

**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**

**VOLUME-XVI**  
**(PAGES 3735-4000)**

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**KAMLENDRA MISHRA**  
**ADVOCATE FOR THE RESPONDENT/STATE OF UTTAR PRADESH**

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

**OTHER ORIGINAL SUIT NO.4 OF 1989**

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

VERSUS

GOPAL SINGH VISHARAD  
AND OTHERS .....DEFENDANTS

**STATEMENT OF P.W. '2'**  
**HAJI MEHBOOB AHMED**

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STATEMENT OF P.W. '2'  
HAJI MEHBOOB AHMED

Dated : 17.9.1976

Haji Mehboob Ahmed, Son of Haji Mohd. Faiku, aged about 58 years, resident of Tedi Bazaar, Ayodhya Faizabad affirmed on the Oath:-

I know the building about which the litigation is going on. It was Babari Masjid. It was situated at a distance of 3 furlongs from my house. I had also offered Namaz there. I would have offered Namaz there for more than hundred times. I had been offering five-time Namaz, except the Friday Namaz, there. Last time I had offered Namaz on December 22, 1949. The Friday Namaz was used to be offered only in 2 mosques in Ayodhya in 1949. Tarabi Namaz was also offered in only 2 mosques. There was the main gate (Sadar Darwaza) to the East of the mosque. Thereafter, there was a lawn then a gate, and then a courtyard and thereafter a mosque. There was a graveyard after coming out of the mosque and outside

the main gate. Till I used to offer Namaz; there was no restriction on visiting the mosque. I have never seen any 'Pooja' being performed inside the mosque. My father used to take interest in the management of this mosque and He was a plaintiff in this case. He was a landlord by profession and used to till the land. He possessed 200 bighas of land. He expired in 1960. I am a graduate.

I used to accompany my father to offer Namaz in this mosque. I had seen many others offering Namaz there. I remember the names of Hashim Saheb, Abdul Ahak Saheb, Hazi Fayak Saheb, Razzab Ali, Ahsraf Ali, Ikhlaq Ali Saheb amongst them. Besides these, there were many other persons also. Hazi Gaffar Saheb was the Imam of the mosque. Big pitchers filled with water used to be kept in the mosque. There was a well outside to fetch the water. Thus, there was proper arrangement for Vaju.

I am the President of Hukabir Masjid Committee. I witnessed the incident of 6<sup>th</sup> December, 1992. I saw the mosque was being demolished. I saw this from the rooftop of my house. At that time I had talk to Kumaramangalamji who was a minister in the Central Govt. at that time. I have talked to the Prime Minister also and had dispatched him a telegram too. I had heard the loud noise of the people from my rooftop. Some people were shouting 'demolish the mosque'. I could hear Kumari Uma Bharati who was shouting the most. She is a leader of the Vishwa Hindu Parishad. Some idols were installed at that site on the night of 6<sup>th</sup> and 7<sup>th</sup> December, 1992 on a raised platform (Chatubatara). Otherwise it was all the vacant place. Some voices were heard saying that the old idols had been broken and people were carrying them. These new idols are replaced. My house, the factory and the entire building had been put on fire in the said incident. I

was offered a compensation of Rs.10,000/-, which I refused to accept. I am still residing in the same house, in which I lived on 6<sup>th</sup> December, 1992.

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Cross examination by Shri Ranjit Lal Verma,  
Advocate on behalf of Nirmohi Akhara:-

I have passed the High School examination in 1961 from Fox Inter College, Faizabad. I have passed B.A. from Saket Degree College, Ayodhya as a private student. I did my B.A. 6 years after passing High School. I was about 21 years of age when I passed High School. I passed High School in 2 years. The certificate shows my date of birth as 1944.

My father had three brothers. Thus they were four brothers. Haji Shabrati and Haji Salar Bakht were my father's brothers. I have forgotten the name of his fourth brother. But he was usually called "Matlab". Salar Saheb was the eldest amongst them all. Matlab Saheb was number two. My father was number 3. Haji Shabrati was the youngest. I cannot say whether Salar Saheb used to write Haji before his name or not. His father's name was Shaikh Chhajju who had been my grand father. I cannot say from where my forefathers had come to settle in Ayodhya. But I myself is originally a resident of Ayodhya. I have studied Urdu. I cannot say whether the Zamindari was awarded to my grand father or to my father but I have seen my father as Zamindar ever since I came to my sense. I cannot say where it came from to us. We have several houses. The house where I live is my ancestral house. I have been seeing this house since my birth. I cannot guess how old this house could be. I have not

seen my grand father so I cannot say whether he also lived in this house or not. I had not enquired this from my father or mother that where my grand father had lived. It is correct to say that the house where I live is situated at Tedi Bazaar mohalla road opposite P.S. Ram Janambhoomi where earlier there was a police chowki. My house is on the western side on both eastern and western roads. It has 8-10 rooms and not just 2 rooms. First, there is the police station, then a road and then is my house. This road must be about 10-12 feet wide. The house is occupied by my man and my servants live there even today. On the front side there was a flour mill. This had been burnt. There was an oil mill afdour mill and a thrasher also. This factory had started in the lifetime of my father. All those three machines were there on 6<sup>th</sup> December, 1992. Even today they are still there in the burnt condition. One of the rooms has totally collapsed and the other rooms stand in burnt condition. The house was made of wooden logs. The house I live in is to the east and has some rooms made of wooden logs and some others made of cemented roof. About 15-16 rooms would be of wooden log. They should be over hundred years old. The rooms made of wooden log are double storey rooms. The four rooms in the upper storey are made of wooden logs and 8-10 rooms on the ground floor are made of wooden logs. There is no third storey in this house. The rooms on the ground floor are atleast of 12-13 feet height and the first floor is also of the same height. The rooms of north side of my house are made of wooden logs and are double-storey rooms. The room with slab linter is adjacent to the south. These slab lantered rooms are 20-25 years old as I regularly get them repaired to keep them for residential use.

It is not correct to say that there is no courtyard between the rooms to the north and the south. It is correct that there is no stair case to go to the roof top of the double-storey rooms. I had got the layout plan approved by the municipality for the rooms that I had constructed some 20-25 years ago. At that time, there was one municipality for Ayodhya and Faizabad.

The property under dispute is to the north of my house. Apart from the above-mentioned 2 houses, we have 4-5 other house also. These houses are in Tedhi Bazaar, Berwai Tola. The Berwai Tola mohalla is adjacent to the back of P.S. Ram Janambhoomi. The houses at Berwai Tola are at one place. These are double-storey houses and are old ones. Their construction is also of old type. These houses are situated at about one furlong. All these houses are touching together. There are other houses belonging to our family in that mohalla. There is the house of my sister to the east of my house. The name of my brother-in-law is Mohd. Karamat Ullah. There is a road to the west of my house. That road passes through Berwai Tola, Panda Tola and ends at Panchkosi Parikrama. To the north of my house is the house of my uncle Sheikh Bachchan. To the south also is the house of my uncle. (then said, there is the house of my maternal uncle (then said) my father's cousin, Hazi Fayak).

I do not remember the plot nos. of these houses. I do not remember even the numbers of the houses which are being entered in the municipality records. But their numbers must have been allotted. The demand for house-tax in respect of these houses used to come in my father's name as I have not got the necessary change of ownership in my name and I pay the tax. The houses I have mentioned above belong to my father. The brothers of my father do not have any share in these houses. My



uncles had their separate houses. The house of Hazi Subrati is near our house in Tedi Bazaar. It is along the roads. His house is adjacent to my house on the north side. Subratti had passed away long back. I do not exactly remember the year of his death. But he died after the death of my father. He died at the age of about eighty years. He had two sons behind – Wali Mohammed and Mohammed Ahmed. There is a mosque at a distance of about fifty yards from the house of Subrati. That is an old mosque. We have been seeing it since our early age. Hazi Subrati knew Urdu. He would have studied a little. He had only one house, which is a double-storey house. I do not know what had come to Haji's share at the time of division of the property amongst the brothers. But we have seen just one house with him. Subrati Saheb's source of income was agriculture and tobacco trade. I cannot say where from he got the land. He had got agricultural land and the source of which is not known to me.

Salar Saheb had left Ayodhya for Faizabad. He had a house there. He had no house in Ayodhya. His house in Faizabad is in mohalla Niyanwan. For sometime, Salar Saheb stayed with my father and then left for Faizabad. It was long ago. His son was in railway service and lived in Faizabad. Salar Saheb had a house in Ayodhya. His grand children lived here. They have no agricultural land in Ayodhya. Salar Saheb's house in Ayodhya is in Kaziwana mohalla. This is opposite to the national highway. His grand son's name is Rais Ahmed. Salar Saheb had died before the death of my father. I was about 18-19 years of age at the time of his death. I was present at the occasion of his burial. Salar Mian had died in Faizabad. His Ayodhya house had collapsed, he had shifted to Faizabad. His sons and grand sons had

reconstructed that house. I can not say when Salar Mian left that damaged house or Ayodhya. There is a mosque across the road opposite Salar Milan's house. The mosque is to the east of that road and Salar Mian's house is to the west where Salar Mian's grandsons live in that house. The mosque is also very old, but is very small in size. This mosque is in Kaliyana. I cannot say if he had inherited this property (house) from Chhajju Mian.

Matlab Saheb's house is adjacent to my house in Berwai Tola. It is to the south. He had no male child (son). Matlab Mian died after the death of my father. He also had agricultural land. Even today his property exists.

I cannot say if Chajju Mian had been a Zamindar. But my father was certainly a Zamindar. We had our land in Manjha. It is still there in Ayodhya city and also near the Vakil Saheb's house. It is called Manjha Mauja. All the records regarding that land are available. Record is worth 140 bigas of land. We get our lands cultivated through our 'Mujaras' and through 'batai' also. We do not pay our lagan in Nazul but we pay it in tehsil. I am mentioning this about 'Malguzari' and not about 'lagan'. There are a number of Zamindars in manjha. I also know the names of a few persons also. The manjha lands are cultivated, there are orchards also. No land is wasted in the river. Such conditions would have been prevalent some 20-25 years ago. The Zamindari in manjha is still prevalent and not discontinued. I have no ownership in my name. The entries are still in my father's name. My name is used as care of (c/o). I have fields in my possession in mauja manjha. All the fields are in my possession. I myself give them on 'batai'. Our city land is of Nazul as well as in my subordination. The Nazul land is on agricultural lease. The land in my subordination would

be atleast 8-9 bighas. We had other zamindari land also in the city. It is now 8-9 bighas. It is correct that we had sold some land to Jagdish Gupta. I myself had purchased this land. The house and that land together were one bigha. That was a Kutcha bigha which is of 8 biswas. It is wrong to say that only the Nazul land with me was under cultivation. It is also wrong to say that the lease of the said land had been cancelled. It is also wrong to say that I do not have any Nazul land as at present. It is also wrong to say that the Zamindari system in mauja manjha has been abolished. It is also wrong to say that the Zamindari of mauja manjha chakra tirath has been abolished. It is also wrong to say that the total property is with the Nazul or any lease by the Nazul in my name stands or this lease has been cancelled.

Our father used to grow tobacco also. He was a big tobacco grower and trader.

We are two brothers. The name of my elder brother is Haju Abdul Ahed. He is about 15 years older to me. The age of my father was about 75 years at the time of his death. He was a little bit educated rather very little but he could sign and read a little Urdu also. He knew Hindi also. I had seen him signing in Hindi. I had neither seen him signing in Urdu nor did I need to see. My father had also contested for the municipal election but I do not remember in which year. I cannot tell if his election was countermanded on the plea that he was not educated. He was strong and healthy and a man of good stature. He had no problem in walking.

My father had been associated with this case from the very beginning. The suit started since the day the idols were put in the mosque. Earlier the proceedings

were being conducted in Faizabad. I cannot tell in which court it was being conducted. Haji Faiku Saheb had been pleading the case and attending the court also. I cannot say if he had been going alone or someone had accompanied him. I had not ever gone to the court with my father.

My father had been going to the court regularly since 1949 to 1960 in connection with this case. He had expired in 1960. He used to tell us at home that he had gone to the court that day or had been coming back from there that very day. This is why I say that he had been pleading the case and had been going to court. He used to discuss the matter with our mother and we could easily understand that he had returned from the court. He used to go to the court in connection with the Babari Masjid. There are four parties to these cases. Nirmohi Akhara is one of them. I cannot tell as to who had been my father's advocate in 1949-50. I cannot say if my father had filed any civil suit or not. I had come to my senses at the age of 8 years. The mosque under dispute had not been attached at that time. No portion of it had been attached. It had never been attached. When there was no attachment, the question of any person being appointed as a receiver of the property did not arise. We did not know anything about the attachment. Now I know what the attachment is. I didn't know it at that time that it was attached when the idol was put there in 1949. I was not a party to the case at that time. My father was a party to the case at the time of attachment. I received the notice in 1989 and then I became a party. My brother had also become a party to the case. We came to know about the attachment only after the idol was put in. But I cannot tell in which year when I came to know it. I cannot say as to how many years after installation of the idol I came to

know of attachment. Even till today I do not know who was appointed as receiver in connection with this attachment.

I had heard that Shri Priya Dutta Ram was the Chairman of the municipality. But I cannot say whether he was the Chairman then also when my father had been elected as a member.

I do not know anything about the cases stated to be of Shri Gopal Singh Visharad. I received the court notice in the case of Nirmohi Akhara. My father was also a party to this case. In this case, I did not file an Answer. My father would have responded. He certainly had responded because he was a party in the case. Our Advocates are Shri Jilani Saheb, Shri Mannan Saheb and Mushtaq Saheb. They are pursuing all the proceedings. They were the advocates from the very beginning. When we received notice in 1989, we also approached them. (The learned Advocate drew the attention of the witness to paper No.41-A at which the witness replied). The counter Answer paper 41-A (page 7) carries the signatures of my father. I recognize the signatures. This pertains to case file No.3/89. I recognize the signatures of my father and Haji Mohd. Fayak and Haji Faiku on it. Haji Faiku was my father and Haji Fayak was my uncle. As I have stated earlier. I knew Ahmed Hussain alias Achhan Mian. I cannot say if this paper carried his signatures also. I cannot say if the counter Answer was filed in the court on 28<sup>th</sup> March, 1960.

I have not received any notice except in the case of Nirmohi Akhara. I did not feel the necessity of going through the counter Answer of this case and this is why I made no effort. The case relates to Babari Masjid which

we say is ours. The Nirmohi Akhara people claim it as their property. I do not know the Nirmohi Akhara has filed a suit regarding which property or in context with which portion of the property under dispute. I only know this much that all the property whether inside or the outside the mosque was part of the mosque and hence belongs to us.

My brother-in-law Maulana Karamatullah had expired a long ago. He had expired about 10-12 years ago. He had a brick kiln and a shop also. Sheikh Bachchan was in our family and happened to be my uncle. He was the son of my father's aunt (mausi). He had also died long ago. It must have been over 20 years now. Sheikh Bachchan was a farmer. He had his own agricultural land. He used to grow tobacco and some other crops also. People from our family lived in Tedi Bazaar Mohalla and Berwai Tola. Other people also lived there and still are living. The families of Allah Nawaz, Ismail, Razzak Saheb, Kallu Saheb, Shami Saheb live there. It is difficult to name everybody because so many families lived there. Beside our family there would be at least fifty muslim families there. The house of Ismail Saheb is situated to the south of the Tedi Bazar Masjid. There must a gap of 50-60 yards. In between there are the houses of Ayodhya Pandey and Shiv Kumar. These are 3-4 houses of Hindus. It is wrong to say that the land in between is lying vacant. The house of Lala Saval Prasad Srivastava is also situated there. First, there is a way to the north of the mosque, and then there is the house of Ram Chandra Teli. It is wrong to say that there is no Muslim house to the north of the mosque upto Dorahi Kuan. I have been asked about this very road and I replied about the same. There are 10-15 Muslim houses from this mosque to Dorahi Kuan.

Question:-Whether there are any house belonging to Muslim Community on the road itself to a little north of Tedi Bazar Masjid and in between Dorahi Kuan masjid?

Answer: Ten to fifteen Muslim houses are situated in between.

