

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW BENCH LUCKNOW

Other Original Suit no. 4 of 1989  
(Reg.Suit No. 12/1961)

Sunni Central Board of Wakf, U.P.  
& Others ..... Plaintiffs  
Versus  
Gopal Singh Visharad  
and Others ..... Defendant.

STATEMENT OF P.W. 12  
RAM SHANKAR UPADHAYAY

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**STATEMENT OF P.W.12**

Ramashankar Upadhyay, aged 38 years, S/o Shri Janki Prasad Upadhyay, r/o village Mahua par, Pargana Basti Purab, Tehsil Basti Sadar, Distt. Basti stated under Oath:-

I have read some books pertaining to Hindu Religion, Ram Charit Manas by Tulsi Das, Balmiki's Ramayan written by Radhe Shyam Shukla, Manusmriti, Shiva Puran, Matsya Puran. I have also read various other books regarding Hindu religion and Karmkand, i.e. I have read books pertaining to Karmakand. Shri Ramchandra ji was born approximately 9 lakh years ago. He was born in the Treta yug. According to Balmiki's Ramayana he ruled for around eleven thousand years. Tulsi Das ji wrote RamCharitManas on the Datuvan Kund in Ayodhya, which is also known as Datun Kund. Neither in the RamCharitManas, nor in any other literature by Tulsi Das, it is written that any Mosque has been built by demolishing Shri Ram temple in Ayodhya. No such clue is available in any book of Hindu Religion. There is no clue in any book from Hindu religion that Babri Mosque was constructed at the birthplace of Shri Rama, or the Birthplace of Shri Ramchandrajai exists at the place where Babri Mosque stood.

I had been to the place where Babri mosque stood. I had been inside the Babri Mosque too. I had been there on Feb 02, 1986. And I saw that an idol was kept at the place at a member in the Mosque. There were three idols. They were of Maryada Purushottam Rama, Sita ji and Laxman ji. Last time I had visited that building in 1991. Last time when I visited there, I noticed some changes, a few cenotaphs were added and the idol was placed on a throne. The place was the same, just a little bit of difference here and there. The design of the building was like that of a Mosque, inside lines – were made on the floor. I have been to that building 5 to 6 times.

(Cross-examination by Shri R. L. Verma, Advocate on behalf of Nirmohi Akhara).

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I am an Aastik belief in god ---- I am not an atheist ---- I have faith in worshipping idol of God & Goddesses. I am educated upto Shastri Pratham Khand. I have studied in Shiva Park Gagar Gadh, Basti school and this school is affiliated with Sampurnanand Sanskrit University, Varanasi. I had not passed Madhyama and Prathama instead I had passed a High school certificate in Sanskrit. I had completed my High School education from Kisan Inter Collage, Basti in 1977. After High School I had taken admission in Uttar Madhyama Pratham Khand. I passed Prathama and Dvitiya Khand both. We were not taught any religious book in the High School education. There was no religious book in the Sanskrit subject also. I had passed Uttar Madhyama, Prathma and Dvitiya Khand & Shastri in literature group in Hindi. Literature group means, grammar is not covered. Now that a long time has passed, I am not able to recollect the subjects under the literature group. Subject was literature, no doubt, I don't remember the books.

I don't remember as to what subjects I had opted for in the literature group. I had read book like Patanjali etc. in Sanskrit subject but I don't remember the name of the author. Patanjali contained articles. The entire book was taught. I can't recollect the contents of the articles. I don't remember the name of the books, I had read in Prathma. I can't recollect completely whether I had read Balmiki's Ramayan in Prathma or not. I am a sugar patient that is why I have a weak memory. I don't remember when exactly I had read Balmiki's Ramayana. A long time has also passed since then. I had read this book at the time of my education. I had read this book even after the completion of my student life (education life). I have tried to understand and follow the contents of this book in my life. I don't recollect whether Lord Rama has said something regarding the birthplace through Balmiki.

Now I can't recollect correctly, but a reference to the book can reveal that this 'Shlok'

***"Api Swarnamayi Lanka Na Cha Ruchyate Laxmanaah Janani Janambhoomishcha, Swargadapi Gariyse".***

I can't say whether this Shlok was recited by Lord Rama to Laxman. The Sanskrit word 'api' means 'also'. According to Balmiki Ramayana Lord Rama was born and not appeared. I don't remember the Shlok (He himself stated that he could tell by referring the book).

Verified after hearing the statement

Sd/-

20.01.1998

The stenographer typed in the open court as per my spoken version. Be presented tomorrow i.e. 21.01.1998 for further examination in continuation.

Sd/-

20.1.98

Dated 21.01.1998:

(Cross-examination by Shri R. L. Verma, Advocate on behalf of Nirmohi Akhara of Shri Ram Shankar Upadhyay P.W. 12 on oath in continuation of 20.01.1998):-

I have not read the book titled Uttar Ram Charit by Bhavbhooti. I have read many books by Kalidas. I have read something from Raghuvansh also. A long time has passed since them. Therefore, I don't remember the main theme of that book. I have heard the name of Poet Dandi. I don't know (He repeated I don't remember) that there was poetic work with the title Dashrath Kumar or may be, its title was Dashrath Kumar Charitra. Whether I have read any such book or not. I do not remember this also. I don't remember whether I have read any book titled *Ramayana Manjari* or *Dashavtar Charitra*. I have heard about the poet Kshemendra. There might have been some poet named Raj Shekhar and I don't know whether he has written any book titled *Bal Ramayana*.

Today where Ayodhya is situated, there is a river in the northern side. The name of the River is Saryu. Ghagra also merges with it. Only one river is visible there. That river is usually known as Saryu. In fact, Ghagra and Saryu are two separate rivers, which are to the west from here, i.e. to the west of Ayodhya and flowing separately in Barabanki, meet at Some place. I don't know whether there is a river on the northern side of Barabanki town, and if at all it is there, I don't know its name. Only one river flows from Ayodhya to our Distt. Basti. This river flowing towards us is known as Saryu.

There is a verse in the Ramayana by Tulsi, which is "*Janambhoomi Mam Puri Suhavani Uttar Dishahi Bahi Sarju*"

*Pavni*". Tulsidas has made Lord Rama to deliver this verse which means Lord Rama himself has described his birthplace Ayodhya Puri as his adorable inhabitant, in the north of which flows the pious river Saryu. The first part of this verse might be "*Avadhpuri Sam Priya Nahi Kou, Yeh Prasang Jane Kou Kou*", which I don't remember.

I don't know the period when Rmayana by Radheshyam was composed. His full name was Pandit Radheshyam Shukla. He was a resident of Bareilly. I won't be able to tell you his exact period or time. Tulsi Das ji had composed RamCharitManas in Samvat 1631. The main subject of both Manas by Tulsi Das and Ramayana by Balmiki is Lord Rama only. We consider Lord Rama as the incarnation in person of Lord Vishnu. The Author must know, whether there could be a mention of a Temple or not while composing biography of any God incarnation. I have studied only some of the Veda – Purans. There is no need of a Temple when the God is in a mortal body in person and there is no need also for consecration, but it is equally necessary for ceremonial consecration of his idol. I don't remember whether it is mentioned in any Puran that there can be a Temple or not for a God in a mortal body in person. Perhaps I have read that Lord Rama himself had physically disappeared. But where I have read this, I don't recollect. May be it is there in the Ramayana by Balmiki. I will have to refer. I certainly know that there is Guptar Ghat in Faizabad, whether on the northern side or southern side of Faizabad or any other side of Ayodhya, this I don't recall. There is a mention in the Ramayana by Balmiki that Lord Rama might have disappeared in person at Guptar Ghat. It is a subject matter of history that a building of a particular religion or belief is destroyed and replaced by another building pertaining to the other religion or belief. All other available books regarding Rama's life describe

Lord Rama's activities and anecdotes with regard to his life and also mention other religious history.

Vedas date back to the ancient age. Period of their composition cannot be indicated. There are four Vedas. Rig Veda is the oldest. Not much, but I have read a little bit of it. I have never been deeply involved with them so cannot tell the number of verses or bhajans contained therein. I don't remember its first sutra. Patanjali is not the name of the book, but it is the name of the poet i.e. the writer. The title of the book composed by him is Mahabhashya. I had read this book during my student life and, therefore, cannot recall whether it is based on the first sutra of the Rig Veda. I don't remember whether I have come across with any reference to Ayodhya in any of the Vedas. I do not know whether Atharva Veda mentions Ayodhya or not. I am not aware whether Ayodhya has been treated as a pilgrimage. I am a political person, so, I did not try to understand the literal meaning of Vedas (stated again) of Ayodhya. (Stated himself that according to his understanding Ayodhya is a place where war doesn't take place). May be that in the tenth Skand of Atharva Veda, the meaning of Ayodhya would have been given as "which can't be conquered by any enemy". (Stated himself that Ayodhya is a city of God and hence no one can conquer). Except RamCharitManas or Balmiki Ramayana, I have not read the ancient history of Ayodhya. I am aware of the fact that it was created by Manu ji, but I cannot comment on this presumption that Manu Maharaj acquired it from Lord Vishnu and positioned it there. I am ignorant of the fact that Manu Maharaj, after positioning Ayodhya might have handed it over to the Ikshwaku Dynasty. It is the people's belief as well as my belief that Lord Rama had incarnated in person in this very Ayodhya.

We have read in the RamCharitManas that Lord Rama had gone to the Tamsa River while during his exile in the forests, had gone to the Ashram of Bhardwaj. Both these places are in existence till today. I do not know whether both these places are recognized by the same name even today. I don't recollect about the mention of his visit to Nandigram. During his exile, Lord Rama had visited Panchavati also. I am not aware whether is any such place like Panchavati that exists today and where it is located.

According to Puran's eras are measured by years. All the eras are not equal, but are of different spans. The span of Kaliyug is considered to be four lakh thirty two thousand years. The span of Treta yug is considered to be twelve lakh ninety six thousand years. First of all comes the Sat Yug. It extends upto seventeen lakhs and some thousands of years. Treta Yug follows the Sat Yug. After that comes Dwapar, which extends to eight lakh and some thousand years. I do not know why Treta Yug precedes the Dwapar Yug. I have read in the Balmiki Ramayana that Lord Rama ruled for eleven thousand years.

