance sitting there for some reason he can read Namaz.

The Mosque at a central place where the people of the city can offer Namaz on the day of Jumme is called Jama Masjid.

Imambara is a meeting or assembly place while Masjid is the place to offer Namaz. It is not necessary that Imambara belongs to Shia only, it may be of Sunnis also. In the assembly the martyrs are remembered and Sunni and Shia both listen to it. It is not necessary that only Shia listen to it.

Question: Majlis (assembly) is organized at the place of Shia Muslims only?

Answer: Sunni call it Shahadatnama (Martyrdom) and Shia call it Majlis (assembly), Any Muslim can participate in it.

The place of graveyard is called Takia (abode of Mohammedan hermit) where Namaz can be offered but there should be no graveyard in front of it. If it becomes known that there was grave, the Mosque will not be built there.

The tomb of a famous Sufi hermit is called Dargah. Namaz is, therefore not offered due to the existence of a grave there. Dome is built there also. There is no difference in the domes of Mosque, tomb and Dargah. To beautify the Dargah, often minaret is also built there. The minarets of the Mosque are higher than the minarets of the tomb. The minarets of Dargah and tomb are of the same height. There are different systems to build Mosque and a tomb, therefore, the heights of their minarets are not equal.

Question: Why the minarets of the Mosque are higher than those of Dargah and tomb?

Answer: So that Namaz readers can see it even from a distance.

It is correct to say that on seeing the minaret, he can understand that it is the Mosque.

I have gone to Ajmer Sharif. There is a dome. Dewa Sharif has also only one dome. It is not necessary that all other Mosques of Ayodhya should have one dome unlike the disputed building. Some Mosques have three domes also. The Mosques of Mohalla Kaziana has three domes. The Mosque of Mohalla Tedhi Bazaar has three domes, the Mosques of Mugalpura, Begampura, Swargdwar have three domes in each. The Begumbalas Mosque belongs to royal time and has no minarets. All the Mosques enumerated above have minarets but difference is only of their height. There is no personal Mosque.

Question: Are there two kinds of Mosques one is private where the family members can read Namaz and the other is public Mosque where every Muslim can offer Namaz?

Answer: Mosque is only a Mosque, anybody can read Namaz there and those who cannot come in an assembly read the Namaz at their home. It is not a private Mosque. Mosque cannot be private.

Ladies often go to the Mosque but they do not read Namaz with the assembly. There can be more than three domes in a Mosque. There is no restriction. In the Quran Sharif there is commandment to build the mosque but in which manner it is not there. It should only be facing towards west, its shape; size and structure depend on its builder.

Question: If a man can build a building according to his choice, it is his will if he call it a Mosque or residential house?

Answer: If that building is made with the announcement in the name of Mosque, it will be called Mosque only.

Babar was not born in India, he came from outside India. I do not know if he had a kingdom out of India or not, I have heard the name of Meerbaki. Babar was a Siinni Muslim. It is correct that Meerbaki was Shia Muslim and the commander of Babar.

Question: Can a Mosque be not made forcibly on other's land?

Answer: Mosque cannot be made on the land occupied forcibly.

Question: Was Babar against idolatry or idolater?

Answer: Babar was a secular Muslim. He was against the idolatry not against the idolater.

It is wrong to say that there already existed a temple at the disputed site since the time of Vikramaditya. It is wrong to say that

Meer Baqui tried to build a Mosque after demolishing it or he did not get success in it.

There was no minaret in the disputed building Volunteer :Domes were so high that there was no need of minarets. I have not measured the domes but they were very high. The height from which the shape of domes was given was about the height of the Court Room (Court observation). The height of the Court Room is about 30 feet. I cannot say that the height of the walls on which the domes were constructed was more than 30 feet from the surface. It can be anything that is 5 feet, 10 feet or 30 feet that I cannot tell exactly. The sixteen pillars made of touch stone (Kasauti) were in the walls below the domes. Each gate has four pillars. Each dome has a gate below it and there were four pillars me ach gate to go to the courtyard. Two pillars were in either side of the gate. Thus each gate had four pillars. Apart from the gates two touch stones were on the tomb of suffi also which was at a distance of about 2 furlong from the disputed site. All these stones in the disputed building and the tomb were of black colour and they were famously known as touchstone (Kasauti). That is why I call them as touchstone (Kasauti). Apart from these places where they had been used I do not know. It is wrong to say that there were sandalwood beams over these pillars. Two pillars of this stone were at the main gate. Main gate was separate in addition tot hese three gates. The three doors below the domes were adjoining through the walls. There was also a wall between the three gates and the main gate. The door of this wallw as locked. There was another gate in front of the main gate and after that it was the courtyard of the Mosque. After that there were gates below the domes. There was a walla between maing ate and the gate below the dome. This iron gate was locked. It is wrong to say that there were pictures, human figures, flowers, leaves etc., engraved on these touchstone pillars. He himself said that if it had been so, the same stones would have not been used for Mosque.

The officers from Archaeological Survey of India took the photographs of the site on the instructions of the Court but I was not

there at that time. The Learned Advocate showed the coloured album prepared by the aforesaid organization to the eye witness and he replied-"Flowers and leaves were engraved on the touchstone, there were no pictures". The Learned Advocate drew his attention towards the coloured Photo No.52 and 54 and he replied" it is wrong to say that an urn is seen in the photo, in reality indeed it is a flower vase with some plants. The pictures are of the pillars but the place of the pillars should be told to me. These are the photos of the pillars but not having the pictures.

There was only one wall between the eastern main door and the main door building. Coming inside the eastern gate there was a Chabootra towards the south but I have never seen the idol placed on it. After the attachment of the Mosque the Muslims discontinued to go there. So I cannot tell what is there now. Neither I nor any other Muslim has seen the idol placed there after 24 hours of demolishing the disputed property in December, 1992. Volunteer: A new idol is placed there. I did not see anyone placing the idol there but heard so. The Learned Advocate displayed phot No.13, 14, 15, 16 to him and he replied. These photos do not depict any animal which is found in India, but it is a broken part of the embankment. I have seen this place and the broken part is more than two meters. I saw the outer parts at the east south corner of the wall till 22nd December, 1949 because I often used to go that way. It was two meter long an embankment with the wall and its upper part was less than 1 meter. It was on the side of east & south portion of the wall. It was broken completely. It closely adjoined with the wall at many places and was broken also at many places. This embankment was from three sides of the wall viz., east, south and north. It was made for the safety of walls.

It is true that the touch stone pillars in the property were the same in 1949 which existed in 1934. I started reading Namaz for the first time in 1938 and since then I have

been seeing these pillars. The pillars were in the existence since the time of Mosque and were buried to some extent in the earth. When Bashir Sahab went to take photos in his capacity as a Local Commissioner, I was not with him. (The Learned Advocate showed him Photo No.9 of Paper No.104/12 and he replied) Bashir Sahab took the photo at the site which depicts the upper parts of the pillars. (His attention was drawn towards Photo No.8, 11 and 12 of Paper No.104/li, 14, 15 and having seen the photos he replied)- All the three photos are of the parts of the touchstone pillars which were shown above and the photo No.12 is of lower part and Photo No.8 and 11 are of the upper part. (The advocate showed him photos from Sl.No.1 to 7 of Paper No.104/4 to 10 and he replied) it is true that all these photos were taken from outside of the disputed building and depict its upper portion. After these photos we did not get any other photo/snaps of the Kasauti pillars clicked because I was not present there. I never prepared photos of these pillars between 1938 and 1949. I do not know whether the Lower Court viz., the Court of Faizabad ever appointed Shiv Shankar Lal, Advocate as Commissioner. I came to know that Babu Shiv Shankar Lal, Advocate submitted its report in the court. I also heard that he produced hand made map also with his report in which some pictures made on the touchstone were shown but the Court did not accept them. After the said report we did not get the photos of touchstone pillars because we did not deem it necessary.

There is no difference between Shia and Sunni Muslims. It is true that the Waqf Boards of Shia and Sunnis are separate and have separate records. It is true Waqf of Shia and Sunnis are separate. I do not remember in which suit and when I first submit the power of attorney in the on going five suits because a long period has since expired. I remember that the first power of attorney was filed in the suit under Section 145 of Cr.P.C. I do not remember whether these papers were signed by me or not. Rehmat Sahab was our Advocate. I

did not file my counter statement or affidavit in that case, because Anisur Rehman had already filed the counter statement.

I earned my livelihood from tailoring. When I was imprisoned under MISA, the profession got discontinued. After my release I did not do any work, not even tailoring.

It is wrong that the disputed property was or had been or is Ram Janam Bhoomi even today. It is also wrong that there were pictures of gods, goddesses, humans, animals, birds etc., on the touchstones of the disputed property and Namaz was not offered there due to his reason. It is wrong that the broken embankment shown in the Photo was the statue of "Varah God".

(Cross examination concluded on behalf of Defendant No.13)

Verified the statement after hearing.

Sd/-
Mohd Hashim
7.8.96

Typed by the Stenographer in the Open Court as dictated by me. In continuation for further cross-examination on 20.8.96.

Sd/-
7.8.96

Date 20.8.1996 (In continuation of 7.8.1996)

(Cross examination on behalf of Shri Umesh Chandra Defendant No. 22 by Shri Vireshwar Dwivedi, Advocate).

Mohd. Hashim P.W. 1 gave the statement on Oath. After reading Quran Sharif, one can read the Namaz with great convenience. So I did not require taking training from someone. Regarding Jati Namaz (alone) and reading aJamati Namaz (in assembly) have some difference only that Jamati Namaz gives 27 fold punya (virtue) to the reader. Azan (prayer call) and Takbeer are necessary for Jamati Namaz. Takbeer and Imam follow Azan. Vaju (Abolution) is done before reading the Namaz. Jamat is called

Kayam. Azan (Prayer call) is given for every Namaz in every Mosque. Namaz is read five times.

There is a Masji-e-Nabi in Madina Munawwara. Mohammad Sahab participated himself in the construction of this Mosque.

The first prayer call was performed by Hazrat-e-Bilal on his order it is true that every rich Muslim aspires to construct a Mosque like the Mosque in Nabi. There are minarets in Masjid-e-Nabi.

It is correct that after hearing and understanding and taking it as true I signed the petition.

Question: You have got it written in Para 1 of the Petition that the Mosque called Babri Masjid was built by Emperor Babar (the Learned Advocate read out the Hindi translation of para 1 of the petition to the witness and asked whether he got it written or not)?

Answer: Whatever has been written is right. I mean it was constructed by the order of Babar.

Question: Babar had no dearth of money did you try to know why he not made minarets in the Mosque?

Answer: It was the demand of the time and it is not necessary that the Mosque should have minarets. Perhaps due to shortage of time the minarets could not be constructed. Babar's kingship was only for two years.

I cannot say whether Babar was in hurry to construct the Mosque or not.

It is true that Babar consquested India. His Kingdom was throughout India not in a particular State or District. Time is the testimony that his rule was all over India, so I call him Emperor Babar. This Mosque was constructed for the common people to read Namaz. Mosque is made for worship. This mosque was built only to offer Namaz and not for any other purpose. Towards the north and south of

the Mosque there were graves of common Muslims who belonged to Ayodhya.

It is not that towards north and south also, there was Ganj-e-Shaheedan. It is correct that I got it written in Para 2 of my petition about the graveyards around the disputed building. It was true. I did not get it written in Para 2 of my petition that the graves were of those Muslims around the Mosque who became martyrs in the battle. (The learned Advocate drew his attention to Para 2 after translating it into Urdu and the witness replied) whatever is written in the petition is right. There was no battle at the time of constructing Babri Mosque. During the time of Maulvi Amir All Shah the Muslims were killed by deception who were sleeping in the Mosque, therefore this place of their graves is called Ganj-e-Shaheedan. It is now long ago and I cannot tell the period. I cannot recollect if this incident happened 10 years back or 500 years back. According to history, there was no battle fought between Babar and the then king or ruler of Ayodhya at the time of its construction or before it. I did not get it written in Para 2 of my petition that there ensued any kind of battle between Babar and the then ruler or King of Ayodhya at the time of constructing the Mosque (His attention was drawn to Para No.2 of the petition after translating it into Urdu, where this was written). I did not get it written there about a battle in ayodhya where Muslims were killed and their graves were built around the Mosque. (The learned Advocate drew his attention to Para No.2 by telling its Urdu translation where it is written that there are graves of those Muslims all around who were killed in the battle between Babar and the then ruler of Ayodhya.

At the time of preparing or filing the petition in the Court I did not deem it necessary to know what is the disputed building and how much it is? Volunteer: The area written in the record of Waqf Board is the disputed property. So I did not consider it necessary to enquire about the boundary of the disputed building or to write it in the petition. I did not make efforts to know whether Waqf Board, Plaintiff No.1 ever looked into or accepted the contents of my petition. I have no knowledge about it, either my advocate or the advocate of Waqf Board may be knowing that any body on behalf of the Waqf Board did make any enquiry about it or not. I myself did not consider it

necessary. It is right that only one power of attorney was submitted in this Suit on behalf of all the plaintiffs. Shri Rehmat Hussain and Shri Mohd. Ayub were the advocates on our behalf in this case. He is the same Mohd. Ayub through whom we issued notice before filing the suit. He is the same Rehmat Hussain who was our advocate in the case under Section 145 of Cr.P.C.

It is true that the same property is the disputed property for which a Suit was filed under Section 145 of Cr.P.C. also. The suit is about this property. This is a different suit in addition to case under 145. We faced problems in the case under Section 145 because our properties were attached arbitrarily. It is true that we filed petition in the High Court to postpone the case as we were compelled to do so. It is wrong to say that our petition was dismissed by the High Court, it was accepted. We did not go against the order of attachment on 29th December, 1949. It is true that the order of 29th December, 1949 was an injustice to us and it was illegal also. The Civil Suit by Gopal Singh Visharad had been filed and I was busy in pleading the case so we did not take any action against the order of 29th December, 1949. I was not a party in the suit by Gopal Singh Visharad. All the people used to come to plead the case. All the defendants used to come along with me. It was the decision of the Muslims in the city that I should plead the case on behalf of the defendants therefore I did so.

My Advocate was aware but I was not aware that some Shiv Shankar Lal was appointed as Local Commissioner in the Gopal Singh Visharad case. This was told to all the people of the case. All the defendants pleaded the case so they did not consider it necessary to tell me. I also do not now whether the Local Commissioner had fixed the date for site inspection or the advocate of the defendants objected this or asked for another date. It is not known to me that Zahoor Sahab signed an application in Urdu which was written in English and gave it at the time of Local Commissioner's inspection. Zahoor was a party of the case. Bashir Sahab was also appointed Local Commissioner in that case but when he was appointed, I do not know, perhaps he was also appointed on the same day when Shri Shiv Shankar Lal was appointed. Bashir Sahab had gone to take photos of the site on the order of the Court. I did not accompany him there. I do not know whether Bashir submitted his report after many months seeking

extension of dates many times. As I did not go at the site, the question of seeing the photos by me does not arise. But I have seen those photos many times later on.

Mosque is only for worship and Namaz is offered there and no other religious ceremony is performed there. I did not get it written in Para No.1 of my petition that other non religious rituals were performed in this Mosque. (The Learned Advocate invited his attention towards Para No.1 of the petition in Urdu, where "religious ceremony" (English words were written). He replied "whatever is written is right but the Learned Advocate could not understand it properly".

