

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

OTHER ORIGINAL SUIT NO.4 OF 1989

**SUNNI CENTRAL BOARD OF
WAQFS, U.P.AND OTHERS ...PLAINTIFFS**

VERSUS

**GOPAL SINGH VISHARAD
AND OTHERS ...DEFENDANTS**

**STATEMENT OF PW-15
SHRI SUSHIL SRIVASTAV**

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PW-15-Shri Sushil Srivastav, Son of Sh. Ganga Dayal, occupation-Service age 48 years, R/o Ground Floor Sevanti Bagh, Pratap Ganj, Baroda Solemnly affirm on oath as under:-

I am professor in the Deptt. Of History in Maharaja Shayaji Rao University Baroda. At present I am officiating as I-lead of the Department also. I have been working in Baroda University since 30.06.1997. Earlier I had been working as a Reader in the Department of History in Allahabad University. In Allahabad University I was appointed in December 1974. I passed BA and MA Examinations from Allahabad University. I passed MA in two subjects i.e. in History and Political Science. I have done Ph.D. also from Allahabad University. I was awarded Ph.D. Degree in 1989. In Ph.D. subject of my research was "Relation between land lord and farmer in Avadh." The subject of research was for the period from 1920 to 1939. I was registered for Ph.D. on this subject in 1978. Shri Ravinder Kumar Ji was my supervisor for this subject. At

that time Sh. Ravinder Kumar Ji was professor in Allahabad but after some time approximately in 1981 he joined as Director in Nehru Memorial Museum and Library in Delhi. I had gone to America on Fellowship in March 1996. During that period I delivered about 6 lectures in Emory University Atlanta and University of Pennsylvania. After that I went to the Oxford University, England on Fellowship. I remained there for about 4-5 Months. Outside India I have participated in two Conferences.

About the disputed land I have written a book entitled "The disputed Mosque-A historical Enquiry". This book was published in the last Months of 1991. Besides, I rendered assistance in writing a book under the title "Anatomy of Confrontation Ram Janam Bhoomi-Babri Masjid Conflict" edited by S.Gopal. My article "How the British saw the issue" was published in this book. Besides, I have written several articles about the disputed land which were also published. On this subject I started my research work in 1987. In connection with my research work I also visited the disputed land in Ayodhya 5- 6 times. The last time I went there towards the end of the January 1993. Second edition of my book has also been brought out. Apart from this I have written one more book entitled "Conflict in Agrarian Society" which was published in 1995. When I went to the disputed land and inspected it, in my view it was a Mosque. I also saw epigraphs there. To me they appeared to be in Persian Language and their script appeared to be Arbo Persian. In my research work about the disputed land I have not found any evidence from which it could be inferred that this mosque was built after demolishing the temple. I have also not found any evidence from which it could be held that there was birth place of Lord Rama on the disputed land. In my view the town of Ayodhya inhabited around 4th or 5th Century B.C.

(Cross Examination by Shri Ranjeet Lal Verma, Advocate on behalf of Nirmohi Akhada, defendant No.3).

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I understand the Hindu Sanatan Dharam. I cannot define it. I have heard about classes and stages. I have heard about Vedant Vedas, Sruti Smriti, I have not studied them. I have not studied Manu Smriti. I have seen articles on it. In this article I have read that there were four classes i.e. Brahman, Ksatriya, Vaisya and Sudra. In which class I come it is difficult to say but I belong to Kayasth Community. I have no knowledge about the Origin of the Kayasth Community but I have heard the name of Chitra Gupta. I think I am a theist. I believe in God. All Sanctifying rites in my family are performed according to Vedic Dharamshastra. I worship i.e. I remember God. I seldom go to temple. In Allahabad I have gone to temple. There I have gone to the Temple of lying Hanuman which is near the confluence Sangam. I went there to have Darshan. I went to have Darshan of Hanumanji because I consider him as God.

I have done my MA in Modern History. Before doing my MA I have studied Medieval History in BA. I have studied some Archaeological Books for my research on disputed land. I have studied the report published by Archaeological Survey of India. In the beginning the report was edited by Cunningham for my research about the disputed land I have studied the following books relating to different periods. (i) Gazetteer of United Provinces, Avadh which is in three Volumes. (2) District Gazetteer on United Provinces of Agra and Avadh by Nevil (3) Babarnama edited and translated by A.S. Breweries (4) I have seen

Arcitin by John Ladene. I have also gone through the books written by Martin, Beconan, Gyanendra Pandey, Badri Narain Srivastava, K.L. Srivastava, Radhey Shyam Pandey, P.Karriege, Hans Baker etc. In my view the period of Medieval History should be taken from 8 Century AD to 1740. I have not read about any temple having been built during the period. I have read about demolishing of Temple of Somnath. The temple of Somnath was demolished by Mohd Gouri in the 11th Century. Other temples were also demolished but at this time I cannot tell the names of such temples. As an historian I do not consider Mohd. Gauri as a plunderer and attacker but as a victor. If the victor is a foreigner, he will either rule over the part conquered by him or he will go back to his Country, this depends upon the Circumstances. As an historian I can say Mohd. Gouri, who was a conqueror ruled here for some time. I think the intention of Mohd. Gouri behind demolishing the Somnath temple was to make himself known as the Super Conqueror. It was not necessary that he was able to establish himself as a Super Conqueror only by way of demolishing the temple.

I do not know any thing about Islam. Mohd. Gouri was follower of Islam. Islam is against idol worship. This is also not the case that the person who did idol worship was held "non-believer". It is wrong to suggest that Mohd. Gouri held the Idol worshippers as "non-believer" and he invaded India for the purpose of demolishing the temples only.

I cannot say whether according to historians, Mohd. Gouri was barbar and cruel or not. Five Centuries after Mohd Gouri has gone) Babar invaded India. In between Ghazni had invaded India. Ghazni's Dominion continued here. This period is called the Dominion age.

A great Scholar Alberuni came with Mohd. Ghazni. He wrote a very famous book. I do not recollect the title of this Book. I cannot tell whether the title of the book is "Tahkike Hind" or not. The Dominion age ended in 1526. Kabir Dasji, Ramanandji and Shankracharya belonged to this period. Shankaracharya was monist. Ramanandji was also monist. It is incorrect to say that Ramanand ji started Ascetic Tradition but the Ascetic Tradition began latter on. It is correct to say that Lord Rama was the favoured Deity of Ramanandji. Ramanandji is a part of Sant Tradition. For my book on disputed land I studied many things i.e. record of British, Records of English Scholars who toured India and records of Scholars of Europe and other Countries who toured India. I began my work on the disputed land in 1987 and completed this in 1990. I had written this book on the basis of my own analysis and after study of other books. This is an historical book. There are four sources to know the history:

1. Archaeological 2. Epigraphic 3. Retain Records 4. Letters and Correspondence.

It is correct that besides above, coins are also the basis of history. Other sources are poetries, epics, literary source. Merely one source is not enough to know the history. In writing my book I got support from Archaeological Report. This Report comes regularly from Archaeological Survey of India of the Govt. of India. There is Director General in the Archaeological Survey of India. I do not know whether Sh. B.B. Lal was its Director General but there is a report prepared by him. I came to know that excavation work had been done by Professor B.B. Lal. I do not know when was the excavation done. I do not know whether Shri Amla Nand Ghosh was the predecessor of Professor B.B. Lal as Director General. A conference of the Archaeologists and the historians was held in New Delhi on 29th March, 1986. I was not invited to this Conference nor did I participate in it. I did not read the

result of the Conference which was published. About the disputed land I had read the articles of four Archaeologists i.e. Cunningham, Farhar, Prof. A.K. Narain, Prof. B.B. Lal. I had also read the Article of Dr. Mandal. I have not read the article of any other Archaeologist. I can tell the situation of the disputed land of Ayodhya. I have read the Articles and books written by the Archeologists about Ayodhya. It is correct that Ayodhya was in the state of Kaushal. Two Chinese travellers Fahian and Hieun Sang have written articles about Ayodhya. I have seen the commentary of those articles. It is correct that Fahian has recognized Ayodhya as a religious place i.e. he has mentioned this as a Centre of Baudha Religion and not of other religions. In his article he has not written about Ayodhya as a Centre for propagation of Hindu Religion or temples etc. Ayodhya is an ancient town. It was ruled by Ikshvaku dynasty. Raghu — Aj — Dilip, Dashrath-Ram belonged to Ikshvaku Dynasty. Now Lord Rama is recognized as Incarnation of Shri Vishnu. It is not correct to say that the recognition that Rama was the incarnation of Vishnu is born out of mythology, Vedic literature or Vedas. To me it is evolutionary. This is correct that evolution could be the process of both knowledge and faith. After archaeological study I found that epigraphs and coins i.e. old coins were found. This was addition to my knowledge that two epigraphs — one of 5th Century and other of Jai Chand's time were found in Ayodhya. I have not read these epigraphs. I did not consider it necessary to read these epigraphs. Volunteer : said, "The epigraphs were in Sanskrit Language and I do not know Sanskrit." I know about Brahmi Script. I had come to know that there are epigraphs in Ayodhya in Brahmi Script. I do not know whether it is inscribed on them that state of Kaushal was ruled by Sung Dynasty. I also do not know that two Yagyas of Sanatan Dharam were performed by Pushya Mitra of Sung dynasty. While visiting Ayodhya I had not gone to the

Ranopali Temple located opposite to Saket Degree College. I cannot tell when I came to know about this epigraph in Ayodhya. I do not know that this epigraph is in this Ranopali Temple. The coins found in Ayodhya relate to 10th and 11th Century but to which dynasty they relate I cannot tell. I do not remember whether I had read it or not that gods and goddesses were depicted on these Coins. I cannot tell whether there is any Archaeological evidence about the time of erection of this disputed site as I am not an archaeologist. The Gazetteer and the articles of foreign visitors are the basis of my book on the disputed land. I have also seen and read the ancient books written by the Hindu Writers on Ayodhya. I have not studied the Skandh Puran about Ayodhya. I have not read Raghuvansh written by Kalidas but I have acquired knowledge about it. There is detailed description of Ayodhya in Raghuvansh. Period of Kalidas is 4th or 5th Century and he was not contemporary of Shakespeare. I have not studied Ramayan, Ram Chant Manas, Books of Bhatt Lakshmidhar Mitra Mishra and other books related to the places of pilgrimage but I have acquired knowledge about them i.e. I have gone through their translation. In the books which I have studied about Ayodhya, there is no mention that there are many temples in Ayodhya and that Ayodhya is a town of temples. According to my knowledge and according to books Ayodhya is situated in the north west of River Saryu.

I went to Ayodhya the first time in June 1987. First time I went to Ayodhya with my colleagues. Mitra Prakashan Allahabad requested me to go to Ayodhya and I too wanted to have information about Ayodhya; therefore I went to Ayodhya with them. First time I only saw the disputed land in Ayodhya, and I did not see the other temples i.e. I saw the other temples only after I had seen the disputed land. By other temples I mean Kanak Bhawan, Hanuman Garhi,

Mani Parvat. I did not go to these temples due to religious faith or to offer prayers. In the temple idol must be there but it is not necessary that temple should have a particular form. Circumambulation is held in the temple. I cannot tell whether Jagmohan i.e. where the devotees perform Pooja or religious offerings is necessary or not. In the temple tower or dome is not necessary. Mosque requires a particular type of construction and form. For a Minaret is not necessary in a Mosque. For a Mosque it is necessary that there should be an open passage for entrance. There is a small room for the Priest. Besides there are decorative pieces built. There could be round arches also. The disputed land is on the Western side of Hanuman Garhi Temple. The level of Hanuman Garhi, Kanak Bhawan and the disputed land is not even. The disputed land was at the highest level followed by Hanuman Garhi and then Kanak Bhawan. The disputed land and Hanuman Garhi are on a mound. I had entered the disputed land from the Eastern Gate. There was a pillar on the Eastern Gate on which "Ram Janam Bhoomi" is inscribed. On that stone the number "one" was inscribed. This stone was fixed in 1902 by a Local Committee headed by Collector. It was known that this Committee has affixed stones on the historical sites of Ayodhya by putting serial number on them. (Volunteer : said that this Committee had fixed stones on the basis of a book namely "Ayodhya Mahatmaya". I have seen this book which was published by the Historical Society of Bengal in 1875. I do not know whether there were touch stones on both sides of Eastern Gate or not. There is nothing on the Eastern Gate adjacent to which stone No.1 is fixed. There is no lintern or wall. There was no idol on that gate. On entering from the Eastern gate, Ram Chabootra Temple was seen on the Southern side. This platform might be 3-4 feet high. I cannot tell its length and breadth. There was no Mandir type wooden structure

on this platform. It was on one side. I do not remember whether there was any idol on the platform. I did not try to see whether there was any idol on the platform on the sides. I did not see any idol on the caves built on the platform. I cannot tell whether after entering the Eastern Gate I saw any kitchen, bhandara towards north. On entering the Eastern Gate, and while proceeding towards north I saw some structure on the Western side but I cannot say whether there was Sita rasoi or not or whether Hearth, rolling board and rolling pin etc. was there or not. When I went to the disputed land in the year 1987 except eastern gate I saw no other entrance (Volunteer : said that I was not allowed to go to the back side). There is road in the north of the disputed land. I have used the road. There is a staircase and gate on the road. In 1987 I was not permitted to go on the Road further. In 1987 after entering the Eastern Gate I went into the internal part of the disputed site. For entering the structure a gate having lattice was open. I made my way through it. Inside the disputed site idol of God was placed and Pooja was being performed. I did not go to back side of the structure of the disputed site as it was prohibited to go there. When I went to the disputed site for the first time I saw ancient and state inscriptions inside and outside. "Two" were outside and "one" inside. These inscriptions were on the walls. These were on the top of the disputed structure. They were inscribed on stone. I cannot say whether these words were inscribed inside the stone or these were on the surface of the stone. I have not seen the records filed in old cases about the disputed site. I had studied the records kept in the Collectorate. There I had read the report written by P.Karnegi, Deputy Commissioner, Faizabad. I saw this record in the record room of the court of the Collectorate. I had seen a part of the "Sketch" of Ayodhya by Karnegi. In this report temples, Mosques, deep basins of Ayodhya have

been mentioned. I have read about the disputed site in that report. About the disputed site P.Karnegi has mentioned in the report that Babar got this Mosque constructed. This was built in 1528-29. This is also mentioned that there would be temple of Ram Janam on the site where this Mosque was built. This note of P.Karnegi was published in 1867. I have not seen any note of 1905 of Z.W Hoz, Deputy Commissioner, Faizabad. I had come to know there that in 1885, a case was filed about the disputed site. I had not seen papers relating to that case. After 1987, on all the occasions I visited the disputed site, I found the people performing pooja. I saw the disputed structure for the first time, I thought that it was a mosque. Only on the basis of this I thought that there was mosque on the disputed site. I have not seen any temple having circular domes.

Babar had never come to Ayodhya. Babar fought his first battle in India at Panipat against Ibrahim Lodi. The battle of Khandwa was fought later on. In Khandwa Babar fought the battle against Rana Sangha in 1527-28. I do not know which year in Christian or Vikram Era was inscribed on the epigraphs referred to by me on the disputed site. In my book I have mentioned the year inscribed on the epigraphs of disputed site. I have mentioned the year in my book on the basis of the book of Baveridge Sahiba. In her book 935 A.H. i.e. 1528-29 was mentioned. The epigraphs found inside and outside were not of similar size. The outer epigraph was fairly large, its slab stone was quite large. The inner stone or slab was smaller. The slab of the outer stone might be 10-12 feet in length (again said it might be 8-10 feet). The breadth of the slab of this stone might be about 1½ feet. The inner epigraph was even less than half of the slab of the outer stone. The disputed site had not become a political issue by 1987, when I started my research work. The orders for opening the lock had been

passed. The order of opening the lock had some effect in the beginning. I started my work on the request of the editor of Mitra Prakashan. When I finished my work, foundation stone had been laid. Mitra Prakashan did not give me any Royalty. I was paid only that much amount which is paid for the article. None of my books had been published by Mitra Prakashan. My book on the disputed site was published by Sej Prakashan and they have paid me the Royalty also. I began my research work on the basis of the British Record. I examined their previous record and tried to find out the basis on which the British have said that there was a temple on the disputed site and the Babri Masjid has been built after demolishing the temple. It is not very clear from the records prior to 1850 that the Masjid was built after demolishing the temple. But after 1850 it became clear from the British Record that the temple existed there and the Masjid was built after demolishing the same. I have found no evidence on the basis of which I could say that the statement of the British after 1850 to the effect that the Masjid was raised after demolishing the temple is wrong. The British rule began in India after 1858 i.e. it started direct. It is correct that divide and rule had been the policy of the British Govt. i.e. create friction between the Hindus and the Muslims and rule over them. It is incorrect to say that British first got the epigraphs inscribed on the religious places of the Hindus and the Muslims and subsequently got them changed but no voice was raised against them. After 1858, Hindu-Muslim riots took place only once in 1934. It is correct that in 1934, Muslims were killed in large number (Again said) I cannot say that Muslims were killed or not. Again said that Muslims were not killed. It is correct that in connection with these riots, fine was imposed only on Hindu Community. It is incorrect to say that after 1934, no Muslim could go to the disputed site. In the report of Sh. A.K. Narain, I have stated

that in Ayodhya, population came into existence in 4 Century B.C. In his report I found nothing about race of Aryas. The case of 1885 referred by me was between a Sant and the Government which the sant filed for erecting canopy on the platform of the disputed site. The case was about erecting canopy on the idol of God. It was not the case of erecting canopy in place of thatched roof. (Again said) I cannot say whether there was any idol on the platform or not. I have read the book "Babarnama" There is no reference about disputed structure in Babarnama. There is no reference of Mosque in Babarnama perhaps two mosques i.e. Sambhal Wali Masjid and perhaps Panipat wali Masjid have been mentioned in Babarnama. I have not gone through the full text of the book, Aaine Akbari. In Avadh land holding system began when Nawabs of Avadh instead of collecting the Tax direct, allotted the land to a few persons and those allotted persons started collecting the land revenue. Nawabs of Avadh were the ministers in the State of Delhi during Mughal regime. Large land holding system was not prevalent in Avadh before the Mughal period. There were Kings and heads of provinces. Sharkis of Jaunpur ruled over Ayodhya before the Mughal had come to India. I am saying this on my own, I have not read it. It is incorrect to say that Ayodhya had been under the rule of Hindu Rulers from the beginning. It is correct that Nawabs of Avadh might have given huge grants for the temple in Ayodhya. It is correct to say that about the disputed land, there is a political dispute whether the disputed site is a temple or a Mosque. It is incorrect to say that I am giving my evidence with a political motive.

Verified the statement after hearing

Sd/-

Sushil Srivastav

15.4.1999

Cross Examination by Shri Ranjeet Lal Verma, Advocate on behalf of Nirmohi Akhada is closed.

Typed by the Stenographer in the open court as dictated by us . Adjourned till tomorrow i.e. 16.4.99 for further cross examination. Witness be present

Sd/-

Dated 16.4.99

Cross Examination by Sh. Ved Praksh Advocate on behalf of Dharam Das, Defendant No. 13.

I do not remember to have seen the picture of Varah deity (pig) on the disputed site. I had not seen Sita Rasoi on the disputed site in 1987. I had seen the pillars of touch stone at the disputed site. Flowers and petals were carved on the touch stones and there was some thing like pitcher or round thing on the lower portion. No other picture could be seen on these stones except flowers and petals or pitcher. Again said that all these pictures i.e. flowers, petals and pitcher were on the touch stones of the inner part of the disputed building I have brought the book written by me about the disputed land It is correct that in my book, picture of Varah who is stated to be the incarnation of Vishnu is mentioned to have been seen on the disputed site. I had not seen the picture of any women on the touch stones of the inner side of the disputed site.

Question. You have stated that touch stones were used in the inner side of the disputed site. Have you written in your book (disputed Mosque) whether there were pictures of women on these stones or not.

At this stage Shri Jilani objected to this Question. saying that this relates to the contents of the book and as the book is not on record, this Question. cannot be asked.

In the view of the court this objection was without any substance, as this Question. is not related to the contents of the book.

Answer. I have not mentioned in my book about having seen any human figures on the pillars in the disputed structure. (Volunteer : said) Besides the disputed site, I have mentioned in my book about all the pillars of the touch stones I found in Faizabad Distt. And figures were seen on pillars found outside the disputed structure in Faizabad.

Besides the pillars at the disputed site I have referred to the pillars of Faizabad Distt. I have done so because all these pillars were of similar type. It is correct that it appeared that the figures on the outer pillars and the inner pillars were similar. I did not see the figure of Varah on the disputed site.

(Photo No. 9 and 10 of the Album of black and white photographs prepared by Uttar Pradesh Archaeology organization were shown to the witness. The witness has seen them.)

This photograph is of an animal but it is difficult to say whether it is of Varah Deity or not. It is also difficult to tell as of which animal this photograph is. In regard to photo No. 9, my Answer. is same. It is wrong to say that Varah deity referred to by me in my book might be related to these photograph. In my book, I have mentioned so on the basis of other books. I have mentioned about the figures of Varah deity having been found on the basis of books of Karnegi, W.C. Bennet and H.R. Nevil. In my book after mentioning the view of the persons referred to above, I

have stated the arguments advanced by them and thereafter I have given my opinion. It may be correct that I might have given my opinion taking their statement about figure of Varah deity having been found on the site to be true. In my book I have mentioned the disputed site as Mosque. I have said so believing that the figure of Varah deity could be there on the disputed site but despite those figures this is a Mosque. I have also mentioned in my book that all these figures on the disputed site were non Islamic (Volunteer : said) I have said so on the basis of the record. My personal opinion is not such. About all the Questions Shri Jilani reiterated the objections raised by him earlier but all these objections were over ruled as these Questions do not relate to any contents of the book but relate to the personal opinion of the witness. In my opinion the figure of Varah deity can be there in the Mosque if it is dilapidated. Mosque being old, the broken figures can get defaced. They may also lose shape in breaking. In India in many Mosques the figures of deity have lost their shape. I think in India there is no other Mosque having figure of Varah deity or the Sita Rasoi.

[Photo Nos. from 55 to 66 of the Album (Black and white) of disputed structure prepared by Archaeology Department of Uttar Pradesh was shown to the witness which was seen by him.]

All these figures are of the pillars of the disputed structure. On photo No.55 a figure has been made after but it is difficult to say that it is human figure. I cannot say that on the upper sides of the photo, there is human face. It is also incorrect that on the lower side there is neck and the body. On the pillars of photo No. 57 the figure made in the middle is not clear, therefore, I cannot say whether this is human figure. My Answer. is same about photo No. 60.

About Photo No. 62. I have again to say that the figure is not clear and I cannot say whether this is human figure or not. Photographs 71 to 75 in this Album are of the pillars of the disputed site. In photo No. 72 too, there are no human figures. The figure in photo No. 74 is not that of the trunk of the elephant but appears to be some flower work. In photo No. 76 also the figure is not that of the trunk of the elephant. In this Album photo No. 86 to 91 are of the pillars of the disputed land. Photo Numbers 95 to 106 except serial number 104 are of the pillars of the disputed site. There is some doubt about photo No. 104. I cannot assign any particular reason for this. I am saying so on the basis of the location. In respect of photo No. 104, the reason for my doubt on account of the location is that this pillar is fixed in front of Kaushalya Bhawan. Stones used in the disputed site and in Kaushalya Bhawan could be similar built but carvings on them are different. It is correct that in photo No. 104 there is figure of pitcher or some round object. This figure appears like that of a pitcher. To my mind the figures shown on the pitcher are not of gods and goddesses. In respect of Photo No. 106 my Answer is same as in respect of photo No.104.

[Photo No. 13 to 16 of the album of the coloured photographs prepared by Archaeological organization of UP were shown to the witness. The witness has seen them.]

The figures shown in photo Nos. 13 to 16 were not seen by me on the spot. Figures shown in photo No.13 to 16 are of animals but I cannot say whether the figures are of the pig. This can be cow, horse, donkey, dog. The cow has horns. In the figures shown in the photographs horns do not appear. The ears of the horse are straight. In the photograph ears are not visible. The donkey also has ears. There are no ears in the photographs. The dog also has

ears-straight and dropping but ears are not seen here. I do not agree with the view that this figure can be of pig only. On photograph No. 40 of this album, the figure on the top is that of some animal. In my book I have mentioned about this figure. In respect of this figure I have mentioned in my book that there are two lions and one peacock i.e. the peacock is in the middle. Figures on the photographs nos. 47 to 54 of this Album are those of the pillars of the disputed site. It is correct that in photograph No. 47, 48, 50, 51, 52, there is pitcher on the bottom. Figure in photo No. 54 appears to be that of a pitcher. In photo No. 48 any shape or figure of any god, goddesses does not appear on the pitcher. Reply in respect of photograph No. 52 is the same. After seeing the photograph Nos. 104 to 127, the witness told that photo numbers 105, 108, 109, 110, 111, 114, 115, 116, 117, 120 to 123 and 127 are of the disputed site. In respect of other photographs I have doubt whether they are of the disputed site or not. Location of these pillars have created doubt in mind. Photographs Nos. 136 to 147 of this Album are all of the pillars of the disputed site except photo Nos. 139, 144. In photo No. 141 there is some thing like pitcher in bottom and figure on the upper side appears to be that of a flower and petals.

It is wrong to say that there is figure of some deity on these photographs. In photo numbers 146 and 147 there is circular figure. On the upper side there is a figure but the same is not trunk or forehead of elephant. In photo No. 158 to 167 of this Album all the pillars are of the disputed site. Photo No. 176 to 200 of this Album are of the disputed site. In photograph No. 176 the figure seen on the pillars is not that of god goddess. There is no pitcher in photograph nos. 180 and 181. I know the figure of pitcher. All these figures appeared to be of round pitchers. The figure of pitcher may or may not be in the Mosque. I have not read about it. I

have not seen any mosque having figure of pitcher, but I have read that in another Mosque such figures have been made. What I have stated above has been mentioned in the book of E.B. Habil. We also find this in the Book of Z.A. Desai. There is no mention of the disputed site in the above referred book but other Mosque have been mentioned to have pitcher like figures. This figure is found in the mosque "DHAI DIN KA JHOPDA". This mosque is situated near Qutab Minar in Delhi. I have never seen this Mosque. I am married. Name of my wife is Mehar Afsha Faruqi. This marriage has taken place under special Marriage Act. Thereafter Nikah was performed. The name of my father in-law is Shamshul Rehman Faruqi. I have children. The names my children are Tasi and Sahil.

Question.: You, your wife and both the children are living according to Islamic Manners.

Answer. I and members of my family are living according to Indian Manners.

After being repeatedly asked the witness only Answer.ed that he does not know fully about Islam, therefore, he cannot say that he and members of his family are living according to Islamic manners or not. His wife is familiar with Islamic manners.

Question.. Your children are being brought up by your wife according to Islamic manners or according to other manners i.e. they are being brought up according to Islamic manners.

Answer.. As I do not have full knowledge about Islam or Islamic manners, I cannot say anything about this. I am not influenced by the thoughts of my wife. I have embraced Islam at the time of my marriage. It is incorrect to suggest that having

been influenced by this fact I am saying that the disputed site is mosque. I can tell some characteristics of a Mosque. I have read about the characteristics of mosque in book. I am no expert. I consulted other people i.e. obtained the opinion of the experts after I had seen the pillars on the disputed site and had studied about them. It is incorrect to say that I am holding the disputed site as a Mosque only because other persons told me so. It is incorrect to say that this site i.e. the disputed site has never been in the form of mosque.

Cross Examination by Sh. Ved Prakash Advocate on behalf of Sh. Dharam Das defendant No. 13 concluded.

Cross examination by Sh. Vireshwar Dwivedi, Advocate on behalf of Sh. Umesh Chand Pandey, Defendant No. 22.

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I believe in God. My faith in God continues even after I have embraced Islam. When I embraced Islam I was named Sajid. At present I am neither a Hindu nor a Muslim. I was born in a Hindu family. My marriage took place according to Islamic rites and it is also correct that at present I am neither a Hindu nor a Muslim. I have named my children in Persian language. I have no attachment with Persian language. (Again said) I have attachment with all the languages.

It is incorrect to say that I am not leading a normal life. I passed my B.A. in 1970. I passed M.A. in Political Science in 1972 and passed MA in Modern History in 1974.

In my student life, I remained in Holland Hall Hostel Allahabad. I first got myself registered for Ph.D. on the topic "First congress Ministry in UP." But after 3-4 years, I left this topic. My subject was not related to the subject of political Science. This topic was related to the subject of History. In 1978 I opted for another topic "Landlord tenant relationship in Avadh 1920-39" and I did research on this and was awarded Ph.D. degree. It is correct that I had received Ph.D. degree in 1989 after continuous efforts of 11 years. During this period I was appointed on ad-hoc basis in the Allahabad University in 1974. This adhoc appointment was as a lecturer. In 1989 I was promoted as a Reader. I consider the year 1989 as an ordinary year for me.

I know Shri Bahiduddin Malik. Shri Bahiduddin was Vice Chancellor in Allahabad University from January 1987 to 1990. Shri Bahiduddin also knew me. Both of us knew each other closely. On 6th February, 1979 I was married to Mehar Afsha Faruqi. Our marriage was registered by Major Kaul. Major Kaul was earlier employed in Allahabad University. When my marriage took place, Major Kaul was marriage officer. I do not know under which Act Major Kaul had become a marriage officer. I know the Katra locality of Allahabad. The Arya Samaj Temple is not in Katra Locality of Allahabad, but it is in Karnal Ganj. I know Dr. Pant of Allahabad. It is wrong to suggest that once my marriage took place in Arya Samaj Mandir according to Vedic rites with the help of Dr. Pant. I do not remember whether I or my wife made any declaration about our religion before Major Kaul on the occasion of our marriage. Our marriage was not solemnized with the consent of the members of my and my wife's family nor was our marriage against their wishes. Prior to our marriage we had issued notice also. After registration of our marriage, Nikah was necessary for

acceptance of my in-laws and for social recognition. It is incorrect to say that my in-laws were not inclined to recognize our marriage without Nikah (Again said) it is incorrect to say that they put any pressure on us. It is incorrect to say that my in-laws asked me to have formal marriage (Nikah) but they did give me a choice to perform the Nikah. The choice of my in-laws was my choice (Again said) I could also have this option. After registration the Nikah had become necessary because of circumstances. I do not consider it proper to explain the circumstances. It was necessary to embrace Islam for Nikah. Therefore I embraced Islam. The people had told me that it was necessary to embrace Islam before Nikah. As per advice of the people and to complete the formality of Nikah it was necessary to embrace Islam and therefore I embraced Islam. Apart from these sacraments I did not perform the marriage with my wife by any other rites. The office of Mitra Prakashan is in Kyd Ganj locality in Allahabad. I do not know whether the name of this locality is Keet Ganj or Kyd Ganj. Muthiganj locality and kyd ganj localities are adjoining. I do not know Golghar Chauraha in Allahabad i.e. at this time I am not able to recollect the same. While going from University to the office of Mitra Prakashan, there is a Kothi of Raja Manda, next to the office of Mitra Prakashan. Shri Vishva Pratap Singh is the Raja of Manda who had been the Central Minister and the Prime Minister of India. Vishva Nath Pratap Singh had also been the Chief Minister of the Uttar Pradesh. I do not know whether while going from the University to Mitra Prakashan, the Kothi of Raja Daiya falls in between. I had left the Holland Hall Hostel after the end of my student life. After leaving the Hostel I had started living in Allan Ganj, Church lane. In the University I had been the examiner also. I have no information to the effect that I awarded Zero mark to a student. but as per order of the Hon'ble High Court the

Answer. book was re-checked and the student was awarded 35 marks. I have no knowledge about this. I have also no information to the effect that in such a writ, strictures were passed by the Hon'ble High Court against me. It is also incorrect to say that after this incident the evaluation work was taken away from me. Again said the evaluation work was never taken away from me. It is also incorrect to say that in respect of my involvement with some girls the news appeared in the Newspapers which were a stigma on my Character. In Baroda, there is no other professor, by the name of Sushil Srivastav. I am employed in Baroda as Sushil Srivastava. In Baroda a News appeared in the English newspapers about me. This news appeared 2-3 times. In these newspapers, once, news appeared against me about my work. On no other occasion any thing appeared against me in the Newspapers. It is correct to say that right from my students life, till my period at Baroda, I consider it to be a normal life i.e. I led a normal life. I cannot tell the name of any such person who married the same women twice i.e. marriage on two occasions according to different rites.

I had started doing spade work on the dispute of Babri Masjid Ram Janam Bhoomi disputed site from 1987. I can neither read Persian language nor I can write it. I also cannot read or write Arabic I also do not have knowledge of Sanskrit.

It is incorrect to say that my wife persuaded me to write about this and to publish it. My wife encouraged me about this. I do not know any other women by the name of Mehar Afsha Faruqi. The initials of my father in-law Shri Shamshul Rehman Faruqi is S.R. Faruqi. I have written preface in my book: "The disputed Mosque, a historical Enquiry". I have written in the preface of my book that Mehar Afsha Faruqi exhorted, persuaded, me to popularize the historical truth. It is correct that in the preface I have

expressed my gratefulness to all persons who extended their cooperation to me in writing this book. It is correct that I can neither read nor write Persian language and my father in-law has helped me a lot in reading writing i.e. in interpreting this language. It is incorrect to say that my book is a family book and I have prepared this book with the help of my wife and my father in-law. It is also incorrect to say that I have been pressurized or induced to write this book and that I have written this book because of the inducement. I started writing this book in 1987 and in 1988, a part of this book was published in Maya by Mitra Prakashan/ and I got money for this. Mitra Prakashan brought out a booklet in English under the title "Probe India". My article published in Maya was also published in English i.e. it was published in "Probe India". The article published in "Probe India" in English was original. In Maya Hindi Translation was published. Payment was made to me simultaneously in respect of both. These publications have separate departments and I have been paid separately by them. It is incorrect to say that I received the payment twice for one article.

Verified the statement after hearing

Sd/-

Sushil Srivastava

16.4.1999

Typed by the stenographer in the open court as dictated by me. In continuation of this come tomorrow, i.e 17.4.1999 for further cross examination. Witness be present.

Sd/-

16.4.1999

17.4.99

In continuation of 16.4.99, statement of PW-15, Sushil Srivastava Continues on Oath.

When I embraced Islam at the time of Nikah, I had to read something. But I cannot tell what I had read. I do not remember how much dowry (Mehar). I promised to give my wife at the time of marriage. I also do not remember if I gave any dowry in cash or not. I also do not remember whether I made -any promise about dowry or not. In Islam Namaz is read and fast is observed. I have never read Namaz but I have taken part in it. Perhaps once I have observed fast. After I had embraced Islam, I never accepted Hindu Religion. I have been swearing in the name of God because He is omni present. It is incorrect to say that I have sworn in the name of God so that I could give false evidence. I have not read Quran Sharif. I have not read Hadees but I know what it is. It is correct that only for this reason I say that I am neither a Hindu nor a Muslim (again said) as per definition of both the religions. It is correct that once or twice I have observed fast and I do have darshan of Hanumanji once or twice. It is not correct to say that the Dharam/Religion is an instrument of convenience for me. It will be incorrect to say that I believe in compliance of tenets of Dharam/ religion (Again said in the strict sense) the antonym of strict will be loose. It will also be incorrect to say that I believe in loose compliance of tenets of Dharam/Religion. It is also incorrect to say that I make the Dharam/Religion convenient as and when required. I observed fast (Roza) out of fun. I did not have darshan of lying Hanumanji out of fun. I was with some persons, therefore, I went for Darshan.

Quran Sharif is in Arabic Language and has been written in Arbo-Persian Script. I do not know who had written Quran Sharif. I also do not know when was it written.

This is not the case that I tried to find out as an historian whether Arabic Persian script was prevalent or not when Quran Sharif was, written. My father in-law is a scholar of Arabian and Persian Languages. My father in-law never had a chance to tell me what has been written in Quran Sharif, Nobody else told me what has been written in Quran Sharif but I heard it from here and there. In my book "Disputed Mosque" I have not given citations from Quran but I have referred to them. It may be correct that Quran Sharif might be in Arabian language and in Arabic Script. It is also correct that Persian is a language and not a script (again said Persian is a language and a script).

The writings and epigraphs which had seen at the disputed site were in Persian language and Persian script. It is correct that I acquired knowledge about Persian language and script from my father in-law (again said it will also be correct to say that I acquired knowledge about the writings and epigraphs found at the disputed site from my father in-law). It is correct that I have mentioned in my book that I acquired this knowledge from my father in-law. In my book I have not mentioned about my relations with him, but I have referred him by his name. There was no reason to conceal the relationship. It is correct that whatever S.R. Faruqi observed after studying the epigraphs of the disputed site, he told the same to me as a scholar (Again said) whatsoever he felt while studying the epigraphs of the disputed site he told the same to me like a scholar. It is possible that despite being a historian I believed in the scholarly feelings of the people and mentioned them in my book while writing the book. The title of my book was "Historical Enquiry" It may be possible that I might have written this book taking it as a turning point in historical enquiry. It is incorrect to say that I might have written this book under the pressure of my father-in-law (Again said

there was no pressure at all). It will be incorrect to say that I have written the book according to the wishes of my father-in-law A.S. Baveridge was not an historian, she was a translator. She was known more as translator and less as an historian. It is correct that my father-in-law observed that the translation of articles of Baveridge is not fully faithful. I went to the disputed site for the first time in 1987 and in 1993 I went there, the last time. I went to the disputed site for the first time in 1987 just to see it and not with the purpose of any enquiry. I went there for historical enquiry in 1987. When I went there for the first time in 1987. I went there for research work also. The research work which I started in 1987 about the disputed site had been completed in 1990. In 1988, my research work was continuing. It is incorrect to say that to fulfill my political ambitions and being under pressure of my father in-law and my wife, I started getting my articles about this published from 1988 (Again said that articles were got published but not under any pressure). It is incorrect to say that I started to get my entire research work published from 1988. It is incorrect to say that after I started getting my articles published in 1988, my luck favoured. I was awarded the Ph.D. Degree and I was promoted as reader. When I became reader and was awarded Ph. D. Degree, Shri Badiruddin Malik was the Vice Chancellor of the Allahabad University. It is also correct that at that time Shri Mulayam Singh Yadav was the Chief Minister of Uttar Pradesh. It is correct that Quran Sharif is the Primary Book of Islam. I do not have full knowledge whether any directions have been given in Quran Sharif for raising Mosque. I do not know what are the prohibitions in Quran Sharif in the construction of Mosque. I do not remember to have written in my book about the directions given in Quran Sharif for constructing a Mosque. It is possible that I might have mentioned in my book the prohibitory factors (Again said that prohibitions

given at some places might have been mentioned in my book). I do not know but I have heard and read that Mosque cannot be raised on contentious land. I have not recognized Quran Sharif itself as basis of this, but the experts whom I consulted on the point might have recognized Quran Sharif itself the base of it. It is correct that I had heard that Mosque cannot be raised on contentious land. It is incorrect to say that feelings and hear say might have found place in my book. Mrs. Bavendge started her translation work in 1905 and after completing the translation work, she published her book in 1921-22.

I have done research work on the structures of temples around 1526. In history, structure is known as Vastukala (Again said) it is also called Sthapatya Kala. In English they are called Architecture. In my research work i.e. regarding architecture I consulted some persons. I have referred to their advice in my book and I have expressed my opinion too. It is correct that my own opinion as expressed by me was formed after analysis of the opinion, I had received. Similarly I analysed the opinion of people about the structure of the Mosque prevalent during that period and thereafter, I did give my own opinion. In regard to archaeology, I have not done any excavation work. In this regard I have gone through the reports. I do not have much knowledge about Islam religion. I do not have much knowledge about Vedas, Vedic, mythology and Sanatan Dharam. I have limited knowledge. I have read these books as per my requirements. I have not read Upnishadas. I have also not read Puran. I have not read Vedas. I have done some reading of Ram Charit Manas of Hindu Religion. I did not consider it necessary to read other books of Hindu Religion i.e. from the religious angle. I have not read these religious books as novels but I have read them out of curiosity. It is incorrect to say that this curiosity arose in

1987 on the persuasion of my wife. I had this curiosity to read Vedas, Puran etc. since my student life.

All the books mentioned above relate to religion. It is incorrect to say that I lost my interest in religion after reading these books. I have not read any Ved in a sincere way. Similarly I have not read the original books of other religions in a sincere way. I have not read any of these books in an insincere way. Again said I never read any book in insincere way. It is correct that I do not have full knowledge of archaeology neither I have much knowledge about Hindu religion and Islam. But on the basis of some knowledge about archaeology, Hindu religion and Islam, I have done the research work that in or around 1526 what was the form of a temple and a mosque. It is correct that I followed the same mode for writing the book which I adopted for obtaining the degree. This is not the case that I was awarded Ph.D. degree or I was promoted as Reader because of this book.

I have also gone to Banda and Chitrakut. I have not seen any temple having circular dome there. In Banda and Chitrakut I did not see any structure about which I was told that at that place the mosque has been raised after demolishing the temple. I did not see any mosque in Chitrakut and Banda having minarets.

During 1987-1991 whenever I went to Faizabad, Ayodhya, I did not see any file or record in any case relating to this subject. I have not seen files or records of case being tried in this High Court. No papers or photographs relating to the case of this High Court were given to me by any person. No papers or photographs were given to me by any person when this case was under trial in Faizabad. It is correct that in my book petitions, written

statements, orders passed by this court. Dist. Judge, Civil Judge Faizabad courts have been quoted. The portions I have quoted in my book were obtained from secondary sources. It is incorrect to say that the historian i.e. person doing research does not use secondary source when the primary source exists. It is correct that in my book at some places I have utilized the secondary source. This is not the case that I wanted to complete my book early and, therefore, I have not utilized the primary source and have utilized the secondary source. (Again said) Many primary sources were also utilized. I had not taken the photographs of the disputed site as a search worker and I could not take the photographs, as it was not permitted to take the photographs, I have given certain photographs in my book. There is one photograph of the disputed site and other photographs are of other places. I had taken all the photographs except one. One of the photographs given in my book is that which was taken from the west side of the disputed site. The photograph taken from the Western side of the disputed site was received from Mitra Prakashan. Mitra Prakashan had extended adequate cooperation. After seeing the photographs taken from the western part and after seeing the disputed site I had understood and opined that the forms of this disputed structure resemble that of Jaunpur Mosque Known as to Atala Masjid. It is correct that after this only, I arrived at the conclusion that the disputed structure might have been built by Sharki rulers i.e. it was of the architectural forms prevalent during the period of Sharki rulers. It is incorrect to say that the period of Sharki Architecture might be from 11th Century to first half of 15th Century, whereas the correct period would be from 14th Century to 16th Century. Ayodhya was not ruled by Shirkij rulers prior to coming of Babar to India. It might be earlier I do not know.