Currently, the first phase of Kaliyug is running. Of which five thousand ninety three or ninety-four years have already passed.

Purans are our religious scriptures. Purans have been written. There are eighteen Purans and are written on the different subjects. It is true that contents of the Puran's are the stories and history of Hindu Gods and Goddesses. I have not read Skand Puran.

By being a ritualist (Karma Kandi), I mean to perform in one's house pooja in the prescribed manner as well as the sixteen sanskaras pertaining to the human life, may be



performed. I am not a professional ritualist. Incase, any ceremonial consecration of an idol of some God is required to be done in a Temple, I can get the same performed by reciting the hymns from the relevant book. There must be mention of the prescribed procedure in any of the Puran's, but books on ritual performing are available and after going through them, consecration can be got done. I have never had an opportunity to perform consecration of an idol however I have seen books on the subject, but I have been never gone through these books. Consecration of idols of all the Gods as well as statues of persons incarnation is done. Lord Rama had three brothers namely, Laxman, Bharat and Shatrughan. I am not aware whether consecration of the idol of only Bharat ji could be done. I have been to Laxman Fort, I have seen temple of Laxmanji, who was the incarnation of the 'Shesh Naag'. Therefore ceremony of consecrating his idol is performed. I have not seen Temple of Bharat or Shatrughan at any place.

I have listened to Lord Satyanarayan Katha, but never narrated it to any devotee or host. I have also seen the complete process of this Katha. In our side, before starting this pooja, we make an idol of Shri Ganesha from beetle nut (supari) and idol of Gauri from the cowdung. I have never seen making of any idol of Lord Shiva or its *Linga*. First of all, all the Gods are invoked, which is done through the recitation of hymns. After invocation, it is treated that the Gods have taken their seats to grace the occasion. This ceremonial godly presence lasts till the Satyanarayan Katha continues. Gratification also follows by offering all things like libation, flowers, oblations etc. with the chanting of hymns. After the Satyanarayan Katha completes, the Havana completes, final oblation has taken place and Aarti is completed, then Havana completes, then dispersal takes place.

For the dispersal following hymn is recited: "*Yanti Dev Gana Sarve Rakshay Maam Kim Isth Kaam Sidharthan Punray Gamanayava*". This procedure is followed for bidding farewell to the Gods. Bidding farewell or dispersal is one and the same thing.

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I have been to Hanumangarhi in Ayodhya and visited couple of other Temples and our Gurudham also. Our Gurudham is Badi Jagdevi, which belongs to Acharyas. The household deity of Sect Acharya is Lord Lakshmi Narayan. I am not aware whether Acharya Ramanand was the exponent of this sect. I also have no knowledge whether there are in all five or six Temples in Ayodhya belonging to the Acharya Sect or remaining Temples numbering about three and a half thousands belong to Ramanand Sect or Lord Shri Rama is a household deity of Ramanand Sect. I have been to Ayodhya; it is a city of Temples, having large number of Temples. A Temple has to have Gods, Goddesses and Lord, only then it constitutes a Temple. I have no specific knowledge about the character of a Temple. I know its physical appearance. Our Guru clan Jagdevi is in Jaisinghpura. There idol of Thakur ji is installed. The Temple existing there is like a house, without any vertex. They are family people. Acharya Sect consists of family persons. Every Temple must have space for Parikrama. The devotees go around the Temple there. I do not know if that place is called Jagmohan where Thakur ji is installed. And in front of that place Aarti is recited. I have been to Kanak Bhawan, Ayodhya once or twice. I had the occasion to pay homage there but don't recollect the deity installed in the Temple. I have also not noticed whether a vertex is there or not.

Vertex is usually round in shape also, they are high up and a Trishul is fixed thereon. Whatever form of God is made. If the God is to be consecrated in the child form, statue is to be made in that form and if consecration is to be done of full form of God then statue is to be made accordingly.

A child is called Lalla in Avadhi. We normally call Lalla at our homes. If statue of Lord Ram as a child is placed in any Temple, then it will be known as *Ram Lalla Ki Pratima*. There is no restriction that when statue of Ram as a child is consecrated, the statue of Sita cannot be placed there. Lord Ram was married, Dhanush Yagna was held, and this much I remember. I don't recollect what was his age at that time, whether he was a child or a grown up youth, I don't remember this much. I have not seen in any Temple and I have not read in any book that where Lord Ram's statue of a child is consecrated, there the statues of Lord Shankar and Ganesh ji should also be there.

It is written in Ramayana that Lord Ram worshipped Lord Shankar. The statue of Lord Ram may be of stone or of Ashtadhatu (made up of eight metals) after the consecration that would be fixed. The movable statue of Lord Ram is known as Saligram. Saligram statue of Lord Ram is neither installed nor dispersed and neither it is consecrated, he is absolute in himself. I don't know whether a conch shell (Shankh) and Chakra inscribed on Lord Saligram are treated as a symbol of his incarnation. I have not so far seen any statue of God installed under a shed. The statue of Shankar ji can be installed at an open platform but the statue of Lord Ram can't be consecrated in the open. I have never seen this also. Statue of a God can't be consecrated on a throne of wood. I have not read such a thing anywhere but in most of the houses and Temples I have seen the same position. In the Guru Dham

of Bengali Baba at Ayodhya, I have seen a statue installed at a wooden throne but it was not consecrated formally. I can't say that the Bengali Baba might have been in Ayodhya only for the last 4 years but his house seems to be very old. He is a Sadhu, any person can visit his Temple. That is a public place. Name of the Temple is Guru Dham. That is very small throne. I feel that it would be 5-6 ft. high, 3-4 ft. in length and breadth. The statues of Lord Ram, Lord Krishna as well as many big and small statues are there all around, of all the deities. Devotees have Darshan and perform pooja. I had been there only once. I had seen the Aarti being performed. I had not seen anybody offering flowers and sweets. I saw devotees bowing before the statues. I also bowed my forehead and offered salutations. I had not gone there with any sense of faith that these statues were consecrated or not, I had gone there to pay my respects to Guru Maharaj and have his Darshan because he is a Sidh Mahatma. From my house, I had been there to pay my respects to Guru ji, not for the purpose of having Darshan of Bhagwan.

Question. You have referred to Hindu religion. What is Hindu Religion?

Answer. Vedic people are also Hindus and Hindu religion is very vast and it has many branches.

Muslim religion is also a religion. Islam religion may be of Muslims. I don't know anything about the Islam religion. I have often seen a Mosque. The construction of a Mosque is specific due to which it can be recognized. Mosque faces east. Namazi offers Namaz in it while standing keeping his face towards west. Its domes are different from that of a Temple. They are different. There can be minarets also and sometimes there may not be minarets. Minarets have been seen at some Mosques and

non-existent in some others. The Mosque located in our colony near police club has no minarets. There are one or two others like this, location of which I don't remember. The Mosque near the police club mentioned by me is opposite to the club. I can't tell the name of the Mosque, and neither had I felt the need to know its name. I never went inside this Mosque. I had seen it from outside while passing through that route. From north to south that Mosque might be 40 ft. The east west courtyard and the Mosque might be approx. 60 ft. Besides Basti, I had also been to the towns of Bahraich, Gonda, Faizabad and Gorakhpur. I can't tell name of any of the Mosques in these towns. For the first time, I had been to the disputed building on 2.2.1986. At that time I was a member of Janvadi Party and President of Distt. Basti Unit. We had a camp at Barabanki, which was addressed by Shri Charanjit Yadav, the National President of the Party. After the opening of the lock of this building, there was hue and cry (kohram) in the entire nation. I was sent there on that account only and Charanjit Yadav had left for Faizabad. That was the reason I had gone there on 02.02.1986. 'Kohram' meant making of hue and cry, but I was not doing so. We had come to know in the evening of 01.02.1986 over Radio broadcast and TV news. Before 1st Feb 1986 I was not aware that there is any such disputed site. But on hearing the said news in the evening, I also felt sorry. I felt sympathy with the nationalism and secularism of this country. I did not propose any resolution condemning it. (He stated) my party had passed a condemnation resolution which was published in all newspapers. It was not a resolution but condemnation. On 2nd Feb, I reached Faizabad from Barabanki. Charannit Yadav also accompanied us upto Faizabad. He himself stayed at the circuit house (he again stated that I don't know where he stayed), but he sent me to Ayodhya. We

parted from each other from the circuit house of Faizabad. It was approx. 10:30 in the morning. I had gone alone to the disputed site. All people were going in that direction. Therefore I had no difficulty in searching that. I had reached there by 11 :00 to -11 :30. I stayed there for 5-7 minutes. I had knowledge of the directions. I had gone inside from the eastern gate. The doors were open. There was a wall above the gate. I did not pay attention of anything written or any figure made on the wall. On reaching inside, I did not pay attention whether there were any pillars in the right and left side. I don't remember whether towards the right or left of the main gate there was any inscription or not of Ram Janambhoomi. I don't have any idea that after the pucca road (duly metttled), how much time I had taken- for reaching the main gate of the building through the kuchcha passage. I can't also now have any idea that what would have been the distance of this middle passage. I had been on foot. I can't say how much time I had taken to cover this distance, one hour or one minute. The 5 to 7 minutes which I had spent in the building, that included my entering the gate and coming out. Having entered from the main gate, I faced no obstructions. Few people had made eng enquiries obstructions. While going inside of the gate towards the west, there was perhaps some broken floor. Perhaps it was not marble. I don't remember whether it was made of bricks or not. After the floor there was another wall which had an enclosed type passage (katahara). According to my estimate that wall with the enclosed passage was approx. at a distance of 40 - 45 ft. from the main gate or it might be more: There was no roof over this passage. After entering the main gate I did see towards north - south but I did not pay attention. I won't be able to tell now what objects were there in the north - south. A wall was definitely there towards north - south. This wall would have been 40 - 45 ft. high on both the