These houses belong to Master Nadeeb, who is the Pesh Imam (the first Imam) of Tedi Bazar Masjid, Akbar Saheb and three-four other people of his family, Aamir, Sharief, Lala and a few others whose names I can not remember. It is wrong to say that the houses of Sharif, Aamir and Lala are to the north of Dorahi Kuan. (Himself said that their houses are in front of the mosque). The Dorahi Kuan mosque must be 20-25 feet long and 30-35 feet wide. There is a small house to the south of that mosque and then a small temple. It is wrong to say that to the south of this temple there is the Gayatri Sanskrit Vidyalaya. There is no school but the land beyond the road has been acquired and is occupied by the P.A.C. This road is from south to north. The temple I have mentioned and which is to the south of this mosque, is lying to the west of the road. The land to the east of the road opposite the temple has been acquired. There is a way to the south of this temple and then the house of a Daroga (the policeman) Pandey Ji. There are many other houses also. I can not say to whom they belong. The Gayatri Patshala and the Govt. Ayurvedic Dispensary are 100 yards away from that point. I know nothing about the 'Mangal Bhawan' temple. Gokul Bhawan is opposite the 'Vashisht Kund' from there. There is house also in front of Gokul Bhawan. There is a printing press also. The dispensary is about 20-25 yards ahead of the Gokul Bhawan. There is a ground in it, which forms part of the dispensary compound. The P.A.C. is stationed here. This compound is adjoining the road; Vashisht Bhawan is at

about ten yards away from the dispensary. The plot of land to the south of the dispensary belongs to Shastriji. That is a road, which leads to his house. Thereafter, there is a press and again a house. This press and the house both belong to a Hindu. First there is Vashisht Kund temple and then the house of Ram Asray Yadav. After the house of Ram Asray Yadav is the agriculture land of Dhanpat Yadav. After this land comes the house of Hari Kishan Ji. Behind that there are houses belonging to Muslim community. Then there is 'Tehsildar's house which has no school. I do not know the name of the 'Tehsildar'. He is some Pandey but I am not sure. It is correct that from the house of Tehsildar to the Dorahi Kuan Masjid road, there are houses belonging to Hindu Community. There is way to the west of Dorahi Kuan Masjid. To the north of the mosque, there are houses belonging to Muslim Community. (Then said: first a road comes to the north and then there are houses of Hindus and then that of the Muslims).

The Dorahi Kuan Chauraha (crossing) may now be called 'Janambhoomi Chauraha' but it was not called so before. I do not accept that, the point is now famous as Janambhoomi Chauraha.

The statement was read out to me and I certify it.

Sd/-  
Haji Mahboob Ahmad  
17.9.96

Asked to be present again on 18.9.1996 for further deposition.

Typed by the stenographer in the open court on dictation by me.

Sd/-  
17.9.96



(In continuation of 17.9.1996)

P.W.2 Deposition on oath by Haji Mohammad Ahmed continued:

It is correct that there is a well adjacent to Dorahi Masjid. The Chowraha (Crossing) is ahead of the well. Two roads cross each other at this chowraha which is after the well. It is wrong to say that there is a road adjacent to Dorahi Kuan, which goes from west to east upto Ramkot Mohalla. There is a Mud (kachcha) road, and not a pucca road, to the south of Lala tailor's shop. This road and not the lane, goes upto Lala's house and ends there. The land to the south of this Kachcha road has been acquired. It is correct to say that towards north there are four houses adjacent to Lala tailor. These houses include those of Aamir's and Sharief's houses. Apart from this, Babu tailor's house is also on the same road. There is a chowraha (a crossing) near Dorahi Kuan. Therefore, Dorahi Kuan Chowraha is a peculiar name of the crossing. The road adjacent to Dorahi Kuan leads to Brama Kund and to Babri Masjid also. It is wrong to say that this crossing is different from Dorahi Kuan crossing. This is only one place. This is the only crossing. It is wrong to say that the Kachcha road to the north of Lala Tailor's shop goes to the disputed site. The road that comes from Tedi Bazar, joins this crossing and leads to Babari Masjid. Lala Tailor's house comes in the way. This road is to the north of Lala Tailor's house. The Kachcha road is not a thorough-fare. That is a kachcha way (pagdandi) that can be formed anywhere. The road that begins at Dorahi Chowraha goes to Ikhlq's house and to Brahma Kund also. I know Ikhlq very well. There is a mosque in the house of Ikhlq. Ikhlq's house is to the west of this chowraha. While the disputed site is to

the east of this chowraha. But the distance of Ikhlāq's house is comparatively less than that of the disputed site.

It is possible that the disputed property is in Mauja Kot Ram Chandra. It is correct that Mohalla Ramkot, Mohalla Suthati and Mohalla Hanuman Garhi form part of Mauja Kot Ram Chandra. These three mohallas are at some height (then said: Mauja Kot Ram Chandra is also called Azhar Mohal). I do not know the meaning of the word 'Mohal'. I do not know the number of 'Zamindars' in Mauja Kot Ram Chandra. But I know that Achchan Mian was a Zamindar there. I cannot say Achchan Mian was the Zamindar of how much portion. I cannot say how much land he owned as Zamindar in Mauja Kot Ram Chandra. But I can say that his land was adjacent to Babari Masjid and stretched far away. The Zamindari is with his family now. His land is to the east and the south of the disputed property. He has land to the north and to Suthati also. There were graveyards by the side of the disputed property and his land started from near the graveyard. This was also the position on the eastern and southern side of the disputed site.

When I came to my senses, I had noticed that people kept on frequently visiting to the disputed property. But usually I did not use that way. So I cannot say if there were any restrictions on the people's movement there or not. I came to my senses at the age of ten to eleven years. I had gone to the disputed property even after the age of 10-11 years. Recently, I had gone there on the 14<sup>th</sup> of this month. The court's commission had gone there. I came to my senses at the age of eleven years. Since then, I have not gone towards the disputed property after the idols had been placed there and Muslims were not going there out of fear. When I did not go there, the question

does not arise that I should tell if there was any tree or a road or some property to the east. The heavy movement on the road connecting north-west from Tedi Bazar to Dorahi Kuan continued as usual because I had my agricultural land there which was 100 yds. away from the disputed property. The disputed property was visible from my field. There was no building in between only a ground and some trees were there. This was a Nazul land. I had been tilling this land since the time of my father. I used to go to the field off and on with my father. Even after becoming an adult, I sometimes used to go to this field. This field of ours was in limits of Awadh Khas. I cannot say if the eastern boundary of mauja Awadh Khas started 50 yards beyond the disputed building. I cannot say if excavation work was under taken in 1975 at the back of the disputed building of mauja Kot Ram Chandra . It is correct that some excavation was carried out on behalf of the Govt. in Mauja Kot Ram Chandra land behind the disputed building, during the period from 1969 to 1982. I cannot say if the digging was 17 feet deep or more or less than that. The digging work must have been undertaken at 14 sites. There existed no temple to the south of the disputed building. When that land was acquired after 1990, a room was seen on a dune in the southern direction, I cannot say if that was Sumitra Bhawan. I cannot say if that room was demolished in 1991 or 1992, or not. Far away from the mosque, there is Ram Jiyawan garden to the south. This garden must be about 300 to 350 yards away from the disputed building. There is a footpath (pagdandi) along the Ram Jiyawan garden and people use that path. There is a place near the Ram Jiyawan Bagh, which is called by the others as the second 'Farik Kuber Tila' – and call it the mazar of Azharhatti Shah. That place is adjacent to Ram Jiyawan Bagh to the west-south. This place is at a handsome height. The

place which others call as the second Farik Kuber Tila and which we call as mazar of Azharhatti is at a height from the disputed building. I cannot say as to what would be the said height but that height is definitely a bit higher than that of the disputed building. I had talked of the height of the surface of the building and not that of the roof-top. If the height of the building is included then this would be higher than that of the Kuber Tila alias mazar of Hattishah. The constructional height of the disputed building from the surface would be 30-35 feet.

I know the mazar of Hattishah. He was an elderly man. I did not know him personally. I had heard the name of Hattishah from my elders. There is a mazar on this tila. This mazar was damaged after the Babari Masjid was locked i.e. 1949. I or my father or some other Muslim did not claim the Mazar having been damaged. There is no such tila to the east of this tila, which is called 'Lakshman Tekri'.

The well was at a distance of hundred steps to the east of the disputed building. When I went to offer Namaz, I used to see that well. I did not go there after the idol was put and thus did not have chance to see the well. The duty to draw water was that of the Moazzim. Ismail Saheb was the moazzim there. I cannot say to which place Ismail Saheb belonged. I had seen him. According to my guess, his age at that time must have been 30-35 years and it was not less than that. My age at that time was 11-12 years. I cannot say whether Ismail Saheb used to live in this very building or not. The outer gate of the disputed building on the eastern side was without door. There was no way to the west of the disputed building where the wall ended. There was no wall beyond that point where the western wall of the disputed building

ended, The slope began at that point because that building had been constructed at the height. There were two to four graves beyond the point where the northern wall of this building ends and then the slope began. These graves could be called mazars also. Thereafter, the slope of the road began. These were pucca graves and samadhi (Tubrat) was also on them. There was a two-three feet wide path between the mazars near the northern wall. This place was used as a path and was used when the building was cleaned and whitewashed. The state of affairs was the same in the case of western wall behind this building. There was also a two-three feet gap. The land to the south of the disputed building was not plain. It was uneven. There was graveyard and some vacant land on that side. There was a way and a ground to the east side of the building and outside the main gate. If someone wanted to walk down all around the building while entering through the main gate to the east of the building, one could walk along the path (pagdandi). There was a road to the north of the mosque and the Janam Sthan Mandir to the north of the road. That Mandir still exists. I cannot say if that Mandir is called 'Sita Rasoi' also, but surely that is the temple. I cannot say if there had been a signboard depicting the name of the temple. I never go to that side hence cannot say whether any stone has been fixed on eastern side and in front of the temple and whether something has been engraved on that stone.

I had been accompanying my father for offering Namaz in the disputed building. I did not notice whether any stone had been fixed there on the eastern side and in front of the temple depicting or something written on it.

Kaziyana mohalla would be about 200 yards away from the Ram Jiyawan Bagh. I cannot tell if Kaziyana

mohalla comes under mauja Jalwanpur. Kaziwana mohalla is to the west of the Faizabad-Gorakhpur road. Some portion of Kaziwana mohalla also extends to the east of the road. Paji Tola Mohalla is also to the east of that road. Paji Tola and Kutiya Mohalla are different one.

I know Mohammed Hashim Ansari. I know him since I became mature. Hashim Mian would also know me. He must know from the very beginning. He lives in Kutiya Mohalla. There is no mosque in Kutiya Mohalla. There is a mosque in mohalla Paji Tola. There is a mosque in Kajiwana Mohalla also. I cannot say whether Hashim Mian is mutwalli in one of these or both the mosques or not. The mosque at Paji Tola would be at a distance of hundred to hundred-fifty yards from the house of Hashim Mian. The Paji Tola mosque has no dome, it has a minaret. This is a small mosque. I have seen the mosque. I cannot say as to who is looking after the management of this mosque. I have never seen Hashim Mian managing this mosque. It is wrong to say that Kajiwana Mohalla mosque had no dome. It had a dome, which was demolished on 6<sup>th</sup> December, 1992. Its minarets had also been demolished. Kajiwana mohalla mosque is also a small mosque. The small mosques are managed by the residents of the Mohallas themselves. I have never seen Hashim Saheb managing the mosque.

There was 'Islamiyan Madarsa' in Kajiwana mohalla. This Madarsa had also received some damage in the incident of 6<sup>th</sup> December. This Madarsa was being managed by the residents of the Mohalla. They used to collect subscription for it. I had also managed this Madarsa for some days. When I left for Bombay, then residents managed it by themselves. Arabic was taught from first to fifth class in that Madarsa. Urdu and Hindi

were also taught. This is a very old Madarsa. Earlier it was run by one Bengali Shah. He was not a resident of this Mohalla. He had been residing in Ayodhya. He was an elderly man and had come from Bihar. I had seen Bengali Shah. He must have been atleast 60 to 65 years of age at that time. He had died some 20 years ago. I was 28 years of age at the time of his death. I had been seeing him from the age of 14-15 years. He had been teaching there since long but I do not exactly know since when. There was no other Islamia Madarsa in Kajiyana Mohalla except this one. I cannot say if the Islamia Madarsa was under the municipality or not. I have never seen the Madarsa under the control of municipality. This Madarsa was so badly damaged in 1992 that teaching there has been stopped and the Madarsa has been closed since 1992.

There must be thirty to forty Muslim houses in Kajiyana Mohalla since I got sense. Panji Tola has more Muslim population as compared to this Mohalla. In Kutiya Mohalla, there must be fifteen to twenty Muslim houses. To the west of Kajiyana Mohalla is the Tedi Bazar Mohalla. Barwari Mohalla is adjoining the Tedi Bazar Mohalla. The Muslim population in both these Mohallas put together should be more than that of the Kajiyana Mohalla. Muslim population is much in Suthati Mohalla. There would be about 35 Muslim houses. Suthati Mohalla has 13 mosques. Some of them have already collapsed. Namaz is not being offered in them. Out of those, 7-8 mosques still exist. Those mosques have domes and minarets also. Some are Kanati mosques, which do not have minarets. Suthati mosques appear to be of olden times. Some of mosques of sutahati Mohalla had been damaged in the incident of 6<sup>th</sup> December, 1992. Government has compensated for this loss. But none of

the mosques in that Mohalla had been damaged completely. They have only been sabotaged. I could not remember as to how many mosques had been damaged. The number of such mosques might be two or three. The Government got them repaired on its own. These repaired mosques are within the populated area of Suthati mohalla. All these three mosques must be about 50 yards away from one another. The remaining mosques are also in the same area. I cannot tell the radius of Suthati mohalla, but it is a quite large Mohalla having a large population. It is wrong to say the two mosques situated in south and north in Suthati mohalla had completely been destroyed by the rioters on 6<sup>th</sup> December, 1992. It is correct that there is also a mosque to the west of Suthati Mohalla. I cannot say if that mosque pertains to Babar's time or not. History had not been my subject at graduation level. I have studied history upto Intermediate.

Babar was an Emperor of India. He came from outside India. When he came to India, Islamic tradition was in vogue in India. There were a number of mosques in India at that time. The Emperor Babar never visited Ayodhya. We have known from books that this mosque was named 'Babari Masjid'. When Babar came to India perhaps Ibrahim Lodi was the ruler here. Mir Baki was Babar's General. I cannot say whether Mir Baki was a Shia or a Sunni. But he was a Muslim.

Question:-A very big mosque Hasan Raza belonging to Shias was there at Faizabad chowk.

Answer:- A mosque does not belong to Shias or Sunnis, it belongs to Muslims.

There is a very big mosque at the chowk. I cannot tell who is the Mutwalli of that mosque. Sunnis also offer



Namaz in this mosque. I had also offered Namaz there. But I have never offered Friday Namaz there. Friday Namaz is offered on Friday in the afternoon after the javal. It is a collective Namaz. I do not know who is the 'Pesh Imam' of this mosque.

I cannot say if the family members of Mir Baki are still alive and live in Lucknow. I cannot say that Hasan Raza, after whom the mosque had been named, was one of the heirs of Mir Baki. Might be that this mosque was being managed by Shia Wakf Board. I cannot say anything in this regard. Mohalla Kothaparwa where Tatshah mosque is situated is near this very chowk. It is correct that it is the biggest mosque of Sunni community in Faizabad district then said this mosque is biggest in Faizabad city and not in the disterict. There are bigger mosques in Jaganpur, Bhadarsa and Ronai. All these places are in Faizabad district. I have offered Namaz in Tatshah Masjid. I have offered Friday Namaz also. I cannot tell as to who is the 'Pesh Imam' there at present. I cannot also tell who is the Moazim there. I live in Ayodhya. I do not know who is the mutwalli of the Tatashah Masjid.

Chowk Sarai Masjid is in Faizabad. I think this is one of the oldest mosques in Faizabad. I have gone to that mosque also. Whenever I get a chance, I go there. But I have never offered Friday Namaz in that mosque. I do not who are the Mutwalli, Moazim or Pesh Imam there. I cannot tell if the management of this mosque is with the Sunni Waqf Board or not. It is wrong to say that Shias do not go to offer Namaz in Tatshah Masjid and chowk Sarai Masjid.

There is one very old Shahi Masjid in Mohalla Adgada in Ayodhya. It is not known as to whose time this mosque belongs to, but Shahi Masjid is the one which was built by a King. I do not know the mosque is named after which King. There is a very large population to the north of the Shahi masjid of Adgara Mohalla. Thereafter it is river Saryu. That mohalla is known as Adgada Mohalla. That was called old Police Station. Its name is not Golaghat. I know the Swargadwar mohalla. This mohalla is located to the north adjoining the Adgada mohalla. I cannot say that Ahilyabai temple is there or not on the bank of the river in Swargadwar mohalla. I have seen Lakshman Ghat. I have seen Lakshman Quila also. So many temples are there. I cannot tell which temple is there to the east adjoining the Lakshman Quila Mandir. But there are so many temples. I cannot say whether Tirath Mandir is there or not. But it would be wrong to say that Aurangzeb had demolished any temple. No Emperor demolished any temple. I cannot tell that if the Queen of Holkar family, Rani Ahilyabai had got built any temple in Ayodhya or the temple stated above was built at the same place.

Normally a child of 5-6 years of age learns to offer Namaz in the company of his parents. Some learn to do it in 7-8 years but offering of Namaz should start by the age of 10-11 years. I also take my young children along with me to the mosque to offer Namaz-e-id. I take them to Idgah also. It is not necessary that children upto the age of less than 10-11 years can offer Namaz only at home. Namaz can be offered anywhere. But when some building is assumed as a mosque, its importance increases and that place becomes a special sacred one. It is not correct to say that each and every building where Namaz is offered becomes a mosque because it is not legal to offer

Namaz at a place where there is any photo or figure of any animal, bird or human being. A mosque has a peculiar shape and construction of its own. It is not like a house. This peculiar shape includes the dome, minaret also. It means it should become clear from the distance that the particular building is a mosque. There is no importance of the number of domes in a mosque. There is no restriction to the number of domes either. The domes can be one or two or even three also.