When Babar came to India, Pathans i.e. Afghans ruled over Ayodhya. Now I do not recollect the name of that ruler. It is incorrect to say that when Babar came to India, the Indian rulers ruled over Ayodhya. I cannot tell who ruled over Jaunpur when Babar came to India. I also cannot tell as to who was the ruler of Lucknow or Prayag at that time. While doing research, I felt it necessary to have this information but at present I do not remember all this. It is correct that memory weakens with age and only the important matters remain in mind. It is correct that now I remember important things only and I have forgotten the rest. I do remember that the disputed structure was mosque. It is correct that I do not remember whether Babar demolished any temple in Sambhal but I do remember that a temple was demolished at that time. Despite being an historian I did not consider it necessary to find out as to who had demolished the temple. I also do not know about any other temple which was demolished during the time of Babar.

As an historian I can broadly say that Ghaznavi came to India about 50-60 years after Gouri had come. It is incorrect to say that Mahmood Ghajnavi had come first and Mohd Gouri came later. Mohd Gouri had also not demolished the Somnath temple and I do not remember as to which temples were demolished. When I went to Chitrakut, Banda, I found that domes in the temples (there appeared to be like those of the Masjid (Again said that one temple was looking like a Masjid). The name of this temple was Balaji Thakur. The architectural design of that temple was like a Masjid. It is incorrect to say that my son might have gone into that temple taking it a Masjid. It is possible that I might have written in my book that after entering the Tasi Temple my son felt that he was in a mosque. I do not remember whether I was surprised or not that it is not a

mosque but a temple. I went into the temple with my wife and children. My wife was not annoyed with me for bringing her in the temple. I do not remember as in which year I went into this temple. I might have gone there in the year 1985 or 1986. After seeing this temple I felt that there are many confusions. It is not correct to say that for removing the confusion, I started calling the disputed structure a mosque at the instance of my wife. I went to Jaunpur only once. I went there around 1988. I also went to Atala Mosque in Jaunpur and I saw the mosque. I was not curious to know the history of the mosque (again said that there is no specific reason for this). After seeing the Atala mosque there was some idea in my mind about the architectural design of the mosque. It is difficult to say that the idea of the structural design was about the front portion or the back portion (again said I had some idea of architectural design of the entire mosque) There was no specific reason for keeping the idea in my mind. I do not know whether the mosque was in the city of Jaunpur or it was outside the city. No body told me there that this mosque was earlier temple of Atal Devi which was subsequently demolished and mosque was raised. As an historian, I did not try to know nor I came to know whether there is some place known as Manishi towards the West of Jaunpur which has been named as Manej by the British. I also cannot tell whether there had been some gathering of rishis or Munis at this place, The architectural design of the disputed structure and that of Atala Masjid are similar, I said this after seeing the report, hearing the people and on my own observation. First I had seen the situated structure of Ayodhya. I have also mentioned in my book that the form of disputed structure and the Atala Masjid are similar. I have also published in my book the photograph of the disputed structure which had been taken from the back. I have not published the photo of Atala Masjid in my book and if some

body wants to test the veracity of this statement, another book will have to be read. I shall not be able to tell how many temples Ghajnavi demolished. It is incorrect to say that I feel that it is against humanity to tell about this. It is also incorrect to say that as Sajid I do not want to tell this. It is also wrong to say that as Sushil Srivastava also I do not think it proper to tell this. My marriage had taken place and Nikah had also been performed before my father died. I had embraced Islam by that time. I had not put fire in the mouth of dead body of my father. This was done by my elder brother. When I reached the funeral ground, the body of my father had burnt. Sanctifying rites were performed three days after the death and last rites of my father. I participated in the sanctifying rites. I was not thrown out of society. The sanctifying rites were performed according to Arya Samaj Vedic manner (again said it was held according to Arya Samaj manner, I do not know about Vedic manner I do not know whether Arya Samaji consider Ved as origin of religion, I think, the principal sacred book of Arya Samaj is Satyarth Prakash. I do not know if Arya Samaji take the Muslims as untouchables. I do not know whether Arya Samaji converted the Muslims as Hindus after purifying them. I took part in the purifying rites of my late father as Sushil Srivastava (again said that for me there is no difference between Sushil and Sajid). In the general sense also there is no difference between Sushil and Sajid for me. Similarly I

do not make any difference between Mehar Afsha and Ved wati if they are two names of one person. It is correct that according to necessity I call myself Sajid and also Sushil. It is incorrect that I began my statement in the name of Sushil Srivastav but in cross I have become Sajid. During my statement I was required to take Oath on 4-6 times I have not sworn in the name of Khuda instead I have sworn in the

name of God (again said I was just swearing in the name of God).

I have heard about Kalma. Kalma means those words which the Muslims utter in the praise of God and declare that God is one. What else is said in Kalma I do not know. Perhaps at the time of embracing Islam I had read such Kalma. I do not know that the persons who do not comply with the religion after conversion as Muslim are called munafic. It is possible that when I embraced Islam I became follower of Mohammad Sahib. I do not know if Mohammad Sahib said that Munafic are worse than non believers.

Verified the statement after hearing

Sd/-

Sushil Srivastava

17.4.99

Typed by the stenographer in the open court as dictated by us. In continuation for further cross examination on 17.5.1999. Witness be present.

Sd/-

17.4.99

Dated: 17.5.1999

In continuation of 17.4.99, statement of PW-15 Shri Sushil Kumar Srivastav.

I have sworn in the name of God today, right now. My name is Sushil Srivastav, therefore, I may be called by this name. I have sworn in the name of God and not khuda. Khuda, God all are one. My name is not Sajid. I have changed my religion and I embraced Islam but religion is not important for me. I believe in non-religion. I have changed my religion because of society and circumstances. I have converted because I have married a Muslim girl. The name of my wife is Mehar Afsha Faruqi. My wife was D.Phil in 1988. She has done her M.A. in Medieval history of India. Specialization of my wife was in medieval history. In D.Phil her specialization was in Economic policy of Delhi Sultanate. The name of my father in law is Shamshul Rehman Faruqi. My father in law has not done specialization in history. My father in law is also a literary critic. He is also employed in Indian Postal Service. I have written a book. "The disputed mosque-a historical enquiry." This disputed Masjid relates to Mughal period. I have taken some assistance from my father in law and my wife also in writing this book. I do not remember that in my book I have quoted with authority what my father in law observed and told me. The three epigraphs I saw on the disputed site were in Persia. It is incorrect to say that I am making wrong statement in regard to the above. I cannot say that one of the three epigraphs was in Persian and two in Arabic as I have no knowledge of either of the two languages. I had come to know from many sources that these three epigraphs were in Persian therefore, I have mentioned that these three epigraphs were in Persian. I have reproduced the English translation of these epigraphs in my book. For English translation I made a request to my father-in-law

and I got the English translation from him. By my father in-law I mean Shamsul Rehman Faruqi. My father in-law has no certificate in Arabic. But he knows Persian and Arabic. I do not know whether my father-in-law has any degree in Persia. Calligraphy means art of writing.

I have mentioned in my book that the style of calligraphy on the epigraphs creates doubt whether this mosque was built by Babar. This is correct that what ever my father-in-law, Shri Shamsul Rehman Faruqi Sahib thought, I mentioned that in my book. It is incorrect to say that this historical enquiry may be based on the observation of my relatives. I have not studied science of Calligraphy.

I have also not studied the subject of epigraphy. Original study on the subject was not considered necessary by me. This is not correct that on some particulars points I have expressed as a appropriate as has been told by the some scholars. It may be correct that this Masjid might have been built in 1501 AD. It will not be correct to say that Babar got this Masjid built in 1501 AD. In BA, I had studied about the Mughal period and the Sultanate period prior to this i.e. this was my subject. Babar's full name was Zahiruddin Babar. Babar came to India in 1526 AD. This is possible that some one else might have got this Masjid built before Babar. Babar had conquered only some parts of India from 1526 AD to 1530 AD. It will not be correct to say that from 1526 to 1530 AD Babar had geographically conquered whole of India. In Ayodhya, to the south of river Saryu, there is territory of Gonda District. I have not made use of compass for direction perception. My colleague Sh. Sher Singh made use of compass for direction perception. I had not taken any help from Sher Singh about direction perception because I was with him. Two of three epigraphs on the disputed site referred to by me were quite high i.e.

at the height of 20-22 feet. The third epigraph was low which I saw from the distance of 4-5 feet. Persian is also a script. Arabic is also a script. Urdu is not a script. Urdu is written in Arabic and Persian script. It is incorrect to say that Persian is not script. It may be correct that Persian language is written in Arabic script. In Arabic and Persian there is some difference of alphabets only. Whatever I have mentioned in my book is on the basis of secondary sources. Secondary sources are of two types. Printed newspapers etc. are covered in the first source and written book come in the second source. Before writing my book I had studied books of some Archaeologists. I had studied books of these archaeologists around 1986. I have read the article of Dr. Mandal but I had not read his article for writing this book. I have not read any article of Dr. Mandal in 1986-87. I have correctly stated in my earlier statement that I had read the article of Dr. Mandal. In my earlier statement it was not correct that I had read his article but the correct position is that I have read his article. It is incorrect to say that today I saw the book of Sh. Mandal which was published in 1993 for the first time with the counsel therefore, I have changed my statement today. Letters and correspondence come in the literary source. I have taken some help from him in writing my book. By some help I mean that I had read some books on that subject. Under the literary source I had read the translation of the book of Ladene, Baveridge and some other translated books. The book of Baveridge was published in 1921. Ladene's book was perhaps published in 1819. Ladene was a translator. Baveridge was also a translator. Both of them have translated the biography of Babar. I do not have knowledge of archaeology but I did make use of secondary source on this subject also. By retain record I mean, work of foreign travellers, reminiscence of administrative officers, written revenue reports of administrative officers. I have read the

above mentioned records in original. About this I have read the reports of Bennette, Irwin, Montgomery. Montgomery's report was written in 1838. Irwin's report is of 1868 and the report of Bennette Sahib is of about 1862. Montgomery came to India with East India Company for numeration. What was the form of disputed site before 1855, I had read it in the reports of Martin and Bennette. I had also read the report of Karnegi on this subject. I have read some book about the form of the disputed land before 1850. Besides the English authors, I have read books written in other languages about form of the disputed site between 1850 and 1870. I have not read the book written by Mirza Jaan in 1856. I have not read his book: Hadika-e-Shohda. I have not studied the book "Fasana-e-Ibrat written by Rajab Ali. I have not heard about Sheikh Mohd Ajmat Ali. I have not heard the name of Fatwa-e-Alamgiri. I have also not heard about Fatwa-e-Jahani.

I had read the translation of Ayodhya Mahatmaya. It contains something about Ram Janam Sthan. According to me place of Jnam is the place where mother gives birth to a child. In Ayodhya Mahatmaya topography of Ram Janam has been given, If Ayodhya Mahatmaya is taken true, the disputed site cannot be birth place of Ram. Ayodhya Mahatmaya is only a part, not a complete book. I do not know the name of that book of which Ayodhya Mahatmaya is a part. It is not correct to say that Ayodhya Mahatmaya is a part of Skandh Puran. There is reference of Ayodhya Mahatmaya in the book of Baveridge. There is reference of Ayodhya Mahatmaya, in the footnote of the Gazetteer of Nevil. It is incorrect to say that it is mentioned in the book of Nevil that Ayodhya Mahatmaya is the part of Skandh Puran. Puran is a book and I recognize it. I know Purans are four. I do not know the name of these four PurAns. There are periods of Purans, It is incorrect to say that the

Purans are more than four and I am giving wrong statement about this. I was earlier a Reader in Allahabad University. After that I became professor and head of Department in Maharaja Shayaji Rao University and thereafter I have come back to Allahabad University and from 28th June 99 I am working as a reader. Syndicate is the supreme Body of Baroda University. It is incorrect to say that there was some inquiry about my conduct or that I was removed from there after the inquiry. B.N. Shah is professor of Baroda University. He was professor of Mathematics. He was Dean of science faculty. It is incorrect that Shri Shah made inquiry about my conduct as one member of the committee. I have no knowledge of the above noted commission found me guilty of giving wrong statement. I do not know whether my conduct with female lecturers and female students was found indecent or I used indecent language with them. I do not know that the said Commission gave its report on 13.4.99 and suggested to remove me from there. I do not know that the Syndicate of the University vide its proposal Sr. No. 46 removed me from the post of Head of Department and Coordinator and from D.R.S. Programme on 30.4.99. Volunteer : said that on 5.5.99 I received a letter from the syndicate directing me to hand over the charge of the post of Head of Department and Coordinator to other teacher. I handed over the charge of the post of Head of Department on 11.6.99. The reason given by me was that I have failed to clear the test in Gujarati language and I could not be confirmed without this and that the period of my leave from the Allahabad University was over, Therefore, I was relieved from there on 28th June, 99. I appeared in test for Gujarati Language in October 98 and in March, 99. It is correct that I appeared before the B.N. Shah enquiry committee. I did not give any clarification before the committee but gave suggestion for running the department in a better way. I did not receive any report

from the committee about the suggestion given by me. It is not correct to say that all the teachers of the Department complained against me saying that they cannot get along with me. But only some teachers gave such proposals (again said) they were not satisfied with my work as the Head of Department. It is wrong to say that I was removed from there because of misconduct and I instead of receiving the order, submitted my resignation and came back to Allahabad.

I have conducted study about the site and manner of construction of mosque. My study is limited. I have studied 1-2 books on this subject. I have studied 1-2 chapters of the archaeological reports, but I do not remember the name of that book. I have studied Cunningham's report about this. I have not studied any book of Muslim author, I have not read the book of any Muslim theologian. The report mentions that Masjid cannot be constructed on any land if it is disputed. Besides this, I have no knowledge about the kind of land where Masjid cannot be raised. The disputed structure cannot be of 19 Century. The disputed structure could be of 16th or 15th Century. As an expert my opinion is that the disputed structure might not have been constructed by Babar As an expert I can say that the disputed structure might have been constructed by Sultan of Jaunpur. Pathans ruled our Avadh before Babar came. I do not remember their dynasty. During that period Ayodhya and Jaunpur were in Avadh State. I cannot say whether Lodhi dynasty ruled over the state or not before Babar came. In my opinion in India, the medieval period is from 1000 AD to 1765 AD. I do not remember whether Gaharwal dynasty ruled over the state or not. I have heard the name of Jai Chand during Medieval period. I have not heard about the name of Govind Chand, Vijay Chand etc. I have not read in history whether both these rulers ever went to Ayodhya. I have no knowledge whether any Hindu ruler raised any

construction on the disputed site. Aurangzeb is also known as Alamgir. I have not studied whether Aurangzeb ever went to Ayodhya. I have heard the name of Mohd. Shah Rangila. He was a Mughal emperor. I do not know whether Mohd Shah Rangila wrote any book or not. Among Mughal emperors I know the names of Babar, Humayun, Akbar, Shahjahan, Aurangzeb. Besides Bahadur Shah Jaffar, Farukh Seer, were Mughal kings whose names I know. I do not remember the names of other kings of medieval period. In 1920, there was British rule in Ayodhya. There was no Minister in Avadh in 1920. There was only a Governor. It is not correct that during their reign the British awarded title of Minister to any Muslim. The nawab age ended in Feb. 1856. I wrote thesis on relations between landlord and farmer in Avadh. I had seen some records in connection with my research. During the study of records I found no entry in any record about the disputed site. I did not find any entry about mosque-birth place. For my research, I saw the records in the library and board of Revenue, Allahabad and Lucknow and in regional archives Allahabad and Lucknow. Besides, I also saw the records in the Library of Lucknow Secretariat. I studied the records in National Archives of India. On these places I found records of District Land Settlement, I saw some revenue records in regard to the disputed site. I know that records relating to land entries and revenue entries are maintained in Revenue Record room in the Distt.

In Avadh in Janpads entries of Govt. land are also made and their records kept. The records of Govt. land are also maintained in the record room in the districts. I did not go to the record room of the district to see the entries relating to the disputed site or its land. It is correct that earlier Faizabad was the capital of Avadh. The period of my research related to 1920-1939. In 1920 regarding land Avadh Rent Act was applicable in Avadh. During 1920-1939,

Agrarian discontentment agitation was continuing in Avadh. In 1920 several types of tenancy were prevalent. After 1939 UP Tenancy Act was passed. In this Act there was huge increase in the tenancy. Again said that charges of tenancy were not increased but large numbers of people were made tenant farmers. I know khewat, khasra, Khatoni. I have not seen Khewat, Khasra Khatoni in respect of disputed properly sites. In connection with my book I tried to obtain the information about the entries of the disputed site. I did see the entries. The period for which I saw the entries state was shown as the owner of the disputed site. This entry was as the proprietor. There was no under proprietor of the land. The disputed land was Nazul which was given on lease. I am telling this on the basis of entry.. The disputed property land was shown to have been given to Sunni Wakf Board on lease i.e. it was recorded in the name of lessee. I do not have much knowledge about Khatoni. I had not seen Khatoni, therefore I cannot tell about the entry in Khatoni. In Khatoni only the division of the Revenue Land and its revenue are mentioned. No other entry is made in Khatoni. Again said, the name of the allottee of the land is also mentioned. I have not seen Khatoni relating to the disputed lands. In khasra division of plots is shown. In Khasra, Khatoni entry of possession is made. I saw the records in regard to the possession. This was a district Settlement Report. I cannot tell at which place I saw the record of possession. Settlements are periodical. As per my information, these settlements are in Faizabad. I mean land settlement. Its 1st settlement was done in 1868, 2nd settlement in 1891 and third settlement was between 1935-40. I have seen records of all three settlements. I have not seen the khewat of settlements of the disputed site. During 1985-1993, when I went to Ayodhya, I saw the entries in respect of the disputed land. Again said during that period when I went to Ayodhya, I saw the record in respect of the

disputed land once in Faizabad and not in Ayodhya. I saw some records in the record room of the district Collectorate Court of Faizabad. At that time I saw the record of the Bandobast of Second settlement. In the Register of the second settlement I found that the disputed land was shown inside the Nazul land. The heading of settlement register is Bandobast Register. The information recorded in the register is, how much the land is, how much revenue is being received, the type of land, name of crops etc. This second settlement was prepared under the Avadh Rent Act 1885.

I do not know Urdu. The Bandobast registers were maintained in Urdu. It is incorrect to say that what I have stated above about the bandobast is entirely wrong and I have not seen any entries. The Govt. land is called Nazul, Govt. is the owner of entire land, now I cannot tell whether there is any such land which is not owned by the Govt. There is no such land in Faizabad. But the entire land is not Nazul. There is settlement in nazul land. I do not know about survey settlement. There is survey in the settlement. In survey, there is measurement of land. How the survey is to be conducted, there are rules in this regard. The settlement of Nazul land is not done by the Nazul Department of Nazul land. If there was any separate settlement about Nazul, I have not seen that. The nazul settlement was the district settlement.

Verified the statement after hearing

Sd/-

Sushil Srivastava

20.7.99

Typed by the Stenographer in the open Court as dictated by us. In continuation for further cross examination on 21.7.99. Witness be present.

Sd/-

20.7.1999

Dated:21.7.99

In continuation of 20.7.99, the statement of Sh. Sushil Srivastav (PW-15) on oath.

I do not know whether I am a Shia or Sunni Musalman. I wrote my book in search of truth. There is one Chapter in this Book "Did Babar build the Masjid". I had done investigations before writing the book I reached the conclusion that the disputed structure was either built by Tughlak Rulers or by Shirkis rulers. I have not concluded that some part of it was built by the Nawabs of Avadh. The emblem of Nawabs of Avadh was two fish. Presently also the emblem of state is two fish. I cannot tell whether during British rule the emblem was two fish. I have not seen two fish on the outer wall-Eastern Wall. I have not seen two fish on the outer Northern Wall. I saw the figures of lion and peacock on the outer Northern wall I do not know whether I arrived at the conclusion or not that this outer wall was raised later on. In my book I have drawn the conclusion that northern outer wall was raised later on. On page No. 91-92 of my book I have drawn the above conclusion. Its photocopy has been filed by the counsel which bears my signatures. The architecture of Atala Masjid of Jaunpur and the disputed structure appeared to be the same.

I do not know Persian and Arabic nor I can read these languages but I can read Urdu. On page 74 and 75 of my book I have given opinion about scripts of letters of Turkish and Persian. I have given my opinion to show that Babar had not gone to Ayodhya. I have written one chapter in my book on the location of Ram Janam Bhoomi Temple. In this Chapter I have described Mahatmaya. Full name of this Mahatmaya is Ayodhya Mahatmaya. I have not written the word Ayodhya Mahatmaya but on page 105 I have written only Mahatmaya. On other pages I have written full

"Ayodhya Mahatmaya". I do not remember if yesterday I have said that I have not read "Ayodhya Mahatmaya". I have not mentioned about Sher Singh in my book who has made use of compass with me for direction perception. For location of the disputed structure, I have given map of the disputed land with scale. I got this map prepared by Cartographer of Allahabad. I got this map prepared by cartographer of Allahabad. It is correct to say that with the help of Sher Singh and jointly with him I did measurement of the disputed site and on the basis of that the Cartographer prepared the map. This map is at No.103 of my book, photocopy of which was filed by the counsel. This is a true copy and I have appended my signatures on it. The counsel has filed the photocopies of above mentioned documents which are true copies of the original and I have appended my signatures on them.

It is incorrect to say that I am a habitual liar. This is not the case that the map I have given in Ayodhya Mahatmaya is totally copied. Again said that there is no such map in Ayodhya Mahatmaya. It took me three days with Sher Singh to obtain the date of the measurement of the disputed land.

I have not measured the spaces left in Ghagra River. Sher Singh has also not measured them. I do not remember how much time it took me in measuring the distance between Lakshman Ghat and Kaushalya Bhawan. I also do not remember how much time it took me to measure the distance between the Kanak Bhawan and Babri Masjid shown in the map. I do not remember how much time it took me to measure the distance between the places shown in the map. In my map I have described the Janam Bhoomi under Kaushalya Bhawan, as per writing on pillar No. 5 the place shown as Babri Masjid in this map also had a pillar

bearing No.1. On all the particular places shown in the map there were pillars. On these pillars, besides the serial number, names were also written on most of them. I do not remember the place of Lomas Rishi. I do not remember whether I went there or not. I went to Lakshman Ghat, Swarg Dwar and Vighneshwar. I do not remember that I have given a statement in Ayodhya that I had gone only to the disputed site, Kanak Bhawan and Hanuman Garhi and not to any other place. Shri Sher Singh is an I.A.S. Officer of Bengal Cadre. I was not known to his wife. I do not know whether the name of his wife is Surinder Kaur. Both of them wrote two books on this very subject which were published. I have read one of these two books. In this book the above referred map has not been mentioned. I did not consider it necessary to ask them as to why they have not mentioned about the map. On page 89 of my book I have expressed my opinion on the Calligraphic style of Babri Masjid and on the basis of that I have come to the conclusion that it creates grave doubt about the construction of this Masjid by Babar. I do not have any knowledge of Art or Science of Calligraphy. On page 84 of my book I have expressed my opinion about the disputed site that before the Masjid was raised at the disputed site perhaps there might be pillars of black stones, figure of Varah. In my view there was strong possibility of this. I had seen pillars of black stones on the disputed site and on the outer side of the structure there was figure of Varah. I do not remember whether there was figure of Varah inside. In my opinion there is strong possibility that the broken black stones were part of the Jain temple. On this page I have used "Destroyed Jain Mandir" in the sense that either this temple vanished or it was demolished by others. It is wrong to say that I am deliberately telling incorrect meaning of "destroyed".

In my opinion, the figure of Varah on the Outer side of the disputed structure was part of some non —Islamic Structure. In my historical research I have concluded that non-islamic elements were openly used in Masjid, I have stated so on page 79 of my book.

Abul Fajal who wrote Ain-e-Akbari was one of the nine Navratna's of Akbar. In my opinion Emperor Akbar once passed through Ayodhya. I have got this information from Ain-e-Akbari. It is wrong to suggest that Ain-e-Akbari is a part of Akbarnama. I have heard the name of the book "Akbamama". I do not remember the name of its author.

Akbar camped in Ayodhya. Among Mughal Emperors the period of Akbar's rule was longer and important. I have read about emperor Akbar. Jodhabai was the wife of Akbar, who was the Chief Queen. She was a Hindu lady. Jodhabai was the sister of Man Singh. I cannot tell that queen Jodhabai always walked with Akbar. I cannot say that history tells that Maharani Jodha Bai always remained with Akbar and always went with him except on one occasion when Akbar went to fight Jahangir. When Emperor Akbar came to Ayodhya, Abul Fajal was also with him but I cannot say whether Jodha Bai was with him or not because in Ain-e-Akbari it is not so mentioned. When Emperor Akbar came to Ayodhya, there was no dispute about the disputed site. If some body says that emperor Akbar divided the disputed structure into two parts and gave part of the Eastern side to Hindus for Kirtan and the Western side to Muslim for offering Namaz by opening a gate towards north it will not be correct. When I went to the disputed side after entering through the Eastern gate, I saw a platform but Kirtan was not being held at that time. On proceeding towards west from the platform I saw partition of iron grills. Next to the grills I saw Masjid towards West. In that Western part, I as an historian and expert could not find any other thing of

importance, except the Masjid. In that Western part I found nothing non-Islamic. I saw black stones but they were not important. I did not find those black stones non-Islamic. In that Western part, I saw a Hindu temple in which several idols were placed. In my view, that temple was non Islamic. In my statement I have stated that no non-islamic thing was seen in the Western part and the statement that there was temple in the Western side which was non Islamic in this context both of my statements are correct. The witness gave this Answer. after continuous interrogation, In my book I have quoted opinion of Muslim authors. Many of them have written in Urdu which have been translated into English and I have read the same. I got the book of priest of Babri Masjid read out by some body. I do not remember the name of the priest. I do not know if Abdul Rehman was the priest of Babri Masjid and he has written any book or not. In 1858 AD "Secretary of State for India" has written a report which I have seen but I have not read the same. It is incorrect to say that the report mentions that Hindus have been doing Kirtan etc. since long. It is also incorrect to say that to conceal this fact I have given statement that I have not read the report, I have only seen it. I do not remember that I have mentioned in my book that when I went to Ayodhya, Kirtan was being held there round the clock. (After seeing page No.9 the witness stated that he has mentioned in his book that when he went to Ayodhya he found that kirtan was being held in the temple round the clock). On the other side of the Masjid there were shops in which there were pictures of Sita and people were buying things from these shops. Photocopy of page No.9 filed by the counsel is true and bears my signatures. What I have mentioned in my book in this respect is correct. What I have stated today that when I went to Ayodhya, the kirtan was not being held is also correct. In column 6 on pages 92, 93, and 94 (Appendix 6) of my book I have given the details

about the books which I know. I have not read all the books thoroughly. Out of these I have read the books of Lenpool, Ladene, Baveridge and William. I had some readings of other books. Out of these, some books I have not read. It is correct to say that in my book I have not cited those books which have not been read by me but I have referred to those books in the footnote of my book which have not been read by me. Again said that footnote is not the part of the book. Again said that it is not the main text. Ladene and Baveridge both have translated Babarnama. I have not read the book of Mirza Jaan. I have not read the book of Haji Mohd Hassan. I have not read, " Gumashta — Halat — e-Ayodhya" of Abdul Karim. I have not read" Tarikhe Avadh" written by Mohd Nazmulgani Khan Rampuri. I have no knowledge about them. I broadly agree with the English translation of Babarnama by Mrs. Baveridge. I do not remember on which points of translation of Baveridge I disagree. When I read this book it was in single volume. I do not fully agree with the translation of Ladene, on the points of Babar's visit to Ayodhya, description of Ayodhya. I do not remember on which points of his translation I disagree. Tyfenthelar, was a catholic father who came to India for travel. He made a reference of Ayodhya. He has written nothing about the disputed structure. I have not gone through his book. I have read only that much part of his book which describes Ayodhya.

I have not read the book of Fahiyen. I have read about Hiuen Sang, who was a Chinese traveller. I do not remember whether he came to India in the 5th or 6th Century. Approximately he came to India in 5th or 6th Century. Fahiyen has mentioned about Bauddha Temple in his book. In description of his visit he has not mentioned that there were Bauddha and Brahmin Temples in Ayodhya. I have not read the original account of visit of Fahiyen. I

have read its translation. On the basis of translation I have mentioned about the visit of Fahiyan.

I have mentioned about Bairagi and Ascetics. I have come to know that these two are different and not one. Ascetic Community has been in India prior to 18 Century while Bairagi Community started in India after 18 Century. Ascetic can be both Vaishnav and Shaiv whereas Bairagis are only Vaishnav. There is no other difference between them. I have no knowledge about origin of ascetic community. I have some knowledge about the origin of Bairagi Community. They originated either in Ayodhya or they came from the West of Ayodhya. It is not correct to say that the British Government favoured the Ascetics. I do not know what the followers of Shankracharya are called and I cannot tell whether followers of Shankarcharya are called Ascetics or Bairagis. After 1858 the British Government had been favouring the Bairagis from 1860-1862. The followers of Ramanand were called Ramanandi who later on were called Bairagis. It is correct that Bairagis originated from the followers of Ramanand. Before 1765 AD fight had been going on between Ascetics and Bairagis i.e. there was tension between them but I cannot say since when this tension had been continuing. I have read Hans Baker's "Ayodhya". Perhaps I have read its 1989 edition. This volume was in two parts. I do not remember whether this book bears mention about Babar's visit to Avodhya or Avadh or not. Perhaps there is something about Babar's deed. There is mention of Ayodhya Mahatmaya in this book. Period of Ayodhya Mahatmaya is mentioned in this book. I partly agree with the opinion expressed therein. I do not agree with what has been stated in this Book about the disputed structure. Perhaps only one edition of this book has been brought out. In his book Hans Baker has opined that the disputed Masjid was built by Babar. I do not agree

with the view that there might have been temple before that. Hans Baker has not mentioned in his book that Babar got the Masjid raised after demolishing the building in the birth place. I do not remember the title of Triffin Threller's book on his journey. I have read only some portions. I have just browsed the leaves of the book. As this book is not in English I did not read it. This book has not been translated. This book is of 1790 i.e. the details of journey were written in 1790. I have only heard that it was written in 1790 but I have no personal knowledge.

About the account of Journey of Fahiyān and Hieun Sang I have read only that part which has been quoted by Cunningham. What I have written in the last para of page 123 is correct. The photocopy filed by the counsel is true copy of the original and I am appending my signature on it. What has been written in the foregoing para is also correct. In the appendix of my book I have mentioned that Ayodhya was on Nazul land. In the appendix I have given the details of some villages. I have shown these villages in Revenue Mauja. I have prepared this appendix on the basis of Gazetteer. I do not know whether there is any difference between Revenue Unit and Revenue Mauja. I cannot say whether it is correct that Revenue Unit is called Mohal and Revenue Mohal is called Mauja. It is correct that there may be several Maujas in one Mohal but I cannot say whether one Mauja can be part of several Mohals or not. There can be different owners of one Mohal who are called co-proprietors. I do not know who is called Mohaldar. I have mentioned about three villages in my appendix, I have not seen about this in the Revenue Records. I have mentioned it on the basis of Gazetteer. I did not find out as in which Mauja the disputed site falls. I have seen in the Gazetteer that disputed site is in Nazul. From the Gazetteer it could not be known as in which Mouja the disputed site falls. It is

wrong to say that I have indicated three villages on the basis of my guess and there is no village of the name of RamKot. I came to know from the Gazetteer that there is Mauja in the name of Ayodhya. It is correct that no revenue village is named as Ayodhya. I do not know that the disputed structure is situated in Kot Ram Chander. It is incorrect to say that I have deliberately shown Ayodhya and Ram Kot in revenue Mauja incorrectly. It is wrong to say that knowingly or unknowingly I have shown Ayodhya as a Revenue village but correct position was given in the Gazetteer and I have written this on the basis of Gazetteer. It was Nevil's Gazetteer from which I copied this. The period of this Gazetteer might be from 1901 to 1907 In this Gazetteer, all the above noted three villages i.e Ayodhya, RamKot, Bagh Vijayesi are mentioned as Nazul Villages It is incorrect to say that I am telling a lie. I know that Ayodhya is in proper Faizabad. But I cannot say whether Kot Ram Chander Village is in Faizabad . Avadh is in the Municipal Area of proper Ayodhya. I came to know from the Gazetteer that at the time of settlement many cases were under trial. I read this in the Gazetteer of Venette. I do not know that in Mohal of Nazul there are several under proprietors. In my Research I did not find out as in which Nazul plot the disputed site is located. In the Investigations I made for writing my book I did not find out the gata number of Nazul. I do not know whether there is any difference between Nazul plot number and revenue plot number. I did not see in Revenue Record Room or Nazul office as in which number the disputed structure falls I cannot tell who has been shown as the owner of the disputed structure nor did I try to find out from the revenue register and Nazul register about this. I tried to know how much land in Ayodhya and Faizabad is Nazul and how much is not Nazul but I have confined my knowledge to the Gazetteer while doing historical research work. We work

under a methodology. It is wrong to say that Gazetteer does not come in the category of research work. This is considered as the primary source. It is correct to say that revenue records maintained in the district are the original source of the Gazetteer. Owing to paucity of time I did not see the original source and I saw the Gazetteer only. I have not seen the revenue records. There was no hurry in the publication of my book. I did not know that the subject of my book would be popular country wide. I did not think that my book would be read by limited number of persons. I considered that my book would greatly influence the heart and mind of the people. It is incorrect that I was in a hurry to get my book published, therefore. I started getting the parts of my book published in Maya. I got an article relating to the subject published in 15th January 1988 issue of Maya and in the issues of "Probe India" but it was not a part of my book. The editors requested me to write something on the subject. According to their request I wrote an article and sent it for publication. It is wrong to say that I wrote this article and got the same published under influence of some body. The Chief Editor of the issue in which my articles was published raised criticism about the veracity of the article and Chief Editor agreed on some points and disputed on others. These were published in the same publication. "Maya" and "Probe India" publications have one common publisher. Some Gazetteers have been published after Independence but I cannot tell the year of the respective Gazetteers. Neither I have seen the Gazetteers published after Independence nor I have mentioned about them in my book. I did not consider it necessary to do so. I wanted to consult the Gazetteers published after Independence but nothing new was found in them. There was repetition of subjects of old Gazetteers, therefore, I did not consult them. I first have a look on the material and if it is found useful I read it extensively. In the

Gazetteers published after Independence, about Janpads, from beginning to end, there was repetition of material published in old Gazetteers, only new statistics have been published. The new Gazetteers mention about change in Agrarian law and establishment of new tenancy but this was not necessary for me. I have not seen whether in the new Gazetteers, there is any change in the Revenue Villages. I have not seen whether there is any change in land revenue, in the Gazetteer, Northern border of Faizabad has been extended. This is also of no use to me. This Gazetteer of 1962, was of Faizabad. Gazetteer of Bennet was about province of Avadh. In Avadh province, there were 12 districts at that time. Bennet Gazetteer is of 1968, Nevil Gazetteer was of Faizabad District which I had seen.

In my book I have written an introduction chapter. In this Chapter I have given the background of this dispute. In this Chapter. I have given an account of the dispute which arose after 1949 about the disputed site. I have received education through English medium from the beginning. I also had Hindi as a subject. I have studied the books of history both in Hindi and English. I have not translated any thing from Hindi to English. I wrote this book myself, I did not take the help of any body. I have written in my book that translation of an FIR submitted by sub-inspector was prepared. The translation was done by one of my students. This translation was done in 1990. The translation was done by a boy student. While writing this book I took the help of some students when it was necessary. I have expressed my gratitude in my book for this. The student for whom I have expressed my gratitude was Inder Dhar Dwivedi. I have used the word (We) on page 15, which is for Dharendra Pratap Singh besides me. One Bhikshu told me the meaning of Mendicant, By Bhikshu I mean the person who works for God, serves God, worships Him,

washes and cleans the temple. I do not remember if local Muslims told me the name of any Bhikshu. The local Muslims perhaps told me the name of Mendicant but I do not remember. Those local Muslims also told me that a man with a bag (Jhola) came to the disputed site. They also told me that he took out something from the Jhola and shouted "Ram Ram". According to Local Muslims the dispute started from 1949 on account of his conduct. I do not remember if local Muslims told me the name of that Jhola Man. The Local Muslims told me the name of the Mendicant but I did not consider it necessary to write down his name nor did I give any importance to his act.

Verified the statement after hearing

Sd/-

Sushil Srivastav

21.7.99

Typed by the Stenographer in the open court as dictated by us. In continuation for further cross-examination on 22.7.99. Witness be present.

Sd/-

21.7.1999

Dated 22.7.99.

In continuation of 21.7.99 statement of Shri Sushil Kumar Srivastav PW-15 on oath.

This is not the case that the disputed structure was demolished and it was raised again and epigraphs were fixed. I have not taken a note whether the epigraphs are from the beginning or they have been fixed subsequently. After research I did not arrive at the conclusion that the outer wall of the disputed structure was demolished and reconstructed later on. It is correct to say that after search I concluded that the domes of the disputed structure were once demolished and they were reconstructed. In my view these domes were demolished in 1934. I did not come to know that the Bairagis and Mahants demolished the disputed structure in 1855. It is correct that there were Hindu-Muslim riots in 1855 over the disputed structure. During the riots, no damage was caused to disputed structure by the Hindus. I have not studied any book about Babri Masjid alone i.e. who built it, how was it built etc I have not studied any book written by Abdul Rehman under the title of "Babri Masjid". I have not studied any such book written by Sabahuddin Abdul Rehman. Historicity means that a thing exists and its historical evidence is also available. I have not read any authentic book about the history of Babri Masjid. I have read only the historical record of British officers and the Gazetteer. I have not studied any authentic book written by any Indian or Turkish or foreign Muslim author on Babri Masjid alone. I have not read any book of any writer contemporary to Babar on Babri Masjid. During the past 20-25 years Indian authors have written several books on Babri Masjid. I have taken some of them to be authentic. Miss Romila Thapper has not written any book on Babri Masjid. There is a book written by her about the dispute on Babri Masjid. I take that book to be

authentic. I have not studied science of epigraphy with the purpose to learn the same. I have no knowledge about science of epigraphy. I do not know Persian and Arabic either. The above supplement is in English, therefore, I have read it. This supplement is not fully in English. In this supplement, epigraph is in Arabic or in Persian. I have read in this text alone about Arabic and Persian. This supplement is written by Jiauddin Desai. I have not read Arabic and Persian portions in this supplement as an expert but I believe in it because in my view the author is an expert. I have no knowledge about chronogram. I do not know what is it? There were no serial numbers on the epigraphs I saw on the disputed site. When I saw them it was not apparent as in which year they were written. Subsequently some one told me that these were written in 935 A.D. Again said that professor Radhey Shyam told me that these epigraphs were written in 935 A.D. and I have taken it true. I have also read in the book of Baveridge Sahiba. The above mentioned two authors arrived at this conclusion after reading the epigraphs and I took it as correct. I have read Babarnama. Babarnama is written in English. This title is in English. The original Language of Babarnama is Turkish. The title of Babarnama was perhaps Tujuke Babari, but I cannot say so with confidence. I do not know whether Chughtai is a language. The book Babarnama which I have read is translated and edited by Baveridge. I do not remember whether it is written in that book that the original book is in Chughtai language. From the book of Baveridge I have come to know that the original copy of Babarnama in Turkish language is available in Hyderabad. I do not know where this book is in Hyderabad and in whose possession is this. I did not make effort to know about it or to see this book. Again said that this book is not the original book but it is a manuscript. I am saying this on the basis of the book of Baveridge. I myself did not make any

effort to find out about this. This is not the case that whatever Baveridge has written in his book about Babarnama is final. Whatever Baveridge has written about Babarnama, I have not confirmed the same myself. Though I have not confirmed the contents of the book of Baveridge but I took it as source and relied on it. I have used some portions of the book of Baveridge in my book from time to time. I have used in my book the portions from the entire text of the book of Baveridge which I considered necessary, I take the manuscript available in Hyderabad as the primary source and not the book of Baveridge. Again said both are primary. Turkish language is written in Arabic script. Again said that it is called Semitic Script also. The script prevalent in Middle East and South Asia is called the script of Semitic family, South Arabia comes in Middle East. In South Arabia, Arabic Script is prevalent. Arabic script is prevalent in other countries of Middle East. This script has been prevalent in these countries for Centuries. My father in-law Shri Shamshul Rehman is a Scholar of Arabic and Persian. I relied on the translated book, I did not take the help of my father-in-law in reading the primary source i.e. Manuscript as I did not think it necessary. As an historian I take the translated book as the primary source.

