

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

O.O.S No. 4 of 1989

(R.S.NO. 12-61)

Sunni Central Board of Waqfs,

U.P. and others

...Plaintiffs.

Versus

Gopal Singh Visharad and others Defendants.

STATEMENT OF P.W. 20

PROF. SHIRIN MUSAVI

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**STATEMENT OF P.W. 20
PROF. SHIRIN MUSAVI**

My name is Shirin Musavi daughter of late Shri Zafar Hussain, aged 51 years, Resident of Aligarh, Department of History, Aligarh Muslim University, Aligarh solemnly affirms on oath as under : -

I have been working as Professor in the Department of History in Aligarh Muslim University since 1988. I have been teaching in Aligarh Muslim University since April, 1970. In between I have also taught at Chicago University from February 1984 to June 84. Prior to 1970 I had also taught for some months in Karamat Girls' Degree College in Lucknow. I have been working in the Department of History at Aligarh Muslim University from the very beginning. In Karamat Degree College at Lucknow, I had taught Mathematics. I had passed my M.Sc examination in Mathematics from the Lucknow University and afterwards I passed M.A. examination in history as a private student after being appointed in Aligarh University. I also did my Ph.D in history from Aligarh University in the year 1980. In Ph.D my subject was "Economy of Mughal Empire", a Statistical Study. At Aligarh University which is a Central University. the Head of Department is called Chairman. I worked in the post of Chairman from 1997 to 1999. I have been an elected Secretary of the Indian history Congress and my tenure of three years came to an end on 31 March, 2001. I have been able to get the position of M.I.T. in

U.S.A. and Full Bright Fellowship at Chicago University and have worked in such a position. I have been the visiting Professor (fellow) in the Institute of Advanced Study at Shimla. I have worked in the same capacity in M.S. University at Baroda. I got the Residency of Rockefeller Foundation. I was also given extraordinary career award in 1988 by the U.G.C. I am an elected member of the Executive Board of International Commission for Historical Demography. I have attended about 8-9 International Conferences. I have been to America, Japan, England, Belgium, France, Netherlands, Switzerland and Spain for the purpose of attending the conferences. I have been to many countries outside India to deliver lectures such as Oxford University, Cambridge University, London University, Chicago and Virginia etc. I have been a member for two terms in the History Panel of U.G.C. I have been a nominee of the Ministry of Education i.e. H.R.D. in the Foreign Scholarship Committee of U.G.C. The sessions of Indian History Congress are held every year. I have participated in all the sessions every year, except three of them organized since 1970 to-date. I have been an elected member of the Indian History Congress Executive for so many years i.e. I have been a member in the Executive. I have been a President and a Vice-President of the U.P. History Congress. Two of my books have been published. One of my books has been brought out by the Oxford University Press. Its name is "Economy of Mughal Empire — Statistical Study". My second book named "Episode in the life of Akbar" has been brought out by the National Book Trust of India. Both of my these books are written in English. My first book has been translated into Bengali and Hindi languages and my second book has been translated into Hindi, Urdu, Marathi and Malayalam etc. One of my small books named "Man and Nature of Mughal Era" has been published. I have edited one book on 1857. Besides,

A Dictionary of Mughal India is being written by me and has not been completed so far. About 40-50 articles written by me have been published in Indian and foreign journals. For example my articles have been published in the journal of Royal Asiatic Society, London, Journal of Social and Economic History of the Orient, Netherlands, Annals France etc. In India my articles have been published on the topics of "Indian Economic and Social History Review", "Indian Historical Review" and "Man and Environment etc". I have studied the full Mughal period including that of Babar. As far Babar's coming to India, it seems from his memoirs and diaries that Babar was not a bigot. I did not find any evidence or proof during my study of the medieval era which might indicate that Babri Mosque may have been constructed by breaking down a temple. From about 1206 prior to arrival of Babar there came into existence the Muslim population in Ayodhya. In its contemporary sources Mosques, Idgah, graveyards and Madarsas, etc., were found. Volunteer: that there are no proof of the existence of Muslims prior to 1192 in Ayodhya. In the contemporary sources, in which there is a mention of a Muslim population in Ayodhya after 1206, Khairul Majalis, Favaydul Favad, Tabkatenasiri etc., are worth mentioning Khairul Majalis was written in the 13th century. This book contains discourses of Nizamuddin Aulia which were compiled by Mir Hassan Sijanji. Favayadul Favad contains the discourses of Sheikh Nasiruddin Virag which have been compiled at a single place. Tabkatenasiri is written by Minhaj Siraj. Favayadul was written in 1353. It is written in Tabkatenasiri that a representative of Delhi Sultanate Ayodhya was given orders to go to Bengal for a battle in 1206.

There was an inscription on Babri Mosque which was divided in three parts and some portions of which were published in the Babarnama of Bevarage but the full inscription has been published in the Epigraphia Indica of

1965 which is a publication of A.S.1. This is in the Persian language and is in the Nask script. It is written in it that this Masjid was got constructed by Mir Baki in 1528- 29 and it is also written there that it was being constructed on the orders and desire of Babar. Its date is found out by arriving at the numerically of its writing. There is no such mention in this that this mosque may have been built by bringing down a temple. No evidence is found till nearly 200 years upto 1760 after the construction of the mosque which might indicate that a mosque may have been built here after bringing down a temple or there may have been any temple here. This place was never called as Ram Janam Bhoomi (Birth place of Ram). This place was never known as Ram Janam i.e. birth place of Ram. A German traveller Typhen Thriller had come to India between 1760-70 and his accounts (descriptions) were published in 1788 He has written for the first time there that it is said that a Masjid has been got built by Aurangzeb by bringing down a temple in Ayodhya. He has also written that if a Mosque has been built after destroying a temple then that temple may have been destroyed during the times of Babar because there are inscriptions of Babar's period on it. It is clear from the accounts given by Typhen Thriller that a legend began to be in the making that Babri Masjid was built after destroying a temple.

Verified after hearing the statement.

Sd/- (Shirin Musavi)

24.7.2001

It was typed in the Open Court by the Stenographer as dictated by us. In continuation of this be present on 25.7.2001 for further cross-examination.

Sd/-

24.7.2001

25-7-2001

In continuation of 24.7.2001 the main examination of P.W. 20 Shirin Musavi begins on Oath:

I have read Ram Charit Manas written by Tulsi Das. I have read it in Avadhi and I have also read its English and Hindi translations. As I do not understand Avadhi properly, so I have read its English and Hindi translations also. This book was written in the decade of 1570. Tulsi Das has nowhere written in his above Ramayana that there previously was a temple at the place where the Babri mosque has been built and the mosque may have been built by breaking down the temple. Then herself said that not only about that place but he also has not said about a mosque being built after destroying birth place of Ram or Ram Janam Bhoomi Temple even in the whole of Ayodhya. Abul Fazal began writing A in 1586 and formally closed it in 1598. Abul Fazal was a reputed Minister of Akbar and he was also his official historian. In this book also Abul Fazal has made a mention of Ayodhya at two places. In that description he has said that Ayodhya is considered to be the place of residence of Shri Ram who is an incarnation of the Hindus. There also is not any mention of a mosque being built after bringing down a temple in Ayodhya. William Finch was a famous traveler who lived in India from 1608 to 1611. His accounts of this journey have been brought out at many places. He was a resident of Britain. In his that account he has made a mention of Ayodhya. He has written that there was a palace and fort of Shri Ram Chandra Ji in Ayodhya. He has made no such mention in his above description that any mosque was built by destroying a temple of the birth place of Shri Ram. Sujan Rai Bhandari was a historian of Aurangzeb's times. He had written a book titled "Khulastut Tavarikh". This book was completed in 1698. There is a detailed mention of Ayodhya

in this book. There is no such description in this book that there was or may have been a temple of the birth place of Ram prior to the building of the mosque. The book titled "Chahar Gulshan" has been written by Rai Chaturman which was completed in 1760. There is a detailed description of Ayodhya in this book. It has been said in this book that Ayodhya was the birth place of Shri Ram and there were his palaces and forts there. There is no mention about constructing a mosque after destroying a temple in Ayodhya in this book. Bukanen's accounts have been published in many volumes. These accounts have been compiled by Mount Gamry Martin. The accounts of Bukanen belong to the year 1810 but his separate volumes have been published in various periods. Bukanen had gone to Ayodhya in 1810. He made a mention of this in his accounts. He has written in this account of his that it is said that Aurangzeb got built a mosque by bringing down a temple at Ramkot. But he has said that the inscription on this mosque belongs to the period of Babar and thus this opinion is ill-founded.

(At this stage the attention of the witness was drawn towards Paper No. 289 C.I of the History and Archaeology of Ayodhya (from Rig Veda to-date) filed in the other Original Suit No. 5/89) (On seeing which the witness said that I have seen this book yesterday and have also cast a cursory glance on it. At this phase the attention of the witness was drawn by the Advocate towards the notes of fifth para written at page 175 of Paper No. 289-C-1 after reading which the witness said that) perhaps there is a mention of an attack by Salar Masood on Ayodhya here. He was killed in Bahraich on 14 June, 1033 by Raja Suhel Dev and his friends. As far as I have read, there is no mention in any of the history books that any person by the name of Salar Masood may have ever attacked Ayodhya. The

meaning of the word "Bhavana Anuvad" written on page 175 of this very book is free translation. Free translation is not a word-for-word translation and therefore historians do not accept it i.e. in history it is inadmissible evidence. At this state the Advocate drew the attention of the witness towards the beginning of the sentence of 18th line of 2nd Para of Column 2 of Page 158 of this very book wherein there is a mention of Mirat-e-Masoodi. After reading it the witness said that the Persian manuscript of Mirat-e-Masood is nowhere available. There is a translation of its passages at the end of Volume-2 of Eliot and Dawson This Mirat-e-Masoodi book was written during the times of Jahangir near about 1611. In this book the author has written i.e. Abdul Rehman Chisti has written in Mirat-e-Masoodi that he wanted to write a book regarding Salar Masood because nothing has so far been written in any of the history books about him but no sources were available about this to him. Now he has got an old book from somewhere in which the career of Salar Masood finds a mention And Salar Masood appeared to him in his dreams and promised him that he would help him in writing this book from time to time. That is why Dawson has called this book as a fiction and romance and not history. At this stage the Learned Advocate drew the attention of the witness towards the appendix 'A', beginning from Page 173 of this very book and after reading it the witness said "I am not an expert of Sanskrit epigraphy- or paleography and therefore I cannot tell as to whether this epigraph belongs to the period of Raja Govind Chandra or not but otherwise his period was from 1114-1154". I had read the information about this epigraph in the newspapers in which it was claimed that this epigraph was found at the time of bringing down of the Babri Mosque. But I do not accept it as an authenticity under the rules of Archaeology. It is the minimum requirement of there being the license of the Survey of

India, Proper Diary Comments of the excavators and stratification for Archaeological evidence to be authentic one. It has been claimed during an illegal activity. It has been claimed to be found during an illegal activity. As the demolition was being effected in contravention of the Supreme Court Orders, therefore, it is an illegal activity claim.

Khairul Majalis containing the sayings of Nasiruddani Chirag, was compiled by Hamid Kalandar in 1353. Here also there is no mention of Salar Masood. Nasiruddani Chirag was born in Ayodhya and got his education there. Fayavdul Favad containing the sayings of Nizamuddin Aulia has been compiled by Mir Hassan Sijji from 1308 to 1322. Here also there is no mention of Salar Masood. Alberuni had accompanied Mehmood Ghaznavi to Hindustan. He has written a book on Hindustan and specially on Hindu culture which was written near about 1035. In this book also there is no mention of Salar Masood.

I have read the book named "Hadeek'e-Shohda. This book was written by Mir Jan in 1855. This book has been perhaps brought out in Kanpur. At that time Kanpur was under the control of East India Company. This whole book is about the very Ayodhya. This book has been written regarding the attack of Muslims at Hanuman Garhi. There is a mention of Sahi Fehetsahe Bahadur Shahi in this book. Nowhere else the mention or description of this Nasahe Bahadurshahi is found. As far as my opinion goes, this book is quite imaginary because its contradictory evidences are found Mirza Jan, the author of this book was not a historian but he was a supporter of the Muslims who had attacked the Hanuman Garhi.

Legends, folk-lore and traditions are treated as significant sources after the mark block periods of history but they are the sources of that particular time or period in which they become legends but they are not the sources of the periods which they attribute to a particular period. Mark Block period is a part of the 1930 decade. The historians give importance to contemporaneity i.e. to closeness in time and space for a source to be accepted. Finding of stones or building materials does not prove at all that they belong to the same place. I can tell about two examples just now (i) A Shung inscription of first century A.D. which is considered to be first inscription of Sanskrit in Brahmi was found fixed on the door-frame of the tomb of Baba Sanglabaksh made in the 18 century in Ayodhya. This finds a mention in the *Epigraphia Indica*. (ii) In Varanasi an inscribed temple stone of 1296 is fixed in the Lal Darwaja Mosque of Jaunpur which was built in 1447. This is mentioned in the Fuhrer's account.

It was not necessary at all to have a minaret while building a mosque in the 15 or 16 century. It was not necessary to have a minaret in a Mosque according to Sharki Architecture prevalent in Jaunpur and its surrounding areas. Ferguson and Fuhrer have thus made a mention in their books.

According to his accounts Babar was a Sunni. There are so many references in the Babarnama which make it clear that he was a Sunni and not a Shia. Mir Baki was also a Sunni. As Mir Baki belonged to Tashkand and there was a Sunni area in Tashkand and at the same time there were no Sunnis in the nobles of Babar so Mir Baki was a Sunni. Banerjee has wrongly written in his book Mir Baki as Asafhani. That is a misreading of Asife Sani. It is written as

Asife Sani in the Epigraphia Indica which is an authentic decipherment.

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

XXX XXX XXX XXX

I was born in Lucknow and remained here till I went to Aligarh. My parents also belong to Lucknow. I got my education in Lucknow from Prep. to Intermediate and I did my B.Sc from Aligarh and then I did my M.Sc from Lucknow University. Urdu is my mother tongue and I read English at School and I also read Hindi and compulsory Sanskrit at School. Persian is the language at my home. In addition to this I did a diploma course in French from Lucknow University and I have learnt a little bit of Dutch language with my own efforts. I can read the Roman, Devnagri, Persian and Arabic scripts. Leaving aside this, I have no knowledge of any other script. Before doing my M.A. in history, I had studied it upto 8th class which was a part of Social Studies. I have read economic history, ancient medieval and modern Indian history, but I have not studied the political history of the Mughal period. Prior to the Mughals there were Delhi Sultans. I have read their whole history.

Question:- Do you believe in Ishwar or Khuda?

Answer:- I agree with the Father of the Nation, Mahatma Gandhi i.e. I follow his precept that every religion has some errors and some goodnesses and therefore, every religion should be tolerated. My religion is my personal affair. Therefore I cannot give any reply to this.

Question:- Is your faith the Islamic religion or not?

Answer:- The reply to this question is also the same as above and I do not want to give any more replies to this.

My parents were the followers of Islamic religion and there is no caste in Islam. I have told above that I am not a specialist of ancient history because I do not know Sanskrit. I have no special knowledge about the ancient history of India and about how the culture and the population of India grew etc., but I have general knowledge about these things. I accept the theory of Darwin as to how the world was created. Darwin has thrown a light on the origin of homosapiens in his theory and I agree to this theory. There is a dispute amongst historians regarding the first creation of the human being but I think it to be in Africa. The origin of human beings is thought to be in the first millennium of the geological era. In India the civilization began from the Indus Civilization period. It is true that Max Mueller has written so much about the ancient history relating to India and he has also mentioned about the Buddhist literature in his writings. It is true that in his writings Max Mueller has taken the help of Vedas, Puranas, Upnishads and (said further) of so many Sanskrit sources. I cannot tell about any special source. There are proofs regarding the findings of epigraphs even before the Shung dynasty.