I gave a statement in the Court on July, 1996 that the Advocate told me about the appointment of Shiv Shankar La! as Local Commissioner, but this was told me later on. But I do not remember whether this was told to me on the same day or later on.

That statement given by me on July, 1996 was wrong that "Shiv Shankar La!, Commissioner will go on the site and this information was given to me by my advocate". Said again- As the type of question was asked so was the reply. This previous statement given was wrong. My statement given on 26th July was correct "when Shiv Shankar Lal went on inspection of the site, he was taking the measurement, I was sitting there in isolation", Said again I said it on the occasion of his site visit and not for Shiv Shankar Lal's inspection visit. My statement is correct that "Many people were there. Lekhpal etc. were there. Our Advocate Rehmat Sahab was also on the site. There were many other Muslims besides me and Rehmat Sahab, but I do not remember their names. My statement of today is also correct and the statement given on 26th July, 1996 was also correct according to the question.

Question: Should I take it that you give your statement

according to the opportunity and time? Answer: It is wrong. I do not give false statement.

One who looks after my Waqf is called Mutwalia. He is under binding of the Waqf Board and cannot do anything of his own will. He is not the employee of Waqf Board. He looks after the Waqf property and repairs the

building etc. if it is broken. The property of Waqf remains in his safe custody. He is responsible for it.

The Mutwalli of disputed property was Jawad Hussain on 22-23 December, 1949. When this suit was filed Jawad had gone to Pakistan and nobody was the Mutwalli of that property. When Jawad Hussain left for Pakistan, that I cannot say. I do not remember the date and year. I heard that he had left for Pakistan. I do not know whether Jawad Sahab submitted any counter statement or objection in the case under Section 145 of Cr.P.C. Jawad Sahab did not file any counter statement, objection or petition in the case by Gopal Singh Visharad. Jawad was a Shiv Muslim. Meer Baki the Commander of Babar who built Babri Masjid was also a Shia Muslim.

It is wrong to say that Shia cannot read Namaz in the Mosque meant for Sunni Muslims.

After Prophet Mohammed the first Imam was Hazrat Siddiqui Akbar followed by Hazrat Farooq, Hazrat Usman Gani and Hazrat Ali respectively. It is wrong to say that Shia Muslims accept Hazrat Ali as the first Imam after Prophet Mohammed and do not accept his predecessors as Imam.

Idmiladul- Nabi is celebrated as Barahwafat with a procession,. Kaseede (eulogical poems) are read in this procession in honour of all the Imams. It is wrong to say that when the Kaseede are read in honour of other Imams between Mohammed and Hazrat Ali, Shia Muslims read "Tarbara" during that period. If they do so it is a politics, not religion. I do not know due to this reason the processions are not taken on the occasion of Barahwafat in Lucknow and Faizabad. I do not know due to this reason Shia and Sunni Muslims picked up the quarrels in these processions and keeping in view this problem the Govt. had prohibited these processions. It is in my knowledge that the processions of Barahwafat are being taken out in Faizabad and Ayodhya since a long time but the exact period is not known to me. This procession has been taken out since my childhood. I do not know that any quarrel or row or lathi charge or arrests happened due to this procession in Faizabad. There have been good harmonious and friendly relations between the Shia and the Sunni Muslims of Faizabad till this date. I do not know that the procession of Barahwafat cannot be taken out in Lucknow even today.

I understand "Nakad Nakar" (financial aid).

Question: Did you get it written in Para 4 of your petition that even after the British Government the financial aid was continued?

Answer: This aid was continued from the non government land of Sholapur and Bahuranpur village. (The Learned Advocate drew his attention towards Para 4 of the petition by translating it into Urdu, where it was written that during the British rule the aid was given from the non government land of Sholapur and Bahuranpur villages in Lieu of Nakad Nankar).

I do not know whether even after annexing Avadh to British empire, Nakad Nankar was continued till 1864 or not. It is wrong to say that I have written some facts in the petition without understanding them. My Advocate may be knowing but I do not know about any order given to me by the Court to give details of the disputed property or any such deficiency maybe completed. The map given with the petition is part of it and it is correct. I do not know but my Advocate may be knowing whether we included the numbers of Nazul for the details of the property after making amendments in the petition or not. It is true that the local Commissioner went on the site for inspection by the order of the Court in this Suit. I was not feeling well and did not go to the site on the arrival of Survey Commissioner. Survey Commissioner must have gone there but I do not remember. But it is correct that, I never went to the site. It is correct that whenever the Survey commissioner went on the spot, I was ill. I was not keeping well. It is also right that Abdul Mannan is also our Advocate in this Suit. In addition to him Janab Jilani is our Advocate. It is also a fact that our Advocate Mannan Sahab prepared a map about the disputed property and gave it to the Survey Commissioner with his signatures. Paper No.11-A 2/17 which is a part of Survey Commissioner's report bears the signatures of Mannan Sahab and I recognize his signatures.

Among all the defendants, none of them is Shia. At the time of filing the suit it was not considered necessary to make any Shia the party of the Suit. We wanted that the decree of the case should be for the benefit of all the Muslims and all the Muslims should abide by the decree. At the time of filing the suit we did not consider it necessary to search for Mutwalli of this property, because Waqf Board was itself a party to it, so there was no need

to make Mutwali also a party to the case. The Board had called all the plaintiffs and we all filed the case collectively. It was being considered for a long time so it was decided to file the suit. It was being considered for the last 10 years, the officers of the Waqf Board kept on changing but the discussions kept on continuing. The entry of the Mosque was in the record of the Waqf Board so it was necessary to include the Waqf Board. It is wrong to say that consideration pulled on for 10 years because Waqf Board was not ready to file the Suit. I was not born till the time of the riot in 1912. I was told whatever we heard about it, to the Court. The riot of 1934 took place before me but I did not participate in it, I witnessed this riot very closely sitting at home which was taking place in Shahjahanpur.

I did not visit the disputed property after 22nd December, 1949. Our Advocate prepared the map submitted with the petition after visiting the site. To know details of the disputed property, we had appointed an Advocate because it was necessary to do so. A long time had passed; I do not remember the name of that Advocate.

The disputed building, which we call Babri Masjid was constructed in 1528. The age of the building mentioned in Para I of my petition is correct.

I was never punished for butchering the cow and never challenged in any case of this type. I was neither challenged nor punished for rioting in any case.

I do not know if any employee of Waqf Board went to inspect this building till 22 December, 1949, it is wrong that Muslims could not read Namaz in this building before 22nd December, 1949 also or whenever they went there to offer Namaz the Bairagis and other people did not allow them to do and threw stones and shoes on them. Before Jawad Sahib, the Mutwali of this building was Zaqui. It is all wrong to say that Zaqui was fond of opium or an opium addict and the Waqf Board made an enquiry or report against him for addictness or for not performing duty properly or tried to remove him from this post. I do not know when Zaqui expired. It is wrong to say that the District Waqf Commissioner gave a report on September, 1938 that Zaqui was an opium addict and he should be removed from this post or should resign himself. I also do not know that the District Waqf commissioner gave a similar report against him on February, 1941. It is right that the Mutwali of Babri Mosque had always been Shia Muslims.

I know that a Civil Suit was filed in 1885 about this building. The papers regarding the case had been submitted on our behalf. Those all the papers have been submitted with my knowledge and understanding. I do not know whether Mahant Raghuwar Das had filed the Suit of 1885 in his personal capacity or on behalf of all the Hindus I did not try to know about it because Mahant Raghuwar Das had lost the case. (The learned Advocate read out Hindi translation of para 6 B of the petition to the witness and asked whether he got it written that Mahant Raghuwar Das himself, on behalf of Janamsthan and on behalf of all those people who took interest in Janamsthan filed a Suit No.61/280/1885 in the court of Civil Judge, Faizabad, making Mohd. Asgar, Mutwalli of Babri Masjid as defendant). The witness replied- Whatever is written in the petition is correct, and out of my these two statements, that statement is correct what is given in the petition. I did not get any opportunity to see the file concerning the suit of 1885, this is the work of Advocates. It is wrong to say that in the suit of 1885 Raghuwar Das did not make Mohd. Asgar, Mutwali as Mudayala. I do not remember that during that litigation Mohd. Asgar gave an application to become a party of the case. I do not remember about it neither in the past nor in the present. A long time has passed and I do not remember whether I submitted the copy of the map given in 1885 case in this present case or not. It was in 1949. Our suit was filed in 1961, I do not remember.

There had been no quarrel between Hindu and Muslims about this Mosque except that incident happened in the night of 22 December, 1949. There had been no quarrel between Hindu and Muslims in Ayodhya and Faizabad except the riots of 1912 and 1934. Some people lodged complaints on our behalf about the incident of 22-23 December, 1949 but we do not know. I do not remember the names of those people who lodged the complaint. I did not know their names earlier also. Mohd. Asgar was the resident of Ayodhya but to which Mohalla he belonged I do not know. I do not know about Asgar Mian's claim that the land of Sholapur and Bahoranpur was his personal property and not of the Mosque. (The Learned Advocate read out the Urdu translation of Para No.4 of the petition given by the witness).

Question: You have mentioned Nakad Nankar, Kindly tell me what is this?

Answer: I do not know the meaning of this word. If it is written in my application, that is right. But I cannot tell its meaning. My Advocate prepared the case, so it is his duty not mine to understand the meaning of words. It was true that I signed the application after hearing understanding and okaying it. A long period has since elapsed so I do not remember now. At the time of drafting of signing the application I did not try to understand the meaning of Nankar. There were so many things in the application which I could not understand but I accepted them before signing it because my advocate had written so. I do not know from where the money for the maintenance of the building (Babri Masjid) was provided before annexing Oudh in British empire in 1864. I do not know who incurred the expenditure or provided the grant for the maintenance of this Mosque before merger of Oudh in British empire. It was not known to me at the time of filing the suit and I also do not know this even today.

(The learned Advocate read out Para 3 of the petition by translating it into Urdu and asked the witness-"Did you write in the petition that some cash amount was given for the look after and maintenance of the Mosque by the emperor of Delhi which was continued and Sadat Au Khan, Nawab of Qudh also gave it. The witness replied-"It was right what I got written in Para. 3. I gave the right answer to the question which was asked earlier whether I knew about the grants and aids at the time of drafting and filing the case. I have given the appropriate answer to the question also which is being asked now. I gave the correct answer according to the question asked at a particular time.

The riot of 1934 was unilateral and only Muslims were killed in it. No Hindu was killed. At that time the Hindus were more powerful and suppressed the Muslims whenever they wanted. But it is wrong to say that due to this reason they did not allow Muslims to read Namaz at that place. It is also wrong that due to this reason they did not allow the Muslims even to reach the premises of this building. (Volunteer) During the period from 1934 to 1949 nobody had the courage to lay hand on any Muslim.

After 1949 and not before it the graves towards the east of the building were digged and thrown away by the Bairagis. It is wrong to say that it was done before 1949. I do not remember whether any Inspector from Waqf

Board visited the site before 22 December, 1949 and reported "The graves towards the east have been demolished and thrown away by Bairagis, they have set up the flags and there singing of kirtan and worship is going on". I also do not know that the Inspector wrote in the said report "It has become difficult for me to live here. My life is in danger and I am running away via Katra to Gonda".

The Statement of my Advocate that there are graves from three side of the building is correct. My petition is also right. Even after asking for the details by the Court, the reason for not submitting the map of the disputed building can be told by my Advocate, not by me. I do not remember about the measurement of 21 X 17 feet of a particular place submitted with my petition. Who made this measurement and when, I do not know. Masjid is written in place of 21 X 17 in this map which is correct. The word Masjid is for plots A, B, C, and D, shown in this map. It denotes Chabootra only though it is within A.B.C.D. but not shown there. It is also a part of the Mosque. The site concerning the suit of 1885 by Mahant Raghuwar Das is also included in these A,B,C,D. plots. These all A,B,C, D plots were included in Mahant Raghuwar Das's Suit.

I do not remember if any order Hukum-Intai Chandroja etc., was issued in Gopal Singh Visharad case 1950. I do not remember whether notice was given to other parties also about this Hukum Intnai Chandoraja and was it confirmed or not. I also do not remember whether this Hukum Intnai Chanoraja was confirmed by the Hon'ble Civil Judge. I also do not know whether any defendant filed an appeal or revision was dismissed by the High Court. We did not give any importance to Gopal Singh Visharad's suit because according to our assumption it was likely to be dismissed for not giving notice on the Suit. We did not try to know about that Suit and Hukum Intnai. Four Advocates were pleading this case on our behalf in that case so I did not try to know much about it.

(The Learned Advocate made Urdu translation of Para 18 of the petition and read out to him). The witness replied "It is right that I got it

written in para 18 of my petition about issuing an order Hukum TNtnai insuit No.2 of 1950 and consequent upon which Hindus are keeping the idols in the mosque and worshipping them and the Muslims are not even allowed to enter inside. The ignorance about this mentioned in my earlier statement is correct because it was in reply to the question of that time and this statement now is in reply to the presetn question. I try to tell the truth.

Verified the statement after hearing.

Sd/-

Mohd Hashim

20.8.1996

Typed by the Stenographer in the open court as dictated by me in continuation for further cross-examination on 20.8.1996

Sd/-

20.8.1996

Date 21.8.1996

(In continuation of **20.8.1996**)

(Cross examination of Mohd.Hashim begins today on Oath on 21.8.1996).

There was no map of the dipsuted property enclosed with notice sent through our Advocate prior to filing of the suit. In this suit we wanted relief in the favour of the Board along with the private plaintiffs. We did not make Jawad Sahab a party in this case because no need was felt accordingly. It is correct that at the time of filing the suit Jawad was Mutwalia of the dipsuted building. We demanded possession of the disputed building in the favour of ours and the Waqf Board. We did not demand any relief in favour of Mutwalia. I was not the owner of this disputed building butall the Muslims were it s owner. Sunni Central Board of Waqf was not the owner of this property but was its protector. In his capacity as a Mutwalli, it is his duty to protect the property of the Waqf. This property is managed through Mutwalli. It is correct that Mutwalli cannot be removed or dismissed tillit is not proved that Mutwalia was not doing the proper management of the Waqf property or derelicted his duty. It is wrong to allege that we did not make Mutwalia a party of the suitbecause of his being Shia and we wanted to KeepShia Muslims awa ya from it. (Volunteer- There was a litigation abaout this Mosque between Shia Waqf Board and Sunni Waqf Board and it was the Judgement that the Mosque belonged to Sunni Muslims and not to Shia

Muslims). This litigation which I have mentioned was in 1934 but I do not remember the date. There were no differences between Shia and Sunni Muslims about it but only between the two Waqf Boards. The dispute was between Shia Waqf Board and Sunni Waqf Board in 1934 about the ownership and custodianship of the property. It is wrong to say that I am giving false statement. Janab Aihatram Ali was plaintiff in this case with me. It is correct that I submitted counter reply (statement) in this Suit on behalf of all the plaintiffs. I do not remember in which particular form this counter reply was submitted the date and year is also not known to me. It was written in this counter reply that the Mosque was constructed 450 years back and it was a typing error. Due to this typing error the age of the mosque has been written 450 years in four different paras. Our occupation of this property was "Derina" (ancient) and not "Gazibana" (recent). It has been written in Para 11 A of our petition in the past, all the rights of Hindu temple and public have been terminated due to our "Derina" and "Gazibana" occupation and we have become the real owner of this land. (I meant to write this was Derina occupation).