Babar was an Emperor. I do not know where he ruled before coming to India. Babar did not belong to dynasty of Emperors but he belonged to dynasty of Chieftains. Babar declared himself as Emperor after his victory in India. Babar declared himself Emperor in Delhi. It is incorrect to say that I am giving wrong statement. I cannot tell as in which year Babar declared himself an Emperor. It is not correct that Babar declared himself Emperor after his Victory over Kabul. Ghazi means Victor. Babar called himself Ghazi also. I cannot tell whether Babar declared himself as Emperor or the people started calling him so. I

can only say that Babar had the title of Ghazi. This is not the case that a particular Musalman who wins the battle against non-Muslims is called Ghazi. I do not know in which year Babar became Ghazi. I cannot say whether Babar declared himself Ghazi after the battle of Khandwa in 1527. It is incorrect to say that Babar was a religious fanatic and he got pleasure in killing non-Muslims, Babar was a writer and a poet. Whatever has been written in the 2nd para on page 344 of Babarnama of Baveridge in its 1997 edition is correct. The counsel has filed its photocopy which bears my signatures. The above para is written in this book in the chapter "Kabul". This chapter relates to the period of May 13th , 1507 to May 2nd , 1508 AD. In this book one Chapter is about "Hindustan". The chapter relates to the period of October 18th , 1525 to October 8th , 1526 AD. On page 574 of this book, it is mentioned "Royal title of Ghazi started to be given to Conqueror of HolyWar". Photocopy of page No. 574 filed by the counsel is true copy and I am appending my signatures on it. Photo copy of Page No. 575 of this book from which some contents have been quoted in Fatehnama filed by the counsel is true copy and bears my signatures. Battle of Khandwas was fought in 1527 or 1528. This battle was fought between Babar and Rana Sanga. Rana Sanga was Rajput and Hindu. I have not read "Dictionary of Islam" It was written by Thomas Patric Huge. In this dictionary meaning of Ghazi have been given on page 139. I agree with the meaning of Ghazi given in this dictionary. Its photocopy filed by the counsel is true copy and it bears my signatures ("Paper No. 120-C 1/3 on record). In India war between Babar and Ibrahim Lodi was fought at Panipat, which was fought before the battle of Khandwa. Ibrahim Lodhi was Pathan Musalman. The plan at Page 103 in my book was not prepared by me or by Sher Singh. This plan was prepared by my colleague Naeem Siddiqui who is working as cartographer in Gobind Vallabh

Pant Social Science Institute, Allahabad. Besides Compass, Sher Singh had tape for measurements. Sher Singh carried out survey of the site in my presence. Sher Singh did not measure the diagonal nor did he make the diagonal. He was noting down the distance between the places, he was also noting down the direction. Sher Singh had not laid down any fixed points. He took several fixed points for measurements. He did not take any certain fixed points for measurements. (Paper No. 120-C/2- on record is before me) This record is book "Ayodhya" written by Hans Baker. During my investigation I have studied this book and have referred this in my book. There are some drawings in part 2 at page 145. Figures on this page are divided in two parts, which are marked situation-1 and situation-2. It is incorrect to say that situation-1 given in my book at page 103 is copy of situation O.A. given by Hans Baker in his book at page 145. It is also incorrect to say that my map is copy of situations 0-2 at Page 145. It is correct that in old times Dhanush (Bow) was used for measurements. How it is done I cannot tell. I tried to know the measurements of Dhanush but could not know it. I obtained information from the Scholars of Geography i.e. Dr. Srivastav and Dr. Singh. In addition to this I tried to obtain information from many other persons, but I could not obtain any information,. The name of Dr. Srivastav was D.K. Srivastva who was lecturer in the Department of Geography in Allahabad University. I do not remember full name of Dr. Singh. He is still working in this Department. Dr. Singh was reader in Department of Geography in Allahabad University. I guessed that the experts of Department of Geography can tell the measurement of Dhanush. I asked from persons concerning the ancient history but I could not obtain any information. The length of Dhanush is approximately 2-3 yards. I did not compare the measurement done by me and Sher Singh with the measurement of the map prepared by. Hans Baker. The

Ayodhya Mahatmaya as seen by Babar was different from the book I had seen or read i.e. these were two different books. The name of the author of the book "Ayodhya Mahatmaya" is not known but it was translated by Sh. Ram Narain and published by "Journal of Asiatic Society of Bengal" It was published in 1875. In that book the distance of map was not recorded. I do not know as to which Ayodhya Mahatmaya book Baker has referred to, and who is the author or publisher of the book.

In Babarnama which I have read there is mention of Baki Sahib. His full name was Mir Baki. Mir was his title and not his name. There are several persons by the name of Baki in Babarnama. I do not remember if in Babarnama, Babar has addressed Baki People as Mir Baki anywhere. It is incorrect to say that there is no mention of Mir Baki in Babarnama. I do not know who conferred the title of Mir to Baki Sahib. To which place Baki Sahib belonged I do not know. Again said, perhaps one Baki belonged to Tash Kand who was called Mir Baki. Name of Mir Baki was there on the epigraph but in Babarnama there is no mention of that Mir Baki. I do not remember that I have read some thing in Babarnama about Baki of Ayodhya. I tried hard to know about Mir Baki whose name appeared on the epigraph but I could not get any information. There is nothing in Babarnama that Baki, whose name appeared in the epigraph, might be belonging to Tash Kand. (The counsel invited the attentions of the witness to page 684 of Babarnama and read out the portion in which Tash Kand Baki is referred.) The counsel has filed its photocopy which is true and I have appended my signatures on it. During my research I might have read it but now it might have slipped out of my mind. For my book I had not considered it necessary and, therefore, I had not mentioned about this. Photocopy of page 685 of this very Babarnama has been

filed by the counsel, which is true. It is correct that diary of 20 June is recorded in it. In this too there is mention of Baki Sahib and this is also mentioned that he came to Avadh with Army. This too was not necessary for my book i.e. for my text.

I have heard the name of Gurunank Dev. I have also heard about his Guruvani. Gurunank Dev was during the time of Babar. I do not know who had compiled the Guruvani of Guru Nanak Dev Ji. It is incorrect to say that Guru Nanak Dev Ji had said in his Vani that Babar demolished many temples here.

I have not heard the name of any Abdul Quddus Gangoi or his companion. I have not read the book Latayafae Quddusi. I have not heard its name. As I have no knowledge about the book I cannot tell that Ruknuddin Sahib has compiled this Book. I cannot say any thing about the punishment given to Abdul Quddus Gangoi and his brother by Babar. I even do not know that Abdul Quddus Gangoi Sahib was a Sufi Sant. Sufi is a separate sect. These people believe in complete devotion i.e. in complete devotion to God. They are devoted to Khuda also. I do not know whether they were devoted to God or not as I am not an expert. I have told whatever I knew.

Verified the statement after hearing

Sd/-
Sushil Srivastava
22.7. 1999

Typed by the Stenographer in open court as dictated by us . In continuation for further Cross examination on 23.7.1999. witness be present.

Sd/-
22.7.1999

Dated:23.7.99

In continuation of 22.7.99, statement of Shri Sushil Kumar Srivastav. (PW-15) on oath.

I have read Ain-e-Akbari. After reading Ain-e-Akbari I have referred it in my book. I have seen some footnotes about Ayodhya in Ain-e-Akbari. I have referred to those footnotes. I had read the English Translation of Ain-e-Akbari. I do not remember by whom was it translated. Perhaps this translation was done by Baveridge. I had read in the Ain-e-Akbari that Emperor Akbar passed through Ayodhya. It will not be correct to say that in Ain-e-Akbari, it is not mentioned so but it is written only in Babarnama. In fact this is mentioned in both the books. I do not remember if any particulars or important thing is mentioned in Ain-e-Akbari except this. Long time has passed, therefore, I cannot say if any more important thing is mentioned in it or not. I have not referred to Yadunath Sarkar in my book. I cannot say whether Yadunath sarkar has done translation, amendment and annotation on Ain-e-Akbari. The translation of Ain-e-Akbari which I read was perhaps in three volumes. It is incorrect to say that I have not read the translation of Ain-e-Akbari and I am making wrong statement. It is correct that the most important thing in Ain-e-Akbari is that Abul Fazal has mentioned about Rivers, land, revenue etc. in Avadh and other provinces. The details about crops and about the land under cultivation have also been given. These things were not important for my book, therefore I have not mentioned about them. I have good knowledge of Hindi but I do not know much Urdu. I can understand Urdu and can read and write it. I have to make efforts to write Urdu. But I have never written Urdu. I can make efforts. I do have knowledge of English. I can write, read and understand English books. I know the meaning of surreptitiously. It's meaning is done secretly. I do not know

the meaning of Madakhalat. I do not know the meaning of Neej. I cannot read counting digits of Urdu. One of my friends i.e. student translated a report of 23.12.49. This translation was done from Hindi to English. I had only read that translation. I did not read the report originally written in Hindi. I took the English Translation of the research scholar to be correct and I did not consider it necessary to verify its correctness from the original. I have rendered English Translation of FIR filed by Inspector Bal Ram Dubey on page 15 and 16 of introduction chapter of my book. Defer means to adjourn. It is incorrect to say that the translation of the FIR given in my book is not correct and is misleading. It is wrong to say that the time of incident given in the FIR has not been correctly given in the English translation. To me Aala officers mean Higher Officers. It is incorrect to say that instead of constable No.7 in the original FIR paper No.7 has been written in the English Translation. It is also incorrect to say that in the FIR the time noted is 7 O'Clock whereas in the translation 8 O'Clock is mentioned. It is also incorrect to say that the word "Or" has been wrongly interpreted in the 4th line of the translation in my book. The meaning of establish is "to prove" and "to keep". It is incorrect to say that in the English Translation the word surreptitiously has not been written correctly. FIR dated 23.12.1949, Crime No.167, Paper No.1933 was shown to the witness. After seeing the FIR and its translation the witness said that his English translation is correct. The counsel has filed a typed copy of FIR dated 23.12.1949. After seeing the copy of the FIR the witness said that he has not translated this FIR but it is some other FIR which is slightly different. It is also correct that the copy of this FIR, shown by the counsel is different from the FIR Translated by us (This typed copy is marked as paper No.C 2/157/1. I went to Chitrakut Mandir with my wife and children for Darshan but I do not remember in which year I went there.

Perhaps I went in 1986-87. In chitrakut there is one Bisra Temple Balaji Thakur to which I went with my wife and my son Tasi. There was idol of Balaji. Balaji means Tirupati Balaji. Balaji is known as incarnation of Vishnu. The name of my wife is Mehar Afsha Faruqi who was with me. This temple looked to be Masjid from outside. My son was also surprised to see the temple within a Masjid. The priest also showed us order (Firman) of Aurangzeb in which grant was given to this temple. There was Royal Seal of Aurangzeb on this Firman. This Firman was in Persian. My wife told me what it mentioned on it. She did not read it out to me. My wife also verified that there was seal of Aurangzeb on the Firman. I saw the Firman and the seal. I did not verify the Firman or the seal from any other documents. My wife told me about the Firman and the seal in the temple only.

Question. From this incident you developed an Idea to begin research on Barbri Masjid and Ram Janam Bhoomi.

Answer. I was inspired by it.

Question. Which another incident inspired you?

Answer: At that time I was doing research on the topic relating to this field and the issue of Babri Masjid was hot. Several friends talked about this.

Question. Have you read the order of 1.2.1986 of Shri K.M. Pandey, District Judge, Faridabad?

Answer: No, Sir,

Question: Have you quoted some portions of this order in this Book?

Answer. Yes, Sir,

Question: Have you given your comments in this book to the effect that this order is not completely just?

Answer: Yes, Sir, I have written that this order is not completely just.

Question: Do you think this conduct of yours is in consonance with justice and law?

Answer: The witness took long time to Answer the Question.. The witness Answer.ed that on the basis of what he had read in the Newspapers, he wrote that this order was not completely just.

Question. You, being an historian expert, consider your comments on the above order of the court in consonance with justice and law.

Answer. As an historian we consider the newspapers as a source. Therefore it is possible to comment on this and to say something on the basis of this.

Question. Have you seen the file of this case or of any other case of any other court related to this.

Shri Jilani objected to this as this Question has already .been Answer.ed It is not just to repeat the Question. Shn Jilani invited the attention to page 43 of the Statement of the witness but it was found to be a general Question. Here the specific Question has been asked, therefore the objection is not proper.

Answer. No, Sir,

Question. As an Historian, do you consider this procedure a reliable source that a person told some thing to a journalist and the journalist published that.

Answer : I shall not consider it reliable but I shall take it as source.

Question:Do you consider it worth describing in your book?

Answer : Yes, Sir, I shall consider so.

Question.That is why on the basis of report of Neeraj Chaudhary you have published it.

Answer : Yes, Sir, I have done so.

Question.Have you realized that the facts given in the introduction of your book were less related to your Research but were more provoking.

Answer : No, Sir.

Question:It means that in writing this book you were prejudiced against the Hindu Community.

Answer : This is not correct.

Question:Has Dr. Romila Thapper done any Historical Research about the existence of the disputed site?

Answer : I have not read any such book written by her.

Question:Have you mentioned any thing about your conversation with her?

Answer : Yes.

Question:Has Professor Romila Thapper alongwith other historian issued any pamphlet to the effect that the disputed structure had been a Mosque.

Answer : I do not know about this pamphlet.

Question: And are you not aware of any other note written by Dr. Romilla Thapper on the subject?

Answer: I know about her some books about Ayodhya

Question: Should I presume that having been influenced with the conversation held with her, you have expressed your gratitude towards her?

Answer : This is correct.

Question: Do you know whether at that time Dr. Romilla Thaper was professor in Jawahar Lal Nehru University or she was doing teaching job?

Answer: Yes, Sir. At that time she was working in Jawahar Lal Nehru University.

Question: Of which period history Dr. Romilla Thapper was the expert?

Answer: She was expert of Ancient Indian History-Maurya Period.

Question: Is it correct or not that Professor Romilla Thapper and other teachers of Jawahar Lal Nehru University issued pamphlets against Hindu Community and in favour of the Muslim Community?

Answer: I have no information about it.

Question: Have you mentioned about Mont Gomry Martin a historian in your Book?

Answer: No, Sir, Mont Gomry was not a historian but he was an Administrative Officer.

Question:Have you published appraisal about his book in your Book?

Answer: Yes, Sir, I have done so.

Question:When was the book of Mont Gomry published for the first time?

Answer: Possibly in 1838.

Question:Do you agree to his view about the disputed structure?

Answer: I slightly disagree.

Question:Have you studied any such publication on this subject before 1838.

Answer: I have not studied any publication but I have studied manuscript. Rather I have studied the publication related to the earlier period.

Question:Can you tell the names of the authors of books or manuscript who wrote book on this subject before 1838?

Answer: I have consulted the translation memoirs of Babar done by Ladene published in 1816 or 1818, Travel in India by Bishop Habar-1838 and manuscript of Bucknene completed in 1819.

Question:Have you gone through the report of Frances Hemington 1811-1814.

Answer: There is report of F.H. Bucknene 1811-1814. I have gone through its manuscript.

Question:Is it correct to say that the Book of Mont Gomry is based on this report?

Answer Mont Gomry Martin has used this report.

Question: Is it correct that only on this basis he has arrived at the conclusion that at the place where the disputed structure exists, there was temple earlier?

Answer: No, he did not arrive at this conclusion.

Question: Did Mount Gomry Martin arrive at the conclusion that earlier there was temple in place of the disputed structure?

Answer: His conclusion was not this.

Question: Will you tell what is the conclusion of Martin about this?

Answer: Mont Gomry Martin writes that he was told that at some time there was Ram Mandir built by Vikramaditya at the place where the disputed structure exists. But he cannot fully rely on this because it is impossible to guess about the time of Vikramaditya as mentioned in the History. He also said that it was believed that there were 84 pillars in the temple. It cannot be said with confidence.

Question: Do you agree that wherever Babar has used the word "Avadh" in his diary i.e. Babarnama he meant Ayodhya by this?

Answer: It will be incorrect to say so.

Question: Was Ayodhya a part of Avadh those times?

Answer: Yes, Sir.

Question: Do you agree with this that there is no mention about it in the Babarnama during the period from 2nd April to 15th September 1528?

Answer: No

Question: Is the photocopy filed by me, the true copy of Babarnama written by Baveridge on which you are appending your signatures?

Answer: Yes, Sir.

Question: Similarly the photocopy of page No. 603 and 604 of the same book are the true copies on which you are appending your signatures?

Answer: Yes, Sir

Question: Is the photocopy filed by me a true copy of page No. 656 of Babarnama on which you are appending your signatures.

Answer: Yes, Sir,

Question: Do you agree with the facts given therein?

Answer: Yes, Sir. I agree with this. After seeing the heading of the page I said so under confusion. But in his memoirs, pages for the period 2nd April 1528 to 18th Sept. 1528 are missing.

Question: According to you, there was feeling of brotherhood between the Hindus and the Muslims during the Mughal period, there was no tension?

Answer: There was no tension.

Question: As an historian, do you think that the tension between the Hindus and the Muslims began during the British rule?

Answer: Yes, Sir.

Question: During the British rule in which year this tension started?

Answer: I think, this tension started in the first or second decade of 19th Century.

Original FIR dated 23.12.1949 (paper No. 193) which has been filed in the case under section 145 was shown to the witness in original.

Question: Does the first line mention paper No.7?

Answer: It does not mention paper No.7 but it mentions constable No.7.

Question: Does the first line mention 7' 0 Clock?

Answer: Yes, Sir. It mentions 7 A.M.

Question: Does the fourth line mention "Vaneej" or not?

Answer: It is difficult to say whether it is L or J but it is correct that there is a point under this.

Question: In 7th or 8th Line. Const. No. T Hans Raj on duty refused, did not comply with is mentioned or not.

Answer: Const. No. is mentioned. I cannot say whether there is one or seven after that. The rest is mentioned.

Question: Is in the 14th, 15th, 16th line Abhiram Das, Ram Shakal Das, Sudarshan Das mentioned?

Answer: In the 14th, 15th, 16th line, RamDas, Ram Shakal Das and Sudershan Das are mentioned but I am not able to read Abhiram Das.

Question: In whole of the FIR is there any word which can be interpreted as surreptitiously.

Answer: In the 16 line of the report "Na Mamuli" is written which can mean surreptitiously.

Question: Has it been mentioned in the 16 Line that "Na Malum" created riots, entered the Masjid and made the Masjid impious by placing the idol in it?

Answer: In the above sentence I have some doubt about the word "Na Malum" Rest of the words have been written.

Question: Can you translate "Balwa Karke Ghus Aaye"

Answer: I can translate this. They entered after creating a riot.

Verified the statement after hearing

Sd/-

Sushil Srivastava

23.7.99

Typed by the stenographer in the open court as dictated by us. In continuation for further cross-examination on 16.8.99

Sd/-

23.7.1999

Dated: 16.8.99

In continuation of 23.7.1999 statement of Shri Sushil Kumar Srivastav. (PW-15) on oath.

These days I am living in Allahabad. I have been here since 28 June. My Allahabad address is 29-C, Hastings Road, Allahabad. Presently I am working as reader of medieval history and modern History in Allahabad University.

As an Historian I understand the meaning of myth that about certain things baseless local conceptions are formed. It is correct that the word "Mythology" is derived from Myth. When there is no written proof and there is no base for such things myth is used. Some time myth is based on tradition, but tradition cannot be base of myth. If there are basis about a fact, myth has no importance. To my knowledge, the dispute in Question. is between two parties and this dispute is not between Hindus and Muslims. What I have written in last para of page 71 of my book is correct in my view, the true copy of which is before me and I am appending my signatures on it. I have seen the Royal seal of Aurangzeb only on one paper when I went to Balaji temple for darshan. The seal I saw on the paper was in Persian. It is correct that my wife read out the paper and told that it was Royal Firman and the seal on it was the Royal seal. I believed it, as she herself is a scholar of Medieval History. I did not consider it necessary to verify the opinion of my wife. As an historian, this act of mine was proper. This is not the case that I have written this book on insistence of my wife. It is not correct that the fear spread in the minority community inspired me to write this book. It is correct that my friends belonging to minority expressed their fear and their worry about their future, which disturbed me. (The attention of the witness was drawn to page 8 para 3 of his book wherein it is so stated.) Its true copy is before me and I am appending my signatures. What I have written in para 3 page 8 of my book is correct and there is reason also for me for writing the book. In 1987, my wife had done Ph.D and she had done her MA in Modern-Medieval history. In Ph.D. her subject was "Economic Policies of the Delhi Sultanate". She has received her education through English Medium. It is incorrect to say that my wife had no specialization in Mughal period history but it is correct that in Allahabad University, the subject taken in MA final

remains the subject of specialization. My wife is graduate in the Mughal period History. My specialization was in Modern History and in Ph.D. my subject was "Landlord tenant relationship in UP".

In Persian, qualification of my wife is matric. Babarnama is written in Turkish. Its first translation was done by Abdul Rahim Khan Khana into Persian who was contemporary to Akbar. Its translation was also done in English and French. I have neither read the first translation of Babarnama in Persian nor I have read the original Babarnama in Turkish. I have not seen these Books till today. I know that the manuscripts are available. I did not consider it necessary to read them. I do not fully agree with the English Translation of Babarnama, I have read. It is incorrect to say that as an Historian this act of mine was not proper. There was no adverse effect in India of Islamic Institutions started by Turkish Administration in the fields of Agriculture, Economic and Commerce and Social and politics. It is not correct that only in the opinion of my wife there was no adverse effect in India but other historian also hold this view, which influenced me. Besides, my wife, the names of the historians holding the above opinion are professor Mohd Habib, R.B. Tripathi, Prof. Radhey Shyam, Prof. Rekha Joshi etc. I have not mentioned the name of any historian in this regard except my wife. I have given some photographs in my book between page 72 and 73, these are 9 in number and I have shown them in plate nos. 1,2... .9. The above mentioned photographs plate No. 2 and 3 are not those of inner pillars of the disputed structure. These photographs are of pillars of black stones in Faizabad Cantonment. I did not get permission for taking photographs of pillars in the disputed structure. As an historian I was not allowed to take photographs of pillars constructed on the disputed land for writing my book but I

had seen above mentioned pillars myself. In the process of my historical investigations, the pillars in the disputed structure were important. On the pillars located inside the disputed structure, images were not visible. Despite this, I gave importance to these pillars in my historical investigations. I saw the pillars myself and kept the images in my mind and on the basis of that I wrote in my book about those pillars. I gave importance to these pillars in my book on the basis of their description by historians and officers.

Black and white photographs Sr. No. 71 to 76 prepared by the Department of Archaeology were shown to the witness which were seen by him. The witness stated that all the photographs are of pillars in disputed structure, which were seen by him. After seeing the photographs of these pillars I have reached the conclusion that these pillars are of historical importance. In my opinion the importance of these pillars in the disputed structure is that these pillars have given support to the structure and these are said to be non Islamic. I do not agree with the opinion of British Historians that these are non-Islamic. It is correct that earlier I have given a statement that I do not know any thing about Islam. I do not consider these pillars Islamic. Volunteer: said that I do not agree with the reasons assigned by the British historians for their opinion. I consider these pillars non-Islamic for other reason. In my Historical research I did not consider it important as when and how these non-Islamic pillars were installed in the disputed structure. I think no such dispute was going on whether the disputed structure was a temple or a Masjid. I knew that this dispute was raised by some people that the disputed structure was raised after demolishing the temple.

The pillars in the disputed structure are made of black stones, which are called touch stones by the local people. I have not seen the pillars of such black stones in any other mosque. It is not correct that I do not go to temple. I have gone to several temples. It is not correct to say that I have not gone to any temple except Balaji Temple and Iying Hanumanji Temple. I did not go to any temple located in cantonment of Faizabad. The pillar, the photograph of which has been given in plate No. 2, 3, in my book was located on a crossing, I went to see this pillar at the instance of the local people. The knowledge of Persian books referred by me in my book was obtained by me not only from my father in-law but I have obtained the knowledge from other persons also. Amongst them Shri Desai is alive. His full name is Jiauddin Desai. He is in Nagpur these days. The analysis of Persian letters given in my book has been done on the basis of my own knowledge and I did not get help from any one. I tried to learn Urdu, though I have not received formal education in Urdu. For analysis of Persian letters, I considered my own knowledge to be adequate and I did not consider it necessary to take the help of any one else. The importance of the dispute which is the subject of my book is limited to the national level. It has no International Importance.

About the purpose of writing this Book I have mentioned in the preface itself. At this time I do not remember if I have expressed my gratitude in my book to the persons from whom I had obtained knowledge about Persian.

In my opinion it is possible that the disputed structure might have been built prior to the Mughal period. I have not tried to mention in my book the period when the disputed structure was built. I could not arrive at a definite

conclusion about the period of the disputed structure but it was built prior to the Mughal period. I have not yet become Hindu again. I am neither a Hindu nor a Muslim. I am citizen of India. I am Hindu and Muslim both. I swear in the name of Ishwar and also in the name of Khuda as and when necessary.

Question: Are you a Christian?

Answer: It might be so.

In this Hon'ble Court I have sworn in the name of God each time before giving my statement. In my view God is one and I have never sworn in the name of Khuda in my statement. After embracing Islam I did not try to know what is meant by Masjid Haram. It is incorrect to say that I am leading the life of an impostor or a hypocrite or a Munafic. According to me perhaps the meaning of chronogram is dating. I have no knowledge about epigraph. I have no knowledge about Pneumatic. Also I do not have much knowledge of Archaeology. I have not acquired any knowledge about survey of land. I have not acquired much knowledge about science of Architecture. I have not acquired knowledge of Turkish, Arabic and Persian. I have consulted other people on these subjects. I do not take book based on these as the book of an expert. I consider it only a book: Through this book I have tried to make the truth known to the people. It is incorrect to say that I have written this book under the influence of my friends of minority group, my wife, my father in-law and some political persons. It is incorrect to say that I have written this book for my personal gain and publicity. In my book at some places I have used the words "A, H". This is called Hijri period. I have also used in my book the word A.D. In my book I have perhaps not mentioned the year in which the disputed structure was raised. I have written in my book

about Babar's visits to Avadh. In reference to Babar's visit to Avadh, perhaps A.H. or A.D. has not been used. According to Gregorian calendar I cannot tell when 935 A.H. began and when it ended. To find out the Gregorian period perhaps 562 are added to Hijri year. It is wrong to suggest that I have come to give evidence here for any personal gain. It is not correct to say that being a Muslim I am giving my statement in the name of God to avoid charge of perjury.

Cross examination by Shri Vireshwar Dwivedi advocate on behalf of Sh. Umesh Chand Pandey, defendant No. 22 concluded.

Cross examination by Shri M.M. Pandey, Advocate on behalf of Paramhans Ram Chandra Das, defendant No. 2.

My subject of study and teaching is Modern History. I have conducted research on Modern History. I have acquired specialization in Modern History. I have no specialization in medieval history, Ancient history and pre-medieval history. The dispute of disputed site in this dispute relates to medieval and modern history. About Medieval period, the historians have two opinions. According to one opinion, this period is from 1000 AD to 1707 AD and according to another opinion, it is from 7th Century AD to 1740 AD. I take the second opinion to be true. Babar's period was medieval period. The period of this dispute is of medieval period i.e. the disputed site is of medieval period. The disputed structure is related to modern period also. I am speaking this prudently. The subject of this dispute (disputed structure) relates to Modern period also. The Hindus think that the disputed structure is birth place of Lord Rama whereas according to Muslims it is Babri Masjid. The disputed structure was not built in the modern period but it was constructed in medieval period. This disputed structure was built in the

end of 14th Century or in the beginning of 15 Century. I studied different books to ascertain the time of the disputed structure. It will be difficult to give definite opinion about the time of construction of the disputed structure. After comparing the structure of the disputed site with the structures raised during that period, I have formed an opinion that it might have been constructed in the end of 14 Century or the beginning of 15 Century i.e. on the basis of the form of construction, I think it was constructed during the above mentioned period. There is no literary source about the construction of the disputed structure. I have got the information about the time of its construction from both i.e. the form of its construction and from the books. I have not determined the time of its construction in my book. I tried to ascertain the time of its construction on the basis of Atala Masjid situated in Jaunpur. I have no knowledge about any contemporary building. After seeing the disputed structure I saw the Atala Masjid. I had knowledge about Atala Masjid before I had seen the disputed structure but I saw it afterwards. I got information about this from the book of Cunningham. The form of Atala Masjid and that of disputed site appears to be similar. The type of pillars we see in the Atala Masjid are not seen in the disputed structure. The domes and arches in Atala Masjid and the disputed site are similar. Except this, I have not seen the building of any other Masjid of this style. I have not studied any book of history about the Atala Masjid. About that I have consulted the local people. About the Atala Masjid, the local people say that the Masjid had been raised after demolishing the old temple. I did not get any such information nor did I study that the Atala Masjid was raised after demolishing the temple. I have no information as during which period this Masjid was raised. I did not find mention of Atala Masjid in any book. The local people also did not tell me the name of any person who built the Atala

Masjid and in Jaunpur I got no information that the Masjid was built after demolishing the temple. Jhanjshi Masjid was built in Jaunpur. I got information about Atala Masjid from the book of Cunningham. It is not mentioned in Cunningham book or in any other book that the structural design of the disputed structure and the Atala Masjid is similar. I did not see minarets in the disputed structure. I do not remember whether there were minarets in Atala Masjid or not. I do not remember whether in my book I have mentioned or not that the structural design of the disputed temple and the Atala Masjid was similar. Before I had written this book I had no knowledge that form and design of the disputed structure and the Atala Masjid are similar. I saw Atala Masjid in 1987-88. I went only once at that time I did not meet the priest of Masjid or any other concerned person, nor I tried to meet such person. One local person went with me who is a teacher. His name is Onkar Nath Upadhyay. I saw the Atala Masjid from outside. I did not go inside the Masjid.

Verified the statement after hearing

Sd/-

Sushil Srivastava

17.8.99

Typed by the stenographer in the open court as dictated by me .In continuation for further cross-examination on 18.8.99 . Witness be present.

Sd/-

17.8.1999

Dated 18.8.99

In continuation of 17.8.99, statement of Shri Sushil Kumar Srivastav (P.W.-15) on oath.

I had obtained information about the historical facts about Atala Masjid before I saw it. I had not heard about the Atala Masjid before I saw the Babri Masjid. It is correct that I came to know about Atala Masjid only after I had seen the Babri Masjid. First of all I got information about Atala Masjid from the book of Fuerer. I got information about the Atala Masjid for the first time in the end of 1987 or in the beginning of 1988. About Atala Masjid I received information only from the book of Cunningham and the above mentioned book (Report) and not from any other book. In these reports, approximate period of Constitution of Atala Masjid and its form is mentioned. These reports do not mention the difference between the construction of the Atala Masjid and the Babri Masjid. These reports do not mention as how these two Masjids and other Masjids differ from one another. I have no knowledge about the structural design of the internal part of Atala Masjid. As an Historian I have heard the name of Feroz Tughlak and Abraham Lodi. I have not studied much about them. I have no knowledge about their connection with Atala Masjid or that they camped there. The construction of Atala Masjid began in the middle of 15th Century. I cannot tell who was the Mughal ruler then. It is possible that Feroz Tughlak might have been the ruler. I cannot tell the period of rule of Feroz Tughlak. Shirkis ruled in Jaunpur but their dynasty has no concern with Dethi. I cannot say whether Masjid was constructed or not during the rule of Shirkis. I have no knowledge as to when Atala Masjid was constructed and by whom was it constructed. It is not the case that only after seeing the Atala Masjid and without any historical research, I have given an opinion that the disputed structure and

Babri Masjid appear to be similar. My opinion is based on the report of Cunningham and 1891 report of Fuerer only. No other book or report was the base of my opinion nor I have done any historical research. I heard only the local people saying that the Atala Masjid was constructed after demolishing the temple and I have not found any historical proof. Even now I do not remember whether there are minarets in Atala Masjid or not. When I saw the Atala Masjid from outside, it did not appear to me that any building material of temple has been used in the construction of Atala Masjid. I do not remember whether I saw the figures of fish or Varah when I saw the Atala Masjid from outside. I have not seen any other Masjid except Babri Masjid and Atala Masjid during my research. I never thought whether there are minarets in Masjid other than Atala Masjid and Babri Masjid. I do not remember to have seen any Masjid without minarets. I have perhaps not mentioned in my book that structural designs of the disputed structure and the Atala Masjid are similar. I have not read History of India under Islamic Rule by Abdul Hai. According to my historical research the period of construction of the disputed structure might have been from middle of 15th Century to middle of 16 Century. During this period Babar ruled India. I ascertained the time of construction of the disputed structure on the basis of two reports; i.e. Cunningham's report and the report of Fuerer and only on the basis of these reports, I have expressed the opinion that the design of the disputed structure and the Atala Masjid are similar and on the same basis I ascertained that both these Masjids are of same period. The designs and the time of construction of these two Masjids are based only on the above two reports and I have not taken the base from any other book. Yesterday in my statement I stated that the disputed structure was constructed in the end of 14th Century or in the beginning of

15th Century. It was by mistake. I cannot tell the correct period of construction of disputed structure. In my book it is mentioned that the disputed structure was constructed in the end of 14th Century, if it is so mentioned it is incorrect. Besides, the book I have written some articles also. But in none of my articles I have written that the disputed structure was constructed in the end of 14th Century. No book is available about the period of construction of the disputed structure. I have read the translation of Babarnama and Ain-e-Akbari. The period of construction of Babri Masjid has not been mentioned but in the footnote of the book of Baveridge, approximate period of its construction has been given. According to that footnote the disputed structure was constructed in 1528. I do not fully agree with this view i.e. in my view the disputed structure was not constructed in 1528. I cannot tell the exact year in which the disputed structure was constructed. In my view the period of construction of the disputed structure is from middle of 15th Century to the middle of 16th Century. In India, Babar ruled from 1526 to 1530. In the disputed structure, the pillars of touch stones and figure of Varah are non-Islamic. I cannot say whether the figure of Varah and Pillars of touch stones can be built in a Masjid or not. I have not seen or heard about any Masjid in which pillars of touch stones have been built. All these pillars of touch stones i.e. one in Faizabad and two in Ayodhya appeared to be similar. I saw carving of flowers and leaves on all the pillars of touch stones. On none of the pillars of touch stones, I saw human figures or flowers-leaves or pitcher. It is the opinion of English writers that pillars of the touch stones are non-islamic. I have mentioned about this in my book. It is not my own opinion whether these are non-Islamic or not. I got information about the pillars of touch stones from Professor B.K. Dhake, Prof. Krishan Dev and Prof. B.N.S. Yadav. The above mentioned historians told

me that such type of carving on the pillars was prevalent in Gaya. They did not hold the opinion that such type of pillars cannot be in a Masjid. I showed the photographs of pillars of touch stones in Faizabad and Ayodhya to the above mentioned historians. I did not show to them the photographs of the pillars of inner side of the disputed structures because these photographs were not with me. At that time I did not know that a case about the disputed structure was under trial. Perhaps I came to know about the case after my book had been published. My book was published in the end of 1991. I had come to know from the newspapers that lock of the disputed structure had been opened. I also read about the judgment of the court in the newspapers. As an historian. I took it as a source and I mentioned in my book about this. It is not the case that we should not rely on the secondary source if primary source is available. In my view the secondary source should be fully utilized. It is not so that I have written my book on the basis of ideas of other people and the reports of news papers. In connection with my research I went to Ayodhya 3-4 times. No such thing was brought to my notice that any other Masjid was raised after demolishing the temple. Even about the Babri Masjid it was not said that this Masjid was raised after demolishing the temple. I came to know from the British officers and scholars that perhaps the disputed structure was raised after demolishing the temple. But no person of the local level said that the disputed structure was raised after demolishing the temple. This has been mentioned in a book available in local Bazaars of Ayodhya.

I have never inspected the records of nazul. In my view the disputed structure exists on nazul land. I came to know about this from the Gazetteer of Faizabad. In Faizabad I did not ascertain as in which number the disputed structure exists. I have some knowledge about

tenancy and nazul. My research relates to revenue record. I have no knowledge about record of rights. But I understand its meaning. The rights of a person in particular land are mentioned in the record of rights. I have not studied the record of rights minutely. What rights are vested in the land to a tenant or other persons, is mentioned in the record of rights. I have not heard about Government Grant Act. I did not find out about nazul Khevatdars and the owners. I do not know the details of nazul land in Faizabad and Ayodhya, in this regard my knowledge is limited to the Gazetteer. I have no knowledge as to how the nazul land is looked after in Ayodhya and Faizabad and what records are available. The source of the chapter on the land of Ayodhya and Faizabad written by me in my book is only Gazetteer. I take the Gazetteer as the primary source of history. I do not know the revenue number of the disputed structure nor did I try to find out its number. I have not seen the revenue map of the disputed land. I only know that the Revenue department looks after the nazul land. Revenue records and nazul records both are one. I have no information whether the Revenue number and nazul number of the disputed site is one or not. I know what is a mauja. I do not know whether the mauja of revenue and nazul are common or different. I did not try to find out from the revenue records as in which mauja the disputed site is nor I got information in this regard from the Department of nazul. I cannot say whether the disputed site mauja is in Kot Ram Chander or not. I even do not know whether any mauja in Ayodhya is Kot Ram Chander or not. I have no knowledge even about a single mauja in Ayodhya and Faizabad. I know in which district, city and town the disputed land is. I have not heard the name of mauja Ramkot in Ayodhya and neither did I enquire about it. If in my book mauja Ram Kot or Kot Ram Chander is mentioned, it will not be wrong. I even do not remember whether these maujas are

mentioned in my book or not. If in my statement in the court, there is reference of both these maujas, I am not aware of that.

The revenue maujas referred to in the appendix of my book are in Ayodhya and Faizabad. In this appendix I have mentioned about Ram Kot, Jamandhara. I had information about the location of mauja Ram Kot. I had this information from the local people. I know about Ram Kot but I have no information about mauja Ram Kot. It is correct that in my statement in this court, I have said "During the period of my study I did not find any entry in any record of Masjid at disputed site. I did not find any entry about Masjid or birth place. In my research I saw the record in the library of Board of Revenue, Allahabad and Lucknow and in Regional Archives Allahabad and Lucknow. Besides, I saw the record in Library of the Lucknow Secretariat. I had also seen records in the National Archives, Delhi. In these places I found the District Land Settlement Records. I saw some Revenue Records about the disputed site. I know that in the district, record of entries relating to land and revenue are maintained in the Revenue Record room in the District. But I did not find any record in which there is mention of mauja Ram Kot or Kot Ram Chander or disputed site. I did not see the record to know about the mauja. In the Revenue Records I saw there was mention of mauja. Mauja is mentioned in the Revenue and Settlement records in the Gazetteer. The records of Distt. Settlement are available in the library of Board of Revenue and the state Archives. I have seen the first, second and third settlement records of the District of Avadh. In all the three settlements, I could not get information about the mauja of the disputed site nor there is any mention about it. In the settlement records number is not mentioned. In the district Settlement Report I did not find the number of any disputed land. During my

research I came to know maujas and numbers are mentioned in the records of the District level but in this regard I did not consider it necessary to see the Revenue records and neither saw information about relations of landlord and tenant given in the record of rights. Despite this information I did not consider it necessary to know the number of the disputed land. I know that the records of rights and possession of tenants is given in the record of rights, but despite that, I did not consider it necessary to have this information. Even now I do not know in which mauja or revenue number, nazul number the disputed site is situated. Mauja perhaps is related to revenue. I cannot tell that in the revenue record or in the record of rights separate maujas are mentioned. Mauja means a revenue unit and not a revenue village. Revenue units are formed for recovery of revenues. Revenue unit is mentioned in Badon Powell's book "Land System in India" I do not fully remember whether Badon Powell is the author of this book. I have read this book. It is not so that only nazul land is mentioned in this book. It is incorrect to say that this book contains only nazul land management but rather this book covers the entire land system and revenue units. Number of revenue plot and maps of plot are not given in this book. Revenue unit has been defined in this book. There is also a mention of revenue unit in land tenures in United Provinces. These books mention about mohal. In my view mauja and mohal are different units. Several mohals constitute one mauja. In landlord and tenants relations, there is no mention of nazul land. I do not know in which mohal the disputed site is situated. While doing research work for my book I did not find out as in which number, in which mohal, the disputed site falls. I have not seen settlement map. In the District Settlement Report name of owner of plot is not mentioned. I did not investigate about the owner of the land on which disputed site is located. I cannot tell whether

nazul and revenue number are different or not. I cannot say whether any settlement of nazul land has been done or not.

According to Baveridge translation of Babarnama, period of Hijri 935 was from 15.9.1528 to 5.9.1529. I agree with this. I do not remember whether according to this translation Babar always camped out side the population or in the garden on the bank of River. Babar was fond of wine but later on he stopped taking wine. I do not know whether Babar was found of opium or not. I have also seen Ain-e-Akbari. In Ain-e-Akbari this is not mentioned that on the North-West Corner of Ayodhya, Saryu and Ghagra meet at a distance of 3-4 KMS. It is also not correct that according to that book Babar camped at that very place. It is correct that during the time of Babar, Ayodhya as it is today was known as Avadh. Sirda River flows in the North of Ayodhya. It is incorrect that same Sirda River is now called Saryu River. Sirda River flows at a distance of 70 K.M.S. in the north of Ayodhya. I do not know in which district Sirda River flows. I got this information from the book of Baveridge and maps of Ayodhya also mention about Sirda River. In the settlement map too, Sirda River is mentioned. The translation of Babarnama other than that of Baveridge does not mention about this River. In Gazetteer of Bennette also this River is mentioned. Besides, in the "Garden of India" book also, this River is referred. Excepting this, this River is not mentioned in any historical reference or book. Abdul Rahim Khan Khana translated Babarnama from Turkish to Persian. There is no mention of Saryu River in it. Abdul Rahim Khan Khana has not stated that Babar camped at the confluence of Saryu and Ghaghra. I have not read the Persian translation of Abdul Rahim Khan Khana. I came to know about the book of Abdul Rahim Khan Khana from the book of William Rasbock. William Sahib has not mentioned about Sirda River in his book. I think both the translations of Babarnama i.e. English translation by

Baveridge and Persian translation by Abdul Rahim Khan Khana are authentic. Abdul Rahim Khana knows both Turkish and Persia and had command on both. He translated Babarnama in 1579 A.D. In the footnote of his English translation Baveridge has described Sirda River as Sharda River. It is incorrect to say that in the Babarnama and in its Persian translation by Abdul Rahim Khan Khana the name of the River is mentioned as Saryu and not Sirda. Babarnama has been translated by Ladene and Erskine also. Both these scholars have assessed that this Sirda River came to be said as Saryu. I have not mentioned in my book this Saryu River as Sirda. I have interpreted the words written in Persian Script as Sirda and I have mentioned so in my book. It is incorrect to say that in the book of Baveridge the name of Saryu has been mentioned as Sirda because of degeneration of the form of the word.

I have not seen any other Masjid in Ayodhya except the disputed site. Again said that I have seen the Masjid from out side, I have not seen any Masjid from in side. I saw them while passing that way. In my statement in this court, I have not stated about the Alamgiri Masjid built during the time of Aurangzeb but perhaps I have mentioned about the Masjid built by Aurangzeb which is in Ayodhya. I have seen it in the dilapidated condition. This dilapidated Masjid is situated on the bank of Saryu River at a distance of half a mile from the disputed site. This masjid is situated in Swargdwar. This Masjid is in the north of disputed site. This is located on the Western side of the road running from Faizabad to Gonda. The disputed site is also on the Western side of that road. This Masjid is far from the Road. The disputed side is located about $\frac{3}{4}$ mile from Faizabad Gonda Road i.e. this road is the High way from Faizabad to Gorakhpur. It is correct that the High way which is upto the disputed site is about 1 Km and there are only the temples

of the Hindus on this road. On the Western side of the disputed land, there is vacant land. There is a road after that. There are some building structures also. The River flowing towards the West from the disputed site is at distance of less than a furlong. Towards the north of the disputed site there are temples and some population is stretched upto the River. There is Masjid also opposite to the mound. The disputed structure is on a mound, the level of the land is not even. On the Western side of the disputed structure there was some population of muslims, on the other three sides there is population of the Hindus and there are some temples in the north of the disputed structure, Saryu River flows at a distance of $1\frac{1}{2}$ to 2 K.M. I did not carry with me any tape or any instrument for measurement of the distance. I made a guess only.