I have seen many temples in Ayodhya. Temples have a 'Shikhar' (the top). Most of the temples in Ayodhya are with high Shikhar than in round shape. I have not seen any round shaped 'Shikhars'. The structure of a temple and that of a mosque have some difference. There is no restriction to construct the shape of a fruit around a dome of the mosque whether it may be Aonla. I have seen 'Asharfi Bhawan' temple. It has no dome. I have seen many other temples but all without a dome.

To the east of Swaraghat lies mohalla Nayaghat. There is Nageshwar Nath temple along the river on the beginning and end portions of these two mohallas. That temple is in Nayaghat Mohalla's limits.

I possess a contract for Tehbazari for Ghat of Ayodhya. I possessed Tehbazari contract for Nazul land also. I had no contract for Ayodhya city. The contract was for the Ghat which was about Nuzul-Nageshwar Nath Temple situated at the bank of the Ghat ahead of Gandhi Ashram shop. I cannot say if the Nageshwar Nath temple is the oldest temple of Ayodhya. Some people say that the Kanak Bhawan Mandir is the oldest temple. Some people accept Hanumangarhi mandir as the oldest one. There are many Ghats by the name of Lakshman Ghat,

Kaushalya Ghat and Ram Ghat as well. The names of these Ghats are associated to Rama and the whole world respects him. Hindus consider him to be an incarnation of God. Kaushalya is the name of His mother and Lakshman is the name of His brother.

There is one more place in Ayodhya which is also called 'Mani Parbat'. It is called the mazar of Shish Anhesalam who is also known as Nabi. The place is at a great height but I cannot say if its height is as much as that of the disputed building. A Hindu fair is held on Mani Parbat in the month of 'Shrawan'. Idols are also brought in the fair. These idols belong to temples of Ayodhya. They are festival idols.

Vashisht Kund is not there in our mohalla. This kund is in some other mohalla. This kund is near the house of Ram Asrey Yadav, Ram Asray Yadav's house must be at the distance of atleast one to one and a half furlong. There is a Vidya Kund ahead of Mani Parbat. I cannot say if Hanuman Kund is there or not in Kaniganj mohalla. I have seen 'Badi Chhawani Mandir'. I have not noticed any kund there. I had gone there only once. There is a pond enroute to Jain Mandir. This is a pucca pond. I do not know if that is named as 'Sita Kund' or not. There is a Datun Kund mohalla. I do not know if there is any 'Kund' or not. I have seen 'Tulsi Chaura' road. That is a memorial which has been built made by the Government but I do not know if Swami Tulsi Das had written 'Ramayan' there. Gujarat Bhawan is at a much distance from there. There is no kund with the Tulsi Chaura Memorial. I have seen the house of Narayan Acharya. I know Param Hans Ram Chandra Das. Narayan Acharya is a family man. He lives with his family. I cannot tell if the 'Diwan Beni Madhav Mandir' is there adjoining his house

or not. Tulsi Chaura Samarak is there about which I have already made a mention. There is a road to the north, which passes just in front of Narayan Acharya's house. That road leads to east-west. That road goes to Ramghat while coming from Hanumangarhi. I have never heard the name of 'Nirmohi Bazar'. I cannot say if that comes on this route or not. One road from Hanumangarhi leads to National Highway and another goes to Hanumangarhi. If we go to Faizabad from Hanumangarhi, then this road would come in the south. The 'Tiraha' is not at a distance of two hundred fifty feet from Hanumangarhi. It is too far and to the south. There is a corer further from the 'Tiraha' road which meets the Raiganj road. There are houses on that road but it is not known to whom these houses belong. To the south of Hanumangarhi is a road and not a 'Tiraha'. I have seen Ayodhya bus stand at Hanumangarhi. From there a road meets Raiganj to the east. This road passes through bus stand Ayodhya and Hanumangarhi. There is no road to the west, but a complete mohalla. I must have definitely gone on that route which goes to Raiganj begins from this road. There is a pond, which is pucca this pond may be called datun kund but I am not sure about it. Narayan Acharya's temple is not to the north of that pond but there are houses. I cannot say that the way to those houses opens on the way to Digambar Akhara.

There is no Kund near my house. There is a pit where people run their small shops. This pit must be 20-28 feet long and 30-35 feet wide and 10-12 feet deep. The pit gets filled with rainy water but it does not stagnate. I cannot say if its name is 'Urmila Kund'. I cannot say that it is so named 'Urmila Kund' as the water does not stagnate there.

Gurukul is not on Parikrama Road. It is within Panchkosi. I do not know if Dasrath Kund, Kaushalya Kund and Sumitra Kund are near Gurukul or not. Gurukul is separate and Gurukul Mahavidyalaya is separately situated far off from there. There is Panchkosi Parikrama road to the west of Gurukul Mahavidyalaya. There is a railway line to its south. There is no Karbla there. The place where 'Tazias' are buried is called 'Badi Bua'. That is to the south of Faizabad road. Faizabad road runs from east to west. Panchkosi road crosses Faizabad-Gorakhpur road. But does not cross here at the place where tazias are buried. Panchkosi Parikrama road falls between Gurukul and the place where tazias are buried.

I have heard the name of 'Hanuman Kund' but do not know where it is situated. 'Vibhishan Kund' is ahead of Vakil Saheb's house. We have been hearing about these kunds but we cannot say whether these kunds are old or not. These 'Kunds' are of the times earlier than my coming to senses. Shree Ram Hospital is at a distance of at least 300-400 yards from the house of Hashim Saheb. The road from that point leads to Railway station, Ayodhya. There are graves to the south of that road and an open ground also. There is a Kucha pit to the north. This pit remains filled with water. I cannot say if this pit is known as 'Kshir Sagar kund'. There is a temple named as Kshireswar Nath Mandir at a little distance opposite Shri Ram Hospital.

There is no Muslim house in Ramkot mohalla. To the east of Ramkot mohalla is Hanumangarhi mohalla. There are 8-10 Muslim houses in that mohalla. These Muslims generally deal in Kirana goods and general merchandise. I cannot say if they had purchased those houses or taken on 'Pagri' or how they live there. One of those houses

belongs to Majnu and one to Khalik. The names of others I do not know. They live on the road leading to the north of Hanumangarhi. Manju's house is on the road which leads from Hanumangarhi to Chandra Hotel and which meets the national highway road. Chandra Hotel is a famous place. People know the place by this name. That road meets the national highway. The stretch of the road, which starts from Hanumangarhi and meets the national highway, is about 400 feet. This road has gone from south to north. There are shops on either side of this road. I do not know if this area is known as Haridwari Bazar. Majnu is a driver but his wife runs a shop. Majnu had worked as driver with me also so I know him. I do not know where he is working nowadays. I do not know the name of his father. The shop of Majnu's wife is on that road. As I have already stated, I do not know if that area is known as Haridwari Mohalla or not. I do not know since when his wife has been running that shop. He had worked with me some 10-15 years ago. He once met me in between and told that his wife was running a shop.

Ramkot Mohalla is not known by any another name. There is no other mohalla to the north of Suthati Mohalla, but there is a school. I cannot tell the school is situated within the limits of which Mohalla. There is a Harijan colony next to Suthati Mohalla and that school is next to that colony. There is a playground for the children to the north and then there is the road. Mohalla 'Asharfi Bhawan' is to the north and there is a separate Mohalla Begampura. Mohallas do not happen to be situated at the distances of Kms. they are situated only at the distances of 10-12 yards. There is another road beyond Begampura Mohalla. Then there is Mohalla Mughalpura after that road. The mohalla is inhabited in all the four directions. I cannot tell that the length of the mohalla is to the north

and south or to the east and west. There is a mosque and a graveyard to the west of Mughalpura. Mohalla Guliyana is situated to a side behind that. In between there are many fields. Guliyana mohalla is different and Mirapur Bulandi is different. These mohallas are adjacent to each other. Thereafter there is a Government park and then a river. There is 'Vimochan Ghat' to the north of Mughalpura. It is also called mohalla also. I do not know which mohalla is there to the north of Vimochan Ghat. There is Saidwara mohalla, which is also called 'Golaghat' to the north of Vimochan Ghat Chowraha. There is another mohalla by the name 'Mohalla Katra'. Atmaganj Katra Mohalla is adjacent to that. This population is all around the Ayodhya city. To the east of Ayodhya are the Janaki Ghat, Ram Ghat, Vasudev Ghat. Then said – mohalla Kaniganj, Guliyana too are situated in the same line in which muslim locality situates. There are no Muslim houses in Ram Ghat, Janaki Ghat and Vasudev Ghat. It is not necessary that muslim population is confined only to those mohallas, which have Muslim names. Suthati mohalla has a Harijan colony also where Hindus live. There is no mosque in Miranpur but there are mosques in Saidwara, Begampura, Alamganj, Katra Mughalpura and Dorahi Kuan Mohalla. In Miranpur mohalla, I know one Nabi Haider Saheb in Miranpur locality. There is an Imambara in his house. There are 5-6 Muslim houses in Miranpur Bulandi. All those houses do not belong to one family. One house belongs to a 'barber', one to a cycle machanic, some are engaged in agriculture. One Bhadai also lives there, I do not know if Bhadai is working with Nabi Haider who was big Zamidar. He was a Shia.

Achhan Mian lived in Machhuana mohalla. It was also known as Shekhana mohalla. I cannot say if he was



an educated person or not. But he was a big Zamindar. I know Zahoor Mian. What was his profession, I do not know, but his sons are running a shop. I do not know if Achhan Mian, Haji Faiku, Haji Fayak and Zahoor Mian were good friends or not. But all of them lived in the same city. Haji Fayak and Haji Faiku were related to each other. Achhan Mian was Zamindar with his properties in of Kot Ram Chandra alias Azhar Mohal and in Majha also. I do not know Majha was in which mauja. The river begins behind his house and Majha was behind the river. This Majha is to the west. Achhan Mian was also called Ahmed Hussain. He has 600 bighas of land as on date. I am talking of pucca bighas. My father also had 150 bighas of land in this Majha. Jagdish Shukla also had his land in this Majha. He happens to be a big landlord and I am sure he must would have 500-600 bighas of land here but I can not say confidently. Pandit Kalika Prasad aso had land here. He has since expired. I have not met his sons. They must be having land here. Ram Gopal Mishra is also having land here. Now his brother is there to look after the land. Zamindars manage their lands according to their sweet will. Some of them get it cultivated by their servants while some others give it on 'Batai' i.e. Partnership basis. I do not know if their lands have been taken over by the Govt. and they have been rendered 'lords' only. In fact, the lands are still in their possession. Their land lordship is still intact Ahhan Mian's Zamindari might be in Hanumangarhi or not. We do not know. But the Zamindari in Hanumangarhi is still intact. I do not know how much bighas of land make a mauja. Munshi Amanat Ali resided next to the house of Achchhan Mian. He has expired. Munshi Amanat Ali was in service but I do not know if he was in police service or not. I do not know whether Achchhan Mian and Fayak Mian had been pleading the case or not because I was too young at that

time. I had seen Zahoor Saheb, Haji Faiku, Haji Fayak, Achchhan Mian and Munshi Amanat and also seen Zahoor Sahab like wise. But I cannot tell who was the eldest among them in age. I do not know as to when Zahoor Ahmed expired. I do not remember when I had last seen him. I cannot tell if he was older or younger to my father in age. Hazi Fayak was younger to my father. I do not remember the age of Hazi Fayak at the time of his death. Achchhan Mian is also dead but I do not remember how much time has elapsed since his death. I do not know his age at the time of his death. I do not know whether Achchhan Mian, Zahoor Mian, Haji Fayak and Haji Faiku were the plaintiffs in the case against Gopal Singh Visharad. It is wrong to say that these four persons were the only persons who were making lot of noise against the Pooja being performed here (then said: Pooja cannot be performed in a mosque). I cannot say when Gopal Singh Visharad's case began. I also cannot say if only Haji Fayak and Achchhan Mian used to plead the case. I cannot say if all these four persons had authorized any one of them to plead on behalf of them. I cannot say if they had authorized Mohd. Hashim or not. But it is true that only Mohd. Hashim used to plead the case. He did this in capacity of a Muslim and a person. I cannot say if my father used to bear the expenses or not. Hashim mian worked on his own. He would be bearing the expenses himself. Hashim Mian was a tailor and had a shop. I have heard that nowadays, he is not continuing his stitching work. I have heard he had been doing so in the past. So far as I know, he is the resident of this place and lived in Kutiya Mohalla. I have heard that his father lived in Rangoon. Kasim is the name of Hashim's brother. He is younger to Hashim. But I cannot tell how many years he is younger to Hashim.

My elder brother is educated but I cannot tell upto which class he has studied. He had although gone to Madarsa School but I cannot say upto which class he had studied. He still lives with us. We are not living separately. He is still alive and enjoying good health. He has not been arrested in 1954. (Then said: our uncle had been arrested). I have not heard that in 1954 some Muslim youth tried to enter the disputed building for offering Namaz and had been arrested.

This is in my notice that some Muslims were arrested u/s 144. They were sentenced and also fined by the court. My elder brother was not sentenced. I do not know if he had gone to offer Namaz. Our uncle's house was attached in connection with this case. The houses of others were also attached. My uncle's name was Haji Mohd. Fayak. He was maternal brother of my father. I do not think any such agitation was held after that in which some one had been arrested.

The statement was read out to me.

Sd/-

Haji Mahboob Ahmad

Asked to be present again on 19.9.1996 for further deposition. Typed in the open court by the Steographer on dictation by me.

Sd/-

Dated 19.9.1996 (In continuation of 18.9.1996)

P.W.2 Haji Mehboob Ahmed – Deposition on oath contd.

The Tedibazar mosque is about hundred to hundred fifty yards away from my house. It is being looked after by the residents of mohalla, I do not do it. I regularly go to offer Namaz in this mosque. I have been offering Namaz in this mosque since I have grown up. I go to this mosque also. I used to go to Babri Masjid as well and am going to other mosques also.

Question: You have been going to this mosque, which is situated in Tedi Bazar, regularly since you have grown up.

Answer: It is wrong to say so. I have been going to this mosque as well as other mosques also.

There is a road to the east of this mosque where a stone has been fixed (Then said) – there is a road to the north adjacent to the mosque where a stone has been fixed. I cannot say if it is a 'Shilalekh' (stone-inscription) and what has been written on it. That road to the north is a lane, which joins the main road of Tedi Bazar. That stone is in a corner and is away from the mosque. That corner is at the place where there is a drain and here the lane meets the main road.

Question:-This stone-inscription (Shilalekh), which you call a stone, is on that corner which connects the mosque on the road with the lane mentioned above.

Answer: It is wrong.

I cannot say if the stone has been fixed at a distance of 3 feet from the mosque. It is not correct to say that the stone is fixed on the footpath adjoining the mosque along the road. This stone is not in the land of the mosque. This stone would be four-five feet away from the road. I cannot say what has been inscribed on the stone. I cannot say if 'Dhan Yaksha Kund' is inscribed on the stone. There is a small pit near my field at a distance of two hundred to two hundred fifty yards from this stone. The pit has no water. Water from the entire Mohalla gets collected in this pit through a drain. One can call it a pond if he so wishes. I cannot say if there is some story behind it in which it is said that King Harishchandra's wealth is buried under this so called pond. There is a lane to the west of this mosque and then there are fields. There is a lane to the south of this mosque also. There is a way to the north of this mosque and then the house of Ram Chandra.

I know Abdul Gaffar very well. He resides in Mohalla Vashishta Kund. He does not reside by the side of Tedi Bazar Masjid. Abdul Gaffar's name was Haji Abdul Gaffar. He has already died. He would have expired in 1990. He was a 'Maulana'. He had a saw-machine and some other business also. He even used to teach children at home. He was the 'Pesh Imam' of Babri Masjid. He did not live in the disputed building but He lived in his own house. His house is to the south of the Kund in Mohalla Vashisht Kund. It would be wrong to say that his was the only house in that area where Muslim family lived. (Then said: two houses belonged to 'Nais' (barbers), one to a 'Dafali' and two-three to Muslims. Those houses still exist. Some of the residents have left those houses). The name of the barber was Bahadur. His son was 'Sharif'. His children are alive. I do not remember the name of 'Dafali'. There

is one Alim Saheb, one Zabbar Saheb and one Hakim Saheb. They all lived along them. I did not go to Abdul Gaffar's house for study. He was not running a Madarsa. Children from different Mohallas used to go to him for study and he taught them. I cannot tell the name of any child from Mohalla Majhi Tola who used to go to him for studying. (Then said: As I have heard, Hashim Mian from Kutiya Mohalla used to go for study. Hashim Mian is younger to my father. I cannot tell the difference between their ages. I cannot say if my brother had been older or younger to Hashim Main. Perhaps, they must have been of the same age.

The age of Maulvi Abdul Gaffar Saheb was about 85 years at the time of his death. He was the resident of Ayodhya itself. I cannot say if he ever had been the resident of any other city. I had known Ismail Saheb. He was 'Moazim' of Babri Masjid. I have seen him many times. He was younger to Gaffar Saheb in age. Ismail Saheb was from outside, but he used to reside in the masjid itself till he was in Ayodhya. I cannot say if he had been originally the resident of Basti or not. I cannot tell anything about his family as he lived alone in the masjid.