I do not remember the date and year when Jawad Sahab was appointed Mutwali. I do not know since when Sunni Waqf Board and Shia Waqf Board are in existence. But these Boards were definitely in existence in 1934 when the aforesaid litigation was filed.

We submitted an application in 1974 in the Court to change the then receiver and replace him by Shri Madan Mohan Dubey. It is wrong to say that I did not give any such application. I got any Arabic education in a normal way but did not get any degree. I got Arabic education sitting among the common Muslims, said again I learnt Arabi from Mauliv Gaffar Sahab). I did not say that I learnt Arabi sitting among the common Muslims. It has been written wrong in my statement that I got the education of Arabi sitting among the common Muslims. The documents submitted with my listed documents 4-5-6-7 would have been submitted by my advocate after due consideration and were submitted with my knowledge.

I do not remember who was the Advocate of the disputed property. In my counter reply, I got it written that the Hindus tried to damage the Mosque mischievously in 1934 and caused minor damage at almost all the mosques. I was a plaintiff in the case under Section 145 of Cr.P.C. and

attended every hearing and pleaded the case. It is correct to say that I was not a party in any case, did not try to become a party of any case, did not give any application, did not sign on any order sheet during the period from 22nd - 23rd December 1949 to 1961 till the date of filing the present suit. I have already told that I was the plaintiff of the case under Section 145 of Cr.P.C. I did not give any application in this case except admitting the petition of Anisur Rehman.

Question: When you gave the slogan in 1954 to read Namaz in the Mosque and were arrested and sentenced in this connection, the people considered you capable to get your services for this suit?

Answer: It is correct. I could not tolerate the misuse of law. Our right was given to others.

I was sentenced 6 months imprisonment and a fine of Rs. 500 was imposed and my house was also attached. That house is still attached till this date for violation of Section 144, when can I call it except an unfair use of law. We appealed in the Court of Sessions Judge against this unfair use of law. Our sentence was reduced to 2 months imprisonment and Rs.50 as fine, I do not consider this decision on my appeal as an unfair use of law.

I was not arrested in any case except MISA and the aforesaid case.

When the wall of the Mosque is constructed it becomes the limit of the Mosque and it becomes the limit of the Mosque and it makes no difference even if there are graves behind it. There is no Parikarma in the Mosque. I do not remember whether any Commission was set up in the Civil Suit of 1885 or that Commission submitted any map. It is true that I had enclosed a copy of that map with my listed documents in that case. This is a certified copy.

Babar was Sunni Muslim, Meer Banki was Shia Muslim. Bazar Abbas Kalandar was Sunni Muslim. I cannot say that Meer Banki was his disciple. Emperor Babar never came to Ayodhya. Babar ruled for two years but I cannot tell the particular years.

It is wrong to say that I had no concern with Roza Namaz or I was made the leader only because I was the flag bearer. Both these assumptions are wrong. It is wrong to say that litigation is the means of my livelihood.

(Cross examination was concluded on behalf of Defendant No.22).

(Cross examination by Shri Madan Mohan Pandey, Advocate on behalf of Defendant No.2, Shri Paraamhans Ramchandra Das).

XXX XXX XXX XXX

I have seen the disputed site. It includes the Mosque and the plots of the graveyard. I know about the number of plots but not their respective areas. I even cannot guess the area. There are 23 plots but I do not remember their numbers this time. There was entry in the record of Nazul in the name of Mosque, grave yard and plots. Kistwar numbers and Nazul numbers are different but our suit is about Nazul numbers. I did not take the measurement of the disputed plots before filing the suit. This time I do not remember any number of the plots of the grave yard out of the total 23 plots. These all the plots are adjoining to each other. It is not in our knowledge that any measurement was taken ever before filing the suit. We inspected the record according to the Nazul plots before filing the suit and perused the map of the Nazul also. We did not give this information regarding plots and map to my Advocate. (Other people were also with me and they gave information to the advocate). This information was not given in my presence. I do not remember whether the papers of the settlement were checked or not. My companions must have told this to the Advocate. At the time of filing the suit we knew the boundary of the disputed property. I did not give this information to the advocate. (Volunteer-Hazi Mohd. Fayat and Zahoor Ahmed gave this information to him). They did not give this information to the advocate in our presence. In our suit, the boundary of the disputed land has been given but I do not remember. I do not remember whether the numbers of 23 disputed plots have been given in the petition or not.

It is not known to me whether the court had ordered during the litigation to give the boundary of the disputed property and the numbers of the plots. I have given a statement earlier in this court that the total area of the disputed land is 9 % bigha and I gave this statement on the basis of information which I heard. I would not be able to tell this time the boundary of this disputed land. A long period has since expired so I do not remember what was the boundary of this property in December 1949. We have filed the Suit of only that land where the Mosque and the graveyard have been marked on the Nazul documents., I appeared on behalf of the defendants in

Gopal Singh Visharad's case but for which particular place the suit had been filed. I do not remember because I myself was not a party to it so I do not know which was the property. What was its area and the boundary. When I say pleading it means I sent for the Advocate or searched him on the call of the court and conveyed the message of the advocate to other defendants and conveyed their message to the advocate also. It was not in my knowledge what the plaintiffs and defendants said, it was known to my advocate only. In the case of Gopal Singh Visharad the other party called temple to our Mosque and this was the dispute. But I do not know that what claim was filed by Gopal Singh Visharad.

Question: Gopal Singh Visharad filed a suit that the disputed land was Shri Ram Janam Bhoomi where Hindus have been worshipping since the time immemorial and being a Hindu it is my full right to worship in that place. The Muslims should not be allowed to interfere where we do our worship.

Answer: I am not a party of the case so I cannot give any answer about that case.

Ramachandra Paramhans had also filed a Suit. This suit was Res-Judicata so we did not take any interest in it. (Volunteer:-He himself had withdrawn his case). I mean to Res Judicata is that if some one tries to resurrect the dead man. Paramhans Ram Chandra did not file any other suit except the aforesaid (Volunteer:- The case of 1885 was of this type which the other people had lost). I do not remember whether in the Gopal Singh Visharad case the Court passed or not an order which prohibited the Muslims from entering in this premise. No Muslim went in the said premises after 22 December, 1949, if somebody tried also, the Government did not allow. These attempts were also made in 1954 which I have mentioned in my earlier statement. Besides this, no other attempt was made again. I have personally or no other Muslims had the information about the changes in the said property from 1949 to 1992 because we were not allowed to go there. In the meantime K.K.Ram Verma wanted to make some changes and we filed a petition in the court to remove him. I do not know if any Commission visited the site in our case to prepare the map or take measurement. My advocate may be knowing whether any application was given or not on our behalf to set up a Commission. If I am shown a map I can tell whether

disputed land is there or not and which is that land. We have enclosed the map of the dis Mosque and graveyard with our Suit. After seeing my map I can tell the disputed property. (The Learned Advocate showed him the map enclosed with his petition and asked him to tell the disputed property). The witness replied "the disputed land is in the A, B, C, D area shown in the map and the graveyard is within the marking E, F, G, H. Our claim is for the entire land which is within E, F, C, H. The road shown in the middle may be some where in the Nazul numbers which passes in the middle of the grave yard and we have no claim about it, our claim is about the grave yard. The land shown in A, B, C, D is called our Mosque and Hindus call it as Janamsthan. The land in the shape of Chabootra which is in the possession of Hindus (said again), is not the claim of Hindus, all the land belong to the Mosque. That Chabootra is also included in A, B, C, D which I have mentioned in my previous statement. The Chabootra and Sita Rasoi, mentioned by me earlier are also the part of this A, B, C, D. After seeing this map I cannot tellw hich is the part of Sita Rasoi. I did not see which is the direction of Sita Rasoi in these A, B, C, D plots. Is it in the north west corner, I cannot say. The Sita Rasoi mentioned by me earlier is not shown in this map. I cannot tell its position according to this map. This map which is enclosed with my petition has been drawn after the decree of suit in 1885.

Question: In the map attached with the Suit the place shown in the middle of A, B, C, D indicates the disputed Mosque towards C,B, in west where the prayer was performed, what do you want to say about it?

Answer: Whatever is the map and whatever is written there is correct. The entire area and the place of prayer (Ibadat) is A, B, C, D.

I do not remember whether any party has submitted or not any map with their reply about our suit. (The learned Advocate drew his attention towards paper No.136/5 which is called the part of Commissioner's report. Shri Gopal Singh Visharad enclosed this report of the Commissinwith Suit No.1/1989). I have seen the map shown to me by the Advocate. I can understand this map. If thismpa has been submitted by the Commission set up by the Court then it is correct. It has been prepared after 1949. It is not according to the conditions prevalent in 1949. I cannot say that the Chabootra and Sita Rasoi are not shown as they were in 1949. If Shiv

Shankar Lal was the Govt. Commissioner, the map given by him should be correct but it was the matter after 1949. (The learned Advocate drew his attention towards paper No.136/6 of the aforesaid suit and he replied) it is the map given by Government Commission, it should be correct.

Measurement of the disputed land was made but I do not remember the date, it was done two or three years ago. We did not make any measurement of our own. No measurement of it was made before 1950. I do not know the reason for not giving the boundary of the disputed land, my advocate may be knowing it. I am unable to tell the boundary even today and it has no reason. It is correct that I had not knowledge about the boundary at the time of filing the suit and not even today. I came to know in 1974 that Shri K.K.Ram Verma, Government receiver wanted to make some alterations. This information was received from Baba Laxman das, Ramdas and others. I do not know that K.K.Ram Verma could make any alterations in the site or not, but he was removed from that post. When K.K.Ram Verma on our complaint was removed from the post of receiver, then later on we could not know if he could make any additions or alterations.

We did not consider it necessary to lodge the complaint anywhere against this sabotage of property during the period from 1949 to 1974. When we got the complaint that K.K.Ram Verma was sabotaging the building, we enquired about it and gave an application to remove him.

When I became grown up I started my education. I passed 5th Standard in five years and then started reading Quran Sharif. After the school hours also I used to learn Quran Sharif in the morning and evening from Maulvi Sahib. I learned Quran Sharif for about 1-1 1/2 years. I learned Arabi from Maulvi Sahib and Quran Sharif. We read Quran Sharif in Arabi only and take it as an education in Arabi. I did not take separate education to learn Arabi. While reading Quran Sharif we got the education of Arabi automatically. I do not remember whether I took or not the education of Quran Sharif till 1949. It is not necessary to be educated to offer Namaz. Namaz is learnt with the education also. We start offering Namaz after the age of eight years. I do not remember at which age the first Namaz was offered by me. I started reading Namaz at the age of 8 to 10.

Question: Can you not say that after 2 years or 10-20 years of coming of age you started first Namaz?

Answer: After my coming of age, I started reading Namaz. Every Muslim's children read Namaz.

I came to know about placing the idols for the first time at 5.00 A.M. on 23 December 1949. We were told that the idol had been kept there. If the idols were more than one it should have been mentioned as idols and not the idol. I was not told to which god the idol belonged. Even after that I did not know it to which god the idol belonged. I did not try even till this date to which god the idol belonged.

There was no alterations in the disputed land from 1934 to 1949. I do not know if Sita Rasoi was in the same position till attachment in 1949 as it was in 1934. As I have said in my earlier part of the statement there were no changes in sita Rasol during 1934 to 1949,. But I would like to mention it again, that the Rasol was at the level of the surface of land and we did not pay much attention to it. (First statement or examination in chief). It is right that no changes were made there during 1934 to 1949 in that Chabootra which I have mentioned in my examination in chief. During 1934 to 1949 also the Muslims used to go on that Sita Rasoi and Chabootra. We never saw any Hindu going to that Sita Rasoi or Chabootra. (The Learned Advocate drew his attention towards that part of examination in chief where it is written- "while entering through the eastern gate there was a Chabootra towards the south and priests used to sit there sometimes". The witness was asked whether his first statement was correct or this second statement is correct that no Hindu was seen going to that Sita Rasol? He replied- the Advocate had written my first statement, the priests did not go there, common people visited there which included Hindu and Muslims both.

Today there is no grave at the site. The people who demolished Babri Masjid also destroyed the entire graveyard. They started to destroy the graves in ones and twos and after 22nd/23rd December, 1949 and till 6th December, 1992 all the graves were razed to the ground. It was known to us that the graves were being destroyed since 1949 itself. The verbal complaints were given to the officers but nobody listened. When we filed suit in 1961 even then many graves were there but I cannot tell the number.

At the time of B.J.P. Government in U.P. in 1992, they acquired 42 acres land for Ram Janam Bhoomi Trust. It is not in my knowledge that the lease hold of this 42 acres land was provided to Ram Janam Bhoomi Trust

by the Government. This 42 acres of land included 23 plots of this suit, Mosque and many grave yards. It is not correct to say that the land shown in the map attached with the petition was not included in it. We challenged the laying of foundation stone, breaking the lock, acquiring the land and acquisition of 42 acres of land in the Court of Law. I do not remember in which Court and by which petition the acquisition of 42 acres of land was challenged. It is true that 42 acres of land was encircled by the Trust by erecting boundary wall which was illegal, it was done forcibly. I do not know whether the Trust constructed Sheshawtar Mandir, Ram Katha Kunj and other buildings in this land. We made verbal complaints to the officers against this activity of the trust. After all how long could we afford the litigation.

Abhay Ramdas and Dhram Das placed an idol there with the crowd, I do not know anyone of them. I knew Pramhans Ramchandra Das even before this litigation. I knew him even before 1949. I cannot say whether he is older to me in age or not, we appear to be of the same age. Perhaps he belongs to Bihar but lives at Digambar Akhara, Ayodhya. I do not correctly remember whether he lived there in 1949 also or not. It is not known to me whether this Paramhans Ramchandra Das also participated in the placement of the idol or not.

Janamsthan Temple is in the north of Babri Masjid. I know its boundary. Beyond the wall of this temple, there are grave yards all around. Still today there are grave yards in some parts of it. There is a road in the east of the temple. Towards the south there is road after the graveyard. (Said again) the road comes first and then there is grave yard. Towards the north it is the road first and then grave yard. I mentioned once during my cross examination on 1.8.1996 that I used to go to the house of Maulvi Sahab to read Quran and it took me years to read Quran. By the word years I mean 1-1 1/2 years.

Akshay Brahmchari is still alive but I do not meet him. We see each other sometimes from a distance. One year or before that, I went to Supreme Court he was also there but he did not come with me. He went there alone. Babab Raghav Das is well acquainted to me. It is true that Baba Raghav Das and Akshay Brahmchari Both were congressmen. I do not know whether Baba Raghav Das runs many educational institutions.

It was congress Government in December, 1949. Pt. Jawahar La! Nehru was the Prime Minister of India and Shri Govind Ballabh Pant was the Chief Minister of Uttar Pradesh But I do not remember whether Dr.Sampurnanand was a Minister of U.P. or not. I do not know who was the M.L.A. of Faizabad, Ayodhya at that time. May be but I do not remember, Baba Raghav Das was the M.L.A. of Faizabad Ayodhya. I do not know it whether he was or not a disciple of Swami Vivekanand or was a supporter of his ideology.