About mounds in Ayodhya, I got information from the Gazetteer and I went there myself. I saw Kuber mound and Mani Parvat. I do not remember to which side of the disputed structure and at how much distance the Kuber mound is. Kuber mound is higher than the disputed site i.e. 30-40 feet higher. I think the Kuber mound is at a distance of 50 yards towards south. The Mani parvat is at a distance of $1\frac{1}{2}$ KM towards east.

When I went to the disputed structure for its inspection the third time Sher Singh was with me. He is resident of Calcutta. At that time Shri Sher Singh measured the distance of surroundings with a compass. Shri Sher Singh measured the distance between the disputed site and Kanak Bhawan, Kaushalya Bhawan, Sumitra Bhawan, Matrigain Mandir and Swarg Dwar. Except Sumitra Bhawan and Kaushalya Bhawan all places are in the north of the disputed side Sher Singh did not measure the distance of places towards east, west and south. Again said that he

measured the distance of places towards west upto the bank of Saryu He went to Gurudwara also Sher Singh measured the distances of the places as per details given in Ayodhya Mahatmaya The Ayodhya Mahatmaya used by Sher Singh in my presence was published in "Journal of Asiatic Society of Bengal" published in 1875 Ayodhya Mahatmaya is a book in itself rather than a part of a book. It is incorrect to say that Ayodhya Mahatmaya is part of Vaishnav Khand of Skandh puran. I did not try to obtain any information about Skandh Puran. No map is given in Ayodhya Mahatmaya on the basis of which I and Sher Singh did the measurement. The book of Ayodhya Mahatmaya which we saw was in English. Ayodhya Mahatmaya mentions about the birth of Ram. I agree on the point of place of Ram Janam given in Ayodhya Mahatmaya. There is mention of Ashram of Lomas Rishi in Ayodhya Mahatmaya i.e. it is described. Vighneshwar place is also mentioned. In Ayodhya Mahatmaya there is also mention of Ashram of Vashisth Muni. In Ayodhya Mahatmaya the place of Ram Janam bhoomi has been located in reference of Ashram of Lomash Rishi and Vashisth Muni and Vighneshwar. According to Ayodhya Mahatmaya, Ram Janam bhoomi is located in West of Ashram of Lomas Rishi in the east of Vighneshwar temple and in the north of Ashram of Vashisth Muni. I did not see Vighneshwar temple but found a pillar onwhich 'Vigneshwar' was written. I did not see the Ashram of Lomas Rishi. I also did not see the Ashram of Vashisth Muni, but the people told me about this. Out of four borders described in Ayodhya Mahatmaya, I measured only the distance of Matrigain Mandir without any tape on the basis of assessment. I arrived at the conclusion on the basis of the measurement as per assessment. I and Sher Singh measured the above mentioned places as per the assessment with the help of the map of Survey of India. We did not have any instrument for measurement. When I

carried out inspection of the disputed site, we did not have the map of Survey of India with us. Sher Singh and Surinder Kaur have written a book on this subject. I do not remember full title of the book but the word "Babar" is part of its title. I do not remember if the name of this book is Archaeology of Babri Masjid Ayodhya. I have not seen this book. I have read Sher Singh's book "Babar", the Secular Emperor". There is mention of disputed structure in this Book. This book had been published before I inspected the site. In this book there is no mention about Ayodhya Mahatmaya. Even after this inspection I did not read any book of Sher Singh. R.Nath has written a book on the aspect of architecture of the disputed structure. I do not know the name of that book. I cannot say whether the name of that book is "Architecture of Babri Masjid of Ayodhya". I have not read any book about the design of architecture of the disputed structure. I have expressed my opinion about the design of the Atala Masjid and the disputed structure only on the basis of time period and similarity. The disputed structure is situated on the North Western Corner. I have some knowledge about the border of Ayodhya. The northern Border of Ayodhya is upto Saryu River, which is at a distance of $1\frac{1}{2}$ K.M. from the disputed structure. The Western Border of Ayodhya is at a distance of $1\frac{1}{2}$ furlong towards west of the disputed structure. The eastern Border of Ayodhya is at a distance of 25 K.M.S towards east from the disputed structure. Southern Border of Ayodhya is at a distance of 8/10 KM. I am telling about this distance on the basis of maps. I have not seen myself: The map is of Survey of India of 1931 or 1933.

I have not heard about Bharat Kup in Ayodhya. I do not know whether Bharat Kup is Bharat Kund. Bharat Kund is the religious place of Ayodhya. it is not an historical place. I cannot tell the distance between the disputed

structure and Bharat Kund. Bharat Kund is situated within the territory of Ayodhya as mentioned by me above. It is mentioned in Ayodhya Mahatmaya but it is not mentioned in the map of Survey of India. I cannot say that Bharat Kund is not within Ayodhya but it is out of Ayodhya and on the other side of Faizabad as I have myself not seen Bharat Kund. The disputed structure is situated on the North West Corner of Ayodhya. I cannot tell as in which mauja the disputed structure is. I know that mauja Ram Kot is in Ayodhya. I cannot say whether mauja Ram Kot and Kot Ram Chander are in one mauja or they are in separate mauja's. I can tell the location of mauja Ram Kot on the basis of my guess. The disputed site is situated in mauja Ram Kot. I got this information from the map of Survey of India. There is no mention of mauja Ram Kot or Kot Ram Chander in Aaene-Akbari. There is mention of Ayodhya and mauja Ram Kot in Ain-e-Akbari but there is no mention of the disputed site. I have tried to know about the last priest of the disputed structure. I have forgotten his name but I had gone to his house. I do not know whether Moulavi Abdul Karim has written any book on the disputed structure

or not. I do not know whether Moulavi Abdul Karim had been the priest of the disputed structure or not. I do not know whether Moulavi Abdul Karim had been the priest of the disputed structure or not. I know that Tifen Thellar came to India and has written account of his visit but I have not read it. In his description he has not given the map of the disputed site. In his account he has mentioned about Ram Kot. I do not know whether he has given description from Hanuman Garhi to RamKot. There is a Gurudwara on the North-West corner of the disputed site. Again said there is Gurudwara on the Western side. I went to that place. I have not studied Sikh Literature about the disputed site. I have no knowledge about this Gurudwara. I cannot say whether this Gurudwara is historical or not. The distance

between Gurudwara and the disputed site is less than a furlong. I took the disputed structure as a Masjid. I have only tried to know as to how this dispute arose about this Masjid.

I have heard about Ramayan of Balmiki. In Balmiki Ramayan there is mention of Ayodhya town and birth of Ram Chander in it. I have not fully read Ram Chant Manas. In Ram Chant Manas too there is description of Ayodhya and Ram Janam. I have knowledge about Purans and Mahabharat also. In Purans, there is no mention of birth of Ram but there is description of Ayodhya. I cannot tell whether Skandh Puran is a Puran or not. A dispute arose in 19 Century whether the disputed structure is a Masjid or a temple. The dispute is whether the Masjid was raised after demolishing the temple or not. When I started my historical enquiry in 1987, I had knowledge of this dispute. In connection with this enquiry I tried to know the opinion of English and other writers. For my enquiry I tried to obtain information from Vedas and Purans about this fact but I could not get any information. I have mentioned about this in my book that in the early literature mentioned above there is no proof in this regard. I have not referred to Babarnama and Aaen-e-Akbari in my book but I relied on these books. It is not correct that instead of the primary source I have taken support of third hand source. It is incorrect to say that I have arrived at the conclusion with the support of the news published in the newspapers and the hearsay.

It is correct that even today I have sworn in the name of God before my statement. I have some knowledge about the festivals and pious places of the Hindus. In the present age Ayodhya is recognized as place of pilgrimage of the Hindus i.e. it began to be recognized after 16th Century. I

know that Ram Navmi is celebrated as the birthday of Lord Rama. On this day, the Hindus of the country come to Ayodhya for having bath in Saryu River and to have Darshan of Lord Rama. Parikrama is held in Ayodhya. I know that the Pilgrims come to Ayodhya for circumambulation. Besides, Jhoola Mela and other festivals are celebrated in which pilgrims participate. I had not been awarded Ph.D degree when I started my historical enquiry, however I had submitted my thesis. I was awarded degree two years after I had submitted my thesis. My wife was awarded Ph.D degree after I had started my enquiry. My wife has done her Ph.D in Medieval history. Babar's invasion, rule and construction of disputed site relate to medieval history. It is incorrect to say that my book was in fact written by my wife and it has only been published in my name. It is incorrect to say that under the influence of my father in-law and my wife, I have written and published this book contrary to the facts. It is incorrect to say that in order to conceal the facts. I have deliberately omitted to mention original books of Babarnama and Ain-e-Akbari, Voluntary said" I have used their translation" I completed my academic research in 8 years and completed this book in about four years. It is incorrect to say that owing to the influence of my wife and my father in law I completed this book only in four years whereas it took me 8 years to complete my academic research. My wife is using the title of Faruqi. My children are neither using the title of Faruqi nor that of Srivastava. I myself use Srivastava title. It is incorrect to say that since I have embraced Islam, I have written this book against the sentiments of Hindus. My thesis was published in 1995. It was published by Rinaysha Publication, Delhi. Professor R.S. Sharma and Prof Jafary asked me whether I would give my evidence in this case, to which I agreed. Prof. Sharma has written several books on this dispute. Besides, Mr. Jilani, Advocate asked me

whether I would appear as witness. I gave my consent. Sunni Central Wakf Board never asked me to give my evidence.

Cross examination by Sh. Madan Mohan Pandey on behalf of Param Hans Ram Chandra Das is closed.

Verified the statement after hearing.

Sd/-

Sushil Srivastava

18.8.99

Typed by the Stenographer in the open court as dictated by us. In continuation for futher cross-examination on 19.8.99 .Witness be present.

Sd/-

18.8.99

Dated:19.8.99

(In continuation of 18.8.99, statement of Shri Sushil Kumar Srivastav (PW-15) on oath.

Cross examination by Shri Hari Shankar Jain, Advocate on behalf of Defendant No. 10, Hindu Maha Sabha and defendant No. 17, Shri Ramesh Chander Tripathi.

I am giving my statement as an historian. I am a student of history. I cannot say that I am an expert of history. Now subject of history is split into several parts, social, economic, physical, cultural and political. History of India can be divided into 3 parts in terms of period. First Ancient history, second medieval history and the third modern history. According to some historians, the period of ancient history is upto 7th Century while according to others it is upto 10th Century, According to some people the period of medieval history is from 7th Century to 1740 AD while some people take it from 10th Century to 1740 AD. According to all the historians the Modern period is from 1740 till date. I have studied medieval history upto BA. I have not done any research work for getting degree in medieval history. I have done research in medieval history independently.

I have done research work about period of medieval history for writing my book and even now I am doing research on some Questions. The title of my book is "Disputed mosque-A historical enquiry". My book is the result of my research. Besides this book, I have not done any other research on medieval history nor anything has been published. I have not brought my book on the record of this court. I have no knowledge of Persian and Arabic I have no knowledge of Sanskrit. I have no knowledge about

Archeology of degree level. For study of medieval history (for study in MA) knowledge of Arabic, Persian and Sanskrit is not required. For doing Ph.D. in medieval history knowledge of these languages is not necessary. The literature of medieval history is originally in Arabic and Persian, though their translations are available in other languages but the original literature is in Arabic and Persian. I have not seen or read translation of any book written in Arabic. Perhaps account of Arab Travellers might have been in Arabic. I have read its English translation. I have read the English Translation of Babarnama, Akbarnama, Ain-e-Akbari written in Persian. The English Translation of Babarnama in Persian was done by Ladene and Erksine and I have read both of them. Babarnama was originally written in Turkish and Abdul Rehman Khana translated it into Persian. From Persian it was translated into English by Baveridge. There is slight difference of opinion in these three translations. The difference of opinion is on the point that Babar wrote his diary in 1528, some leaves of which were lost. Some translators said that the leaves were lost and others took the manuscripts as leaves of the diary and translated them. As Baveridge has translated the Babarnama originally written in Turkish. According to Baveridge some leaves of diary written by Babar were lost. She has also written that Babar later on has mentioned in his diary that some leaves of the diary written by him were lost. The other two translators perhaps did not see the original Babarnama written in Turkish and they have translated into English the Persian Translation of Babarnama. As Baveridge has translated the Babarnama originally written in Turkish, I take that to be more authentic, some leaves from the diary of Babar were lost. I cannot tell to which Mounths/dates they relate. The original Babarnama in Turkish is in Hyderabad.

I cannot tell where was it kept. I even cannot tell whether it was kept at some private place or at some public place. Ain-e-Akbari is an independently written book and Akbarnama is also a different book. Ain-e-Akbari was originally written in Persian. Original Akbarnama was written in Persian. I cannot tell at which place the original book of Ain-e-Akbari is kept. I also cannot tell where the original book of Akbarnama is kept. Ain-e-Akbari was written by Abul Fazal. Ain-e-Akbari was written in the end of 16 Century or in the beginning of 17th Century. This book was written during Akbar's life time. Akbarnama was also written by Abul Fazal. It was written during Akbar's Rule. Besides these three books : Babarnama, Ain-e-Akbari and Akbarnama. I have studied other books for writing my book details of which are given below.

Gazetteer (1868) Gazetteer of Nevil (from 1901 to 1905). Imperial Gazetteer by Hunter. Irwin's Book relating to Pilgrimage and some other books. Besides these, I have seen Tirth Vivechan Kand. I have seen Taarikh Fara Baksh, Report of Cunningham, Fyurar's Report, report of Lal Sahib, Report of A.K. Narain and some newspapers also. I have seen some newspapers of 1901 and 1902. I have seen Journal of Asiatic Society of Bengal" 1890. Besides, I have gone through translations of Baveridge. Book written by Mont Gomry Martin which is in 5 Volumes, report of Buchanan, Report of Bishop Haver and reports of several travellers. I have also seen "Babar" written by Radhey Shyam. I have seen the articles of history for the period 700 AD to 1500 AD. I have not read original books but I have read only the secondary source. Among those books, I have read books of B.N.S. Yadav, Avadh Bihari Pandey and Ishwari Prasad. I have not read any book of Archaeology relating to the period 700 AD to 1500 AD. I have not read any book relating to Archaeology for the period 1500 AD to

1700 AD i.e. report of Archaeological Survey for the period 700 A.D to 1700 AD is not available, nor I have read it. I have not studied Vedas, Purans or Upnishads. But I tried to know as what these books mention about Ram Chandra. I have tried to know what is mentioned about Ayodhya in Vedas, Purans and Upnishads I have not studied Ramayan by Balmiki. In Purans, there is mention of Ayodhya as Royal dynasty. I cannot tell as in which Puran Royal dynasty of Ayodhya is referred. I have not read any Hindi Scripture. I cannot tell the number of Purans. I also cannot even tell the number of Upnishads. To which period the first chapter of Babarnama relates I cannot tell. I have not read about the History of Origin of Muslims before I wrote my book. I know that Muslims originated after Mohd. Sahib. Again Volunteer : said that perhaps Islam originated after Mohd. Sahib after 6th Century. Followers of Islam are called Musalmans. I cannot tell as when did the Musalmans attack India for the first time. I have heard the name of Mohd. Bin Kasim. I do not have much knowledge about him. I have heard the name of Mahmood Ghaznavi. I have also read about him. I cannot tell when he attacked India for the first time. I even cannot tell when Mohd. Gauri attacked India. I have heard the name of Iltutmish, Qutubuddin Aibak, Rajia Sultan and Balban. After the attack of Gouri, there was slave rule in India i.e. that Dynasty is called the slave dynasty. All the above named four rulers belonged to the slave dynasty. About Slave dynasty I have read books of A.B. Pandey, Ishwari Prasad, A.L. Srivastav. I have not read any other book. The territories of Slave dynasty in India were upto Punjab in North, Sindhu in West, Bengal in East and Vindhya Parvat in South. Uttar Pradesh of today was in Slave Sultanate of Slave Dynasty. Most part of Uttar Pradesh was under them, not the full Uttar Pradesh. Whole area of Avadh was in Slave Sultanate. Areas of Faizabad and Ayodhya were part of Slave Sultanate. I cannot tell any

thing about the Masjid built during the Slave Sultanate. I cannot tell whether any Masjid was built or not in Faizabad and Ayodhya during Gulam Rule. I have seen Qutab Minar, it is in Delhi. This was built by Qutubuddin Aibâk. I have not seen the epigraph outside the Qutab Minar. I have not read any translation even about this. I do not know whether there is Qutab Islam Masjid near the Qutab Minar or not. I have no knowledge about the Masjid. I cannot tell whether on the arch of the gate in front of the Masjid it is mentioned that this Masjid has been built with the debris of 27 Hindu and Jain temples after demolishing them. I have read about Changej Khan and Nadir Shah. I cannot tell when Changej Khan invaded India. Nadir Shah attacked India in 1738 or 1739.

I cannot tell the place of Babar in Middle Asia. He was Turkish and when his rule began in India he became Mughal. I cannot tell that during the period of his rule in India he was addressed a Mughal. Who is Mughal I cannot tell. I cannot tell whether Mughals are Hindus or Musalmans. The Mughal who ruled India were Muslims. I do not know about antecedents of Muslims, therefore, I cannot say why the Mughal rulers in India became Muslims. Mughal rulers were Sunni Muslims i.e. the Mughal rulers in India were Sunni Muslims.

Babar invaded India earlier via Afghanistan. Babar fought the battle of Panipat and after that he came up to Delhi. At that time Abraham Lodi ruled over Delhi. I do not remember who was the ruler of Delhi before Abraham Lodi. I do not remember the name of the last Hindu King before Abraham Lodi.

I have not read separate History of Ayodhya. About Ayodhya I have read Gazetteer, Gazetteer of Nevil,

Bennette and Irwin's book "Garden of India". I have read other books also but I do not remember their title. About the history of Ayodhya prior to 1526 AD I have read only the Gazetteer of India. The Gazetteer published in 1905 was the first source about Ayodhya. About Ayodhya, the Gazetteer of 1905 mentions as follows: The early history about Ayodhya is not known for want of facts. As per opinion of the people it can be said that at some time, some religious activities of Budh, Jains and Hindus continued in Ayodhya. In the 4th or 5th Century there was Gupta Empire. From 5th Century to 10th Century Ayodhya went into oblivion i.e. nothing is known about it. After 5th - 10th Century it is learnt from the Persian writers that the activities again began here and Saiyad Salar Masood had major role in these activities. There after we come to know about Sultanate. It has been mentioned in the Gazetteer that it is believed that Lord Rama was born in Ayodhya. In Ramayan also this Ayodhya has been mentioned. In the Gazetteer it has also been mentioned that the local people believe that at the place where the Babri Masjid exists, there had been Ram Mandir, which indicated that it was the birth place of Lord Rama. The riots of 1855 have also been mentioned therein. In that riot some Mahants of Hanuman Garhi attacked the Babri Masjid in which some people sacrificed their lives. That place is called Ganje Shahidan: After 1857 mutiny in 1958, the places of worship of the Hindus and Muslims were separated to resolve the dispute. On one platform the Hindus worshiped and beyond that a fence was erected. The Muslims could go into the Masjid from the Northern side. This has also been mentioned in the Gazetteer that Babri Masjid was built after demolishing Ram Mandir. I found some material to prove that what has been mentioned in the Gazetteer in this regard is wrong. I have found that the following statements are wrong: (1.) Babar did not got the mosque constructed because he

never went to Ayodhya. (2.) it is stated on the basis of myth that the Masjid was raised after demolishing the temple — it is found incorrect. The Gazetteer mentions that the Masjid was raised after demolishing the temple. I have found following proofs against this (1.) There is no proof that there had been Ram Mandir at the disputed Site (2.) There is no mention about Ram Mandir in any book (3.) There is no mention of Ram Mandir in the accounts of travellers who came to India upto 1526 AD or near about. (4.) Even from the report of Archaeology it is not proved that there was Ram Mandir at the disputed site.

Following are the proofs that Babar did not visit Ayodhya: In Babarnama there is no mention about Barbar's visit to Ayodhya. Babarnama does not mention that Babar ordered to build a Masjid in Ayodhya. I have not mentioned in my book that disputed structure was raised in 11th or 12th Century. From the carvings on the pillars of black stones installed in the disputed structure, it is known that those pillars are of 11th or 12th Century. There were inscriptions on the pillars. These pillars of stones might have been built in Ayodhya between 1450 AD to 1550 AD. I have mentioned in my book that those pillars were built in 11th or 12th Century. These pillars were either used in some construction and that construction might have collapsed and these pillars might have been lying in Ayodhya and were used in the disputed structure later on.

Perhaps Tughlak rule in India was in 14th Century. I cannot tell the exact year. Perhaps Ayodhya was also under the Shirkis rule in the end of 14 Century or in the beginning of 15th Century. Tughlak and Shirkis both were Muslim rulers. It is possible that the disputed structure was raised during the rule of Tughlak and Shirkis Rulers. I cannot say exactly as in which year the disputed site was

built and by whom. In my research I did not try to ascertain as in which year the disputed structure was raised. I have mentioned in my book that the Babri Masjid was built during the period of Tughlak and Shirkis rulers whereas the political and economic activities increased in Ayodhya. In para 3 at page 91 my book I have mentioned that the bricks and stones used in some parts of western wall of Babri Masjid are similar to those used in the outer wall of Ram Kot. Therefore, it can be said that both these buildings were contemporary. I only saw the bricks, raw material with which bricks were laid and big stones and no sample was taken and no investigation was done. I believe that since the construction of the disputed structure Muslims have been saying prayers upto 22/23 December 1949 excepting one Month's period in 1855. I have written in my book that this situation continued in Ayodhya upto the end of 1853, and possession of Hindu Mahants continued. Again in 1855 there was fight in Ayodhya and Muslims forcibly took possession of Babri Masjid and whisked away Hindu Mahants. This is written in my book and is correct. Before this I have stated in my statement that the Muslims have been saying prayers except one Month in 1855. I said this by mistake. It is incorrect to say that I gave wrong statement under the influence of Muslims.

BOAS in one of his letters has given this account and taking that to be true, Bairagis attacked the Babri Masjid to take its possession and 75 Muslims were killed in the fight. Their burial place is called Ganje Shahidan.

As in 1987 or after 1986, the issue of disputed structure was very hot, I did research and wrote this book. Since July 1986, the issue of disputed site became the subject of discussion and I was inspired by it. I cannot tell as to how many copies of my book were published I got 9%

royalty, which I am still receiving. I have received about 20,000 (Twenty thousand rupees) as royalty on my book. Shri Tajeshwar Singh is the Director of my publisher. Copyright is with both i.e. with me and with the publisher. After seeing the cover page of his book said that the copy right of this book is with me.

Verified the statement after hearing.

Sd/-

Sushil Srivastava

19.8.1999

Typed by the Stenographer in the open court as dictated by us. In continuation of this for further cross-examination on 20.8.99 . Witness be present.

Sd/-

19.8.99

Dated :20.8.99

(In continuation of 19.8.99, statement of Shri Sushi! Srivastav (PW-15) in oath.

Home name of my wife is "Bibi". I have dedicated my book to my wife. When my book was published in 1991, It's price was Rs. 58, I do not know what is its price at present. I cannot tell that later on price of my book was revised to Rs.95. The first time my book was published in 1991. I do not know whether its second edition was brought out or not. The counsel has filed the photo copy of the last title page i.e. back page of the cover page which is true copy and I am appending my signatures on it. About the writings on the back of the cover page of my book I cannot say who has written them. I had not been teaching medieval history in Allahabad University i.e. I had not been teaching the subject of medieval history of India. I agree with what has been written on the back of the cover page. I have read them.

Question. What is necessary for research in history and historical investigation?

Answer. For Research and investigation in History we first select the topic and according to the topic, we earmark, the primary and the secondary source. We try to know whether historical research is possible on the basis of available sources. After this exercise, we start research work. In history, investigation is done first and then research. I have broadly defined my topic of research.

Question. For writing this book what subject was decided for research and investigation in the above mentioned broad topic?

Answer. I started my research keeping in view the inconsistency between ruler and ruled on account of Sub continental and empirical system. In order to rule, the ruler tries to divide the people in the sub continent in various categories. He does this for convenience in the Administration. These categories can be defined in many ways. In India the empirical ruler tried to divide the people on the basis of religion, community and language. In the problem arose in Ayodhya such basis have been observed.

Question. My Question was that for research and investigation what was the subject matter of your book?

Answer. For this research and investigation I expressed doubt on British/empirical policies and their attitude.

Question. Expressed doubt means to arrive at a conclusion. My Question. is that before writing this book what subject was selected for research and investigation? What was its limitation?

Answer. For this research work I depended on the research work in the field of Sociology which had spread with pace after 1980. Many Social Scientists began to raise finger that basis of empirical policies are such that the ruler tries to have grip on the entire system in one way or the other. In India also, in the empirical system that prevails, efforts have been made to perpetuate the rule by dividing the people into categories.

It is not correct to say that I do not want to answer the question directly and correctly. My book "Disputed mosque"

is related to the disputes of Ayodhya and because issue of dispute is Masjid, I have given this title to my book. When I wrote this book none of the groups held the view that the disputed structure is a temple. No body said that it was a temple. I completed my book in July 1991. By July 1991, none said that the disputed structure was temple. I have answered this question in my own way. I chose this title for my book because in this regard the dispute did exist. The dispute was that Ram Mandir which denoted the place of birth of Ram was demolished and Masjid was raised by Babar. This dispute was between two communities. These communities were Hindus and Muslims. In my view, this dispute began in the 19th Century. The dispute began in 1815. The subject of my research related to the policy of the English in entire Ayodhya. The subject of my research covered the period from Ancient period to 1815 and the period took in writing this book. The subject of my research was also that whether Babar visited Ayodhya or not and if he did come to Ayodhya, what were his activities and when he came to India and wherefrom. The subject of my research was not whether Rama was born in Ayodhya or not and what the people say about this in Ayodhya. The subject of my research was whether there was Rain Mandir or not at the disputed site.

For research on the subject my study was limited to the books mentioned earlier i.e. Gazetteer, Journal, Travel Accounts, etc. the books I read about Ayodhya published prior to 1815 are Tirth Vivechan Kand by Bhatt Lakshmi Dhar, Tirth Prakash by Mitra Mishra, Todar Naudam wiitten by Todarmal, William Finch wrote an article on law and accounts of Chinese travellers in the book of Cunningham I have read no other books written before 1815 nor I have studied any material of the period earlier to 1815. The title of the book written by Bhatt Lakshmidhar was Tirth

Vivechan Kand. This book was published in 1931. This book was written in 11 Century or near about. In this book much importance has not been given to Ayodhya as a place of pilgrimage i.e. Ayodhya was shown as an ordinary place. About Ayodhya this book mentions that there is Guptar Ghat in Ayodhya where people should go for Vishnu Pooja, Nothing more has been written in this book about Ayodhya. The book mentions about other places of pilgrimage in India. Mitra Mishra has written a Book "Tirth Prakash". Tirth Parkash is supposed to have been written during 1620-1640. This book was perhaps published in 1930 in Varanasi. This book mentions Ayodhya as Chief Place of pilgrimage and this place is also mentioned to be related with Lord Rama. It is also mentioned that Lord Rama was born there. This book does not refer to any earlier book mentioning about Rama. It has not been mentioned therein, that which rulers ruled Ayodhya and for how much period. Todar Mal did not write "Todar Nandam" himself but got it compiled by 89 pandits of Varanasi. This book was completed in 1585. The book I read was published near about in 1935. The original copy of Todar Nandam is available in the Library of Nagri Pracharini Sabha. Nothing has been mentioned in this Book about Ayodhya or about Lord Rama. I do not remember the names of other books written prior to 1815, which were read by me. In my book I have referred to two books written before 1815 (1) Ayodhya Mahatmaya (2) Ganga Mahatmaya of Prayashchitva. I cannot tell exactly when Ayodhya Mahatmaya was written, it was perhaps written during the time of Shahjahan. Ganga Mahatmaya perhaps is of the same time. In Ayodhya Mahatmaya all the religious places in Ayodhya have been mentioned. Their location, the manner of performing Pooja at those places and the benefits of Pooja, have also been mentioned. Ayodhya Mahatmaya also mentions that Lord Rama was born there and every pilgrim should go there and that he

would get salvation by going there. According to Ayodhya Mahatmaya, there is a temple at the birth place of Lord Rama. I do not know in which language Ayodhya Mahatmaya was originally written. I read its English translation. Ayodhya Mahatmaya was not written in 13th or 14th Century. In the English translation I read, the time of original book has not been mentioned. I held the opinion that Ayodhya Mahatmaya was written during the time of Shahjahan there are two reasons for this (1) in this book Allahabad has been named as Allahabas and (2) This book mentions about the coins prevalent during Shahjahan's period. I cannot tell about the period of rule of Shahjahan. I cannot say whether he ruled from 1629 to 1658.

In Ganga Mahatmaya, places of pilgrimage situated on the bank of Ganga River have been described. Nothing has been mentioned about Ayodhya or any thing in it. It is believed that Prayaschitva wrote the first Mahatmaya in Varanasi. This mahatmaya was also perhaps during the time of Shahjahan. Ayodhya Mahatmaya was written after Ganga Mahatmaya. I have read the accounts of foreign visitors. I have read the accounts of Hieun Sang, Fahian, William Finch. Ibne Batuta. I have confusion about the time of visit of Fahian in India. Perhaps he came in the 4th or 5th Century, Fahian has mentioned nothing about Ayodhya but he has described one of its places. It is mentioned by him that there were many temples and stoops of Budha. In the opinion of Cunningham and other writers, this description relates to Ayodhya. Fahian was from China. I have not read the account of visit of Fahian myself but I have only read what Cunningham has written about it. A report of Cunningham was published in Archaeological Survey of India and another in journal of Asiatic Society of Bengal. The first report was published in the Archaeological Survey of India in 1856 and the later perhaps in 1868. In

Cunningham report of 1871, it has been mentioned about Ayodhya that the constructions and temples existing here have been built in modern period and perhaps during the time of Aurangzeb and only Masjid and some tombs are of earlier time. Cunningham has not mentioned the time when the Masjid and the tombs were built. Cunningham has written about the disputed structure. Cunningham has said that it is believed that the disputed structure was built by Babar and there might have been a temple here sometimes. He has not said that there was a temple here but according to him temple might have been there. The report of Cunningham according to him was based on Archaeological research.

Hieun Sang had come to India in the 7th Century. In his account he has not said any thing about Ayodhya but about Ayodhya he has mentioned that the number of Budha temples has reduced and the Budha Pilgrims also come in less number. I have not read the accounts of visit of Hieun Sang but my knowledge is based on the report of Cunningham. Cunningham wrote the reports during 1862-1865. His report was published in 1869.

William Finch came to India during Jahangir's time. Perhaps he came between 1605-1607. He might have come to India between 1608- 1611. He had also written about Ayodhya. William Finch has not mentioned about Babri Masjid. He has written nothing about the temple of Ayodhya. William Finch has mentioned about Ayodhya, about the walls of fort in Ram Kot. He has written about the walls of the fort. He has mentioned about the caves of the Swarg Dwar and about some wells. He has written that the Swarg Dwar is in the form of a cave and some people go there and offer some shinning articles and some things keep on shinning in the cave. He has also told that the swarg Dwar

is on the bank of Saryu River. William Finch has written that Ram Kot fort is built on the bank of Saryu all around. William Finch has not mentioned about existence of any Masjid. Ibne Batuta had come to India in the 11th Century. He came from Arabia. He has written nothing about Ayodhya. I have read in a Book Rahela" about the book of Ibne Batuta which was edited by Mehndi Hasan.

In Babarnama, Babar has only said about Ayodhya that Meer Baki Governor of Ayodhya came Tashkand to meet him and he told Babar about Ayodhya and said that he has whisked away Pathans from Ayodhya. Except this, there is nothing about Ayodhya in Babarnama. Baveridge's translation of Babarnama is considered more authentic and I also consider so. In my statement I have stated that in Babarnama there is only one reference of Ayodhya (Avadh) but the correct position is that in Baveridge's translation of Babarnama there are several references of Ayodhya I saw some books written before 1815, names of which have been mentioned by me above. Besides, those; I might have seen some more books but I cannot tell their title. Mainly I have read the above mentioned books written before 1815. I have read Hindu Dharam Shashtras written about Ayodhya before 1815.

Question. Please give details of books of Hindu Shashtras written before 1815 which you have read?

Answer. I have seen entire digest of Bhatt Laxmidhar which is in 8 Volumes. Besides, I have seen material relating to Hindu Pilgrimage. Except, this I have not seen any book or material relating to Hindu Dharam Shastras.

In Tirth Vivechan Kand excepting Guptar Ghat, there is no mention of any other place about Ayodhya. About the

other material relating to Hindu Shastras I have mentioned that I do not remember such material About Ayodhya, 1st material relating to the Archaeology is in the report of Cunnmgham. The second report is by Feurer which is possibly of 1891. He was Director of Archaeological Survey of India and was an English Officer. In this report there is repetition of report of Cunningham. In this report Masjid opposite to Swarg Dwar which is said to have been built by Aurangzeb and One another Masjid built near Thakur of Treta and said to have been built by Aurangzeb have been mentioned. One epigraph has also been mentioned which is said to be of the time of Jai Chand. There is another report of A.K. Narain which was perhaps published in 1964. This report mentions about pottery of Ayodhya. He has expressed opinion that Ayodhya might have been an urban settlement in 4th or 5th Century. Shri A.K. Narain was professor of Department of history and Archaeology in Banaras Hindu University. After A.K. Narain, there is report of Shri B.B. Lal about Ayodhya. He has also spoken about Ayodhya being an Urban settlement. He has also said that Ayodhya is the same place which is mentioned in Ramayan of Balmiki. In this report nothing has been said about disputed structure. The report of Shii B.B. Lal was published in 1975 in Archaeology. Shri BR Lal was working in Archaeological survey of India at this time. After this another report of Shri Mandal was published about Ayodhya. This was published in 1993: Shri Mandal was Reader in the Deptt. of Archaeology and Asian History in Allahabad University. Shri Mandal agrees with the opinion expressed in the earlier reports on the point that Urban Settlement of Ayodhya might have been done in 4th or 5th Century but he does not agree on the point that there was temple where the disputed structure existed. Besides, one more report is said to be in the name of Lal Sahib. But I have not seen that report perhaps the report is of 1982 or 1983. Except

the above mentioned reports, no other report about Ayodhya is in my knowledge. I wrote my book after I had studied all the above mentioned reports except the report of Shri Mandal. I have not expressed my disagreement in my book with the above mentioned reports relating to Archaeology. Only at one place I have stated where Prof M.C. Joshi has commented on the report of Lal Sahib Prof. M.C. Joshi was employed in Archaeological Survey of India. Presently he is Director in Indira Gandhi Central Art and crafts. Prof M.C. Joshi believes, that this can not be the same Ayodhya which has been described by Balmiki in his Ramayan. He has said this in a journal of Archaeology. This statement was refuted by Shri B.B.Lal which was published in "Puratatva" Shri M.C. Joshi again refuted the opinion of Sh. B.B. Lal and he quoted Prof Sankaliya, Dr. M.C. Joshi refuted the report of Shri B.B. Lal as soon as it was published in 1979. In my book I have not expressed my disagreement with any of the above mentioned reports related to Archaeology. The opinion of Shri M.C. Joshi was published in the form of an article. Prof M.C. Joshi wrote counter to the report of B.B. Lal. This was not a report.

First mention of Ayodhya is found with reference to Ikshvaku dynasty. Perhaps, this is mentioned in Puran or Upnishad. In the Ikshvaku dynasty, there is mention of Dashrath. Dashrath of Ikshvaku dynasty was a king but king Dasbrath was not concerned with Ayodhya. I cannot tell where king Dashrath ruled. The Kings of Ikshvaku dynasty ruled over vast area which included Ayodhya also. I cannot tell the period of Ikshvaku dynasty. They were before the period of Christ. I cannot tell the area covered under the empire of Ikshvaku dynasty. I cannot tell where was the Supreme Centre of the empire of the kings of Ikshvaku dynasty. I cannot tell the names of kings of Ikshvaku dynasty.

In the history of Ayodhya, after this we come to know about Gupta dynasty. Ayodhya was included in the area under the rule of Gupta dynasty. Chandergupta Vikramaditya had been a king in Gupta period.

The Gupta Kings were worshippers of Vishnu. They were Hindus. They were not devotees of Ram and Krishna. They were even not devotees of Shiva. Gupta period is called Golden period, Samudra Gupta was also king of Gupta period. One king of this dynasty constructed chain of temples in India. Most of these temples were of Vishnu and Surya. I do not know whether kings of Gupta period constructed any temple in Ayodhya.

After Gupta period, Ayodhya came under rulers of Kannauj. Harsh Vardhan was the most important ruler of Kannauj. When Hieun Sang came to India Harshvardhan ruled over Ayodhya. Harshvardhan was Hindu and devotee of Vishnu and follower of Budha religion also. After Harsh Vardhan, there was dark period in history and it is not known that after Harshvardhan who ruled over Ayodhya. After that history of Ayodhya again came to be known from the period of Ghaznavi. From 1075 or 1080, the history of Ayodhya again came to be known. At that time perhaps there was rule of Rashtrakoots who can be believed to be Hindus. They were Shaiva. Between 1080 and 1100 AD, there was some control of Sayeed Salar Masood over Ayodhya and after that Rashtrakoot again came to rule from 1100 AD to 1180, over Ayodhya. After 1180, Mohd Gouri attacked India and Control of Delhi Sultanate Began, Delhi Sultanate means, the rulers who ruled Delhi or had come from Turkey or were related. In 1190 Delhi Sultanate appointed a Governor in Ayodhya. I cannot tell who was Sultan of Delhi in 1190. I cannot tell who was appointed

Governor in Ayodhya in 1190, for how long he remained Governor or who succeeded him. The Governor appointed in Ayodhya in 1190, perhaps remained in the office upto 1210.

After Slave dynasty, Khilji dynasty came in Ayodhya and Ayodhya remained under the rule of Khilji Dynasty. After Khilji, Tughlak dynasty ruled over Delhi and Ayodhya also remained under the rule of Tughlak Dynasty. After Tughlak dynasty Lodi dynasty came to rule over Delhi. I cannot tell when Lodi rule began. Lodis were Pathans. They were Muslims and followers of Islam. After Lodis, Delhi came under the rule of Mughals. The mughal ruled over Delhi from 1526 to 1856. Ayodhya remained under Mughal rule from 1527-28 to 1534. After that Ayodhya again came under Mughal rule and Mughal rule continued till 1765. From 1200 AD to 1765 AD Ayodhya continuously remained under Muslim rules. During the rule of Aurangzeb no temple was demolished in Ayodhya. Aurangzeb demolished some temples in India. Aurangzeb demolished one temple situated near Kashi Vishvanath Mandir and I do not remember the other temples which were demolished. It is incorrect to say that in Ayodhya, Aurangzeb converted some temples into Masjids. It is incorrect that Aurangzeb demolished any temple in Ayodhya or converted any temple into Masjid. What I have written in 11 and 12 line on page 22 of my book is correct and my above statement that Aurangzeb did not convert any temple into Masjid is also correct. The counsel has filed photo copy of page 22 of my book which is true copy and I am appending my signatures on it. During 1200 AD to 1765, rulers of Delhi have demolished temples but I cannot tell their names and details.

After 1765, nawabs of Avadh ruled Ayodhya. From 1790, nawabs of Avadh ruled over Ayodhya from Lucknow. This rule continued till 1856. Nawabs of Avadh were also Muslims. After 1856, Ayodhya remained under British Govt.

Verified the statement after hearing

Sd/-

Sushil Srivastava

20.8.99

Typed by the stenographer in the open court as dictated by us. In continuation of this, cross examination on 21.9.99. Witness is directed to appear before the court at 10 a.m. On 21.9.99

Sd/-

20.8.99

Dated : 21.9.99

In Continuation of 20.8.99 statement of Shri Sushil Kumar Srivastav (PW-15) on oath.

I have not expressed my opinion in my book whether present Ayodhya is ancient Ayodhya or not. My conclusion is that Babar had never come to Ayodhya. My conclusion is also that the disputed structure could be prior to 1528. I also conclude that Babar had never demolished any temple on the disputed site or built any Masjid on the disputed site. To my knowledge Babar had not demolished any temple in India. Mandir means Hindu, Jain or Bauddha Temple.

The basis of my conclusion that Babar never came to Ayodhya is that the route which Babar was following in 1528, did not cover Ayodhya. The basis of the route of Babar is Babarnama. This basis is of the translation of Babarnama done by Baveridge. I have gone through the full translation of Babarnama done by Baveridge. Seeing the translation of Babarnama, he said that by A U D, Baveridge meant Avadh. Photo copy of page 401 and 402 of translation of Baveridge is before me. This photo copy is true copy. I am appending my signatures on these two pages. Photo copy of Babarnama written in Turkish is enclosed. I cannot express any opinion on the copy in Turkish. These are copies of Turkish Tujeki Babri. William M. Thaekston has done translation, edition and annotation of Babarnama. He has done this translation of Babarnama from Turkish. In this Translation "Avadh" is written which spells "O U D H". According to this book on 28 March 1528 (Saturday) Babar had camped at a distance of 2-3 Kms from Avadh. This place was on the confluence of Gogra and Saryu River. The above fact is mentioned in this book. In Baveridge's translation Avadh is shown as A U D. William M. Thaekston in his book has shown Avadh as OUDH.

According to translation of Baveridge, Babar camped on confluence of Gogra and Sirda Rivers at a distance of 2-3 Kms. on 28th March 1528-Saturday. This confluence is in Avadh. Baveridge in her translation has mentioned the River as "Sird" which is written as "Sirda" after adding "A". Thaeckston has written this River as "Saryu" in his translation. I cannot say whether Babar has used Avadh and Saryu in his Babarnama which is in Turkish. These things have been mentioned in the diary of 21 March and 28 March. The area of Ayodhya falls in Avadh. It is correct that in 1528 when Ghagra River reached Ayodhya it was named as Saryu. This Saryu flowed near Ram Kot (Ayodhya). In my opinion Bavendge's reference of Sirda River is related to Sharda River and not to Saryu. Gogra River means Ghagra River.

The confluence of Sharda River and Ghagra River is at a distance of 75 KMS North of Ayodhya. That place at present falls either in Gonda District or in Baharaich District. I cannot tell about the source of Sharda River. I also can not tell the route of Sharda River. It is incorrect to say that Sharda River never flowed in areas of Gonda, Baharaich, Faizabad, Ayodhya, nor it is flowing now. Sharda River flows in North of Avadh but I cannot tell through which area it flows. Sharda River flows in Baharaich Distt. Sharda River comes from the side of Nepal and emerges in Ghagra in Baharaich. I have not shown Ghagra River in the plan given in my book. Before Baveridge, Ladene had translated Babarnama but these people were not aware of Geographical position of Avadh, therefore, they did not know that the Ghagra River flowing from Ayodhya is called Saryu and by mistake they read Sirda River as Sirva and took Sirva as Saryu. It is correct that while translating Babarnama, Ladene made some mistakes in reading original Babarnama.