sides. There was something between the southern wall and myself, but I did not pay attention. It was something of height, but I did not give attention whether it was a raised platform or something else. I had seen the tin shed. Some people were sitting under it. But I was not listening the kirtan as there was huge rush. Due to the rush I could not see or hear anything towards that direction and due to the shortage of time, I was in a hurry. Therefore I can't say whether harmonium or any other musical instrument was being played or people were doing kirtan or not. Towards the north there was something like Chulha between the wall and myself but I don't remember whether there was any room, foot mark or any other thing or not. I did not see from a very close range whether Chulha was kuchcha or pucca or it was on any platform or not. I don't remember that approximately from how much distance I had seen the Chulha. There was crowd, what was the number of the crowd, I can't say anything. There was huge crowd outside but it was not so inside, that 5 minutes might be required to move each step. There was a crowd but the crowd was not so dense that for going inside 5 minutes were required for moving each step. I don't have any special approximation that how much time was taken by me reaching from the main gate to the wall with grills. I don't remember how many doors were in the wall with grills. I had entered from the middle gate. I was in a hurry that I had to meet Netaji and was to have Darshan also. The desire of Darshan was neither intrinsic nor it was raised by Netaji. As I was required to see the disputed site, therefore, the desire to have Darshan had developed because I am a Sanatani. I had a Darshan of Lord Ram. (He stated that statues of Sita and Lakshaman ji were also there.) I bowed before them and offered salutations. I had not taken any flowers or sweets or money (dravya), nor I offered the same. I had offered only my salutation and my reverence. I had paid my

reverence from a distance i.e. from the middle gate i.e. the gate of the Mosque. There were three gates. I was standing in the middle gate. I don't recollect that whether the middle gate was on any columns or not. But since the building was so big it might have been standing on the bricks or stones. I did not measure the width of the gate therefore I can't give any estimation. I don't have any estimation of the height of the gate. I don't know anything about stones of Kasauti. I have not seen such a stone previously. However I have heard that there is a stone of Kasauti. I can't say whether there were any stones of Kasauti or not because I don't know about Kasauti. I have seen marble. I have seen white marble. I have seen small pieces of stone in black and in white. I don't know whether black marble might be called Kasauti. I don't recollect that the gate in which I was standing, whether it had pillars of black marble or not, towards the left and the right. My attention was completely towards the statue. I can't tell from how much distance I had seen the statue. I can't tell by approximation that what was the distance between the statue and myself, as I had never thought of this there. The statue was clearly visible to me because I was seeing straight towards it. Every Hindu can recognize the statue of Shri Ram, Lakshaman and Sita. Therefore, I had recognized the statue. I can't say by approximation that what was the height of the statue of Lord Ram but it must have been two to two and a half feet high. The statue of Lakashman and Sita were somewhat smaller. I had not seen from a close distance that the statue of Lord Ram was made of white marble or Ashtadhatu or of any other material. It was the statue of childhood of Lord Ram, I had not paid attention towards his bow and arrows. I don't remember whether he was wearing crown or not. He was wearing clothes. I had not paid any attention whether there was any decoration on the statue i.e. whether he was wearing ornaments or not. I had not



paid attention towards the decoration of the statue of Sita ji. Perhaps it was. At that time the statues were placed on the members and not on the throne. Members are normally seen in the Mosque, which are stair type inside, there are 1 - 2 stairs which is known as a member. After seeing many Mosques, I was told that it is called a member. I was having the Darshan standing at the middle gate. I don't remember whether the member was in front of me or not, but it was almost in the front. There were some people in between the member and myself. There was lesser crowd because of the security arrangements. People were not allowed to stay for longer period. Member is approx. 3 - 4 ft. high from the floor. It was covered with cloth but 3 steps (stairs ) were visible. I could not judge as to what was the width of the steps. At the back of the steps it was wall. I had not paid any attention as to what would have been the distance between the wall with grills and the wall having gate, as I had no need of it. There was no roof over the wall with grills and the middle wall of the gate. I had no idea what was the length of the wall with grills from north to south. After visiting for the first time on 02.02.1986, I had gone to this building in the end of year 1987, probably in the month of November. I don't recollect whether the fair was going on and it was Kartik Purnima that day. I had been there on my own volition. This time I had a desire to go there, therefore I went there. I had been there with my desire not due to any religious faith. I always treat myself as a devotee of God. There are different kinds of devotees and devotions are of many types. I have no specific study that according to Shastras, devotees (Bhaktas) are of 4 types. I don't know devotees like Art, Artharhi, Jigyasu and Gyani. I only know this much that I have a clinching faith in God and I stand before Him with the same sense of devotion that He has bestowed His kindness on me.

Third time I might have been to this building in 1988 or 1989. I don't remember in which month I had gone there. When I went there in November 1987, there was a crowd but it was not like that of 1986. I had never stayed there for more than 5 or 10 minutes in this building. I had never been near to Ram Chabutra or Sita Rasoi. I used to come back after having Darshan. I never went there with prasad, because prasad was given there. I used to hear that Lal Das is a pujari there, who is a resident of our Basti. The pujari gave me the prasad. I knew the name Lal Das, but I did not recognize him nor I have seen him. Therefore I couldn't identify the person who gave me prasad.

In political life I have been associated with Shri. Chandrajit Yadav right from the beginning, but these days I am not with him. It is heard that in the beginning he was with Communist Party, but it is not known whether Lal Das was in Communist Party or not. I had been to this building before its demolition and I had never been there after that. The day this building was demolished, the same day I came to know about this fact. Before this I had gone there in 1991 for the last time, though I don't remember the month or season. In 1991, at the point of time when I visited there, the Idols were placed on the throne and they were covered with cenotaph. The staircase by virtue of being behind the throne was not visible. I don't remember whether this throne was placed on the eastern side of the staircase. In 1991, also I had the Darshan standing at the middle door, that time the throne appeared to be nearer than where it stood earlier. There was some difference. I never noticed the difference and also never measured the distance. Therefore I can't tell from what distance from the Idols I had the Darshan.

I have heard that there is Dantuvan Kund in Ayodhya. It is possible that I might have seen it but I have never tried to know about its location. The dome of the Mosque is round. The dome of the Temple is high and Trishul on top of it is a must. We have seen the Temple like this only. By reading newspapers and looking at the face of this building, I came to know that it is a Mosque, otherwise a deity's Temple will not have three domes.

Question. If in a Temple there is consecration of three Gods could there be three domes or not?

Answer. There can be three domes if they are consecrated separately.

Farming is my profession. I have 15 - 16 bighas of land and approx. 17 - 18 kuchcha bighas of land and I work on the basis of private contract lease also. I am a Brahmin. I have had the ritual of Yagyopaveet. Yagyopaveet is held on the right shoulder and it is taken upto the left ear.

Question. Have you heard this Shlok - Dhanat Dharmatatt sukham vibhukshitah kim kroti na papam?

Answer. I have heard the Shlok. Broadly it means that a hungry person cannot pursue religion is wrong to say that I have come here to tender witness after taking any money. It is wrong to say that I had never been to the disputed structure. It is correct that I have not studied all the books which I have referred, but I have been reading religious books occasionally after student life. It is wrong to say that the books which I have referred, have never been read by me. It is wrong to say that while keeping the political propaganda in mind for the ensuing election, I am giving a false witness.

(Cross-examination by Shri R.L. Verma Advocate of Shri Ram Shankar Upadhyay P.W.12 on behalf of Nirmohi Akhara concluded).

Verified after hearing the statement

Sd/-

21.01.1998

Typed by the stenographer in the open court as per my spoken version.

Be presented tomorrow dated 22.01.1998 for further examination.

Sd/-

21.01.1998

Dated 22.01.1998 (Witness of Ram Shankar Upadhyay P.W.12 commenced today i.e. 22.01.1998 under oath in continuation of 21.01.1998)

Cross-examination by Shri Ved Prakash, Advocate on behalf of Shri Dharam Das, Defendant no. 13.

XXX            XXX            XXX            XXX

It is wrong to say that I had started going to the Mosques from childhood (he stated that I had started going to the Temples) it is also wrong to say that I had been in the company of Muslims from my childhood. It is also wrong to say that I had interest in the Mosque (stated himself that he had interest in this Masjid and the reason being the democratic set up and love for my country).

Charan Jit Yadav merged our Janwadi Party with the Janata Dal. In this way we also merged with the Janata Dal. Janwadi party was merged with Janata Dal perhaps in 1989. After the Janata Dal, I joined the Samajwadi Janata party and these days I am a worker of Samajwadi Party of Shri Mulayam Singh. I have relations with Shri Mulayam Singh due to the party. This is the only relationship and none other. I had no talk with Shri Mulayam Singh regarding this Mosque. By this Mosque, I mean the disputed site. When the Government of Shri Chandra Shekhar was installed at the Centre and Janata Dal broke, in those days Shri Chandra Shekhar was associated with Samajwadi Janata Party of Shri Mulayam Singh and since then I have also been associated with him. When in 1990 (not clear) Kar Sewaks had gathered at Ayodhya, at that time the Government of Shri Mulayam Singh was in UP and he was the Chief Minister. I had been associated with the policies of Samajwadi Party, Therefore, I am associated

with Shri Mulayam Singh, I am not associated with his policies. but with the policies of the Samajwadi Party, ideology of Dr. Ram Manohar Lohia and Acharya Narendra Dev and Mahatma Gandhi. For protection of the democratic system and security of the country, whatever the policy about Ayodhya or the country may be, I agree with that. Bharat is also called as Hindustan.

Question: Do you agree that any person, who is born with in the boundaries of Hindustan, is brought up here or has nourished, is a Hindu?

Answer: Hindustan is a bouquet of flowers and people of every caste and creed, religion reside here and the residents are Hindustani's.

I treat the Hindu as a religion and a sect. Though its meaning is very vast and very lengthy, a person living in Hindustan is known as Hindustani just as a person residing in Ayodhya is known as Ayodhyawasi. Because I live in Basti therefore I am Bastiwasi. I am an Indian and I am a Hindustani too, I am also Hindu. I have read Rig veda. In it at one place, it is written - *Ekau Manooshi Jati*, but I don't remember that I 'have read such a thing. Since then I have understood its meaning that human race is one. I agree with the meaning of the Shlok but I have never read it, therefore I can't say with more depth. I agree with this fact that all human beings are equal and human beings are a race. They have no caste. Humanity is their topmost religion. I cannot give any personal opinion in this regard whether religion is related to any particular way of worship or not. There might have been exponents of religion. I am associated with Sanatan Dharma. What is the meaning of this, I don't know, but it had been there for time immemorial. I have no knowledge that there is one person as exponent of any sect (pantha), belief (mata)/ Faith

(majhab) or religion (dharma).