It is true that the touch stones which existed in 1934 remained intact in the same position till 1949. These touchstones were in the disputed site till 6th December, 1992. It is right that Ayodhya is the place of pilgrimage for Hindus. It is wrong to say that Hindus from the country and abroad have been visiting and worshipping at Ram Janam Bhoomi Since 22 December, 1949. (Volunteer-only a priest has been worshipping there). It is correct that the Hindus from the country and abroad have been visiting this disputed place since 22 December, 1949. I do not know that since then the religious ceremonies of Hindus are being organized in this premises from time to time. (Said- Are organized with the support of the Government).

Question: Can a Mosque be constructed where worship is performed and idol is kept?

Answer: After removing the idol, Mosque can be built.

Emperior Babar did not build any other Mosque in Faizabad, Ayodhya. There was a stone displayed in the Mosque which provided the information that Babar Built this Mosque through Meer Banki (Volunteer "Babar Mudaishah Babar Ke Adlasat" was written there). Something more is written there which I do not remember now.

Question: Is it also written there "Bina Karbe-Mohabatte Kudishiyan"?

Answer: it is correct, it was also written there. (Said- Entire history was written there in Persian).

I do not know Persian, as things are written in Persian. I do not understand their meaning. Many people used to got here, read the writings on the stone. Whatever I knew about it, I have mentioned here. This has been mentioned in all the books relating to Babar and there is a common belief among the general masses that the Mosque was built by Babar.

Before construction of the Mosque it was an empty land. Irahim Ldi was the ruler of Ayodhya at that time. Babar had a war against him.

Verified the statement after reading

Sd/-

Mohd. Hashim

21.8.96

Typed by the Stenographer in the Open Court as dictated by me. In continuation for further cross- examination on 22.8.96

Sd/-

21.8.96

Date: 22-8-96

(In continuation of dated 21-8-96)

Cross examination of Mohd. Hashim, PWJ begins on Oath today 22-8-96:-

I have heard the name of Sikandar Lodi also. I do not know whether he was a ruler of Avadh State, prior to Ibrahim Lodhi whether he was a ruler of Oudh State or not at the time of building the Mosque. I have read about Rana Sanga in history. There was no war between Rana Sanga and Barbar. I have read about Babar who was famous as emperor Babar and not as Sufi Sant. He was to a Sufi Sant. Babar was very punctual about Roza Namaz. I do not know whether he was fond of wine or not. I do not know about any battle with Rana Sanga. It is also not known to me that before achieving his victory in this battle, Babar took an oath not to drink wine. Whether Babar was secular, Meer Baki should also be secular, secular is one who respects every religion and does not interfere in others religion. I do not know more than this that Babar fought a battle against Ibrahim Lodi. I know Babar did not fight any battle against anyone except Ibrahim Lodi (Said) I mean any battle in Ayodhya. I have not studied much history so I cannot tell whether he fought any other battles or not. Babar built Mosques at many places. There is a mosque in Sambhal built by Babar which we have seen.

Gopal Singh Visharad filed the suit in his personal capacity. Paramhans Ramchandra Das also filed the Suit individually. So we have also made him a party of the case as an individual. I have been told that the Jamuna Prasad Singh, receiver has expired about a year ago. After the death of Jamuna Prasad Singh, this property was taken over by the

Government in its direct supervision and appointed no receiver. I do not know whether R.K. Sarkar was appointed receiver after the death of Jamuna Prasad Singh. I also do not know if the Government took over the charge of land from R.K. Sarkar. Out of the plaintiffs of this case only myself and Mahmood Sahib of Faizabad are alive. All the other plaintiffs have expired. Mahmood is younger to me but I do not know his age. I cannot tell how much he is younger to me.

The first election was held in the country after 1948. The second election was held in 1952. Congress formed Government on both the times. I do not whether any one contested election from Ayodhya in those two elections or not. Ayodhya, Faizabad was one constituency for assembly. Even today it is only one constituency for state assembly.

I do not remember if .Akshay Brahmchary also contested any election. Raghav Das himself did not want to contest any election, he was called for the propaganda of the election. He was also called for propaganda for elections to be held in 1948. (Said again) We do not remember the date properly.

There is a road alongwith the building towards the east of Janamsthan and towards the entire north there are graveyards upto Kanak Bhawan road. I do not know its area but its length is the same as of Ram Janamsthan building. The suit filed by us includes the entire land towards the north which comes in Janamsthan Mandir and the north graveyards also, these all are the parts of 23 plots. (Volunteer) Janamsthan Mandir is not included in the disputed land of the suit. We have not filed any suit about Janamsthan Mandir. The land in three directions of Janamsthan is included in this Suit but not the Janamsthan. The land towards north, west and south of Janamsthan has been included in this Suit. We never tried to know the settlement numbers of the disputed land. I do not know but my Advocate may be knowing if any such application was submitted to the Court on our behalf to find out the settlement numbers of the land or make measurement on that basis. I know that a Survey Commission was appointed by this court to make the measurement. The Commission made a survey of the site but its date is not known to me. How many years have passed since then, that I do not know. I do not remember whether the Court dismissed the report of that Commission. We appealed against in the Supreme Court but I am not

able to remember the date of the appeal. Perhaps our appeal has been dismissed but I do not know the date of judgement. It is correct that after dismissal of the appeal, we gave one more petition in this Court for survey. I do not remember but our Advocate may be knowing that we requested in our application for the measurement of this land on the basis of settlement numbers. Our Advocate may be knowing that perhaps our application was accepted and a Survey Commission must have been appointed. I do not know but our Advocate may be knowing that we had withdrawn the application and thus the appointment of Survey Commission was dismissed.

The disputed site and land which is about 9.5 bigha is in 23 plots. (The Learned Advocate drew his attention towards the statement given by him on 6th August, 1996 wherein he had started "one or two outsiders from Hindus used to live in a thatched and tent shaped wooden temple on the Chabootra". The witness replied "I did not give such statement. I said that the common people sat there and I gave statement about the hut not about the temple". (The Learned Advocate read out the further part of the statement which mentioned "except that tension as stated above they lived in their place with peace and happiness, nobody had any malice".) Hearing this the witness replied — I said that the people of Ayodhya moved peacefully.

We also submitted our affidavit dated 27th February, 1996 with the application for survey. I do not remember how many photos were taken by Bashir Sahab and how many times he went to the site. I have seen the album of black and white photos taken by the State Archaeological Survey. The photos are 111 in numbers and belong to post 1949 period when some changes were made in the disputed property.

It is wrong to say that the disputed land or site is Ram Janam Bhoomi (Volunteer) neither it was so nor it is. It is also wrong to say that Hindus had been worshipping this property, land or premise as Ram Janam Bhoomi even before 1934. It is not correct to say that when Sunni Muslims tried to read Namaz here, their efforts were thwarted. (Volunteer) There was no restriction on reading Namaz. This situation did not arise.

Question:- The place where the idols of Hindu gods exist, where worship etc., is performed is considered an unholy place by the followers of Islam and Namaz cannot be offered there.

Answer:- If any idol is kept in any building or temple and worshipping is going there, Namaz cannot be read. Mosque can not be built in the graveyard.

Question:- Can the place where the Prophets alighted or alight be used to built Mosque or not?

Answer: That place is moist pious, Mosque should definitely be built there.

I cannot tell any other place except Babri Masjid where the prophets had alighted and Mosque was built there.

Hindu reside in every corner of Hindustan and Ayodhya is a holy place for them but prior to it, the place was holy for Muslims as has been mentioned in the history books. Muslims came first in Ayodhya and Hindu settled there later on.

(Cross examination of Defendant No. 2 concluded)

(Cross examination on behalf of Defendant No. 10, Hindu Maha Sabha by Shri Han Shankar Jam, Advocate).

I signed my petition on 18th December, 1961. which was filed through Mohd. Ayub, Advocate. His signatures are there and I can identify his signatures. Below the signatures there is date 16th1 December, 1961. The petition is in English. Generally the clients explain their case to the Advocate and then he drafts the case in English according to his legal perception. At the time of filling the case we all the people had explained the matter to the Advocate. I cannot tell the reason why the Advocate put his signatures first and we signed it later. The advocate did not tell us the contents of the petition but we had explained him everything and authorized him to write whatever he wanted. I have heard my statement of 20th August, 96 where I accepted that it was signed by me after hearing and understanding the same to be correct. My statement was written correctly. The Suit was prepared infront of us so there was no need to give it a second thought.

The money offered by Hindu and earned by fair means which does not include interest can be used to build the Mosque. If Govt. provides money it can also be used to build the mosque. The Govt. money may be for the sale of liquor or interest but it is the money of the Govt., It is true that the money earned from liquor sale or interest can never be used deliberately for the Mosque. The land of Sholapur and Bahuranpur Villages,

which is free from land revenue, was given to the Mosque to meet the expenditures of the Mosque viz maintenance, pay of Imam etc. When the land of Bahuranpur was given the Mutwali of that time took its charge and same is the case about the land of Sholapur. I do not know how Mutwali collected the money, perhaps through the land revenue. It is true that the Hindus also reside in both the village in good count. The Mutwali collected money from the Hindus also as a land revenue. I do not know whether the Hindus of Bahuranpur and Sholapur gambled and drank wine. The map which I have submitted with my petition was signed by our Advocate and none of the plaintiffs signed it. Babri Masjid is listed at Nazul No.583. In the map enclosed with our petition, Nazul No.583 has not been shown. I cannot understand the map so I am unable to say whether any plot number has been given or not, but the map is correct.

Question: The map does not reveal the location of Babri Masjid?

Answer: The Babri Mosque is in the middle of it.

I do not remember when I cast my first vote, and when my name was included in the voters list. Before Independence of India, I did not cast my vote in any election. I do not remember after how many years of the Independence I did cast my vote for the first time and in how many elections I have exercised my franchise. It is correct that 1-1 % years before the independence the first elections were held but I did not cast my vote in that election. During those periods the names of renowned persons were only included in the voters list. My name was not in the voters list. It is understood that the election was mainly contested between the Congress and the Muslim League. I do not know whether in that election, all the Muslims of Faizabad and Ayodhya were in favour of Muslim League or not. I had no interest in the politics at that time so I did not try to know whether the issue of the election should be relating to formation of Pakistan or not. It is true that on the formation of Pakistan many Muslims of Faizabad and Ayodhya had left for Pakistan. But it is wrong to say that our Advocate Rehmat Sahab also went to Pakistan. Rehmat lived in Bulandshehar and his in laws house was in Faizabad. So long he practiced in the Court he lived in Faizabad only. He expired in Bulandshehar but I cannot tell the year of his death. I do not know that he left for Pakistan and expired there.

I know to Anisur Rehman. It was he who pleaded the case under Section 145 of Cr.P.C. for sometime. Then he went to Pakistan. In which year he went there is not known to me.

When India got freedom in 1947, the Hindus were in majority in Ayodhya and Faizabad and they suppressed the Muslims. It is true that Hindus did not like to see any Muslim in Ayodhya and Faizabad, but it is wrong to say that they hated the Muslims. It is correct to say that Hindu were very happy on attaining the Independence of India. It is true that their pressure went on increasing on the disputed property after the independence as they continued to display their power. Then openly announced to change the established order and administration for the atrocities committed by Babar or any other ruler. Some anti social Hindus started displaying high handedness and drove the Muslims out of their houses. Harassed by such elements, many Muslims after leaving their houses, left for Pakistan.

There is a way through Hanuman Garhi also to reach the disputed building. The people of Hanuman Garhi never associated themselves with such bad elements to inflict harm to Muslim. It is wrong to say that some Hindus, Sadhus and Bairagis took the position on the stairs of Hanumangarhi to pelt stones at the Muslims going to the Mosque.

The cost of the Mosque cannot be assessed. It is priceless. We have not given any cost of the Mosque in the petition (Said again). We have shown its price Rs.22 thousand to meet the legal requirement otherwise the Mosque is priceless.

I do not know the correct meaning of Waqf but came to know that Waqf means to protect. Suppose some one is issueless or he has excess property and he gives his property in the name of Allah to Waqf (Charitable endowment). When the Mosque is constructed it becomes a Waqf for the common people. So we call the disputed property as the property of Waqf. This property had become Waqf since its construction. I have read Quran Sharif. I am not a Maulvi to give answer and only a Maulvi can tell which Sura of Quran Sharif's Ayat gives the meaning of Waqf. Quran Sharif is in the Arabi and my language is Urdu, so I cannot tell by translating it where it is written. Maulvi Gaffar Sahab taught me Quran Sharif in Arabi, not in Urdu. He taught very well and explained properly, but it is not correct that he told

me the meaning of every Sura and Ayat of the Quran. I learned and remembered only those Ayats and Suras of Quran which are of daily use. The knowledge of Waqf is not used in daily affairs.

I do not remember the Waqf number of Babri Masjid and I did not deem it necessary to know it.

It is correct that at the time of filing the suit the last date was about to expire (but has not expired). The Advocate may be knowing whether the map enclosed with the Suit was submitted later on or with the petition. I did not go with the Advocate on the day when the Suit was filed.

I am sporting the wrist watch for the last 10-15 years and I did not use it before that. It is right that my this wrist watch is very old but it will be wrong to say that it was 30-40 years old. It is 4-5 years old (said again). 3-4 years old. I do not know the trade mark of the watch. At the time of election of 1946 I was adult. My age was around 40 years. I do not remember but my age was between 35-40 years. This much I do not know as how much around 40 years was my age. I have been a secular Muslim from the very beginning and not a fanatic. I enjoy good friendship with Hindus also. I fully believe on Quran Sharif, whatever is written there is 100% correct, this I believe. We cannot go beyond the order of the Quran (on this point the Learned Advocate read out Ayat 44, Sura 5 of Quran Sharif and asked).

Question: It is written here that who do not give order according to the book (Kitab) written by Allah are Kafirs?

Answer: Yes, Sir. It is correct. I would like to mention that I have been told the Urdu translation not Arabic of this Ayat and Sura.

According to this it is a Kufra (belief that defies Islam) not to accept Allah formless. Those are Kafirs who do not believe in Allah and Kitab.

Question: According to it Hindus are Kafirs?

Answer: Who do not believe the formless Allah are Kafirs.

(The learned Advocate read out the Urdu translation of Sura 4 of Ayat 14 of the Quran and asked).

Question: Oh, people of belief do not make the disbelievers your friend.

What is your opinion about it?

Answer: Oh, people of belief don't follow the path of dishonests. I was married twice. I do not remember when I was married first. I do not remember the year when I was married for the second time.

My first wife did not beget any child. My second wife gave me two children, a son and a daughter. I do not remember what is the age of my daughter. My son is in the age group of 25-30 years. My daughter is elder to him. I do not know what was my age at the time of my daughter's birth and son's birth.

I have read the history. It is true that Muslims came in India from outside. We have read in the history that Babar, Mahmood etc., were invited to India. It is wrong to say that whosoever established Kingdom in India, they necessarily demolished temple at one or another place. No Muslim King demolished any Hindu temple. The temple of Somnath was not demolished due to the intoxication of power. (Volunteer) It had then become a den of rebels and bad elements, so it was demolished at the behest of Hindus. I have not seen the Qutab Masjid of Delhi. I do not know about it. There is a Qutab Minar, but no Mosque. This Minar is not a Mosque. I have seen it from a distance in the road and did not go inside. I do not know whether it is written on the Qutab Minar that it was built by demolishing 27 Hindu and Jain temples and their debris was used for its construction. It is wrong to say that after it, every Mughal King demolished Hindu temples and constructed Mosque on it. (Volunteer) There is no such record.