Babar belonged to Fargana in Central Asia. It is true that Babar called himself the descendant of Taimur Lung. It is also correct to say that he was also the descendant of the Mongol King, Changez Khan. It is also right to say that according to history Changez Khan i.e. Mongol race was cruel and barbaric but along with this it was also instrumental in the spread of civilization. It is also correct to say that previously Babar was the ruler of Fargana. It is

also true to say that Babar had to give up the rule of Fargana and he was defeated in the battle many a time. It is correct to say that Babar had attacked Samarkand and he had to give up the reign of Fargana but the defeat in the battle of Samarkand was not the only cause for his leaving Fargana but there were several reasons for doing so. It is correct to say that there was the reign of Uzbeks in Samarkand. It is true that after the defeat of Samarkand Babar ran hither and thither and continued attacking many other countries. It is correct to say that Babar had sought the help of the Shah of Iran, Ismail to fight against the Uzbeks again. It is wrong to say that Babar had sought the help of Shah Safavi of Iran. It is wrong to say that after getting the help of Shah Ismail of Iran, Babar made friendship with him and embraced the Shia religion. It is correct to say that the Shah of Iran was the follower of Shia religion. It is correct to say that with the help of Shah of Iran, Babar attacked Samarkand again and came out victorious but he never did embrace the Shia religion. I do not agree with any such suggestion of the historians that after getting victory on Samarkand the people of Sunni religion became angry with Babar and due to this reason Babar again had to give up the reign of Samarkand. (She herself said that) I do not know the name of any such historian who may have said that due to the anger of the people of Sunni religion against Babar, he was defeated in Samarkand. It is wrong to say that Abaidulla Khan, Uzbek defeated Babar again in 1512 by taking advantage of the situations and by bringing back Sunnis to his side. Babar attacked India also many a time. It is wrong to say that Babar being a looter just like his clansmen wanted to loot India. Babar attacked India for the first time in 1516. At that time there was the reign of the Kings of the Lodhi Dynasty in Delhi, India. I have not read in history that Babar sent his representative to the Lodhi ruler after his first attack I

have not read that Babar had send Mulla Murshiz as his ambassador to Ibrahim Lodhi in Delhi. It is true that Daulat Khan Lodhi, the Governor of Punjab had detained Mulla Murshi the ambassador of Babar and did not allow him to go back. Whether he was detained for six months or not is not known to me. There is a mention in the Babarnama to the effect that Babar had become angry with Daulat Khan due to this reason. It is correct to say that there is a mention in the I3ahamama that after the return of Mulla Murshiz, Babar had gone back to Kabul but it is not mentioned in these words that the people of India and particularly the Afghani people are a strange type of foolish and unwise men. It is correct to say that the ruler appointed in Bhera by Babar was made to run away after being defeated by the Indians. I cannot say for certain as to when Babar attacked for the second time. It is correct to say that Babar attacked for the second time through the Khaibar pass and he had to run away after being defeated. It is correct to say that Babar attacked Punjab for the third time through Kandhar and he was victorious which is known as Kandhar victory. But it does not come to my mind in which century this invasion took place. It is correct to say that Babar had gone back after appointing his son Kamran as the ruler of Kandhar. It is correct to say that with the help of the ruler of Punjab, Daulat Khan, Babar had attacked India again. Afterwards he himself fought with Daulat Khan and defeated Daulat Khan. It is all right to say that Babar appointed Alam Khan, the uncle of Ibrahim, as the ruler of Punjab after defeating Daulat Khan and then went back. It is correct to say that Alam Khan went to Kabul to meet Babar and after entering into a treaty both of them attacked India which resulted in the battle of Panipat in 1526. It is correct to say that a lot of rulers were ruling India on the basis of geographical situations prevalent at the time of the battle of Panipat in 1526. At that time Rana Sangram Singh

was the ruler of Rajasthan and there was the rule of the Sharkis in Avadh and Bihar. It is correct to say that at that time Ayodhya was in Avadh itself. Volunteer: that in Persian Language Ayodhya was called Avadh. Prior to Babar's fifth invasion, the Arabs had attacked Sindh in India in the 8th Century. There was no special effect on the politics of India due to the Arab invasion of Sindh and even otherwise they were uprooted very soon. I do not recollect the name of the Arab King who had attacked Sindh for the first time. At that time India was very much divided politically and there were so many smaller kings ruling in India. At many places Buddhists were ruling and at some other places the Jams and still at some other places the Brahmans were ruling. The north India of that time can be divided into 4 parts i.e. into Kaushal, Ujjain, Pataliputra and Magadh parts. I cannot tell whether Ayodhya was part of the Kaushal reign in the 8th century or not because my studies are based on the history of the 12th century onwards. I have heard the name of Saket. Ayodhya itself is called as Saket. As I have not studied the books of the Buddhist religion so I would not be able to tell as to whether Ayodhya has been called as Saket in those books or not. I have read in the standard history books that Saket is also called as Ayodhya such as the books of the Vidya Bhavan series which have been edited by R.C. Majumdar. Besides, I have perhaps, read this in the history book of N.N.Ghosh. I am unable to call to mind as to in which year's edition of Ghosh I have read this. Even the publication is out of my mind. I do not remember the exact year of my above study but as far as my memory goes, I have read this only after the year 1973. N.N.Ghosh is a historian. He had written the book named "Ancient India". I do not know Shri Ghosh's familiarity. His above book was published in English. The script is Roman. As far as I remember, I have read this at the time of taking tutorial

classes on economic history after 1973. I do not remember properly as to when I have read about Ayodhya being called Saket and what subject was being studied by me at that time. But I do remember it certainly that (Saket) was written after Ayodhya. Prior to the attacks by the Muslim rulers, Hugs rulers had also invaded India. It is also correct to say that the Greek ruler Alexander had also attacked India prior to the attack of foreign rulers on India. As my topic was not the ancient political history hence, I cannot say for certain as to in which year Alexander attacked India. It is true that after the invasion of the Greek rulers Shaka rulers attacked India. It is correct to say that the ruling period of the Greek Kings was less in India and ruling period of the Shakas was much more. It is correct to say that historically the king of Ujjain brought the end of the last Shaka King. It is also correct to say that Vikramaditya drove away the Shaka Kings out of India. It is all right to say that the Vikram year started in the name of Vikramaditya which beings from the year 1957 prior to A.D. I have not read in any course that the above mentioned Vikramaditya got a Ram Temple built in Ayodhdya on 84 pebble-pillars. After the reign of Vikramaditya the name of Vikramaditya gained so much prestige that some of the kings coming later on used the name of Vikramaditya as a surname. As I have not counted, so I cannot tell for certain that 14 kings used Vikramaditya as their surnames in the Gupta period. It is correct to say that Chandra Gupta II became famous as Vikramaditya. It is correct to say that prior to 1526 Bhakti Movement was at its peak and the Sufi saints had come here. It is correct to say that at that time there was no kind of Hindu- Muslim dispute and all the Sufis did talk of Hindu-Muslim unity and again said that not all the Sufi-saints but generally Sufi-saints did talk of Hindu Muslim unity. At that very time Sufi-saints i.e. quite early to 1526 the Sufi saints Moinuddin Chisti and Guru Nanak had

become devotional and prior to them Kabir, Mirabai, Chaitnya Prabhu and Namdev etc. had become devotional. During the Bhakti period and during the period of Sufi-Saints the national unity got a fillip and in the 14th century, Amir Khusro wrote the Nohasfahar poetry only in praise of India. The book 'Khalike Bari' written by Amir Khusro is not considered to be the real book and some people say that there have been interpolations in it later on. In addition to the moral teachings Hindi and Urdu words are also found in the above book of Amir Khusro but such words have also been used there whose authenticity is doubtful. I do not know if Amir Khusro had written that one lakh camels and one and a quarter lakhs of elephants and upon them was laden the Khalike Bari or not. Amir Khusro was a contemporary of Khilji and Tughlaq. Khilji dynasty was there from 1296 to 1320 AD. Delhi Sultanate began from the battle of Tarai in 1192. From there onwards my study began because the Persian sources began from that very time. In 1192 Md. Gauri went back after appointing Aibak in Delhi. The period of Aibak continued upto 1206 and after that the reign of Iltutmish began. The raids of Aibak reached upto Bengal during his reign in Delhi and the whole of Ayodhya was also included in it. Ayodhya was also included in the reign of Qutubuddin Aibak and afterwards it was called Avadh province which was also included in the reign of Aibak. It is true to say that after the battle of Tarain, the chain of victories of Qutubuddin Aibak continued and the above places came under his possession. It is correct to say that Md. Gauri had won victories over the parts of Multan Uch Fort, Ahilwara Tarain, Kannauj, Ajmer, Bayana and Gwalior. It is correct to say that in connection with the above Qutubuddin Aibak had won victories over Delhi and Meerut and he had included these regions in his kingdom. She herself said, that the chain of victories continued. It is correct to say that

the raids of Qutubuddin Aibak continued over Bengal and Avadh but he could not get victorious. I cannot tell about the dates without refreshing my memory as to when Qutubuddin carried out raids on Bengal. Similarly, I can also not tell as to when Qutubuddin Aibak carried out raids on Avadh. It is true that some of the historians are of the opinion that the period of slave dynasty started after 1206. According to historians the population of the Muslims had appeared at some places in India from the 8 century. Without doubt Ayodhya may have been a great city in 1206. It is also correct to say that the population of Ayodhya was limited within 84 koses but I cannot say for certain as to what was the length of one kos. It is true that the Ayodhya city is situated on the banks of the river Saryu. As far as I remember, I have not read in any of the historical sources that Mohammed Tughlaq may have demolished any temple.

Folk songs and proverbs can neither be a serious source of history nor can they be specific. It is correct to say that if the folk songs and popular sayings are corroborated by the contemporary sources then they can become a good basis of history. The contemporary similarity is imperative on the accounts of both the time and space. If the contemporary similarity is available in any literary book then it would be treated as the source of history.

Verified after hearing the statement.

Sd/- (Shirin Musavi)

25-7-2001

It was typed by the Stenographer in the Open Court as dictated by us. In continuation of this be present tomorrow i.e. on 26.7.2001 for further cross examination.

Sd/-

25.7.2001

Date: 26-7-2001

In continuation of dated 25.7.2001 Statement of P.W. 20
Prof. Shirin Musavi begins on Oath:

During my M.A. study, I had taken Economic History as a special subject. Physical remains and Archaeological Evidence of pre historical period are the main source for understanding history. Return Record and Archaeological Evidence are the main sources for historical period. Physical remains include piece of wood, grains, bones, pottery etc. For pre-historical period Archaeology, nothing else is required. For an Archaeologist it is not necessary to have knowledge of Paleography, Epigraphy, and Pneumatics. Paleolithic Age is different for different region and this is the period which is called Stone Age. The term Archaeology means "Study of Physical Remains". I do not agree with the contention that there is only one system of collecting Archaeological evidence. For collecting Archaeological evidence, various types of excavations are undertaken. I have heard the name of Martin Murwiller. It is correct that he commands great respect in the field of Archaeology. I have not heard about any one of his statements wherein it has been said that Archaeology is the main subject for exploring facts. A historian must have knowledge of Archaeology, it depends upon the fact to which period that historian belongs. Archaeological Objects pertain to Ancient period, Pre-Historic period and Medieval period but they do not relate to Modern History. It is not necessary that all the Archaeological remains are found under the earth. Monuments etc. are located above the earth. It is correct that whatever Architectural Inscription are available today they become a source of history for future and object of archaeological importance. For historical knowledge, the poetry, Novels written in that period will be the source of history. But for pre-history it

will not be treated as source. If in any literature something is written about ancient period that will not be acceptable in history. If in any literary piece there is a mention about four-five years back and about the history even prior to that period and it has made mention of that source then that can be accepted. The Delhi Sultanate period is from 1192-1388. This was the period of Delhi Sultans. I do not know if the famous writer had translated Brahm Siddhant and Khand Khatak Sanskrit books into Persian or not. Abu Rehan Alberuni had accompanied Mehmood Ghaznavi and he was a reputed philosopher, scientist and religious scholar. He had written a book. He was a scholar of Arabic and Sanskrit but I do not know as to whether he knew Persian or not. His first known book is about India's Culture and Religion. Books have already been written about the condition of India. I do not agree to the view that he was first person who has written about the condition of India. The name of the book written by Alberuni about the culture and religion of India is Tarikh-e-Hind. That book is in many volumes. So much is written there about the religion of India which is impossible to be defined in two words. On reading that book it does not seem that he was of the opinion that India was mainly a religious country. It would also not be correct to say that he may have written that in India i.e. the Indians may not have faith in religion. I do not remember that it may have been said in this book that the Indians are afraid of religion. It is true that Mehmood Ghaznavi reached Somnath Temple when he had attacked India but I cannot tell whether Alberuni was with him at that time or not or where else he was. I can also not tell about this nor I am certain about this whether 80, 000 Hindus lived near Somnath Temple or not. I do not agree to the view that there was no resistance from these 80,000 Hindus and they worshipped by bending their heads and they were beheaded. Alberuni has nowhere made comments in his

book about Somnath Temple. I have not read any such statement in history that Mehmood Ghaznavi was wonder-struck by seeing the grandeur and beauty of the Somnath Temple. I do not have any knowledge that according to architecture that temple was the best temple of India. I also do not know that a golden chain of 200 mounds was there round Bhagvan. It is true that Mehmood Ghaznavi destroyed the Somnath Temple and looted its wealth. I am not a theologian but a historian so I cannot tell what is the philosophy of Islam. I have not read about Islam so I cannot tell what its philosophy is. I have also not read the Quran. I know what the Quran is. I have read and heard about Quran as to what the Quran is. I have never read any portion of Quran for the knowledge of Urdu language. I have also heard from my parents about the Quran. My mother and my father both of them have not read Quran. I have never seen them performing Namaz. I know what is Ramzan. Ramzan is a month of fasting and rozas are observed in this month. I have never seen my parents observing rozas. I am still with my mother and my father is dead and I am not married. Except for two years I have been in Lucknow from the time of my birth till 1970 and after that I have been visiting Lucknow in between. I have never celebrated Id on my own but I offer sweets and Sivaaiyyan to people who come to see me. The women do not perform the Namaz of Id and I have not seen my father going to perform a Namaz. It is said that Quran was revealed to Prophet by Khuda. As I have heard Zibrail, Amin would bring verbally and would give to the Prophet of Islam. As far as I know from the time Prophet called himself Paigambar (Prophet) till the last period these revelations continued to come to him. I have read in history that these revelations were compiled during the period of the third Khalifa. I have read no book of Hadees. I have also not read any book on the Muslim Law. I have not read any book

on pure Muslim culture but I have read "Influence of Islam on Indian Culture" written by Tara Chand. I have read Ram Charit Manas as a literary work in my class and I have also read its translation later on. I do not remember at the moment whether this book contains any philosophy about the Hindu religion or not. I have neither read nor heard nor I have been told that in Islam any beautiful thing should be broken and the wealth should be looted and it may be right to do so. As per my opinion neither any beautiful monument should be demolished nor the wealth of others should be looted. I do not have any knowledge about this that 'suitable' (Jayaz) is any Islamic word or not. I do not use such words as have religious connotation. According to the present morality, I would call such a person as barbaric and looter who demolishes any monument or indulges in looting activities. Mehmood Ghaznavi did make a little effort to establish an empire in India but he was not successful in this effort. I do not find any such reference in history that Mohammed Tughlaq was a conservative Muslim. It is true that he demolished some of the temples but I would not be able to tell whether it was an excuse or reality that the Hindus had established vice dens there Nizamuddin Aulia was his contemporary. I am not certain as to whether Gayasuddin Tughlaq remained angry with Nizamuddhin Aulia or not. I am also not certain about the fact that when Gayasuddin Tughlaq had gone to conquer Trihut, he had called his son Juna Khan and Nizamuddin Aulia by writing a letter so as to punish them. I am also not certain that Nizamuddin Aulia had said "Hanoj Delhi Durasth" (Delhi is still far away) and Gayasuddin Tughlaq was killed on the way. I am also not certain about the fact that Gayasuddin Tughlaq had imposed tax on the Hindus. I do not agree with view that Babar was a bigot. Babar himself has written that he used to drink. It is true that Babar had asked Sheikh Zain to prepare a royal edict and that was in Persian in

which the battle was called a Jihad. It is true that Babar had administered oath to his soldiers on Quran before fighting the battle as he himself has written but I am not certain as to whether he had asked his soldiers to divorce their wives or not. Lanepool is a popular historian. Lanepool had not written in his book that as a sign of victory in the battle, Babar got beheaded the dead Rajputs and got them piled up. But he has written that Babar had got his enemies beheaded including Afghans and Mewatis. As the Mewatis and Afghans were Muslims so they cannot be called Kafirs (infidels) in common parlance. Volunteer: that Babar had at some places called his Muslim enemies as infidels (Kafirs). The meaning of Kafir as far as I know is the person who does not believe in any divine faith. I do not know if Hindu faith is called a divine faith or not and so I would not be able to tell whether Hindu is a divine faith or not. Babar has been addressed as Ghazi in the Fatehnama of Sheikh Zain.