Jamati (collective) Namaz is offered in the mosque. It is more virtuous. The Friday Namaz has its own importance. It is offered on Friday at a fixed time. The presence of the 'Pesh Imam' is a must in Friday Namaz. (Then said : The presence of the 'Pesh Imam is must in a Jamati Namaz.) The Namaz is offered five times a day – Fazil, Johar, Ashad, Magrib, Eisha.

If a Muslim wants to offer any one or more or all of these Namazes all alone, he can do it. If two or more Muslims join together, they treat one of them as 'Pesh

Imam' and offer Namaz. Friday's prayer is not offered in all mosques.

Previously, Friday Namaz was offered in two mosques in Ayodhya. The second mosque is named as Kewarewali Masjid. This mosque is situated behind Kotwali Ayodhya. Zahoor Mian's house is not situated near that mosque. Zahoor Mian's house is in Kajiyana and one in Shingar Hat also. That house is opposite the post office towards the north of Kotwali. I cannot say if Zahoor Mian used to sell 'Surma' (Collyrium) or not in that house. I cannot say if Badri's house was towards south beside the Zahoor Mian's house or not. There are many houses near Zahoor Mian's house and not just one. It is wrong to say that there is just one house adjoining his house. It is wrong to say that a lane leads to the masjid from near the so called house of Wahid. A way adjoining the Police Station leads to the other side where there are fruit seller's shops. This way has gone to the police station, behind that is the graveyard and then a footpath. People came to the mosque using that footpath. It is correct that Lucknow-Gorakhpur main road is to the west of Ayodhya Police Station. It is wrong to say that Kewarewali masjid is to the east of Ayodhya Police Station. Through Kewarewali masjid is to the east of Ayodhya Police Station (Then said: In between there is the graveyard). The footpath leading to the mosque is to the north of the Police Station. I cannot say if this mosque was being managed by Zahoor Mian or not. This mosque is situated two furlongs away on the main route, from Zahoor Mian's Shingar Hat house and it was about four hundred to five hundred feet while taking the footpath route towards the police station. This footpath now has a 'Khadanja' which was not there earlier. This footpath would be 5-6 feet wide. That mosque has no permanent 'Pesh Imam'. The

people of that bazaar offer Namaz there. They treat someone or other as 'Pesh Imam' every time. So far as I remember, I had never gone to offer Namaz there. I cannot tell who is the Moazim there. I even do not know the name of the Mutwalli of that mosque. But it is wrong to say that Namaz is not being offered in the mosque. While passing that way I had seen people returning after offering the Namaz there. During the turmoil of 1992 even then when I went there, I saw people coming out after offering Namaz there. As I had not gone that way, I cannot tell about the Namaz being offered there prior to 1992. It is correct that Kewarewali masjid is the nearest mosque from the Singar Ghat house of Zahoor Mian. Zahoor Mian is the same person who was a defendant in the case alongwith my father. Farooq is the son of Zahoor Mian and is alive. I cannot say who had been older between Zaur Mian and my father.

I cannot tell if my father had been taking interest in the management of Kewarewali Masjid.

Question:-What service your father had been rendering towards the management of the mosque stated to be situated in the disputed building?

Answer: What ever was needed such as weaving of mats in the Masjid and giving 5-10 rupees to a Moazim, if required.

I cannot tell if my father had been taking interest or had shown interest in the management of any other mosque in Ayodhya or Faizabad, or not. I cannot say if some others also had been taking interest similarly in the management apart from my father. But I feel that it is the duty of every Muslim to do so. I have already stated that Zahoor Saheb had been living in Singarhat Mohalla. If



there is any other name of this mohalla, I do not know. Muslim other than Zahoor Mian also have their residential houses in Singarhat Mohalla. There were shops on the front and the residences on the back.

I had known Razzab Ali. He had been the resident of Mohalla Kajiyana. His father's name is Gullu. He has since expired. He must have been about 60 years of age at the time of his death. He must have died over 10 years now. He would have been a little older to Ikhlāq Saheb. I cannot tell what is the age of Ikhlāq Saheb at present. But he is not younger rather a little older to me. I do not know he is elder to me by how many years.

Ashraf Ali had been the resident of Berwai Tola. He was elder brother of Karamatullah. Ashraf Ali has expired. I do not remember how many years ago he had died. I would not be able to tell his age at the time of his death. Ashraf Ali was definitely known to Ikhlāq Saheb, Razzab Milan and Hashim Ali. Hashim Saheb is also very familiar with him. Both are the residents of the same city. Ashraf Ali was older than Mian Hashim. A long time had passed since the constitution of 'Mukabir', Masjid (mosques), Muhafiz, Anjuman Awadh, Since I came to know the Anjuman continues to exist. Hashim Saheb also had been its president. I know this for the last 20-25 years. The 'Anjuman' must have existed even before this time. I did not feel the need to ascertain about this Anjuman from my parents because I knew that the Anjuman existed. This is a registered body. It has its registration in Faizabad office as well as in Waqf Board. It has been entered in the Faizabad registration office. This society has not been registered in the office of Chit Funds. I possess the papers of this society. I have gone through the papers. I have seen its registers and I know my predecessor

President and can tell his name. I did not try to know as to who established this society and when. This includes lawyers from Faizabad also. This society is for both Faizabad and Ayodhya. We have no detail, about the mosque, tombs or graves in our registers. There is a management committee and our duty is to protect these institutions. It is true that the Anjuman's aim is to protect all mosques, tombs and graveyards. Protection includes repair and white washing etc. We have never surveyed any mosque, tomb or the graveyard. If some damage is noticed somewhere, we call a meeting and arrange for the repairs by collecting donations.

I have been the President of this Anjuman since 1990. Prior to this Ikhlāq Saheb was the President. I had taken over all the papers regarding this Anjuman from Ikhlāq Saheb and these papers are still available with me. I had received all the old record of this Anjuman in 1990 but that had been burnt in the incident of 1992. So I cannot say that mentioned oldest minutes belonged to which period.

If once any society gets registered, its registration is valid for 4-5 years. It has not to be got re-registered. Its registration is got renewed only. If the learned Advocate wants to have its memorandum, I can give him a copy bringing from the office. But, this I did not require for my work, so I have not procured the copy. I do not know if its renewal is due or has become long over due. The matter pertains to our society and I shall explain to them when I am asked to do so. While taking over charge I have received papers. I had studied the registration papers. The registration had not expired by that time.

Syed Farzand Hussain had been the Secretary of this Anjuman. He had never been the President. I do not remember the year when Hashim Saheb had been the President of the Anjuman. Wasim Saheb was the President prior to Ikhalag Saheb. There is no other Anjuman other than this in Ayodhya which protects the tombs, graveyards and the mosque. After demolition of the mosque in 1992, I lodged a report, I wrote to President and the Governor also in this regard.

Question:- Whenever a grave had been damaged, a mosque demolished or damaged in Ayodhya during the last 25 years, was a suit filed or any legal proceedings initiated in this regard on behalf of this Anjuman?

Answer:- I can only say about the legal proceedings ever since I have become the President. I had got a report lodged about demolition of this mosque and this case is about that.

The situation prior to 6<sup>th</sup> December, 1992 was quite good and no such incident or happening had ever occurred which needed to lodge a complaint. I am talking about the situation prior to 1990.

It is wrong to say that there had been some differences / tension between me and Hashim Mian with regard to the funds of the Anjuman. After the mishap of 6<sup>th</sup> December, 1992, I received no funds from anywhere for the construction of the damaged houses or for compensating the loss to anybody. If I have helped anyone, I have done so from my own pocket. I received no donations whatsoever from outside.

I have no dues of the Government. No recovery certificate has been issued against me. I had taken surety of someone for the loan taken by him and a recovery notice was issued in my name in that connection. I had gone to Faizabad Tehsil. But it is incorrect to say that my name has been shown in the list of defaulters on the notice board. It was there earlier, but it is not there now.

There is a lawn while entering through the main gate (sadar darwaja) to the east of the disputed building. The lawn must be 25-30 feet long in the east-west and 130 feet in the north-south. It had a pucca floor. The floor was made of bricks or possibly stones but no marble was used. However it was pucca. There must have been one or two trees. I can not say, which trees were they, were they 'Neem' trees or Maulshri trees or some other trees. There was no raised platform (Chatubtra) to the south of this lawn, but a place like a Chabutra was certainly there. This was 6-7 inches high from the floor. The Chabutra would have been about 21 feet long. Its width would have been about 17 feet. Nothing was constructed on it, only a thatched construction was there. I had seen people sitting under that thatched construction. I cannot say if those persons sitting there were Hindus or Muslims.

(At this stage, the learned Advocate drew the attention of the witness to photo No.7 in the album of black and white Photos prepared by the Uttar Pradesh State Archaeology Department.) I have seen Photo No.7. It belongs to eastern main gate of the disputed building. I have also seen Photo Nos. 29 & 30. The thatched construction and Chabutra were never like this. Although, the thatched construction existed earlier also but its shape was different. I cannot say if there had been a 'Peepal' tree or not in the east-western corner of that Chabutra.

The tree, which is appearing or the idols, which have been installed, as shown in photo No.32 of the album were not there at that time.

I have also seen photo No.35 of the above mentioned album. The type of idols shown in this photo were seen by me at the time of inspection of Ram Katha Kunj on 15<sup>th</sup> September, 1996. The iron rods shown in photo No.37 existed then also but the inscribed stones were not there at that time. I had not seen any store to the north of the courtyard.

It is correct that there is a courtyard to the west ahead of the lawn. That belongs to the mosque and is adjoining the grilled wall. There is no lawn to the north of the courtyard, but the boundary of the mosque. That boundary was a wall. Its height must have been over 15 feet. I cannot tell its thickness. The grilled wall joined the boundary wall of mosque to the north side. There was no grilled wall to the north of the courtyard. There was no 'Chulha', 'Belna' or 'Sita Rasoi' in the courtyard. All these things were in the lawn outside courtyard. We used to see the 'Chullah', 'Chowka', 'Belana' of Sita Rasoi in the lawn whenever we went to the mosque. These were over the ground but I cannot say if these were made of stone or how they were made. These were a little bit higher on the Chabutra, and not on the floor. People called it 'Sita Rasoi'. I have not seen anyone going there for 'Darshan'. There was an arrangement for Vaju to the south of the courtyard. The grilled wall adjoined the wall of the mosque to the south. We call it a Masjid and the other party calls it a Mandir. The height of the entire boundary was the same. This was a fully constructed building to the west of the courtyard. This was a mosque to which others called a Mandir. There were three big gates of the

building. There were pillars below these gates but I cannot say if the pillars were made of stone or Kasauti stone. This I cannot say. (At this juncture, the learned Advocate drew the attention of the witness to the black and white photo album prepared by the State Archaeology Department). I have seen photo Nos. 25 & 26 in this album. Stone pillars are visible in these but I cannot say if these are made of Kasauti stone or not. Photo No.25 shows an arc shaped stone. What is this stone or what is this photo, I cannot say anything. The idols and the other symbols of the temple that have been shown in photo No.29 & 30 were not there at the time when I used to go for Namaz there. Whether they have been made thereafter, I can not say. If any commission has been sent to the site by the court, I did not participate in that. I do not know if the temple shown had been constructed by 'Nirmohi Akhara' or someone else. I cannot say if the Chulha, Chowka or Belna shown in photo No. 39 are of the 'Sita Rasoi' or not. I cannot tell if the photo No.61 belongs to which building or what has been shown in the photo. I cannot say that it shows the pillar on which the whole building rests. I cannot say if that building was resting on a pillar or not. But, the building of the mosque was not resting on any pillar. There were small stones fixed on all the three main gates to the west of the courtyard. These cannot be called pillars. I have seen photo Nos. 63 & 64. After seeing them, I cannot say if these pillars were erected in this mosque or which is this building. I cannot say the pillar shown in photo No.71 is a part of some building or not. I have seen photo No.92. This belongs to the main middle portion of this building. I cannot say if the stones shown in this are of 'Kasauti' or not. I cannot say if the photo No.95 pertains to the inside portion or the main part of this building. I cannot tell the thickness or breadth of the wall of the central portion

between the three inner gates of the building. Photo No.106 depicts flowers petals on the stone and no human shape.

(At this stage, the learned advocate drew the attention of the witness to the colour photo album prepared by Uttar Pradesh State Archaeology Department.) I have seen photo No.45. This is the main gate of the disputed building, some of the stones shown in the photo are black in colour and some others red. Photo No.44 shows a carved stone. This stone was not there at that time. Something is written in Hindi. The tin shed shown in the main gate in photo No.46, was not there in earlier times. The thatched construction on 21 x 17 feet chabutra has been shown in photo No.56. The second tin shed showed in the photo does not belong to that time. Photo No.59 shows an idol, several idols are seen. There is a fat tree near the idols. (Then said: These idols and the tree do not in anyway are connected with the mosque). The trees shown therein are within the two walls. This is a corner. The thatched construction shown in photo No.56 existed at that time but other things shown in it were not there. Photo No.77 shows the gate between the lawn and the courtyard. This is the door with the grills. The main gate of the main building is visible through this gate. I cannot say if photo No.141 shows a human shape or not.

Before 6<sup>th</sup> December, 1992, an agitation for the temple was going on and the crowd in Ayodhya had swelled in numbers. The V.H.P. (Vishwa Hindu Parishad), Bajrang Dal and many other people were leading the agitation. I cannot say when Vishwa Hindu Parishad was formed. It would be wrong to say that the Muslims had formed the Babri Masjid Action Committee in relation to this. (Then said: that committee was in existence even before). As I

have heard, Paramhans Ram Chandra Das is the President of All India Vishwa Hindu Parishad. Ram Chandra Paramhans is also a party to the case. But now he is no longer a party to the case. I know him since my childhood. Sometimes he becomes a politician and sometimes disassociates himself. He swings both ways. I do not know where he resided. Presently, he is residing in a temple of a Akhara. He used to come to my brother, as my brother was Congress President. I do not know if he was involved in installing idols in 1949 or not. He used to work in Jana Sangh.

I had heard at the time of the incident of 6<sup>th</sup> December, 1992, people had come over to Ayodhya from outside. There were about 6 lakh people. This crowd had assembled there atleast one week before a week. We had fears in our minds about the presence of so many people in Ayodhya. They used to raise slogans also. They were understood to have said that they would demolish the mosque. We had also met the authorities in this connection. We had this terror at least one week before 6th December. We had met the D.M. and the Commissioner and gave them something in writing and our leaders raised the matter with these officers. I had sent a telegram to the Hon'ble Supreme Court in this regard. An observer from Supreme Court had also arrived and I had met him and submitted my complaint in writing also. I had demanded protection for the mosque and for ourselves. When the disputed building had been demolished, we heard loud voices from the loudspeaker that "the idol was been broken, that has to be immersed in water, please make way." An inspection was carried out on 15<sup>th</sup> September, 1996. I had seen the broken idols then. It is correct that a number of temples around that had been demolished but those were demolished before the building



under dispute. Then there was B.J.P. Government. I cannot say if these temples were demolished by the Government or the people. But a good number of temples had been demolished and all the land was cleared.

We were subjected to high handedness on 6<sup>th</sup> December. A large part of Ayodhya was set ablaze. The Muslims suffered loss. Their mosques, graveyards were damaged. 14 Muslims were killed, burnt. There were no clashes between Hindus and Muslims. Only the rioters were bent upon rioting.

As to my knowledge, there had been no incident of any major clash between Hindus and Muslims in Ayodhya before this incident. Shahjahanpur village is near Faizabad. Many Muslims live there. Although I was not born in 1934 but I have heard that some riots had taken place there in 1934. I cannot say this riot had been over Mandir-Masjid but it was over cow slaughter. I do not know any Abdul Aziz of Shahjahanpur. It is wrong to say that Muslims have been living in any terror in Ayodhya after that riot. I do not know if 44 Muslim Houses in Ayodhya were demolished and a large number of Muslims were killed. I also do not know if the British rulers had imposed some collective fine on the Hindus for this reason. I do not know if Hindus were made to pay compensation for the houses of the Muslims.

Razzak Saheb had been living in our neighbourhood. He was engaged in cultivation and other labour work. I do not think if he was in some service. I cannot say if Shri Nayar, D.M. Saheb had pressurized him to obtain an affidavit from him.

There is mosque in Vashisht Kund Mohalla. It is to the south of the house of Ram Asray Yadav. It must be at a distance of 100-125 yards from his house. It is adjoining the road. The Chauraha Dorahi Kuan must be about one or one and a half furlong from the house of Ram

Asray Yadav. The disputed building must be about one fifty to two hundred yards from the chauraha. 220 yards make one furlong. Apart from the pitchers, there was a tank also for filing water in the disputed structure. I know Hasmat Ullah, son of Niyamat Ullah of Kajiyana Mohalla. I have heard the name of Noor Mohammed, son of Abdul Haque of Panji Tola but I do not know him. I will be able to recognize him by face. I know Abdul Razzak, son of Chhedi of Mohalla Kutiya. He is presently working in a private company, Sahara. He must be atleast 65 years of age. I know Syed Hasid, son of Idris. He is running a Montessori school. I know Sheiku Jumman, son of Mehmood. He has timber business.