"Masjid-Janamsthan" was not written anywhere in Babri Masjid. It is wrong to say that in the Government Revenue Record its entry has been made as Masjid Janamsthan. If there is such entry anywhere about this place, it is wrong. It is a conspiracy. "It is the place where angels alighted" was got written by Meer Baki on this Mosque. Where the name of Allah is mentioned, there come the angles of mercy. The angles of mercy descend upon all the Mosques. The angles of mercy descend in all the Mosques of India. In all the parts of the world where the Mosque are built, the angles of mercy alight. So this is a custom that in every Mosque such words are written "The angles of mercy descend here".

It is not necessary that when any injustice is done with Muslims or their religious places are damaged, the Mulla or Maulvi should issue Fatwa (decree). No Maulvi or Mulla ever issued any Fatwa about any Mosque in Faizabad or Ayodhya. I know Nadwa School of Lucknow. It is right that the Maulvi of Nadwa issue Fatwa whenever there is any injustice with Muslims or on their religious place. I do not know whether he issues Fatwa for any

injustice with any Muslim or the religious place anywhere in India. (Volunteer) Muslims are bound to obey the Fatwa issued by the Shahi Imam only and not by any other. It is wrong that Shahi Imam is in Delhi. There is no Shahi Imam in India who can issue Fatwa. The Muslims of today do not realize the need of any Fatwa, they take resort to the administration and law. It is wrong to say that due to the prevailing circumstances in 1949 Fatwa was issued for every injustice. (Volunteer) it was their personal announcement which had no relation with religion. It is wrong to say that it was necessary to issue Fatwa about the incident of 22/23rd December, 1949.

Question: I am to say that if there had been any incident on 22 /23rd December, 1949 Fatwa must have been issued?

Answer: There was no authority who could issue Fatwa. Muslims take shelter of law and administration.

The biggest Mosque in the city where the Muslims can assemble in maximum number is called Jama Masjid. The Central Mosque of the city is called Jama Masjid, it has no special identification. In other words Jama Masjid is also called Jama Masjid. The Masjid intended for the assembly or gathering is called Jama Masjid. It is wrong to say Jama Masjid is that which had been given the shape of a Mosque after demolishing others' religious building.

I do not remember this time when the foundation stone was laid which was done on Plot No.516. It is wrong to say that it was at a distance from the disputed building. It was within the disputed building. The disputed building was unlocked on 2 February, 1986. The lock was at the door which was in front of the main gate. There was an idol placed inside on 22 /23 December, 1949 under a conspiracy. The idol in the locked room is being worshipped since 1949 only but it was out of the purview of the law. When the lock was opened the Babri Action Committee was formed. After opening the lock such turmoil took place in the country that Babri Action Committee was constituted to extinguish it. I do not remember the names of the leaders of Babri Action Committee. I can tell only one or two names. Azam Khan, Barkatullah, Maulana Muzaffar are among them. Many other people are there, but I do not remember their names.

Question: Should I remind you that your Advocate Shri Abdul Mannan, Shri Zaffaryab Jilani and Shri Mushtaq Ahmed Siddiqui are also included in the Action Committee?

Answer: They may be. I give my regard to these people as the Advocates and I am not concerned about anything more.

It is correct that Mohd. Azam was a Minister in Mulayam Singh's Cabinet in Uttar Pradesh. I do not know that the members of Babri Masjid Action Committee had links with some leaders. Shri V.P.Singh was once a Prime Minister of India. As my own fight is confined upto my litigation only, so I cannot comment whether the members of Babri Masjid Action Committee had an access to Shri V.P.Singh. The incident of opening the lock on 2nd February Nineteen Hundred Ninety six (2-2-1996) tantamounted to the murder of the country and it was more serious than the incident of 22nd December, 1949. It is correct to say if the lock was not opened, we would not have taken much interest in this Suit. When the lock was opened in February, 1986 there was a great uproar in foreign countries throughout the world particularly in Islamic countries. It was unlocked with the political assistance, so Muslim countries were offended by it. But I do not know whether much assistance was provided by the Islamic countries abroad or not.

I have heard the name the name of Hazi Mastan. It is not true that after 1986 loudspeakers were installed almost in all the Mosques of Faizabad and Ayodhya. (Volunteer) They were already there. I know it well that Hazi Mastan had no attachment with the Muslims of Ayodhya. It is wrong to say that Hazi Mastan was given money by the foreign countries and he provided it further to the Muslims of Ayodhya and Faizabad for the Mosques or their maintenance. I do not know that Babri Masjid Action Committee got a big amount from Saudi Arabia. I have never gone out of India.

At the time of partition of India there prevailed a rule of Jungle in Faizabad and Ayodhya and its prevails still there. All the officers were against the Muslims during the period from 1949 to 1950. It is true that many Muslims left for Pakistan on being fed up with the attitude of the officers. I did not go to Pakistan because I think a man should be loyal to the country where he is born. It is wrong to say that I left for Pakistan being

tired of the atrocities committed by the officers and other Hindus. Nobody from my family left for Pakistan. It is wrong to say that I was sent back here in Hindustan to instigate communalism, rioting or kick up a row about Babri Masjid.

It is not known to me that the wife of Akshay Brahmchari is Muslim. I know Akshay Brahmchari very well. But it is wrong to say that my friendship with him is due to his wife being a Muslim. (Volunteer) My friendship is not very close to him. Brahmchari is a secular Hindu who stood by the Muslims not because of his wife being Muslim as is alleged. It is true that Panchkoshi Parikrama is at a distance from the disputed property. This Parikrama is all around the disputed property. It is a very old Parikrama and Hindus have been using it since my childhood. We are also within this Parikrama, and they are doing our Parikrama also. They are doing it for the last hundreds of years. There is 14 Koshi Parikrama also. Performing 14 Koshi Parikrama also includes the Panchkoshi Parikrama. These two Parikramas are performed at an interval of 2-3 days. I do not remember their dates. Only Hindus perform the Parikramas. It is their own understanding whether they do it because of Ram Janam Shoomi or for any other reason. During this time Hindus live in Kapwas also. Sadhu Sant, old people do the Kalpwas. This festival comes in the month of Kartik.

Verified the statement after hearing.

Sd/-

Mohd. Hashim

Typed by the Stenographer in the Open Court as dictated by me. In

continuation for further cross-examination on 23.8.96.

Sd/-

22.8.96

Date 23.8.1996

**(In continuation of the statement of
22.8.1 996)**

(The cross examination of Mohd. Hashim, P.W.1 begins today on 23.8.1996 on Oath).

There is no politics between two parties about the disputed property but the people who oppose the Babri Masjid are playing with the politics.

This matter would have been solved and we did not have to come in this forum if they had not played the politics.

Question: If the politics was not there it may be possible that the Muslims would have abandoned this place of their own will in favour of the Muslims?

Answer: They are making law since 1949. taking the shelter are playing politics a mockery of the We have been of law and they on the roads.

I have no concern, with the political leaders, so I cannot tell whether the V.P. Singh Government in 1990 took a decision to refer this dispute to the Supreme Court. But yes, I have heard that under the pressure of Babri Masjid Action Committee. V.P.Singh Government had withdrawn that decision. Whenever there was any case about Babri Masjid in Ayodhya. I filed Writ Petition in the Court according to legal procedure. It is true that I filed Writ Petition against the acquisition of this land by Narsimha Rao Government. I do not incur my personal expenditure on these litigations because it is not my personal case but concerns all the Muslims and at the time of need, the common Muslims provide assistance. Subscriptions are given separately for different cases. There is a Committee for each district. Who are the treasures I cannot tell, It is true that our advocates do not charge any fee.

I am not a scholar in Hadis. When there is any urgency, I read Hadees (traditional sayings by Prophet Mohammad). I do not remember which Hadis were read by me. I do not know which Hadis mentions that where the Mosque can be built and where it cannot be built. (Volunteer) Mosque can be built in every pious and clean place). The land usurped forcibly cannot be used for it.

Question: If you come to know that Babri Masjid was built by demolishing any Hindu Temple, will you withdraw the case?

Answer: Babar wanted to rule in Hindi sovereign country, he did not demolish any temple. It is true that Mosques are built for the progress and propagation of Islamic religion.

At the time of partition of India it was well known to all that Pakistan was going to be a Muslim country. No grant is provided by the Government to build the. Mosque and such grants are not taken also.

Question: If no Government assistance is provided to such Mosques who are built to read Namaz?

Answer: Neither the Government aid is provided nor it is taken.

When any repairing work is done in the Mosque it is done with the subscriptions from the Muslims, though the repairing work may be due to any reason. When the repairing of the damage is due to rioting we take money from the Government on the plea that it was due to the carelessness of the Government and it is the responsibility of the Government to bear it.

I do not agree with the fact that the grant received for the maintenance of this Mosque from the British Government was wrong. Volunteerit was a majestic building. The importance of this building was more because of it being a Mosque not being a majestic building. It is wrong to say that according to the principles of Islam, Government money cannot be taken for the maintenance of the Mosque. It is wrong to say that Hindus have been giving regard to this place as Ra m Janamsthan since the time immemorial. It is also wrong that Hindus have been worshipping the tent shaped wooden temple outside the Mosque for many years. We did not make any such mention of worship etc., in our petition but only of a Chabootra and not of the temple. It is wrong to say that the Hindus have been worshipping at that Chabootra since my childhood. It is also wrong that there used to be crowd of the devotees around Hindu fair which was organized there. (Volunteer) There is a separate Janamsthan temple near it where the fair was conducted and crowd could be seen. I do not know who was born at that place. I have seen and heard this name in the record. I can tell after seeing the map with our petition whether this Chabootra has been shown there or not. (On this point the Learned Advocate showed him the map enclosed with the petition and the witness replied). There is no indication of Chabootra in this map. If any Chabootra has been shown in this map, I am not aware of it. There is no Chabootra at all in it.

We made Hindu Maha Sabha a party of the case to avoid any other suit. Even before the riot of 1934 nobody prohibited Muslims to read Namaz in the Mosque. It is wrong to say that the Muslims never offered Namaz in this Mosque and it was a Hindu place where worshipping was performed regularly. It is also wrong that no incident occurred during the night of 22nd/ 23rd December, 1949. It is also wrong that this suit has been filed merely to

satisfy the obstinacy of Muslims and not for the Mosque. I was imprisoned under MISA in 1976 in order to prevent me from pleading the case of Babri Mosque. It is wrong to say that I was imprisoned because of a C.I.D. report which alleged me a spy of Pakistan. It is wrong that we used to get money for the litigation from Saudi Arabia or Arab countries. (Volunteer) The pressure is from the Governments. Governments means every Muslim country with whom our country is having friendly terms.

(Shri Hari Shankar Jain, Advocate, who has done the aforesaid cross examination, has stated that this cross examination may also be treated as the cross examination of Defendant No.17 also in addition to Defendant No.10).

(Cross examination concluded on behalf of Defendant no.10 and 17). (Cross examination on original Suit No.1/1 989 (Original Suit by Gopal Singh Visharad Versus Zahoor Ahmed etc. through Puttu Lal Mishra, Advocate).

I know Gopal Singh Visharaci prior to 1949 when he came to Ayodhya for the first time.

It is wrong to say that he was also one of them who visited the Janamsthan. It is also wrong that he used to come sometimes at the outer side or inside of the disputed building to pay his visit. (Volunteer- He was in the Court and attested the affidavits). My acquaintance with him was due to both reasons, I met him in Ayodhya and also in the Court to get the affidavit attested. He practiced in the Court. The road towards the north of the disputed building existed since my childhood. This road starts from Dorahi Kuan and leads to Hanumangarhi. There are graves in the south and next comes the disputed building. The graves, building and property all are disputed. From Dorahi Kuan road to Babri Masjid, to whom Hindu call Janam Shoomi, the land is at a low level. Towards the west of the disputed building the level is low. From here the disputed building is at the height. This is high land. I cannot say that it height is at about 30 feet. If we go towards Hanumangarhi from the disputed building, the Janamsthan Mandir is towards the left and the disputed premise and the building are towards the right. After reaching at Manas Bhawan the level of the land is even, and only the level of the road becomes even. After reaching at the intersection if we go towards the north the land is even and towards east also the land is even. The land with brick stones towards the south is also even. This entire compound is the premise according to

me. When we start to come towards the disputed building from that intersection the ascent starts again. This ascent is till the eastern gate. At the time of filing the suit there was a complaint Police Post towards the right of this way. It is wrong to say that immediately after that intersection the temple starts towards the left, when we start from Dorahi Kuan, that Mohalla is called Dorahi Kuan or is also called Kotighat.

When we start from that Dorahi to Hanuman Garhi, Mohalla Ramkot comes within a distance of 1 Kilometer, but starts from that very point. (Volunteer - previously Ramkot Mohalla was called Izhar Hussain Mohalla, as it is in Government record). I am taking about the Nazul's Government record. I have seen the record of Nazul but not the record of Revenue department. In the record of revenue Department its entry is Mohalla Ramkot. (Volunteer) It was due to the conspiracy of Britishers. One speaks according to this knowledge, he can say Ramachandra to Ramkot also. The above two names were known to us. I do not understand the meaning of Kot. I cannot say whether Kot means palace or Ramkot means the palace of Ram because these names have come in post British period. I did not hear any other Kot, Around Dorahi Kuan road (said again) towards the east there is Ramkot. I do not know whether the disputed property is in Ramkot or Kot Ramchander only. I do not remember in which Mohalla we have shown this disputed property's location in our petition. (On this point the Learned Advocate drew his attention towards schedule A of the petition. By translating it into Hindi he told to the witness that he had written "this property is located in Mohalla Kot Ram Chander, which is called Ramkot also, city Ayodhya, Nazul State, District Faizabad". The witness replied). We have made correct entry in this schedule and whatever is written there is correct. We did not make much investigation about it because the case was with the Advocate, so he got it written correct having seen the Government record. I do not know which number comes first of Ramkot Mohalla after coming from Dorahi Kuan towards the east. I do not remember which number will be there towards north of us if we stand at the Manas Shawan intersection facing Hanumangarhi in the east. There is road towards the east and no any number. I do not remember the number of that road and also of the Manas Bhawan. I cannot tell the number towards the west also. The number of brick stone road is also not known to me. It is true that I have shown the entire premise in my map in E,F,G,H with the letter H there is a graveyard but I cannot tell the number. Which are the main numbers between H and G that I cannot tell. The length between H and G may be about less than one furlong. I cannot tell which numbers exist towards the south of H and E. I cannot tell the distance

towards H & E. The Advocate may be knowing about the numbers between E and F but I do not know. The distance between E and F is also not known to me. I give the same reply about F and G also in terms of numbers and distance.

I do not know the boundary of the disputed property but my advocate may be knowing about it. We entrusted the responsibility of the case to the Advocate and he knows it better. I knew about the boundary of this property in 1949 and it was known to me before filing the Suit in 1961 also. I had told about it to the Advocate before filing the suit. We did not tell him the Nazul numbers but he himself wrote down the numbers after the perusal of the documents. I have indicated so and this indication was before filing the suit and not after it.

Question: Would you kindly tell whether anything about the boundary is written or not in your map enclosed with the petition, if not the reason thereof?

Answer: Whatever is written or not written there is all correct.