In my opinion, the translation of Baveridge is more correct on the point of geographical position as compared to that of Ladene i.e. in my opinion about Sharda and Saryu River the translation of Baveridge is more correct. The reasons for this mistake on the part of Ladene is that in the South of Ayodhya, at a distance of 16 K.Ms Nauka Ghat was situated and he has taken this as a River. Baveridge has kept the Geographical position in her mind. She has mentioned Gagra River as Ghagra River and Sharda River as Sirda River. The Nauka Ghat was at the Ghagra River.

In the diary of 28th March, in Babarnama, there is reference of Ghagra and Sirda. This confluence is near district Bahraich. It is correct that the diary of Babarnama is written from 20th March to 23rd April but after 2nd April and upto 17th September, the leaves of the diary are missing. This is correct that Babar had come to the area of Avadh.

The first translation of Babarnama was done by Leydene in English. This translation was perhaps published in 1816. Perhaps Leydene died after 1812, therefore, this book was written prior to this. Leydene translated the Babarnama from the Persian Book of Khan Khana. William Erskine also translated Babarnama into English which is different from the translation of Leydene i.e. these two are separate ones. It is correct that these two translations were published separately. I have read the translation of Leydene. I have also read the translation of Erskine. Erskine's translation was perhaps published in 1854. It is incorrect to say that I have not read these two books. Perhaps the title of the translation of Leydene is "Memoirs of Babar". I do not remember the name of the book of Erskine. It is incorrect to say that the book written by

Leydene has not yet been published. It is incorrect to say that Leydene could not complete his book and after his death Erskine completed his work and got the book published. It is incorrect to say that this book was published for the first time in 1826 in the name of Leydene and Erskine. It is incorrect to say that the books of Leydene and Erskine were not published separately but it is correct that their books were published separately. A Book has been published on Leydene and Erskine but no such book has been published which was written by both i.e. no book jointly written by them has been published. I have not seen "memoirs of Jahiruddin Mohd Babar Emperor of Hindustan" which is said to have been translated by Leydene and Erskine i.e. I have not seen the book said to have been published in 1826.

Question. Have you read the book "Memoirs of Jahiruddin Mohd Babar Emperor of Hindustan" which was translated by Leydene, Erskine and was published in 1826-a photo copy of which I am filling here?

Answer. I have not read such a book, Shri Jain, learned counsel filed photo copy of one page of this book. He has filed photocopies of page 1 and 2. I have not read or seen the book "Persian Literature" by C.A. Storey. It is incorrect to say that except the book said to have been published in 1826 in the name of Leydene and Erskine no other book written by Leydene and Erskine jointly or separately has been published. I have seen and read Akbarnama and Ain-e-Akbari. Both these books were originally written in Persian. These books were perhaps written in 1565 or near about. It is also possible that these books might

have been written in 1598. I have read English Translation of both these books. Both these books have been written by Abul Fazal. Translation of Ain-e-Akbari has been done by Col. H.S. Cherit also. The second edition of this book has been revised by Yadu Nath Sirkar. I have read the translation of Aaene-Akban which was done by Henry Breveridge. The Photo copy of the first page of this book filed by the learned counsel is the true copy and I am appending my signature on it. Ain-e-Akbari mentions about the measurement of the land of Ayodhya and Faizabad which I do not recollect. There is also mention of Revenue Return. After the attack of Babar i.e. after 1526, Ain-e-Akbari and Akbarnama are the first books in which there is description of Ayodhya and Avadh. In Akbarnama too, there is mention of River Saryu I cannot tell whether between 1526 and 1598, there is any other book or not about Ayodhya or Faizabad and Avadh and Saryu. In both the Books written by Abul Fazal every thing has been mentioned in an impartial way. The Geographical position of Ayodhya, Faizabad and Saryu as shown in these two books is correct according to that period and this can be taken as authentic. I do not remember the Geographical position of Ayodhya mentioned in Ain-e-Akbari. I cannot say that according to Ain-e-Akbari Saryu River flowed under Ram Kot. This has not been mentioned in Aaen-e-Akban that the birth place of Rama is Ayodhya and millions of people take bath in Saryu River. This has been mentioned in Akbarnama that people believe that Lord Rama was born in Ayodhya and this town is known

because of Lord Rama. The Ram Kot fort is related to Lord Rama.

In Ain-e-Akbari Saryu River has been mentioned as "Saru" River. In Ain-e-Akbari there is one Chapter, "Suba Avadh". In this Chapter it has been mentioned that the length of Suba Avadh is from Gorakhpur to Kannauj which is 135 Kos. And from Allahabad to Ghazipur. Again said it is from Allahabad to Sidhpur and there are Mountains in north, Bihar in east, Manikpur in south and Kannauj in west. There are many Rivers in this area, Saryu, Ghagra, Sayil, Godi (Gomti). All these are streams (Rivers) of Avadh. In this book which is translated by Jerri, there is no mention of Sharda in Avadh. I do not remember if in any translation of Ain-e-Akbari there is mention about Sharda in the area of Avadh.

According to Renal's book, there is mention of Sharda River in Ain-e-Akbari. Page 182 of Jerri's book reads that Ayodhya is one of the biggest towns of India, and people have been residing here from ancient times and its length is 148 Kos and Breadth is 36Kos. Around the town people got gold from digging the soil. Lord Rama had been here who established spiritual heights in Tretayug and ruled here. Learned counsel filed photo copy of page 182 which is signed by the witness. This is also mentioned on this page that when the Ghagra River joins sai and flows under the fort it is called Saryu. On page 182 of this Book it is mentioned that Behraich is a big town which is situated on the Bank of River Saryu. According to Aaen-e-Akban Ghagra and Saryu are not two Rivers but one which is correct according to me also. It is correct that from Ain-e-Akbari it is proved that Saryu flows near Ram Kot. This Ram Kot is in Ayodhya. Prior to 1526 also there is mention of Ayodhya and Avadh area in some books. Alberuni has

written one book which was written in 12th or 13th Century. He was contemporary to Mahmood Ghajnavi. Alberuni's book has been translated by Sachau which according to this book was published for the first time in 1910. Alberuni wrote his book in Arabic. Ayodhya has been mentioned as 'Ajodha' in this book (on page 200) name of this book is "Alberuni of India translated by Sachau". On page 102-103 of this book, it is mentioned that Mohd Ghaznavi broke the idol of the Som Nath Temple. This has also been mentioned in this book (page 104) that in South West of Sindh, this idol is placed, where Hindus come to offer Pooja and houses are also built there. Som Nath is most famous of them. Every day a pitcher containing Gange's water and flowers in a bucket were brought here and offered. First translation of Babarnama was done by Abdul Rahim Khan Khana from Turkish into Persian. I cannot say whether this translation was done in 1589 or not. This translation was done during the time of Akbar but I cannot tell its time. The period of Akbar was from 1556 to 1605 and this translation was done during this period. This Persian translation was also translated into English. Babamama which is in Turkish was translated into Persian by Abdul Rahim Khan Khana, and the original copy of the translation is perhaps in England. I read its English translation done by Leydene. Leydene translated this from the manuscript of Abdul Rahim Khan Khana which was in Persian. In this translation Leydene has mentioned Saryu River as Sirwa River. I cannot tell what has been written about Gogra and Saru on page 333 of the book "Memoirs of Jahiruddin Mohd Babar, Emperor of Hindustan" because I have not read this book. The learned counsel has filed the photo copy of page 333 of this book. In Ain-e-Akbari there is detailed description about Ayodhya but nothing has been mentioned about Ayodhya in the Babamama, only military activities have been mentioned. There is no mention of Saryu River in

Babarnama but in Ain-e-Akbari there is reference of Saryu. In Babarnama there is no mention about Ram Kot but Akbarnama mentions about Ram Kot.

I have seen the book Mirate Masoodi but I have not read this. This book was written in 17 Century. This book is in Persian. I cannot tell the name of the author. I cannot tell in which year this book was written. I have read the English translation of the book of Ibn Batuta which is in Persian. It is correct that the book of Ibn Batuta is in Arabic and not in Persian. I have read about the book Mirate Masoodi but I have not read this book or its English translation. I have read the English Translation of Ibn Batuta which was done by Mehendi Hasan. I have read references of Mirate Masoodi. By reference- I mean I have read about this in some other book. I have read its reference in the book of Eliot and in the Gazetteer of Avadh. I cannot tell whether Mirate Masoodi has been published till now or not. I cannot tell whether it has been translated into English or not. In footnote 22 on page 95 of my book I have mentioned that in Mirate Masoodi this area has been stated as Avadh. I have stated so on the basis of the reference given in the Gazetteer. The learned counsel has filed the photocopy of page 95 and it is true copy of page 95 on which I have appended my signatures. I think in Mirate Masoodi, Saryu River has not been referred. In Mirate Masoodi word "Audh" is written and "Avadh" is not mentioned. I do not know whether Leydene died in the year 1811. It is correct to say that on page 72 of my book I have mentioned that what Leydene has written in the translation of memoirs of Babar in 1813 is incorrect because Leydene had died in 1811 as is being said by the learned counsel but it is wrong. I mean that Leydene had completed his translation by 1811 and the book had been published by 1819, therefore, his view became prevalent in 1813. By the word " SAID" I mean the

Leydene said or wrote in 1813. The literal meaning of the word "SAID" is "Kaha" but while writing we people also use the word "said". By we people I mean historians and scholars.

Question. On page 72 you have written that Leydene in his translation of 1813 has said the above.

Answer. This is correct.

Question. When Leydene had died in 1811 how could he write this in his translation in 1813.

Answer. I do not know when Leydene died. I even do not know whether Leydene died in 1811 or not. By this line I mean that in 1813, the view of Leydene had become prevalent.

In the preface of Babarnama translated by William Ekston it is mentioned that Leydene died in 1811. It has not been mentioned any where in this book that at the time of death of Leydene this book was incomplete or Leyden's book was incomplete. In this it is mentioned that Erskine Sahib completed the book of Leydene Sahib in 1816. On the same page of this book it is mentioned that Erskine published his book in 1826. It is incorrect to say that if the above statement is correct then whatever I have stated on page 72 & 73 of my book is wrong. It is correct that when the book of Leydene was being written, the British made a beginning of the dispute about Babri Masjid Ayodhya Ram Janam Bhoomi. In my view it is incorrect to say that there was awakening among Hindus about the Ram Janam Bhoomi. The Hindus started agitation in 1985 for acquiring Ram Janam Bhoomi at this time. It is correct that in some sections of the Hindu Society the Hindus started refuting the existence of Muslims on Ram Janam Bhoomi i.e. the

disputed structure. In 1949, there was local agitation by the Hindus but the main dispute was raised by the Hindus in 1985. Prior to 1949 there was no dispute and thereafter the main dispute started after 1985. There was no dispute in between.

Verified the statement after hearing

Sd/-

Sushil Srivastav

21.9.99.

Typed by the Stenographer in the open court as dictated by us. In continuation for further cross-examination on 22.9.99 .Witness be present.

Sd/-

21.9.99

Dated 22.9.99

(In continuation of 2 1.9.99 Statement of Shri Sushil Kumar Srivastav (PW-15) on oath.

Baveridge has nowhere used "Saru" in her book. She has used Sarju. I can tell where he has used word "Sarju" only after reading the book. It is incorrect to say that I am deliberately making a wrong statement that Baveridge has not used the word "Saryu" for Saru in her book. It is also wrong to say that I am twisting the facts. After seeing page No.667 of the Book of Baveridge the witness said that on this page "Saryu" has been used. In the word a line is drawn "U" and in the letter R big U is used. Similarly on pages 668, 671, 675, 677,679, and 682 also "Saru" has been used.

On page 112 of my book, I have referred those books, which I had studied in connection with my research. On item 13 John Leydene translation Memories of Jahiruddin, Babar Emperor of Hindustan 1921, page 333 is mentioned. On item No.13, the book mentioned is not the book, photocopy of two pages of which were filed by the learned counsel yesterday. Its name is "Memoirs of Jahiruddin Mohd Babar Emperor of Hindustan" This was published in 1921. I have neither studied nor seen the book referred to by the learned counsel above.

(The witness gave this Answer after seeing page 112 of his book).

The attention of the witness was drawn to page 92 of his book. After seeing it, the witness said that on A of item 6A it is stated that the best translation are three (a) that of Erskine and Leydene 1826.

I have read and seen this book. The book mentioned against this item is not the same book photocopy of which was filed yesterday by the Ld. Counsel. The attention of the witness was drawn to both sides of the photocopy filed by the counsel. The title of the book was Memoirs of Jahiruddin Babar-Emperor of Hindustan. This book was translated by John Leydene and William Erskine in 1821 and was published in 1826. The witness said that it is not the book he had studied and referred by him on page 92 of his book. The name and title of the book which he studied and he referred to in his book is same but that book was different. I have referred to page No. 333 of the book of Leydene on page 112, footnote 13 of my book. The photocopy of page 333 filed by the counsel and shown to me contains true facts but I cannot say whether this photocopy is of the same book of Leydene, which I have read and referred to in my book. On page 101 of my book, I have written that Leydene in 1819 again translated the memoris of Babar from which it appears that Babar had visited Ayodhya, I have shown this in item No. 13 on page 112. On page 101 of my book I have mentioned, "Again it was in 1819 that Leydene translated the memoirs of Babar in English and suggested that Babar had gone Ayodhya". This does not mean that Leydene again translated the memoirs of Babar into English in 1819 or rendered any other translation. From this sentence I mean that in 1819 this had become prevalent that Babar had gone Ayodhya and Leydene mentioned this in his book. Again said that I mean that what Leydene had written in his book had become prevalent in 1819. The Ld. Counsel drew the attention of the witness to page No. 101 of the book and asked what the following lines mean in Hindi.

"In 1826 Erskine, another historian and translator of Babar's memoirs, contended that he had found a document

that showed that Babar had stayed in Ayodhya for more than ten days”.

The witness read out and stated that it means” In 1826, Erskine an another historian and translator of Memoirs of Babar Erskine said that he has got into his hands a document which shows that Babar stayed in Ayodhya for more than 10 days”. I have shown this in my book on page 112 footnote 14. In what I have stated above it is correct that Mr. William Erskine referred by me was a person different from Leydene who translated the memoirs of Babar.

“Wakyate-A-Babri” was written by Abdul Rahim Khan Khana in Persian which is the translation of the diary of Babar. It is correct that Leydene and Erskine have translated Wakyat-A Babri from Persian. I do not know in which year Wakyat-A Babri was written. This book was written during Akbar’s time. I do not know whether the manuscript of Wakyate-A Babri is available in National Museum Janpath, Delhi or not. I do not know that its manuscript No. is 50.366 or not. The learned counsel showed page 333 of the book of Leydene and Erskine to the witness. The witness saw this and said I cannot say whether this one is a photo copy of the book which I have mentioned or not. In my book on page no. 112, footnote 14 page No. 670 of Bavendge’s book” Babarnama has been referred to. This is 1922 edition. On this page Baveridge has challenged the document of Erskine on the basis of which Erskine has come to the conclusion that Babar had stayed in Ayodhya. In the same footnote I have referred to page 420. This reference is of page 420 of Baveridge’s edition of 1922. It is incorrect that I have given the list of books referred by me in my book on pages No. 139-142 of my book.

On pages 139-142 of my book I have given the details of books which I had read but it is not necessary that this list includes the names of all the books referred by me. It is possible that I might not have read the other books besides the list which I have referred to in my-book. On page 139 of my book I mentioned about the book of Leydene which was published in 1819 and I have read this book. On page 92 of my book. I have referred to the translation of Erskine and Leydene of 1826. I have not read this translation. The learned counsel drew the attention of the witness to page 28 of his book. After reading this, the witness said "In 1st para it is seen that in the 1st half of 19 Century, in the articles of English officers we find for the 1st time that Mughal Emperors demolished the places of worship of the Hindus situated in Ayodhya. The witness again said that prior to 1800 AD no incident had come to light that the Mughal demolished any place of worship of the Hindus by first half of 19 Century I mean the period from 1801 to 1850". Before 1801, it was not seen in any account of any historian, in the articles of Indian and foreign visitors, that the Mughal Emperors demolished the temples of Hindus situated in Ayodhya or temples of Lord Rama. In those accounts and articles this is not seen that before 1800 AD the Hindus gathered in any temple of Lord Rama in Ayodhya and offered Pooja. There is also no such account that the Hindus gathered in any temple of Rama and offered Pooja.

Before 1800 AD we find an account that the Hindus gathered in Ram Kot and worshipped Lord Rama. It is correct that the disputed site comes within the area of Ram Kot and was earlier also. I have heard the name of Austrian priest Typhen Threller. I cannot tell whether he wrote a book in Latin in 1783 under the title "Geography of India" or

not. I cannot even tell whether he remained in India from 1766 to 1771 but I know that this priest had come to India in the end of 18 Century. I cannot tell whether this book has been translated from Latin into French. I cannot say whether this book has been translated into English. The attention of the witness was drawn to paper No. 107-C-1/96, on seeing which the witness said, "I cannot say whether this English translation is of this book because I have not seen the book. It is correct that I have neither seen nor read the account of any Austrian or French travellers and historians. Besides British historian, I have seen the accounts of other historians i.e. Portuguese, Dutch etc".

Besides Portuguese and Dutch travellers, I have read accounts of Arab and Chinese travellers also. Except these I do not remember to have read account of others. In my book I have referred to the accounts of British, Chinese and Arab Travellers. I have not referred to any other account in my book. Similarly the historians whose accounts I have referred to include English, Dutch, French, Arab and Indian Historians. Besides these, I do not remember the name of any historian of any other country whose account I have referred to in my book I have referred to two Chinese Travellers i.e. Fahian and Hieun Sang. Perhaps Fahian came to India in the third Century and Hieun Sang came in 7th Century. I have read the translation of accounts of Hieun Sang and Fahian done by Cunningham and LO. I have mentioned in my book the accounts of Arab Travellers which I have read I have not referred to any other Arab Traveller except Ibne Batuta. Perhaps Ibne Batuta had come to India in 11th or 12th Century. I have read "Arab Accounts of India" translated by Mehendi Hasan. I have not read the book of Dutch historian but I have read the book of a writer who is said to be a religious Historian or Historian of religion. The name of that book is "Ayodhya" In my book

there is reference of a Dutch historian whose name is Peter Fan De Fare. At present I do not recollect the name of his book. I have not referred to any French historian in my book, I have referred to only one French whose name I do not remember. He has translated the diary of Babar in French. Besides these, the names of books of Indian and English Historians referred by me in my book have been given in the last pages i.e. pages 139 to 142 of my book. The name of the Arab Historian referred to in my book is Ibne Batuta. Ibne Batuta was a historian and he has written accounts also. Mehendi Hasan told me the name of book of Ibne Batuta. I do not remember the name of that book. Mehendi Hasan has given description of visits of several Arab Travellers including Ibne Batuta. I have not read the book of Ibne Batuta or its translation. I have referred to William Finch on page 28 of my book, who was a traveller. William Finch accounts of his visits has mentioned about Ayodhya, therefore, I have referred to him on page 28 in my book. Travelling accounts of William Finch have been referred to by Akiot in the beginning of 18 Century. This account might have been written in between 1701-1720. In Forster' s Book there is reference of William Finch, on the basis of which I have mentioned about Ayodhya. The book of William Foster was written around 1921. Whatever I have written in reference of William Foster, William Finch, I accept that and I agree with that. I do not know that daughter of Bahadur Shah (First) has written a book in Persian. The name of this book is Saheefa-E-Chihil Hasai (Forty counsel). I do not know that Forty exhortations have been given to Muslims in this book. I even do not know that this book was written in 1708. I do not know that this book was published by Mirja Jahan in Lucknow in 1856.

I have to say that 40 exhortations have been given in this book out of which one exhortation is that, the Muslims

must say prayers in the Masjid which has been raised by demolishing the temple and it is justified to say prayers there such as Sita Rasoi Masjid, Hanuman Garhi in Ayodhya, Mathura and Varanasi (Shri Jilani opposition counsel raised objection to this question because the witness has stated that he has neither seen the book nor he has read it). In our view the witness has said that he has neither seen the book nor has he read it, therefore, it is useless to put any question about this. The objection is justified and witness cannot be compelled to answer this question. I have not read Tawarike Avadh written by Kamaluddin Hedar Hussaini in 1879 referred to at page 32 item No. 21 in my book, but I know about that. It is written in Urdu. I do not know about its English translation.

Question. There had been one Judge Hafidulullah who wrote a report in 1825-26, which has been published in Twarike Avadh. The Judge has written in his report that there was a dispute between Hindus and Muslims over the disputed site. Investigations have been made and it was found that the Masjid has been raised after demolishing the temple.

Answer. I have no knowledge whether this is so mentioned in Twarike Avadh or not. The book is also not before me.

I do not know whether there is mention of Ayodhya in the Skandh Puran or not but in Ramayan of Balmiki there is mention of Ayodhya. I will not be able to tell in which year Balmiki Ramayan was written. I will not be able to tell that Balmiki Ramayan was written more than two thousand years ago or it was written later. I had not read Balmiki Ramayan before I wrote my book but I have mentioned about it. It is correct that there is mention of Ayodhya, Saryu and Lord Rama in the Ramayan of Balmiki. According to Balmiki Ramayan, Lord Rama was born in Ayodhya.

Ayodhya Mahatmaya is not a part of Skandh Puran but it is different Book. Ayodhya Mahatmaya is about three hundred year old. I do not remember whether Swami Ramanand was in the 14th Centuiy but I know that he was during the period of Sultanate. Sultanate period was from 1200 AD to 1526 AD. Swami Ramanand was during this period. It is correct that Swami Ramandand was devotee of Lord Rama. It is incorrect to say that Guru Nanak Dev was his disciple. It is correct that Swami Ramanand propagated about devotion to Lord Rama during his time. It is correct that people became followers of Lord Rama in large number. In chapter 4 of my book I have described the historical Sketch of Ayodhya. In this chapter, I have discussed the dispute whether mythological Ayodhya and present Ayodhya are one or they are distinct places. On page 54 of my book I have not expressed my opinion but I have stated that Saryu River which finds mention in the Vedic Literature is possibly in Punjab. I have mentioned so on the basis of the book of Hans Baker. In this Chapter I have referred to the book of Hans Baker Published in 1987. The dispute that the present Ayodhya is not that Ayodhya which is described in Vedas had been from quite early and from the time of Cunningham. Period of Cunningham is 1860 onward. I do not know whether prior to 1860, there was any dispute in books about Vedic Ayodhya and Present Ayodhya or not. In my opinion before 1860, there was no such dispute about Ayodhya i.e. there was no dispute about the geographical position of Ayodhya. Before 1860, Ayodhya described in Balmiki Ramayan and present Ayodhya were believed to be same. It is correct that from old times Ayodhya was known as Avadh also. By old times I mean other writers have used the word Avadh as synonym of Ayodhya. The Muslim historians have also done so.

I do not remember but in my view Babar in his Babarnama has not mentioned that he demolished temples

in India. The counsel showed him Babarnama translated by William M-Thachston and inviting his attention to page 406 of this book asked him that Babar had written in his diary that he ordered Hindu Temple to be demolished in Rajasthan. After reading this page, the witness said that it is so mentioned in this book that Babar ordered to demolish the idol erected on the hill but there is no mention about demolishing of any temple in this book. In my view breaking of idol and breaking of temple are two different things. To break idol does not mean to demolish religious temple. Baveridge has also mentioned on pages 611-612 in her book that Babar ordered to demolish the idol. This refers to leaf of his diary of 28th September 1528. It is correct that there are historical proofs that of the Mughal Emperors only Aurangzeb demolished some temples. It is correct that Aurangzeb demolished the Kashi Temple near Vishwanath temple. I do not know whether he demolished temple in Mathura or not. Aurangzeb did not demolish any temple in Ayodhya. I have not found any proof or evidence that Babar demolished any temple but there is proof and evidence about breaking of obscene idols. By obscene idols I mean naked idols. I do not remember the place where that naked idols were demolished but there is one place in Gwalior. The Turkish invaders demolished Hindu Temples in India and they made Islamic principles the base of it, and I cannot tell for which temples these principles were applied. The Turkish invaders were Turkish Tribal Muslims.

Verified the statement after hearing

Sd/-

Sushil Srivastava

22.9.1999

Typed by the Stenographer in the open Court as dictated by me. In continuation for further cross examination on 23.9.99. Witness be present.

Sd/-

22.9.1999

Dated :23.9.99

In continuation of 22.9.99 Statement of Shri Sushi! Kiimar Srivastav (PW-15) on oath.

Timur Lung was of Mongol Community. He was from Central Asia. I cannot say whether he belonged to Turk Community or not. According to historians Timur Lung was tribalman. Babar belonged to the family of Timur Lung. I do not know to which area mother of Timur belonged. I do not remember whether Timur Lung invaded India in 1398 or not. It is correct that Timur lung invaded India, but in which Century he invaded I do not remember. Timur Lung indulged in looting but there is no proof about his lootings in temples. The attention of the witness was invited to page 67 of his book wherein it is mentioned that some Muslim rulers demolished the Hindu Temples and this practice continued. The witness said that it is correct. This is also mentioned that this practice mostly continued till the time of Turkish Sultans. The Muslim rulers who demolished Hindu Temples are Mohd Gouri, Mohd Ghazni and in the beginning some Turkish Sultans continued this practice, but I do not remember their names. Among Turkish Sultans are Qutubuddin Aibak, Razia Sultan, Iltutmush Kubecha, Gyasuddin Balban, Jalaluddin Khilji. Among these, only Qutubuddin Aibak demolished the temple but I cannot tell whether others demolished the temples or not. I take Muslim rulers and Turkish Rulers as one, but only Turkish rulers are called sultans and other Muslim Rulers are called Mughals. Mughal rule begins from Babar. Babar is called Mughal ruler because he was Mangol. With him, this family continued. Babar can be taken in the category of Turkish rulers. On page 67 of my book, I have mentioned that subsequently the Muslim rulers demolished the Hindu temples. Again said that the Muslim rulers demolished the Hindu temples to enhance their prestige.

By subsequent rulers I mean the rulers after Ghazni, these include Qutubuddin Aibak and others. Balban and Khilji Rulers are among them. The attention of the witness was drawn to the last para on page 67 his book. The witness saw this and said," I have written that the subsequent Muslim rulers also demolished the temples because they had become the Centres of illegal activities. It is correct that some subsequent rulers demolished the temples which means Mughals. Among Muslim Emperors there is only one name i.e. Aurangzeb who demolished the temples".

Question. The attention of the witness was drawn to pages 67 and 68 of his book wherein he has mentioned that some subsequent Muslim Rulers demolished the temples. What do you mean by rulers

Answer. By this I mean that among subsequent Muslim rulers Aurangzeb demolished the temples.

Question. You have used the word rulers (Kings) which is plural which means several kings.

Answer. This sentence should be taken in the context of full paragraph. In this paragraph I have made three categories of rulers who demolished the temples and I have assigned reasons also for demolishing the temples, for this reason plural has been used for singular. As I am talking category-wise even plural means singular.

In this para, I have mentioned about the temples demolished. Therefore, I have mentioned them in plural. I do not mean only one temple. Aurangzeb demolished more than one temple, it is correct. I cannot tell which temples

were demolished by Aurangzeb. In this para I have mentioned that the subsequent chain of Muslim rulers demolished the temples because they had become the Centres of illegal activities. It is correct that I have mentioned here the reason for demolishing the temple. I can not tell the reason given by me for demolishing the temples are justified or not. The temples which were demolished on the ground that they had become the Centres of illegal activities include one at Varanasi, near Kanshi Vishwanth temple and the other in Gujarat. I cannot tell the name of or place of the temple in Gujarat. I have no knowledge about the other temples which might have remained the Centres of illegal activities. By illegal activities I mean the activities against the law. About the illegal activities in the temple of Varanasi my information was that the Priests of temple kidnapped the wives of Rajputs and confined them in the basement of the temple. I cannot tell about the illegal activities of Gujrat Temple. The proof of illegal activities in the temple of Varanasi are seen in the book of B.N. Pandey. Shri B.N. Pandey had been Governor of Orissa. I have not referred to the book of Shri B.N. Pandey in my book. B.N. Pandey has not wrtten any book. I have not told about the illegal activities of the temple of Varanasi on the basis of any book of Sh. Pande. Perhaps Sh. Faruqi, who has written a book on Aurangzeb has written in it about the above mentioned illegal activities. I have not read the book of Shri Faruqi. On page 69 of my book I have mentioned that the idols in temples were demolished in temptations of costly stones studded in them. This has been said about the Muslim Rulers who come in the first category and I have shown this category in my book. I have placed the Turkish and Muslim rulers who have demolished the temple in three categories in my book. These are

- (1) In the first category, those rulers are covered who had demolished the temple for economic gain.
- (2) The rulers who had demolished the temples for enhancement of their prestige fall in the second category.
- (3) In the third category those rulers are covered who had demolished the temples on account of the illegal activities being carried out in those temples.

The names of the Muslim Rulers of the first Category are: Mohd Gouri and Mohd Ghazni. In the second category, Turkish rulers are referred who ruled in Delhi. Among them Qutubuddin Aibak is main. I cannot tell the names of others. The third category is of Mughal rulers among them Aurangzeb is main.

I have worked out the period of Sultanate upto the rule of Lodi i.e. upto 1526. On page 69 of my book I have mentioned that some Muslim rulers have quoted the Islamic Principles to justify their acts. Turkish rulers are among such Muslim rulers who fall in the second category. What were those Islamic Principles which I have mentioned in my book? I cannot tell i.e. I cannot tell the Islamic Principles which were quoted by the Turkish rulers. It is not correct to say that I meant that those Turkish rulers held it justified to demolish temples under the principles laid down in Quran. Those Muslim rulers held it an Islamic Principle to destroy idol worship and non-Islamic construction, on account of which the idols were destroyed and temples were demolished. Those rulers held the view that as per the Islamic Principle it was justified to destroy idol worship and non-islamic construction. I have also written in my book that because of religious principles, they got cooperation i.e. help of their soldiers in looting. It is correct that by "sentimental". I mean the pleasure and the zeal with which they were filled while breaking the temples and idols. I

have also written on page 69 of my book that destruction of Hindu temples is a very old tradition, according to which it was considered a matter of pride to demolish the construction of the ancestors. By this I mean that destruction of Hindu Temples is an indication that according to the old tradition, it was considered a matter of pride to demolish the prestigious constructions of the ancestors. I have mentioned about the above tradition in respect of Hindu, Muslim and rulers of other categories. Where autocracy exists, this tradition is still continuing as "age old practice." By the sentence I have written in my book, I mean destruction of Hindu Temples which were demolished because of Old tradition. Again said that since in this para I have mentioned only about Hindu temple, I have mentioned it as old tradition in which it was considered a matter of pride to destroy the constructions raised by ancestors. The above tradition applies to the whole world. The tradition of demolishing the Hindu temples began in the world in 11th Century. The Som Nath temple was demolished in 11th Century. I do not know whether outside India any Hindu temple was demolished in 11th Century or not. In the world, the tradition of demolishing the religious places has been continuing since second or third Century. I cannot tell the names of religious places demolished in second and third Century but the religious places of Jains, Budh and Christians were demolished. In India religious places of Jains and Budh were demolished and in Rome-England, the religious places of Christians were demolished. This tradition of demolishing religious places had began in second or third Century. I cannot tell as to which Jain Mandirs were demolished in the second-third Century. I also cannot tell as to which temples of Budha were demolished in the second-third Century. In the third Century in Rome some Catacombs i.e. some religious caves were demolished. Catacombs were places of worship

of the Christians as well as the dwelling places. These pious caves which were demolished under the orders of Roman Emperor, one of them had embraced Christianity at the time of demolishing the caves but the other emperors were not Christians. These pious caves were destroyed in Rome out of revenge. In England Henry VIII demolished some Catholic Churches, When Henry VIII got these Churches demolished he was a Christian. In North India temples of Lord Budha were demolished after second third Century but I cannot tell the names .of those places where they were demolished. The religious places of Budh religion were got demolished by Gupt ruler. In South India also some temples of Lord Budha were demolished. I cannot tell the names of those rulers who got the temples of Budha demolished in South India. It is correct that all these religious places were demolished under the tradition in which the rulers wanted to enhance their prestige. I shall not be able to tell the names of religious places which were demolished in the world in the 4th, 5th Century. I do not remember which religious places were demolished from 6 Century to 10th Century. In 10th Century in Spain and Central Europe some religious places were demolished but I cannot tell the names of such places and the kings who got them demolished. It is correct that in Spain Islam had been prevalent from the beginning i.e. from the third Century. It is correct that the followers of Islam attacked Spain and conquered some part of it, and Islam became prevalent in the parts conquered by them. It is incorrect to say that the followers of Islam demolished the Churches and places of worship of Christians. In Span the followers of Christianity converted the Islamic construction into Christian construction and sites. I cannot precisely tell upto which time the Islamic rule lasted in Spain but it remained for about 150 years in some parts of Spain. This Islamic rule remained in some parts of Spain upto 11th — 12th

Century. It is incorrect to say that after this the people of Spain whisked away the followers of Islam from some parts of Spain and the Islamic rule ended there.

The Islamic rule completely ended when Isabela and Ferdinand established autocracy. It is incorrect to say that the Muslim rulers constructed Masjid in Spain during their rule. After the end of Islamic Rule in Spain the rule of Christians began. Those people converted the Masjids into churches.

Till 10th Century there was no precedent of any Masjid having been demolished. In 11th Century there is no mention about breaking of Budha or Jain temples but Hindu Temples were demolished. Som Nath temple is one of them. In 11th Century in whole world Churches or any other religious places were not demolished. In 11th Century no Masjid was demolished in the world. In 12th Century only Hindu temples were broken. No religious place was demolished which were of Budha, Jain or Christians or Muslims. I cannot tell as to which Hindu temple was demolished in 12th Century. In 13th Century crusades demolished some religious places of Muslims and also destroyed some religious places of Yavans. No religious place of any other religion was demolished. Perhaps religious places of Hindus might have been demolished but I cannot tell the name, of their places. By Crusaders I mean those soldiers who fought for Christian religion. I cannot tell such places but perhaps these were demolished some where in Palestine. Those crusaders demolished the religious places of Muslims. I am not telling this on the basis of my guess but I teach this. This is not covered in the course, therefore, I do not tell the names of such places. I tell this to my students as the back ground. It is incorrect to say that as an historian and as a lecturer I tell such

things to my students without any proof. As an historian and lecturer it is necessary for you to give proof about what you tell your students. There is proof that the Christian crusaders demolished the religious places of Muslims in Palestine. Its proof is available in the book of Burn. "History of Western Civilization" on the same subject there is another book. "Renaissance and Reformation" written by Libs. There are two volumes of this book. It is incorrect that these things have not been mentioned in these books i.e. there is no mention in these books about destroying of religious places of Muslims by Christians in Palestine. In these books there is mention of destroying of religious places of Yavans in the 13th Century. Those places were in Jerusalem Palestine. Presently this place is in Israel. In 14th Century some religious places of Christians were demolished in Central Europe. These places were in Germany, Austria, and Switzerland. These places were also demolished by Christian Chief. This place was demolished by one Christian chief by going in the area of another chief. All these incidents can be seen in the book "Renaissance and Reformation". These have definitely been given in this book. The places of Yavans said to be in Jerusalem in the 13th Century have been mentioned in the book. "Renaissance & Reformation" by Gibbs Burn. I shall not be able to tell the name and author of these books, the period of their publication and the names of their Publishers. I have read these books. Robert has written a book on the "History of the World" which has been published in Pelican Series. The title of the Book is "History of the worlds". I shall not be able to tell whether any religious place was demolished in 15th Century. In 16th Century in England and at some places in Central Europe religious places of Catholic Christians were demolished. The religious places of these Catholic Christians were demolished by their rulers who were Christians of the same places. In 17th Century

Aurangzeb demolished the Hindu Temples. I do not remember about breaking of religious places of any other religion. I do not know whether any religious places were demolished or not in 18th and 19th Century. In 20th Century during the world war several religious places were destroyed in many countries in the world in bombardment. There is no information about destruction of any religious place during these centuries besides the bombardment. I do not remember whether there is mention about breaking down of any Masjid from 11th Century to 1950 AD in the history of the world. But in my view it must be there. I am not pointing out towards fall of China. It is incorrect to say that after spread of Communism in China to root out the Muslim extremists Masjids were demolished. This is also incorrect to say that after spread of communism in Russia many Masjids were demolished. I have stated above that some Masjids were demolished from 11th Century to 1950, but I cannot tell the places of such Masjids. Perhaps these Masjids were demolished in South East Asia. By South East Asia I mean Malaysia, Indonesia, Thailand, Vietnam. Again said that countries of East South of Sate of Malaka are covered. I have read about bringing down of Masjids of Muslims. This has been mentioned by K.N. Panickker in his book. "Asia and Western Dominance". This has also been mentioned in a recent book "South East Asia". I have read both these books. It is correct that there is no mention in these books about bringing down of Masjids but these books mention about burning of religious places of Muslims. It is correct that in the books referred to above by me, there is no mention about breaking of Masjids. About bringing down of Masjids between 11th Century and 1950 AD, I have read in a book "Renaissance and Reformation" by Gibbs Bum. It is incorrect to say that in all these books there is no mention about breaking of Masjids from 11th Century to 1950 A.D. There is mention about this in these books. I

cannot give the details of Masjids demolished during this period, and mentioned in this book. I even cannot tell in which year those Masjids were demolished.

Islam religion originated in Middle East. I cannot tell the place. Mohd. Sahib was the originator of Islam. I cannot tell as which religion was prevalent in Middle East before Islam. I cannot tell about the religious Places of different religions in Middle East.

First of all Islam spread in Arab. In Arab almost all the people accepted Islam. In Arab some Christians and Yavans did not embrace Islam. I do not know whether the main teaching of Islam was against Idol worship. I cannot tell whether in Arab idols were broken during the time of Mohd Sahib. In Arab most of the people accepted Islam, I cannot say whether they did so under fear or on their own. I cannot tell in which country in Arab, Islam Spread. Islam spread in Iran for the first time. In Iran, there was Zoroastrian religion before spread of Islam. I cannot tell whether whole of Iran converted to Islam or not. I cannot say that Iran is the lone Country in the world which converted to Islam at one time. The followers of Zoroastrian religion were not idol worshippers but they were devotees of Nature. There might have been that some Hindus, Buddha's and Jains or places of worship of Zoroastrians were demolished. It is correct that Zoroastrian came to India from Iran. In India they are called Persians. I cannot say whether after conversion of Iran into Islam Zoroastrians remained there or not. I cannot say since when there is Islamic rule in Iran i.e. since 7th, 8th or 9th Century. After Iran Islam spread in Middle Asia and then in South Asia. In middle Asia, countries included in USSR come. I cannot tell since when Islam religion is prevalent in Middle Asia. I cannot tell whether Islam religion is prevalent in middle

Asia from 8th Century or not. I cannot say that when Islam religion came to middle Asia, the religious places built there were destroyed. Afghanistan is in south Asia. I cannot tell when Islam religion spread in Afghanistan. It is correct that Afghanistan had been part of India. During the rule of Mughal's Afghanistan was a part of India. There were followers of Budha and also Hindus in Afghanistan. There were Budh Stoops in Afghanistan and places of worship of followers of Budha. Once Budh religion was prevalent in Afghanistan. It is correct that there were many stoops and places of worship of followers of Budha in Afghanistan. I cannot tell whether Hindu Kings ruled Afghanistan or not upto 11th Century. I do not know whether the Hindu Kings ruled Eastern Afghanistan upto 11th Century. Presently the Budh stoops and their places of worship are in negligible number. The reason is that the number of followers of Budha has reduced everywhere. It is incorrect to say that their number has been reduced in Afghanistan. In Afghanistan, Islamic Rulers have been continuing since 8 or 9 Century. It is incorrect to say that Islam religion began in Afghanistan in 7th & 8th Century and it widely spread in 12th Century and Afghanistan came under Islamic rulers. It is correct that there has been Islamic rule in Afghanistan since 8 or 9th Century. I cannot tell that before the 18 Century Afghanistan was called the area of Kabul and it has acquired the name of Afghanistan from 18th Century. I cannot tell since when the name of Afghanistan has come into use. I cannot tell that in 1748 Ahmad Shah Abdali became true ruler and he named it Afghanistan. I cannot tell that followers of Islam killed the followers of Budha, destroyed their stoops and religious places and, therefore, their population reduced in Afghanistan. It is correct that upto 14 or 15 Century Hindus had been living in Afghanistan and that they had their temples there. It is incorrect to say that in Eastern Afghanistan till 15th

Century the population of Hindus might have been 70%. At that time in Eastern Afghanistan population of Hindus might be approximately 20%.

I cannot tell the percentage of population of Hindus in Afghanistan in 8th/9th Century. In 8th/9th Century there was enough population of Hindus and followers of Budha, besides, the population of tribes and other groups was also enough.

Verified the statement after hearing

Sd/-

Sushil Srivastava

23.9.99

Typed by the Stenographer in open court as dictated by us.
In continuation of this for further cross-examination on
24.9.99 .

Sd/-

23.9.99

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.10866-10867 OF 2010

IN THE MATTER OF:

MOHD. SADDIQ (D) THROUGH LRS.

...APPELLANT

VERSUS

MAHANT SURESH DAS & ORS. ETC.

...RESPONDENTS

STATEMENTS OF P.Ws

P A P E R B O O K

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KAMLENDRA MISHRA
ADVOCATE FOR THE RESPONDENT/STATE OF UTTAR PRADESH

I N D E X

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Dated:24.9.99

In continuation of 23.9.99, statement of Shri Sushil Kumar Srivastava (PW-15) on oath.

I am lecturer of Modern History. I studied Medieval History in BA. as a subject. I teach Medieval and modern history and am working in the Department of Medieval History. It is incorrect to say that as I am working in the Deptt. of medieval history, I have full knowledge of Medieval History. The book I have written is not limited to the medieval period. In my book I have raised a question concerning modern period and in order to answer this question it became necessary to go back of the medieval period. I have studied the medieval period concerning this dispute. In my department the modern history I am teaching is not limited to India, it is concerning the whole world. To know the modern history of the entire world it is necessary to know the history of the earlier period.