Question :- Are you of this opinion or not that there is one society in the whole of the country and all the citizens are part of that society?

Answer:- Man is. a social animal and lives in a society. All persons living in Hindustan, whatever the caste, creed sect of religion, they have faith in, are Indians and they are the sons of Bharatmata.

There is no concept in our party that people residing in this country are divided on the basis of the way of their worship but our concept is that people have the right to lead their life according to their religion and of their volition.

Everybody wants to know the truth, I have also made efforts at my personal level to know the truth about the disputed site. When Shri Chandrajit Yadav had sent me at this site, then he had told me to go as an observer and had not given any specific instructions regarding what I was supposed to do there. After my return I had told him that people were having Darshan and I also had Darshan and whatever I saw there I told him. He did not tell me that you go there and see that it was a Mosque. When I had 'been there for the second time, it was my personal visit and there whatever things were visible and existed, I had observed.

(At this point the learned advocate drew attention of the witness towards photograph no. 1 to 6 of the coloured album prepared by the UP Archaeological Dept.)

I recognise photograph no. 6, this is a photograph of Babri Masjid, I don't recognise other photographs and the place from where they are. I have also seen photograph no.

7 - 12 of the album. Photograph No.7 and 8 are of the back portion of the Babri Masjid. Photograph no. 9 is of the inner courtyard of the Babri Masjid, i.e. it has been taken from a place when we enter the courtyard from the enclosure. Photograph no. 10, 11, 12 are also of Babri Masjid. In photograph no. 11 and 12 there is boundary wall.

*(To be appended 22<sup>nd</sup> page)*

the wall with enclosure is visible. Photograph no. 65 also shows the same situation. In photograph no. 66 also railings have been fixed and this is also of wall with enclosure. While entering from the eastern gate, towards left, there is a raised platform which has a shed, and in this photograph perhaps the same has been shown. I don't identify photograph no. 67. Photograph no. 68 shows railings, it is perhaps the wall with enclosures. Photograph no. 69 depicts the northern gate and middle portion of the wall with enclosures. There is a tin shed also in this, while crossing that side once or twice, I have seen a tin shed towards the left side. In photograph no. 70 also the same tin shed is visible and the northern gate is also there. Photograph no. 71, 72 shows Chulha and Rasoi beneath the tin shed, one mandap of wood is also visible. I had seen Chulha at that time but I don't remember having seen the Rasoi and other things whatever are visible in this photograph. I don't recollect the footsteps shown in photograph no. 71 and 72 were there or not. Photograph no. 73 to 78 are of the disputed site. Photograph no. 73 shows the eastern gate. Photograph no. 74 also shows the eastern gate. Photograph no. 75 shows the wall with enclosure and also perhaps the middle part of the outer boundary wall also appears to be there. Photograph no. 76 is also of the wall with enclosure. Photograph no. 77 is of the gate and the wall with enclosure. In photograph no. 78 the wall with enclosure and gate are visible from the front view.



I can't identify photograph no. 79, as to which place it pertains to. Photograph no. 80 is of the courtyard between the Mosque and the wall with enclosure. In this gate with enclosure and on the other side, southern and middle gate are visible. Photograph no. 81 is of some outer side of the Mosque but I don't know of which side this photograph is. Photograph no. 82 shows the outer parts of the building. I can't tell from which side this photograph has been taken. I don't know about photograph no. 83, photograph no.84 perhaps shows the side gates to the middle gate. I can't say whether photograph no. 116 is of the same place or not. Photograph no. 152, 153, 154 and 155 are of the inner part of the Mosque. In photograph no. 152 and 154 and in 153 also the picture at the top shows childhood of Bhagwan Ram. While seeing these photographs it can't be said that they are pictures of Sita ji and Lakshaman. The photographs are so small that it is very difficult for me to visualize these statues. The small statue made on both sides below the photographs is of Ram Lalla and the small statues visible on both sides are not clear and hence it can't be told as to whose statues are these. I can't say clearly that among these photographs whether there is statue of another in addition to Shri Ram Lalla as the photographs are so small that they are not clearly visible. Towards the right of the statue is perhaps the photograph of Goddess Durga. In photograph no. 153 the cenotaph above is visible and it is perhaps the same which I have mentioned. Photograph no. 153 shows some people standing by the side, none of whom I recognize. In photograph no. 154 one person is shown standing. I don't recognize him also. In photograph no. 157, 158 and 159, the bells that are hanging, whether I had seen them on the site or not, I don't recollect them now. Photograph no. 204 shows the picture of Shri Jeelani and Shri Mannan,

advocates. In photograph no. 204, the person who is seen sitting in the right corner, I have met him, but I don't know his name. We have met. But I don't remember as to when I had met him for the first time. I remember only this much that in 1991, I had just met him once at the place of Jeelani Sahib. I had just gone to meet Jeelani Sahib and there this gentleman met me as he was already present there. I don't know the person who is shown sitting between Jeelani Sahib and Mannan Sahib. Hashim Sahib has told me once that they would seek my help in connection with giving witness. Then I had replied that I would tell whatever is the truth. In this very connection I had been to the place of Jeelani Sahib. Hashim Sahib also gave me his address. I had met Hashim Sahib for the first time in 1991. I had gone to Ayodhya. I had come to know the name of Hashim Sahib through newspaper. I had desire to know the truth of this dispute. Therefore, I had gone to Hashim Sahib at my own. Hashim Sahib had told me the truth verbally. He did not show me any documents. But I tried to know the truth through observation, by listening and reading. After getting the verbal information from Hashim Sahib, I read detailed articles, speeches published in the newspapers and articles of Historians. I can't tell the names of the persons whose articles or writings, I had read from the newspapers. I don't remember that when these articles or writings were published in the newspapers, may be these were published after 1986. In these articles there were references of some books. Now I don't remember that in these articles from which books quotations were cited or were referred to.

I had also carried out the research in my own way. The base of my research was that Babri Masjid was constructed in the year 1528 and there was no dispute regarding the date of construction. Goswami Tulsidas wrote Ram Charit Manas in Samvat 1631. If we compare the chronological date of both, it is clear that Ram Charit

Manas was written ~ after the construction of Babri Masjid and approximate difference of time was 46 - 47 years. It can be said that during that period there had been no greater devotee of the Maryada Purushottam Bhagwan Ram than Goswami Tulsidas. Had any Mosque been constructed after demolishing any Temple, the same would have found a reference, if not in any religious literature, at least in a separate composition by Tulsidas ji, but which he did not mention.

Architecture of a Temple and a Mosque are different and by merely looking at them it can be identified whether it is a Temple or a Mosque. Towards the north of the disputed site, beyond the road, there is Temple named Ram Janamsthan also. In my own way I paid attention to the features of a Temple and a Mosque and these were the basis of my research.

It is correct that Sant Tulsidas composed Ram Charit Manas with devotional sentiments. All his compositions have devotional sentiments in them. These are only religious books. It is correct that Tulsidas was not a Historian (he himself stated that to tell the truth, it is not necessary to be a Historian). It is correct that writing of a book or an article, depends on the will of the Author and for a devotee, nothing is more important than God. I have also read history but it is not mentioned anywhere that Babar had ever taken the route of Ayodhya or he was a cruel person. I have read this in the History book before VIII standard. But now I don't know the name of the book and its author. I had read the books prescribed for these classes by Madhyamik Shiksha Parishad and Basic Shiksha Parishad, Uttar Pradesh, otherwise also the syllabus, however~changes these days frequently.

It is wrong to say that I am tendering witness on- the advice of Mohammed Hashim or Shri Mulayam Singh. It is wrong to say that I am a candidate for elections as a

Member of Parliament. from Basti, or I want to contest election on the ticket of Samajwadi Party. So far I have not fought any elections.

My birth is only of 1960. Therefore, I can't say whether there was any dispute among Hindus - Muslims in Ayodhya in 1934. In this connection I don't know anything. Hashim Sahib also did not tell me about any such dispute. Hashim Sahib also did not tell me that in this case, what is the opinion of Hindus and what is Muslims' opinion. When I came to tender my witness here, Hashim Sahib had approached many times with summons and I had also come to the court many a time. Whenever I came, I met Jeelani Sahib also. When Hashim Sahib came to me with the summons telling me that a date had been fixed and that I should come. He had told me that in the year 1949, it was the month of December when people had left for their houses after offering Namaz for the night. Some persons had thereafter placed Idols in the Mosque and since then tension has been continuing. He also told that prior to that Namaz used to be offered there. Besides Hashim Sahib, I got this information on my own verification as well as from other people. But I did not try to make efforts to know the names and addresses of persons whom I had come to know this. Though I know the names of one or two persons such as yours Akshya Brahmchari. Presently he is residing at Chinhat. I met him after reading one of his books. The title of that book is *Bhartiya Lok Tantra Ki Agni Pariksha*. Subject matter of that book is this Mosque. He had no relationship with the Samajwadi Party. I had seen this book six to seven years ago for the first time. He is a Sadhu. He resides in Chinhat in Satya Ashram and is freedom fighter are freedom fighters. I know only this much about him. Perhaps he belongs to Vaishnav Sect, but I never asked about it to him.

It never came to my knowledge that there was ever any Temple at this place and effort was made to construct a Mosque after demolishing the temple. I have not gathered any information from any particular persons. I have not even heard that previously it was a Temple here and efforts were made to construct a Mosque after the breaking the same.

(Learned Advocate drew the attention of the witness to black and white photographs in the album prepared by D.P. Archaeological Department).

Photograph no. 29, 30 are perhaps of the disputed site it self. I can't say whether picture depicted on the throne are statues or not because these pictures are dark from inside. I don't remember whether the statues shown in photograph no. 31 were seen by me at the site or not. Photograph no. 81 & 82 are of the inner part, where statues were placed inside on the throne. This is the statue which might have been worshipped daily. In this, the statue of Bhagwan Ram Lalla is clearly visible but except the photo of Durgaji, nothing is clearly visible.