I do not know if a number of Muslims of Ayodhya have filed affidavits in favour of Hindus in case u/s 145 Cr.P.C. This is not possible.

Salar Mohammed was elder brother of my father. I know Maulvi Aneesur Rehman but I do not know Maulvi Aseesur Rehman. I had never seen Salar Mohammed Saheb studying. We were young children at that time and I cannot say if he was involved in the case u/s 145 Cr.P.C. The Salar Mohammed about whom the learned Advocate is asking was a different person. He had been living in Katra Mohalla. He was not my 'tau' (elder brother of my father). This Salar Mohammed Saheb had been living on the slope in Suthati Mohalla. He has a large house. I cannot tell his parentage. The name of his son is Bismillah. It is wrong to say that he is the resident of Suthati Mohalla. I do not know any Abdul Razzak, son of Wazir, resident of Rai Sadan, Ayodhya. I do not know the name of Maulvi Aneesur Rehman's father.

It is wrong to say that the idols had been placed in the disputed building for quite a long time. It is wrong that the inner portion had been attached in 1949 and the idols placed in the outer portion at that time or that was in

possession of the Nirmohi Akhara. The inner portion had been attached after placing the idols there. It is wrong to say that the idols were placed in the outer portion by Nirmohi Akhara. I know that the case pertaining to the outer lawn, 'Chabutra' and 'Sita Rasoi' had been initiated in 1885. I cannot say if the outer portion had been attached in 1949 or not. (Then said: the decision in 1885 case was in favour of the Muslims that there were no idols and that the idols should not be placed there). I cannot say as to who had filed this case but I have heard the decision of the case which had forbidden placing of the idols. I cannot say if the outer portion was attached in 1949 or not. If not, why? The inner portion and the courtyard were attached, but not the lawn.

When the case was filed by Nirmohi Akhara, there was a saint perhaps of the name Raghubar Das. But I do not fully know it. My lawyer might know it. It is wrong that no Muslim after 1934 had ever gone to the disputed building and has not offered Namaz there. It is also wrong that the whole property had continuously been in possession of Nirmohi Akhara and the same has been the real owner of the property. It is also wrong that the authorities in collusion with the Muslims had lodged a false report in 1949 or had attached some portion of the building illegally. No Kirtan had ever been held on any Chabutara of the building prior to 1949.

The statement was read out to me and I certify it.

Sd/-

Haji Mehboob Ahmed

Cross examination by Shri R.L. Verma, Advocate concludes.

Typed in the open court by the stenographer on dictation by me. Asked to be present again on 20.9.1996 for further deposition.

Sd/-

Dated : 20.9.1996

Cross examination on oath of Hazi Mohammed Ahmed P.W. No.2, Shri Ved Prakash, Advocate, on behalf of Dharam Das, Defendant No.13, starts:-

The name of 'Allah' (God) is Supreme. Quran makes a mention of Allah most of the time. After 'Allah', the other most common name is that of 'Rasul'. It is correct that in Quran greater emphasis has been laid on knowledge. It is correct that Prophet has emphasized five things (points). These are 'Iman' (honesty), 'Namaz', 'Roza', Jakat and Haz. I have also returned from Haz. So I am a Hazi. So far as I remember, I have not seen any sandal tree there. I had seen mostly date-palm trees. I cannot say whether sandalwood tree happen to be there or not. It might be that Sandalwood trees do not grow there. It is correct that Prophet Mohammed had born in Mecca. When he went to Madina from Mecca and completed Haj, some persons must had accompanied him. By 'Hizrat' I mean that he left mecca and went to Madina. It is correct that he might have preached those who had accompanied him to work hard and earn their living. He had instructed to offer Namaz and do every good deed. It is correct that according to his preaching's offering collective Namaz gives more solace. Prophet suggested offering Namaz in the mosque so that all the people could offer Jamati Namaz collectively. This is why, Masjid-e-Nabibi was constructed there. I do not know that for what particular reason the suggestion for Minaret came. The purpose of the Anjuman Maqabir. Masajid, Mahafiz was to look after the tombs, mosques and provide them protection. This Anjuman was meant for Ayodhya and Faizabad. There is a record of all tombs and mosques in Faizabad and Ayodhya. This record is available with the Anjuman itself.

Question:- When was this record prepared which is available with the Anjuman?

Answer: All these records are kept with the Government. Whenever we need these, we obtain it from them.

Our Anjuman have not prepared any such record by itself. The record in the Government is all about Babri Masjid. There is an entry about Babri Masjid in Nazul Government registers. I myself seen this. This record is over 500 years old. I have seen mosques of Faizabad and Ayodhya. I did not notice so that I could Answer whether sandalwood has been used for the beam in any other mosque in Faizabad and Ayodhya. While constructing a mosque, the walls are erected and then roof or dome is constructed and gates are fixed for entry & exit. Only the masons can answer this question whether beam is necessary for the dome of the mosque or not. I have seen mosque being under construction. (Then said: The mosque that was demolished in 1992 was got build by me under my personal supervision. Wooden beams had not been used in construction of those mosques which were built by me. The iron 'Sariyas' were used instead. Whenever mosques are constructed, 'Chuna', 'Mud' cement and wood is used. All the mosques that have been constructed in Ayodhya-Faizabad, have been made by the use of 'Chuna', mud (Gara) and also Lakhori & big bricks. Stone has also been used in some while marble has been used in some others. Black & white marble, marble of some other colours as well as tiles have also been used. In the old mosques, stones have been used in the floor and in the pillars. There can be no shape of a human, an animal or a bird in a mosque. There can be flower-petals, flower embedded in a flowerpot also. I do

not understand a pot (kalash). But as I have stated earlier, flowers and plants can be shown in a vase. But a vase can be big or small. It can be in different shapes. A painter can give it any shape according to this imagination. I live in Ayodhya and I have seen the 'Kalash' (Urn). By placing a tray on any utensil and by placing some fruit and flowers it can be placed before the God for the 'Pooja'. I cannot say if such type of a 'Kalash' (Urn) can be used in the construction of mosque or nor or its photo can be shown or not.

It is true that no shape of any animal, bird or human being can be displayed inside or outside a mosque. There is no question of any shape of this type being constructed in a mosque.

Question : If the shape of human, bird or animal is made inside or outside a building or is kept readymade then, that building cannot be a mosque?

Answer:- If someone puts a shape or figure in a built mosques, it is another thing, otherwise there can be no shape or a figure in inside or outside of any building which is a mosque.

If someone puts it there by bringing it from outside, we can remove it and then can offer our Namaz. That shape or figure is covered by a cloth etc. so that it is not visible to any Muslim and then the Muslim can offer his namaz. That shape of figure can be removed and can be taken outside.

It is not necessary that the use of stone had been restricted to floors only. The stones can be used in the

sides also. They are meant for beautification. There are minarets and domes also on the mosques in Ayodhya & Faizabad. Some of mosques do not have minarets but only domes. However, walls are always there in a mosque. I cannot tell if any mosque does not have stone pillars. I have not noticed and cannot say if any other mosque in Faizabad Ayodhya has stone pillars or not. I do not know anything about Kasauti stone. But the stone is used in the mosques. I have seen black stone but I do not know how Kasauti stone looks like.

It is correct that Shias and Sunnis have different Wakf Boards. I am not sure whether the Shia Waqf Board and the Sunni Waqf Board must be having their own respective Waqf registers. It is wrong to say that Shias and Sunnis have their own different graveyards. I understand a bath after convalescing (Gushl-e-sehat). It is wrong to say that Shias have the custom of 'Gushl-e-sehat' while Sunnis do not. It is not correct to say that this custom in Shias is known as Gushl-e-sehat and in Sunnis as Gushl-e-mayyat.

Question:- In Shias when a person dies his dead body is kept in a Coffin and covered with a cloth. Four persons carry the coffin and one of them goes on reciting something loudly.

Answer:- This is wrong. It is not like so. Even if it is the bier of a Sunni or a Shia, the people accompanying it walk peacefully and recite the name of Allah.

After Paigamber Saheb, there had been four Imams, namely, Hazrat Siddiq, Hazrat Umar, Hazrat Usmanul, Hazrat Ali. Both Shias and Sunnis are accepting these Imams. It is wrong to say that after the Paigamber Saheb,

Shias accept only Hazrat Ali Saheb as Imam and do not accept the other two Imams. Every Muslim celebrates Moharram. It is wrong to say that only Shias celebrate Moharram. Tajias are not kept by Shias only but by every type of Hindus and Muslims. Every faithful people keeps it.

I do not know if the Shias touch the Tazia with their hand and then touch their heart. I cannot say if Sunnis are not doing so. Even if one is a Shia or a Sunni or a Hindu, it is the matter of one's faith. Whosoever keeps the Tazia, buries it. During Moharram, our Hindu brothers also join us and they do the same thing with Tazia as we do. We bury the Tazia, they also bury it. I can not say that continuing custom of touching the Tazia by Shias is treated as idol worship by the Sunnis. Some Muslims walk on fire also on the day of Moharram. It is not correct to say that only Shias do so. It is wrong to say that the custom of walking on fire is confined to only those Imambadas, which belong to Shias. I cannot say where do the Sunnis mourn on fire. It is wrong to that they do not mourn on fire or mourn by walking on fire, so I am avoiding this question.

I cannot say if there is some difference in the manner of offering Namaz by Shias and Sunnis. It is wrong to say that a Sunni cannot offer Namaz under the Imamatus of Shia (Then said : I am a Sunni and I have offered Namaz under the Imamatus of a Shia).

It is true that Shias and Sunnis have their own law of succession. In Sunnis, the community itself appoints an Imam of a Mosque, which depends on the ability of the person concerned. The Imam is thus selected and not elected. As I think, Shias also decide their Imam in the similar manner and the Imam is not nominated.



I have seen Sadhvi Uma Bharati. I had seen her on 6<sup>th</sup> December, 1992 and also in 1990. Now she is a member of Lok Sabha. I have seen her now also. She was in a conference of Paramhans where she was a speaker. I had seen her in 1990, but cannot say on which occasion that conference was held. In 1990, Kar Sewaks had assembled and in 1992, rioters had assembled in Ayodhya. You may like to call them Kar Sewaks, it is all your sweet will. In 1990 when Kar Sewaks had assembled in Ayodhya, I had seen Sadhvi Uma Bharati during those days. But I do not remember as to what was the particular occasion. It is wrong to say that when Kar Sewaks had assembled in 1990, the whole traffic was so regulated 2 days before and 2 days after their assembly that only kar sewaks could move and the roads were closed for others. I was going to meet one of my acquaintances. The house of Paramhans falls enroute. I had seen the Sadhvi there. I was going via Hanumangarhi. I had seen the house of Paramhans Ram Chandra Das. A large crowd was there. I had enquired the people as to what was the matter. People informed me, 'Uma Bharati is standing'. Thus, I also happened to see her. There was a huge gathering but I cannot tell their number.

In 1992, I had heard the voice of Uma Bharati on the loudspeaker but had not seen her. When I joined the school, my father had not accompanied me for admission. Another elder person from our family accompanied me and got entered my date of birth (then said : I was older in age but according to the date of birth got registered there, I was of less age). I do not know if the old man who accompanied me for admission had got any instruction from my parents about my age or not. None from our family had been in service. Thanks God, none of us felt

the need to join service even today. When I went to join the school, I had come of age. I was not under age. I had not myself got registered my date of birth in the school. Some one from my family got it entered. It is wrong to say that I am making wrong statement about my age in the court today. I had been admitted for the first time in class six. This was in 1952 or 1954. Prior to this, I had been learning Urdu at home. I was definitely clear as to why I was being sent to school.

(Cross examination by Shri Ved Prakash, Advocate on behalf of Shri Dharam Das concludes).

Cross examination by Vireshwar Dwivedi, Advocate on behalf of Shri Umesh Chandra Pandey.

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I cannot tell the meaning of the word 'Makabir'. The word 'Masajid' means many mosques. The expenses that are incurred on the 'Makabir' and the 'Masajid' are borne by the members of the Anjuman Committee among themselves by collecting donations. Since I had become the President, our Anjuman was not required to incur any expenses for this purpose because the Government had compensated for the loss / damage done in 1992. I became the President of the Anjuman in 1990. There had been no occasion during 1990-1992 to incur any expenditure on the maintenance of any tomb or mosque. There are no conditions for becoming a member of our Anjuman. Our Anjuman had not to incur any expenses on any maintenance of the kind since 1992. The accounts of our society are audited but it was not required this time. The audit is carried out every year. The income & expenditure account is submitted. The Registrar is

informed when the audit is conducted. Syed Fargan is our advocate. We inform him about the audit and he in turn informs the Registrar, about every audit. I think this information for the year 1995 has been sent to the Registrar. It is wrong to say that no audit report of our Anjuman has ever been sent to the Registrar, or our Anjuman is only meant for making money.

My machines that were burnt on 6<sup>th</sup> December have not been got repaired by me till date as there is always the lurking fear of some mishap. It is not possible for me to spend Rs. 1 Lakh for repair of my machines. After 1992, nothing such has happened with me. It is wrong to say that I have kept the burnt machines on my door just for the sake of politics. (Those machines are not lying outside my house but they are inside and nobody has seen them). Only the Government Surveyor Tehsildar had seen them. I have not spoken to anybody about them.

I was about 16 years of age when I went for Haj. My elder brother is also a "Haji". He had gone for 'Haj' when I was about a year or two. Perhaps I was just one year of age at that time I cannot tell if my elder brother Haji Abdul Ahed Ahmed had made any statement in the court in the suit No.1 and 2/1989 involving Gopal Singh Visharad or Paramhans Ramchandra Das or not. It is wrong to say that I am telling a lie in the court about my age, repeatedly. It is true that when my statement had started. I had told the court that I was 58 years of age. Due to some misunderstanding, I had stated that my age had been 21 years in 1961 when I did High School. I had stated this also in this court that when I was bale to differentiate between good and bad, I was 8 years of age I might have stated in the court that I was 11 years of age when I attained maturity.

I have also given a statement in the court that it is now 20 years since Bengali Shah had expired. I had inadvertently made this statement, that my age was 28 years when he had expired. There is no misstatement about my age but some misunderstanding can be there.

We have five sisters. All of them are elder to me. I cannot say if there had been any representation from them about this case after the death of my father requesting that they should also be made a party to the case. My father had expired in July 1960. I had not made any representation / request to officiate. Our advocate had informed me and I signed the representation, I had signed the 'Vakalatnama'. My advocate can tell the rest of the thing. I was 24 years of age at the time of death of my father. It is wrong to say that my elder brother, Ahed had made any application in the court saying that I was a minor. I cannot say if in this context, Hashim Mian might also had submitted an affidavit declaring that I was a minor.

I cannot tell how much time before the death of my father had Salar Saheb, the elder brother of my father had expired. But he had certainly expired earlier than the death of my father. I do not remember my age at the time of death of Salar Saheb. I have deposed before the court that I could be 18 years of age at the time of Salar Saheb's death. It is possible that I might have committed some mistake in telling my age. But it is wrong to say that I have intentionally told a lie about my age.

Ganje Shaheedan was to the south and north of Babri Masjid. To the south was a graveyard and not the Ganje Shaheedan. Ganje Shaheedan was to the east and

not the west. It was not towards the north also. Ganje Shaheedan was about 100-150 feet away from the eastern gate of the mosque, I do not remember the exact distance but it might be 100 feet approximately. I do not think it to be 50 feet. I cannot say anything as to the number of people buried in Ganje Shaheedan.

Question :-If someone says that there were innumerable graves in Ganje Shaheedan and they were adjacent to each other, would it be right or wrong to say?

Answer: It would be wrong to say that the graves were adjacent to each other. All of them were buried at one place.

The 'Shilanyas' was held at some distance to the east from the Babri Masjid. We the muslims had objected to the 'Shilanyas' as it was done on our graveyard land. The place of 'Shilanyas' would be about 100-150 feet away from the eastern wall of the Babri Masjid. There are 12 inches in a foot and one step is about a foot. The graveyard extends to Ram Jiyawan Bagh to the south of the Masjid. That place would be one to one and a half furlongs away. The total area of the graveyard would be 8 bighas.

The well from where water was fetched for vaju in the mosque is not situated in the graveyard. The well from where water was fetched was at a distance of about 50 feet outside the mosque in the eastern direction. The well was on the ground and so were the graves of Ganje Shaheedan. There were some graves in the north adjacent to the masjid also. That was the graveyard. The graves were pucca. It is correct that to the north of this mosque there is a road leading to Hanumangarhi via

Dorahi Kuan. The road is touching the graveyard. The Janamsthan is to the north of this road and is called as 'Sita Rasoi'. The mosque was not surrounded by the graves all-around.

Babar did not fight any battle in Ayodhya. Therefore, the question does not arise that the graves nearby the mosque belong to those people who had died in the battle with Babar. I am neither the plaintiff nor the defendant in the case filed by Sunni Waqf Board about this mosque. I am now in place of my father in the cases filed by 'Nirmohi Akhara' and 'Gopal Singh Visharad'.