It is true that Muslim is not any caste. I do not agree with the view that only four groups i.e. Sayyed, Sheikh, Mughal, Pathan are called Musalmans. Ghazi word is used for the person who fights for the cause of Islam. I do not know that all the previous Muslim rulers before Babar had attacked India and whether they wanted to spread Islam or not. It seems from the memoirs of Babar written by him that he had fought the fifth battle in Panipat of India with a view to establishing his rule here. Mir Baki was a resident of Tashkand. It is true that Babar had appointed Mir Baki as commander of Avadh. I am not certain about the subject if this appointment was made prior to the battle of Khanwa or afterwards. I have never been to Faizabad. I have also not read the history of Faizabad. Mir Baki was 'Sunni' and not a 'Shia'. I have got this information from the memoirs of Babar. Babar himself has written his memoirs. This was

written in Chagtai Turkish. This is called the "Babarnama". The fact that Mir Baki was the commander of Babar for Avadh finds mention in Babarnama. Along with this it was also written on the inscription of Babri mosque. It is clearly written on that inscription that Mir Baki is the Asifeh Sani of Babar i.e. he was Asifeh Sani (Commander) of Avadh. At that time the term Suba was not in usage but it was called khitta and it was also called by other names. Similarly Avadh was also a khitta or region. This region i.e. Avadh was a part of the Sultanate during the period of Lodhis. I am not aware as to who was the Commander or Governor of this region during the times of Lodhis. The geographical situation of Avadh of that period is not available in any source. Again said that exact boundary is not found from any contemporary source: Kannauj was not included in Avadh. As Aibak had already died in 1206 so no question arises about his fighting with Raja Hari Raj Chauhan of Chauhan dynasty in 1301. From 1085 to 1100 there was the rule of Rajput dynasty in Kannauj but I would not be able to tell the name of the ruler for certain as to who may have been the ruler. I am also not certain whether there was a rule of Gaharwar dynasty or not in Kannauj. I am not certain that from 1085 to 1100 Chandra Dev the founder of Gaharwar dynasty ruled in Kannauj. I have read in the book of H.C.Ray that from 1114 to 1154 Govind Chand ruled Kannauj. He belonged to the Gaharwar dynasty. I am also not certain about the fact that Kashi, Ayodhya and Indraprastha were included in Kannauj at that time. I would also not be able to tell whether this reign followed Vaishnav religion or not. I am also not certain whether Vijay Chand became the ruler of Kannauj after Govind Chand or not. I have read the name Jai Chand. It is true as I have read that Gaharwar dynasty came to an end after the defeat of Jai Chand in 1225. There are references about Babar going to Ayodhya but this is not so in his memoirs. I have read

these references from other contemporary or near about contemporary sources. Perhaps, I have read about this in the book written by Khwandmir. He is the contemporary of Babar. He belonged to Central Asia and was an officer of Babar. This book of his is in the Persian script. I know Persian. Another near contemporary source is not in my memory now.

Question:- Which book of any historian would be recognized by you in the capacity of a historian?
 (1) A historian writes a book by remaining under the control of an emperor, (2) historian may have written a book by remaining under the regime of the British, (3) Today's historian who has written history on the basis of some other book.

Answer:- I give importance to the contemporary work but I also recognize the book which has been written in the latter years by citing the original sources.

It is true that from the times of Akbar to the starting years of Aurangzeb the practice of getting history written officially was in vogue. Abul Fazal had written Akbarnama the last volume of which was called Ain-e-Akbari and I accept this. Aurangzeb had got history written by Qasim which is known as Alamgirnama. The practice of writing official history came to an end in the tenth regal year. As far as I remember there is no mention of getting a mosque constructed anywhere in the Babarnama. Volunteer that getting mosques constructed was a common practice in those days. I am not certain as to whether or not Babar had got built any mosque at Palam in Delhi. I do not know what are the rules and regulations for getting mosques constructed. The literary meaning of mosque is the place where prayers are offered. As far as my knowledge is concerned, there are no norms prescribed for getting

mosques built. I have read in the books of architecture about building a mosque or about its make up and the Mosques of different sizes were constructed at different places. I have read the books of Ferguson and the Islamic architecture regarding the subject of architecture. It has been told in those books as to what should be the form and shape of mosques but it has not been mentioned as to what their type should be. The pictures of the mosques have also been given in those books. It is true that generally there are domes on mosques. Separate domes at separate places were used to be there. The number of domes which should be there in a mosque has not been told. In some mosques there are minarets but in Sharki architectural style there are no minarets but they are the part of the gateway. Thus has been written by Ferguson in his book. In my opinion there is no other reason except the architectural beauty as to why the minarets are constructed. I am not certain that the minarets were made so that the prayer calls could be made from them so as to enable people at far away places to hear them but this can be so because there were no watches and loudspeakers. I am not aware of the fact that Sunnis and Shias have separate mosques for them. Volunteer: that in Aligarh Muslim University both the Shias and Sunnis perform their Namaz. They have separate times to perform the Namaz. I do not know that there are separate mosques for Sunnis and Shias and so I would not be able to tell as to what was the type of the disputed structure. I have not seen that mosque. I have no knowledge about the fact that there is a Mosque of Shias at the Faizabad Hassan Raza Chowk which is being managed and looked after by the descendants of Mir Baki and it is registered with the Shia Board. It is wrong to say that Mir Baki was not a Sunni but a Shia. He has been mentioned to be a Sunni in the contemporary sources and no officer of Babar was a Shia. There was also not the population of

Shias in Tashkand during those days. I cannot tell as to when Babar came to Ayodhya as there is no mention in the Babarnama of his going there. I cannot tell about the reason of Babar's coming to Ayodhya. Because all of it was his empire, so he could go anywhere. This is my opinion but I cannot tell as to what was the reason. I have not read anywhere that Aurangzeb had got constructed a mosque in Ayodhya. It is wrong to say that of the nine gems in the court of Akbar, Todarmal and Man Singh had paid a visit of the disputed site. There is no such evidence in history. I know Dr. Jadunath Sarkar as a historian. I have read his works. She again said that he had died quite earlier, therefore, I do not know him but I have read his books. He was a good historian but he did not know Persian. He got it read by others i.e. by the Munshis. It is correct to say that the book named "Fall of the Mughal Empire" written by Dr. Jadunath Sarkar is in four volumes. I do not know that another book regarding the Mughal Empire "A Book on Dastnami Bairagi and Sanyasi" has been written or not. It is true to say that Sant Kabirdas was the disciple of Ramanand. I do not know whether Ramanand was the founder of Bairagi Sect or not. As per my knowledge the Mughal Empire had begun to be shaken from 1707 and after this there emerged the successor Estate. It is true that the Mughal Emperor Ahmed Shah Abdali ascended to the throne of Delhi in 1798. I would not be able to tell it correctly that there were two groups during the period of Ahmed Shah. One of them was that of Iranis and the other one was that of Turanis. It is not correct to say that Ahmed Shah Abdali appointed Safdarjung as the Governor of Avadh after the groupism and fighting between Iranis and Turanis but the truth is that both the Iranis and Turanis were together in the battle between Ahmed Shah and the Mughals. During this battle Sadat Khan was killed and after this Safdarjung became the Governor of Avadh and Ahmed

Shah recognized him. It is true that Ahmed shah Abdali attacked India in 1748 and it is also true that at that time Mughal Emperor Ahmed Shah was on the throne. I do not agree with the view that in the very battle of 1748 Safdarjung took part against Ahmed Shah Abdali by siding with Ahmed Shah and he came out victorious in the battle. I also do not agree with the fact that after this victory Mughal Emperor appointed Safdarjung as Governor of Avadh. It is correct to say that Safdarjung has been a Governor of Avadh. I do not know for certain that in 1750 the Turani defeated Javed and Bangez Afghan in Farukhabad. Again she said that she did not know about this fully. I am unaware of the fact that Safdarjung appointed Hindu Naval Rai as his Deputy Governor after the battle of 1750. It is wrong to say that after the death of Naval Rai there was a revolt against Safdarjung and Hindu Rajas emerged at separate places. I do not know that after this the Hindu Kings became the Kings in this manner - Singh Chandel of Dahchendi, Roop Singh Kicchar of Asthore, Balwant Singh of Varanasi and Prithvipat of Pratapgarh respectively. I also do not know that all the above kings offered there support to Bangaz Nawabs in consequence of which the Nawabs of Avadh remained confined to Allahabad. I am not aware that at that time so many temples came into being in the region of Avadh. It would be wrong to say from the historical point of view that Safdarjung became weak after entering into treaty with the Bangaz Nawab and the four Kings. Volunteer: that this is in accurate from the historical point of view. It is correct to some extent that Safdarjung asked for the help of the Nagas, Sanayasis and Gosains at that time. I do not know that the armies of the Nagas and Gosains had become ready at that time who used to fight with arrows, swords, spears and hands. I do not know whether Ramanand was the most respected person amongst the Bairagis or not. I do not know at all about the

fact whether Ramanand Bairagis had fought against the Muslims at Hanuman Garhi and at the disputed site.

It is not correct to say that the province of Avadh was established in 1750 but this province was established in 1580. There were five Governments in Avadh in 1580- Avadh, Faizabad, Lucknow, Bahraich and Gorakhpur in Avadh in the year 1580. Allahabad was not included in Avadh but it was a separate State. I cannot say with certainty whether Sujauddaula became the Nawab of Avadh in 1756 or not. I guess Sujauddaula was a believer of Shia sect. I cannot tell that in 1756 Sujauddaula invited the Marathas to fight against the Afghans. It is true that during the period of Sujauddaula the Maratha King Balaji Baji Rao was the Peshwa. I do not know whether Jadunath Rao was the army chief of the Baji Rao Peshwa. Neither I know about this nor I have read that the Commander of this Maratha Army Jadunath Rao offered to help Sujauddaula on the condition that the temple of Ayodhya and the whole of that region should be handed over to him. I have nowhere read to the effect that Sujauddaula had agreed to this condition. I do not agree with the suggestion that in 1759 the Marathas fought the battle of Panipat and were defeated. Then again said that as far as she could remember that battle was fought in 1761. I do not agree with the fact written in the book of Jadunath Sarkar that the battle of Panipat fought by the Marathas took place on 23 February, 1759 but it seems that this date has wrongly been printed in this book of his. After 1722 some portion of Allahabd was included in the successor Estate of Avadh. I am not aware of the fact that the Commander of the Maratha Army Dattaji Sindhia reminded Mansoor Ali, son of Sujauddaula that a treaty had been effected to give the three regions of Avadh-Ayodhya, Kashi and Prayag to Marathas. It is correct to say that once Faizabad had been

the capital of the Avadh province. It is wrong to say that Sadat Khan Bahadur made Faizabad the capital of Avadh in 1722 but the correct thing is that he went to Avadh in 1720. Sadat Khan joined one of the five Governments of Avadh in 1720 i.e. joined Avadh Government. Ayodhya and its surroundings areas are included in Avadh government. Faizabad City was not in existence when Sadat Khan became the Nawab of the Avadh Government. Faizabad came into existence later on. I do not know as to when it was established and what its distance from Ayodhya was. It is correct to say that Sadat Khan laid the foundation of the Faizabad City. As far as I remember, Faizabad remained the capital of Avadh from afterwards Sadat Khan and upto the reign of Asafuddaula. I do not recollect if Asafuddaula became a Minister in 1775 or not. I cannot tell as to who became the Nawabs in between the period of Sujauddaula and Asafuddaula. But there were Nawabs in between the period of Sujauddaula and Asafuddaula. I do not know that Sujauddaula was the father of Asafuddaula because I have not read the history of Avadh. I do not know about this at all that a large number of constructions took place in Faizabad including the tombs during the tenure of Sujauddaula. I am not in the know that Asafuddaula was a very liberal Nawab who gave recognition to Hindu Saints etc. and donated much of land to them. I do not know whether a saying was in vogue in Faizabad or not that "a person who is not given anything by Maula is given by Asafuddaula". I am not in the know that during the period of Asafuddaula's Nawabi Ayodhya was thought to be a very sensitive place where a large number of people used to come. I do not know whether or not getting the fictitious graves made had begun from the times of Aurangzeb in Ayodhya. I do not know at all about the fact that one grave less was found in Ayodhya than that of the graves found in Mecca and as a result of this Ayodhya began to be called

as a tiny Mecca. Volunteer that this is a news for us that there are graves in Mecca.

I have not read in Ram Charit Manas that Ayodhya is a major religious centre of Hindus and there are thousands of temples there. Again said that Ayodhya is a place of pilgrimage but it has not been written that it is a major centre. It is correct to say Ayodhya has been called as Saket and Kaushal in the Manas. It is true that the places referred to in the Manas include Lanka, Rameshwaram, Panchvati, Prayag and Saryu river and they have also been mentioned at other places but I am not aware as to where this place is situated. I do not know that prior to Manas in the earlier literary and historical books Ayodhya has been shown to be on the north bank of the Saryu i.e. Saryu has been shown to flow in the north of Ayodhya. I do not know as to why Tulsidas gave the title of Tirthraj (a great pilgrimage centre) to Prayag in the Manas. It is true that there is a confluence of the Ganga and the Yamuna in Prayagraj which is correct from both historical and geographical points of view. As far as I remember there is a mention of Yamuna and not the Ganga river in the Rigveda and so I cannot tell whether or not there is a mention of the Ganga river from the very beginning. I do not know whether Lanka situated at present according to Indian view is the same Lanka which is mentioned in the Manas or not. I have read in the Manas that Ram Chandra had gone to Lanka via Rameshwaram but I have not read in the Manas whether Rameshwaram is in the south or not. I have read in the Manas that an army of monkeys had accompanied Bhagwan Ram from Rameshwaram to Lanka by making a bridge. The Ram Charit Manas written by Tulsidas is an epic. It is true that life activities of Ram Chandra Ji have been described in the Manas. I have not read the Valmiki Ramayana. Any writer describing the activities of an

eminent person in poetry or in an epic describes any great event taking place in the pre-post period in the life of that great person in the future. If there would have been anything in the mind of Tulsidas Ji about the activities of Ram Chandra and anything regarding the temple being demolished in connection with this then he would have certainly made a mention of this in the future. It is correct to say that it is not relevant to make a mention of the temple in the plot of Ram Chandra Ji. Another book written by Tulsidas for his own satisfaction due to his being a devotee does not find any mention of the temple. But he would certainly have made mention about such a major event had a Ramjanam temple been destroyed. I do not know whether or not. Tulsidas wrote Ram Charit Manas in Chitrakoot. As far as I know Ram Charit Manas was written in Banaras. I do not know whether Chitrakoot is situated in Banda or not. It is wrong to say that Banda was not included in Chitrakoot during the Mughal empire.

It is not correct to say that Emperor Akbar may have exiled Abdul Rahim Khan Khana and he may have lived with Tulsidas in Chitrakoot.

My statement given above that there were Muslim officers in Ayodhya in 1206 is based on the main source of the book Tabkatenasari written by Minhas Siraj. Except this there is no other source in my mind. Iltutmish was ruling Delhi in 1206. There occurred a rebellion in Bengal during the rule of Iltutmish in 1206 and this was suppressed. I do not know as to who had revolted in Bengal. No Governments were formed in Ayodhya in 1206. This region was known by the name of Qila Ayodhya. Kiyamaj Roomi was the representative of the Delhi Sultanate. He lived in Ayodhya. The present day Ayodhya was the Ayodhya in those days too.

I do not know whether Gautam Buddha, the founder of Buddhism has come to Ayodhya or not.

I have not heard the name of the great poet Ashwa Ghosh. I have not read whether his place was in Ayodhya or not. I have not read the Buddhist literature.

I do not know at all whether the religious leaders of Jams, Rishabhdev had ever come to Ayodhya or not. I have not read anywhere whether or not the Gurus of the Sikhs Guru Nanak and Tegh Bahadur had come to Brahamkund built on the western side of Ayodhya. As far as I know there have never been any Imam and Khalifas in India. So the question of their going to Ayodhya does not arise. Neither any of the Imams and Khalifas belonging to other countries did ever come to Ayodhya. I have no knowledge of the fact whether any historian had come to Ayodhya or not during the reign of Akbar to Aurangzeb.

I have not ever heard that Lucknow is also called Laxmanpuri or not. I have heard that there is Laxman Tila (Mound) some where in Lucknow but I am unaware as to where this place is. I have neither read anywhere nor I have heard that Laxman Tila dates many centuries back to the year of Christ. I do not know that remains of the civilization have been found from there. It does not come to my mind that there is any reference in the Mar whether the elder son of Laxman, Chandra Ketu had come to the banks of Gomti river with his Ashvamedha Yagya or not. I am also not in the know whether there is any Mandava Ashram on the banks of Gomti or not.

My first book is the re-edition of my thesis which was written by me under the supervision of my guide. But the

second book has been written by myself and I have not written it under the supervision of anybody. It is wrong to say that my articles and my taking part in seminars abroad have been obtained privately. But the truth is that all my articles and my participation in conferences is my personal achievements.

Verified after hearing the statement.

Sd/-

(Shirin Musavi)

26.7.2001

(The cross examination by Shri Ranjit Lal the Advocate on behalf of Nirmohi Akhara, Defendant No. 3 concluded).

Sd/-

(Shirin Musavi)

26.7.2001

Typed by the Stenographer in the Open Court on our dictation. Be present on 27.7.01 for further cross examination.

Sd/-

26.7.2001

Date: 27.7.01 (In continuation of the deposition dated 26.7.2001 the statement of Prof Shirin Musavi, P.W. 20 begins on Oath).

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

xxx xxx xxx xxx

By statistically I mean as to what was the economy on the basis of the availability of numerical data of the Mughal period. By economy I mean as to what was the agricultural and non-agricultural production during those days and what its distribution and how its consumption was. My research was from period of Akbar to 1707. According to some historians the classical Mughal period is considered to be from 1526 to 1707 and some are of the view that the period was upto 1720 and still some others consider it upto 1748. The title of my book is "Economy of Mughal Empire, a Statistical Study 1595-96". It is wrong to say that the title of my book is misleading or illusory. It is true that I had not added the periods with the title of my book in my brief as I was not asked for this.

As I have not read the Islamic history so I would not be able to tell as to what the period of the second Caliph was. For this very reason I would not be able to tell as to what the period of the first Caliph was. I would also not be able to tell as to when the Bafaat of Paigambar Huzoor Sahab took place. I also do not know as to whether the Quran was compiled during the period of the third Caliph on his orders or whether he himself had compiled it.

Question: - Do you believe in the historicity of the Quran Sharief or not?

Answer:- I would be able to answer this question only when I am told as to what is meant by historicity. During studying history and while teaching I have read and taught the word historicity.