Question: There is no entry of boundary in the petition; you had told this to the advocate also, even then there is no entry, what is its reason?

Answer: The Advocate might not have deemed it necessary.

I cannot give its reply whether he did not write due to a particular reason or we did not allow him to write so.

I understand settlement (Bandobust). I cannot tell the settlement numbers of the disputed property.

I cannot tell any number of the surroundings. I cannot tell the boundary or settlement number of the disputed property. My advocate can tell about it. I did not try to know about these two things from the time of filing the Suit to this date.

When the Commission appointed by the Court in 1990 went at the site for inspection and measurement, our Advocate was present there. I was watching from a distance. I myself and my Advocate did not tell them any numbers so our Advocate can only tell its reason.

Question: Despite the order of the Court neither you nor your Advocate made any identification of the disputed property before the Commission. What is the reason of it?

Answer: My Advocate can explain it not I.

It is true that there are other many high hillocks in Ramkot Mohalla in addition to this property. I do not know that Hindu call them with particular names. I have heard one name Kuber Tila. (Volunteer- It was tomb of Khwaja Hatti but due to the conspiracy of Britishers it was given the name of Kuber Tila). I have not seen Hindus going on that Tila and offering flowers and Batasha (said) there are many graves. We say Kabra to the grave and Hindus call it Samadhi. I have not

seen any big building in the south outside of the disputed premise which is called Sumitra Bhawan. The Hindus wanted to build Sheshawatar temple towards the south of the disputed building and no temple existed there before. The foundation stone was laid there. (Volunteer- it was an effort to encircle the Babri Masjid). Forty two acres of land towards its south was not acquired but they wanted to acquire it. We shall challenge it in the Court if it is acquired. No action has been initiated by us so far about this course of action in the Court.

Three main festivals are organized in Ayodhya but now a new festival has also been included in it by the leaders. The main three festivals are organized in Sawan, Kartik and Chaitra but the new Ramayan Mela has been started as a result of the politics by the Congress. Sawan Mela is organized for 10- 12 days in the month of Sawan. Some people also call it as Sawan Jhoola but we call it as Sawan Mela. This festival is going on now a days. Perhaps it would be concluded on the day of Shrawan Purnima. I do not know Purnamashi but only know about the festival will continue for 12 —13 days. This is not the festival of one lakh people but festival of many lakhs people. It is true that the participants come for this festival from far off places of the country. I do not know what is the specialty of Sawan Mela which attracts so many people. I have heard the name of Mani Parvat in Ayodhya (Volunteer —it is not Mani Parvat but Manai Parvat. It is the place of Manu's arrival). This festival starts from this place (said of his own — This festival earlier used to be religious one but now it is becoming a political festival. The participants of this festival perform the rituals according to their religion principles, some perform Panchkoshi Parikarma, others perform 14 Koshi Parikarma. The temples of Ayodhya are decorated on this occasion. People take bath in Saryu also.

The second festival is organized in kartik which is oned day festival. Pilgrims assemble here in many lakhs. They pay their obeisance in the temple, perform Panchokoshi and 14 koshi Parikrama, take bath in the Saraju on this occasion also.

It is correct to say that some pilgrims stay there to take kartiksnan (bathing during the month of kartik) throughout the month of kartik and leave the place only after that.

The third festival is organized on Navami of Chaitra. I cannot say it is the biggest festival. All the three festivals are big and I cannot differentiate in terms of big and small. Many lakhs of people assemble in this festival also. Main festival is of one days duration but people come 2 —4 days before to stay there and go after 2 — 4 days also. People take bath in Saryu, perform Panchkoshi and 14 koshi

Parikrama, visit the temple on this occasion. (Volunteer — Play political, drama also in the name of Janam Bhoomi). Some people play politics to see the congregation. Earlier the festivals were organized very peacefully but now the people are scared to go to the festivals. This politics started when some people were giving the name of Janam Bhoomi to Babri Masjid to ensure safety of their seat. The leaders who talk of Janam Bhoomi for safety of their chairs are making the wrong use of the pilgrims. It is correct that these festivals are being organized since the years. The religious people assembled here. Till 1949 nobody gave any attention towards the pilgrims that from where they came and went to which place. All they moved freely, visited the temples and there was peace and harmony everywhere. Then there was no restriction on any Muslim to go to any temple and still today there is no such restriction. I myself go to the temple. It is correct that lakhs of other Muslims of my ideology go to the temple. The pilgrims who come here pay their obeisance, perform their rituals and go back peacefully. They do not get themselves involved in any controversy or quarrel. Hindu — Muslim live in harmony and peace, take part in each others festivals, they meet together and celebrate on the occasions of Holi Milan and Id Milan and there are no differences, There is no discrimination of Hindu and Muslim on the occasion of festivals. It may be Ramlila or any other festival but Muslim on the occasions of festivals. It may be Ramlila or any other festival but Muslims participate without any discrimination. I heard the recitation of Tulsi Ramayan from people only because he was a great devotee of Ram. (Volunteer — there is no mention of demolishing the Mosque in his Ramayan). I got the Ramayan recited only that much which was my requirement. When any Mosque is being constructed no foundation stone is laid. No religious festival or ritual is performed. Whenever a Mosque is constructed, it should face towards the Kaba. A big room is constructed to offer the Namaz. This big room is the main requirement. It is not necessary that the construction of the Mosque should be started from the corner or the middle. There is nothing in the Mosque like the sanctum- sanctorum of Hindu temples. Each part of the Mosque is pious, no particular importance is given to any particular part. Prayer hall is uniformly the same. (The Learned Advocate showed him black and white Photo No. 45 and 46 respectively prepared by Archaeological Survey of India and asked).

Question: Which is the part of the disputed building shown in this Photo no. 45?

Answer: The domes are separate and are three in numbers, so I cannot tell to which dome the photo belongs.

Question: See this Photo No. 46 and tell which part of the disputed building is it?

Answer: This is the middle part of the Mosque.

Question: Tell how many touchstone pillars are there and in which part of the building?

Answer: Two outside and two inside in each door. There were three domes and each door had 4 pillars of the touchstone.

These four pillars were in each of the three gates. At the end of the Mosque wall where there were stairs, no touchstone was fixed neither inside nor outside. (The learned Advocate showed him Photo No. 47 and asked).

Question: Which part of the disputed building has been shown in this Photo No. 47?

Answer: Both sides of the south and north portion the middle gate have been shown there.

It is wrong to say that the touchstone pillars were only at this gate and were not at other three gates. I may repeat that all the three gates had touchstone pillars. It is wrong that the touchstone pillars were only at the middle gate towards the outside. It is also wrong to say that there were no touchstone pillars at the north and south gate.

The locked wall inside the building was about 3 meter high. It was wholly made of bricks. Some bar fitted windows were also there. These windows were very wide and were fixed at many places after leaving some space on the wall. The door was also fitted with bars. The wall stretched in the entire part from south to north side. This bar fitted door provided outlet to enter to the outer wall. The outer wall was more than 3 meters high. Main gate was towards the east from where we entered the building after taking off the shoes. I do not know whether Hindus also entered there through this door. Only Muslims entered into that building. Other people viz Hindus whenever went inside towards the Chabootra, they also entered through this door after taking off these shoes there. Hindus entered only through this door to visit so called Chabootra or so called Sita Rasoi or store room (Said- It is wrong to say that they visited to pay obeisance). It will be wrong to say that despite the bar fitted door of the side wall being closed everything was visible from outside. The height of the wall was more than the human height, so nothing could be seen from outside. The things inside could be seen through the bar fitted windows or bar fitted door only. (The inner part was of the Mosque). There were large doors below the dome and immediately after it

there was a wall due to which nothing was visible inside from out. A man standing out of the bar fitted windows could see only upto the wall. The wall provided proper to the dome not the doors. The walls were of good breadth. I cannot tell the length of that wall. The wall was propping the dome which was behind the doors. Towards the east of the dome there was a courtyard upto main gate. When I started to go in that Mosque, the bar fitted window wall was there. This wall was 1 % fold higher than the human height. The domes were not getting support of this wall. There was no building on this wall. It was only a side wall which besides providing a curtain, barred the animals from entering inside. This wall was at a distance of about 10 meters from the bar fitted wall. The boundary wall was also at a distance of about 10 meters from the bar fitted windows wall. This curtain wall was in the middle of the dome wall and the building wall.

This building had three large gates. I cannot tell the width of three large gates of the building. If the pillars of these three gates was seen from outside then six pillars from outside and six pillars from inside could be seen in these gates. Thus there were a total of twelve pillars. These pillars were fitted in a very thick wall, which provided support to the domes. These pillars were embedded in the wall and some portion of the pillars was visible outwardly, the remaining portion was submerged in the wall. All these 12 pillars were only in one wall which was in the east of the building. This is the building where 6 pillars were towards the east and 6 towards the west. I do not remember at present the covered area of it but can say only that there was definitely so much of the space that 300 people could be accommodated there at a time to read Namaz. Three lines can be formed. First it was a courtyard after the main gate, and then there was a wall and after the wall, the building started. It is wrong to say that there was no wall in the middle of the courtyard. The wall divided the courtyard in two parts.

Question: Standing at the mid of bar fitted window wall, all the three gates and inner side of the gates were fully visible?

Answer: Only that much portion will be visible which is the size of the gate.

The learned Advocate invited his attention towards Photo No. 36 of the black and white album).

I have seen Photo No.36 which is the photo of eastern gate. There were two touchstones affixed outside. If we stand outside of it, that part of the building will come within the sight which can be seen according to the width of the gate. The dome cannot be seen inside; a small middle part of it can be seen. There was no touch stone anywhere in the middle of the building. Two stones were at the main gate and 12 were inside as I have mentioned earlier. I have seen Photo

No.37 also, the people shown in it belong to courtyard and Mosque. I do not know whether such two touchstone pillars are also in Janamsthan Mandir. It is wrong to say that I have never gone inside of this building, and due to this reason I do not know the things and their location inside the building. It is also wrong to say that I do not know where the touch stones were fixed in this building.

(On this point the Learned Advocate drew his attention towards the Paper No.136/5 prepared by Shiv Shankar Lal, Local Commissioner appointed by the Court). I have seen the map submitted by the other party. (Volunteer). This Commission was cancelled, map was cancelled on our objection and Bashir was appointed the new Commissioner to prepare photos by the Camera. It is wrong to say that Shiv Shankar Lal and Bashir Sahab were appointed Commissioner at the same time. In reality, Shiv Shankar La! was appointed Commissioner first and after cancellation of his Commission, Bashir was appointed Commissioner. This map was first submitted by Shri Shankar La! alone.

Verified the statement after hearing.

Sd/-

Mohd. Hashim

23.8. 96

Typed by the Stenographer in the Open Court as dictated by me in continuation for further cross-examination on 26.8.96.

Sd/-

23.8.96

Dated 26.8.96

(In continuation of the Statement of 23.8.1 996).

Cross examination of Mohd. Hashim, P.W.1 begins on Oath:

Shri Shiv Shankar La!, Commissioner, has shown the boundary correct in his map enclosed with the report but the details or particulars of inside have been changed. The bar fitted window wall has been shown in N, H, J, K. Two doors at the places O and T have been shown. (Volunteer- It includes three bar fitted doors, two towards the east and one towards the north). The western part which lies in the west of this bar fitted window wall was attached under Section 145. There was only a Chabootra in the east of this bar fitted wall. There was no store room. In the west of the attached property of the Mosque there was vacant barren land. Towards the north of the attached property there was vacant place with even surface. It is wrong to say that there was Sita Rasoi and a place with foot marks. Towards the south of the attached property there was graveyard. It is wrong to say that there was vacant land. Towards the north of the attached property where

there was even surface there was a wall of the, Mosque in the north. The north gate was *in* this wall.

It is wrong to say that the inner part shown in this map was temple or sanctum sanctorum. (Volunteer - There is no proof of it). It is wrong to say that the eastern gate was in front of this so called sanctum sanctorum. (Said- the eastern gate was in front of the middle dome of the Mosque). The idols were kept first in a "Member" and later on after opening of the lock middle of the dome. I do not know whether the idol of Ram Lalla was also one of them. It is wrong to say that Gopal Singh Visharad and his so called companions used to come to pay their visit to these idols from the eastern door. It is wrong to say that Gopal Singh Visharad or other Hindus have been worshipping this place from the very beginning as a temple or Ram Janam Shoomi. (Volunteer- Gopal Singh visharad was a hired man. Not a religious man). Gopal Singh Visharad was hired by the Politicians at that time. He was hired on 22 123rd December, 1949 and negotiation was done in November, 1949. That party hired Gopal Singh Visharad who arranged for the lecture of Raghav Das. Raghav Das delivered the lectures through out the month of November 1949. This was arranged by Congress Party. Janamsthan is on the record separately as a famous temple from the very beginning. It had no link or concern with this disputed property. It is wrong to say that this property was ever known as Janamsthan or Janam Bhoomi. While standing outside and on closure of doors the inside portion was not visible. It is wrong to say that the inner site was not visible while standing outside of the bar fitted window wall shown as O and P in the map.

There were three large gates inside the building which were without any doors but curtains of the large cloth were there which used to be slided during the Namaz. (He told himself about reading Namaz after unveiling). If curtains were not slided then nothing in inside was visible from outside. Even after removing the curtains nothing could be seen inside from outside, but only a portion of western wall could be seen after a close look. If the doors O and P were opened, there was no restriction on any Muslim to come and go. After the attachment of *this* property some people worshipped there but they did so against the law and took the law in their hand. It is wrong to say that before the attachment also there was no restriction on worshipping by anyone. There was no question of going there for worship after 1885. We call only Masjid to the disputed building and are not concerned with anything shown in the map. It is wrong to say that there was Parikarma of the so called sanctum sanctorum around the disputed property. A long time has passed since the death of Gopal Singh Visharad. It is wrong to say

that Rajendra Singh is his son (Said Rajendra Singh was his disciple), It is wrong to say that Rajendra Singh sometimes visited the so called sanctum sanctorum. (Volunteer- I have never seen this so called Rajendra Singh in the Court). Otherwise I know Rajendra Singh very well. Rajendra Singh has been made officiating in the Suit by Gopal Singh Visharad. (The Learned Advocate showed him map No.2 prepared by Shiv Shankar Lal, Local Commissioner which was filed with the other Original Suit No.1/1989. I have seen this map.

Question: Main things located around the disputed building have been shown in the map No.2 prepared by Shiv Shankar Lal, Commissioner wherein Sumitra Bhawan has been shown towards the south.

Answer: It is wrong. There was nothing previously. It has been built later on to blockade the Mosque. There is no entry of Sumitra Bhawan in the Government record.

It is wrong to say that the disputed building was Ram Mandir and not a Mosque. I will say that it has been always a Mosque since 1528. It has never been a temple. It is wrong to say that I have been pleading this case on the insistence of the Political leaders and giving witness on their behest. (Cross examination concluded by Shri P.L.Mishra, Advocate on behalf of the plaintiffs in Original Suit No.1/89).

xxx xxx xxx xxx

(Cross examination of Mohd. Hashim, P.W.1 started by Shri Devkinandan Aggarwal, Plaintiff, in Other Original Suit No.5/89).