(Cross-examination of Shri Ram Shankar Upadhyay P.W. 12 by Shri Ved Prakash, Advocate on behalf of Shri Dharam Dass, Defendant no. 13 concluded.)

Verified after hearing the statement  
Sd/-  
22.01.1998

Typed by the stenographer in the open Court as per my spoken version.

Be presented on 02.03.1998 for further examination in continuation.

Sd/-  
22.01.1998

Dated 03.03.1998 (Statement of Shri Ram Shankar Upadhyay P.W. 12 commenced under oath in continuation of dated 22.01.1998)

Cross-examination by Shri Vireshwar Dwivedi, Advocate on behalf of Shri Umesh Chandra Pandey, Defendant no.22

xxx xxx xxx xxx

I had passed High school examination at the age of 15 - 16 years. Within the age upto 20 years, I had qualified I and II parts of Uttara, Madhyama. I had passed only the first part of Shastri examination which I had done at the same age approximately within a period of one to two years. I had read books pertaining to the Hindu religion and Sanskrit books prescribed in the syllabus during the course of my studies and I used to read occasionally thereafter also. I don't remember that when I had read Manusmriti. Mahabhashya of Patanjali was in the course of our study. I don't remember this much whether Shiv Puran and Matsya Puran were prescribed in our syllabus or not. I have read Mahabhashya in Sanskrit as well as its Hindi translation. I have also read Ramayana of Balmiki in Sanskrit as also its Hindi translation.

There is difference between Vedas and Vedanta. But I cannot tell anything about it. I might have read Upanishads during my course of studies. I have read them but now I don't remember the details. I never tried to know the literal meanings of Upanishad therefore, I don't know this. Mahabhashya of Patanjali covers a variety of subjects but what is the content of these subjects and what has been described therein, I cannot tell now the same, since I had read it long back.

On the Karma Kand subject, the books which I have read are Upnayan Sanskar Paddhati and Vivah Sanskar Paddhati. These are the names of the books. I have read the book of Kedarnath Mishra 'Chanchal' and books of Vayu Nandan. I have read both the Puranas in original as well as their commentaries. I don't know whether some words of any Puran has any relationship with Gita or not. Balmiki Ramayana has seven Kands and two parts - Puravardh and Uttarardh. These two parts have been created by the publishers. Today, I have brought alongwith me these two parts, published by Gita Press, Gorakhpur. But it would be wrong to say that I have purchased them only now. In fact these have been in our house for the last two years. I had purchased them two years ago. The books which are in the house have become old and there condition deteriorated and, therefore, I have purchased these.

I don't know this much whether besides the stories of the Deities, the Puranas have described anything about religion, I have not read every Purana and it is not possible to do so either.

It is a historical fact that the place of belief of one religion cannot be constructed by demolishing the place of faith of another religion. I have also read history during my student life. I have read in the History that Aurangzeb and one or two persons demolished the places of belief of Hindu religion.

My this statement is correct that I have no knowledge about the Islam religion. (Again stated) I have no specific knowledge. I have simple knowledge in this regard. My knowledge is limited to the extent that has been gathered from the articles published in that newspapers or

magazines. The place, where Namazi stands to offer Namaz, is called Saf or Safa. I have no knowledge about the fact that if a person offers Namaz while standing in a running train, whether that place will be called Saf or not, this can be explained by a Namazi only.

According to Hindu culture, there are sixteen Sanskaras. The first Sanskara is Namkaran. Of the remaining 15 Sanskaras, I know the names of a few. This would be wrong to say that in this regard I am telling a lie or I have no knowledge about the Sanskaras. It is difficult to say about the opinion of the honourable advocate that Garbhadhan Sanskar is the first among all the Sanskaras, because there are many different opinions about it. I don't remember whether I have read anywhere that Garbhadhan Sanskar is observed first among all the Sanskaras. I can't say whether this is included in the Sanskars. After the Namkaran Sanskar, the second Sanskar is Anuprasan, the third Sanskar is Mundan, at some places Karanbhedan Sanskar is also solemnised among the children. At some places, Sanskar for commencing education is also observed. Vivaha Sanskar is observed and thereafter Upnayan Sanskar is observed. Last Sanskar is the Antim Sanskar. According to religion it is known as Antim Sanskar and it is also called as the Antyeshthi Sanskar. And this is the sixteenth Sanskara being the last one. After the death i.e. after one dies the program held is known as Antim Sanskar. These programs include Shavdah, Shavdah ekadash, Brahmbhoj and Dashat Antim Sanskar i.e. Shavdah Sanskar and eleven days there after Shudhhi Sanskar are not separate Sanskars but that is only one. There is difference in Shudhhi Sanskars for women and men. As in the case of men it is mundan and in the case of women there is no mundan. According to the Shastras, after the death there is no difference in Shudhhi Sanskar



for men and women. This is a question of tradition. At some places, in respect of Shudhhi, number of day~ vary for performing Shudhhi sanskar in respect of men and women. To remove the defilement (Sutak) after cremation of body, Shudhhi sanskara is observed for creating purity.

I have heard the word 'Vigraha' in Hindu religion. Difference is called' as Vigraha. I don't remember that I have read anything about Chal Vigraha or Achal Vigraha in respect of Hindu religion. Chal vigraha means difference in walking and Achal vigraha means uniformity in walking. This is completely wrong to say that on the subject I am telling a blatant lie, or I have not read anything on the subject.

My teacher belongs to Acharya Sampradaya. I have not taken so far any Diksha from him. I had been his disciple since I have grown up. I have acquired my senses at the age of 7 - 8 years. He imparts good education. He imparts education about the religion and the sanskars. There are many sects in Hindu religion. I think that my Acharya belongs to Vaishnav sect. The education which he gave me about the Vaishnava sect is that to grow a Tulsi plant at the house, to keep the statue of Narayan and Saligram in the house and there are other similar things about which I have not discussed with Acharyaji in detail. Acharya ji is a worshipper of Lord Vishnu. Acharya ji did not tell me that Lord Rama is the incarnation of Lord Vishnu, but it is known to everybody that Lord Rama is the direct incarnation of Lord Vishnu. Saligram is not the replica of Shankar ji but it is of Lord Vishnu ji. Before 1986, in addition to going to the place of my Guru ji I had taken bath in the Saryu River and I had been to Hanuman Garhi also. Now I don't recollect whether I had been to other places or not in addition to the above sites. At

Hanumangarhi there is a statue of Hanuman ji. At our Gurudham, Thakurji and Saligram are there.

I also had been active in the political life, before being in the Janwadi Party, I was in the Congress. I remained with Charanjit Yadav, wherever he went I did follow him. But it is not so that in the political life, my loyalty was to a particular person and not to a particular party. After leaving the Congress, he joined Congress (Urs.) When the Congress (Urs) reached almost at a blink, he formed Janwadi Party. After Janwadi Party, he merged the party with the Janata Dal. Now, Shri Charan Jit Yadav is in Congress. But now I am not in the Congress. I am in Samajwadi Party. I understand that for the last 7 - 8 years, I had no political relationship With him. We had separated politically. It is nothing like that I had separated from him politically, because I did not see any political future while staying with him. This is wrong to say that I have adopted Samajwadi party due to taking care of my political future. Shri Charanjit Yadav joined the Congress from Janata Dal and I joined the Samajwadi Janata party on the dissolution of Janata Dal and from there I joined Samajwadi Party. As on date I am in Samajwadi Party. While following the ideology of Dr. Ram Manohar Lohia, wherever Samajwadi's went I continued to follow them. Dr. Ram Manohar Lohia had died many years ago, but I don't remember when did he die. The books of Dr. Ram Manohar Lohia which I have read, are *Hindu banam Hindu*, *Bhartiya Parivesh Mein Samajwad*; I have read only these. There are many more books, I don't remember the names of all. *Bhartiya Parivesh Mein Samajwad* covers the subject of socialism in India, economic, social and political aspects.

Question:- What is the definition of Socialism according to Dr. Lohia ?

Answer:- Equality among all classes of society, no inequality, work for every hand through handicrafts, medium and small industries, that is all.

I have read the books on economic aspects of socialism in addition to the books written by Dr. Lohia but I don't remember the names of these books. I don't know the names of the authors. There is a difference between the socialism propounded in these books and the socialism of Lohia ji. Lohia ji has opposed the concept of machine age. He has said that man should get work so that unemployment is can be removed.

And there may be other differences too, but I have not paid attention to them.

As I was not there during the time of Lohia ji, there was no opportunity of my being influenced from his Movements. Lohia ji also gave certain main slogans. His main slogans were- *Dr. Lohia ne baandhi gaanth, pichhle Paawen sau mein saath; Ab Angrezi mein kaam~na hoga phir se desh gulam na hoga.*

Mainly these slogans were associated with his socialism. However, there were many more slogans given by him. It is wrong to say that I am telling a lie on this issue or I have not read any book about Dr. Lohia and his socialism or I have not read any article either. I have read Lohia' s biography casually. I have read Dr. Lohia's biography written by Prof. Madhu Dandvate. Perhaps, I might have read the book written by him, I don't remember. It is wrong to say that Madhu Dandvate has written no book on the life of Dr. Lohia or I am telling a lie in this regard.

I have heard the name of Shri Jai Prakash Narain. It is Dr. Lohia who spearheaded the movement '*Daam baandho, kaam baandho*'. I don't know who was the political Guru of Dr. Lohia.

I had known Mohd. Hashim for the last about seven years. Neither he came to my house nor I went to his house, but we had met each other casually. I had been to Faizabad in connection with some programme. This programme was organised at party level, then I met him. The gathering was at a place where Mulayam Singh was present. And in the same programme I had met Mohd. Hashim. Perhaps at that time Shri Mulayam Singh was in the Samajwadi Janata Party. This meeting took place perhaps at the Faizabad Court. Some people told me that he is Mr. Hashim Ansari, then I had a talk with him. I had heard his name but had not seen his personality. Therefore, there was no question of being influenced. Because his name used to appear in the newspapers and it revealed that he was a plaintiff in the case, therefore, I had a desire to meet him and I met him. At that time I had no discussion with him regarding the case. After that I had a talk with him and when I inquired from him about the case, then he informed me. Subsequently there was mention of tendering the witness. I told him that whatever is the truth, I would state. He did not tell me anything about the other parties of this case. I did not meet anyone from the other parties of this case. I made inquiries from him about this publically and gathered the information. But I never went to the Court as to verify what was the case.