Question:-But are you unable to tell the meaning of historicity as has been asked by me?

Answer:- As soon as I said that historicity means content you interrupted me (Because in historicity content and existence both are included).

(The statement of the witness that she was interrupted after the word historicity is wrong) i.e. it is wrong that the Cross Examiner had interrupted). (At this stage Shri Jilani, Advocate raised an objection that the Cross Examiner Advocate had interrupted is correct and it seemed that the Court had not heard it).

(The objection raised by Shri Jilani is baseless and without any basis).

Question: Do you believe in the historicity of the Quran's existence?

Answer:- I believe in the historicity of Quran's existence.

(At this stage the Advocate of the Plaintiff Shri Jilani raised an objection that before asking the question my objection should have been decided under Section 151 and 152 under the Evidence Act and after over-ruling my objection the answer should have been written.

(As the question of the Defendant's Advocate was not scandalous so the statement of the witness was written before hand).

Question:- Do you believe in the historicity of Quran Sharief's contents?

(At this question Shri Jilani raised this objection that this question is irrelevant has been asked to enrage the Muslims). According to Court's view this objection is baseless.

Answer:- I do not want to make any comment on the historicity or about the historicity of contents of any Divine Book.

Question:- Do you not believe in Ram Charit Manas being a Holy Book of the Hindus?

Answer:- I consider it to be an epic. Again said that it is a holy book of Hindus but not the revelation by God. I do not consider the Vedas as the Divine Book because I do not know whether anybody has considered it a Divine Book or not.

Question:- Do you consider Geeta also not to be a Divine Book?

Answer:- Any book claimed to be Divine one by the followers or any religion is not disagreed upon by me and so I consider Geeta to be a Divine Book.

I believe in the existence of both Geeta and Manas (Ram Charit Manas) (Volunteer: that she did not know the date of the Geeta). Geeta continues the discourses by Shri Krishna which he delivered to Arjuna. I do not know if the Hindus consider Krishna to be the incarnation of Vishnu or not. As far as I remember there are the details of the life of Ram Chandra Ji in Ram Charit Manas. I have read in the books that Hindus consider Ram to be the incarnation of Vishnu.

I know the literal meaning of Nazil. This word has been derived from the word Nuzul. It is correct that its meaning is coming down from above. It is not correct to say that if it is translated into English then it would be called to descent. I am not able to recollect at the moment as to what the appropriate word about Nazil in English is i.e. it does not come to my mind. I have read Hindi upto Inter level. It is correct to say that the literal meaning of incarnated is coming down from above. It is true that I have not read the Muslim theology at all. I heard for the first time the word Hindu theology. I do not know the meaning of the word 'theo'. Logy means Science. I do not know whether the science word is called Shastra in Hindi or not but it is called Vigyan. Sociology is called as Samaj Vigyan in Hindi. I do not know the Hindi equivalent of anthropology. I have heard about the word mythology. I also do not know its Hindi translation. I have heard the word archaeology. Archaeo means to be very old. It is true that it is called as puratattva. Tattva means remain and not facts. I call the Hindi translation of archaeology as the knowledge of antiquity. Logy is a Greek word but I am unaware of its etymology. I do not know as to what the English equivalent of Shastra is. I have read about the word Dharmashastra. I have also heard about the word Dharma Grantha. Dharmasutra has also been heard by me. As I read and teach in English so there never arose the necessity to differentiate between these words. I know the study and reading English words. I cannot tell as to how the study and reading words could be differentiated. (Volunteer: that study includes comprehension also but reading is confined only upto reading. There is a difference in reading and casual reading. In reading the reading is carried out word by word but in casual reading at random reading is done. There is a difference in reading and reading in parts. It

would be called reading if anything is read in totality and if only some portions of it are read then it would be called reading in parts. If any person gives a statement after reading any book in parts i.e. by reading relevant portions then I would call it as an authoritative expert opinion. It is not correct to say that if any person reads a book in parts then it does not depend on his inclination to say that this is relevant or not. (Volunteer: that the relevancy is not decided by the reader only).

Question: - Does such an expert ask of others as to what portion in this is relevant or not and then he reads?

Answer: - No, he does not ask.

The reader does not ask about this but there are index contents and summary in the book which is consulted by the reader and then he decides. It is true that I call such a person as an expert of that subject.

Babar was both a Turk and a Mughal. Volunteer: that he was a Mughal from mother's side and a Turk from that of the father. It would be somewhat correct to say that Babar was a Chagtai Turk from the mother's side. His mother belonged to Changhez Khan dynasty which was not Chagtai but Mongol. It would be difficult to reply affirmatively or negatively whether the Mughals were the Mongols or not. It is true that the forefathers of Babar wrote themselves as Sheikhs and Mirajs. I do not know whether or not the forefather of Babar was Taimur Baig or not but was a Taimur. (Volunteer: that she did not know whether he wrote Baig or not).

I have read the Babarnama specially its second part. There are five versions of Babarnama which are in different languages and translations. I have read in the book written by Istory as to where the original manuscripts of Babarnama are available from. I have not read the original Babarnama myself as it is in Chagtai and Turkish

languages but I have read its edited texts in Urdu, Turkish and Persian translations. I have consulted the Hyderabad Kodiks but not read it because it is in Turkish. It is available in Salarjung Museum which is situated in Hyderabad. I accept as authority the English translations of Babarnama of Mrs. A.S. Brevrage and Mano and the Persian translation of Abdul Rahim Khan Khana. I agree with the fact that the initial life of Babar was surrounded by difficulties. It is true that after the death of his father he had to occupy the throne at the little age of 12 years. It is true that Fargana was a "small principality" at that time. It is true that he had to fight with Uzbeks, Chagtais and Mongols.

Question:- Whether it would be correct or wrong to say that Babar had to fight with only the Mughals?

Answer:- I have already replied to this question that the differentiation of Mughals and Mongols cannot be done in yes or no.

I do not consider Mughals and Mongols to be synonyms. It is true that I consider Mughals and Mongol in separate forms. It is true that Babar has complained a lot against the Mughals in the diary written by him as has been mentioned by A.S. Brevrage in her translation. According to Mrs Brevrage who has translated the Babarnama, Babar has mentioned Mughals to be very bad. Babar himself had not given any name to Babarnama. It is true that it is in the form of a diary which was later on called as Tujke Babari and as Babarnama It is also true that some times it has also been addressed as the memoirs of Babar. It is also true that nowhere in any translation of Babarnama, Babar may have called himself as a Mughal. I have read fully the second edition of Babarnama which relates to Hindustan. I do not know as to whether Babar was a habituated drunkard or not but he did take wine. Volunteer: that she

could not differentiate between the habit of drinking and drinking. I do not know whether he was fond of cannabis also or not but he did take opium as he himself has written. It is true that at one stage Babar has declared himself as an emperor. I do not remember at this point of time as to at what stage he had declared himself as an emperor. It is true that Babar has mentioned in his diary about his fighting with Rana Sanga at Khanwa. I do not remember exactly that after winning the battle Babar had written to the effect that "I had thought that I would become a martyr in this battle but by the grace of Allah I have become a Ghazi". It is correct to say that he may not have ever said in these words. Fatehnama was got written by Babar through Sheikh Zain and he has addressed him in it as a Ghazi. (At this stage the Cross Examining Advocate drew the attention of the witness towards Page 575 of 1997 edition of Babarnama "Memoirs of Babar" two volumes and bound into one (translated by A.S. Brevrage) reading which the witness said that it is thus written in it:

"Below the titles (tughra) entered on the Fath-nama I wrote the following quatrain:

For Islam's sake, I wandered in the wilds, Prepared for war
with Pagans and Hindus, Resolved myself to meet the
martyr's death. Thanks be to God! a ghazi I became."

A person who indulges in Jihad for Islam is called a Ghazi. It is true that a person who dies in a crusade is called a martyr.

Verified after hearing the statement.

Sd/- (Shirin Musavi)

Typed by the Stenographer in the Open Court as dictated by us. Be present for further cross examination on 20.8.2001.

Sd/-

Date: 20.8.2001 (In continuation of 27.7.2001 the Statement of P.W.-20, Prof. Shirin Musavi begins on Oath);

In my above statement on page 46 the meaning of the word Nazi! was written in English as descent Volunteer: that one translation in English of the word Naazil is descend, its second-third translation depends on the context it is being said. The Vedas descended on the Rishis and if it is translated in Persian then it would be said to be Naazil.

Question: Do you believe in the historicity of oral communication or not?

Answer:- Oral communication depends on time, space and the veracity of the communicator.

I have read Sanskrit upto High School as part of the subject of Hindi. It is true that Sanskrit word Shruti means hearing (Sunana) in Hindi. The word Smriti means to memorize or commit to memory something. It is also true that it is generally in oral communication. I have read about Smriti and Shruti in the ancient history course.

Question:- Do you believe in the historicity of Shruti and Smriti or not?

Answer:- History is a science and there is no question of belief in it but the historian checks everything and he believes it to be correct, if it is corroborated by some thing else otherwise, he rejects it. Volunteer: that if any other historian finds corroboration then he believes it to be true. It is known to me that the Hindus believe that the Vedas descended on the Rishis i.e. it is a Godly knowledge and descended on them. It is true that the Vedas, Shrutis and Smritis are a part of

literature. It is true that whatever was heard by the disciples of Rishis from them was memorized by them and the same became the Shrutis and Smritis. I do not want to make a comment whether the Vedas, Shrutis and the Smritis are divine or not.

It is true that the equivalent of Barbarian in Hindi is Barbarta.

Question:- Was the Barbarianism in Babar a continuous process beginning in the times of his forefathers or not?

Answer:- Neither I consider Babar to be a Barbarian nor all of his ancestors were Barbarians according to history.

It is true that prior to the battle of Khanwa Babar had fought with Ibrahim Lodhi in Panipat. It is true that prior to Ibrahim Lodhi Babar continued fighting in Kabul, Samarkand and Fargana where he fought with the Muslims. It is true that after the battle of Khanwa he had called himself as Ghazi (crusader) but I am not certain about the fact whether he had called himself as Ghazi before that or not. It is true that the predecessors of Babar used to make a mountain of skulls of the people who were defeated in the battles by them. But this was not done only by the predecessors of Babar but others also had done like that. It is true that Babar also had made mountain of skulls. He made mountains of the heads of the defeated army men. From the present day view point it was a barbarous act but according to that time i.e. in medieval period it was part of a celebration and was not considered to be barbaric. I cannot say whether it was a fashion of the day or not but it was a common practice of rulers.

Question:- Was such a practice prevalent in the Hindu Kings at that time that the victorious King would give a shape of a mountain after collecting the severed heads of the defeated soldiers?

Answer:- I have not read about such a great victory of any Hindu King in history in which he may have killed so many of his enemies out of which he could make anything or a mountain.

But I have read that after being victorious in small battles Hindu Kings hanged the heads of their enemies on the city gates and trees.

It is true that Babar has not called himself Mughal but no Mughal emperor has called himself Mughal upto the period of Bahadur Shah Zafar. Babar did not even use the word Mughal nor did he ever condemn Mughals.

(At this stage the Learned Cross Examining Advocate drew the attention of the witness towards the sixth line from above on Page 140 (1997 edition) of Babarnama translated by Brevrage seeing which the witness said that:

“This is always the way with those ill-omened Mughuls! If they win, they grab at booty; if they loose, they unhorse and pilfer their own side!

is written in it but the reading of Mughal by Mrs. Beverage is wrong. She herself edited the Hyderabad Codex and it was printed in 1905. Manu's edition which is based both on Bukhara and Hyderabad, Thampson which is mainly based on Bukhara version and is based on many other manuscripts and is corroborated, contain the word Mughol and not Mughal. Babar called those people as

Mughols who considered Alankua as their ancestry but spoke the Mongol language and not the Turkish language. Many of them were in his army and he also praises them.

(At this stage the Cross Examining Advocate drew the attention of the witness towards the sixth line from below on Page 140 of this very book:

“By thus passing to the north bank of the river, we were free of our foes, but at once Mughal wretches were the captors and pillagers of one after another of my friends. Ibrahim Tarkhan and some others, excellent braves all, were unhorsed and killed by Mughals. We moved along the north bank of the Kohik-river.

The following things have been written but its reply is the same as I have given above.

Question:- Was Babar a Mughal in your opinion or not?
That is do you consider him to be a Mughal or not?

Answer:- As far as the usage of the word Mughal in the 16th century is concerned, it meant the people who spoke the Mongol language. According to this meaning Babar was not a Mughal. But in India he was called as Mughal by all the people and therefore, I consider Babar to be the founder King of the Mughal dynasty in Hindustan (India). It is true that Babar's name was Mirza Zahiruddin. His son's name was Nasiruddin. It is also true that the name of his elder grandson was Jalaluddin. The name of Babar's father was Mirza Umar Sheikh. It is true that later on Babar began to be known by his full name of Mirza

Zahiruddin Babar. Similarly, Nasiruddin began to be known as Humayun and Jalaluddin began to be known by the name of Akbar. I differentiate between Mirza, Sheikh and Khan i.e. there is difference in all the three. Baig word is common and it contains both the Mirza and Baig names. Earlier Mirza and Khan were not used together in a name but afterwards it became common. It is true that Mirza Umar Sheikh was also an ancestor of Babar i.e. he was Babar's father and Changez Khan was his ancestor and Taimur Baig was also his predecessor. The word Shah appended to the name of Miran Shah denoted the title of his being an emperor. It is true that Fargana was a principality. At that time the word emperor was not used in Central Asia. Therefore, in Fargana the ruler was not called as emperor.

Question. Miran Shah used the word Shah by adding it to his name as a title of his and you have just now told that the rulers of Fargana did not use the title of an emperor by adding it to their names? So may it be understood that Miran Shah used the word Shah - to his name just for having a fondness for it?

Answer:- The rulers of Central Asia did not normally use the word Shah. It may be a part of a name of a few which is not derived from Badshah but from Pasha. But there could be some exceptions to it or some one used the word Shah as a surname by getting influenced by Iran.

It is true that after getting victory in the battle of Kabul Babar had addressed himself as Patshah. Then again said

that he addressed himself by both, Patshah and Badshah. But it would have to be seen as to at what place he has called himself as Patshah and at what place as Badshah. But there is no difference between Patshah and Badshah.

It is true that there were some nobles with Babar when he came to Hindustan to whom he addressed as Vazeer (Minister) also. I would not be able to tell as to how many Vazeers were there with Babar when he came to Hindustan because it is a vague term and the same persons were sometimes called as Vazeers and sometimes not. It is true that in books some peoples' name have been shown with the title of Vazeers and sometimes not. Asif word is used for Minister but it is not used exactly for Vazeer. (Volunteer: that Asif was a legendary Administrator and, therefore, the Asif word was used for any administrator. It is true that the word Saani means the other. It is right that on the inscription on the disputed structure one title Asife Saani was written for Mir Baki which was read by Banerjee as Isfahaani. Perhaps Banerjee wrote this in his book "Babar's Religion".

The word Asif is used both as Asaf and Asif i.e. it is thus pronounced. Both the words Asif and Asaf are right pronunciation. It is not as if the correct word is Asaf and there is no word Asif. It is not known to me as to what is the meaning of Asif but herself said that a person named Asif was a good ruler. I do not know that the word Asaf has been used in Sura-27 —Ayat-40 of Quran Sharief. I have never seen the dictionary of Islam.

(At this stage the Learned Cross Examining Advocate drew the attention of the witness towards "Dictionary of Islam" prepared by Thomas Patrick Huges. Its first edition was brought out in 1885 and the 1995 edition is presented

before the witness. The meaning of the word Asaf has been given at its page 23. Do you agree to this? After seeing this the witness said that she agree with the meaning given in it. Then herself said that she did not fully agree to this because Prime Minister and Vazeer have been mentioned in it which were not there during the times of Solomon i.e. there was no concept of Prime Minister and Vazeer. (Its true certified photo copy was filed by the Advocate which was assigned Paper No. 196-C-2). I cannot tell about the translation of Quran given in the next portion of this. Neither do I know Arabic nor have I read the Quran.

Babar was a Muslim as I have read in the Babarnama about his religion. He was a Sunni Musalman. Dr. Banerjee has also called Babar as a Sunni Musalman in his book "Babar's Religion". I do not consider Dr. Banerjee as a renowned historian but as an established historian. I have heard the name of Mr.R. Nath Sahab but I do not know if he is a professor somewhere or not. I have heard that R. Nath Sahab was a teacher of history. I am not aware that he retired from the Rajasthan University as the Head of the Department of History and Culture and as a Professor. I have read his book "Mughal Architecture". I have not read the book "India as seen by Babar (1504-1530 AD)" written by him nor I have heard about it. In my opinion he does not come in the category of established and renowned historians. I have heard the name of K.A.Nizami Sahab. Volunteer: that he was her Head of Department. It is true that he has written the foreword of a book named "Babar by Dr. Radhey Shyam". It is true that he was the Head of History Department in Allahabad University. I do have seen this book but have not read it attentively. In my opinion he does come neither in the category of renowned historians nor in that of the established historians. Prof. Khaliq Ahmed Nizami, who has written the foreword of this book was both

a renowned and established historian. Prof Irfan Habib Sahab has also been the Professor as well as the Head of the Department of History in the Aligarh Muslim University. I also know Prof Athar Ali. He was a Professor. It is true that both of them were renowned as also established i.e. Athar Ali Sahab was and Irfan Habib Sahab is.