It is not correct to say that I have told my age according to Hizri year. I have told my age according to English calendar, which is in the record of Municipality. I do not remember the month and year of my birth. I have seen my record of birth. I had the certificate which got destroyed in the fire on 6th December, 1992. I attended the age of understanding in 1943-44. I do not know whether Mahatma Gandhi started "Quit India Movement" on 9th August, 1942 or due to this movement there was arsoning throughout the country. At that time we had no link with the politics so we did not try to know about the mass arrest in the country. I do not know when or in which year the voice was raised through the Muslim League to create Pakistan. (Said-) I had heard that there were Hindu Muslim riots in 1945-46 and there was unrest throughout the country and the rule of jungle prevailed there. Such a barbarous rule and rioting continued till the Independence and partition of India. (Said-Such condition continued till 1949). When the Constitution came into force after 26th January, 1950 the peace and prosperity was only for the

big people and not common man. The minorities got Independence on 26th January, 1950 but not the peace and prosperity.

It is true that at the early dawn of 23rd December, 1949 idol was kept inside the building forcibly, it was not kept clandestinely. (Said- In this way it was the murder of "Jamhooriyat". The rule of jungle started from November, 1949, it is wrong to say that it started in October, 1949. It is true that rule of jungle continued from 1947 to 1949. First, it was the high handedness there in the Mosque and then the temples were demolished in Pakistan. I do not know which Mosque was demolished in India. I have *been* pleading the case of Gopal Singh Visharad from the very beginning on behalf of the Mosque. The documents submitted in the case on behalf of the Defendants should be correct but I have no knowledge about them, our Advocate knows it well, Defendants mean Hazi Phekoo etc., I have seen the map prepared on the cloth and enclosed with File Suit No.1/1989 which has been taken from the file of the case in 1885. It is the true copy of the map. This is the correct map. (Volunteer- On the basis of this map, decree was passed in our favour in 1885). Towards the left side it is written here open Parikrama all *around* (Said- It has been shown outside of our property). I am not ready to accept that Parikarma has been shown around this property. Parikrama has not been shown in this map, it may be anything else. The word "Parikrama" towards the left hand is written wrongly in this map. There is a smali square in the left of the disputed property and something is written in Urdu which I cannot read. The mark like horse shoe, shown here does not indicate the hearth (*Chuiha*), it *may* have been used for other thing. A tree has been shown in the north east corner of the inner boundary, I can read the word tree but what is written further, I cannot read it. This map has been drawn arbitrarily which is beyond our understanding. I cannot read the Urdu words written in the rectangle shown at point. A towards east of this map. This point A in the rectangle has been marked by the Court today. I have seen other Chabootra also shown in the map which is at the south east corner towards inside but I cannot read the lines written there. The length and breadth of this Chabootra has been shown 21 X 17 feet. (Volunteer- But we have won this case in 1885, we means all the Muslims). This was the only Chabootra included in the suit of 1885, which was disputed. The other property or things shown in this map were not disputed. It is true that Mahant Raghuwar Das sought permission to build temple on this Chabootra in the suit of 1885. It is true that according to this map the road towards the north of the entire property has been shown complete. This road was constructed after 1870 and after the settlement. There was no mention of this road in the Government settlement documents.

All the documents Suit No. 4/289 are in the knowledge of all the plaintiffs and have submitted with their consent. I do not know that the settlement number of this disputed property was 163. (His attention was drawn by the defendant No.3, Other Original Suit No.5/1989 towards Paper Exhibit 3 and 4) I have seen my document Exhibit 3 and 4). It is wrong to say that the number shown in these documents have no linkage with the disputed building. In document No.4 the mark of the Mosque has been shown in Plot No.167. I have not got full knowledge of Plot No.163 as shown in this document. I cannot say anything about the marks shown in it. I cannot say that any Shivalaya as has been shown in this plot and cannot say that no Mosque has been shown in this plot. I cannot tell that there is any marking of the Mosque or not in the map inspite of seeing it, I will require Khasra (Survey Book) to tell it. We have submitted the copy of the Khasra also which is Exhibit 11. The witness replied to see Exhibit 11. In the remarks of this document there is entry of the Mosque. This entry is against the settlement No.167. The settlement No.163 does not shown the entry of this Mosque. I do not know that according to Government of India's Act No.33/i 993 the disputed property is in settlement plot No.159 and 160. I do not know that the Government of India has taken these numbers from the settlement of 1937. After the enactment of this law we filed a petition with modifications in the Court and challenged the enactment. I submitted an affidavit, our request was objected by the Uttar Pradesh Government and we submitted a counter reply on their objection and I submitted the affidavit with this counter reply. I have seen the Paper No.59 enclosed with the affidavit. This was submitted by us in the Court. We had submitted the translation of this document also with Misc. Petition No.1/1990, which only shows the disputed property. It is true that in Hindi Version the numbers of the disputed land have been given 147, 160 and 168 and there in no mention of No.159. It is true that according to our knowledge no part of the disputed building is included in settlement No.159.

I do not know but my Advocate must be knowing whether any numbers of the disputed property had been shown or not in our first petition of Suit. When I signed the Petition, numbers were not given in the contents of the petition anywhere. (Said again) I do not remember. It is correct to say that our Advocate Mohd. Yunus Siddiqui requested the Court on 2 January, 1962 to allow us to show the Nazul numbers in the petition. None of the plaintiffs among us had signed this petition. I do not know who drafted it. I also do not remember whether the Hon'ble Judge declined to put numbers in it. It is true that some mistakes were detected in our petition and the attention of our Advocate was drawn towards the mistakes

with the instructions to rectify them. (I do not remember) (The attention of the witness was drawn towards the petition and he replied to see it). I have seen the petition. It is true that our Advocate had corrected the Paras 19 and 21 with the pen in red ink. No plaintiff had signed for this modification. (Said- Advocate is fully authorized to do so, there is no need of the plaintiff). It is wrong to say that the Advocate made this modification or application without consultation and instructions of the plaintiffs.

Verified the statement after hearing it.

Sd/-

Mohd.Hashim

26.8.1996

Typed by the Stenographer in the Open Court as dictated by me .In continuation for further cross-examination on 27.8.1996. Witness be present

Sd/ -

26.8. 1996.

Dated :27.8.9 6

(In continuation of 26.8.1996).

Cross examination of Mohd. Hashim P.W.1 begins today on 27.8.1996 on Oath:

The attention of the witness was drawn towards the map Exhibit A 25 enclosed with the file of map suit No.1/1989.No door has been shown towards the left in this map (said-while it was on the site). In other map of the same suit two doors have been shown towards the east of the Mosque. These two doors were there. There was no window. It is wrong to say that till 1949 there was only one door in the east direction. We have been seeing two doors since we started to go to this Mosque. It is also wrong that there was no door towards the north.

I have seen the map at the Annexure 3 enclosed with the report of the Commissioner appointed in 1861 about 6 Kot Ramachandra (His attention was drawn to the map Exhibit B-I enclosed with the documents of suit No.4/1989). The road has been shown in this map which leads from Hanuman Garhi to Dorahi Kuan. This road bears the number 158. In the east there is marking of Hanuman Garhi. There are no markings of road, Mosque or temple. In number 160 there is no marking of Mosque, temple and road which may enable us to identify them. The signs were shown in the map which I saw yesterday but not in this map. There is no sign. of Mosque, temple, well, tree grave etc., in this map for identification.

Question: In Suit No.5/1989 Bhagwan Shri Ram Virajman Versus Rajendra Singh and others, I have mentioned an Ayat of Quran Sharif and on its reply you have given wrong statement. I went to say that the Ayat

was correctly mentioned by me and your reply is baseless, what you want to say about it?

Answer: My Petition claim was correct. He cannot understand the Quran whosoever raise questions about the Quran.

Question: We have written in our Petition that Allah said to Hazrat Mohd. Prophet — For the religion of Khuda (Almighty) you fight with those people who fight with you but do not attack first on your part because Khuda does not like those people who are attackers. You kill them (attackers) wherever you find them and wherever they are, you drive them out from where you were ousted by them. The temptation of idolatry is worse than murder. Do not fight with them in any holy place (temple), so long as they do not attack you. What do you want to say about it?

Answer: It is all correct whatever is written, we accept it.

The reply which I have written about it is also correct and the statement given in the Court is also correct, it is only the difference of perception.

Taravai Namaz is performed at the time of Isha in Ramzan Sharif. It is performed during the whole month of Ramzan Sharif. It is true that there was no loudspeaker for prayer call in the disputed property.

I accepted the statement submitted by Anisur Rehman in the case under Section 145 as my own statement. I do not remember what was written in that statement. This statement may be read out to me which was submitted by Anisur Rehman (The application submitted by him was shown to the witness and he replied). I have seen my application which has the signatures of me, Anisur Rehman and our advocate. (On this point the statement of Anisur Rehman submitted under Section 145 was read out to him where it is written "Section 7, that the Party No.2 and other Muslims offered the Namaz of Jumma in the aforesaid building viz., Babri Masjid till 16th December, 1949). I have heard the statement of Anisur Rehman Sahab. It was Jumma on 16th December, 1949, this mention was limited only upto the Namaz of Jumma, after that Namaz had been offered regularly. The second Jumma was due on 23 December, 1949 and this Namaz could not be read. (The witness Volunteer about 5 times Namaz),

Question: Did the Bairagis occupied the building from October-November, 1949 and started reciting Jap around it?

Answer: After the lecture of Raghav Das the Mosque was encircled from all around and devotional songs started in Ganj-e-Shaheedan.

Question: Did they demolish Ganj-e-Shaheedan, graves and Kanati Mosque.

Answer: The graves, Kanati Mosque were demolished but there was no restriction to come and go in the Babri Masjid.

Question: Did the administration beefed up the police arrangement after it and locked the disputed property?

Answer: Zahoor Ahmed locked it on 22 November, 1949 on the order of the Police because police was aware of the imminent danger.

I do not remember that the Petition filed by Anisur-Rehman in the High Court was dismissed in May, 1950 perhaps on 30' May, 1950. I do not remember at present that we have told this Court beforehand that the Petition was accepted. I also do not remember that Anisur Rehman submitted his written statement in December, 1950 in the court of City Magistrate in connection with the case. The date of my consent about the statement given by Anisur Rehman should be in the file and that date is correct. The date written in the said petition is correct. I do not know on which date Anisur Rehman left for Pakistan. I do not remember if he went to Pakistan after July, 1953. I only remember that at the time of our courting arret in 1954 he had already left India for Pakistan. It is wrong to say that the punishment of 6 months imprisonment and fine of Rs500/- imposed on me was due to rioting and not in addition to solely defying the Section 144.

I do not remember whether Court had issued the permanent order in March 1950 after hearing both the parties which was earlier issued temporarily in January, 1950 in the case of Gopal Singh Visharad. (Said) it is wrong. I have no knowledge that the court made it a permanent order in March, 1951. It is true that our Advocate Sir Iqbal Ahmed pleaded the case in the court of the Civil Judge on our behalf. He was the same Sir Iqbal Ahmed who earlier had been the Chief Justice of Allahabad High Court.

The City Magistrate filed the file of 145 30th July, 1953 on the plea that a Civil Suit has already been subjudice. I do not know whether he filed it due to the reason that the temporary order was made permanent in favour of Gopal Singh Visharad. It is true that the filing of 145 file extremely pained us and we felt like groping in dark in the Court. All we found injustice in the Courts of Faizabad and from the officers so we did not make any coercion against it but it is wrong to say that then we resorted to rioting.

I do not remember that the temporary order issued in Civil case was made permanent by a Division Bench of High Court in 1955.

Question: So, it must be construed that you had no concern with pleading that case.

Answer: It is wrong.

It will be wrong to say that after filing the case file 145 on 30th July, 1953 I did not plead the case or there was no opportunity to plead it. It is right that there was no question to continue the pleading after filing the case. It is wrong that no pleading was done on our behalf from 3 March 1951 to 18 December, 1961. We pleaded the case in the Court of Civil Judge, Faizabad. This was the case of Gopal Singh Visharad in which Paramhans Ramchandra was also associated. During this period the action was taken on regular basis in the case, papers were being submitted and cross examinations were being conducted. I was not a party in those cases. It is wrong to say that I did not plead those cases.

So far as I know Pheku Hazi expired in 1960. No other Defendant of those cases expired before 1961. I do remember that Shamim Shab had expired. When we filed our Suit in 1961, Achchhan Mian was alive. Achchhan Mian and Shamim Sahab were elderly people at that time so we did not include them in the plaintiffs as traveling was troublesome for them. Zahoor Sahab was the oldest man among all but I cannot tell whether he was 20-25 years older to others. It may be that his age was more than 80 years in 1961 but he was hale and hearty. He was also not made a plaintiff. I do not remember if he was made plaintiff No.10 in 1963.

I do not remember whether Zahoor Sahab was a plaintiff in our case since 1961 or became the plaintiff himself for the first time in 1963. It is true that Zaquie Shab, who was Mutwalli of this property, did not plead any other case relating to this property or case under Section 145 of Cr.P.C.

Question: We want to say that Zaquie Sahab did not plead the case because he was a Shia Muslim and you were Sunni Muslims?

Answer: It is wrong.

It is right that before 1934 Shia Waqf Board filed a Suit against Sunni Waqf Board that this was the property of their Waqf. (Said--- I do not know the month and year when the Suit was filed). The statement which I gave on 21.8.1996 was also correct but I do not remember the date and year of the suit. I cannot say that this Suit was in 1945. I did not deem it necessary to mention about this suit in my Petition. I did not know anything about that case. My Advocate may be knowing when we came to know about that Suit. I do not remember that I gave my statements about it 21 August, 1996 on the briefing by the Advocate or according to my understanding and knowledge. It is wrong to say that in 1961 when filing this suit, I represented not all the Muslims whether they were Sunni or Shia. Our suit was on behalf of all the Muslims. No application was given in the Court about it because we did not consider it necessary. I submitted an application that I shall represent all the Muslims. My application may be read out to me.

(Plaintiff Shri Devkinandan Aggrawal read out and translated into Urdu the application No.4-C. After hearing it the witness replied). I have heard the contents of my application and it is true that I gave this application. The Court ordered on this application that its notice should be published. This order was given on 21.12.1961. It is right that after it our Advocate Mohd. Ayub submitted an application on 8.8.1962 on which the Court also recorded his statement on 8.8.1962 and the Advocate signed it. Taking this Suit as appropriate in view of the same interest of Shias and Sunnis about this Mosque, this order was passed. It is wrong to say that we concealed deliberately the facts of the suit in 1945 by Sunni and Shia Waqf Boards before the Court. It is also wrong to say that we got the order from the Court fraudulently due to this alleged conspiracy.

Verified the statement after hearing it.

Sd/- Mohd. Hashim
27.8.1996

Typed by the Stenographer in the Open Court as dictation me. In continuation for further cross-examination on 29.8.1996. Witness be present.

Sd/-
27.8.1996

Date: 29.8.1996

(In continuation of 27.8.1996).