I have no personal knowledge about the condition of the disputed site or building before 02.02.1986. Namazis go to the Mosque and the worshippers go to Temple. Had there been no such distinction, Namazis

would have gone to the Temple and worshippers would have gone to the Mosque. Therefore, having gone there on 02.02.1986 and seen the disputed site, I could understand the difference between a Temple and a Mosque. I have not studied the architecture. To stand in a queue and whereby a line is formed perhaps it means Safa. This is known as Safa and not Saaf or Safe or Saf. I don't know whether in a Mosque anybody can be a member of any party or not, this might be known to the Masjid people. I have heard about the existence of member in a Mosque. These are some stone type part fixed in a Mosque for the purpose of Sajda, perhaps this is known as a member. In a house or a Temple, it is raised from the floor. I don't know whether this member is meant for the Namazis to perform Sajda or for any other purpose. I had not cared to see it from that angle. I came to know approximately 10 - 15 years ago that what is a member (Again stated) I had come to know that member is in the Mosques. Namazis offer Namaz after standing on the member and offer Sajda. (Again stated) might be doing so. It is not that Hashim Sahib had told me what is the member. Nobody told me about the members, such things are only heard of. It is correct that for the first time, on 02.02.1986 I had physical knowledge that the disputed site was a Mosque. I had no spiritual knowledge. I never saw there any Namazi offering Namaz. I had been to the disputed site on 02.02.1986 at the instance of Shri Chandrajit Yadav, and of my own volition. Prior to this I was not aware that there was any disputed site.

I am secular. I understand the meaning of secular i.e. not being a communal and to respect all religions and all sects. I have never been to any church or Girija Ghar. I had been to a Gurudwara. There Guru Granth Sahib is worshipped. There is a throne of an almirah type on which Gurugranth Sahib is placed, whatever system one follows.

Sometimes I had been to the Jayanti celebrations of Guru Gobind Singh and observed it from a distance. I had been to various Temples in addition to Ayodhya, Faizabad. I had been to a Temple at Kanpur that is known as J.K. Temple. Statues of all Gods and Goddesses are consecrated there. I have never seen Jhoolan function. I have not seen any Temple at Ayodhya where statue of Ram Lalla is placed in any cradle and where flapper (chanwar) is waved. I had not seen his statue in any cradle which is sometimes rocked.

It is wrong to say that in my area people call me with affection as Babri Baba. I also do the job of a contractor in the Government Departments and am also engaged in Agriculture. I have been doing the job of a contractor for more than ten years. I started doing the work of a Contractor from the age of 25 - 26 years. It is wrong to say that I have taken the shelter of politics for grabbing contracts. Upadhyay means which is the best and ablest and who is knowledgeable. In Hindu religion functions of Upadhyays have been basically the same as allotted to all Brahmins, I have not read in Puranas that any specific work has been assigned to Agnihotri and Pathak Brahmins. This is completely wrong to say that I have been given some brief and tutoring by Hashim Sahib and his advocates and I have tendered my witness as per their instructions, rather I have given my witness of my own volition. It is also wrong to say that I don't know anything about the Hindu religion.

(Cross-examination by Shri Vireshwar Dwivedi, Advocate on behalf of Shri Umesh Chandra Pandey, Defendant no. 22 concluded.)

(Cross-examination by Shri Madan Mohan Pandey,

Advocate on behalf of Par am Hans Ramchandra Das,  
Defendant no. 2).

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The school, at the Shiva Park, Gagargad Basti from where I have acquired my education is still functional. This school is recognised by Sampoomanand Sanskrit University I have qualified Uttara, Madhyama from there. I remember some of the subjects, such as Bhatti kavyam, Shri Prapta Prakaran, Manjari Shap. I have read Bhatti kavyam, Abhijyan Shakuntalam, Kumar Sambhava and Epic Raghuvansham. All these are composite subjects of literature and language. All these books were more or less related to literature. I don't remember now the subject matter of Bhatti kavyam. It is correct to say that Bhatti kavyam relates to the complete character of Shri Ram. It is correct that this poetic work has description of his birth at Ayodhya, his living, Saryu River and his lifetime. I don't remember anything of the contents of any of the other books mentioned above.

I have also mentioned the book Madhya Siddhanta Kaumudi, this is a source of Sanskrit Sutras. I don't remember any sutra therefrom. It is correct that Madhyama and Shastri courses have details and analysis of Maharishi Panini's sutras. Now I don't remember any of the sutras of Panini. Now I don't remember anything that these sutras also mention about their source (Udgaar)

I don't know that how many chapters are there in Manusmriti. Today I have brought Manusmriti with me. By referring to it I can tell that how many chapters are there. It is correct that Manusmriti has explained the system of Sanatan Dharma. I don't know whether the word 'Hindu' has been mentioned in Manusmriti or not. Sanatan Dharma

has been interpreted in the Manusmriti. The definition of Sanatan Dharma is that how husband and wife should behave with each other and how one should behave with his brother and how one should behave in the society and how one should behave with his parents. It is correct to say that Manusmriti has described the way of performing puja of God Goddesses. In this connection it has been mentioned that in which group the performers of puja of Gods, Goddesses should be placed. The prayer of Gods Goddesses is performed in Sanatan Dharma and not in Vedic Dharma. Manusmriti also describes about the caste system. I don't remember whether it describes about the penal system. May be, Manusmriti has described that penalty should be levied for a particular crime. I did not consider it necessary to read about all these things. There might be some such chapter as may define an atheist. It describes the caste system and eras and other information whatever is in it, that I have already mentioned. I have no knowledge about the systems described in the Manusmriti other than the above information.

The subject matter of Shiva Puran is to describe the importance of Shiva and origin of Upadhyay dynasty is also in it. It also gives description about the Jyotir Lingas. I don't remember whether Shiva Puran has described about the birth of Sthambha Jyoti or not. It also describes the third eye (trinetra) of Shiva. But I have no knowledge about this reference in it. I don't remember whether Stambha Jyoti has reference about the birth of Brahma, Vishnu, Mahesh I remember one shlok of Shiva Puran, which is as '*Koop Vahini Sarita Sameepe Bhadreshwar Nath*'. According to Shiva Puran,' Lord Shiva is the supreme creator and protector. I don't remember whether its contains description about Maryada Purushottam Lord Rama or not.



I have read somewhat about Matsya Puran. Matsya Puran has described incarnation of many Gods and Goddesses and about many other incarnations. Now I don't remember that who are the Gods – Goddesses described and what description has been given in this Puran. It is correct that Matsya Puran has described the incarnation of a fish. It is known as Matsyavatar but it also describes other Gods, Goddesses. But I don't have precise memory as to which God - Goddesses have been described. It is wrong to say that there may not be description of God - Goddesses other than Matsyavatar.

In the opinion of some people Balmiki Ramayana was composed before the birth of Lord Rama. I too have this very information. I don't know where this was composed. I have not read the entire Balmiki Ramayana. Balmiki Ramayana is in the form of dialogue. One party of the dialogue was Balmiki himself and I don't know who was the other. I don't remember with whom he had a dialogue. It is correct that Balmiki Ramayana has described Rama's birthplace as Ayodhya. It doesn't come to mind that it has also described that in the north of Ayodhya is Saryu River. It has ..described Ayodhya as a city. It has given complete description about the childhood of Lord Rama, his departure to Lanka, his victory and his coronation etc. I have not given attention as to how many shloks are there in Balmiki Ramayana. I can't tell even by approximation whether there number is in hundreds or in thousands. It has described about Luv and Kush. Balmiki Ramayana does not describe about the death of Lord Rama, but has described his disappearance. This has been described in the last chapter of Uttar Kand (at the instance of the honourable advocate, the witness read from the Balmiki Ramayana brought with him and stated) in shlok no. 13 of

104 sarga, his disappearance has been described. It starts from there. (After seeing Sarga 109, the witness told that) Lord Rama left for his Param Dhaam that I have mentioned as disappearance. I have not paid any attention as to whether Balmiki Ramayana has mentioned anything about Hindu religion or Hindu Karmakand.

When we wish to perform any Karmakand in our house then we call our Purohit. I don't perform the rituals of a Purohit. I don't participate as a Katha Vachak or a sermon giver at any programme. In my family I have always called a Purohit for performing Karmakand. There was no book about Karmakand in our course during our studies. But I have read these books too for my information and I have also kept them at my house. Besides the above I have not read any book on Hindu religion, but I do read articles in newspapers and magazines.

I am a follower of Hindu religion and I normally come to Ayodhya. I visit Ayodhya with religious purpose also i.e. for Tirtha Darshan. I remember the names of some of the Temples such as Hanuman Garhi, Kanak Bhawan, Nageshwar Nath, Mani Parbat. Fairs of Ram Navami and parikrama etc. are held at Ayodhya. On these occasions also I come to participate and for taking bath etc. I have never heard the name of Bharat Kund. I have taken bath at the Saryu River. I have taken bath at Ram Ghat in front of Ram ki Paidi. It is correct that Ram Charit Manas has described the birth, childhood and rest of the life of Lord Rama. It has not written anything about rituals of Hindu religion. Similarly Skandha Puran has also described the birth and childhood of Lord Rama and other stages of his life.

It is correct that there is no book with the title Patanjali. In fact Patanjali was a Rishi who had written a book known as Mahabhashya. It is correct that the subject of this book is Yoga Darshan. I have not read any such book on Hindu religion as has described about demolishing a Mandir - Masjid, I have not particular information about the population of Hindus and their Temples all around the disputed site. Existence of Temples in Ayodhya is a must. It is wrong to say that I have not read anything about Hindu religion or Karmakand and I have no knowledge in this regard.

(Cross-examination by Shri Madan Mohan Pandey, Advocate on behalf of Paramhans Ramchandra Das, Defendant no. 2 concluded).

Verified after hearing the statement  
Sd/-03.03.1998

Typed by the stenographer in the open Court as per my spoken version.