I know Prof. Romilla Thapar and Prof. Subira Jaiswal Sahiba. I also do know Prof Surajbhan. He was an archaeologist. Prof. Romilla Thapar is an established and internationally renowned historian. Prof. Subira Jaiswal is an established historian and not a renowned historian. Prof. Surajbhan is not a renowned archaeologist but he is an established archaeologist. I know Prof. Nurul Hassan. He was my Head of Department. He was also an established historian. Then again said that he was a sound established historian but not a renowned one. In my opinion a renowned historian is that person who is known by all the historians and who have heard about his books and works. An established historian is that person who is considered to be a serious historian by the persons of his field who refer to his works. My field is the Economic History of Medieval India. I generally teach European History and Modern Indian History in university. Besides, I teach historiography. When I was teaching in Karamat Hussain Girls' College then I got the appointment as Research Assistant in the Aligarh Muslim University and after this I became a Lecturer. Research Assistant's post is in the History Department. It is true that before joining Aligarh Muslim University I had not studied history formally. It is true that after doing M.Sc in Mathematics, I got appointment in the Karamat Girls' College and after this I got appointment for doing research in History Department in Aligarh Muslim University. Then herself said that she got the appointment against the post of lecturer statistics. At that time Prof.

Nurul Hassan Sahab was the head of Department. My appointment was on ad-hoc basis. After that a local Section Committee was consulted and Prof. Nurul Hassan Sahab was the aged member. After this he went away after becoming a Minister. Consequently a Regular Selection Committee had its meeting held and I became permanent and in that Selection Committee Nurul Hassan Sahab was not present. Prof. Irfan Habib took part in that Permanent Selection Committee as Head of Department. I cannot tell that I was the favourite of Prof. Nurul Hussan and Irfan Habib Sahab as I had a bright educational career. Volunteer: that she had been passing in good second Division from High School upto M.Sc. examination.

Akbars's period begins from 1556. Volunteer: - My thesis was on the whole of the Mughal empire, but the book is on Akbar's period only. My thesis written about production, distribution and consumption, relates to the agrarian and non-agrarian economy.

I have included all those things in the non-agrarian which are not directly related to agrarian. It is true that in my study I have also worked on this topic also as to what expenditure was incurred on which head i.e. what was spent on army etc. I have made a mention in my book about the fact as to what part of expenditure of the income was incurred on the army by Akbar. I have also shown as to what portion of his income was spent by Akbar on the religious grants. I had also carried out the research as to what income was there from the crops at that time i.e. what income was generated from all the crops. It is true that different crops were grown in different parts such as Punjab and Doab produced wheat and Bengal as well as Bihar produced Rice. I have concluded in my statistics that at some places Muslims were getting more religious grants in

comparison to Hindus and Jams but my this statistics is incomplete. Abul Fazal has called Brahmins Junnardars in his book. Junnardar means one who wears the sacred thread. I do not know whether the Kshatriyas put on the sacred thread or not in those days. In my studies also I did not find out as to whether the Kshatriyas used to have the sacred thread or not. I am unable to remember that I have read anywhere whether the Kshatriyas had the sacred thread or not on their bodies.

In my opinion Babar was not a bigot. By bigot I mean to be totally intolerant. There was no concept of stamp in Babar's time, therefore, there is no question of collecting the stamp duty only from the Hindus. It is totally wrong to say that during the days of Babar the tax was collected only from the Hindus and not from the Muslims. I have heard the name of the Badauni historian and I know his name. His name was Abdul Kadir Badauni. I have read the two books Muntakhbuttawarikh and Nazate Rashid written by him. I have read the Akbarnama written by Abul Fazal and the Akbarnama written by Faizi Sarhindi. It is wrong to say that it maybe written in the Akbarnama and Muntakhbuttawarikh that Babar had exempted all the taxes for the Muslims and there was only one tax called Tamgha. It was announced by him to exempt this tax after the battle of Khanwa. Abul Fazal has also titled his book as Akbarnama. The book written by Faizi Sarhindi is titled Akabarnama. The Akbarnama of Abul Fazal was written during the life of Akbar. It is true that Abul Fazal was given the official written order by Akbar in 1586 that an official history of the Mughal empire in the whole of India should be written. It is true that he has used Babarnama in his sources. I do not find any reference in history that some temple may have been destroyed and a Mosque constructed at that place during the rule of Babar. Sheikh Zain was the same person

who wrote Babar's encomium or not, has not been read by me anywhere i.e. I have not read any encomium written by him. Volunteer: that he had drafted two royal commands in Persian on behalf of Babar. In addition to this he had another book on Babar whose title I do not recollect at the moment. The Fatehnama written by Sheik Zain after the victory of Khanwa was a firman (royal command) of Babar.

Heard and verified the statement.

Sd/-

(Shirin Musavi)

20.8.2001

Typed by the Stenographer in the Open Court on our dictation. In continuation of this be present on 21.8.2001 for further cross examination.

Sd/-

20.8.2001

Date: 21.8.2001

In continuation of 20.8.2001 the statement of P.W.-20 Prof. Shirin Musavi begins on Oath: -

It is correct to say that Alberuni was the contemporary of Mehmood Ghaznavi. It is also true that Alberuni has also written a book whose name is Tarikhe Hind. In this book Alberuni has described in detail about the culture and civilization of India. The activities of Mehmood Ghaznavi have also been described in this book, not in detail, but in brief. It is correct to say that Alberuni has not described directly the fact of Somnath temple being destroyed by Mehmood Ghaznavi in this book of his but he has said indirectly that there arose aversion against the Muslims by the activities of Mehmood Ghaznavi. I have made the statement at page 25 above that "It is correct that Mehmood Ghaznavi destroyed the Sonmath Temple and looted the wealth". I have made this statement on the basis of the facts mentioned in the book "Tarikhe Subaktegin" written by Behki. The full name of Behki was Abul Fazal Behki. Abul Fazal Behki was the contemporary of Mehmood Ghaznavi and he wrote the above book in near about 1050 AD. This book was written in Persian. Abdul Fazal Behki cannot be said to be an established and renowned historian in Indian history i.e. by the modern criterion he cannot be said to be so but he was a very dependable source of history. If any historian or litterateur does not describe any particular event in his works and later on it does find mention, then the authenticity of his historicity cannot be doubted if that particular event is not related to the topic of the work.

The names of the historians told by me on being asked to do so, out of them Shri Irfan Habib, Subira, Jaiswal, Suraj Bhan are the Marxist historians whereas Shri

Athar Ali was an anti-Marxist historian. Ms. Romilla Thapar has been a liberal historian i.e. she is not Marxist. Marxist historians are called those historians who believe in economic approach with theory of exploitation and class struggle. In my opinion such historians accept the principle of dialectic historicism instead of following or accepting dialectic materialism. I cannot tell as to what category of historians, I belong to because I do not believe in self perception. I cannot express my opinion as to what category of historians I am treated or known to belong to by all the historians of India. Personally I use the dialectic historicism but along with this I also use the historical methodology.

I do not know whether or not the followers of Marxist dialectic historicism believe in Bhagwan (God) or Khuda. I cannot tell whether the Marxist historians believe in God or not.

Question:- Is it correct or wrong to say that the above mentioned historians of Marxist philosophy and you yourself are biased against Bhagwan Ram and with this bias in mind you have written these books?

Answer:- Firstly it, itself is wrong that I or all the above historians may have written any book on Bhagwan Ram. And the people who have written books relating to Bhagwan Ram, have written their books due to their being unbiased historians because they are objective historians.

It is true that the legend of the destruction of Ram Temple i.e. the destruction of Ram Janam Bhoomi Temple began from the time of Triphen Thaller. By legend I mean that which does not have any hard historical evidence but it

has become legend just for the sake of it. It is true to some extent that if continuous behaviour is indulged in on the basis of any legend it becomes a tradition. I do not know whether the followers of Bhagwan Ram believing the ninth day (Navami) of Shukla Paksha (of the brighter half of the lunar month) of Chaitra month to be the birthday of Ram, go in the form of a pilgrimage for visiting the birth place of Ram and for taking bath in Saryu river in Ayodhya or not. Triphen Thaller has thus written in his book i.e. such is the legend that there was a Ram Temple in Ayodhya which got destroyed by Babar or Aurangzeb and a mosque was constructed there. Triphen Thaller had come to India in 1770 and the first edition of his book was brought out in the French language in the year 1788. I have not read that book in full because the full translation of the whole book was not available to me. Perhaps it was not translated. But I have read a small portion of the English version. As far as I remember, I have read in that English version that:

“On the 24 of the month of Chaitra a great gathering of people takes place here to celebrate the birthday of Rama and this fair is famous all over India.”

I consider the said portion of Triphen Thaller's above book as reliable and not a legend. It is correct to say that I consider the above portion as reliable statement. I cannot say whether the above is a reliable statement of fact or not or whether it is a reliable statement of legend or not but I consider it as a reliable statement.

Reliable statement cannot be fiction. It is generally a fact.

I consider the tradition to be the historical source of the times when they came into existence but I do not

consider them to be the source of the times about which they came into existence. I cannot tell about the said portion of Triphen Thaller given above whether this tradition began from the period of Triphen Thaller or it has continued from an earlier period.

D. Bukanin mentioned earlier by me, was an officer of the East India Company. I do not know whether he had filed any report about this disputed structure or not. I have the knowledge of the Persian language. I have read the writing inscribed on the stones of the disputed structure in the 1965 volume of *Epigraphia Indica*. (At this stage the Cross Examining Learned Advocate drew the attention of the witness towards paper No. 189 C-2/8 filed in the other original Suit No. 4/1989, on seeing which the witness said "I can read it". Except the five horizontal lines and one vertical line in this paper the writing of the lower two lines is in Arabic language and is in the form of Tugre. Below that Tugre there are three lines out of which first line is in Persian and the second line is both in Persian and Arabic and the third line is only in Arabic. The last line written in the Tugre is as follows-"Kulho Vallah ho Ahad Allahus Samad Lam Yalid Valmayuld Valam Yakun Lahu Kafvan Ahad". I can read this paper from top to bottom. The next paper of this paper which is Paper No. 189-C 2/9 can also not be fully read by me. The writing written in this is in Arabic and Persian. Out of this I can read Persian but I cannot read the Tugra of Arabic fully. At this point the Cross Examining Advocate drew the attention of the witness towards paper No. 189 C-2/10, 189 C-2/11, 189-C-2/12, on reading which the witness said that the above translation is a very inaccurate translation of the Original Paper. At this point the Learned Cross Examining Advocate drew the attention of the witness towards Paper No. 189C-2/4, 189C-2/5, 189C-2/6, and 189 C-2/7 on seeing which

the witness said, I cannot read this paper easily. It is true that after making lot of efforts I may perhaps read this.

I have heard the word gospel and I have also heard the word gospel truth. Gospel truth is a word and if there is any book by this name then it is unknown to me. New Testament was somewhat, taught to me in La Martinear. I am not aware of it fully. This is the version of the Bible. There is a mention of Holy Christ in this and it begins earlier from Adam and continues upto Christ. Gospel is perhaps the corrupted form of godspell. I have not read all the jatakas of Buddhists. I have read some of it as a historian. It is true that they contain the stories of the life of Mahatma Buddha. I do not consider Jatakas to be the hard evidence of historical sources. There is nothing like soft evidence but I consider it as a circumstantial evidence of the period in which it has been written. It is true that as far as I know the sayings of Nizamuddin Aulia have been compiled by Mir Hassan Sijji in Khairul Majalis. I fully believe in the historicity of this. It is true that the sayings of Sheikh Nasiruddin Chirag have been complied by Hamid Kalandar in Favaydul Favad. I fully believe on the historicity of this also, then again said I believe in the historical accuracy. Historicity can be only of existence but the historical accuracy is related to the dependability of the facts contained in them. As a historian I do not consider Mir Hassan Sijji as a historian. Similarly I do not consider Hamid Kalandar also to be a historian. Tabkat means region. Besides, it has other meanings too. Tabkat-e-Nasiri means all the regions during the times of Nasiruddin, containing their account. Its author is Minhaj Siraj. I consider him to be a historian. Minhaj Siraj has shown the history from the tenth century in his above book but his main book is regarding the Sultanate period i.e. it relates to the history from 1192 to 1260. As he was not a historian of

the modern period, therefore, the term renowned historian or established historian cannot be used for him. Modern historiography was established in different countries at different periods. In India it began from the 19th century. Therefore, the criteria of renowned historian or established historian cannot be for the historians who belong to the pre-modern era. In the European history the category of modern historians began from the late 17th and early 18th century. I accept Alberuni as a historian. The criteria for the historians of pre-modern period is reliability and authenticity. I have heard the name of Stanley Lane Pool. It is true that he wrote many books. It is true that he has written a book relating to the rule of Muslims in India. Its name is "Medieval India under Mohammeden Rule". It is also right that he has written a book on the life of Babar bearing the title "Babar". It is true that Radhey Shyam has also written a book on Babar whose name is "Babar". I do not consider Stanley Lane Pool as a historian. He is a popular writer. Popular writer can be a historian and similarly a historian can also be a popular writer but Stanley Lane Pool was not a historian as he wrote his books without reading the original sources and has written his books mainly on secondary evidence. I have not read the books by Stanley Lane Pool "Babar" and "Medieval India under Mohammedan Rule". The books written by Stanley Lane Pool "Babar" and "Medieval India under Mohammeden Rule" have been seen by me at random and on this basis, I am saying that he has written the books on the basis of only secondary evidence. Then herself said that he has also not given the foot notes very often which may indicate as to on what basis he has written. I have not read the book of Dr. Radhey Shyam "Babar" attentively. Then said "I had read it quite earlier when it was published". I do not remember the date of its publication. I do not know as to how many of its editions have been

brought out. As a historian I do not consider this book to be very reliable one. I had perhaps read this book near about half the decade of 1970. Dr. Radhey Shyam has provided foot notes in this book of his. Volunteer: that he has cited the original Persian sources uncritically. I have heard the name of Shri Ram Sharma. I accept him as a historian. I have read his book "The religions Policy of Mughal Empire". He was an established historian but was biased. It is wrong to say that by being a biased person I am calling the above historian, Shri Sharma as a biased historian. I have not found any such historian so far who may say without reading a book that, that book is based on secondary sources. It is true that I have written my book mainly on the period of "Akbar". I understand the meaning of Mushariq and Munafiq. Akbar was not any post but it was a title. It is true that the name of Akbar was Jalaluddin. I have not read in any of the contemporary sources that he used to get a Meena Bazar organized. I know that he married Kacchwaha Princess who was Rajput. It is true that he married her without getting Kalma read by her and without converting her to Islam and he kept her as his wife as a Hindu. It is also true that he did not perform Namaz five times. Then herself said that Akbar did not perform the Namaz. It is not found from any source that he kept Roza.

I do not know that if any Hindu established his relationship of Roti and Beti with a Muslim then the Hindus would oust him as well as his family from the community. I am not certain of the fact that the marriages of Hindus were maximum with the Muslims during the reign of Akbar. The parents of Akbar were Muslims but after 1580 Akbar did never call himself a Muslim. I do not know about the religion of his children. Aurangzeb called himself a Muslim. Shahjahan also called himself a Muslim. Jahangir has called himself a Muslim after becoming the emperor. I am

not aware of any claim prior to that period. As far as I know such a person is called a Mushariq who causes any other person to join with Khuda. I do not know the meaning of the word Bahudev Vadi (Panttheist). Mushariq can be said to be a polytheist. Wahid means one who is called monotheist. It is true that a Muslim is a monotheist. It is true that such a person is called Munafiq who is hypocrite. I do not agree to the view that Jalaluddin was a Munafiq i.e. a hypocrite from 1580. I am not an expert of theology, therefore, I would not be able to tell whether such a person is a Munafiq (hypocrite) or not as being a Muslim keeps a non-Mankoocha, non-Muslim wife and calls himself a Muslim. It is wrong to say that at this stage I am making a wrong statement knowingly. As far as I remember a coin does come to view on which the pictures of Ram and Siya have been made and which belongs to Akbar's period and was made in the mint at Allahabad. Because only one coin has been found, therefore, I concluded and the other historians are also of this very view that this coin was not in usage during the times of Akbar. I do not know whether he got made this just for his liking or not but a few such rare medallions were made during the period of Akbar. Out of the historians of that time the names of two historians Nelson Right and Brown come to my mind at the moment who have mentioned rare medallions. I have seen the print of this coin. Perhaps, I have seen it in the catalogue of Lucknow Museum or in the catalogue of the British Museum. I do not agree with the view that this was one more trick of Akbar to cheat the Hindus. I do not agree with the views that certain historians made one more effort to show Jalaluddin great. I know about the Namaz of five times. It is true that it is performed during the period of morning to evening. As far as I remember the Namaze Sahar takes place before the Namaz of Fazra and it is not part of the Namaz of five times. The names of these five

Namazes are Fazra, Johar, Asar, Magrib and Eisha. The times of Namaz get changed in accordance with the seasons. The Namaz of Fazra takes place before the sun rises; the Namaz of Johar takes place at one and a half O'clock. Asar takes place at 4 O'clock, Magrib takes place after the sun sets and the Namaz of Eisha takes place quite a long after the sun sets. I do not know whether a peaceful atmosphere is needed for performing the Namaz or not. Namaze Jamaat is called the Jamaiti (Congregational) Namaz. I do not know whether it is called the Namaz of Friday which is held in Jama Masjid or it is called the Namaz that takes place in a congregation. I do not know whether it is proper to perform a congregational or the Friday Namaz at the place where the bells, gongs, conches are sounded or kirtans (Prayers) are held or not. I have not read in any source that Akbar had divided any structure in two parts and had said that in the one half portion the Namaz should be performed and the prayers etc., should be recited and the conches be sounded in the other half portion of the said structure. The name Jodhabai of Akbar's wife is not available in any source. I do not know that any wife of Akbar was Mankoocha or non-Mankoocha but I have not come across any such source where it has been mentioned that Akbar may have visited Ayodhya with any of his wives. Rajputs are Hindus In my above statement where I have mentioned about the Hindu wife of Akbar, it is not known to me whether she was a Mankoocha or non-Mankoocha. It is wrong to say that I am giving a wrong statement because I am biased about all the above things.