All these cases are being looked after by our Advocate and Hashim Mian. They are pleading our cases.

The source of income of Shri Hashim is derived from the earnings of his sons. He himself remains at home. Earlier, he used to do tailoring job. I can not say that he has stopped doing his own job about 20 years ago. My father had been a prosperous landlord (Zamindar). Achchhan Mian is also a big Zamindar and so was Haji Fayak. With the grace of God, I am also in the same position. It has been heard that the father of Hashim Mian had been residing in Rangoon. Hashim Mian lived in Ayodhya and is still living there. It is true that Hashim Saheb is a well to do person but not a Capitalist. He was not so even earlier. But it is wrong that we used to spend the money and Hashim Saheb as frontman used to plead the case. It is wrong that if some procession has to be taken out or a Jihad is to be launched, Hashim Mian used to be in the vanguard.

I cannot guess how long Hashim Mian did the tailoring job, but it must be twenty to twenty-five years.

That was the source of his livelihood. It is wrong to say that Hashim Mian did tailoring job from 1966 to 1976. It is also wrong to say that he did not do any job before 1966 or after 1976.

I am well conversant with "Barahvafat". This is the birthday of 'Hazur'. This is also the day of his 'Vafat'.

It is correct that a procession called 'Juluse Mohammedi' is taken out in Ayodhya on the day of Id Miladul Nabi. The procession is being taken out since long time. I have been a witness to the procession ever since I have come of age. I cannot say if this procession had not been taken out earlier due to the objection by Shias. I am not sure so I cannot say that Sunnis might have tried to take out a procession from Faizabad in 1964-1965. Due to this, some tension might have been created and the police had to resort to lathi charge and make some arrests in this condition.

I do not remember anything about Abdul Aziz Faruki of Faizabad. When 'Juluse Mohammedi' is taken out, 'Nats' are recited. The name of Hazur and the name of Allah are remembered with gratitude. The names of all the four 'Khalifas' are also remembered. I have heard the word 'Tarbara'. I understand its meaning also. It means to ridicule some one. I had no such occasion where, when 'Kasidas' were being read in praise of all the Khalifas, the Shias has read 'Tarbara' to all the Khalifas except Hazrat Ali. I do not remember if any incidence had taken place and due to this act of Shias there had been some kind of tension between Sunnis and Shias or the procession had to be called off due to this reason.

It is not in my knowledge that the District Administration had arranged any meeting of Shia & Sunni Community to agree to take out procession peacefully or the Administration had given them permission for taking out procession on their assurance. (Then said: The procession is taken out and Shias & Sunnis participate in it). It is perhaps correct to say that Shias and Sunnis have different ways but it is not correct that the way of carrying a dead body is different in both the communities. It is likely that the ways of offering Namaz in these two sects might be different. I have made this Answer in regard to 'Namaz-e-Janaja'. The general Namaz is the same in both the communities.

I have not gone in depth nor do I know the reason as to why no Shia has joined the Sunnies in the Sunni Waqf Board suit No.4/1989. But it is correct that suit has been filed on behalf of all the Muslims. Every Muslim will abide by the decision in this case. (Then said: Mir Baki was also a Shia, he was also a Muslim). Babar was a Sunni Muslim. He had come from outside. He was Emperor of India, I cannot say if he was an emperor or not from where he came. I do not know which battle had been won by Babar. But he must have won some battles. I think he had defeated emperor Lodi. Whether Lodi was a King Emperor here, I do not know fully might be that he was a mere 'Sultan'. Babar was the ruler of Hindustan so he was an emperor. Hindustan means from north to south and east to west. This is the complete Hindustan. Ever since I have become President of the Faizabad-Ayodhya Anjuman, no repair work has been undertaken in any tomb or mosque because no such occasion arose. Those which were damaged in the riots were got repaired by the Government itself. A mosque may belong to anyone, it is the house of God (Allah). If it was a Waqf there or not, I



do not know. It is the house of God (Allah). When a thing is handed over to someone else, it becomes a Waqf. It is the responsibility of the taker to provide protection to that.

Babri Masjid was a Waqf. That was the Allah's house. The complete records of all the Waqfs and the Sunni Waqfs in U.P. are available with the Sunni Central Waqf Board. The 'Ahalkars' of the Waqf Board are there in the districts. They are definitely in Faizabad also. It is correct if any discrepancy is noticed in any Waqf, the 'Ahalkars' send their report to the Waqf board and also to the Government.

On 22<sup>nd</sup> December, 1949, when I went to offer Namaz, nobody hurled shoe, stone or pebbles on me. (Then said: It so happened some 15-20 days ago but nothing happened with me). I do not remember any Inspector of the Waqf Board having made a complaint to this effect that whenever Muslims go to offer Namaz, others hurl shoe, stone on them or do not let them offer Namaz. It is wrong that the bairagis had surrounded the disputed building months before 22<sup>nd</sup> December, 1949 or they had been performing 'Kirtan' and 'Pooja' there.

My in-laws are in Bombay. I have my business there and I visit Bombay frequently. Even today I have a flat of my own and business there. In 1990, I did not go to Bombay; I went there only for fifteen to twenty days. In 1992, I did not go there. After 1992, I went to Bombay for the first time in 1994.

It is wrong to say that firing started from my house on the night of 6 and 7 December, 1992. My house and factory were burnt on the night of 6<sup>th</sup> (between 6 and 7 p.m. and I was sitting in the Police Station watching all

these). I had gone to Police Station out of fear. Inspector Shukla himself called me to the police station. Two hundred other Muslims were already there and we were granted shelter there. Only Muslims were in trouble. There was no question of any Hindu being there.

It is wrong to say that I had never offered Namaz in the disputed building on or before 22<sup>nd</sup> December, 1949. It is also wrong to say that I am making tutored mis-statement at the instance of some one else. It is wrong that I have made a mis-statement about the situation on 6<sup>th</sup> and 7<sup>th</sup> December, 1992. It is also wrong that I had not heard any noise or voices on loudspeaker or through other methods. It is also wrong that I had not seen anything happening. It is also wrong that I had fired from the rooftop of my house and I had to take refuge in the police station for saving my own life. It is also wrong that the Inspector had pardoned me for some special reason.

It is wrong to say that I am wielding tremendous influence of my leadership due to these incidences.

(Cross examination by Shri Vireshwar Dwivedi, Advocate, on behalf of Shri Umesh Chandra Tripathi concludes).

The statement was read out to me and I certify it.

Sd/-

Haji Mehboob Ahmed

Typed by the stenographer in the open court on dictation from me. Asked to be present on 23.9.1996 for further deposition.

Sd/-

In continuation of 21.9.1996

Cross examination on oath of Hazi Mehboob Ahmed P.W. No.2 by Shri M.M. Pandey, Advocate on behalf of Paramhans Ramchandra Das, commences.

I have some knowledge about the temples of Ayodhya. But I cannot tell about the total number of temples. However, there is a temple in every house. I have also heard the names of Kanak Bhawan, Hanumangarhi, Ngeshwar Nath, Digamber Akhara, Mani Ram Das Ki Chhawni, Bari Chhawni, Chhoti Chhawni temples. These are said to be the prominent temples. But, however, there are three main temples, anmely Hanumangarhi, Nageshwar Nath and Kanak Bhawan. I know Paramhans Ramchandra Das for the last 20-25 years. He used to come to my elder brother. Perhaps, as I have heard, he is the mahant of Digamber Akhara. He enjoys good reputation in Ayodhya. He was involved in all the 1992 riots. I do not have complete information about him to the effect that if he was involved in any of earlier Hindu-Muslim disputes or not. As to my knowledge, there had not been any tension between Hindus and Muslims in Ayodhya prior to 1992. I have not heard any tension of the stated nature. In 1992, people from outside came here and caused loss of life and property of the Muslim. So it would be termed as Hindu-Muslim riot. If the locals do not want, the outsiders can create no bad blood amongst them. In 1990, Muslims suffered some losses – their shops were burnt, one mosque was damaged and thus tension was created. But this dispute was not of such a large dimension as it was in 1992.

In 1990, I was in Ayodhya. it is true that a number of Kar Sewaks and Hindu Sewaks had been killed in the

firing. (Then said : they died in police firing). No Muslim had been killed in the firing in 1990. (then said: some were injured only). I did not plead the case after the death of my father. Our advocate pleads the case. I had received a Supreme Court Notice. I came to the Advocate and signed the papers. This is the incident of 1989-90. This is of 1989 and not of 1990. I was not associated with the case from 1969 to 1989. Hashim Ansari had been associated with the proceedings of the case. I have heard that orders relating to unlocking of Ram Janambhoomi were passed in 1986. I was in Bombay then. There was no tension between Hindus and Muslims from 1986 to 1990. When in 1989, I signed the 'Vakalatnama' and handed over to my Advocate, I made enquiries about the case. I already knew that my father was also a party to the case. But I did not find out as to what my father and my uncle had said in this case in the court. I recognize the signatures of my father. I have seen the paper No.45/1A in case No.1/89 – Gopal Singh Visharad versus Zahoor Ahmed etc. which is the counter Answer of my father. My father's signatures are appended to it and I recognize the signatures. I have knowledge of Hindi. I have read Para No.22 and heard it from the learned Advocate in the court also. It is correct; my father might have dictated it.

I have also seen paper No.41/1A to 41/1A7 which is counter Answer filed in the case No.3/89 – Nirmohi Akhara versus Babu Priya Dutt. This also carries the signatures of my father. Whatever is written in it is correct. A mention of Friday Namaz has been made in it and Namaz was offered there last time on 16<sup>th</sup> December, 1949. (Then said : The other Namazes were offered till 22<sup>nd</sup> December, 1949).

On the morning of 23<sup>rd</sup>, I heard the announcement that idols have been installed in the mosque the previous night. People were being asked to have 'Darshan'. I, therefore, say that the idols had been installed on the night of 22<sup>nd</sup> December which was the night between the 22<sup>nd</sup> and 23<sup>rd</sup> December, 1949. I cannot correctly say as to who installed the idols but people were crying that Abhram Das had installed the idols. There was much hue and cry about 15-20 days before this incident and tension prevailed and was not the situation one or two months before. We had not seen any huge congregation of Hindus and Bairagis around the Babri Masjid. They used to remain gathered on one side only. Whenever I went for Namaz, I saw 10, 15, or 25 to 50 persons and not more than 50 persons, having gathered at one point of time. They did not do anything. I didn't see them performing 'Kirtan'. They remained sitting there. I do not know what they did there. I had never seen them doing any mischief against the Muslims. They never did any act to provoke the Muslims in my presence nor did I hear that they have done something like that. They were all from the nearby mohallas of Ayodhya. There is no question of any of them having come from outside. I do not remember if they were members of the general public or they were Sadhus, Bairagis or amongst the Nagas. I was only 11 years of age at that time. So I could recognize just one or two persons and not all of them from the nearby mohallas. The Muslims did not have any sort of apprehension or tension in their minds because of the congregation of the people there. I do not remember if anybody from outside or from amongst them came to deliver some fiery or provocative speech. Of course, there was always a lot of noise there.

I did never go to the site after the incident of 22<sup>nd</sup> December, 1949 but I had certainly and definitely passed that way. If I am shown the map of the disputed building and if I am able to understand the map, I can certainly say something about it. (At this juncture, the learned Advocate drew the attention of the witness towards the paper No.136 which is a layout plan prepared by the commission, of the file in the case No.1/89 – Gopal Singh Visharad versus Zahoor Ahmed.) I have seen the layout plan shown to me. This shows the courtyard of the mosque but I cannot tell its detail. This has the layout plans in paper No.135/5 and 6 and I cannot tell anything about them. I have also seen the layout plan in paper No.2/16A in the case No.4/89 of the Sunni Central Waqf Board. I cannot understand it. It is beyond my wit.

The notice about the suit by Nirmohi Akhara was not delivered to me. It was received by our Advocate and he had informed me. I do not know what was the notice about? Our Advocate might know it. I have seen page 3/9 on the file, which seems to be a layout plan. I am unable to understand it. I do not understand the layout plans.

My father filed no suit about the property under dispute. The suit was rather filed against him in which he was a defendant. He had not shared any information with me about this suit. I know that the disputed property involved in this case belongs to the mosque. There is about eight to eight and a half Bigha graveyard and rest is the mosque. I can tell the length and breadth of the mosque. I can tell its boundary. The Janamsthan Mandir is different from the disputed property. I cannot say whether some land to the north or east of the Janamsthan Mandir is involved in this dispute or not. I have no concern with the boundary of the Janamsthan Mandir. So

I would not be able to tell that. There was a road to the north of the mosque. I cannot say if any land to the north of this road is involved in this suit or not.

Ever since I have come of age, I have been going to the disputed site, building, and land. When 'Shilanyas' took place then also I had gone there. The 'Shilanyas' was performed about 100-150 feet away from the mosque to the east of the disputed site. By mosque I mean the main gate of the mosque. I had been going to the disputed site to offer Namaz after I came of age as I have stated earlier.

It is not necessary that minarets are often there in a mosque. This mosque did not have any minaret. Four stones each were fixed on the inner portion of the three gates of the mosque. Thus, there were a total of twelve stones. These stones must have been four to five feet high from the floor. I do not remember the width of these stones, but these stones were in the vertical position. Some flower-petals were engraved on the stones. On 15<sup>th</sup> September, 1996, I had gone to Ram Katha Kunj for inspection. I had seen some stones there. I cannot say if these were the same stones that were fixed on the gates of the mosque or these were some other stones. (then himself said: These were not those stones). It is wrong to say that the stones that were fixed on the gates of the mosque were engraved with the shapes of animals, birds or that of deities. Stones are fixed in a number of mosques of Faizabad and Ayodhya. But the stones are not like those fixed in this mosque. It is wrong to say that there was some place to the north of the place where Namaz was offered in the disputed building and its outer wall, which was known as 'Sita Rasoi'. 'Sita Rasoi' was to the north after coming to the lawn from the main gate.

People say that it was 'Sita Rasoi'. 'Belna' etc. was shaped on the ground there. It is the same lawn where chabutra and the thatched structure existed. One can reach the so called 'Sita Rasoi' after entering from the eastern gate.

Question : The Muslims were not in any way concerned with the 'Sita Rasoi', the Chabutra' and the 'Thatched structure?

Answer. Nothing there belongs to anyone. The 'Nirmohi Akhara' has already lost the court case about the 'Chabutra'.

Question: If it could be understood that Muslims have nothing to do with Sita Rasoi, Chabutra and the thatched structure?

Answer : No, That land belongs to us.

Hindus definitely did come to that lawn, but I cannot say for what purpose they used to come there.

When I went to that mosque for offering Namaz, Hashim Saheb also met me there. I cannot tell the number of times we met. We were now well acquainted with each other. We knew each other then also.

After 1949, the Muslim made an attempt to offer Namaz in 1954 in this mosque. But I was not one amongst them. I do not know whether my father or any other Muslim initiated any proceedings for taking possession of the mosque after installation of the idols in 1949.

We learnt the above Babar, Mir Baki and this mosque through the history books and through the people. We also learnt it from our house that it was Babri Masjid constructed by Babar. We have read short stories in our



fifth, sixth class books that Babar was a King and he constructed the Babri Masjid. Apart from school books, we heard it from people also.

Babar was punctual in 'Roza' and 'Namaz'. He was a Muslim so he had to be punctual. He was a Mughal Emperor so he must have been fond of eating and drinking. He was not a Sufi Saint. He was 'Shahanshah – e – Hindustan'. He got constructed so many things. I do not know in detail but I know that he got constructed this mosque. He got constructed a mosque in Sambhal also, I have heard so in Moradabad.

Ayodhya is a place of pilgrimage for the Hindus. So is it for the Muslims. We call it 'Khurd Mecca'.

When occupied forcibly on 22-23 December, 1949, the Hindus must have been performing Pooja etc. there after that. I have not studied Hindu 'Granth' (religious books). But I have a few Hindu friends who used to tell us about them. I have heard the names of some Hindu deities such as Hanumanji, Ram Chandraji. It is correct that Rama was born in Ayodhya. Ever since this storm have blown up, the Hindus from all corners of the country, have started calling it the birth place (Janambhoomi) of Rama and worship there. They were otherwise claiming the whole of Ayodhya as theirs. Earlier they used to call Kanak Bhawan and the birth place as Janambhoomi. It is said that the place of birth is at a different location from the Mosque. I, personally, do not know but our friends used to say that Kanak Bhawan has the maximum idols of Shri RamChandraji.

It is totally wrong to say that the disputed building is the birth place (Janambhoomi) of RamChandraji. It is also

wrong that Pooja is being performed there since centuries. Those graveyards were not there all around the Babri Masjid. The Government has forcibly taken possession of the graveyard land. It has been taken after 1990 since when all this hue and cry has been made. I cannot say if that land has been handed over to Ram Janambhoomi or not. It is wrong to say that leaving the disputed building, the Nyas people have constructed boundary on the rest of the acquired land.