Be presented tomorrow i.e. 04.03.1998 for further examination in continuation.

Sd/-  
03.03.1998

Dated 04.03.1998 (Statement of Shri Ram Shankar Upadhyay P.W.12 in continuation of 03.03.1998 commenced under oath):

Cross-examination by Shri Putti Lal Mishra Advocate on behalf of Rajendra Singh s/o Shri Gopal Singh Visharad, plaintiff in suit no.1 of 89.

I had been to the disputed site on February 02, 1986 for the first time and in 1991 for the last time and in between I might have gone there four or five times. I remember going there in 1989 but it is not to my mind with reference to any specific timing about my going there on other occasions. When I had been there in 1986 for the first time, I stayed at the disputed building for approximately ten minutes. I had stayed there for 8 - 10 minutes every time whenever I had gone there. When I went there for the first time on 02.02.1986, the time might have been between 10 to 12 in the morning. My main purpose of going there was to know the truth. But being a Hindu, it was my duty to go before the statues of God Goddesses, wherever it may be. I did not see any Aarti, Puja being performed there. The time of 8 - 10 minutes which is spent there, was spent in observing the building as well as the statues. I can't tell by approximation that at which places I had spent that time of 8 - 10 minutes. There were some pillars in the building. I can't say whether they were made of Kasauti or of any other material. But they were black in colour and at their lower ends some geru (ochre) had been applied can't say as to why geru had been applied. Only the persons, who had applied the geru, could reply to this question. I had not paid attention towards whether these pillars had images of God - Goddesses or not. I did not pay attention towards the no. of these pillars. I don't have knowledge whether that geru

was mahabiri or not. Its colour was gerua and not red. I have no idea about the length or breadth of the pillars. It is correct that if the statue of Hanuman ji is consecrated in any temple then mahabiri is applied on his statue and that is prepared with the mixture of sindoor and the rapeseed oil.

When I went to the building on 02.02.1986, there was rush but for the security reasons rush inside the building was lesser and outside it was more. I can't make out the number of people in the crowd and I also cannot quantify rush inside as well as outside. I had not taken with me any garland or prasad but I had got the prasad from the Temple. I got the prasad from the Pujari. That was not a Temple. I had received the prasad from the disputed site, which was given by the Pujari. I had taken the prasad. There are many branches of Ram Bhakti. In Ram Bhakti, there is one Vaishnav sect and another is Ramanandi sect, in this way there are many. In Rambhakti I had not read the literature of Ramanujacharya. I have also not read literature of Shiv Ramacharya. I don't remember to have read any book either in Hindi or in Sanskrit relating to Shri Rama literature excepting Ram Charit Manas and Balmiki's Ramayana. I don't recollect whether I have read or not Vrahat Katha Manjari. I also don't remember with regard to Ramayana Manjari. I have also not read Dashavatar Charitra, but I know about ten incarnations. I have not read Karpoor Manjari. However, I don't remember anything about this too.

Whatever information I have gathered from the books about Hindu religion, there is no such mention in them that at Ayodhya, after breaking some Temple a Mosque was built at the disputed site. The books which I have referred to have already been mentioned in my statement that there is no such reference in those books. No such literature written by Dr. Ram Manohar Lohia has come to my notice,

which was about Ram Janambhoomi at Ayodhya. I have not read his research thesis. Therefore, I can't say that what was its subject matter. But being in the association of socialist thinkers I know this much that he was a socialist. His research was on every aspect. I don't know whether Dr. Ram Manohar Lohia had himself come to the disputed site before 1949 and had Darshan at the so called Temple here. It is neither to my knowledge nor perhaps he might have acted in spearheading the movement regarding Ram Janambhoomi or remaining in the forefront or taking part in it.

The Samajwadi party was founded 3 - 4 years before from today and I am its member since then. I am the General Secretary of Samajwadi party at Distt. Basti.

Honourable Mulayam Singh Yadav is the national President of Samajwadi Party. It is nothing like that Samajwadi Party had its own thinking regarding the disputed site. It is wrong to say that I am a supporter of any such thinking. This is also wrong to say that I have come here to give my witness with a view to give weightage to such thinking.

Whenever I had been to the disputed site, every time my main objective had been to know the truth about this building. But since I am a Hindu, I had to bow before the statues of God - Goddesses there. Whenever I went there, I bowed my forehead where the statue was and took prasad also. The truth in search of which I used to go there, I could get it. I went there 4 - 5 times in search of the truth and I also studied the books of history and those brought out by Archaeological Dept. These books were only those books of history, which are taught upto 10th class. There is no particular name of these books. These are merely known as history books. I don't recollect whether any book on the subject of Archaeology is taught or not at the High School.

There is a place to the north of disputed site, which is known as Ram Janamsthan. That is in the shape of a Temple. I had never gone inside it. There might be a distance of about 60 - 70 steps between that place and the disputed site. There is also a road in between this distance of 60 -70 steps. There are few Temples etc. to the east of the disputed site. Towards the west there is a vacant land, towards the south also it was almost vacant. I have not paid any particular attention towards the south whether that was vacant or not. In the north there was a road and beyond the road there were some houses, Temples and shop. There are one or two small Temples and there is one Anand Bhawan also. This is near the Ram Janamsthan. I can't say anything about it whether Anand Bhawan is a Temple or what type of Bhawan it is. In the vacant land towards the west there were no fields or any garden but some small plants were there. I have not paid any attention towards the vacant land in the south whether there were fields, gardens or anything else. To my information except the disputed site and the Ram Janamsthan mentioned above there is no Temple or any other place which is known as Ram Janambhoomi.

The special occasions, on which crowds gather at Ayodhya, are Fair of Jhoolas in Shravan, parikrama and Nahan at Akshay Navami, Fair in the month of Kartik, Ram Navami Fair in Chaitra. I had never been to Ayodhya on the occasion of Jhoola mela in Shravan therefore, I can't estimate the crowd, but a large number of people come. People might be coming in lakhs. The crowd might be in lakhs on the occasions of the Fair in Kartik month and Fair on Ram Navami. I did go to the Fair once or twice that might be Kartik Fair or Chaitra Fair, but I had never been to the disputed site on the occasion of these Fairs. As Rama was born on the Ram Navami day of Chaitra month therefore, this Fair is held to celebrate his birthday. This

Fair is held only at Ayodhya. This function is celebrated allover the world. It is correct that the importance of Ayodhya is on account of the fact that Maryada Purushottam Shri Ram was born here.

This is wrong to say that I have mentioned the structure of disputed site as a Mosque because of my political ideology. I had ever no urgency to go to any Mosque therefore, I never even went there. This is wrong to say that I am giving a false witness. It is also wrong to say that I am tendering witness due to any political thinking.

(Cross-examination by Shri Putti Lal Mishra on behalf of Shri Rajendra Singh s/o Shri Gopal Singh Visharad, Plaintiff in Suit no. 1/89).

(Cross-examination by Shri Hari Shankar Jain, Advocate on behalf of Hindu Mahasabha, Defendant no. 10 and Shri Ramesh Chandra Tripathi, Defendant no. 17 and the Cross-examination on behalf of Shri Umesh Chandra Pandey, Defendant no. 22 accepted).

Verified after hearing the ~ statement  
Sd/-  
04.03.1998

Typed by the stenographer in the open Court as per my spoken version.

Be presented on 20.04.1998 for further examination on- behalf of Shri Devki Nandan Agrawal, Plaintiff, Suit no. 5 in continuation.

Sd/-  
04.03.1998



Dated 20.04.1998 (Cross - examination of Shri Ram Shankar Upadhyay P.W.12 in continuation of 04.03.1998 on behalf of Plaintiff in Suit no. 5/89 and Shri Devki Nandan Aggrawal on his own behalf commenced under oath):

I am an intellectual. It is not that I am earning my livelihood based on my intelligence, in fact I am earning my livelihood through my labour. I am a hardworking and live by my toil. I don't call myself as an intellectual. My livelihood is based on agriculture and in addition I am also doing the work of a contractor. Whatever work of farming I can do myself, I do that and the remaining work is got done by the labourers. I have agricultural land of 17 - 18 kuccha bighas. Three and a quarter kuccha bighas make one acre. These days we do farming with tractor. I don't have a tractor of my own. I don't keep oxen. I keep buffalo. I myself don't operate the tractor. The tractor owner charges money at a rate per bigha. At the time of ploughing, plank is run along with the tractor. In our side, we call it Hinga. From certain fields, we obtain sometimes two crops also in year. This year we had two acres of sugarcane and approximately seven bighas of wheat, three bighas of peas, fifteen biswas of arhar, seven to eight biswas of berseem, and seven to eight biswas of potatoes. The crop of arhar has already been harvested. The sugarcane has also been harvested. This year sugarcane will be obtained as pedi (ratoon) crop. This time the field of arhar has remained fallow. Field of peas is lying fallow and field of potatoes is also lying fallow, wheat has also been harvested. I have not harvested the crops with my own hands, I have got the wheat crop harvested on contract basis and myself dug potatoes. My family members had also helped me. The harvesting of arhar was got done on contract by labourers. To assist me is my

aunt, my wife and my fourteen-year-old son. My farming is spread over many villages. In my family there is no male member except my son and myself. I don't have any residence of my own in the town. The village in, which I live, it has a population of 25 - 30 houses.

I have not opened the office of the Samajwadi Party at my house in my village. party office is located in Basti town. Whenever there is any meeting, I go there. I am the Secretary of the Working Committee of Distt. Basti. I belong to Samajwadi party and I am a Secretary of that Party. Being a member of the Executive Committee, I pay Rupees ten every month. This Executive Committee has fifty-one members. Some are MLA's and some other office bearers, every one contributes something. I devote to the Party that much time which is needed by it. Whenever the Party requires my services, I go there. It is difficult to say that how much time I devote for the Party work. In the last elections, I could not devote much time and only went at one or two places because my foot was fractured. Because my foot was fractured therefore, I could not sit in the Party office. But I used to stay at my house.