As Salar Masood is a legendary figure so no question arises about the fact that he was killed by Suheldev in the battle of Bahraich. The tomb of Salar Masood Ghazi in Bahraich is situated from 1330 but no historical evidence of it is found previous to 1330. I do not know as to whose

dead body is buried in that tomb of Bahraich and history is also silent upto 1330. It is true that after 1330 this reference began to be available as regards the person who is buried here. But I did not arrive at any historical conclusion as to who is buried here even after 1330 because in contemporary sources no reference is available upto 1330. I have not heard the name of Balark Dev in Hindus. I also do not know the meaning of Balark. I am not in the know that at the place where that tomb is situated at that place there was also a temple of Balark Dev and the Hindus used to go there for performing worship.

Heard the statement and after hearing it, verified it.

Sd/-

(Shirin Musavi)

21.8.2001

It was typed by the Stenographer in the Open Court on our dictation. In continuation of this be present on 22.8.2001 for further cross-examination.

Sd/-

21.8.2001

Date: 22.8.2001 (In continuation of 21.8.2001 the statement of P.W.20, Prof. Shirin Musavi begins on Oath):

I was born in 1948. It may be that due to an inadvertent slip my age may have been written in the title to be 51 years. On the first day I had signed without reading my statement attentively as I was not aware of the rules. Basically I have been a student of Mathematics and Statistics.

According to my knowledge no reference is found historically that Babar may have got constructed a mosque during his period by destroying any temple. This may be that the material of a temple may have been used in building a mosque because it was a common practice in those days. (Then said) that there was a common practice to break down a building and then use its material for constructing another building in those days. May be the same practice might be applicable while building a mosque. I have not read any such reference in history that it was a common practice that mosques may have been used to be built at the place of a temple by bringing the temples, down. The reign of Babar was there during 1526- 1530. I do not know that mosques by the name of Qadam Rasul and Badi Sona may have been built in place of a temple at a place called Gaur in Malda District of West Bengal. I also do not know that the materials of the temples may have been used in constructing the above mosques. I have heard the name of Palam situated in Delhi but I have not heard the name of Malviya Nagar. I do not know that a mosque named Babri Gazanfar may have been built at the place of a temple at Palam. I do not know about the place named Ranpur near Ahmedabad in Gujarat. I do not know that a mosque named Jamia may have been built in place of a

temple at that place. I know about the place named Sirsa in Haryana. It is not known to me that there a mosque named Babri Masjid may have been built at the site of a temple. Volunteer: that she had not read any historical source about mosques being constructed after demolishing any temple during the reign of Babar. It is wrong to say that during the reign of Babar, the Babri Masjid of Kabuli Bagh situated at Panipat in the District of Karnal was built at the site of a temple. During the reign of Babar Peerjadon Ki Masjid was not built at the site of a temple of Mahana place in Rhotak District of Haryana. I have also not read in any historical source that in Rohtak city proper two mosques i.e. tiny Masjid of Babar and the mosque of Babar's Rajputs may have been constructed at the site of a temple. I have not read this in any historical source till today that Sheikhjadon Ki Masjid may have been constructed at the site of a temple in Panipat during the reign of Babar. I do not know whether a Jama Masjid named Babari has been built or not at the place called Feelkhana in Aligarh neither do I know that the material of temples may have been used in any such type of mosque. (Then said) that I can say for certain that no mosque of Babar's period has been built in the Aligarh City. I can say with certainty that no mosque was constructed at the site of any temple in Ayodhya during the reign of Babar. I do not know about this whether the Dargah of Shah Babu Hazi Samad is built at the site of a temple in Jallaun District of U.P. or not.

I have read all the available Persian sources regarding Babar's period. I can tell about all those sources which are as follows:- Babarnama, Habibuspar, Tarikhe Babri, Tarikhe Rashidi and there is one more book written by Khawandmir. As far as I remember the name of this book has not, been given. All the above books are the contemporary books of Babar. The original Babarnama was

written in Turkish language which was consequently translated in Persian by Abdul Rahim Khan Khana. It is quite wrong to say that no book at all may have been written in Persian language during the reign of Babar. Abdul Rahim Khan Khana was there during the reign of Akbar and he translated Babarnama in Persian at the bidding of Akbar. I do not recollect at the moment as to who the author of the book named Tarikhe Rashidi was. At the moment I am not able to remember the name of the author of the book named Habibuspar. The name of the author of the book named Tarikhe Babari was Sheikh Zain. This Sheikh Zain is the same person who was the contemporary of Babar but I have not read any such poem of his which may have been written by him in glory of Babar. Volunteer: that I cannot commit myself as to the fact of his writing any couplet in praise of his (Babar) and again said that he has written some poems (couplets) but he was a historian and was known owing to this. But he was not a poet.

It is true that the very meaning of Kaseeda (Poem of Praise) is to write Ashaar in the glory of some one. She further said that there are some other requirements too in addition to praise in Kaseeda (Poem of Praise). It is true that this very Sheikh Zain had drafted Fatehnama on the orders of Babar. It is true that in this very draft Sheikh Zain wrote two couplets in praise of Babar on his own. Sheikh Zain had accompanied Babar to Hindustan. Sheikh Zain was one of the commanders of Babar and he used to fight in the battles from the side of Babar and he wrote an order before the fighting and a Fatehnama after the fighting on the orders of Babar. Tarikhe Babari is written in Persian No title was given to this book by Sheikh Zain but subsequently it began to be called Tarikhe Babri. It is wrong to say that this was a custom from the reign of Mahmood Ghaznavi to the reign of Mughal period that

mosques were built from the rubble of temples after destroying them or at the site of temples. Volunteer: that this was not a custom but there can be certain exceptions. The mosque by the name of Kuvvatul Islam in Delhi is built by using the rubbles of temples and this writing is inscribed on it that this was built by using rubbles of temples.

Question:- Had this writing not been inscribed on this mosque, would you not accept such a mosque as being built from the rubbles of temples?

Answer:- If this writing were not there even then I would have accepted it as such because it has also been mentioned in the literary sources that this mosque was built from the nibbles of temples.

I do not know that Mehmood Ghaznavi after destroying the temples may have got their idols fixed on the porches of mosques or on the porches of the houses so that the people could walk on them. It is true that Mehmood Ghaznavi had taken away the idols of gold. It is true that with the passage of time people have called Mehmood Ghaznavi an idol-breaker. In my opinion the people have called Mehmood Ghaznavi an idol breaker wrongly. This view of mine is for the reason that Mehmood Ghaznavi did not break the idols for the reason that he was an idol breaker (iconoclast) but he broke the idols for looting the wealth attached with them. Mehmood Ghaznavi was not a religious minded person at all. It is true that he was a ruler and looter. It is also true that he was a conquering ruler. Mehmood Ghaznavi did not rule over India himself but every time he went away after attacking and looting and left back his officers. I do not know whether Ghaznavi had assigned any designations to those officers of his or not. I do not remember at the moment as to which officer was left back by him in the first instance in India. I do not know and

remember as to which officer was left back after any attack. I had read earlier the names of those officers which I am unable to remember at the moment. I do not know as to when I read them. I had read in Tarikhe Subaktgeen that Mehmood Ghaznavi would leave back his officers after attacking and looting. I am not able to remember the name of the author of this book. It is true that when I had read the book, I knew the name. (Again said that) I have recollected his name. He was Abul Fazal Behki. As far as I remember this book was completed in the decade of 1050.

I have not read any such historical source in which it may have been written that mosques were built after demolishing the temples even during the reign of Akbar. I have not heard the name of any historian by the name of Sita Ram Goyal. Neither I have heard the name of any historian by the name of Lala Sita Ram. I have heard the name of Ajay Mitra Shastri, a historian. He is perhaps the historian of the ancient history. I do not know whether he is an archaeologist or an epigraphist or a calligraphist. Then said that he cannot be a calligraphist because he is a historian. He teaches history but where he does teach is not remembered at the moment. I have had a correspondence with him once. He had written to me once to which I gave him a reply. Banaras Hindu University is a national University of India and it is one of the Central Universities such as Aligarh Muslim University. I have not heard the name of Prof. Maheshwari Chaube of Banaras Hindu University. I have not heard the name of the historian named Shri Vishambhar Saran Pathak neither do I know that he has been a Vice Chancellor. I do not know whether Shri V.S.Pathak has been a very renowned historian or he was the Vice-Chancellor of Gorakhpur University upto a few days back. I know very well Shri Baldev Raj Grover (B.R.Grover), the historian. Prof. Grover was the teacher of

medieval history. He was an established historian of medieval history and not the renowned one. As there is no book by Grover Sahab so he cannot be said to be renowned historian. There are a few very good articles of his, therefore, he can be said to be an established historian. He has been a treasurer of Indian History Congress and the President of the Medieval Section. It is true that he had been a Director of Indian Council of Historical Research and subsequently he also remained a Chairman for about two years and that very time he died a few months back of this day. His articles are Mughal agrarian economy. I have even used those articles in my book (Again said) i.e. I have cited them.

The name of Kacchwaha wife (Hindu) of Akbar who was the mother of Jahangir is not available in any source. Tabkate Akbari was written by Nizamuddin Bakshi. Tabkat means regions. Raja Todarmal was the chief Revenue Officer in the Court of Akbar. Todarmal did not make any agrarian law but he had given a memorandum to Akbar which related to agrarian reforms and which was given in the 27 year of Akbar's reign. I cannot tell as to where he went or where he did not go in the process of preparing this memorandum of his but he was sent to various places. I cannot tell at the moment where he was sent to before submitting the memorandum. It is true that without the orders of Akbar he was not sent anywhere. Todarmal had not given any figures in his Memorandum but he gave the general statement of less reporting of the areas so he proposed as to what reforms should be earned out. In addition to this, he had told about many other things also. It is true that at that time the province of Agra and the province of Avadh were separate provinces. It is true that Todarmal had come to Avadh also. I am not certain as to whether Todarmal had gone to Ayodhya or not. There is a

possibility about this because the capital of Avadh was in Ayodhya so he may have gone there certainly. I have not read anywhere that Todarmal might have given a report about the disputed structure. As I consider the existence of that report to be wrong, therefore, no question arises about the fact that Akbar had got constructed a dividing wall between the disputed structure and had divided it into two parts. And he divided this in such a way that in one half portion prayers etc. would go on to be recited and in the other half portion the prayer calls and Namaz etc. would continue to be performed. Volunteer: that she could say with certainty that it is not available 'in any contemporary source that Akbar may have got the disputed structure divided into two parts on the basis of that report or without any report. As for my knowledge, the disputed structure was divided into two parts in the 19 century. There was a dispute about the existence of Sita Ki Rasoi (the kitchen of Sita) and perhaps for this reason that one part of the disputed structure was separated for performing worship. By this act I do not accept the division of the disputed structure into two parts. It would be wrong to say that by this act two different things may have been joined. I know the meaning of the word Takseem (Division). I do not know that two separate path-ways were laid out for entering the disputed structure.

The people of Kacchwaha dynasty belonged to Amer and this Amer was a principality. It is true that Kacchwahas were Hindu Rajputs. I am not in the least hesitant to say that Akbar married a Hindu Rajput girl. Amer is not in Jaipur, it is situated in Bikaner region. I have heard the name of Raja Savai Man Singh. He was the ruler of Jaipur. Then said that he was an officer of the Mughals during the period of Mughals and after the fall of the Mughals that principality became independent and he then became its

ruler. It is true that a Museum is built in the name of Savai Man Singh in Jaipur and it is still in existence. It is also true that in that Museum more than one i.e. many maps of Ayodhyas are in existence on the cloth maps. The historians call the complete collection as Kapad Dwar (Gate of Cloth) collection. It is true that in that Kapad Dwar (Cloth Gate) there is a painting with the map in which a temple of three cupolas has been shown. Gate collection i.e. Kapad Dwar is an official catalogue and as far as I remember it is mentioned on 176 number with the writing that this was purchased from a Swami for Rs. 5/-. This Kapad Dwar collection is not of 1717 A.D. but it is of late 18 century. Late 18 century means after 1750 A.D. (At this stage the Cross-Examining Advocate drew the attention of the witness towards Paper No. 107-C-1/191 to 107-C-1/197 and Paper 107-C-1/197 (1) as well as 107-C-1/197 (2) filed in the other Original Suit No. 5/89 on seeing which the witness said that) I would not be able to tell whether those two paintings are part of the Kapad Dwar collection or not. I have heard the name of the historian Dr. V.P.Sinha. It is right that he was a professor as also the Head of Department of Indian Ancient History and Archaeology. (At this point the cross Examining Advocate drew the attention of the witness towards the papers from 107-C-1/198 to 107-C-1/205 filed with the Original Suit No. 5/89). At this point Shri Jilani raised the objection that this document is not admissible because it is a photocopy. After seeing this the witness said that I agree to the extent where the importance of ar as a source of history or the horizontal excavation have been emphasized as mentioned in it. My disagreement starts from where the legendary archaeology has been emphasized and particularly where they say that Babri mosque is an incomplete building because there are no minarets and a pond in it. At this point I fully disagree with them. At this stage the cross-examining Learned

Advocate drew the attention of the witness towards paper No. 107 C-1/193 to paper No. 107C-I/195 filed with other Original Suit No. 5/89 on seeing which the witness said that she did not doubt the facts given in this. The Cross Examining Learned Advocate drew the attention of the witness towards Paper No. 118 C-I/36 filed in other Original Suit No. 5/89 on seeing which the witness said that it was a printed magazine. It is true that on pages 5, 6, and 7 of this very magazine an article by Dr. Nath has been published. It is true that quite a few portions of this article are related to that very Kapad Dwar (Cloth Gate). I do not agree with this article. I also do not agree with the portions relating to the Kapad Dwar as have been given in this article. The first reason for my disagreement is that Dr. Nath has written in this article that this is the map which was officially got made by Savai Man Singh whereas it is mentioned in the official catalogue that the Kapad Dwar map was purchased from a Sanyasi for Rs. 5/- The second reason is that it belongs to 18th century whereas he has given the date of 17th century without any proof. Besides, there are other reasons also. It is true that on Serial No. 179 of the catalogue, which is Paper No. 107 C-1/195, it is written like this,

“Map of Ayodhya, painted on white cotton fabric early 18 century size: 213X178 cm.”

The Learned Cross-Examiner Advocate drew the attention of the witness towards Page 5 of paper No. 118C-1/36 filed in other Original Suit No. 5/89. After reading the following lines the witness said — after reading from 12 line of the first column to beginning 7 lines of the second column of this page the witness said that she agreed with some portions of it and disagreed with some others. It is true that the Kacchwahas of Amer were the officers of the

Mughals. I also agree with the fact that Mughals had given some land to this officer of theirs whose area is given in this portion which may possibly be correct. Possibly a Chaknama may have been written in this regard in 1717. I also agree with the fact that this Chaknama may have been written on 1st June, 1717 A.D. 1717 would be called early 18th century.

I agree with the fact that this very officer of Amer founded the principality of Jaipur. It is true that wherever this officer got the land, he effected the settlement in the name of Jai Singh Pura at some of those places. The historians use the standard transliteration in writing any name or word if that has been taken from some other language. It is true that if any Hindi word is written in the Roman script then only, "i" is used for small "e", for the big "e" a big dash is used above the letter "i". Similarly, for small "a" we write only "a" and for bigger "a" we put a dash above "a". This rule cannot be used in Jai Singh Pura and Jai Singh Pur. It is wrong to say that at this stage I am pronouncing Sarahan wrongly. Herself said- that Pura ends at small "he". There is no alif in it so there is no question of "a" and "aa" being used.

Heard the statement and verified after hearing it.

Sd/-
(Shirin Musavi)
22.8.2001

Typed by the Stenographer in the Open Court on our dictation. In continuation of this be present on 23.8.2001 for further cross examination.

Sd/-
22.8.2001.