Ten to fifteen days before the 6<sup>th</sup> December, 1992, people from outside had started reaching Ayodhya. Their number had swelled to lakhs a week before the 6<sup>th</sup> December, 1992. No announcement about their arrival had been made. They had come to perform 'Pooja' which they intended to do at the Shilanyas Sthal (at the place of Shilanyas). But it is not correct to say that some construction work had been going on at the place of Shilanyas for many years. I cannot say that a big sized chabutra had been constructed in the name of Ramchandraj. The Muslims were definitely in fear because of arrival of these people. (Then said: We had complained to the authorities in this regard). So many Muslims had left Ayodhya. Children and ladies were also definitely removed from there. Only menfolk remained behind in Ayodhya. Noise of lakhs of people was heard in Ayodhya on 6<sup>th</sup> December, 1992. I did not go to see whether there were one or two mikes or more mikes. But only a few selected persons could speak on the mikes. It is wrong to say that it was impossible to identify that the voice of the speaker. I was not present at the scene.

Nobody told me about the immersion of the idols. Only voices were being heard. I cannot say how much time was taken to demolish the building. But, it must have

taken four to five hours. After this incident when there was darkness in the evening, the whole of Ayodhya and Faizabad were brought under curfew. I cannot say if the curfew was clamped immediately after the incident or it was clamped after six or six-thirty in the evening. Prior to this incident also on 2<sup>nd</sup> December, 1992, some graves and the doors of some mosques had also been damaged. We had lodged a report to this effect with the Ram Janambhoomi police station.

It is wrong that I had never gone to offer Namaz in the disputed premises/ building. It is also wrong that on 6<sup>th</sup> December, 1992 no Kar Sewak had damaged our property. It is also wrong that there had been no riot between 1990 and 1992 or no Muslim had been killed. It is also wrong that there had been a temple on the Chabutra or 'Sita Rasoi' from the very beginning or for hundreds of years – and Hindus had been visiting the place or performing Pooja etc. It is also wrong to say that a wooden temple had been constructed on the Chabutra from the very beginning. It is wrong that no Muslim had ever gone to the disputed property / premises or the building after 1934.

(Cross examination by Shri Madan Mohan Pandey, Advocate, on behalf of Paramhans Ramchandra Das, concludes).

(Cross examination by Shri P.L. Mishra, Advocate, on behalf of Rajendra, son of Gopal Singh Visharad).

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Hazi Faiku was a party to the case of Gopal Singh Visharad. Might be that he was defiant No. 2. I was 22-

23 years of age at the time of his death. My elder brother is 15 years older than me in age. His age at that time must have been about 38 years. It is wrong to say that the age of my elder brother would have been only thirty years at the time of death of Haji Faiku. I cannot say if the statement of my brother had been recorded in a court in 1961 or not or he might have given his age as 31 years in his statement so recorded in 1961. The name of my elder brother is Haji Abdul Ahed. I have only one brother and his name is Haji Abdul Ahed. I have no other brother. It is wrong that my age was only 14-15 years in 1961. It is also wrong that my age was four to five years in 1949.

I was first admitted to school in Sixth class, in 1956. Prior to that I had received education at home only. I had been educated at home upto the age of fifteen to sixteen. I was not admitted to any school. I was educated in Fafas Inter College. I received my education from 6<sup>th</sup> to class 10<sup>th</sup> in this very Institution. By 1961, I had completed my tenth class education. Till the time I was studying, I had no knowledge about this case nor did I feel the need to acquire the same. I had no print in taking any interest in any case after death of my father. I cannot say anything about the interest of my elder brother. I have no knowledge about my elder brother having been a party to any case. Till now things have not been divided between us.

I do not know when did the suit of Sunni Central Waqf Board start or when was it filed. I do not know the Waqf Board has prayed the court for what relief. This can be answered by our Advocate. Our Advocates are Jilani Saheb, Mannan Saheb, Mushtaq Saheb and some others also. I cannot give the detail of the disputed property. I can only say that the suit is about the mosque.

Since I possess my own land and property, I understand the meaning of 'Rakba'. I know the dispute is about how many 'Rakbas'. This is in official records and other records as well. So I know how many rakbas are involved in this dispute. I do not know the plot numbers of this land but its entries are there in Nazul. It is in my knowledge that the entries are in Tehsil records also. I cannot specify the records in which the entries are available but it is in the records of the Tehsil. I understand what is Khasra number. I know a little about the bandobust also. I cannot tell the number of any bandobust about this property. I can tell only after looking through the records. I cannot tell its boundary on the basis of bandobust. The mohalla where the property is located is called Azhar Mahal and It is also called as mohalla Kot Ramchandraji.

It is wrong to say that in official records only mohalla Ramkot is entered. It is wrong that the name of the mauja is entered as Kot Ramchandra only in the Department of Revenue.

Since houses and temples have been forcibly constructed on the property under dispute, I would not be able to tell the length and breadth to the east and west. I only know that its area (rakba) is eight to eight and a half bighas. This site would be upto 200 yds. to west of the mosque. This is much more in the south and east direction. I can not give the measurement. To the north, there is a road, which starts from it. The Manas Bhawan stands intact there. It was constructed on this very land. And some temples have been constructed, some damaged prior to 1992. This sabotage was done in 1990-91.

I cannot tell on which specific khasra number 'Manas Bhawan Trust Building' has been constructed. That building has been constructed after the idols have been installed in the mosque. I cannot surely tell in which year the construction had been done. I cannot say if there is 'Khadanja' road to the west of the Manas Bhawan. I cannot say that the said road meets the road leading to Dorahi Kuan from Hanumangarhi. I cannot say if there is Shri Vijay Raghav Sakshi Gopal Mandir or not to the west of the Khadanja road. To the west are so many temples. I cannot say if 'Sankat Mochan Hanuman Mandir' is one of those temples or not.

There is a police chowki at the place of Babri Masjid just opposite the disputed site. This chowki was established after installation of idols. I have seen it. There is much distance of the Dorahi Kuan or Hanumangarhi. The distance of the road to the east from the main gate of the disputed building to which we call 'Masjid' and the other party calls 'Mandir', is 50 feet. The Shilanyas site is about one hundred fifty feet away from this main gate and it is about 20-25 feet away from the Manas Bhawan Trust Building. There is a well at 50 feet away to the south of the Shilanyas site. The distance between the shilanyas site and the road would be about 50 feet. This route is short and comes from the Mandir route. That small temple has been demolished now. I cannot say if it was Sakshi Gopal Mandir or not. It is wrong to say that the Mandir has not been demolished but still exists. The 'Manas Bhawan Trust' building stands even today. That has not been demolished. I have not gone towards Manas Bhawan Trust. So I cannot say if there is any building near it or beyond it. I cannot say if there had been a 'Sumitra Bhawan' building or not to the west of the above-

mentioned Kuan or does that building still stand or not. I have not gone that way.

I have not seen the 'Sheshavtar Mandir'. There was some room-type structure to the south. I cannot say if that had been the 'Sheshavtar Mandir' and if that still exists or not.

If we go to the disputed building from my house via Dorahi Kuan, then the disputed building, to which I call Babri Masjid, would not be at a distance of more than 3-4 furlongs. The Dorahi Kuan Chauraha would be about 200 feet from the disputed site to which I call Babri Masjid. It is wrong that the Muslims of Ayodhya generally do not go the east of Dorahi Kuan.

I had heard that in 1949 there was restriction u/s 144 on the movement to and from about 200 yards inside the disputed building. This is not possible to say that the restriction was placed on the Muslims only. It is also wrong that the entry to the disputed building was only from the east. (Then said: Entry was there from the north also). The grilled wall inside the building could be locked also. When locked, the entry could be prevented. That was the only gate from which movement could be stopped by locking the door. This iron door was opposite the main gate. I do not very well remember if there was any other way left to enter the building through the courtyard after locking the grilled door. There was no restriction on the movement towards the so called 'Sita Rasoi', 'Chabutra' or the thatched structure near the lawn outside.

In the outer portion of this building there opened a door upwards, near the stairs to the north. This way was used in case of rush in Masjid. I do not remember if by

using this northern door one could enter directly inside the building or had to pass through the lawn and the courtyard.

The total outer space of the disputed building was 130 feet, 85 to 90 feet to the north-south and east-west. We call it a masjid and the other party calls it a Mandir. The outside lawn was 130 feet north-south and must be 25 feet east-west. I cannot tell how far away was 'Sita Rasoi' from there. But it was there at that place. I have already told the length and breadth of the lawn. The length of the courtyard inside must be 130 feet and breadth 30 feet. The width of the inside domed building must be 35 feet. The length was the same 130 feet. (Then said: The mosque had not been constructed in full 30 feet width. A 10 feet staircase had been left to the south. I cannot tell its full area. Leaving that, it was a domed structure inside). The building was from the northern gate to the staircase in the south. It is wrong that in the east there was a 25 feet vacant space from east to west. (Then said: This situation was outside the boundary of the mosque). It is wrong to say that the space had been inside or there had been a grilled wall this side. It is wrong to say that such a wall was spread from east to west and south to north. When entered the mosque from east through the main gate, everything was clearly visible till the last western wall of the mosque. There was no hurdle in the way. (Then said: the inner most wall was not visible. The middle gate of the mosque inside the courtyard, which remained without door, was visible). (At this juncture, the learned Advocate drew the attention of the witness to the black and white photo album prepared by the State Archaeology Department. Having seen, the witness continued to depose further). I have seen photo No.42. This belongs to the main gate. The inside wall of the



mosque is visible in it. I do not see any grilled wall to the right. There is a grill also and I do not know where it is. I have seen photo No.43. This shows the wall and the gate of the mosque besides the men. On seeing the photo I cannot tell whether it is part of the mosque, a gate or something else. I do not see any stone in it. This is the southern portion inside the mosque. There was a tree in a corner in the mosque, which is visible here. The iron grill wall is also visible in it. There were 4 black colour stones on the gate of the mosque. I cannot say if they were of Kasauti or other stone. There were stones on the inside gates. It is wrong that these black stones were there on the middle gate only. It is also wrong that similar stones were not affixed on the other gates to the north and the south. It is wrong that inner built up portion was Ram Janambhoomi as Hindus have been assuming it. I say it is part of the mosque. The Hindus might say it 'Garbh Grah' but that is the part of the mosque. There is no question that this impression is prevailing since centuries. It is wrong that they are the icons of Hindu deities and they have been there from the very beginning. It is wrong that whosever Hindu comes from pilgrimage to Ayodhya comes to have 'Darshan' of this very place.

I am officiating in all those suits in which my father was a party. I do not remember if my father was involved in the suit with Gopal Singh Visharad. My advocate can answer this. (Then said: my father was a party to the case and now I am officiating in his place.) I cannot tell whether my father was or I am a party to the case by Paramhans or not. Our Advocate can tell this.

It is wrong to say that I have never seen the building involved in the case either from inside or outside. It is also wrong to say I know nothing about the inside or

outside of the building. It is also wrong that I was only four to five years old till 1949. It is also not correct that I never went to offer Namaz in this building.

On 15<sup>th</sup> September, 1996, I had seen so many stones in the Ram Katha Kunj. But these were not those stones that were fixed there on the gate. May be that the other party, on whose behalf I am being cross-examined, might have seen those stones, or 3 of those stones, there. It is correct that the stones which are lying in Ram Katha Kunj show the icons. The icons are visible on some specific stone and not on all stones. I have already stated that those are not the stones, which were fixed on the gates of the mosque. I have seen 8-10 stones in Ram Katha Kunj engraving the icons. The 'Janamsthan Mandir' which is on the other side of the disputed building is known as 'Janamsthan Sita Rasoi'. Peopole call it Janam Sthan. The Mahant of the Janamsthan was my friend. He was an old man. I had gone inside that temple once or twice. I cannot tell his full correct name. His name was perhaps, Haridas or something like that. He was acquainted with my father. He used to exchange greetings with my father. His cousin (sister's son) was my schoolmate.

I cannot say why Panchkosi Parikrama in Ayodhya is famous. Panchkosi Parikrama is in whole of Ayodhya. That is not ralated only to the west of this building. However, the distance of that route to the west from this building must be about 500-600 feet. I cannot say when it takes place. Generally, it takes place in winter. Parikrama draws heavy crowds. Many people come from outside. Many more are from the city itself. Those performing parikrama also visit the temples for 'darshan'. Nobody used to come here, as it was a mosque. People have started coming here since the dispute has begun. I

have been listening about Parikrama from the very beginning but I did not hear the people coming for darshan here.

Question: Whether any other place in Ayodhya is known as Janam Sthan or Janambhoomi or worshipped, other than the disputed building and the Janam Sthan, Sita Rasoi Mandir situated to the north of the disputed building?

Answer: All those places where there are Ram Chandra Temples are called Ram Janambhoomi.

On 6<sup>th</sup> December, 1992, the mosque was demolished and a 'Chabutra' constructed in its place. I cannot tell the specific place where it has been built or it is that very place which the other party calls it 'Garbh Grah'. Idols have been placed there. I do not know which idols are those. I say that place belongs to thie mosque and the idols have been placed there. No 'Pooja' is performed there. The 'Pooja' is performed from outside only. The rest depends on the Government. They may allow them to do whatever they wanted. We do not go there. I cannot say whether there is any priest or the Government authorities are there. I cannot say whether the earlier mentioned 'Pooja-archana', arati is being performed and devotees of Rama are coming for darshana, as usual. It is wrong that 'Pooja-path had been going on or the priest had been performing pooja or Hindus coming for 'darshan', there in this portion of the mosque even before 22<sup>nd</sup> December, 1949. It is also wrong that such a programme had continued even after 22<sup>nd</sup> December, 1949. (Then said: The Government attached the inner portion in December, 1949 and only Government official can visit that place.)

I have heard the name of Gopal Singh Visharad. I cannot say whether he has been the resident of Ayodhya or not. It is wrong to say that he alongwith some other people had been performing 'Pooja-path' in this building which we called a mosque and the other party a temple, till 22<sup>nd</sup> December, 1949. I cannot say if he is alive or has expired. It is wrong that his son, Rajendra Singh, still goes there for 'darshan' and 'pooja'.

This statement was read out to me and I certify it.

Sd/-

Haji Mehboob Ahmed

Typed by the stenographer in open court on dictation from me.

Sd/-

(In continuation of 23.9.1996)

Cross examination of P.W. 2 - Haji Mehboob Ahmed resumes:-

Ever since I had started going to this Mosque, I have been seeing this grilled wall. When was it constructed, is difficult to say. But I think it was constructed along with the Mosque. If the northern gate was closed, entry in the mosque was made through the main gate. If the main gate was closed, entry was made through the northern gate. If entered through the northern gate, the Sita Rasoi comes en-route. Other people call that 'Sita Rasoi'. If entered through the main gate, the thatched structure portion remained on one side to the south. It is wrong to say that it was necessary to cross the thatched structure portion to go inside. If entered through the main gate it was necessary to cross the outer lawn. The thatched portion was a part of that lawn. But only ten-twenty or ten to five people used to sit there and not hundred to hundred fifty people. The crowd there had swelled in numbers in the first ten to fifteen days of December, 1949. But I never seen huge crowd before that. There were two doors to the west of the grilled wall inside. If both these doors are closed, one can go to the dome portion through the northern gate. When entered the mosque through the northern gate, there was also a door in the courtyard for going to the dome portion. This door was in portion of the dome adjoining the courtyard. (At this juncture, the learned Advocate drew the attention of the witness to the paper No.2/16A of Sunni Central Waqf Board File No.4/89, which is a Naksha-Nazri). I have seen the Naksha-Nazri. I would not be able to locate that gate in this layout plan. This shows no door. It is wrong that there was no grill gate to the north. It is also wrong that I am talking of

some imaginary gate. It is wrong that there were only two gates, it is also wrong that both the gates were on the east side only.

When the attachment was ordered, the main mosque and the iron courtyard portion were attached. The outer portion was not attached. The outer lawn portion was not attached. To which other party calls 'Sita Rasoi' or 'Chabutra' but we call it the portion of the lawn of the mosque. The attachment included all the gates of the mosque because the whole of the mosque had been attached. The northern grill gate and the eastern gate were locked. There was no restriction on the movement of the Muslims in the mosque till 22<sup>nd</sup> December, 1949. But is also wrong to say that a non-Muslim could also move without any restriction. But it is correct that anybody could move in the outer lawn.

Question :-If the people sitting outside the lawn wanted, could they stop the movement of the people in the mosque through the eastern or northern gate?

Answer:- There was no reason for them to so wish. They never wished so. They were not in dispute with anybody else.

If the grill gates are closed, one can peep in through the rods to look into the mosque while standing out in the courtyard.

The area of the disputed structure opposite the eastern gate was about hundred fifty feet. There was also some area outside Faza Hatti and Ram Jiyawan Bagh to the south. This might be four hundred to five hundred feet from the mosque. The area under dispute was 15-20 feet

to the west of the mosque. There was a road after 15-20 feet to the north. Thereafter, comes about one bigha of disputed land of the graveyard. That was beyond Ram Janam Sthan. I cannot tell their 'bandobust' number without going through the records. In earlier in bandobust also this land was recorded as the land belonging to the mosque. The graveyard was also recorded as graveyard land. I do not remember the specific number under which those entries had been made.

It is wrong to say that I do not have any knowledge about the disputed land or disputed property or about both the properties. It is also wrong that I am deposing as tutored by someone.

(Cross examination by Shri P.L. Mishra, Advocate, on behalf of Shri Rajendra Singh, son of Gopal Singh Visharad concludes).