In 1998, I have met Shri Mulayam Singh twice. Once I met him when the MLC election of the local bodies were being conducted. Again I met him at the time when he had come to Basti at the death of Shri Babu Ram Verma. Two months earlier I had met him at Lucknow. I don't remember whether Lucknow meeting happened to be before or after the commencement of my witness. I had been in the Samajwadi Party from its inception. it is approximately five years now. Perhaps in 1989, Mulayam Singh Yadav became the Chief Minister for the first time. It is correct that during, the tenure of his Chief Ministership Kar Sewa was held at Ayodhya, firing also took place, some Kar

Sewaks were injured also and some were killed. But I don't remember whether it happened after V.P.Singh had tendered his resignation. About the incident I can say with certainty that it happened like this only, but I can't say with confidence whether this incident had occurred on 30th October or on 2<sup>nd</sup> November 1990. It was definitely the year 1990, when this incident occurred. This is correct that my name was recorded in the list of witnesses for the first time in 1991.

Question:- Was Shri Mulayam Singh Yadav against the Movement for construction of Temple at Shri Ram Janambhoomi spearheaded by Vishwa Hindu Parishad?

Answer:- Shri Mulayam Singh Yadav was never against the construction of Temple but he was against the demolition of the Mosque as these people had the intention to demolish the same.

The Temple could be and could not be constructed without demolishing the disputed structure. I don't have the information that when Chandra Shekhar was the Prime Minister some suggestions were mooted that without demolishing the structure, this may be shifted to Sahnawa village, brick by brick or it may be shifted to that place of Sahnawa village where there is village of Mir Baki or may be shifted where there are residences of so called Mutwalli. Such construction is possible even if Temple and Mosque are at the same location.

I am not an orthodox. I don't believe anything without applying my mind. I have stated in my statement that Shri Ram's birth took place approximately 9 lakh years ago. I have come to know this from the opinion of intellectuals and I have believed this after due consideration. I have

also believed after due consideration that he ruled nearly for eleven thousand years. To my mind, it never happened like this that a human being born in this mortal world would have remained alive for eleven thousand years. I applied my brain, searched in the books and found out the duration in years of the Kali yug, Dwapar, Treta and Sat yug and believing the same I have given my statement. According to my opinion presently 5 thousand ninty three or ninty four year of Kali yug is running and not Five thousand ninty nine year. I can't say whether it is correct or wrong to say that now 5099th year of Kali yug is running. An intellectual cannot challenge the religious records, therefore I. can't reply this whether while determining the durations of those four Yugs, some intellectuals might have indicated their opinion in regard to its interpretation or given their opinion that the actual time would be known if the last two Zeroes are removed from those years.

I have read Ram Charit Manas written by Tulsi Das ji. In addition, I have read many books written by him. But I cannot tell the name of any one of them. I have not heard any such doha of Tulsi Das Ji which includes, *Maseed mein Suyabo*. I have not read anywhere that during Moghul Period, Mosque might have been constructed after breaking several Temples.

I have heard the name of Swargadwar at Ayodha. I have not heard the name of Temple of Treta Ke Thakur. I am not aware whether on the said places Aurangzeb had got constructed any Mosque or not. I have not read Faizabad gazetteer or any such English book. I have not seen any revenue record about the disputed site.

It is correct that the disputed site was located in Mohalla Ramkot. The place is still located but not the structure. Kot means Fort. The name of the Mohalla

Ramkot, therefore the literal meaning would be Ram ji ka ,Quila, but Mohalla cannot be known by this name. This is wrong to say that the disputed site had always been known as Janamsthan at Ayodhya. According to my information, there is no such Masjid in Ayodhya and nor it was there which might be known as Janamsthan Masjid.

I have heard the name of Datun Kund. But I have not seen it. Therefore I can't say anything about its location that where it is situated. The disputed site is towards west of the National Highway and it is also towards north. Hanuman Garhi is not along the National Highway but it is at a slight distance. Hanuman Garhi is towards the west of National Highway. The disputed structure was in the west of Hanuman Garhi, not in the north. There is a straight way from Hanuman Garhi to the disputed structure. That is a pucca Road. That is duly covered with tarcoal and is a mettled road. Ram Sthan Mandir is to the north of the disputed structure and it is located to the north of the road. I have no information that this road has been in existence from the 19th Century. I have no information that previously disputed structure and Ram Janalnsthan Mandir had been in the same premises and they were separated with the construction of a road. (He himself stated. that from appearance it does not look that at some point of time they might have been one). I had seen these places from the ground level. I have not seen them from above by aeroplane or helicopter. The road is at a lower level from both these places but I can't say whether level of both these places is same or not. It is correct that the road in the east has been in a slope towards the west i.e. it has been going downward.

It is correct that Maryada purushottam Shri Ram was the incarnation of Lord Vishnu. This also is written in

Balmiki Ramayana. There is difference of opinion in this regard whether Lord Ram appeared at this birthplace or he was born. In the Ramayana of Tulsi Das ji, it has been mentioned as appeared In the Bal Kand of Ram Charit Manas, there is a chhand between doha no. 191 and doha no. 192 which is about the appearance and birth of Lord Ram, I have full faith in that. It is correct that devotees from Lord Ram have faith in this chhand. (Again stated that other people also have the faith).

When I had visited for the first time on 2.2.1986 and had made enquiries, it did not come to my notice that after 1949, some day was observed. in the month of December which has relationship with the appearance of Lord Ram or it is called as his appearance day. The main gate, lock of which was opened, I had seen a tin shed in the courtyard outside of it but I did not see any Kirtan being performed under it. In fact I had not paid attention whether kirtan was being performed or not. I did not also pay attention whether there was any board or banner of Sri Ram Janambhoomi Sewa Samiti put up or not.

My mother had died sometime in 1980-81. My father had already expired 2 - 3 years before the death of my mother. My grandfather had died before my birth. My father was a scholar of Sanskrit. My mother was a religious devoted lady. Due to the Sanskars of my parents and Sanskars of my dynasty, and being a Hindu I have faith in Ram Charit Manas. I have also acquired Sanskars from my teacher. Owing to these Sanskars I have this faith from the very beginning. The date 2.2.1986 has no place in this faith When on 2.2.1986 I went at the site it was not known to me that it was birthplace of Lord Rama, but I had gone to inquire whether lock of any mosque has been opened- and idol has-been consecrated there, and I had also gone

to acquaint myself with the truth whether that place was a Temple or a Mosque. Before 02.02.1986, I knew that Lord Rama appeared at Ayodhya. But it was not known to me that at which particular place he appeared. I had been to Ayodhya many a time before 02.02.1986. I had gone to Hanuman Garhi for Darshan along with my parents. I had not gone to Kanak Bhawan for Darshan with my parents. I had taken bath in the Saryu River many a time. I had never performed parikrama with my parents. It would be wrong to say that I had been to Ayodhya many times at Ram Navami Fair with my parents. This is also wrong to say that I had been to the disputed site many times with my parents and I have performed prayer /puja - archana at *Charan Chinha, Sita Rasoi* or *Ram Chabutra*.

I had never been to Vashishtha Kund. I don't remember whether I had been to Bharat Kund.

It is wrong to say that the cenotaph, which I had seen at the statue of Bhagwan Ram consecrated at the disputed site or the cenotaph which was seen at the Idol of Lord Ram was gifted on behalf of the peeth by Swami Chandra Shekhendra on the direction of Jagat Guru Shankaracharya, Shri Jayendra Saraswati ji Maharaj of Kanchi Kam Kot Peeth while doing Darshan of Ram I had inquired about these things and on the basis of my inquiry, I am not going to accept the suggestion. According to my information this cenotaph was mounted by the people of Vishwa Hindu Parishad. I can't tell the name of the person who has fixed it. This cenotaph was mounted by the people associated with that organisation. I can't tell the name of any particular person. I can't say but this fact might be known to Shri Devki Nandan Aggarwal whether he got it mounted or not. I can't say anything about Shri Ashok Singhal. The throne on which the statue was placed was not made of silver. I can't say that of which metal it was made of because it was covered with cloth. It was not of

silver, had it been of silver, that would have given white shining. The front portion was covered with cloth and some part of back portion was visible. While observing it I was neither very far off nor very close. I can't say with 'certainty that this throne was made of which metal. This throne might have been three feet wide and four feet long. Approximately it was of this size. From the backside it was approximately one and a half feet high. I did not pay attention towards the height of the left and right sides. I can't say whether its height would have been nine inches or not. Three persons could lift it easily, carry it after lifting along with the Idol. They also could place it from one place to another. Idols were placed at the throne but I did not pay attention whether the throne was grouted or not with the floor.

This is completely wrong to say that in the morning of 23<sup>rd</sup> December 1949, during the Brahm Mahurat, these Idols along with the throne were consecrated or transferred at this place after bringing them from Ram Chabutra. I don't know whether the throne was already placed there before 23<sup>rd</sup> December 1949 or placed at this place afterwards. In fact this was not there in 1986. When I had been there on 02.02.1986, a statue was placed at a stair type place which is perhaps known as a member. That place was made of bricks, which was stair type. I did not scratch it to see whether the plaster was of cement or of surkhi or of lime. I don't remember the colour of that now. This stair was covered with cloth. Some part was visible and the statue was placed on that. Perhaps the staircase comprised of 3 steps. The statue was placed perhaps on the middle step. The upper part of the stairs was empty. I can't say whether something was placed there. It is completely wrong to say that I am telling a lie. This is also wrong to say that the throne alone was placed there only or the statues were also placed on the said throne.



This is wrong to say that I would not have any personal information about the contents of this case. It is also wrong to say that after 1986 I had never been to the disputed site with sentiments of devotion. It is also wrong to say that having been inspired by political consideration or on the advice of the Plaintiff, Mohd. Hashim or on the persuasion of his advocates, I have given my entire statement false. This is also wrong to say that after the meeting with Mohd. Hashim in 1991, instructions were given to me at the said meeting with Shri Mulayam Singh Yadav that I would tender my witness on behalf of Sunni Wakf Board. This is also wrong that I am tendering my witness merely due to that reason.

(Cross-examination by Shri Devki Nandan Aggarwal on behalf of Plaintiffs of Suit No. 5/89 - concluded)

Verified after hearing the statement.

Sd/-

20.04.1998

Typed by stenographer in the open court as per my spoken version.

Sd/-

20.04.1998