Date: 23 .8.2001

(In continuation of 22.8.2001 the statement of P.W.-20, Prof. Shirin Musavi begins on Oath):-

It is true that I passed my High School, Intermediate and B.Sc examinations in Second Division. I belong to Lucknow and I have heard the name of Ali Zahir Sahab but I have never met him. I have read in the newspapers that he was a barrister and was also a Minister in U.P. It is true that he was maternal uncle of Prof. Nurul Hassan. I have heard that previously Prof. Nurul Hassan used to teach in Lucknow University. It is wrong to say that I was appointed in Aligarh Muslim University on the recommendations of Shri Nurul Hassan. It would be wrong to say that brightness may have dawned on my career from Aligarh University. Again sad that she had done her B.Sc from Aligarh University and got Second Division. It is true that later on Nurul Hussan Sahab had become the Minister of State for Education in the Union Government. It is true that while being at Aligarh University, I got the opportunity to visit foreign countries. Shri Irfan Habib Sahab had been chairman of the Indian Council of Historical Research for two terms. He is an old member of Indian History Congress and he has also been its President for one year and he gets elected even for the Executive Committee.

It is wrong to say that I got access to Indian History Congress due to his favours.

It is true that there are different schools of thought in historians. I have not heard that there may be any such school of thought amongst them which may be called an independent school of thought. It is true that it consists of the Marxist School of thought as well as the nationalist school of thought. Besides, there are still more schools of

thought. Nationalist School of thought is the one which arose against the British Imperialism. In this school of thought there are some Marxist historians too but they are different to the extent that they work according to class struggle and theory of exploitation also. Volunteer: it is not necessary for every nationalist historian to be a Marxist historian but some of the nationalist historians are and have been Marxist historians. I do not include myself in the category of Marxist historians but I include myself in the nationalist school of thought category. (At this stage the cross-examining Learned Advocate drew the attention of the witness towards Page XV of paper No. 289-C-1 filed in other Original Suit No. 5/89 and after seeing this the witness said that:

Question:- Have you read the views of Marx quoted on Page fifteen of this paper in English and do you agree with it?

Answer:- I do not agree with it.

Question:-The cross examining Learned Advocate asked of the witness by drawing her attention towards Page XIII of this very book, if she agreed with this sentence in it written in English:

"If you want to kill a nation, don't do anything, just distort its history".

Answer :- I agree with this view to some extent. I do not fully agree with this view. Just distorting history is not the only means to do so. In addition to this there may be many other means also. History is written for this reason as has been opined by E.H.Carr, "History is an unending dialogue between present and the past".

At this point the cross examining Advocate drew the attention of the witness towards the sentences written in English on Page XIV (14) of the above book and asked if she agreed with it. By reading which the witness said that she agreed with some reasons written in it and did not agree with some of the others. Again said the reasons given in the third and fourth line in the book and then the reasons given in the lines from twelve to fifteen are the ones with which she agreed and not with others. By reading the second para written in Hindi of this very page "Jo Itihas Saidhantik aadi", the witness said that she agreed with them to some extent.

Question:- To what extent do you agree with the above views?

Answer:- "That history is not only the narration of events but also the analysis of causation".

So it is wrong to say that history was written to strengthen the governing classes of Muslim invaders, Sultanate rulers, Lodhi rulers and the rule of the Mughals and the British rule after that in India. Then said that it is totally wrong to say like that. It is quite wrong to say that only the distorted version of History was put forth during those periods. It is true that a few distortions did occur during the British period but the whole of the nationalist school emerged during the British period.

Question:- Do you agree with the view whether History is. a continuous thinking and it does not have any new beginning?

Answer:- The history of civilizations is continuous but the writing of their history is not continuous.

It is wrong to say that as the historians are likely to die, therefore, there occurs a break in writing of history. The influence of Marxist historiography started from the decade of 1950 on the history of India. I do not agree with the view at all that the writing of Indian history may have been of the same type from the very beginning prior to 1950. The Indian history writing was got influenced by many schools of thought from the very beginning to 1950. Those schools of thought are the following ones:- Arab Historiography, Indo-Persian Historiography, Modern Historiography, Wreckage Historiography, Maxvivarian Historiography, Orientalist Historiography etc. There was also the non-influential Indian Historiography which was not influenced by anything else such as the Raj Tarangini of Kalhan.

Raj Tarangani of Kalhan was not a creative work but it was historiography with philosophy of history. It is true that it was a solo creation of Kalhan. I do not consider the Arth Shastra of Kautilya as a part of history but I consider it as a source. Arya Bhatta and Einstein both were great scientists of their individual periods. The tenure of Arya Bhatta was of the earlier period. In the field of science, India lagged behind Greece in the primordial period but after their fall it had surged forward against many countries upto the Gupta period. Arya Bhatta, Charaka, Sushrut etc. find mention in history during the Mughal period and they have been mentioned extensively during the British period. In the Text Book of History of V.A. Smith, the names of all the three persons have been mentioned. In addition to him many other historians have also written their names in their books. Smith wrote his book in early part of 20th century. This book is prescribed in the syllabus for 11th and 12th class students. Since 1970, I have seen in the syllabus of Aligarh University that this book is prescribed for 11th and

12th classes. I do not agree with the view that the historians of Marxist school of thought have polluted the history. It is quite wrong to say that it was gift of Russia. I do not know whether the writing of Marxist history has come to an end in Russia since or not because I am not versed with the Russian language. Some of the books written in English of the Russian history have been read by me but that is not my field. Archaeology is not my field. To some extent numismatics is my field. I have studied about coins for the sake of studying economic history and not for studying legend etc. I have read the book written by P.L. Gupta "Coins" on the subject of coins. Again said, "I have also read the book written by Nelson Rights. in addition to this, I have seen the museum catalogues and have studied them" I have not read paleography and it is not my field. Epigraphy also is not my field of study.

Question:- As it is not your field so you cannot make a statement on them with authority?

Answer:- I agree with this to some extent, but I have used the inscriptions in my articles which have been authentically deciphered.

I do not remember at the moment as to what was inscribed and what picture was there on the back side of the coin of Ramand Siya found in Allahabad during Akbar's reign. I may have known it when I had seen it but at present I do not remember it. I had not seen the coin but I had seen its photography. I do not recollect as to where that coin is kept. I had read about it in the book of Nelson Rights and I had seen it in the museum catalogue. I cannot say with certainty whether there was only one such coin or there were many coins like this but I had seen the photograph of only one coin. I know that Bhartiya Kala Bhawan is situated in Banaras. I do not know whether all

the renowned historians know about the fact that the coin is kept in Arts Building (Kala Bhavan) of Banaras or not. Shri P.L.Gupta may certainly have written in his book that the coin is even today kept in the Kala Bhavan but I am not aware of it. It is wrong to say that I am making wrong depositions with a view to highlighting the personality of Jalaluddin.

In this regard I do not know whether a similar coin is kept in the Museum of Russia or not.

The reign of Jalaluddin Sahab was there from 1556-1605. As far as I know no Mughal ruler starting from Babar to Aurengzeb had performed Haj. Even upto Bahadur Shah Zafar no ruler had performed Haj. During the reign of Akbar no mosque was built after destroying a temple. I am aware of the fact whether any mosque was built from the rubble of temples or not. I cannot tell whether any mosque was built at the site of any temple or not. I do not know anything as to the fact whether Amber Jame Masjid had been built in Jaipur at the site of a temple in 1569-70 or not. I do not know whether any mosque named "Mahavaton ki Masjid" was built at Nagpur during the reign of Akbar in 1567-68 or not i.e. whether any mosque was built at the site of a temple or not. I do not know whether any Idgah was built at the place of a temple in Aligarh in 1562-63 or not. Volunteer: that no place named Aligarh was there during the reign of Akbar. It is true that the geographical place of Aligarh was in existence during the reign of Akbar also. The name of Aligarh at that time was Kol. I do not know whether any Mirzai Mosque was built at the place of a temple in Bareilly during 1569-80 or not. I do not know whether Humayun Darwaza Mosque was built or not by using the materials or temples in 1567-68 at Jaunpur but this much is known to me that a mosque of Akbar's period

does exist there. I do not know whether any Mosque was constructed from the materials of temples or not in 1557 at Deoband, District Saharanpur. I do not know whether any Akbari Mosque was built at the site of a temple at Etah in 1563 or not. I do not know if Jami Masjid was built by using temple materials in 1575-76 in the Satna District of Madhya Pradesh or not.

I do not know whether a Dargah and Masjid Ali Sarmast was built at the site of a temple in 1570 in the Ludhiana District of Punjab or not. I do not know whether Jami Masjid was built out of the materials of temples in 1566 in Maldah place of Bengal or not. It is not known about the above mosques if they are actually Mosques or not. I do not know anything at all whether any Mosque, Dargah or Idgah was built at a temple site or out of the materials of temples during the reign of Akbar or not because I did not find any mention about it in the contemporary sources.

I have heard the name of Maulana Abdul Hassan Ali Nadvi alias Ali Miyan. I do not know whether Au Miyan has been a Naazim of Darul Ulum Nadvatul Ulma or not. I also do not know whether Ali Miyan Sahab was the Chairman of Muslim Personal Law Board or not. I do not know if Ali Miyan was the founder of Ravita Alime Islami or not. I also do not know that its headquarters was at Mecca. I have not read the book "Insaani Duniyan par Musalmanon Ke Urujozawaal" written by him. I have heard the name of Maulana Hakim Sayyad. I have not heard the name of Abdul Haee who may have been connected with Nadvatul Ulma. I have not heard the name of the book "Hindustan Islami Ahad Mein". I do not know that this book "Hindustan Islami Ahad Mein" became very much prevalent but later on it was made to disappear. I do not know whether this book

was in the library of Aligarh Muslim University or not. I am unaware whether any book "Majlis Tehkikat Va Nasriyat Islam" was brought out by Nadvatul Ulma or not. As I have not seen the catalogue of Nadva, therefore, I would not be able to tell that the name of this book is written at number-66 of the catalogue. I do not know as to what the definition of Islam in Pakistan is and whether any Judicial Commission was constituted under the Chairmanship of Justice Munir or not. I do not know that justice Munir Sahab sent back this report by saying that there are different opinions of different Ulemas on the definition of Islam and so if the opinion of any person was not accepted then he would become a Kafir in his views. I have not read any magazine named "Trunk" I do not know whether there is anything named Isma in Muslim Law or not. Volunteer: that she does not know Muslim Personal Law. I do not even know the Muslim Law. I cannot make a statement as to whether Hazrat Zibrail Sahab did come to Qaba Sharief or not. I can also not tell anything as to whether Bhagwan Shri Ram incarnated in Ayodhya or not. I also cannot tell anything about whether Bhagwan Shri Ram was born in Ayodhya or not. I also cannot tell anything about this that if Bhagwan Ram may have taken birth in Ayodhya then this birth may have taken place at some geographical place or not. It is wrong to say that I have been making wrong statements from the beginning to the end by being biased. It is also wrong to say that instead of telling the whole truth, I am suppressing the truth completely. It is also wrong to say that I am a member of a group of historians of Marxist school of thoughts. Volunteer: that she followed the Aligarh school of thought i.e. she belonged to that thought. Aligarh school of thought is a secular one i.e. it is mainly secular but there are also the persons of some other thoughts. By other thought I mean those people who consider religion also to be the basis of history. I have

heard the name of Dr. S.P.Gupta. I do not know what he does, but perhaps he was previously the Director in Allahabad Museum. I have heard the name of Dr. K.V.Ramesh but I do not know if he is basically an epigraphist or archaeologist. I have read Ram Charit Manas and the one which is with me, is in Avadhi and along with this there is also its English translation. I had read it a little bit in Avadhi when I was a student. It is also true that I have read the Hindi version of Ram Charit Manas too. I do not know that the Hindi or English translations are free translations or translations. But in my opinion they are literary translations. I would not be able to tell the names of the Hindi or English translators. I would also not be able to tell at the moment as to how many chapters or kands are there in it. Volunteer: that she had read mainly Ayodhya kand and Uttarkand. It is written in Uttar Kand that "Hey Ram you took birth 27 times here and I was there at the time of every birth". Similar things are written in it. It is written in it that "Ram you took birth 27 times in Ayodhya". The name of the father of Ram Chandraji was King Dashratha. I had read this in Ram Charit Manas itself but I do not remember as to in which Kand or chapter I had read it.

I had also read in Ram Charit Manas that Ram was the incarnation of Bhagwan (God) Vishnu. I cannot say anything as to whether Gita is a divine book or not.

I have read the Indian History mainly in Persian and English. I do not know that wherever the attack by Muslims on India has appeared in English books, the Hindus have been addressed with the words such as vulgar, pagan, infidel and non-believer there but in some of the translated books the above words have been used. I have not heard the name of "Voice of India, New Delhi Publication". I have

heard the name of Arun Shouri. He was previously the Resident Editor of the New Delhi Edition of Indian Express. These days he is a Minister of the Central Government. I have also heard the name of Shri Harsh Narain but I do not know anything more about him. I have not heard the name of the writer named Shri Ram Swaroop neither I have heard the name of Shri Jai Dubasi. I have perhaps, heard the name of Shri Sita Ram Goel but I do not remember it properly. I do not know whether all the above authors have written a book named "Hindu Temples — what happened to them" or not. It is wrong to say that this book has continuously been published since 1990 and I am knowingly suppressing this fact.

(The cross examination by Shri Vireshwar Dwivedi on behalf of Shri Umesh Chandra Pandey, Defendant No. 22, concluded.).

(Cross examination by Shri Ved Prakash, Advocate on behalf of Dharam Das, Defendant No. 13).

XXX XXX XXX XXX

It is correct to say that according to the atmosphere prevailing in my house since my childhood, I was not attracted towards any temple or mosque. Neither I did have any attraction or aversion towards religion. My parents also were not attracted- towards mosque or temples in any special way. They were neither attracted towards nor had any aversion for religion. I have not read the Quran. I lived in Lucknow from 1948 to 1979 i.e. I lived there for 32 years. In between this period I had gone to Aligarh for two years for doing B.Sc. I do not want to make any comments as to whether I believe in Khuda or Ishwar.

Question:- Do you believe in the existence of the name of Khuda or Ishwar?

Answer:- I do not want to make a reply to this either in yes or no.

I have not been attracted towards mosques or temples as a religious place since my childhood to this date. I do believe that there is the existence of temples and mosques due to their being historical monuments also. It is correct to say that there is the religious importance also of both temples and mosques in addition to their being historical monuments.

I teach the students the economic history of Western Europe and the history of England. I have been teaching both - the above subjects since 1973-74. By economic history of Western Europe, I mean the economic history which is related to Western Europe. By economic history I mean the taxation, industrial structure and agrarian structure etc. It is correct to say that my research is also in connection with the economic aspects of the Indian history. I do not agree with the view that the economic history has no significance as regards the "temple-mosque matters". In my subject of research the temples and mosques have not been the sources of Governmental incomes but they have been the sources of expenditure. Volunteer: that they have been the sources also of incomes of the social groups. There have been references in my research as to how much grants were given to how many temples. For example Madan Gopal Temples etc., of Mathura were receiving grants. I had filed my research work in the form of thesis in the year 1979 and I got my Ph.D degree in 1980.

As far as I remember I may have read authoritatively in any book in 1986 or 1987 that the mosque situated at

Ayodhya is known by the name of Babri Mosque. I do not remember the name of that book. Then said that she had read it in the annual volume of 1965 of *Epigraphia Indica*. When the dispute of Babri Masjid and Ram Janam Bhoomi temple started then only as far as I remember, I began to read about it in 1986-87. This dispute had started during those very days.

Shri Zafaryab Jilani, Advocate, had contacted me for giving evidence in this case and he had asked me whether I would like to give evidence or not. I do not know whether Jilani Sahab was the convener of the Babri Masjid Action Committee or not when he contacted me but it is known to me that he is connected with the Babri Masjid Action Committee. I do not know much about the Babri Masjid Action Committee.

Question: Did you not say this to Jilani Sahab "I want to keep myself away from religious disputes and do not want to give evidence" As this was a dispute of Hindu-Muslim communities so you did not say to Jilani Sahab "I do not want to give evidence in this dispute"?

Answer:- I did not refuse Shri Jilani from giving evidence as I consider this case as a national question of Historical Importance.

Before giving evidence in this case, I did not carry out any investigation as to how many Hindu temples have been constructed in Ayodhya neither I did investigate as to the period the temples belong to and by whom they have been constructed. As I have not carried out any research on temples, therefore, I did not make any effort to find out as to what the historical importance of Ayodhya temples is. Except the disputed mosque, I obtained information about

those mosques, which have been built in India, as to what amount was spent in their construction and how much grants were received by them. During the course of obtaining my information I tried to find out as to who got the imperial mosques constructed and at what places they were constructed. I did not carry out any work nor did I obtain information as to what the architectural plan of the said imperial mosques was and what the things were got constructed in those mosques.

Heard the statement and verified it after
hearing it.

Sd/-

(Shirin Musavi)

23.8.2001

Typed in the Open Court by the Stenographer as dictated by us. In continuation of this be present on 25.8.2001 for further cross-examination.