(Cross examination by Shri Devki Nandan Aggarwal who himself is a plaintiff in suit No.5/89 and a next friend of the other plaintiff).

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I have heard the name of Sufi Kalandar Moosa Ashikan Rahmatullah Alakh. His Mazar is situated on the road that leads to our house from Dorahi Kuan. I have gone to his mazxar to read Fatcha a number of times and often go there. Two black stones were also fixed there. I had seen them until 1992. Thereafter, those stones have not been seen there. Some one might have removed them from there. These were the stones and somebody must have removed them. There was no chance that we were shocked by this incident. I have not got registered

complaint or report in this regard. I cannot say whether this Fufi Sant had ever met Babar Shah or not. I am also not aware of his any meeting with Mir Baki. I cannot say that at his instance Mir Baki had got constructed a Namazgah somewhere.

The stones had definitely been fixed in the mosque. Something was inscribed on one of the stones. I did not know what had been inscribed. I cannot say whether the type of stones that were fixed on the mazar of Sufi Saint was also fixed there in Babri Masjid or not. I am the caretaker of the mosques and President of my Anjuman. It is apparently clear that I must have seen so many mosques. In a mosque besides the Vaju Khanna there is a urinal also. The mosque where Friday Namaz is offered is called 'Jama Masjid'. Apart from this mosque under dispute there is another Jama Masjid in Ayodhya which has no minarets and which is known as 'Begum Ballas Masjid'. This mosque is situated behind Maharaja Inter College. The mosque is made of stones. I cannot say whether there is another similar mosque outside Ayodhya or Faizabad or not. I cannot say if there is any such 'Jama Masjid' in Faizabad which does not have minarets on it.

I have heard the name of Shahanshah Akbar. He was the grandson of Babar. He had a Maharani, named Jodhabai. Raja Todar Mal was one amongst the 'Nav Ratnas' of Shahanshah Akbar. He was the 'Wazir-e- Maal' of Akbar. It is wrong to say that at the insistence of Maharani Jodhabai or on the advice of Raja Todar Mal, Shahanshah Akbar had permitted to do Pooja-Path (worship) at the disputed site or the building under dispute. (Himself said: No Shahanshah can do so). It is correct that Shahhanshah Akbar had founded 'Din-e-Ilahi'



religion. It is wrong to say that at the so called permission of Shahanshah Akbar, the Hindus had installed idols on 21 x 17 chabutra and people have been performing pooja-path (worship) since then. It is also wrong that they had constructed some temple there. It is also wrong that Shahanshah Aurangzeb had got demolished the so called temple. It is also wrong that at the fall of Mughal Empire, in the period of the Nawabs of Awadh, the 'Nirmohi Akhara' had again installed idols at the so called chabutra and they had been performing pooja since then.

I am not aware of the fact that the British rulers had in 1856 merged Awadh into their territory. I do not know anything about the situation prevalent then. It is correct that Hindus and Muslims had jointly fought Britishers in 1857. I do not know anything about the Martyr of Maulvi Amir Ali. I know about Ganje Shaheedan. I cannot say that all those who were buried in 'Ganje Shaheedan' had been martyred during which period.

I cannot say if the grilled wall between the courtyard and the dome portion had been constructed by the Britishers after 1857. I also do not know if the Britishers had erected any wall between the courtyard and the lawn.

It is correct that when a building is constructed as a mosque, it becomes the house of 'Allah'. It becomes a Waqf. But it is not necessary that there must be a Mutawalli for the management of the mosque. Any Muslim can manage a mosque. The place which is the house of Allah does not become the personal property of a Mutawalli or the one who manages it. In U.P., there is a Shia Waqf Board as well as Sunni Waqf Board. These boards take care of the Waqf property. Each and every Muslim takes care of the Waqf property.

Our Anjuman protects the properties of both the Waqfs – the Shia Waqf and the Sunni Waqf. Three Shias are also in our Committee. The mosque under dispute also had a Waqf of its own. I do not know the details thereof. Our Advocate can tell about this. To my knowledge, there had been no litigation between Shias and Sunnis Waqf Board regarding this mosque.

I do not remember if the application of my elder brother for officiating in place of our father, Haji Faiku in suit Nos. 1/89, 2/89 – Gopal Singh Visharad and Paramhans Ramchandra Das, had been dismissed or not. Only our Advocate can tell this. I have no knowledge about it. But it is wrong to say that I was a minor at the time of dismissal of these applications. I was not very keen to officiate and try to attain place of my father in those cases. I and my brother have equal share in our father's inheritance.

My brother had been Congress President of 'Ayodhya Mandal in the past; but now he is not president. He had no post in 1992. I do not possess any gun licence. My brother possesses a licenced gun. When there was talk of paying me compensation in lieu of my house and factory having been burnt, then U.P. was under Presidnet's rule. It is wrong that when in December 1992 Kar Sewaks had assembled in Ayodhya, we had piled up stocks of handgrenades and other weapons at our house. It is wrong that there was firing on Kar Sewaks from our house or some handgrenades thrown on them. It is wrong that any kar sewak had died because of alleged firing from our house. It is also wrong that I had refused to accept compensation only because the responsibility for that incident should not fall on me at any stage.

My house is not situated in mohalla Ramkot. My house is in both mohalla Kajiyaana – Tedi Bazar. The mohallas, which have Muslim population, have masjids also. I have already stated that there was no Muslim population in mohalla Ramkot.

Question:-Your name had been included in the list of witnesses for the first time in 16.4.1996 ?

Answer : I do not know. Our Advocate might be knowing it.

I cannot say if my name had been entered in the list of witnesses from 24.8.1992 to 1.9.1992 (At this juncture, Shri D.N. Aggarwal attracted the attention of the witness to a news item published at page 10 of the 'Amar Ujala (Hindi) Kanpur edition, dated 12<sup>th</sup> October, 1995 wherein some allegations against the plaintiff, Shri Hashim have been published and his differences with the witness have been published). The witness replied that he has heard the printed news-item, which is totally false. I have not made such a statement. I have no differences with Hashim Mian. Whatever has been published in the news-item was all lie.

(Shri Devaki Nandan requested the court that the news-item published should be made a part of the file. His request was rejected because there is no provision in the Indian Evidence Act whereby a news-item published in a newspaper, the content of which the witness refuses to accept, should be taken on the file as the first statement of the witness. Apart from this, the reporter of the news-item is also not present before the court and he could prove the news-item. If Shri Aggarwal wants he can prove the news-item legally and have it recorded as an exhibit). It is wrong that due to my alleged differences, Hashim

Mian had not listed me as a witness. Moreover, I am not the witness of Hashim Mian. I had no interest in this case till the time I received a notice from the Advocate because my elders in the house were taking care of it.

I am associated with the Anjuman since 1990. I have been taking interest in this mosque since that day, I have been interested in the mosque from the very beginning and have started taking interest in the case. Hashim Saheb is pleading for the Muslims in these cases. When I received summons for the first time I appeared in the court. It was in 1996, I was not present in the court at the time of witness of Hashim Saheb.

(Cross examination by Shri Devaki Nandan Aggarwal concludes).

The statement was read out to me and I certify it.

Sd/-

Haji Mehboob Ahmed

Typed by the stenographer in open court on dictation from me.

Sd/-

Dated 7.10.1996

(In continuation of 23.9.1996)

Cross examination by Shri Hari Shankar Jain,  
Advocate on behalf of Hindu Mahasabha and Shri Ramesh  
Chandra Tripathi.

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I am a farmer by profession. I have 150 bighas of land in Majha and 50 bighas in the city. All types of crops are grown there including vegetables and wheat crop. Wheat is grown in wheat season and vegetables are grown in other season. On an average crop of the value of one lakh rupee is grown annually. This is the total value of the crop and does not include the expenses incurred. After covering the expenses, the net income comes to about 70-80 thousand rupees. Earlier, we had transport business also prior to 1992. I have paid income tax also upto 1984. Thereafter, I disposed of my truck and did not pay the income tax due to stopping of income.

We have no association for the Muslims except the 'Anjuman'. I have been associated with the Anjuman since 1990. We have 21 members on our committee. The main objective of the Anjuman is to take care of the tombs, mosque and the graveyards and to provide protection to them. I have been supervising the Anjuman for the last 20-25 years and know about it since then. One does not need any special funds for the work of the Anjuman. Whatever little money is needed, we arrange that for ourselves. Whatever job is carried out by us for the Anjuman that is recorded in the registers. Babri Masjid Action Committee had no concern with our Anjuman. I know the names of a few of the members of Babri Masjid

Action Committee, namely, Gilani Saheb, Mannav Saheb, M.A. Siddiqui Saheb, Hashim Saheb, Ikhlaq Shaheb etc. I cannot say if Azam Khan is included in the committee or not. I am a member of that committee. I think Babri Masjid Action Committee was formed when the Mosque had been demolished (then said) Perhaps the committee was formed at the time of opening of the lock. It is correct that the committee had been formed in 1986. I was in Bombay at that time and, therefore, could not become a member. Later on, when I came back to Ayodhya, I became a member of the committee. I had come back to Ayodhya in 1989. I had been moving to and fro during this period also. There was no question of launching any agitation but some sort of movement was going on for the mosque.

I do not think that there was some dispute between the Babri Masjid Action Committee and the Vishwa Hindu Parishad over this mosque. I cannot say if the members of both the bodies had met the Prime Minister for some talks in 1991. It is not necessary that the Babri Masjid Action Committee represented the entire Muslim community with regard to this disputed property. It is correct that the Babri Masjid Action Committee takes care of the rights of the Muslims with regard to this property. It is wrong to say that the Babri Masjid Action Committee has ever announced that if it is proved that a temple existed here earlier, then the Muslims will give up their claim. (Then said: There existed no temple and the Babri Masjid Action Committee has no right to make any such announcement. Nobody can do so).

It is correct that if a mosque is constructed after demolishing a temple, no Muslim would go to offer Namaz there and would not accept it as a mosque. I have studied

history upto Intermediate. I have studied the history from Mohd. Ghaznavi and Mohd. Gauri to Aurangzeb. I do not remember in which history the story of 'Somnath Mandir' having been demolished by Mohd. Gauri has been written. I have heard that when Mohd. Ghaznavi came to India, and at the instance of some Pandits, had demolished the Somnath Mandir. I have seen the Kutub Minar in Delhi. I have not seen any stone inscription (Shilalekh) on the Qutub Minar or nearby telling that this 'Minar' had been constructed with the debris of 27 Jain and Hindu temples that were demolished. I have not read any incident in the history stating that any Muslim Emperor or his General (Senapati) had demolished any Hindu Temple.

I do not remember in which year I had gone to this mosque for the first time. I also do not remember as to how many years ago, I had gone to this mosque for the first time.

I have five children. I have one wife. My eldest child is about 24 years of age. I got married in 1971. I got married at the age of 34-35 years. I was 18-19 years of age when I was admitted to the school for the first time. I had known Zahoor Ahmed Saheb. I have heard his name. My father expired in 1960. I cannot say with certainty that he expired on 8<sup>th</sup> July, 1960.

In 1949, the idol was placed at that very place from where Imam used to stand and from where he used to lead the Namazis to offer Namaz. It is correct that in the position of offering Namaz, the Imam's face is facing to the west. It is wrong to say that the place cited above is to the east. When we entered the mosque, there happened to be a Chabutara to the left in the courtyard. That Chabutara was in the middle of the compound in the

left side. It was of the size of about 21 x 17 square feet. This is my guess. I have never measured it. This chabutara was not in use and remained unutilized. Sometimes, some people used to come and sit on it. There was a thatched construction on it. But it is not correct that some bairagis used to do Pooja-path in it. There was no idol or a temple on that. (Then said: There cannot be any idol or a temple in a mosque). Till 22<sup>nd</sup> December, 1949, there was no structure of wood in any form. Only bamboos and the thatched structure were there. Though I have not paid any special attention yet so far as I remember there were no pillars on the first gate inside this building. 12 stones had been fixed inside the mosque. I cannot say if those were on the wall or on pillars. They were fitted in the wall. Those were black stones, if they were pillars or part of the wall, I cannot say. There was difference in their construction and that of the wall. There was no painting on these pillars, but some engraving was there. The engraving was of the flower-petals which is common for a mosque or in homes. I do not remember if the engraving was on all the 12 stones or not. It is wrong to say that there were icons of Hindu deities. On 15<sup>th</sup> September, 1996, when the commission that is both the parties inspected all the things in Ram Katha Kunj. I was also there. In that inspection, besides the Commissioner, Faizabad, Advocates of both the parties were present. This inspection was carried out by breaking the seal and lock of a sealed room. Some pillars had been kept in the room. Some of those pillars were black and some others white out of which those pillars were made. One pillar was also in the form of a 'Shilalekh'. Something in Sanskrit was written on it. People were translating what had been written in Sanskrit. I did not try to read or translated it because I had nothing to do with it.



At the time of Kar Sewa in 1990, too many people had come I cannot say if all of them had performed 'Panchkosi' or 'Chaudah Kosi' Parikrama. It is correct that a huge mela is held in Ayodhya on Ramnaomi every year. People perform 'Panchkosi' and 'Chaudah Kosi' Parikarma on this day. It is not necessary that the Parikarma be performed on the same very day. It could be done a day earlier or a day later but I am not sure about it.

Question: The disputed property falls between 'Panchkosi and 'Chaudahkosi Parikarma'?

Answer: This is correct but a number of other mosques and Muslim houses are situated in between. The whole of Ayodhya is situated between this.

There was no minaret on the disputed mosque. I think no loudspeaker had been fixed on this mosque. The loudspeakers were not in vogue those days. The loudspeakers in mosque in Ayodhya have become known for the last 15-20 years. I cannot say when actually did this practice came into being. I cannot say that no loudspeaker was used in any mosque till 1950. But the locality where I live, no loudspeaker were used on mosque. Now loudspeakers are being fixed in all mosques and temples. But it is not necessary that the loudspeakers are being used these days in the mosques for all the five namazes.

It is wrong to say that a lot of money is coming to India from the gulf countries and is being used for installing loudspeakers in the mosques or for creating trouble here. Neither I nor my father have ever gone to Pakistan. It is wrong to say that my father had gone to Pakistan in 1947 and he was sent back to create trouble

or incite riots here. It is true that Mahatma Gandhi had launched 'Quit India' movement in 1942 against the British regime. I am not sure but so far as I remember neither my father nor my brother had been jailed either in connection with this or any other movement. I must have been about 14 years of age in 1942. (Then said: Perhaps, I might have been of 4 years of age then). I do not very well remember the 1942 movement. I do hear definitely about that. In 1945-46, elections were conducted. I faintly remember those elections. I do not remember as to who were the contestants from Faizabad. I also do not remember if these elections were fought mainly between the Congress and the Muslim League. After 1945-46, when India became free, elections were conducted for the first time perhaps in 1948. I did not have much of interest in elections.

In 1949, when Hindus forcibly occupied the Babri Masjid, I cannot tell what proceedings were initiated by my father.

I have read Quran Sharif. I can read Arabic. I have read a little of Hadis also. It is written in the Quran that a mosque is constructed on a safe place, on a place which is under no conflict. If the land belongs to a non Muslim, it can be taken from him for constructing a mosque. By taking land means taking it with his consent and not by force. If the land belongs to the Government, permission of the Government has to be sought. The shape of a mosque is different from that of a house. If we want to offer Namaz in a house we can do so. But the place must be clear. There must not be any kind of photograph etc. It is correct that every house cannot be a mosque. I do not know as to what specialities must be there in a

mosque. It is written there in 'Quran Sharif' or 'Hadees' or not, only Ulemas can tell this.

It would be wrong to say that I knew nothing about this case before 1990. I started taking interest in this case after the demolition of the mosque in 1992.

There was a graveyard on all the three sides except the west of the mosque. There was some empty land to the east. It is wrong to say that land was not a graveyard. It is also wrong to say that some Hindus had been killed there and their 'Samadhis' and with them that of the some 'Sadhus' and 'Bairagis' are their on that land. This graveyard was cleared in the turmoil of 1990.

I have seen so many temples but I cannot say which of them is 'Sakshi Gopal Mandir'. It is wrong to say that the Hindus have been assuming the disputed land as Ram Janam Sthan for thousands of years. It is correct that according to Quran Sharif to lie is a sin. (Then said: According to every religion to lie is a sin). It is wrong that we can lie even on oath. It is wrong that I am deliberately telling a lie. It is also wrong that I had never offered Namaz here. It is correct that my date of birth has been registered as 1944 in my school register but it is wrong that my date of birth was right. It is also correct that I have not made any effort to get my date of birth corrected as recorded in the school register.

No "Bairagis" had assembled in the property under dispute one and a half months before 22<sup>nd</sup> December, 1949. The bairagis had been living near this place as usual. It is wrong to say that I have given false witness at the instance of Babri Masjid Action Committee.

(Cross examination by Shri Hari Shankar Jain Advocate on behalf of Hindu Mahasabha and Ramesh Chandra Tripathi concludes).

The statement was read out to me and I certify it.

Sd/-

Haji Mehboob Ahmed

Typed by the stenographer in open court on dictation from me.

Sd/-