In the first line of second paragraph at page 69 of my book, I have written that the Turkish Sultans believed that a descendant of a dynasty considered it a matter of pride to raise splendid buildings. In this paragraph by Turkish Sultans I mean that the Sultans of Delhi were known as Turkish Sultans. All the sultans right from Qutubuddin Aibak to Abrahim Lodi are called Turkish Sultans. They constructed tombs, Masjids and buildings in their memory. But in the beginning, there was shortage of construction work and good masons and building material, therefore, they had to depend on other sources for construction matching the Islamic Architecture. Qutubuddin Aibak to Khilji, dynasty can be considered as early Sultans. I cannot say whether the period of these early Sultans was from 1205 to 1326 AD. By Islamic Architecture I mean tombs, Masjids and a particular type of mud used by Muslims in

the construction of arches, domes etc. In the beginning the sultans who raised the Masjids according to Islamic architecture, made use of beams for constructing arches which was not done by successor Sultans. Minars were also constructed in Masjids. In Masjids constructed by the early Turkish Sultans, flowers, petals were also carved, but human pictures were not made. The pictures of lions, fish were also made in the Masjids. Again said they could be there but picture of Varah could not be. I have stated all this about the Masjids of India. In other countries outside India, in the beginning of Sultanate domes and arches were built according to Islamic architecture, with a pulpit inside. In Masjids of other countries also flowers petals were carved. I do not know that other things besides flowers, petals come under architecture or not. I shall not be able to tell that in the beginning of Sultanate, which Masjids were constructed by Sultans according to Islamic architecture. I have written on page 69 in my book, that in the construction of Masjids, tombs and other constructions, debris/ remains of demolished Hindu temples and other buildings has been used. I cannot tell the name of temples, debris of which has been used in the construction of Masjids and tombs. By material I understand remains. It is correct that in common parlance material is understood as debris also. I cannot tell the names of Masjids in the construction of which debris and other material of Hindu temples has been used though there are several Masjids of this type. I have given my above opinion on the basis of books and articles of earlier historians i.e. E.V. Havel, Cunningham, Z.U. Desai whose full name is Ziauddin Desai. I do not remember the name of the book of Hevel but it is perhaps Indian Architecture. It is incorrect that in that book names of such Masjids have been given in the construction of which, material of Hindu Temples have been used. So far as I remember it has not been mentioned in the book as

how these temples fell. I cannot tell in which year the book was written. Cunningham in his book has written that remains of Hindu temples have been used in the Islamic construction. In Cunningham's book names of those Masjids have not been given in construction of which material of Hindu temples had been used but in Havel's Book the names of those Masjids have been given in which material of temples has been used but the names of those temples have not been given, the material of which has been used. The name of the book of Ziauddin Desai is "Indian Architecture" but I cannot tell in which year this book was published. Desai has given the names of those Masjids in which material of Hindu temples has been used. I cannot tell the names of those Masjids today because I do not remember. Ziauddin Desai is a historian. He is alive. He was perhaps employed in Archaeological Survey of India. I cannot tell whether he was employed or not in Archaeological Survey of India when this book was published. All the above mentioned three writers have the same opinion. It is correct that the early Turkish Sultans have used the material of Hindu Temples in the Islamic architectures built by them in Delhi. On page 69 of my book I have written that it can be seen that in Islamic buildings or constructions the early Turkish Sultans have used the remains of dilapidated Hindu temples. I have mentioned in my book that they can be seen but I cannot tell the names of buildings or Masjids. In the Islamic construction mentioned by me above, Masjids and tombs are included. I have mentioned in my book that this practice continued till the experts of Persia and Central Asia came and settled in India. By Persia I mean Iran of that time. I have used the word Persia for the people contemporary to early Turkish Sultans. I cannot tell when Iran came into use in place of Persia. By Central Asia I mean the countries included in U.S.S.R. Ujbeskistan is covered in those countries but

Turkey is not covered. By Central Asia I mean those countries which fall between West Asia and South Asia. By West Asia I mean all the Arab Countries. South Asia is India Sub-continent. I cannot tell the names of countries in Central Asia. I cannot tell from where the Central Asia starts and where it ends. I do not know the name of any country situated in Central Asia. It is incorrect to say that I have no knowledge of what I have written in my book. I cannot assign any reason that I have mentioned about central Asia in my book but I cannot tell the names of countries of Central Asia. On page 69 of my book the persons from Central Asia who settled in India I mean the labourers and technicians. I cannot tell by which period those labourers had come from Central Asia and settled in India. I cannot tell that the said labourers and technicians had settled in India by 1526 or not. As the subsequent constructions were much improved, I am saying that subsequently the technicians might have come from Central Asia and settled in India but it is not possible to give any definite time. They started coming to India during the time of Tughlak. In my book on the same page I have mentioned that subsequent Sultans also continued to use the material of dilapidated constructions in the construction of tombs and Masjids. By subsequent Sultans I mean Tughlak and subsequent Sultans. I have used "Destroyed buildings" for dilapidated construction. It is not correct to say that word destroyed is used for demolished construction but in my view it means fallen constructions. I have referred to one para of Ziauddin Desai on page 69 and 70 of my book which relates to Islamic period & not to any particular period. Ziauddin Desai in his book has mentioned all Masjids, temples and constructions i.e. buildings built during Islamic period. I agree to what Ziauddin Desai has written about Islamic construction in his book. I have mentioned above the name of the book of Shri Ziauddin. On

page 70 of my book I have written that according to Mehar Afsha Faruqi, Turkish Sultans brought Islamic system in India and during their period there was development in trade, commerce and agriculture, but during that period, the social, political and economical life remained unaffected. Mehar Afsha Faruqi is the scholar of medieval history. By scholar I mean she has good knowledge of it. Her educational qualification is M.A., D. Phil. In Allahabad University D. Phil is called Ph. D. Mehar Afsha Faruqi has done research in medieval history. Subject of her research was "Economic Policies of Delhi Sultan". When I wrote my book, Mehar Afsha Faruqi had done her Ph D. I have written correctly on page 92 of my book that thesis of Mehar Afsha Faruqi had not yet been published. As her thesis had been accepted, her thesis had become the base of history because the accepted thesis becomes the base of history. Mehar Afsha Faruqi is my wife. The research of Mehar Afsha is mainly concerned with economic policies only. Mehar Afsha Faruqi besides economic policy has done her research on religious, political and social aspects also which are linked with economic policy. Perhaps Mehar Afsha has written in her thesis that Turkish Sultans imposed Zazia tax on Hindus. It is not correct that the Zazia tax imposed on Hindus was the main source of Revenue for the Govt. It is correct that Zazia tax was not imposed on those Hindus who had embraced Islam. It is also incorrect that at that time the rights of Hindus were restricted to Islamic laws only. The extent, to which the Islamic laws were applicable on Hindus, has not been mentioned in the research of Mehar Afsha Faruqi. In this research there is deep analysis of economic policies of Turkish rulers. Under these Islamic laws rules about land revenue were framed i.e. there was system relating to this. In this research what were salient features of revenue system or what was found in her research I do not correctly

remember. I do not remember what has been written about land in this thesis. I do not correctly remember what is mentioned in the thesis about the social system. I even do not remember what is mentioned in the Thesis about political system and about religious system what is mentioned I do not remember. Even today, I can tell that during the period of Turkish Sultans social, political, economical and religious system i.e. the life was not affected. By that time there was no improvement in the field of Commerce and agriculture but in times of Turkish Sultans there was much improvement in these fields. There was no improvement in the social sector but there was much improvement in the field of politics. Economic and religious changes took place during the times of Turkish sultans. The Economic changes mean conversion into cash and increased production. Religious changes mean change in Islamic principles, because the ruler was follower of Islam. There was not much change in the established land system. In the thesis of Maher Afsha, stress was laid on commerce and production. I do not fully remember but there is some mention in the thesis about the change in the land system. I do not remember what has been mentioned in this regard. On page 70 of my book, I have written about this thesis which means that there was no much effect of Turkish rulers on Economic, Social, political system in India. I have mentioned on this page that the Indians did not oppose the Islamic System because this system had come gradually. It is incorrect to say that the Islamic systems had been continuously opposed in India. It is also incorrect to say that the person who opposed Islamic system was either killed or hanged. It is also incorrect to say that the wives of the persons thus killed were kept in harems by Muslims. This is also incorrect to say that because of rule of Muslim rulers thousands of women burnt themselves alive i.e. they resorted to self immolation. The Jats in Meerut had not

opposed the Islamic rule. I do not know that in 13th or 14th Century the Jats of Meerut revolted against the Islamic rulers. I do not know that the revolt was suppressed and many people were mercilessly killed and their skin was used for making shoes. In the middle of 13th Century the Hindus of Sambhal revolted. I do not know that there were revolts in Bihar and Rajasthan during the times of Khilji and Tughlak rulers. I do not believe that revolts continued in India at one place or the other during the Islamic rule, and the persons taking part in such revolts were killed and their women were kept in Harems. It is incorrect to say that in the books of history there is mention of revenge and resistance. On this very page I have written that in villages old land system continued without any disturbance. By old land system I mean the system which was prevalent before the Turkish Sultan came to India i.e. which was before 1190. It is correct that land system was prevalent there which was being run by the Hindu kings. Under the land system prevalent before 1190, the tenants did not enjoy the rights of full ownership i.e. the rulers were the owners of the land. The land system of 1190 more or less continued till the time of Turkish sultans i.e. till 1526. On page 70 of my book I have written that the rights of mahants and purohits remained unaffected i.e. there was no effect on their rights. I have written in my book that there is no possibility that Masjids might have been raised at the place where temples were demolished. The base of this conclusion is that the rights of people in land remained more or less unaffected and were not changed. I said this on the basis of opinion of Mont Gomry Martin. I do not remember the title of the book of Mont Gomry Martin. Perhaps the title of his book is "Potographical and stethical of Eastern India". This book is in 5 Volumes which I have read. I have mentioned the name of the book of Martin in my book on page 92. According to that the incomplete name of that book is Eastern India and

further it has been mentioned that the full title of the book had been referred earlier. This book is in 5 volumes. I have in my book referred to the points of my disagreement with the author but I cannot tell them because I shall have to go through the book for that. In my book I have mentioned the issues on which I disagree with Shri Martin Gomry. At present I cannot refer to that part of the book. The book of Mont Gomry has been written on the basis of reports. Buckanan prepared the reports. This report is of 1814. I do not know whether the title of the report of Buckanene is "The history and Antiquities Topography and statistics Eastern India" or not, I have read this report. I agree on some points and disagree on others. Full name of Buckanene was Francis Emilton Buckanene. I disagree on that part of the report which relates to Ayodhya. The part on which I disagree is about a Faqir of Ayodhya. On page 71 of my book I have written that Babar is depicted as a villain but this allegation is not, in consonance with his person i.e. what most of the people or the historians have written about his personality, this allegation is not in consonance with that, Rushbrook William, Radhey Shyam and other persons whose names I do not remember have written about the personality of Babar. Rush Brook William and Radhey Shyam both have spoken very high of him. Besides, R.P. Tripathi and Banarasi Prasad Saxena have also praised Babar. I have based my opinion about the personality of Babar on the basis of the opinion of these people. Of these the first book is of Rush Brook William. Perhaps the title of his book is "Babar the Empire Builder". I cannot tell when this book was written and when it was published. I do not know whether Rush Brook William was Christian or not. He was from England. He has written nothing about the disputed site concerning Babar.

Babar was a brave warrior, a good chief, an able administrator and a poet and a writer, and a keen observer. Rush Brook William has written all this in his book. Rush Brook William has also commented on his religious views. He has written that Babar was a good Muslim and was tolerant. He has not written about his fanaticism. I have referred to Rush Brook and his book on page 94(C)-7 of my book and also on small "r". The name of the book of Radhey Shyam is "Babar". I have read this book.

His book was perhaps published in 1964. I fully agree with what Shri Radhey Shyam has written in his book. He is my Guru. The original book is in English and it has also been translated into Hindi. I have read the English book. This book has been published from Patna. His book was perhaps published in 1964. Its second edition has come out or not I do not know Sh. Radhey Shyam had been my Guru from 1968 to 1996. I am influenced by his ideas and agree to them. I got cooperation from my Guru in writing my book and I used to discuss matters with him on various occasions. It is not correct to say that my Guru Radhey Shyam gave me material also for my book. Radhey Shyam belonged to Shahjahanpur. He was professor in the Department of History in Allahabad University. I had been a student in Allahabad University from 1968 to 1974 and during my time Radhey Shyam was a reader and after that he became a professor. On page 71 of my book I have written that Babar was not a religious fanatic in any way and I have expressed similar views about his personality in No. 6. In the footnote at No. 6 on page 92 I have given the main sources on the basis of which I have written about his personality. I have shown that he was not a religious fanatic. By this I mean that he neither imposed the principles of his religion on others forcibly nor he despised other religions.

Question. What is meant by "Fanatic"?

Answer. Fanatic is he, who tries to impose forcibly on others the basis and views of his religion and does not tolerate the basis and principles of other religions.

In my view the book I have mentioned in footnote 6 page 92, mentions about his being a fanatic. Out of the books I have mentioned at No. 6 Lanpoole and Rush Brook William have told that Babar was not a religious fanatic. Besides these books, I think there is no mention in other books whether he was a religious fanatic or not.

Verified the statement after hearing

Sd/-

Sushil Srivastava

24.9.99

Typed by the Stenographer in the open court as dictated by us. In continuation for further cross examination on 2.11.99. Witness be present.

Sd/-

24.9.99

Dated :2.11.99

(In continuation of 24.9.99 statement of Shri Sushil Kumar Srivastav (PW-15) on oath.

Radhey Shyam had written a book in the name of Babar which is before me. The first edition of 1978 is before me. Whatever Radhey Shyam has written about Babar that might be true. Babar had come to Avadh on 28 March, 1528, and had camped on the confluence of Ghagra and Saryu Rivers On page 457 of this book Radhey Shyam has written that about famous birth place temple in Ayodhya that it is said that this temple was demolished by orders of Babar. On one portion a Masjid was constructed, on whose one wall two epigraphs are found. The period of these epigraphs corresponds to the period of construction of this Masjid mentioned by Mir Baki On page 456 of this Book, it is written that during the period of Babar famous birthplace temple remained in existence although in Muslim period it remained the capital for more than 200 years. On page 458 of this book Radhey Shyam has written that Babar crossed Ganges, Via Kalpi and Kanoor and marching from Lucknow he reached Avadh on Saturday, the 28th March 1528 (7th Rajab 934 Hijri) and camped on the confluence of Ghagra and Saryu Rivers. This is also written on this page that before returning Agra, Babar gave charge of Ayodhya to Mir. Baki. After Babar had returned Mr. Baki on his own attacked Hindu Temples with big force. The Hindus fought for about 17 days but after this they had to give up. Meer Baki some how entered the temple and tried to enter the Garbh Grih. But Shyamand, a Brahmin Priest and members of his family prevented him and did not let him enter the Grabh Grih. Meer Baki killed the Priest and members of his family and entered the Garbh Grih but he did not find any idol there and he was surprised to see it.

The temple was completely demolished or not there is dispute about it.

On page 452 of this book it is written that (said that) Hari Mandir situated in Sambhal was demolished under orders of Babar and from its remains Jami Masjid was constructed by his Chief Hindu Beg. "Related" means "this is said" and it also means "This is stated". Related means "Sambandhit" but here the word "related" has been used in the context of "It is said" Photocopies of page 1 (title page) (In Roman page 11 to 13, and page 354 to 359 and page 450 to 461) which are before me, are being filed by learned counsel. The witness compared the photocopies with the pages of original books and stated that these are true copies which have been marked as document nos. from 169C2 to 169C2

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The leaves missing from the diary of Babar relate to the period from 2 April to 8 September, 1528 i.e. the leaves of above period are not available i.e. the leaves of the diary of Babar are not available. It is not so that the pages were forcibly got removed by Muslims. In Babarnama also it is mentioned that the leaves of diary relating to the above mentioned period are missing. This Babarnama is written by Baveridge. It is written on page 678 that "on that night when I got up from my Taravi prayers a storm came, dark clouds gathered, heavy rain fell, most of the tents had fallen. In the tent in which I met the people, I was about to write my diary and was collecting the papers and the tent fell, I survived but the diary got soaked and I collected the leaves with great difficulty. I kept those leaves under the blanket on my throne and covered them with more blankets. After some time the storm stopped and I was able to lit the

lamp with great difficulty. We lit the fire, we did not sleep throughout the night and kept on drying the leaves of the diary". In my view Babar was not an idol breaker. I have written that at one place Babar broke an idol. Besides that there is no mention in his diary that he broke any other idol anywhere. It is incorrect to say that Babar had declared that he had come to India to kill Hindus and non beleivers. It is incorrect that Babar was awarded the title of Gazi because he had killed Hindus and non beleivers, and had broken the idols. It is also incorrect that followers of Islam praised him because he had killed Hindus and non beleivers. It is correct that on page 575 of Babarnama of Baveridge, it is written that for Islam I went round the Jungles, made preparation for war against Hindus and Began and I resolved to sacrifice my life for this. I thank God that I have become Ghazi (again said that this sentence of the book be read with footnote 2 of same page of same book. Footnote, which I have referred now, is the comment of the author and not the quotation of Babarnama). Again said that what I have stated above is not the quotations of Babarnama. It is incorrect to say that the earlier part is the part of Babarnama itself: Sheikh Jen wrote a letter in the praise of Babar which is included in Babarnama which is referred to on page 559 and 560 of Baveridge's book. The letter of Jen mentions, "God is great who helps his people, his servants, his armies and the people who whisk away their opponents" There is nothing else except His manifestations. Those who are pillars of Islam and spread your thoughts, remove the idols and suppress the opponents, remove the darkness go to Heaven. I praise God who created a person like Mohammed and created such people who are conquerors and defend their religion and show right path to their colleagues. "Over thrower of the pedestal of Idols" means the person who throws away the idols from their place.

It is not correct to say that at many places Babar killed men, women and children and brought with him the women and children. On page 370 of his book Babarnama, Baveridge has written (Account of Kabul) that in Bajauri there were agitators who were opponents of Islam and because of their bad conduct name of Islam was not in their community. There was massacre and their women and children were made captive.

In para 4 of page 76 of my book I have mentioned that Babar in his Babarnama has stated that because of storm some leaves blew away and were lost. It is correct that this is not at variance with what has been written on pages 678 and 679. In the diary of Babarnama of 25 May 1529, it is not stated that leaves of Babarnama blew away or were lost. But there is mention about the storm and falling of tents. I have written this on the basis that in Babarnama there is mention of storm which might have blown away some leaves. It is not correct to say that I have written in my book that Babar said that the leaves of his diary were lost but I have linked this sentence with the statement of the above sentence. It is not correct that what I have mentioned above in my book that Babar stated so is wrong. I have mentioned on page No. 77 of my book that during the Mughal period relation between Hindus and Muslims were cordial and this state continued till 19th Century. By Mughal period, I mean the period from 1526 till the British Rules took over. It is not correct to say that during the Mughal period relations between Hindus and Muslims were not cordial and Hindu continuously fought Muslims. It is correct that Rana Sangha kept on fighting Mughals. Rana Pratap fought Muslims throughout his life. I do not know that Jahangir made Guru Hari Gobind Singh a captive in fort of Gwalior. I even do not know that Jahangir put Shri

Arjun Dev, the 5 Guru of Sikhs in a leather water bag and threw him away in Ravi River I cannot say that Shri Arjun Des was thrown in the River as he was charged with offence of spreading the Sikh Religion. I do not know if Jahangir had declared that Hindu girls could be married to Muslim boys but Muslim girls could not be married to Hindu boys. I do not know that Jahangir wrote a book "Tujeke Jahangiri" I cannot say that Jahangir has mentioned all this in his book. I do not know if Shahjahan had put any restriction on construction of new temples. Some temples were demolished during the time of Aurangzeb but it will be incorrect to say that many temples were demolished. It is correct that Aurangzeb reimposed Zajia Tax on the Hindus. I do not know that by the orders of Aurangzeb, the son of Guru Gobind Singh was placed in the wall. I do not know that in 1676 Guru Teg Bahadur was slit open with a saw for not accepting the Islam. It is incorrect to say that Hindus and Hindu Kings right from Rana Pratap to Shivaji and even after them fought the Muslims continuously and always considered them foreigners. It is incorrect to say that the relations between the Hindus and the Muslims had never been cordial and both communities hated each other.

On page 87 of my book I have written that it is wrongly mentioned by Baveridge that it is so written in the Babri Masjid

i.e. I have written that while translating the epigraphs Baveridge saw it from literary angle and, therefore, her judgements were prejudiced. I have not said in my book that the translation of Baveridge was wrong but some judgement have been effected because of her being prejudiced I meant that I have stated in the preceding paragraph that Baveridge remained in Ayodhya for about two Mounths and, therefore, she was influenced by what was prevalent there. I do not mean that if some body goes

to Ayodhya and studies there, he will be influenced by what is prevalent there.

There can be two possibilities behind this translation of Baveridge. First the issues prevalent in Ayodhya and the second is effect of Colonialism. It is incorrect to say that I was writing in favour of Muslims and, therefore, being prejudiced, I have stated that the translation of Baveridge is not correct. I have written on page 88 of my book that if Babar had ordered construction of Masjid it would have been so mentioned "By order of Jahiruddin Mohd Babar Ghazi" I have not read any where what I have stated above but I have stated so on my own. It is incorrect to say that I have written so in my book at the instance of my father in-law and my wife. I have not written this because S R Faruqi wanted me to write so. It is correct that here I have referred to footnote in which the name of Sr. Faruqi has been mentioned. It is correct that this is the suggestion of Faruqi Sahib. It is incorrect to say that my above statement that this decision was my own and it was not the suggestion of Faruqi Sahib and later on I stated that it was the suggestion of Faruqi Sahib was wrong. My these two versions are not at variance. On page 89 of my book I have mentioned that the place where the Babri Masjid existed was a be-fitting site for Jami Masjid and this place was centrally located. Therefore, Jami Masjid was constructed at this place. By Central Place I mean that all round it is surrounded by fort and its Central Place was this. I have written on page 89 of my book that it is possible that the epigraphs on which it is written that this Masjid was built by Babar might have been fixed later. By epigraph I mean the same epigraph mentioned by me on page 86 which is quoted in Persia. One epigraph has been translated by Baveridge which is given on page 85. It is possible that the stone which has been mentioned by me above might have

been fixed in the end of 19th Century. On page 89 have written that during the time of Akbar, this view was revived that Lord Rama was born in Ayodhya and Ayodhya is the birth place of Rama. It was mentioned because there was such a reference, earlier and it was believed that Ayodhya is the birth place of Rama, and later on this conception gave way and it was further revived which is known from the book of Akbar. Upto 5th Century Ayodhya was considered to be birthplace of Lord Rama. After 5th Century this conception vanished and it again revived in 11th and 12th Century (Again said it revived in 16th Century).

It is correct that in India the Hindus i.e. all believe that Ayodhya is the birth place of Rama and even today people believe this. I have written on page 89 and 90 of my book that it is possible that some local Muslims might have fixed this epigraph to establish their right over the Masjid. Therefore, it was natural to state that Babar built the Masjid. I mean that it is possible that in the 19th Century when this dispute arose, the Muslims i.e. local Muslims might have fixed this epigraph to establish their right on the Masjid. By these epigraphs I mean the epigraphs which I have mentioned on page 86 of my book. I have done research to know how old the epigraphs are and when were they built. The epigraphs fixed on the outer wall of the Masjid appeared to be old and the writings on the inside epigraph appeared to be of 19th Century. In my opinion this epigraph could be of 19th Century. There were in all three epigraphs in Babri Masjid, two outside and one inside. Both the outer epigraphs were old and appeared to be of same time. On page 86 of my book I have mentioned two epigraphs, one inside and one outside. I have not mentioned about the third outer epigraph on page 89 in my book. The epigraph shown in Persia on page 86 the first epigraph in it is of inside i.e. the upper epigraph is of inside and the other is

outer epigraph. The writings on the inner epigraph have been translated by me on page 85 of my book. I have not mentioned in my book as to what has been written on the outer epigraph i.e. I have not translated that. I have only referred to it. In second para of page 85 of my book on page 85, translation of inner epigraph has been done in paragraph 3 and the outer epigraphs has been mentioned in para 2 of this book. I have not translated the outer epigraph. According to the people the outer epigraph is of 16 Century. The inner epigraph is said to be of 19 Century. It is correct that the historian does the research and is not lead by the hear say but believes the old things. Shri Desai has written in his report that the outer epigraph appeared to be of 16 Century. This report of Sh. Desai is of 1965. This report has been published by Archaeological Survey of India. The inner epigraph appeared to be new, I have mentioned so on the basis of style of Calligraphy. I have not done any study on calligraphy. I talked to some experts and after that I wrote about the style of Calligraphy. Shri Ziauddin Ahmed Desai is one of these experts. Besides, I also talked to Tirmiji Sahib. Out of the two outer epigraphs one was not legible. I have mentioned about the other legible epigraph on page 85 of my book. There were 6 lines in the legible outer epigraph. There were two verses of 3 lines each. From the reading of the outer legible epigraphs it appeared to be a Muslim Masjid and a Muslim structure. From the inner epigraph it appeared that it was built by order of Babar. From this, I assessed that this epigraph might have been fixed later on by the local Muslims. The word "inscription has been written by mistake in the last line of page 89. By this I meant an epigraph here. In first para of page 91 I have written that in 16th Century the art of constructing domes had been fully imported. I have written that in the 16th Century domes and arches started to be constructed perfectly. I said that the use of beams had

stopped for construction of arches in the 16th Century. In Babri Masjid beam was used for constructing arches. It appeared that perhaps this Masjid was built before 16th Century or before Babar had come. In 16th Century use of beam had stopped for constructing arch. I am telling this on the basis of the report of Cunningham. The report of Cunningham was perhaps published in 1862 or 1868. As an historian I agree with the report of Sh. Cunningham, I have referred to a fort in para 2 of page 91 of my book. This fort is Ram Kot. The remains of this Ram Kot are of the same fort which was built by Tughlak, Again said that it was built during the period of Tughlak. There is no mention of Ram Kot fort in the history prior to 1228. The fort built during the time of Tughlak was not given any name. The first reference of Ram Kot is in the time of Akbar. Perhaps this reference is in Akbarnama.

It appears from the Akbarnama i.e. it is written therein that Ayodhya is birth place of Rama and Rama built the Ram Kot fort. After 1858 the area of Babri Masjid was divided and it was divided by British. Canning was the Governor General in India when this division took place. I cannot tell the exact year, but I can say that this division took between 1852-1860. In this division the portion towards Eastern side of Babri Masjid was given to Hindus and rest of Babri Masjid was given to Muslims. After division, Northern gate was opened for Muslims to enter the Masjid. The, Northern gate was opened in the condition it existed and nothing was constructed in it. The Northern outer gates, walls, doors were old. The Northern wall and gate of Babri Masjid were in the old condition. Again said, there was no wall in the Northern side, there was only gate. There were some pictures on the upper side of the Northern gate. By upper side I mean top. On the top of that gate there were pictures of Lion and pea-cock. This Northern

gate can not be called part of the building structure. This Northern gate was built later on. I cannot say when this gate was built. I even cannot tell whether this was built before the division or it was built subsequently. This gate is not in keeping with the main building. For this reason I contend that this gate was built later.

On the buildings constructed during the time of Nawabs of Avadh and thereafter, pictures of Peacock and fish were made. In 15 Century or before, there was no tradition of drawing pictures of peacock, perhaps pictures of lions were made. I cannot name any other Masjid in Ayodhya on which there are pictures of peacock and lion. I have written on page 92 of my book, that Babri Masjid is a poor looking building. It is wrong to suggest that this Masjid has been built after demolishing the temple, and as such this building was hurriedly built. It is also incorrect to say that some portion of the temple was broken and rest of the portion was given the shape of Masjid and therefore it became a poor looking building. I have written in my book on page 98, that Masjid was built on the site of Treta Ke Thakur or near about. I have not said that the Masjid was raised after demolishing the temple. It has been correctly written that in 1241 AD Jai Chand, King of Kannauj built a mandir of Vishnu. I have written this on the basis of an epigraph i.e. an historian got an epigraph and mentioned to me about this I had read this and had referred it in my book. It appears that King Jai Chand was alive in 1241 i.e. the Mandir was built by him. I do not know whether Jai Chand died in 1194. It is correct that I do not have much knowledge of history.

On page 100 of my book I have written that on the basis of literary sources it is impossible to say that by the end of 18 Century there had been any Ram Janam Temple

here. By literary sources I mean the accounts of travellers and religious comments. Literary source means written source. Written source could be any, written material, story, a novel, drama or poem. The religious sources which have been made a base by me, I can mention without consulting the book i.e. some works of Bhatt Lakshmi Dhar, Mitra Mishra, Jain Prabhu. Besides there are Ibne Batuta, William Finch, Royal Finch and Vishap Aibar. I do not remember other names. Ayodhya Mahatmaya has been made a base by me for writing my book. Ayodhya Mahatmaya was written in 17th Century. The book which has been made a base by me was translated by Ram Narain. This translation was perhaps published in 1875. I agree with this Ayodhya Mahatmaya. The plan I have given on page 103 of my book is of Ayodhya Mahatmaya i.e. it is based on that. This map is not found in the book translated by Ram Narain. I have got this plan prepared on the basis of that book.

Verified the statement after hearing

Sd/-

Sushil Srivastava

2.11.99

Typed by the stenographer in the open court as dictated by us . In continuation of this for further cross-examination on 3.11.99 . Witness be present.

Sd/-

2.11.99.

Dated:3.11.99

(In continuation of 2.11.99, statement of Shri Sushil Kumar Srivastav (PW-15) on oath.

In para 2 of page 100 of my book it is written that from the literary sources it appears that there was no such temple by the end of 18th Century which may denote the birth place of Ram. It is correct that from the ancient period it is believed that Lord Rama was born in Ayodhya. I do not know that it is universally honoured to construct a temple according to Hindu tradition at the place of Ram Jnam. But it is correct that according to Hindu tradition, mandir is built in the town in which incarnation of God has taken but it is not necessary to raise the temple at his birth place. This has not been mentioned in any religious book or Puran that temple of Lord Rama did not exist in Ayodhya at the Ram Janam Bhoomi. Volunteer : said that I am giving this statement on the basis of sources mentioned at page 100 of my book. I have not read any book about Guru Nanak. I cannot say whether Guru Nanak went to Ayodhya in 1505 or not. I do not know that in 1505 Guru Nanak took a dip in Saryu and had Darshan of Ram Lala. I also cannot tell when Guru Nanak was born and upto which year he survived. I cannot tell that Guru Nanak was born in 1469 and he died in 1537. I even do not know whether Guru Nanak was contemporary to Babar or not. I did not consider it necessary to consult any literature about Guru Nanak or Guru Gobind Singh or the Sikh Community for writing my book. I do not know that Shri Mani Singh, Divan of Guru Gobind Singh wrote a book "Pothi Jnam Sakhi" which was published in 1890. I do not know whether on page 213 of this book, the account of Ayodhya visit of Guru Nanak in 1505 AD is given or not. I do not know whether Vansh Prakash has written any book "Sukh Vani Ram Vani" or not. I cannot say whether this book was published in 1881 or

not. It is incorrect to say that I am denying to have read this book because it mentions that Guru Nanak went to Ayodhya in 1505, he took bath' in Saryu and he had Darshan of Ram Lala. I have not read the book "Bal Bali Jnam Sakhi" which was published in 1540 (Vikrami.) It is incorrect to say that I am knowingly denying the fact that I have read this book because in all these books it is mentioned that Guru Nanak visited Ayodhya in 1505, he took bath in Saryu River and had Darshan of Ram Lala. Again said I have doubt about these books whether they are there or not. The reason of my doubt is that on this subject I had discussion with many people but none referred to these books. I have read the book of Indu Banga on Sikh Community. I had read one more book on Sikh Community. I do not remember the name of this book. Besides, I had discussion with Prof. J.S. Aggarwal and some other Sikhs but none of them mentioned about these books. The book written by Indu Banga was perhaps published in 1979. The title of this book is "Agrarian system of Sikhs". There is no full description about Sikh religion in this book. This book relates to agriculture. I do not know about the book "Ram Janam Bhoomi" written by Rajinder Singh which was published in 1990. It is incorrect that I am telling lie because this book mentions about all the above mentioned books and about Guru Nanak's visit to Ayodhya, his taking bath in Saryu and having darshan of Ram Lala. As the literature relating to Guru Nanak and Sikh Community is not relevant to the subject of my research, I do not consider it necessary to read the literature relating to the Sikh Community despite the fact that Guru Nanak was contemporary to Babar. From the Scholars with whom I had conversation or from the proceedings of Indian history Congress or from any other source I had no indications that study of Sikh literature could in any way help me in the subject of my research, therefore I did not consider it

necessary to read such books. Indian history Congress is an Institution but it has no office anywhere, it is run by Secretary. Presently it is having its office in the Delhi University. In 1990 too its office was in the Delhi university. This institution is in function since 1923. This is Non Government institution. This institution has its chairman, secretary and other office bearers. This is a registered Society. In this Institution research papers are read and exchange of views is held. I do not know who was the chairman of this institution in 1990. I do not know who was its Chairman before 1990. I do not remember the name of its Secretary. The name of the famous historians connected with this institution prior to 1990 are given below.

Prof. Shafat Ahmad Khan, R.P. Tripathi, Prof. Ishwari Prasad, Prof. Devi Prasad, Prof. Tara Chand, Prof. Vishveshwar Prasad, Prof. noor hasan, prof. K.A. Nizami, Prof. A.R. Kulkarni, Prof. A.B. Pande, Prof. Radhey Shyam, Prof. Irfan Habib, Prof. Romila Thapper, Prof. R.S. Sharma, Prof D.N. Jha, Prof. K.M. Shrimali, Prof. H.C. Mishra, Prof. B.C. Mishra, Prof. Rekha Joshi etc.

Archaeological experts are also connected with this institution. The names of famous archaeological historians are given below. Prof. D.R. Sharma, Prof. Sankaliya, Prof. V.N. Mishra, Prof. V.S. Sola Ye, Prof. V.S. Parikh, Prof. Mehta, Prof. Suba Rao, Prof. B.B. Lal, Prof. B.A. Narain, Prof. Verma etc.

This Institution has no library of its own. Before writing this book I had conversation with some members on the subject of my research. Their names are Prof Radhey Shyam, Prof. D.N.S. Yadav, Prof R.S. Sharma, Prof. C.B. Tripathi. It is correct that the above mentioned historians

with whom I had discussion are not related to Sikh literature.

On page 100 of my book, I have referred to William Finch who had come to India between 1611-1614. This is also possible that he might have come between 1608-1611. The report on accounts of William Finch was first published by Aklit and after that it was published by Hij Pilgrims. This was published in 1920, but I do not remember the name of its editor. It is correct that the latest book was published by William Foster. I have read all three books above mentioned. The first book of accounts of William Finch was published between 1640-1645. This first book was published in English. I take the accounts published in this book as written by William Finch only. It is correct that in all the three books mentioned above the accounts of William Finch are same. The accounts of William Finch also mention about his Ayodhya visit. William Finch came to Ayodhya during the period of Jahangir. In his accounts William Finch has mentioned that when he went to Ayodhya he found its fort in dilapidated condition. It is correct that according to William Finch that fort was called Ram Palace. But William Finch has not stated in his accounts that Lord Ram left for heavenly abode in Ayodhya. In this account he has not mentioned that people believed that Lord Rama was born in Ayodhya. I have written in my book that William Finch in his accounts mentioned that according to hear say Rama descended in human form in this city. I have also written that he has referred to hear say according to which Lord Rama went towards heaven from a cave. It is correct that when William Finch visited Ayodhya, Babri Masjid had been built and Ram Jnam Place mandir also existed but William Finch has not mentioned about them in his accounts. In my view this dispute among the Hindus and

the Muslims arose during the time of British, there was no dispute about Ram Jnam before this.

I have read the accounts of William Finch edited by William Foster and have used it in my book. I have referred to the book "Early Travels in India" 1921 page 176 in my book. This book has been referred on page 112 at Sr. No. 10 in my book. The Learned Counsel filed the photocopy which was stated by him is the photocopy of "Early Travels in India" 1921 page 176 and invited the attention of the witness to it. After seeing this witness stated "I cannot say whether this photocopy is the true copy of the above mentioned book or not. The counsel attending to cross examination filed the photocopy which bears paper No. 170-C 2. (Shri Jilani Advocate raised objection that this photo copy is not admissible in evidence).

On page 101 of my book I have written that attempt was made in 1902 to identify the place of Ram Janam but the committee which started this work has shown two places of Ram Janam. At the time of Prince of Wales visit to India, the people collected money for his welcome but the programme of his visit to Faizabad could not materialize, therefore, for proper utilization of this money the then D.M. formed a committee consisting of Chairman of the Municipality and other people and entrusted to the committee the work of identifying the religious places and to place stones there. That Committee earmarked two places for Ram Janam. Of these two one place is called as Janam Sthan and the other as Janam Bhoomi. I have not read the report of that committee but I have read its account. I have read this account in the Gazetteer of Nevil. I have not read the accounts of this report any where else. I read in the Gazetteer about constitution of the committee. It is not clear from the gazetter whether the said Committee

made any recommendations. It is also not clear from the gazetter whether the contents given therein are based on the report of the Committee or not. The sources of facts have been mentioned in the Gazetteer of Nevil in the beginning. On page 101 of my book I have written that many attempts were made to give descriptions of places of worship in Ayodhya and to identify those places. These efforts had started in the 16th Century and attempts are being made till today. The first attempt made in Ayodhya in 16th Century for identifying the places of worship is found in the compilation of accounts of travelling but I do not remember who compiled them. This compilation was published in the form of a book. The compilation was published from Banaras. I do not remember in which year it was published. In my book I have referred to this compilation as a source. I have mentioned about this book on page 139 of my book. This was compiled by Mahamahopadhyay Pandit Vishnu Prasad i.e. it was edited by him and Mitra Mishra was its compiler. The name of this compilation is Tirath Prakash. Again said that the name of the compilation was Veer Mitrodaya and the name of 10th Volume was Tirath Prakash. The 10 Volume was published by Pandit Vishnu Prasad in 1917. In this publication the religious places of Ayodhya in 16 Century have been mentioned. This publication is believed to be compiled between 1540-1560, but I cannot tell as to when this compilation was published for the first time. All the Volumes of Pandit Vishnu Prasad which were 12 in number were possibly published in 1917. Pandit Vishnu Prasad has himself told that the accounts of travelling were complied between 1540-1560. In the above mentioned compilation, 4-5 religious places of Ayodhya in 16 Century have been described which include Saryu River, Vishnu Hari, Ram Hari. I do not remember the names of all religious places. In this compilation whole of Ayodhya has been mentioned

to be a religious place i.e. the place of worship. The main reason for this is that this place is connected with the name of Lord Rama.

After the above mentioned compilation in my view another book to identity the religious places of Ayodhya is Ayodhya Mahatmaya. I do not know the exact time of Ayodhya Mahatmaya but it is believed that "Ayodhya" Mahatmaya" was written during the period of Jahangir. As per my information no Mahatmaya was written about the religious places of Ayodhya before the period of Jahangir. I do not know that in the 7th Century Acharya Baldeo Upadhyay had written Puran Vimarsh about Ayodhya and has mentioned about the religious places of Ayodhya. I do not know any historian by the name of P.V. Kane. I do not know that a book of R.C. Hajara has been published about Puran. I have read the book of Hans Bakar. It is correct that in his book Hans Bakar has written that Ayodhya Mahatmaya was written in 13th — 14th Century but he has also said that the tradition of writing Mahatmaya possibly began in 13th — 14th Century. In my book I have referred to some guide books. These guide books mean Mahatmaya books. The dictionary meaning of guide book is not Mahatmaya. The first guide book or Mahatmaya written in 16 Century in my view is one which was translated by Pandit Ram Narain.

At present in all 36 Ayodhya Mahatmaya are available and in all Mahatmayas the sources said to be are Skandh Puran, Brahmanand Puran, Padam Puran and Rudra Mala. I have seen Skandh Puran, Brahmanand Puran. Padam Puran and Rudra Mala but I have not read them. It is said that all these four books have been written only 80-90 years ago. I cannot tell the time of Skandh Puran but I can tell that it was written only hundred years ago. It is

incorrect to say that it was written in Tretayug. It is also incorrect that Brahmanand Puran, Padam Puran and Rudra Mala were written 1500 years ago. It will be correct to say that all these four Puranas might have been written between 1899- 1999. Again said that these might have been compiled. It is correct that in my view books did not exist 100 years ago. I have used in my book, the Ayodhya Mahatmaya translated by Ram Narain. Ram Narain has translated it into English. He does not tell, who has written the book which he has translated. He has translated into English the Conversation held between Lord Shiva and Parvati. The translation done by Ram Narain was perhaps published in 1875 or 1878. Ayodhya Mahatmaya written before 1875 or 1878. Ayodhya Mahatmaya written before 1875 are also available. I have written in my book that I have used the Mahatmaya translated by Ram Narain because it is one of the oldest Mahatmayas i.e. one of the oldest manuscripts of Ayodhya Mahatmayas. In my view, the script of Mahamataya translated by Ram Narain is the oldest. The source of Ayodhya Mahatma translated by Ram Narain are not said to be Skandh Puran, Brahmanand Puran, Padma Puran and Rudra Mala. It is correct that the Ayodhya Mahatmaya translated by Ram Narain is not based on four Puranas. The 19th Century began from 1800 and ended in 1899. In my view the period of 19th Century was from 1800 to 1850. The manuscript translated by Ram Narain is of 18th Century or of earlier period. Except this, all other Mahatmayas are of beginning of 19th Century. The committee formed in Ayodhya for identifying the religious tell, who has written the book which he has translated. He has translated into English the Conversation held between Lord Shiva and Parvati. The translation done by Ram Narain was perhaps published in 1875 or 1878. Ayodhya Mahatmaya written before 1875 or 1878. Ayodhya Mahatmaya written before 1875 are also available. I have

written in my book that I have used the Mahatmaya translated by Ram Narain because it is one of the oldest Mahatmayas i.e. one of the oldest manuscripts of Ayodhya Mahatmayas. In my view, the script of Mahamataya translated by Ram Narain is the oldest. The source of Ayodhya Mahatma translated by Ram Narain are not said to be Skandh Puran, Brahmanand Puran, Padma Puran and Rudra Mala. It is correct that the Ayodhya Mahatmaya translated by Ram Narain is not based on four Puranas. The 19th Century began from 1800 and ended in 1899. in my view the 19th Century began from 1800 and ended in 1899. In my view the period of 19th Century was from 1800 to 1850. The manuscript translated by Ram Narain is of 18th Century or of earlier period. Except this, all other Mahatmayas are of beginning of 19th Century. The committee formed in Ayodhya for identifying the religious places in Ayodhya in 1902, made use of Mahatmayas translated by Ram Narain. In my book I have written a sentence to the effect that the committee marked "Ram Janam Bhoomi No. 1" on the eastern gate of Babri Masjid. I have written this on the basis of my own inception. I saw the stone fixed by the committee on the Eastern gate of Babri Masjid. As it was mentioned in the Gazzet that the committee fixed a stone I have mentioned in my book about it. It is incorrect to say that this has not been mentioned in the Gazetteer that the committee had fixed the stone on the Eastern side of Babri Masjid. I have read it myself. The map given on page 103 of my book has been prepared on the basis of description given in Ayodhya Mahatmaya translated by Ram Narain. I have not prepared the site plan myself but I have got it prepared by a Cartographer. The Cartographer has prepared this plan according to my directions. It is said that Vikramditya re-constructed 360 temples in Ayodhya. Illiot has explained this figure.