(Cross examination of Mohd. Hashim P.W.1 begins today on 29.8.1996 with Oath:

It is correct that Sunni Muslims tie up their hands below the naval when reading the Namaz. Shia Muslims keep their hands in a straight hanging position and see straight to the earth from the side. They raise their hands at the time of Safi Malki and AllahTakbeer-Akbar. Raising the hands is called Rafadain. Every Muslim use the word Ameen after Dua (Prayer). It is not correct to say that Hanifi Muslims do not accept these two methods. It is true that they speak Ameen slowly and keep their both the hands below the ears at the time of Takbeer. It is wrong to say that there are differences between the Muslims about these methods. (Said- there is no difference in the prayer. Amil- Bilhadeez are the Imams. Learned people know this. It is wrong to say that Hanifi Muslims deny to read Namaz after Amil Bil Hadeez. I do not know whether there had been quarrels between Shias and Sunnis on the occasion of Moharram. The Sufi Kalandar (recluse) which I have mentioned earlier in my statement was also called Wazal Abbas Musa Ashikan. Babar did not come Ayodhya. Babar did not camp at a distance of 5-10

kosh towards the north of Saryu. It is wrong to say that he used to come for 7-10 days stay there. I have heard that Babar gave order to this Commander Meer Baki to build a Mosque but I do not know at which place such order was given. It is wrong to say that Babar Shah did not give such order to Meer Baki. It is wrong to say that his order was limited only to build such a building in a pious and clean place where the aforesaid Sufi Fakir may reside and could offer the Namaz.

Question: We want to say that if Babar Shah gave order to construct this building at the behest of the aforesaid Sufi Fakir?

Answer: It is correct. It is also correct that it was the order that this construction should be made in Ayodhya at the most holy and sacred place. But it is wrong to say that due to this reason Meer Baki constructed this building at the place that Hindus regarded as Ram Janam Bhoomi.

Question: What did the Hindu call this place when it was constructed?

Answer: It is not know to me.

I do not know what Hindus call this place now a days. We call it Babri Masjid and Hindu call it Ram Janam Bhoomi and they have raised dispute on this point.

Urinals are not built inside the Mosque but outside in the part of the courtyard. It is wrong to say that urinal was in the outer part of the Mosque. It was within the boundary wall towards the south. This urinal was touching the southern wall in the courtyard of the Mosque. It is wrong to say that this place was not a urinal or it has been a residence of Sufi Fakir Mazkooor. It is wrong to say that this building was the residence of that Fakir as an Imambara, I again say that it was a Mosque. It is wrong to say that this building was made as Imambara so there were no minarets.

It is true that the black touchstones were in the tomb of the Sufi Fakir also like in this disputed building. I have heard that King Akbar's wife was Jodhabai. She was called queen. It is wrong to say that on the advice of the Queen Jodhabai of King Todarmal, some arrangement was made vide which Hindus were allowed to worship or occupy this place. It is also wrong to say that after it a temple was raised on the Chabootra (measuring 17 X 21 feet) or the idol of Shri RamLalla was placed there. It is also wrong to say that such arrangement continued till the time of King Aurangzeb or it was not liked by Aurangzeb and at his order such type of temple was demolished. It is true that 300 years back or so Nirmohi Akhara was established in Ramghat. (Volunteer- this place was at a distance of about 3 Kilometer from Babri Masjid). It is true that after the death of Aurangzeb the

Mughal empire became weak and the Nawab of Oudh, who was also Wazir, (Minister) of Mughal Empire, became the king of Oudh. It is wrong to say that the people of Nirmohi Akhara placed the idol of RamLalla on the aforesaid platform during that period. I have no knowledge about it that they had also started worshipping Sita Rasoi and foot prints of the God. The king of Avadh was a Shia Muslim. I do not know whether he spent his life in the lap of luxury. I have heard the name of Nawab Wazid Ali Shah.

The incident of the martyrdom of Maulvi Meer Ali Sahab belonged to the period of Nawab Wazid Ali Shah. I do not remember the year, it may be 1855. The killing of the people in Ganj-e-Shaheedan also belonged to his period. (But this killing had no relation with Babri Masjid). It is wrong that in 1855 the disputed building and the courtyard were in the possession of Hindus.

I was told that the first war of Independence was fought in 1857. I do not know that the Nambardar of village Shahnawa was Shia. (Said-He was a Shia). I cannot say that he served and pleased the Britishers. I do not know that he helped the Britishers in the war of Independence. It is true that the Hindus and the Muslims of India fought the war of Independence together against the Britishers with full co operation among them. It is wrong to say that a decision was taken the Hindus and the Muslims in that war of Independence and that the entire property was abandoned in favour of Hindus on the basis of that decision. (The witness said himself-Had there been any such matter to convert the Mosque into temple, the Muslims would not have taken part in the war of Independence and India would not have got Independence). Had it been so the Muslims would have not fought war against the Britishers. It is wrong to say that my all the statements are false. I do not know that the Britishers executed Amir Ali and Ram Charan Das by hanging them on the tamarind tree of Kuber Tila. It is wrong to say that this execution was done because they had made an agreement between Hindus and Muslims about this disputed building. I do not remember whether it was 1856 or any other year but I was told that the rule of Britishers had been established in Avadh. I do not remember that the British Government divided the courtyard in two parts by erecting a wall with windows in the disputed building in 1858. It is wrong to say that they placed an order in which Hindus were prohibited to enter bar fitted window wall or they were asked to perform worship out of that wall. This dispute was created by the Britishers and Congress adopted their Suit to create rift between Hindus and Muslims. I do not know whether Hindus and Muslims kept on fighting each other due to this reason or Bairagis picked up the fights from this place. (Volunteer- Bairagis never tried to convert the Mosque into temple).

It is true that the British Government appointed Shia Lambardar as the Mutwalia of this disputed Mosque. I do not remember that the British Government sanctioned annual Nankar (Grant) of Rs.320 to that Lambardar in lieu of his services to the Britishers. I think that Nankar means grant or aid. I know Waqf Ala! Aulad. It is not necessary that some part of the Waqf property should be left for donation.

Question: The Britishers waived the land revenue of Bahoranpur and Sholapur Villages in lieu of Nankar?

Answer: No. Nankar was given for Mutwallia, it was for the Mosque, there was no consideration who was the Mutwalia.

We have the receipt of this waiving of land revenue granted by the Britishers which is enclosed with Exhibit A-3 in this court, placed in file No.1/I 989.

The entry of disputed property is in the record of Sunni Waqf Board. We have submitted the document of the Waqf Board about it in the Court which are annexed with Exhibit 38 (Volunteer- there is entry of the Mosque with graveyard). I have gone through all the documents. There is definitely a mention of the Mosque, it is wrong to say that there is no mention of the Mosque. It is wrong to say that Exhibit 38 is not about the Mosque or Waqf is not about the Mosque. It is wrong to say that Sunni Waqf Board did not evince interest any more after the judgement on Issue No.17. It is wrong to say that we the private plaintiffs did not take any interest in this Suit from 1966 to 1970. It is wrong to say that we had been postponing the date on one or the other pretence. I do not remember the date so cannot say that Priya Datt Ram expired in 1970 who was the receiver in this case. Madan Mohan Dubey was appointed receiver after K.K. Ram Verma on our request. After his removal Madan Mohan Dubey was given the same powers as were given to Priya Datt Ram. It is true that his powers were determined by the Court. The decision was in our favour so we did not file the appeal, Ram Lakhan filed the appeal. There was no order of worship etc. The earlier order was in force. I do not remember whether any order was issued by Allahabad High Court during that appeal by Ram Lakhan. I do not know if the court issued such order that till the Judgement on the appeal K.K. Ram Verma will continue as the receiver, do not know, thus K.K. Ram Verma remained receiver till 1988. I do not remember whether our Advocate submitted an application in the Court of Civil Judge that till the Judgement on the appeal the proceedings of the suit be kept in abeyance. I do not remember the date and year so I cannot say that the appeal by Ram Lakhan Saran against Madan Mohan Dubey was filed in 1974. These are Court matters. I do not know that there was any tussle between Allahabad High Court Bar

Association and Oudh Bar Association, Lucknow during that appeal whether the hearing should be in Allahabad or Lucknow. I do not remember whether the alleged tussle continued for three years or later on the appeal was referred to Lucknow Bench in 1970 and got registered there or its number was 17/1977.

Question: Did you file your Writ Petition before Lucknow Bench on February, 1986 after opening the lock by Court order on February, 1986?

Answer: It was wrong to open the lock, so we filed the Writ Petition. The Court of Faizabad made a mockery of the High Court.

It is right that after some months of it Sunni Waqf Board also filed a Writ Petition. I do not know whether the hearing of both the Writ Petitions and appeal by Ram Lakhan Saran regarding appointment of receiver was done by the same Judge in Lucknow. I do not remember that the judge did not give any judgement on the writ petitions and delivered judgement on the appeal only in 1987. I do not know whether U.P. Government filed a Petition to stay the hearing of the writ Petitions and to transfer the four Civil Suits of Faizabad Court to the High Court for Judgement. I do not remember the date so I cannot say whether on July, 1989 the High Court had taken all the four Civil Suits and the fifth suit regarding Bhagwan Shri Ram Lalla Virajman on their file. I do not know about any such order. It is correct that my memory is weak due to the old age but our Advocate may be knowing about it. I plead the case in the High Court, I arrange the documents required by the Advocate and provide him the same and attend the Court on every hearing. The two Writ Petitions, which were filed in the Court after opening the lock as mentioned by me above, are still subjudice in the Court. They are pending in the Court.

It is true that our fore fathers and all the generations were born and brought up in India. I was also born here. I have attachment with the soil of Ayodhya and the soil of my country so I did not leave for Pakistan. We have been living in Ayodhya from generation to generation. It is wrong to say that according to the people of Ayodhya, it is the birth place of Maryada Puroshottom Ram Chandra son of King Dashratha of Ayodhya. It is wrong that the people of Ayodhya say that this disputed place is the Janam Bhoomi of Shri Ram. I do not remember how many generations before our forefathers adopted the Islamic religion. It is wrong to say that our forefathers were Hindus. We are Muslims only, there is no consideration of Sheikh, Saiyyad, Pathan or Turk.

Question: Are Sheikh, Saiyyad, Pathan or Turk not Muslims?

Answer: They are different tribes but all are Muslims.

I belong to Ansari tribe. It is right that the rural people call the Ansaris as Julaha (weaver). They are in good numbers in Faizabad. Akbarpur etc. My eye sight is weak and use the spectacles to read. I do not remember when I started using the spectacles for reading. Perhaps for the last 10-20 years I am using it. Before that I was not facing any problem. I have never used spectacles for the long sight. The black touchstones in the disputed building could be seen from a long distance. A man of normal eye sight could see them from a long distance as what was engraved on those stones. It is wrong to say that I never went inside of this disputed building. The things engraved on the touchstones were visible to me properly. The hearth of Sita Rasoi was visible to me properly. The hearth of Sita Rasol was distinctly visible to me which was at the level of land surface. Nothing was seen by me on the Chabootra except a thatched hut. I did not see any idol there. While going to the Mosque we looked all around closely but did not see any idol. Nobody lived in that hut. It is wrong to say that there lived a priest. I never saw anybody living there, from the Chabootra was placed alongwith a throne below the middle dome at the early dawn on 23 December, 1949 but it was not an idol, I do not know from where it was brought. It was placed clandestinely and with contumacy. I was at my house at that time, so I cannot tell from where the idol was brought and how it was placed there.

I was not present at the site of 6th December, 1992 and on 7th December, 1992 also. I have only heard about lifting and placing the idol, personally I have no knowledge about it. On 23 December, 1949, I reached at the site before sun rise. I did not have any watch at that time. I did not give importance to this fact that the sunrises after 7.00 on 23rd December and had set at about 5.00 p.m. in the evening on the 22nd December. The people told me that on 23rd December, 1949 announcement through the loudspeakers was continuously being made since 3.00 O'clock in the morning. I also heard the sound of the loudspeaker but did not pay any attention because it was being used daily. I did not consider it necessary to see the watch. What was the time, 3, 5 or 7 A.M. I could not verify it because I had no watch during those days. It was dark and there was no electricity in my house. What was being announced by the loudspeker, I could not understand and also did not pay much attention to it. When I reached at the site there was a great turmoil, I could not sense what was going on. There was a big crowd. Loudspeakers were also there.

Question: Were the Bairagis and Hindus singing the devotional songs?

Answer: What they were going, I could not understand.

After that the police stopped us, so we could never go towards there. We made many efforts to go there but the Police did not allow us on the pretext of law. The riot of 1934 was due to the killing of a cow in Shahjahanpur. To retaliate it, the Bairagis killed three Muslims, damaged many houses and demolished a part of the Mosque. I do not know whether they desecrated the Mosque by throwing there a butchered pig. The damage of the Mosque in the riot of 1934 was repaired in 1935 or after that completely. We were the witness to all this. I cannot tell the date of completing the repairs. Gumma bricks and not Lakhori bricks were used for repairing. (Gumma bricks means bricks of big size). I have seen those bricks used there. When we used to visit the Mosque the repair work was being carried on and we used to see the bricks. We used to go there not for playing but reading the Namaz. When the work was in progress we used to look it also. I read Namaz for the first time with the people in 1938. I had started reading Namaz at the age of 8-10 years. I used to read it at home and also in the nearby Mosque to our house. It is wrong to say that my statement about reading Namaz in the disputed building in 1938 is not true. It is wrong to say that after the riot of 1934 the British Government got the building repaired and locked it. It is also wrong that without permission of the Police or Magistrate there was restriction to enter the building. We never gave any application to read Namaz there.

I do not know whether the compensation was fixed according to annual income of the disputed property or its full compensation was paid or some amount of the compensation was paid and remaining was fixed as annuity after coming into force the Abolition of Zamindari Act, 1950. I do not know whether after abolition of Zamindari any compensation of the land of Sholapur and Bahuranpur was paid to the numberdar or any other in cash or as Annunity Bond or in any other form or Zamindari Annuity Bond. I do to know whether Mutwalia was paid any compensation or not. We did not deem it necessary to get information at the time of filing this suit in 1961. I do not know whether such a reference emerged in the office of Sunni Waqf Board or not. I cannot say whether the Police made or not any list of mats, pitcher, Iota and Quran Sharif at the time of the attachment of the Mosque or why the reference of the attached articles was not made, because I was not present there at that time. Volunteer-All these times were there so the Police should have made their list. It is wrong to say that I am giving false statement or these items were in the Mosque or it was locked since a long time. It is wrong that at the time of constructing the road in 1870 towards the north in the middle of the Janamsthan temple or before it, the complex of the disputed building and the Janamsthan Temple was the same. All the files concerning these suits

were pending in the High Court between the period from 1974 to 1986 and no action was being taken so there was no opportunity to plead the case in any way. During this period I was lock up under MISA for 8 1/2 months. Congress Government had imprisoned me under MISA so that I may not be able to plead the case. The opposition parties also made similar efforts. Nirmohi Akhara, Paramhans Ramchandra Das and Gopal Singh Visharad were included in opponent party. I do not remember whether Ram Lakhan Saran was also with them or not. It is wrong to say that after my release under MISA, my family members advised me or requested me to desist from pleadings the cases and keep myself away from such problems. I was the man who was pleading this case from 1976 to 1980. I was pleading alone upto 1986. I had been consulting the Waqf Board regularly. It is true that even after 1986 I myself alone had been pleading the cases but only the Inspector of the Waqf Board came with me. I do not remember whether the Inspector of the Waqf Board had been accompanying me during the period from 1949 to 1974 also or not.

It is wrong to say that the statement given by me so far about the prevailing conditions from 1934 to 1944 is totally based on hearsay.

Verified the statement after hearing it.

Sd/-
Mohd. Hashim
Dated 29.8.1996