According to him the number of the deities is 360 and this figure is in consonance with the number of temples. At present I do not remember the name of book written by Eliot. I have not mentioned the name of the book of Eliot in my book, though I have mentioned about Eliot on page 109 of my book. I consider that part of Ayodhya as the old Ayodhya which is situated in the West of main Road and is surrounded by the walls of the fort. I have mentioned about old Ayodhya on page 109 of my book. That place i.e. the above mentioned old Ayodhya is called Ram Kot by the people. It is correct that out of 131 religious places mentioned in Ayodhya Mahatmaya, most are situated in old town of Ayodhya According to me in old Ayodhya remains of mud walls are found which might have been constructed between second and fifth Century and a part of wall made of stone which was raised in mud and which might have been built during 13th Century. The outer wall of Babri Masjid and the stone wall, some portions of which were built on mud wall were similar. This will be natural presumption that the outer wall of Babri Masjid and stone wall, both were built during the same period. I have written on page 110 of my book that the natural conclusion would be that they are of the same time. I have not mentioned in my book that only the outer wall of Babri Masjid and the stone wall would be of the same time.

According to me the Babri Masjid is built on the Central Place of Ayodhya. It is correct that the Babri Masjid is situated in the centre of the area of Ram Kot. This is my opinion. It is incorrect to say that near the place where Babri Masjid or the so called Babri Masjid was built, there was no Muslim population in 1528 or before. Near the disputed site in Ayodhya, the Muslim population started in the 11th Century. From 11th Century AD to 1528 AD the Muslim population had tremendously increased near the

disputed site. Even after 1528, the Muslim population continued near the disputed site. Perhaps this has not been mentioned in Ain-e-Akbari that there is no Muslim population in Kot Ram Chander i.e. in the Ain-e-Akbari of Abul Fajal. Tyfen Threller had not come to India between 1766 to 1771 but he had come around 1790 and he had gone to Ayodhya about which he had mentioned in his report. He has not prepared any map, sketch of Ayodhya, he has only given an account of Ayodhya. It is not correct to say that Tyfen Threller in his account has written that he did not find Muslim population in Kot Ram Chander. He has also not written that he found the Muslim population. I have not read the accounts of Tyfen Threller. My above statement is based on the conversation held with Professor Sinha. Prof. Sinha has translated the account of Tyfen Threller into English. I have not read this translation. I cannot tell the period of Land Settlement of Ayodhya. The second settlement was done between 1861- 1878. This has not been mentioned in that settlement that there is no Muslim population near the disputed site. In the case of Raghubar Das of 1885, about the disputed site, the Hon'ble Judge Mr. Shemiar has not mentioned that there is no Muslim population near the disputed site. Again said the dispute was not about the disputed site but was about erecting a canopy on Ram platform. I have not gone through the judgement. I have read the report of Buckanene. This report was presented in 1814. the report of Buckanene is not the survey Report. It is not correct to say that in the report of Buckanene also it is mentioned that there was no Muslim population in Ram Kot. It is incorrect to say that the Muslims demolished many temples and Stoops of Lord Budha in India. The Book "History of Buddhism in Kashmir" given by the counsel is before me. The foreword of this book has been written by Dr. Karan Singh. After seeing page 104 in the book the witness said that on this page

“Muhammadden Buildings on Budhist Plinth is written” Page 105 of this mentions” The Jama Masjid of Sri Nagar stands on a spot which was sacred to the Buddhists, and Buddhists from Ladakh visited the site”. The learned counsel has filled the photo copies of page 104,105 and of the first page which are marked 171C-211 to 171 C-215 Kalhan's Raj Tarangini Translated by M.K. Steem-Volume 2 is before me. Photo copy of its pages 446 and 447 have been verified by the learned counsel on which documents No. 172 C-2/1 to 172 C-2/4 is recorded.

On page 113 of my book I have written that the possibility cannot be denied or fully denied that there was no ancient construction in place of Babri Masjid. My conclusion is not on the basis of the report of B.B. Lal. This calculation is based on the report of Cunningham. The report of Cunningham has been written between 1862-1868 Cunningham's report does not mention which construction existed in place of the disputed site. Cunningham was doing research about Buddhist sites and had come to Ayodhya in that context and he tried to found out the Stoop in which hair and nails of lord Budha were preserved. But he could not find that Stoop. Babri Masjid is situated on an old mound. My suggestion is that it is possible that this mound might be that Stoop in which the hair and nails of Budha were preserved. The report of Cunningham referred to by me is mentioned at Sr. No. 1 on page 124 of my book, Cunningham in his report has mentioned about Ayodhya period of Balmiki Ramayan and perhaps, I have also described Ayodhya of Ramayan of Balmiki period in my book

Question. On Pages 114, 115, and 116 you have quoted the report of Cunningham in your book which is about Buddhist sites but have not referred to Cunningham's report relating to Ayodhya of Ramayan period.

Answer. In chapter 4 of my book I have used Cunningham's report in the context of Ayodhya to underline the geographical position of Ayodhya of Balmiki Rainayan. Here Cunningham gives the description of Ayodhya on the basis of Balmiki Ramayana.

It is incorrect to say that I am not Answer.ing this Question. directly and correctly. I do not fully agree to the report of Cunningham but I largely agree to his report. I have mentioned that part of Cunningham's report in my book with which I do not agree. But I have mentioned this in the words of Sankaliya and professor Joshi. In my book, on pages 52-56 I have referred to those parts with which I do not agree. I have used the report of Cunningham to the necessary extent and I have referred thoses parts of his report on pages 52-56 in my book to which I do not agree. Out of the books referred to be me in my book on page 124 items 5, I do not at all agree to the book of Shri BB Lal. In my book I have not written that I do not agree to his book but at the same time, I have also not mentioned that I agree to his book. B.B. Lal has not written any book but by book I mean the report and whatever I have written in my book that relates to his article. I have mentioned about the article of B.B. Lal on page 116 of my book but I have not expressed my agreement. It is also incorrect that I have not mentioned that I disagree with his article.

Verified the statement after hearing.

Sd/-

Sushil Srivastava

3.11.99

Typed by the stenographer in the open court as dictated by us. In continuation for further cross-examination on 4.11.99
Witness be present.

Sd/-

3.11.99

Dated: 4.11.99

(In continuation of 3.11.99 statement of Shri Sushil Kumar Srivastav (PW-15) on oath.

I cannot say that Ayodhya is called Saket also, or the name of Ayodhya is Saket also. I even do not know that Ayodhya is called as Vishakha also. I do not know whether Cunningham has addressed Ayodhya as Saket also. I have not seen the report of B.B. Lal of 1984-85; therefore I cannot say that B.B. Lal has called Ayodhya by the name of Saket also. On page 124-Sr.No.5 of my book I have not referred to the report of B.B. Lal but I have mentioned about his article, I have read all the articles referred to on Sr. No.5. I do not remember, whether in the above mentioned articles referred to at Sr. No. 5 Ayodhya i.e. Ayodhya of Ramayan period has been shown as Saket or not. It is correct that B.B. Lal has taken the Ayodhya of Ramayan period and Ayodhya of today as one. In my book I have taken the Ayodhya of Ramayan period and Ayodhya of today as one. I did not involve my self in the dispute whether Ayodhya of Ramayan period and Ayodhya of today are one or different. I have only assumed this and not accept that the present Ayodhya and Ayodhya of epic period are one. On page 116 of my book I have written that we believe that Ayodhya of today and Ayodhya of epic period are one which is traditional also.

From the above it means that we all have believed that epic Ayodhya and Ayodhya of today are one and therefore, I did my research work and wrote my book believing that both these are one. It is difficult to say when the activities of Budha Religion began in Ayodhya Upto 4 Century the activities of Budh Religion were continuing in Ayodhya.

According to Fahiyān mainly activities of Budh religion were continuing in Ayodhya and Brahmani activities also started in Ayodhya 4th Century. We come to know about activities of Jain religion in Ayodhya in 6th Century only. I do not remember when the Jain Religion began in India. The Jain religion began in India from the period of Tirthankar Mahavir. I cannot tell whether there were Tirthankers of Jain religion or not before Mahavir. In India Jain religion began from the period of Mahavirji. This period is not 6th Century but it might be before Christ. It is incorrect to say that Jain religion had begun in India thousands of years before Mahavir ii but it is correct that the Jain religion in India began only from the time of Mahavirji. I do not know whether Mahavirji was 24th Thirthankar of Jain religion. Budh Religion is older than Jain religion, Jain religion became prevalent after the Budh religion. I cannot say when the Jain religion came into existence. I even cannot tell when Budh religion came into existence. Both the religions are definitely in existence before Christ. The Christian religion began with the birth of Christ. I cannot tell when Christ was born according to the Indian Calender. I cannot tell when Sanatan Dharam began. I even cannot tell whether Sanatan Dharam began before Budh Religion or it began after Budh Religion. I also cannot tell whether Sanatan Dharam began before the Jain religion or it began after it. I even cannot tell whether Sanatan Dharam began before the birth of lord Christ or it began after the birth of Lord Christ. When Budh Religion came in India, Brahmani religion was prevalent in India. It is difficult to say when Brahmani religion became prevalent in India but it was prevalent from the old times. I also cannot tell whether Brahmani religion was prevalent from thousands of years before Budh and Jain religions or not. I also do not know how many years before the Christian religion the Brahmani religion had become prevalent. It is correct that

both Jain and Budh religions came after the Brahmani religion. There is no definite time of the Ramayan period. Mahabharat period is also not definite. I do not know when Mahabharat took place. I even do not know whether Mahabharat took place or not. I only know that there is book of the title of Mahabharat. I have not read this Book. I have heard the name of this book. It is difficult to lay down the definite time of Balmiki but it is believed that Balmiki might have come two or three centuries before Christ. I know that there are Vedas. Vedas are said to be four in number. But I do not know whether Vedas are four or not. It is difficult to say when Vedas were written. I can not say whether Vedas were written Before Christ or After Christ. According to Brulane Vedas might have been written before Christ. The followers of Vedas were called Brahmani but it is not correct that all the followers of Vedas were called Brahmani. I know Vedic religion. The religion based on Vedas is called Vedic religion. I cannot tell how many years before the Budh religion, Vedic religion was prevalent in India; Jain religion came after the Vedic religion. It is incorrect to say that before Budh religion, all people living in India followed the Vedic religion. Besides Vedic religion, the tribals had their separate religions and some followed the religion of Nature. There were no definite names of tribal religions and religion of Nature. I cannot tell whether Sanatan Dharam and Vedic Dharani are one or they are different.

The followers of Vedic religion are called Hindus. It is correct that followers of Brahmani religion are called Hindus. I cannot tell the difference between the Vedic religion and the Brahmani religion, Vedic religion and Brahmani religion both more or less are same.

The activities of Budh religion are found in Ayodhya upto 7th Century. Upto 7th Century there were activities of

Brahmani religion also in Ayodhya. It is correct that in Ayodhya, there were activities of followers of Vedic religion also in the 7th Century – 8th Century there were Stoops of Budha in Ayodhya and there were Budha Bhikshuks also. Besides, the presence of Budha Bhikshuks, I cannot tell about any other activities of Budha religion. We find no mention about the activities of Jain religion in Ayodhya in the 7th Century. The activities of followers of Vedic religion and Brahmani religion were that some temples were being raised and number of such people was increasing. I am telling this about the 7th Century. Nothing is known about the activities of Budh religion in Ayodhya from 7th Century to 11th Century. During this period what were the activities of Brahmani or Vedic Religion, it is also not known. It will not be correct to say that in Ayodhya, Budh, Jain Brahmani and Vedic religions were in progress. On Page 116 of my book I have mentioned that before 11th Century Budh, Jain and Hindu religious were progressing in Ayodhya, it is not correct, but my above statement is correct, Again said that there is no major contradiction in these two versions. It is incorrect to say that there is major contradiction in what I have written in my book and my statement of today. In my book I have used the word, "Myth" at different places which means legend. This is an English word. The things which have no historical background are called legend (Myth). I consider mythological stories as legendary. The mythological stories were those stories which were compiled in the ancient period.

Cunningham believed that, except the disputed structure; all the buildings built in Ayodhya are of the later period i.e. they might have been built in the 19th Century. Cunningham has clearly written in his report that there was no ancient Hindu temple in Ayodhya. I am saying this on the basis of my quotation given in item I on page 124 of my

book. I do not remember that Cunningham has said that the disputed structure is on a hill or a mound. I even do not remember whether Cunningham has said that a part of the disputed structure was a Hindu Temple or not. Cunningham has mentioned about Mountains in Ayodhya but how many Mountains he has referred to I cannot tell. On page 118 of my book I have written that Cunningham has referred to 3 Mountains in Ayodhya. The form of the Mountain or the mound on which the disputed structure was built was not similar to that of other Mountains i.e. Mani Parvat, Kuber Parvat, Sugreev Parvat. On page 118 of my book I have written that the mound on which Babri Masjid was built was like the three Mountains referred to by Cunningham and there was similarity between them. But I have mentioned that this similarity was on the western side. The three Mountains referred to by Cunningham are very old. These could be of the period before Christ. This report of Cunningham which I have referred to is Archaeological survey of India; four reports 1862,63,64,65-Volume I is written by Cunningham. This report bears documents No. 107-C1/12 to 107/C-1/16. This report is before me. The map on this report reads "plan of the city of Ayodhya or Avadh" Birth Place has also been depicted in the map. It is difficult to say that the birth place depicted in the map in the same place where the Masjid was situated. On page 322 of the same report in 11th line from the bottom it is written birth place or birth place temple i.e. birth place of Lord Rama or birth place temple. On page 320 of his report, Cunningham has mentioned Ayodhya and Saket as one Place. I had read this report of Cunningham before I wrote my book. On page 118 of my book I have written that it is surprising that Cunningham has not included the mound of Babri Masjid in three Mountains described in his report. I have said this because the mound of Babri Masjid appeared

to be similar to three mounds from the Western side. Therefore, in my view, the mound of Babri Masjid should have been included.

I cannot tell of which period these Mountains are, I do not know when the period of Shung Rulers began and when it ended. This disputed site is situated on a mound. Its height is less than that of mounds (Mountains). The level of the mound on which structure exists is higher than the level of the surrounding land. The height of the three Mountains was nearly equal. The height of the mound on which the disputed structure exists is 25 feet less than that of the three Mountains. The height of the mound on which the disputed structure existed was 20 feet more than the level of the earth. The mound on which the disputed structure was built looked to be of mud. I cannot tell whether around the mound below the disputed structure bricks were laid around or not. I cannot tell whether there were bricks or not under the disputed structure because I had not done excavation work. Perhaps stones were laid on one side of the mound under the disputed structure. Bricks and stones are different materials. Bricks were laid on one of the three Mountains near the disputed structure on the upper side. Stones were laid on other Mountains. All the three Mountains were of mud and stones. I do not remember the name of Mountain on which bricks were laid on the upper side. On page 119 of my book I have written that similar bricks were laid on the mound on which Babri Masjid was built but in this sentence by bricks I meant stones. In English bricks and stones are different materials. In the above mentioned sentence I have used the word bricks and not stones. By similar I meant that the type of bricks used in the mound under the Babri Masjid, were also used in one of the three Mountains. It is correct that stones were found in the mound under the Babri Masjid. The size of the stones

used in the mound was very large i.e. large stones were used. I do not remember the quantity of the stones used but the stones used in the mound under the Babri Masjid were in large number only on one side of the mounds.

Question. You have stated that in the mound under the Babri Masjid large stones were used. By this you mean long size bricks or long size stones?

Answer. I mean long size stone bricks.

Question. In English and in dictionary too, bricks and stones are considered to be separate materials.

Answer. This is correct, but in the history of bricks different experiments have been done at different times, therefore bricks have been defined. The ways of defining bricks are: stone bricks, earthen bricks, clay bricks, baked bricks etc.

When a stone is used in a building, it is defined as brick. I do not know when the stones became available in India. In history a certain age is called the stone age. It is correct that in the stone age, bricks were not made. Stones have been available from the stone age till today. Bricks have been in use in India for four five centuries before Christ. It is correct that bricks and stones both have been used in construction in India for 4-5 centuries before Christ. Stones and large size bricks both were laid in the mound under the Babri Masjid. In one of the three Mountains long size bricks were laid, in rest of the Mountains bricks were not laid. Again said perhaps might have been laid. I did not observe. I have mentioned that in one of the three Mountains stones were laid, here I mean large size bricks of stones, where ever I have used the word stone, I mean large bricks of stones. Stones were laid in mound under the

Babri Masjid; similar stones were laid in the bottom of one of the three Mountains. The form of construction of the mound on which Babri Masjid was raised was different from the construction of three mounds. I showed the photographs of the stones of the mound under the Babri Masjid i.e. large size bricks of stones and those of large size bricks of one of the three Mountains to Romila Thappar Sahiba. I showed these photographs to Romila Thapper in the beginning of 1990. I myself had taken the photographs I showed to Romila Thapper. I took these photographs from outside. The photographs are in my possession. In 1990, it was not allowed to take the photograph of the structure from near. When I took the photographs I was with SDM and I had taken his permission. This permission was oral. I do not remember the name of that SDM. I even do not remember whether Shri Mulayam Singh Yadav was the Chief Minister of Uttar Pradesh during those days or not. When I took this photograph, I was standing on the Northern Road of the structure. I took this photograph from a height. I took the photograph from the side of ruined building behind the mound of the disputed structure. I took the photograph of the ruins out of curiosity. The stone bricks I found there could be of same building only. The form of stone bricks I saw on the bottom was different from that of bricks of disputed structure. After seeing these photographs Romilla Thappar Sahiba told me that the stone bricks looked to be of the period of Shung rulers.

On page 121 of my book I have mentioned about a tomb. That tomb was under the Mani Parvat. The brick stones laid in the tomb were similar to those used in the disputed site. This tomb was a far away from the disputed site. This tomb was at a distance of about one mile. I know the Hijri year. The Hijri year starts after the death of Mohammad Sahib. Mohammad Sahib died in 632-AD. If

1100 Hijri is converted into A.D. it will be 1732 AD. On page 121 of my book I have referred to 1173 Hijri which means from 1732-1805. There might have been Stoop of Budha, at the place of mound. There is a reference that Lord Budha had come to Ayodhya. At some time temples and Stoops of lord Budha were in large number in Ayodhya. By 7th Century number of Mathas and Stoops of Budha in Ayodhya had reduced considerably. When Hieun Sang came to Ayodhya, the mathas and Stoops of Lord Budha were in negligible number which was mentioned by Hieun Sang also. He has also mentioned or not that Mathas and Stoops of Lord Budha were in dilapidated condition, I do not know. The hair and nails of Lord Budha have not yet been found around or near the disputed structure. I cannot say whether there were Mathas and Stoops of Lord Budha at the place of disputed site because excavations have not been done there. On the disputed site I had tried to investigate whether there had been any mathas or Stoop of Lord Budha or not. After Investigation I felt that there might be Stoop of Lord Budha under the mound of the disputed site. The base of my doubt was that that it was said that the hair and nails of Lord Budha were preserved in a Stoop in Ayodhya but this Stoop was not found, therefore, I assumed that there might be Stoop under the mound of the disputed site. It appears from the report of Cunningham that hair and nails of Lord Budha were preserved in a Stoop in Ayodhya. Cunningham Sahib has not written in his report that there was a Stoop under the disputed site and the hair and nails were preserved there. Except the report of Cunningham Sahib, I have no other base to say that there was a Stoop under the mound of disputed site. In view of the geographical position and the mound of the disputed site. I assumed that there might be Stoop under the mound. There is no Ganesh Kund or Gane Kund near the disputed site. Kund of this name does exists in Ayodhya. I do not

remember whether Cunningham has mentioned about any Ganesh Kund in his report. On page 123, in 12th line from top of my book I have written that from the geographical position of the mound of Babri Masjid it appears that there had been a Stoop under this mound in which hair and nails of Lord Budha might have been preserved. Again said that I have used the word "might" which means perhaps. It is incorrect to say that I found the remains of temple under the mound and to misguide the people and to snatch the rights of the Hindus, I have stated that there might be Stoop of Lord Budha under the mound of the disputed site. On page 123 of my book I have written that Hieun Sang came to India in the 7th Century and he did not find the remains of the Stoop, by this I mean that Stoop might have remained upto 7th Century. I have written on this page that Hieun Sang found Hindu Mandirs around the Stoop. The Stoop existed there, the shadow of which fell on the tank or Reservoir, Seeing all this, I assumed that the Stoop might have remained there. This Stoop or the mound of the disputed site is near one of the three Mountains mentioned by me above.

On page 123 of my book I have written that the Babri Masjid was surrounded by small buildings. I cannot tell now what I mean by such small buildings. Mandirs are also included in small buildings. There was deep pit on the Western corner of the disputed mound about which I have mentioned on page 123. In the first map given by Cunningham in his report, old bed River has been depicted, and I referred to this. On page 123, I have written about presence of water at the time of Hieun Sang. I have written so because Cunningham in his map has shown the same as old bed River. On page 123 of my book I have correctly written that it is certain that there had been Stoop at some time under the mound on which the Babri Masjid stands.

Hair and nails of Lord Budha had been preserved in this Stoop. On page 123 I have written that the fall of Budh religion had begun. I have written so because when Hieun Sang came to Ayodhya, the number of Mathas and Stoops of Budh had considerably reduced and Bhikshuks were seen in negligible number. On the other hand number of Brahmani mandirs had increased and, therefore, I wrote that Brahmani religion was spreading.

Verified the statement after hearing

Sd/-

Sushil Srivastava

4.11.99

Typed by the Stenographer in the open court as dictated by us. In continuation of this for further cross-examination on 5.11.99 . Witness be present.

Sd/-

4.11.99

Dated 5.11.99

In Continuation of 4.11.99, statement of Shri Sushil Kumar Srivastav (PW-15) on oath.

Before writing my book I had written one or two articles. I had written more articles on other subjects. I wrote my book on this subject. On the same subject my article appeared in "Maya" and "Probe India". Both the articles were published in 1988. My book was published after my articles had been published in "Maya" and "Probe India". My articles appeared in "Maya" and "Probe India" in January 1988. The manuscript of my book was not ready by that time. My article which appeared in "Probe India" was also published in "Historical Document legal opinion and judgement" — published by Bar Counsel of India Trust. Shri Vmay Chandra Mishra is the editor. I cannot say whether it was the same article or not. I am seeing this book for the first time. In this book article has been published in my name on pages 86- 111. I cannot say that the article appearing on these pages is same or not but it some what appears to be same. The witness read pages 86-111 and said "this article appears to be mine. In my article under title "A mosque built by Babar". I wrote the issue of that disputed site. Disputed temple (mosque) was built by Babar after demolishing the temple and the issue of Ram Janam Bhoomi Started for the first time in the 19th Century. 17th Century written on page 87 of this book is wrong. It should be 19th Century. Again said that the opinion that Babar raised the Masjid after demolishing the temple was formed in first half of the 19th Century. By first half of 19th Century I mean between 1801-1850. Area of Avadh Masjid in East India Company i.e. the British rule from 13th February 1856. Ayodhya comes in Avadh and this too merged with Avadh. In my view the opinion that Babar built the Masjid after demolishing the temple has been formed before the merger

of Ayodhya in British rule. When Erskine and Leydene, in regard to the disputed site translated the Babarnama. Ayodhya had not merged in the British rule. From 1801 to 1850, Ayodhya remained under the rule of Muslim Nawab. The witness again said that I do not want to say that as Ayodhya continuously remained under the rule of Muslims, the word "Muslim" be removed and it be understood that there was an agreement between the begum of Avadh and the English regiment according to which revenue was passed on to British and in lieu the British had given an assurance that after the death of Begum, they would take care of her servants and the tomb of Shujaudullah. The Muslim rule remained in Ayodhya from 1700 A.D. to 1799 A.D. It is correct that from 1800 to 1850, Ayodhya in each matter i.e. in respect of revenue was under Muslim rules. Ayodhya merged in British rule in 1856 in writing. Alongwith Ayodhya whole of Avadh was merged. In my article published by the Bar Council of India, on page 105, I stated that the entire dispute about disputed site was the creation of the British. As in 1765 there was a treaty between The English and the nawabs of Avadh and the English started interfering in every matter in Avadh. I have written that this dispute has been raised by them. The treaty of 1765 was signed between Shujaudullah and the English. Shujaudullah was the nawab of Avadh. In this treaty no rights were given to the English in respect of Ayodhya. Ayodhya was a part of Avadh and as the interference of British was increasing in Avadh, it might have its impact on Ayodhya also. In the treaty of 1765, the English got a right to keep their one resident in Avadh and share in the revenue of Avadh. It was a condition that the Mughal Army be forthwith removed from Avadh. Before 1765, the English had their influence on Avadh but it was not so in Ayodhya. The first impact of treaty was to withdraw the Mughal Army from Avadh which Nawab had to follow. After the treaty the Mughal soldiers

kept in Ayodhya for security had to be withdrawn by the Nawab. The effect of the English perhaps started in Avadh after 1700 A.D. Before 1700 AD. there was no effect on Avadh. Johan Pambil has given one example according to which it can be said that the British had started inflaming the feelings of the Hindus against the muslims in Avadh. According to this example, in 1799, in Bareilly, the Pathans attacked English and the English were killed in large number. This was the first incidence in this region and since then, the English started inflaming the feelings of Hindus against Muslims. Col. Sleemen in his accounts has described the acts of English for inflaming the feelings of Hindus against Muslims. But I cannot tell them because I do not remember them. The accounts of Sleemen were published in 1858. The title of the book was 'Journey through Kingdom of Avadh'. Joseph Tyfen Threller was an Austrian priest. He had visited India during 1770-1790. In his accounts there is description of Ayodhya. The account of Joseph Tyfen Threller perhaps has not been published therefore I cannot say whether this account was published or not in 1785. I have not fully read the account of Joseph Sahib, the priest. It is incorrect that I am concealing the fact of having read the account of Priest Joseph because in that account Joseph priest has mentioned that he had gone to Ayodhya and Babar demolished the Ram Mandir, which was the birth place of Lord Rama and raised Masjid there.

William Finch was English. He visited Ayodhya between 1608-1611. William Finch Sahib has also written about Ayodhya. He has neither written that in Ayodhya, Masjid was raised after demolishing the Ram Mandir nor that there was any Ram Mandir there. I consider William Finch a source of accounts. I take his account as a biased one. I consider the account of William Finch as biased because a feeling had aroused among Christians against

Muslims that they do not accept Christ as God so they highlighted that God appeared in Ayodhya to act as man.

William Finch has mentioned about incarnation of God in Ayodhya. This is in respect of Lord Rama. In article published on page 91, I have mentioned some names of British writers who have written on the disputed subject. The names of these writers and the names of books written by them are (1) P.Karnegi – A historical sketch of Faizabad Tehsil, including the former capital of Ayodhya and Faizabad. This book was published from Allahabad in 1861 (2) W.C. Vennet, Gazetteer of Province of Avadh — 3 Volumes — published from Calcutta in 1877 (3) A.Furer, Report of the Archaeological Survey of India (Imperial Series). The Monumental Antiquities and Inscription in the North Western Provinces Audh and Avadh, published in 2 volumes in 1901. (4) — H.R.Nevil — District Gazetteer of United Provinces of Agra, Audh and Avadh, Faizabad Volume 43 Allahabad, 1905. Among these British writers, I have not included names of William Finch and Tyfen Threller and their books.

I know the name of B.C. La who is scholar of Sanskrit, Pali and Prakrat. I do not know whether he was a scholar of Geography or not. In my article published on page 101, I have mentioned that B.C.La, was considered an authority in Geography of ancient India . “The counsel showed the photo copy of the report of B.C.La to the witness” which was published in Journal of Institute — Volume-I on pages 423 to 447. I have seen this article and it is true. This is before me. On this document No. 173-C 2/1 to 11 was marked. I had read the article of B.C. La before I wrote my books I have referred to this in my book. I have mentioned the name of Shri B.C. La on page 55 in my book. On page 13 of my book I have referred to this article. Instead of year 1943, it was printed as 1973 because of printing mistake. Reference of this article at page 13 in my book is before

me and the learned Counsel has filed its photo copy. Whatever Shri B.C.La has written in respect of geographical position of Ayodhya I agreed with that and believed it to be true while writing my book. I have not expressed my disagreement in my book with the article of Shri B.C.La on the point of geographical position of Ayodhya. About para 1 of my article published on page 88 of the book edited by Shri Vinay Chandra, I cannot say with degree of certainty that it is the part of my article but appears to be part of my article. This para reads that it is surprising that the English had gone after establishing that no body gave attention to the fact that influence of Muslims had established from 1030 A.D, therefore it is surprising that the allegation of demolishing the temple and raising of Masjid was not leveled against any other invader before Babar. Babar came to this area, after 500 years when the influence of Muslims had established. This is also surprising that several examples are available in the history that Muslims i.e. Turkish rulers demolished the Hindu temples and raised Masjids near them for example in Qutub premises in Delhi, "Dhai Din Ka Jhoopda" in Ajmer and "Som Nath Temple" in Gujarat". I agree to what is written in this paragraph. I have read the translated part of Mirate Masoodi because his complete book has not been translated only a part of it had been translated. The translation of Mirate Masoodi is in the book of Eliot and Darson. I do not know as first of all who translated Mirate Masoodi. I read the part of translation of Mirate Masoodi of Eliot and Darson but I do not know from where they translated it. The part of translation of Mirate Masoodi was read by me, there was description of Ayodhya visit i.e. description of the visit of Saiyad Salar Masoodi. It is possible that there might be further description of Ayodhya in the translation of the remaining part. I have not read that part of Mirate Masoodi which has not been translated and it

is possible that there might be detailed description of Ayodhya. Though I have not read complete Mirate Masoodi but it is not possible that the part I did not read may contain description of disputed site or disputed structure. The base of my statement is this that no activity of Saiyad Salar Masoodi was related to the disputed site. In the translated part I read, there is no description of any temple. Saiyad Salar Masoodi perhaps came to India in 1090.

Ibne Batuta was a Muslim. I do not remember in which year he came to India. Perhaps he came to India in 12th or 13th century. Ibne Batuta has given description of Avadh. He has not given any description of Ayodhya. As per my information; no other foreign Muslim traveller had come to Ayodhya before 1526 except Saijad Salar Masoodi and Ibne Batuta.

The portion of the article published by Bar Council of India Trust on page 96 was shown to the witness. The witness said, I am not sure whether this portion is the part of my article or not. The witness read out page 96, "I disagree to the following contentions of the first paragraph and it does not appear to have been written by me." 4th line "from this Vikramaditya upto..... History of Rama" In the third paragraph — third line "These Account include Babarnama."

Except this, the rest of the part appear to be correct. The Muslim travellers who traveled to India, did not talk about Ayodhya nor did they talk about Babri Masjid. Before 1528, only the account of two Muslim travellers is available about Ayodhya. One of them is Saiyad Salar Masoodi and the other Ibne Batuta. I have not found any account of any other Muslim traveller. Ibne Batuta's account of travelling to Ayodhya is not available.

I cannot say that First paragraph of page 95 — First line "However Quran constructed hereby" is written by me or is

the part of my article, but I agree with what has been mentioned in this paragraph.

I have not read Quran. But I have heard that it is not justified to demolish the temple and build Masjid in its place. I have said that I am not certain whether this paragraph is written by me or not, therefore I cannot say that this paragraph which reads "Quran says that is wrong. "It is not justified to demolish the temple and to build Masjid in its place" I have heard this from Prof. Radhey Shyam. I have also heard this from Shamshur Rehman Faruqi and other persons whose names I do not remember. Shamshur Rehman Faruqi is my father in law. Besides, I have also heard this from Dr. Salauddin resident of Allahabad who is Scholar of Quran. I heard this during my conversation with them. They did not refer to Quran or Hadees or any other religious book.

The word "Muslim" came in India for the first time in 16th century. 16th century, Muslims were addressed by different names i.e. Tajik, Turuk, Turush, Pathan etc. the writings in the first line of first para of page 98 of the book of this Bar Council. "We also come across written by Ikshvaku" appear to be from my article but I cannot say that this is part of my article. I agree with what has been written in this para but I do not agree with the word 8 century" instead it should have been 16th century"

It is incorrect that I am deliberately denying - my own article.

Verified the statement after hearing

Sd/-

Sushil Srivastava

05-11-99.

Typed by the Stenographer in the open court as dictated by us. In continuation for further cross examination on 15-12-99.

Sd/-

5.11.99

Dated: 15-12-99

In continuation of 05-11-99, statement of Shri Sushil Kumar Srivastav (PW-15) on oath.

In the third para of page 96 of the book "Ram Janam Bhoomi Babri Masjid" published by the Bar Council of India Trust, it is written "And while Ain-e-Akbari Ram Janam Bhoomi temple/Babri Masjid" but I cannot say that this is part of my article. But I agree with this. The 4th para of this page "As the use on the subject", I cannot say whether this is the part of my article or not. But I agree with it. On page 97 of this book first paragraph of this portion reading from — "Come" to "Raja of Ayodhya" is part of my article or not I cannot say. To this I agree on some points and disagree on others (Again said) I agree with the account given in this para I cannot say that writings in the first two paragraphs on page 97 from "Two pillars" upto "part of that structure" are from my article or not but I agree with this. I agree with what is written in the last para on page 97 from "Pandit Uma Dutt Opinion" upto "Shahjahan" but I cannot say that it is part of my article. (Again said) on page 98 there should be "Allahabas" in place of Allahabad".

First para on page 98 from "we also come" upto "Ikshvaku" is part of my article or not I cannot say I do not agree with the second line of this para "This term came into vogue after 8 century" but I do agree with the rest. Instead of 8 century there should be 17th Century. There are some words in Ayodhya Mahamataya which created doubt whether it was so written during the time of Ikshvaku. By doubt I mean I do not agree fully. Ikshvaku was one king who is the originator of this dynasty. Ikshvaku was the name of a person and then it became a dynasty; Ikshvaku ruler is believed to be during the period 2nd or 3rd centuries B.C. I cannot tell the names of the kings of this

dynasty. I even cannot tell the name of father of Ikshvaku. King Dashrath is believed to be the king of Ikshvaku dynasty. I cannot tell the period of king Dashrath. He had been before Christ. I do not remember whether Dashrath was the king of Ayodhya or not. Kaushal was a part of Ayodhya but Kaushal was not called Ayodhya. Lord Rama was his son whose full name was Rama Chandra. In second para of page 98 from "The Ayodhya Mahatmaya" to the place of Ram Chandra" is part of my article or not I cannot say. But I agree with this. On page 99 last para beginning with "So there Hindu Serene is part of my article or not I cannot say but I agree to what has been stated in this para. The substance of this paragraph is that there was no temple of Ram Janam place where the Babri Masjid existed or if it is believed that there was some structure or construction, was that Ram Mandir or not, I do not know. In this para the line "which however Mosque" means that it cannot be fully denied that there was some old structure (construction) where the Babri Masjid exist.

Question . This line means that it cannot be denied that at the place of Babri Masjid there was on ancient structure?

Answer. The above mentioned meaning and my meaning are one " but I am only to say that it does not mean that there was definitely an ancient construction.

On page 105 of this book what Hastings has written about British role continues from 105 to first para of page 107 and ends on HRNevil. I agree with what has been mentioned here but I cannot say whether this is part of my article or not.

The first para on page 106, "There where Landlord" means that the Hindus of Lower castes who had embraced Islam they were not placed in the high category i.e. in Ashraf Category of Muslims nor they were given Arabic names. The Hindus of upper castes who embraced Islam were placed in higher category in Islam religion. In Islam there are four categories of Muslims, 1. Saiyad, 2. Sheikh, 3. Mughal Pathans and 4. Pathans. Besides these, the Muslims of lower castes were placed in the category of weavers etc. The Muslims of Chikwa category were even lower than weavers Here by category I mean the caste The Hindus of lower castes embracing Islam were placed in the category of weavers and even lower than that. When I embraced Islam I was not shown in any category. I understand myself in the Saiyad category. Kayasth Muslims are placed in backward classes. In the second para of page 106, "The first recorded upto 1855" means that the incidents which took place during this period are recorded in the Gazetteer and also recorded in the fortnightly report of the Resident. This report was written during 1853-1856. This report has not been printed or published I have seen and read this report. I have seen and read this report in the National Archives of India, New Delhi. This report was sent by Resident — Sleemen. Sleemen was an English Officer. When this report was sent, Avadh and Ayodhya had not merged in the British Empire. By resident I mean the person who according to the treaty of the British and Avadh, looked after the interests of the British in Avadh. This treaty was of 1801. I have not found any historical proof about any dispute before 1853. On page 107 of this book about the writings under the heading "Bose description" I cannot say whether they are part of my article but I agree to what has been mentioned here. Writings on page 107 — beginning with Maulavi and running upto page 108 and 109 are part of my article or not I cannot say but I agree to what

has been mentioned here. The description of the visit of Akbar in last para of page 107, is about his visit to Amethi to meet Sheikh Bandagi Mian.

The period of Maulavi Amir Ali is believed to be the middle of 19th century. When his period began I cannot say but Maulavi Amir was killed in 1855. Maulavi Amir Ali had agitated against the rulers of Avadh, therefore he was killed. I cannot tell where Maulavi Amir Ali was killed. Maulavi Amir Ali was killed by French Commandant Balo or Boyalos. Many Muslims and Hindus were also killed with Amir Ali. I cannot tell whether the number of muslims killed was less than three hundred or it was more. It is wrong to suggest that Maulavi Amir Ali and his companions were killed near the disputed site. I do not know the name of the place where Amir Ali was killed but Amir and his friends were killed in the battle and that place is at some distance from Ayodhya. I cannot tell distance between Ayodhya and the place where the battle was fought. In 1853, some Muslims were killed near the disputed place. I cannot tell whether the number of Muslims killed exceeded one hundred or not. I even cannot tell whether 80 Muslims were killed there. I can say that the Muslims killed in 1853, were buried there. It is correct that they were buried at near about place. It is incorrect that the place where these Muslims were buried is called Ganje Shahidan. I think that the place where they were killed is called Ganje Shahidan.

In Islam religion, Jihad is called as pious battle. The meaning of holy war in Islam means, battle fought to purify the soul. The purification of soul does not mean to get back the Masjid lost earlier. In my view, if some Masjid has gone out of the hands of Muslims, and if a battle is fought to take possession of this, it should not be called Jihad or holy war. On page 108 of the book published by Bar Council, the

reference where starting Jihad by Maulavi Amir Ali is concerned, means that Amir Ali named his battle as Jihad.

From this, it is obvious that when Maulavi Amir Ali started Jihad, the Babri Masjid was not in possession of Muslims. By Jihad I mean battle. This Babri Masjid had not been in possession of muslims from 1853 to 1855. by last para of page 108 of this hook from "The nawabto 20 days, means that the same position was revived during 1853-1855 as in 1765 and lasted for one Mounth. I agree with what has been mentioned from page 109, with the heading "1855, running on page 110 upto "Ram Janam Bhoomi". But I cannot say whether this is part of my book or not. After 1855, there had been no quarrel between the Hindus and the Muslims in Ayodhya. After 1855, there was no quarrel between Hindus and Muslims about the disputed site. Under heading of 1855, on page 109, the battle mentioned was fought in 1855 that does not mean the battle after 1855. After the battle of 1855, there was an agreement between the Hindus and Muslims. According to this agreement the Hindu will have the right to offer Pooja on the land in the front of the Masjid and the Muslim will have the right to say prayer in the Babri Masjid. In this regard the division took place afterwards. This division was done in 1859. This division took place by placing Iron rods. On the East of iron rods, there was place of worship of Hindus and on the Western side there was courtyard of Babri Masjid. This wall of iron rods was raised at a distance of 8-10 steps from the courtyard of Babri Masjid. This wall of iron rods was inside the old four cornered wall (Again said). It was inside the four cornered wall seen today. I do not know that a high wall had been built around the disputed site. I do not know whether there was any boundary wall of the disputed site or not. I cannot give the measurement of the portion given to Hindu for Pooja. The

Hindus built a platform on the place given to them and started Pooja. The passage to the pooja platform was from the east of the Babri Masjid. This platform for Pooja was built on the eastern side and in front of Babri Masjid. After 1859, the Muslim entered the Babri Masjid from the north and the east. On the eastern side too there was a gate of Babri Masjid. In first para on page 110, of this book it is written that after 1959, the Muslim entered Babri Masjid only from the side of north is not correct but they went from the side of north and east. In 1855 there was no agreement between Hindus and Muslims but the agreement was made in 1856. This agreement was not written. In 1856, the agreement was same which I have mentioned above. The salient features of the agreement are that both the Hindus and Muslims could say prayers inside the Babri Masjid and outside it. The Hindus can make site of pooja towards east m front of the Masjid and the Muslims have the right to say prayers m the Babri Masjid I have seen some revenue records about the disputed site. Among the revenue record I saw the District Settlement Report, District Gazetteer and Provincial Gazetteer I had seen the first, second and third settlement report of Faizabad District. The first settlement report was for the period 1870-1880. The second settlement report was for the period 1898-1905. The third report was for 1942 or 43. No report is recorded about the disputed site in all these three reports.

The land settlement of Ayodhya was done before 1858, which is called the summary settlement. The entry of this settlement is not available in the revenue record. No record is available in respect of this settlement. Only in the Gazetteer and in the settlement report, this much is mentioned that before 1858 land settlement was done.

I know about the Bandobast of Ayodhya. I had seen the settlement report of 1861, there was no map i.e. there was no map of population of Ayodhya. The counsel showed the photo copy of the population to the witness. The witness said that this was not the map of 1861 bandobast of population of Ayodhya (on the map document No. C-2/174/3 was marked). A photo copy of map of 1861 settlement was filed by the counsel, which was marked document No. C-2/175. The witness saw this and said that no- settlement report was recorded but the settlement had started from 1860 and the report was completed in 1872-73. This map was not filed in that settlement.

This map is not of settlement of 1861. (Again said) I cannot say whether it is the photo copy of map of second District Settlement report of 1898. This photo copy has been filed by the learned counsel which is marked as document No. C-2/176. This is not the relevant copy. This is not the map of second district settlement of 1893-94. Again said I cannot say whether this is part of that report or not. There was no settlement of 1836 of Faizabad district, Ayodhya. The third settlement started in 1937. I cannot say whether the photo copy filed by the counsel bearing document No. C-2/177 is the map of that settlement or not. I have not paid attention that in any map of the settlement, the photo copy of which has been filed by the counsel. Ram Janam Bhoomi has been depicted and no Masjid has been depicted. While writing my book I had seen the revenue record and the maps of the settlement. I saw the maps attached in all the three settlement reports. In the maps I saw neither Masjid was shown nor Ram Janam Bhoomi was shown. In none of the revenue records I saw Babri Masjid shown.

I have read "The history of Antiquities, topography and statistics of Eastern India, comprising the District of Bihar, Shahabad, Bhagalpur, Gorakhpur, Dinajpur, Purnia, Rangopur and Assam", Volume-2 by Mount Gomry Martin. This book was shown to the witness. This book was published in 1976 which was reprint. It's first edition was brought out in 1838. The attention of the witness was drawn to page 332 of this book The photo copies of page 332 to 338 and cover page and of other pages have been filed by the counsel. The witness said "the photo copies of the first page and pages from 332 to 338, are true copies of the original which I have marked as document No. C2/178 and 8.

I have not read the report of Tours and Central Doab and Gorakhpur of 1875-76 compiled by A.C.L. Karlai. The name of the publisher of its 12 volumes is Indological Book House Varanasi. It is not correct to say that to conceal the facts mentioned in pages 25, 26, 27. I have stated that I have not read it. The learned counsel has filed the photo copies of these pages which have been marked as document C-2/179/1-8. I do not remember whether I have read History of India under Babar by William Erskine. Its first edition was published in 1989, when it was shown to the witness he said "I do not remember whether I had read it or not" The learned Counsel filed the photo copies of the first page and other 8 pages A-3 and 484 to 505 which were marked document No.C-2/180 1 to 8. I have read Furer's report. I had read the Govt. publication. I have not read the publications, the photo copies of which have been filed by the learned counsel. The photocopy is marked as C-2/181. This is the copy of the relevant book. I have read Epigraphica Indica, edited by Z.A. Desai and published by Govt. of India in 1966. The book shown to me is the same book.

I have not read the book Early Travels in India 1583-1619 edited by William Foster and published by Oriental Book in 1985. The learned Counsel has filed photo copy of the title page 2 and page Nos. 174-177 which have been marked document C-2/182/1 to 4. I have read the account of William Finch which is about his travelling which is given on pages 125-187 of the above book.

I have not read the book History of Jeevs by Paul Johnson. The learned counsel has filed the title page and relevant page No.168-225 marked as document No. C-2 183/10.

I have not studied Balcon city 1400 to 1900 by Nikolai Todo Rao. The learned counsel has filed the title page and relevant pages 16 to 63 marked as document No. C-2 184/8. I have seen and read the book "Indian Antiquerry A — General Oriental Research Volume 37, 1908 but I have not read the book shown to me by the learned counsel. Pages 191-192 are part of the same report. The counsel has filed the photo copy of title page and page No. 191-192 marked as document C-2/185/4.

It is incorrect to say that I have written my book without reading the other books carefully. It is incorrect to say that I have written my book without reading the relevant books. The books I have not read were not considered relevant by me, as per my requirements. I have correctly mentioned that I have not read these books because they were not relevant as other scholars told me so When I wrote this book, Rath Yatra of Advani Saheb was on. Again said that it had gone by. This is incorrect to say that this Rath Yatra inspired me to oppose the Hindu agitation and for this I wrote my book. The Rath Yatra movement was not

an effective movement. It is incorrect to say that I was afflicted or worried by the movement started by the Vishwa Hindu Parishad in this regard. The Vishwa Hindu Parishad and their volunteers had started their movement in 1983-84. Again said that this issue was started in 1983-84. It is incorrect to say that I thought that the Vishwa Hindu Parishad wanted to end the injustice done with Hindus earlier. I thought that these people are misusing the history. Perhaps I have mentioned in my book about the Vishwa Hindu Parishad and the Rath Yatras. I mentioned so because my book was contemporary to these incidents. I have correctly written on page 125 of my book the Vishwa Hindu Parishad wants to twist the historical facts. On the same page I have written that the announcement of Vishwa Hindu Parishad to take possession of Masjids of Ayodhya, Mathura and Varnasi has aroused the feelings in Muslims whether their option to remain secular was correct or not. It is also correct that religious fighters in Pakistan are also thinking whether they had made a mistake by coming over to Pakistan. It is correct that if had India not been secular, the Indian Muslims would have also gone to Pakistan.

I do not know but the Indian Muslims might have the option to remain in India or to go to Pakistan after the partition. It is incorrect to say that what I have written on page 125 is not correct because at the time of partition Jinnah Sahib had declared that the Hindus would remain in India and Muslims would remain in Pakistan and would not live together. It is incorrect to say that at the time of partition concept of secular India was not there. In India, the idea of Hindu Rashtra was given by one man for the first time in 1925. His name was B.D. Savarkar. On page 126 paragraph "R.I. Frankin" would mean that concept of Hindu Rashtra was started by British Empire. On page 126 of my book by "The policy of the Government" I want to

show that the British Empire tried to change India from Polyism into monoism and gave religious base to it which after democracy started taking shape of Nationality.

Verified the statement after hearing

Sd/-

Sushil Srivastava

15. 12.99

Typed by the Stenographer in the open court as dictated by us .In continuation for further cross examination on 16.12.99. Witness Be present.

Sd/-

15.12.99

Dated 16-12-99

(In continuation of 15-12-99 Statement of Shri Sushil Kumar Srivastav (PW-15) on oath.

Raja Nawal Rai was the Diwan of Avadh, about which I have mentioned on page 127 of my book. I cannot tell for how long he remained the Diwan. We find his mention in Tarikh Fara Baksh. Tarikh Farah Baksh was completed in 1819. It is incorrect that the tenure of Raja Nawal Rai was from 1725 to 1750. His tenure started after 1750 and might have remained before 1819. I have referred to the book of Mount Gomry Martin on page 127 of my book. I have read the whole book. I have relied upon some of his views. I do not remember whether I have referred to these views of Mont Gomry Martin or not which I have not relied upon. I have cited some portions from the book of Martin on page 127, 128 and 129 of my book to which I agree. Photocopy of the citation of the book of Martin on page 127 of my book is marked as document C 128/8 and this is on page 334 and 335 of the book of Martin. The portion which I have reproduced in my book on page 128 is at page 335 and 336 of the book of Martin. I have reproduced on page 129 of my book, the portion of book of Martin on page 344 and 345 of his book. On page 128 of my book I have reproduced the portion of the book of Martin which is given at page 336 of his book. At the bottom of page 128 of my book, I have quoted the words upto "Renaissance" after that I have not quoted "Of the palace". It is possible that it might have been left out due to the mistake of the editor. On page 127 of my book, I have quoted the portion from the book of Martin. I have not shown "unfortunately if" but I have put three dots which means to continue. The portion of the book of Martin which I have quoted in my book on page 128, I have ended the portion with "Productive of Tobacco" and after that line from "And from name" to "erective of Rama"

has not been quoted in my book. After that the word tobacco semicolon comes which denotes the complete words. It is incorrect to say that I have deliberately shown in my book the portions of the book of Martin. It is also incorrect to say that being biased I have not shown the necessary portions of the book of Martin. This was a one sided attitude. It is also incorrect to say that I have purposely omitted that portion of the book of Martin which mentions about Ram Mandir.

I cannot tell the period of inscription in the disputed site.

During the Hindu Muslim riots in 1853-55, the Masjid was not demolished, nor the inscription therein were damaged First of all Bucknere Sahib mentioned about the inscriptions in the disputed site The report of Mr. Bucknere was prepared in 1818 or 1819. I had read the report of Bucknere. I had received the copy of the report of Bucknere from the India Office Library London. In my book I have not referred to the report of Bucknere. The inscriptions quoted by Bucknere and those quoted by the subsequent historians are similar. The learned counsel filed the photo copy of the report of Bucknere and that of the inscription which are marked document No C-2/186/7 The witness saw the photo copy and said, "I cannot say whether this copy is of the report of Bucknere or not. This report of Bucknere is different from the report which I have seen and read. It is incorrect that the inscriptions seen by Bucknere were not found in the disputed site after 1855 and these were replaced.

It is incorrect to say new inscriptions were installed in 1855 and those too were destroyed in the riots of 1934-35. But in the riot of 1934-35, the disputed site and the old

inscriptions were damaged. The inscriptions installed inside the disputed site, were fixed after the riots of 1934-35. The inscription outside the disputed site were not damaged. I do not know Mirja Jaan. I have neither seen nor read the book "Hadeeke Shahida". It is incorrect that as an historian I should have read this book because this book was easily available. I do not know that this book is available in the Maulana Azad Library in Aligarh University." The learned Counsel filed the photo copy of relevant pages of the book "Hadeek Shahida and its translation which were marked as document No. C-2/187/6. The learned counsel told that the translation was done by V.R. Grover. I do not know that Shri V.R.Grover was an expert in the committee in which dialogue was on between the Vishwa Hindu Parishad and the Babri Masjid Action Committee. I do not know that Shri B.R.Grover was kept as an expert in the committee by the Government. I do not know that the translation of the inscription mentioned by Bucknere is as follows:

"By order of King Babar whose justice in building reaching to the mansions of Heaven, this alighting place of the angels was erected by Mir Baki — a noble man inspired with the seal of happenings."

"This is lasting charity in the year of its construction declaring that the good works are lasting". It is incorrect to say that inscription which Bucknere found during his visit reads as under.

"A daughter of a noble (Minister) of an Afghan King had a daughter who was married to a mendicant, mendicant James Musa Erskine (A Resident of Ayodhya whose tomb is also still there near Ram Janam Bhoomi) who had pleaded with Babar after he became the Mughal Emperor that a mosque should be constructed on the site of this sacred

temple (In Ayodhya Avadh). Accordingly this temple (Janam place) was demolished and a mosque was constructed in its place on the same site. This work was accomplished by Mir Buka Ullah Khan (Mir Baki) the Subedar of Avadh on the basis of the Royal order issued by Babar Shah i.e. the Mughal Emperor Jahiruddin Mohd. Babar.

In last para of page 130 of my book beginning with "Counter claim upto 1855" means that the claims and counter claims which I had begun about disputed site in the 19th century, ended after a bloody riot during 1853-55. In the last para on page 131 of my book from "In 1949 the Govt. helped in Hindu cause," it is correct that earlier also the Govt. had helped in Hindu cause. The last para on page 137 beginning with "in 1986"to....." central" mean that the disputed site means the temple inside the disputed site i.e. in the mosque.

In my view no Islamic Country is secular state.

It is incorrect to say that I have received foreign help for writing this book. It is incorrect to say that I have written this book under the pressure of Islamic Fundamentalists. It is also incorrect to say that I have shown undue favour to Muslims in my book. It is incorrect to say that I have deliberately omitted to mention the facts which were in the interests of Hindus. It is also incorrect to say that at the disputed site there was Ram Mandir and I have deliberately omitted to mention the proofs. I do not know precisely when the Babri Masjid Action Committee was formed... It is possible that the Babri Masjid Committee might have been formed on 1st February 1986. I cannot tell the names of heads of the committee. I do not know that the Heads of the committee are Shri Abdul Manan, Shri Zafaryab Jilani, Shri Mushtaq Ahmad Siddiqi Advocate. I do not know that the

Babri Action Committee receives foreign money and the case is contested. Mainly the money comes from Pakistan, it is incorrect. It is also incorrect to say that I have received money from the Babri Masjid Action Committee and the book was published and my signatures were got on it afterwards. This is also incorrect that this book has been written by my wife and my father-in-law and I have no contribution in it nor I know what has been written in this book. It is also incorrect to say that I have mentioned my name as Sushil Kumar Srivastav as a writer so that the people may think that a Hindu is extending help to Muslim caste. My name is not Sajid but Sushil Kumar Srivastav. My name can be Sajid also but my registered name is Sushil Kumar Srivastav. I do not remember that after embracing Islam I acquired Islamic name. It is incorrect to say that I have intentionally appeared as a witness and concealed the facts.

(Cross examination by Shri Harishankar Jain on behalf of Hindu Mahasabha Respondent No 10 and Shri Ramesh Chand Tripathi Respondent No.17 concluded.)

Cross examination by Shri Puttulal Mishra, Advocate on behalf of Rajinder Singh S/o Late Shri Gopal Singh Visharad Case No.1/89, Gopal Singh Visharad etc. v/s Zahoor Ahmed etc.

X X X X X

I have not enquired on which Bandobast number the disputed site shown by me in my book is situated. I have tried to know from the revenue records as in which Mohalla, the disputed site is located. I also saw the Gazetteer. Gazetteer is also a revenue record. From the Gazetteer I came to know that the disputed site is situated in Mohalla Ram Kot, Kot means enclosure. From the Gazetteer I could not know the area of the Ram Kot. I have read three

Gazetteers in all. These are 1. "Imperial Gazetteer of India", 2. "Gazetteer of Province of Gazette" which is of Bennette and 3. District Gazetteer of India. The imperial Gazetteer I read was of 1905. I have no information about the disputed site on the basis of Revenue Record in imperial Gazetteer i.e. I have no information about the location of the disputed site. I got no information about the location of the disputed site as per the revenue records in the Imperial Gazetteer. I do not know whether the Provincial Gazetteer I read is of 1870, 1872 or 1888. In this Gazetteer the location of the disputed site is described according to the Revenue record. It only mentions that the disputed site is located in Ram Kot and there is no mention of settlement or revenue number. I saw the district Gazetteer, it is of Faizabad. It is of 1907 or 1905. In this Gazetteer the disputed site is shown in Ram Kot, and in the Appendix, there is mention of Nazul land. In this Gazetteer it is not mentioned as what was the number of the disputed site in the second settlement. From this Gazetteer and the appendix we come to know that the disputed site is Nazul land. Nazul land means the land of the state. I do not know how the settlement of the nazul land is done, but perhaps in 1870 some law was passed about the Nazul land and bandobast of Nazul land is done under that Act. I do not know on which Nazul number the disputed site is located. I do not know its area. Boundary of the disputed site has not been mentioned in any of the records I have seen. I can tell the boundary of the disputed site on the basis of my personal information. There is a road in the north of the disputed site, which passes beside the Sita Rasoi. There is open space in the west of the disputed site. On its west there is a road which joins the northern Road. In the South of the disputed site there is low lying land and in its South Sumitra Bhawan was located. There were some shops towards East. I cannot tell the Nazul number or bandobast number of the things located

within the boundary of the disputed site. I cannot tell their length, breadth and the area. I did not consider it necessary to go into these details minutely for my research.

I have not acquired any additional qualification in regard to Revenue record nor I have any certificate or diploma. There is no provision for such study in the University. I have acquired knowledge about survey after having conversation with the people in the field of Geography. I have not joined any course in Survey. Knowledge of measurement and height is required for survey. Chain is used in Survey — what it is called I cannot tell. I even cannot tell the length of the chain. Scale is used in survey, I cannot tell its name. I have not done any measurement with the settlement map nor I can locate any land after measuring with the settlement map or with the help of any other map (Again said). I can check with the settlement map that in which settlement a particular plot will fall. I understand the field book. Map is the part of the field book. Just as a situation is depicted in the graph by considering to Coordinates — similarly field can be made with the help of the map.

A map can be prepared from the field book with the help of the coordinates given therein. If it is to be determined as in which settlement a particular plot falls, this can be found out by working from office and on the site also. In my book I have given the maps of the disputed site and have also given the measurements. I have given the map of the disputed site on page 103 in my book. A map to locate the disputed site has been given. This map is on scale. The map is on 1 inch equal to one mile. The map has been prepared by a cartographer under my instructions. The name of this cartographer is Anwar Naem Siddiqi. Besides, this map, there is another map on page 68. That

map is also on scale and has been prepared by Anwar Naem Siddiqi. Measurements of the plan given on page 103 were taken from Ayodhya Mahatmaya and I took the measurements myself also. The measurements of map on page 68, were taken on the basis of other books. The map given on page 68 was got prepared on the basis of a map given in a "Historical Geography of India" by Rainel and Reader Digest. A publication "Atlas" was brought out by Reader's Digest on the basis of which I got this map prepared. The Atlas came out in 1978 or 1979. There was a map of northern India in the Atlas on the basis of which I got my map prepared given on page 68. There is no reference of Rainel in the Atlas of Reader Digest. I cannot tell the scale of the map on page 68 of my book. Again said scale would be 2 inches equal to 96 miles. I have not checked the map, I gave direction to the coordinator who then prepared it. Subsequently I did not check whether it was prepared on the correct measurement or not. I did not measure the distance between one point and the other. On page 103 of my book scale is given under the map. According to the map one inch is equal to $3/4$ miles. It is possible that in other maps also similar measurement scale might have been kept. The witness measured from the plain, and from this path, the place on which $3/4$ miles has been shown is measured to $1\frac{1}{2}$ inch. I do not know the number of centimeters in an inch. I even cannot tell the number of centimeters in a foot. In one yard there are 1250 or 1300 cms. I cannot tell the number of yards in $3/4$ miles. A field book was prepared for the map on page 103. I have not referred to the field book with this map. In this map the distance between different places has not been shown I have depicted Kaushalya Bhawan (Janam Bhoomi) in map with a dot. In the South-East of this place I have depicted Sumitra Bhawan. In this map Sita Rasoi is on the West of Janam Bhoomi. There is no prominent place towards West

of Sita Rasoi till the border of Ayodhya. Ghagra river is not in West of Sita Rasoi but it is towards North West.

I have shown a point to the South of Sita Rasoi, that point falls in the West of Sumitra Bhawan. Anwar Naem Siddiqi is a cartographer, and he is M.A. in Geography. He has perhaps obtained training in Draftsmanship. I do not know from which school he has got this training. I do not know about the certificate he has received for this training. Shri Siddiqi is the resident of Teliar Ganj in Allahabad. When I got this map prepared by Shri Siddiqi he was working as a Cartographer — draftsman in Gobind Ballabh Pant Special Science Institute, Allahabad. At that time he was employed in that Institute, I do not know where he is employed presently. Perhaps I got this map prepared in 1990. He met me in 1982-83 for the first time. We met in the courtyard of Allahabad University. Our last meeting was in 1995-96. At that time perhaps he was employed in Gobind Ballabh Pant Institute. I do not know where he is residing presently. His residence was in Teliar Ganj, he might be residing there. Teliar Ganj is at a distance of 10-20 kms. from my house. I do not know his house, but it is possible that Shri Anwar Naem Siddiqi is running a P.C.O. at Teliar Ganj. It is incorrect to say that Shri Siddiqi does not know A.B.C. of survey and about the job of draftsman. It is also incorrect to say that I have assumed his name.

It is incorrect to say that the plan given on page 103 of my book is neither on scale nor it has been prepared on the basis of any book. It is also incorrect to say that this map is not on scale and it has been copied from some other scale and is fake one. I had not taken measurement of any village from the revenue record for preparing the plan given on page 103. I had not taken the measurement of any point of Ghagra river shown in the map. I do not remember the

name of the adjoining village or city in the north of Ghagra river. I do not know the meaning of Shihadda. I have not seen Shihadda in any revenue record i.e. Shihaddas might be shown but I did not know its meaning. Boundary pillars do exist. I do not remember whether boundary pillars are shown in the map or not. I did not try to know about the boundary pillars in North, South, East or West of this river. I cannot tell the name of village in the west of the Ghagra river shown in map on page 103. I have shown Ayodhya city in the map. I cannot tell the names of villages or Mohallas in the west. I did not try to see the boundary pillars in these Mohallas or villages. I did not try to find out the Mohallas or villages in the east of Ayodhya city nor I tried to search the boundary pillars according to the revenue villages. I had taken measurement of distance between pillars but I cannot tell whether these pillars were boundary pillars or not. I cannot tell the names of revenue villages in the South of Ayodhya city. I did not try to locate any boundary pillars in the South of Ayodhya city. The distance of the North-South border of the city of Ayodhya shown by me in my map would perhaps be 24 miles. I cannot tell the distance between the Eastern and Western Border or the breadth of city. I cannot tell the distance of any place in the map without measuring it.

I have done research on the relation between the landlord and the tenant in Avadh between 1920-1939. The record of rights mention the right of ownership of the land holders. Presently I do not remember various types of rights of records. During 1920-1939, only the land holders had the proprietary rights in Avadh. Proprietors and land holders both are same. The rights of tenants were also indicated. There were several types of proprietary rights of the tenants. Out of them there were privilege tenants — statutory tenants and non-statutory tenants. The privileged

tenants had rights over the land for long time. The names of these privileged tenants were mentioned in Khasra. The names of land holders were mentioned in the Khevat. I have not seen the Khevat of Ram Kot Mohalla. It is correct that tenancy rights could be found out from the Khevat only.

I do not know in which document the ownership of Nazul land was entered. I have not seen even the patwari's roll. I have not seen khasra of Ranikot Mohalla. I have not seen the Khevat, patwari's role khasra of Ram Kot Mohalla. I cannot say precisely but perhaps, in Khasra, entry of possession is made. I had seen khasra, Patwari's role and Khevat during my research between 1920-1939. I had seen khasra, Khevat of a village in Rai Bareilly. I do not remember the name of that village. I do not remember the names of land holder in the Khevat which I saw at the time of my research. I do not remember about Patwari's role also. It is incorrect to say that I have no knowledge at all about the revenue records. It is also incorrect to say that whatever I have written in my book or whatever I have stated here about the Revenue record is all wrong and concocted. It is also incorrect to say that I had written this book in favour of Muslims and with the motive of benefiting them. It is also incorrect that I am giving my evidence with this motive.

(Cross Examination by Shri Puttu Lal Mishra, Advocate on behalf of Shri Rajinder Singh S/o Late Shri Gopal Singh Visharad, Case No.1/81 Gopal Singh Visharad Vs. Zahoor Ahmed etc. concludes.)

(Cross Examination on behalf of Petitioner Shri Devki Nandan Aggarwal on his own and on behalf of Petitioner 1 & 2 Case No.5/89 by Shri D.N. Aggarwal).

X X X X X

At the time of my evidence today I have sworn in the name of truth and God.

I do not understand the difference between swearing in the name of truth and swearing in the name of God. I know that if the statement given on oath is found false, there can be punishment. I do not understand examination-in-chief. I do not remember whether on the first day of my statement I had my book with me or not. No body asked me to submit my book. Whatever I have written in my book is true. The book written by me is available at my residence.

The learned Counsel filed the photocopy of chapter 5 of the book written by the witness which was marked Document No. C-2/188. The witness said that it was the true copy of Chapter 5 of his book. He appended his signatures on it.

I have rightly concluded on page 91 of my book that the Babri Masjid was built during the period of Tughlak or Shirkis. It also means that this Masjid was not built during Babar's time or by Babar. On page 92 of my book I have written "The ugly building period before Babar is correct. I also conclude that Babar had never gone to Ayodhya. My conclusion on page 92 of my book that when Babar had never visited Ayodhya, the Question. of demolishing the mandir does not arise is also correct.

It is also correct that Babar had not come to Ayodhya, therefore question of building Masjid there does not arise. I do not know on whose behalf I am giving evidence. I have received summons from this court. I do not know that I have come to give my evidence on behalf of the petitioner. Sunni Central board in suit No.4. I cannot say whether in para No.1 in suit No.4 in which it is mentioned that the Babri Masjid was built by Emperor Babar is correct or not, but in

my view Babri Masjid was not built by Babar. It is correct that para No.1 of the plaint which mentions that the Masjid was built by Emperor Babar is not correct and is wrong. From the perusal of plaint of suit No.4 it appears that this plaint was verified on 6th December 1961. If 400 years are reduced it would come to 1561. Babar came to India in 1526. The question of Masjid being built by Babar before that does not arise. In my research I did not take it as a base. Once Sher Singh went with me to the disputed site. Sher Singh is I.A.S. When he went to the disputed site he was in service. I do not know that Surinder Kaur was his wife. I know Sher Singh from before and we had fixed up time for going to the disputed site. I do not know whether Surinder Kaur was wife of Sher Singh and whether she is his wife today. I have seen and read one book "Secular Emperor". The report of Bucknere was given in the year 1818 or 1819. Bucknere was appointed by East India Company to collect statistics. He was perhaps appointed in 1798. After this report he went to England. His Head Quarters was in Calcutta. Ayodhya with Avadh merged in East India Company in 1856. Earlier also the English could adopt the policy of divide and rule in Avadh. Some reports of British were motivated. The report of Bucknere was not so motivated.

Verified the statement after hearing

Sd/-

Sushil Srivastava

16-12-99

Typed by the Stenographer in the open court as dictated by us . In continuation for further cross-examination on 17-12-99 .

Sd/-

16.12.99

Dated 17-12-99

In continuation of 16-12-99, Statement of Shri Sushil Kumar Srivastav (PW-15) on oath

The learned Counsel Shri D.N. Aggarwal filed the report of Bucknere and enclosed Annexures which have been marked Document No.C-2-189/1 to 12. The witness saw the report of Bucknere and said "this is different from the one which I have read". The report I have read was a photocopy which was prepared from a micro film. Shri Sher Singh, IAS got a certified copy from India Office Library London. Shri Sher Singh has written a book "The Secular Emperor Babar". Its copy is at paper No. 3-117C. This book is published in the name of Surinder Kaur wife of Sher Singh and Tapan Sanyal. Shri Sher Singh was a Government Servant those days, it is possible that he might have got it published in the name of his wife. I do not know that Surinder Kaur is wife of Shri Sher Singh but as it is mentioned in the book that she is the wife of Sher Singh, I believe it. This book was written on 5th May 1987 but I have not made use of this in writing my book. I did get help of Shri Sher Singh in writing my book. It is correct that architecture of Atala Masjid is similar to that of Babri Masjid and therefore I said that it might have been built during Shirkis period. Shirkis were king of Jaunpur. Atala Masjid is in Jaunpur. I have used the book of Percy Brown in writing my book. This book was in two volumes, the second volume of which is before me. I made use of this second volume in writing my book, the title of which is "Indian Architecture (Islamic period)". The style of Atala Masjid is called provincial style of Jaunpur. During the Mughal period use of "Provincial" was not done in the sense it is done today and its recognition was only regional. The attention of the witness was drawn to page 42 of the IX chapter. The last page of second column mentions that the

Masjid was named as Atala Masjid because this Masjid was constructed at the place of Mandir of Atal Devi and material of Atala mandir and other mandirs were used in the construction of Atala Masjid. I have referred to Atala Masjid on page 90 of my book, photocopy of which is on record as Document No. C-2/188. According to Brown Atala Masjid was constructed in 1408 by Ibrahim whose full name was Shamshuddin Ibrahim. I have not determined any time about the construction of Atala Masjid in my book. I know about the time of construction of Atala Masjid. I also knew that it was built by Shirkis. Shirkis rule was in 14th and 15th century. In my book I mentioned the Shirkij period between 1226 and 1504. My opinion is correct that if the Masjid was built by Shirkis rulers it must have been built before 1504. I believe that Babar had never gone to Ayodhya. The question of Babar's fight with the king of Ayodhya and other kings does not arise i.e. the question of fight with the Hindu kings does not arise Therefore in the so called battle, the Question. of any Muslim being killed does not arise. In my opinion and belief it is not correct that the burial ground shown in the map is of those Muslims who were killed in the battle fought between Babar and ex-ruler of Ayodhya as stated in para 2 on page 5 and 6 of Suit No.4/89. In para 1 and 2 of the suit, the statement about Masjid and burial grounds is not correct according to my opinion and belief. And as an historian I can say that this is not correct. The statement in the plaint about the Masjid and the burial grounds are not in consonance with the historical enquiry and the facts which emerged. It is incorrect to say that because of this difference, the counsel Shri Jilani has advised me not to submit my book. As an expert of history I thought that I should submit my book but I was not asked by the court to do so. I have been residing at Hastings Road near Ashok Nagar in Allahabad since 1990. In Allahabad I have been residing since 1968. I am not

acquainted with Mohd. Asif Ansari. I know Shri Babu Lal Sharma and Ajit Parmar, the two co-editors in Maya Press. Maya Press is in Mutthi Ganj Mohalla. There is kothi of Raja Sahib in dilapidated condition near the crossmg on the same road I cannot say that this kothi is of Raja of Manda or it is of some one else. It is correct that Shri V.P.Singh Ex-Prime Minister of India is said to be the king of state of Manda. He is residing in cantonment in Aish Mahal. I do not know him personally. Before Shri V.P.Singh, Shri Rajiv Gandhi was the Prime Minister of India. Shri Chandra Shekhar succeeded Shri Rajiv Gandhi as the Prime Minister of India. Shri V.P.Singh became the Prime Minister of India in the end of 1989. I have heard the name of Saiyad Shahabuddin, but I do not know whether he was the member of Babri Masjid Coordination Committee or not. I have not read his statement to the effect that if it is proved that the Babri Masjid is built in place of Hindu Mandir he would relinquish the claims on it on behalf of the Muslims. I have not read any statement to this effect. I had read in newspapers about the dispute of Babri Masjid and Ram Janam Bhoomi. In this regard I had read the articles of Saiyad Shahabuddin but I had not read his statement referred to above. It is correct to say that if a Masjid is raised after demolishing the temple it will not be justified to say prayers in such Masjid but I cannot tell whether this issue was raised in 1988 or earlier. I have no knowledge that the party doing cross examination raised -this point in their suit (Suit No.5/89) in 1989. In 1989 I was awarded the Ph.D. Degree. I was selected for the post of reader in 1989. I prepared my thesis in about 9 years. I got myself registered for Ph.D. in 1978 and submitted by thesis in 1987. My book "The disputed Mosque" was for the first time published in 1991. Perhaps in September 1989 I went Ayodhya with Sher Singh. In 1989, I learnt that if the Masjid has been raised after demolishing the temple, it is not

justified to offer prayers in that Masjid. This was not the reason for my research. I did my research with the motive that the historical facts are not twisted and the truth should come out and there is no misuse of history.

The pamphlet with the same title was published by the historians of Jawaharlal Nehru University Delhi. I received this pamphlet much later. It is incorrect to say that when this dispute arose that if Masjid is raised after demolishing the temple, offering of prayers will not be justified in that Masjid, I and Sher Singh were employed by certain group so that it could be shown that there was no temple on the disputed site. No Muslims inspired me to write this book. Sumita and Ajit Parmar exhorted me to write this book. It was not settled that what I write will be published in Probe India. I wrote the article after about one year. I showed this article to Ajit Parmar and he published it after obtaining my permission.

My conclusion that there was no temple on the disputed site earlier and that Masjid was not raised after demolishing the temple was my first conclusion in my view. No such conclusion came before me nor did I read any such article. The conclusion and article of Shri Sher Singh is of later period. It is not correct that the conclusion of all the British writers whose articles and books I read was that Masjid at the disputed site was constructed after demolishing the temple i.e. as per their conclusion it can be said that on the disputed site Masjid was raised by Babar after demolishing the temple.

Before 1856 from the articles and books of British authors I had read it was known that Babar built the Masjid on the disputed site after demolishing the temple but I have not read so in the article or in the book written by any

Muslim writer or Hindu writer or by any writer of any other group I did not read because no such article or book was available. After 1856, I have read the articles and books of Muslim writers, Hindu writers and writers of other groups in which it has been mentioned that Masjid was raised on the disputed site after demolishing the temple.

Verified the statement after hearing

Sd/-
Sushil Srivastava
17-12-99.

Typed by the Stenographer in the open court as dictated by me. In continuation for further cross examination on 20-12-99.

Sd/-
17-12-99

Dated: 20-12-99

In continuation of 17-12-99, statement of Shri Sushil Kumar Srivastav (PW-15) on oath.

It is correct that I am thankful to the petitioners who have said that I am living example of a secular Indian whereas the other people only preach about this. I observe secularism in my life. First battle of Independence was fought in 1857 which has been termed as revolt of soldiers by the Britisher. It is correct that before 1857 there was understanding between the Hindus and the Muslims that they should bury their dispute and should not quarrel. It is correct that in the battle of 1857, Hindus and Muslims joined their hands and fought together for Independence. The British suppressed the battle of independence and hanged two leaders i.e. One Maulavi Sahib and Ram Charan Das who were leaders on the Kuber mound in Ayodhya. I cannot say that the name of Maulavi Sahib was Amir Ali. In 1791, the British had started the policy of divide and rule in Ayodhya. In 1859, the disputed site was divided into two portions by a window bar. It was settled that on the Eastern side of this wall the Hindus can perform Pooja and inside the structure, the Muslims can say prayers.

I agree to your view that the English divided the disputed site, which was the initial step of the English towards Hindu Muslim division and finally in 1947, the country, had to face partition. Before 1856, except the English travellers or historians, no other traveller or foreign writer mentioned in his article or book about existence of Babri Masjid on the disputed site. Before 1856, I had read the report of Bucknere, report of Martin and report of one more writer whose name I do not remember. Bucknere, Martin and the third person whose name I do not remember were the officers of East India Company. After this, the first regular settlement began approximately in 1862. It is

correct that at the time of settlement, the settlement officers formulate the rights of the people with regard to land and customs etc. for settlement according to which bandobast is prepared. As per English Law state is the owner of the entire land. In India too this tradition has been continuing from the beginning. It is incorrect to say that in India, the king was vested with the powers of revenue collection and the people had the rights in the land as per rules. It is incorrect to say that on the basis of report of Bucknere it was held in the settlement that by orders of Babar. Mir Baki got this Masjid constructed. I do not know that it was decided at the time of settlement that Babar paid Rs.60/- per annum to Mir Baki as Nankar; I do not know the meaning of Nankar. I did not see these papers before writing my book. I even do not know that during the time of Nawabs, this grant was increased because the Nawabs were Shias and Mir Baki was also a Shia.

I do not know that in 1870, the settlement Commissioner made the grant of Bahrapur and Sahanva revenue free with the permission of Governor General. Its document has been filed by Sunni Central Board.

Exhibit 1 of Suit No.4 was shown to the witness which he saw and said, "I had not seen this document". I take the grant and deed as genuine Document Ex. 1 is also a deed and I take it as genuine. Chief Commissioner of Avadh issued this order in 1868. According to this order this report or sanad has been issued. There is no mention about Masjid in this Sanad. It is incorrect to say that after resettling sanad was given to those who were faithful to British and it is also incorrect that the land of rioters was taken over. Again said that from this paper it does not appear to be so. Again said that after 1858, in the first Settlement itself Sanad was issued to the persons who were faithful to the British after settling the land and the land of rioters was taken over. I do not know that

Jamindars of village Sahanawa were descendents of Mir Baki. From Ex. 1 it appears that the persons who were given the Sanad were head of village Sahanwa and the grant was hereditary. The Sanad also mentioned that in Military or police action or in politics, when ever considered necessary, they would lend their services. These conditions would be applicable to their successors like other land holders. It further mentions that as long as they remain faithful to the Govt. they would receive this grant but if they do not remain faithful or they help the rebels this grant would be withdrawn. I cannot say that the name of the disputed site has been Janam bhoomi in the revenue record from the beginning as I have not seen these records. I also cannot tell if the structure has been shown as Janam Sthan Masjid in the revenue records. In my view there was no quarrel over the disputed land during 1856-1885. I have not seen all these papers relating to this period but I am saying this on the basis of some papers I have seen. I just read the orders of 1885 of Civil Judge (Sub-Judge) Faizabad. It is incorrect to say that the Judgement delivered in that case was that the case was dismissed and the court held, the decision to deny the permission to construct the temple on the platform as right, as this can lead to Hindu Muslim riots. There had been dispute between Hindus and Muslims about the disputed land from 1885 to 1922. In 1912-13 there were Hindu Muslim riots near Faizabad over a cow. After that in 1934, there was attack on the disputed site. I do not know that the population in Sahanwa village and Mohalla Shahjahanpur is adjoining. I also do not know that on the day of Bakra-id there were Hindu Muslim riots in Shahjahanpur over cow slaughter. It is correct that in 1934, there were Hindu Muslim riots in Faizabad. This was on the day of Bakra-id. During those riots two domes of the disputed sites were demolished. I do not know that in U.P. in 1936, U.P. Muslim Wakf Act was passed or not. I even

do not know if under that Act two Wakf Boards constituted in U.P. - one Shia Wakf Board and the other Sunni Wakf Board. I also do not know that the Commissioner made an enquiry to find out which are the Sunni Wakfs and which are Shia Wakfs. I even do not know that the Commissioner submitted a report to the Govt. about the particular Wakfs i.e. Sunni & the Shia Wakfs. I do not know that after that the Wakfs were notified by the Govt. and the Sunni Wakfs were attached in the Sunni Wakf Board and the Shia Wakfs were attached with Shia Wakf Board.

It is incorrect to say that disputed site came to be known as Babri Masjid after 1930 and before that it was called only Masjid-Jnam sthan. Before 1930, in the report of Karnegi and in report of Bennette this site perhaps is named as Babri Masjid. I do not remember but it is possible that it was written as built by Babar and on that basis I might have taken it Babri Masjid. I do not agree to the view that in 1859 the British under their policy of divide and rule started saying this disputed site as Babri Masjid built by Babar, and on the basis of the report of Bucknere got a similar epigraph prepared and installed at the disputed site in the 19th century. In my book on page 89, I have written "The style of Calligraphy..... constructed the mosque", which in my view is correct. My conclusion that the inner epigraphs were not erected in 1528 but they were got prepared and installed in the 19th century is correct. It is possible that the English under their policy of divide and rule, installed the inscription in Masjid or got them installed after 1859. In Baveridge's translation of Babarnama, there is mention of inscription in the appendix and notes are also there. These inscriptions and notes are not quoted from the Babarnama i.e. they are not part of it. Baveridge obtained the inscriptions from the Deputy Commissioner, Faizabad, who was an English. The British rule was at its climax there. The Gazetteer of Nevil had already been published. Nevil,

perhaps in his gazetteer called the disputed site as the Babri Masjid. In his Gazetteer he has named the disputed site as Masjid of Babar. In my opinion this means Babri Masjid. After seeing the settlement (the third settlement) of 1937, the witness said that there is no sign of Masjid on Gata No.160. The document is marked as C-2/177.

I have read the book of Hans Baker, the title of which is "Ayodhya". It is incorrect to say that I have not prepared the map with the help of Sher Singh but I have copied the map, given on page 145 (Chapter 21) of Hans Baker's book "Ayodhya". It is also incorrect that I have copied the map on page 103 of my book which was given in the report of Cunningham and bears document No. 107C-1/72 in Suit No.5/1989.

It is correct that in the decade of 1950-60, use of Kms. and meters had started in place of miles. When I got my map prepared after measurement in 1989, "mile" was not used officially, miles and yards could be used in private measurement. It is incorrect to say that in 1989 measurement in miles could not be shown. In Cunningham's report — Document No.107 C-1/12 measurement of map has been given in miles. In this map $\frac{1}{4}$, $\frac{1}{2}$, $\frac{3}{4}$ and 1 mile has been shown. 1 to 5 miles have been shown. In my map, I have shown 0, $\frac{1}{4}$, $\frac{1}{2}$, $\frac{3}{4}$ mile. This map is on page 103 of my book. It is not correct to say that in the map of this size $\frac{1}{2}$, $\frac{3}{2}$ measurement is not adopted generally. Volunteer : said that the draftsman adopts the measurement according to his convenience. It is incorrect to say that I got inspiration from the measurement given in the report of Cunningham for adopting this scale. It is incorrect that I have not taken any measurement and I have concocted this false story for not showing the Jnam Sthan. I and Sher Singh prepared the map. Hans Baker says that he has depicted one position in the map on the basis of

Ayodhya Mahatmaya and according to the position existing at that time i.e. after checking on the site.

The committee I have referred to at page 102 of my book was constituted in 1902. The committee identified the religious sites in Ayodhya and raised pillars there. The committee identified Ram Janam Bhoomi as No.1 and Janam Sthan as No.5. The committee stated that they have identified the above mentioned religious sites on the basis of Ayodhya Mahatmaya. On page 102 of my book I have mentioned about "The motiveto be Kaushalya Bhawan. The basis of this is that in Ayodhya Mahatmaya the Janam Bhoomi and the Janam Sthan have been shown at one place whereas this committee has shown these at two places. I have used the word motive for this purpose. I have shown Kaushalya Bhawan in my map. The place where the committee has raised pillar of Ram Janam Bhoomi No.1 is at a distance of about 40-50 yards from Kaushalya Bhawan. This is in the east of this pillar. According to me Jnam Sthan and Ram Janam Bhoomi are at one place. Ram Janam Bhoomi falls within Kaushalya Bhawan. I have not taken measurement of Kaushalya Bhawan, therefore, I cannot tell its area. In my view the area of Kaushalya Bhawan would be approximately 30 yards x 25 yards. There is open space between Kaushalya Bhawan and the disputed site but there are some buildings also. There is open land upto 25-30 yards and then there are some buildings. I do not remember the names of buildings built between the disputed site and Kaushalya Bhawan. I cannot tell whether the name of this building is Manas Bhawan or not. I cannot tell even the area of this building. It is not correct that I have taken Kaushalya Bhawan as Ram Janam Sthan because Kaushalya was the mother of Lord Rama. To me Kaushalya Bhawan appears to have been built in 19th century but perhaps it might be situated on the old temple. Ayodhya Mahatmaya was

perhaps written during the period of Shahjahan i.e. in 17th century. It is correct that Kaushalya Bhawan does not appear to have been built in the 17th century. My conclusion is that the place where the disputed site was located is not the birth place of Lord Rama. I am not aware whether any other person also has this view or not. I have not read any article or book wherein it is mentioned that the disputed site was not the birth place of Lord Rama. It is correct that some of the people whom I have met hold the view that the disputed site is the birth place of Lord Rama, but most of them did not express any view in this regard. When I went to the disputed site, I saw the people offering pooja but on what belief they were doing so I cannot say.

It is correct that in all the English books I have read, Ram Jnam Sthali has been shown as Ram Janam Bhoomi. During my research I read the books of English literature only, but I also got one Urdu book read out. The book was written by Kamalluddin Haider and was published during 1875-78. It was not mentioned in this book that the Babri Masjid was built after demolishing the temple.

Verified the statement after hearing
Sd/-
Sushil Srivastava
20-12-99

Cross Examination of Shri Sushil Kumar Srivastav (PW 15) on behalf of petitioner No.3 (himself) and on behalf of Petitioner 1 and 2 is concluded.

The evidence of Shri Sushil Kumar Srivastav PW-15 concludes. Witness is discharge.

Typed by the Stenographer in the Open Court as dictated by us.

Sd/-
20.12.99