Sd/-

23.8.2001

Date: 25.8.200

(In continuation of date 23.8.2001, the statement of P.W. 20, Prof. Shirin Musavi begins on Oath):-

Shahi Masjid (imperial mosque) meant the mosques which were built from the State Revenues. It is not correct to say that the people working in those mosques were considered to be Government employees or that they got their salaries from the Government. It would also be wrong to say that the management of those imperial (royal) mosques was carried on as per the Government instructions. I had made a study of the matter as to what amount of grants were given to the mosques and wherefrom it was available. There is no method at present that it could be found out by visiting those mosques these days as to what amount has been spent on account of the mosques and how it has been spent. I have made no study about architecture, therefore, I cannot say as to what constructions had been carried out in these mosques. When I decided to give evidence in this suit, even then I did not feel a need to see by visiting a mosque as to what type of constructions are carried out there because generally the women do not go to mosques. I did not feel a need while carrying on my studies that a study should be undertaken about the construction of mosques or it should be seen i.e. I did not consider the necessity of doing so about their structure. By structure, I mean both the outside and inside structures. It is wrong to say that I did not decide to give evidence in this case in 1986-87 but I was told about this some months earlier to my giving evidence i.e. I was approached to give evidence. Volunteer: that as far as she know there was no law suit pending in 1986-87. I read about the Babari mosque in 1986-87 but I had read about the subject of its inscription or epigraphy much earlier in connection with my research. I had read the word "Babari

Mosque" much earlier. My interest arose as regards Babari Mosque when Indian History Congress passed a resolution after holding a discussion on Babri Mosque for the first time in December 86-87. I did feel a need at that time that I should see the disputed structure, but I did not get a chance to do so. I could not visit the disputed structure due to the reason that I had many other academic commitments to fulfill. In my opinion it was not necessary for me to visit the disputed place so as to know whether it was a temple or mosque. I had historical and literary evidence with me by reading which I came to the conclusion that this disputed structure was a mosque and the mosque was not built after destroying a temple. The evidences read by me were either contemporary evidences or near about contemporary evidences and in this connection I had also studied the late evidences. I know Shri Sushil Kumar Srivastava. I am also acquainted with Shri Suraj Bhan. Prof. Suraj Bhan is basically an archaeologist. As far as I know Shri Sushil Kumar has carried out work on Modern India. Shri Zafaryab Jilani Sahab had told me that both the above persons had given their evidences in the case. I have not read the statements of both the above persons which have been made in this Court. I knew before giving evidence that it is said by the people of the other party of this case that a mosque was constructed at the disputed site after demolishing a temple. Shri Zafaryab Jilani Sahab had told me that whatever evidences are available in Persian source; I should give evidence with regard to them. Before adducing the evidences and after knowing the matter that it is the averment of the other party that this mosque was built after destroying a temple, I studied all the Persian sources available on this question. Along with this I also studied some English translations. Some of the main sources read by me are the following:

Tarikh-e-Subaktgeen by Abul Fazal.

Tarikh-e-Yamani by Yamani.

Pandnama by Kaikaus (of the Eleventh century) and besides I have told in my statement made earlier. All these sources belong to 11th century which I have just now got written. No mention has been made about the disputed place in the books belonging to the eleventh century. I did not try to know before appearing as a witness as to what were the things that were built in the disputed structure. I did not try to know as to what the area was in which it was constructed because the information about the area was not available in the sources. No mention about its four sided boundary was available in those sources. I had no talk about this matter with Prof. Suraj Bhan. There was no discussion on this topic with Shri Sushil Kumar Srivastava Sahab also. What were the things built in the disputed structure was neither told by Shri Jilani Sahab to me nor did I ask of him. I also do not know that the photos and an album of the disputed structure have been filed in this Court. I did not consider it appropriate before bearing witness nor it was necessary that I should go to a mosque and see it. I have not even seen the disputed place, so I cannot tell whether Varah Devata (Boar God) is present there or not. Neither Shri Sushil Kumar Srivastava did tell me about this that Varah Devata (Boar God) is there nor I did have any talk with him and neither I have read his book. I did not have any talk with Shri Suraj Bhan, so it would be wrong to say that he had told me that the black touchstones were fixed at the disputed place. I have not held any discussion with Shri Suraj Bhan on this topic to this day; therefore, it would also be wrong to say that he had told me that the pictures of sprouts, pitcher, Yaksha and that of gods and goddesses are inscribed on the stones. I have seen the mosques of historical importance in our country. They are as follows:-

The mosque of Fatehpur Sikri, the mosque of Shahjahan at Agra, the Jama Masjid of Delhi, Kuvvatul Islam mosque of Delhi, the mosque of Aurangzeb of Agra Fort etc. I had seen a mosque in Cevil City of Spain abroad. I have not seen the figure of boars in the mosques in the country and abroad but I have seen the inscribed pictures on the pillars of Kuvvatul Islam Masjid. I do not know the stone named touchstone but in the construction of a mosque in the city of Cevil (Spain), black stones have been made use of. It is true that gold is tested by rubbing it on a touchstone, as I have heard of it but I do not recognize it. As far as I remember I have not seen pillars of black stones in the mosques seen by me in India i.e. in the mosques of historical importance. I have seen the idols of Hindu gods and goddesses which are made in Hindu temples. I have seen Chulah, Chakla Belan etc. I have seen the footmarks which get shaped when men walk anywhere. I have not seen any pictures of gods and goddesses, horse, belan (rolling pin) in any mosque because I cannot identify them. In a mosque where the above marks were seen by me, they were defaced and as I do not know iconography so I cannot identify them. The decoration shapes inscribed in the mosque of Kuvvatul Islam in Delhi were not recognized by me. I did not try to find out any such thing whether the figure (picture) of a boar can be constructed in a mosque or not. In my opinion the figure of a boar cannot be made in any mosque and again said that no idol can be given shape to in a mosque I have not heard that any Muslim may have installed or constructed an idol in a mosque while getting it built. I cannot say whether any Muslim can allow any Hindu to give shape to an idol in a mosque or not.

It is not correct to say regarding any building that it is a mosque or temple or that it has been constructed by breaking down a temple. Before giving any opinion in this regard other temples and mosques etc. in the area are required to be surveyed. In my opinion it was not required to find out as to whose land was it on which the mosque is constructed. I am not an expert of theology, therefore, I did not try to know whether any permission was obtained from the owner of the land of the disputed structure before constructing the mosque or not, in my opinion, before bearing witness as to whether the mosque was built after demolishing a temple or there was a mosque from the beginning, in the capacity of a historian, it was not required to ascertain as to whose land it was or whether any permission from him had been obtained or not. It is wrong to say that it is only my inference that this mosque was not built after destroying a temple. But the reality is that I have not read in any source that a mosque was constructed here after demolishing a temple. This was not specifically found to be written anywhere that the mosque was built at a place which was lying vacant. All those sources are with me on the basis of which I have drawn my conclusions. All those sources are printed in books or they are in photographs or on microfilms. All those sources are available with me or they are in the library. If asked I can file all those sources in the Court. I have seen the boar animal. If a clear picture of a boar is drawn, I can identify it. (At this stage the Learned Cross Examining Advocate drew the attention of the witness towards the coloured photo Nos.- 13,14, 15 and 16 of the album of photos of the disputed structure prepared by U.P. Archaeological Organization filed in other Original Suit No 4/89. After looking at them the witness said she could not identify in photo Nos. 13 and 14 that they are the photos of a boar. In Photo Nos 15 and 16 also there does not appear to be a photo of a boar- but it

appears to be a photo of decoration. In Photo No. 16, there appears to be a photo of ornamentation but it is not found out as to what it is. I cannot tell that this photo appears to be that of an animal when seen at. It is wrong to say that these photos are that of a boar and I am hiding it knowingly or am making a wrong statement. At this point the Cross-Examining Learned Advocate drew the attention of the witness towards Photo Nos. 9 and 10 of the photos of white and black album of the disputed structure prepared by U.P. Archaeological Organization filed in other Original Suit No. 4/1989 by seeing which the witness said that in Photo No. 9 it does not appear to be the photo of a boar but in Photo No. 10 there appears to be some ornamental photo but I cannot tell as to what it is. Even after seeing Photo No. 10, I cannot tell that there is a shape of a mouth, eyes, feet, neck or that the lower part in the figure. After looking at it, it does appear that this figure may be an animal ornamentation. (The Learned Advocate of the Cross Examiner drew the attention of the witness towards paper No. 155-C -2/8 filed in other Original Suit No. 4/1989 and after reading paragraph No. 2 of this paper the witness said that she could not say anything about that as to whether it is correct or wrong. The Cross-Examining Learned Advocate drew the attention of the witness towards Photo No 50 of the album of coloured photos of the disputed structure prepared by the U.P. Archaeological Organization filed in other Original Suit No. 4/89 by seeing which the witness said that those did not appear to be the photos of pitcher, sprout and that of Hindu gods and goddesses but they appeared to be stylistic ornamental pictures. By stylistic ornamentation, I mean that there could be any flower or leave i.e. it could be anything like flora and fauna and instead of showing them in real terms, they have been shown in imaginary style. In my opinion there is no figure of a pitcher here. A base is made there which is half circular

i.e. it is a circular base. As I have not done any work on iconography so I would not be able to tell whether this picture belongs to Indian Art or it belongs to a foreign art. I cannot say even from common sense as to what it is which has a circular base or of what thing that figure is. By seeing the Photo No. 51 of this very album the witness said that instead of there being a pitcher, there were two circular shapes in it. I cannot tell even about these photos as to whether they are of Indian style or that of a foreign style. I cannot say even from my common sense that in addition to it being circular what thing this photo belongs to. After seeing the Photo Nos. 52 and 54 of this very album the witness said that in both of these photos a shape of a pitcher is made on a base. It is true that stylistic flowers and leaves etc are made on the pitcher but I am not able to see the human figures on the surface of it. There does not appear to be any human figure in it but there are some pits like shapes there. It is wrong to say that these are the pits which get shaped at the time of making human figures. By seeing the photo I cannot say on which material these figures have been made but it is carving. After seeing the Photo Nos. 103 and 104 of the album of this very coloured photo the witness said that some are standing there in Photo No. 103 and some are looking on. It is not clearly visible in Picture No. 104 but there could be a pitcher below it but no figure is visible to me on it. No carving work is visible in this Picture No. 104, but red colour is visible. This seems like a pillar. By seeing the Photo No. 105 of this very coloured album of the photos, the witness said that some ornamentation or decoration was visible downwards. This seems to be shaped like an earthen pot. After seeing the Photo No. 108 of the album of these coloured photos the witness said that there are some shapes visible on the circular decoration base. There is no idol or idol carving visible in it which is worshipped by the Hindus. On the one

side of this pillar there is a plastering in red colour and it is not plain on the other side and it has something made on it which is not found out from the picture. This is wrong to say that there are human shapes on both sides of this pillar. Volunteer: that it does not appear to be so from this picture. On seeing the Photo No. 109 the witness said that it may be the lower portion of the pillar, there is certainly ornamentation but no human form is visible to me. Even in the lower portion there is no pitcher but ornamentation. What are the shapes carved in this ornamentation can not be told by me even from my common sense. By seeing the Photo No. 110 of this very album the witness said that it was not visible as to what different shapes had been made there because it was not clear as the photo is not clear so I would not be able to tell whether there are pitcher, sprouts and human forms in it or not. After seeing the Photo No. 111 of this very album the witness said that the figure standing there appeared to be like a pillar. This picture is also not clear, hence it is difficult to say as to what is made therein. It is true that the photo No. 113 of this album is somewhat clear than that of Photo Nos. 110 and 111. There is also no human figure shaped but it is a stylistic decoration. After seeing the Photo No. 114 of this very album the witness said that this is perhaps the photo of the lower portion of the pillar. In this also no human figure has been made but the remaining is the stylistic decoration. Similarly in Photo Nos. 115, 121, 141, 146, 147 and 162 too some stylistic decorations have been made but no human figure has been made. After looking at the Photos No. 160 and 161 of this very album the witness said that no figures have been made but there are some red patches visible in it. No carving is visible to me in these red patches. As these photographs are not the three dimensional ones, so I would not be able to tell whether these patches are plain or the carved ones. Similarly, there are stylistic decorations

visible in Photo Nos. 163, 166 and 167 also but no human figure has been made. After seeing the Photo Nos. 176, 177 and 180 of this very album, the witness said that these pictures are also not clear but even in this some stylistic decorations do appear but human figure is not visible to be made. The pitcher, the sprouts are also not visible in it. By seeing the Photo Nos. 181 and 185 of this very album the witness said therein also stylistic decorations are visible to be made but no human figure was visible. There is no similarity but there is variety in all the above photos which have been given shape to in the carvings.

In the Photo No. 44 of this very album a stone is visible on which the word "Janam" (birth) is clearly visible and which has been written both in Roman and Devnagari scripts but it is not clearly legible as to what is written following this. The Cross-Examining Learned Advocate drew the attention of the witness towards Photo Nos. 31, 32 and 33 of the album of the black and white photos of the disputed structure prepared by U.P. Archaeological Organization filed in other Original Suit No. 4/89, after seeing which the witness said that the idols which are visible in it, such idols should not be there in a mosque.

It is wrong to say that this statement of mine is wrong that due to remaining busy with my academic commitments, I could not go to the disputed place. It is quite wrong to say that I did not visit the disputed place owing to the fact that I had come to know that there are the idols of Varah Devata (Boar God) and that of other gods and goddesses on the disputed place and they are carved on the pillars. It is not required of a historian that he should have knowledge of archaeology and of the shapes of stones before tendering his opinion. Then said that it is not always necessary.

Question:- Is it necessary or not for a historian to have archaeological knowledge of the epigraph on which his opinion is based?

Answer: It is not necessary.

The historians give their opinions on the basis of the truth of such an epigraph being proved by the epigraphists and paleographists. I am of the opinion that the belief, in a religion, by a person is his personal matter. I also believe that if there are two Sects of a religion then also it is a personal matter of the followers of the Sects. It is correct to some extent, to say that the Britishers divided the Hindus, the Muslims and the Christians separately but they propagated that all the three of them are divided on the basis of religion. It is wrong to say that the Britishers divided Hindus, Muslims and Christians on the basis of their personal laws. The personal law of every religion had already continued from earlier periods. The scope of religion and law is different but there can be situation of confrontation between the two. It is wrong to say that there cannot be a situation of a confrontation between religion and law. It is not correct to say that the religion is only for the mental satisfaction but the religion also regulates the society. It is not correct to say that the society is divided separately due to there being separate personal laws of different communities. But there are many reasons for the division of a society and one of the reasons is the caste system. In my opinion it is not necessary that there should be a uniform civil code in our Indian society. It is my personal opinion that if there is the matter of a uniform civil code in the constitution then I am ready to accept it. It is wrong to say that I have made wrong statement of mine as per the advice of the advocate of the Plaintiff Shri Jilani Sahab but my statement is correct.

(The cross-examination by Shri Ved Prakash, Advocate on behalf of Shri Dharam Das, Defendant No. 13 concluded).

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

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It is correct to say that the periods of Indian history are divided into three parts such as ancient period, medieval period and the modern period.

Verified after hearing the statement

Sd/-

(Shirin Musavi)

25.8.2001

Typed by the Stenographer in the Open Court as dictated by us. In continuation of this be present on 10.9.2001 for further cross examination.

Sd/-

25.8.2001

Date 10.9.2001

(In continuation of 25.8.2001, the statement of P.W.-20 begins on Oath):-

I have not done my post graduation in Modern History, but I have done it in Economic history of India. There are 9 papers in post graduation course out of which four papers are specialized papers and the remaining five papers are compulsory subjects and the whole history is taught in them. Out of the five above papers a student takes up Modern or Medieval or Ancient History according to his choice. I had take up Medieval history. In my paper the history from the beginning of 12 century to 18 century was taught. The subject of my research was the Mughal Economy.

In my study the portion of the course of the disputed structure was not included but I had read it myself i.e. have studied it. I had started to read on this topic from 1986. I had watched on the T.V. that the Court had given orders to open the locks of this structure in 1986. Then said that she had seen the ceremony of opening of the lock but she does not know about the orders. As far as I remember the opening of the lock had been shown on T.V. Prior to 1986 also I had read about the disputed structure as I have said above and this was done specially with a view to reading the epigraph (inscription).

According to a historian the inscriptions are on copper plates, on stones, on deer hides, on the tree barks, on clothes and besides it can also be on a wood. As I have made the statement above, I had read the epigraph fixed on the disputed site between 75 and 1980 and had carried out studies on it. The study of those epigraphs was necessary for my research. I have made no mention of the epigraphy,

found on the disputed site, in my thesis. I have not written in it about the cost of construction. Only those epigraphs have been mentioned in my thesis which were important and which were related to economy. It is true that prior to 1975 I had no knowledge of the epigraphs inscribed on the disputed place. It was not the subject of my research since when inscriptions are there on the disputed place. Volunteer: that epigraphists are of the opinion that they were inscribed in 1528. I had carried out a study since when the above inscriptions were fixed. The date of fixation of those inscriptions is written in the monograph. Those monographs tell about the Hijri Year but I am not able to recollect that at the moment. Perhaps 900 or something Hijri is written. I know Dr. Sushil Kumar Srivastava as a member of Indian Congress of History. He was perhaps, a Professor in Baroda University. I am not aware whether he was Head or not. I totally disagree with that opinion of Dr. Sushil Srivastava that those epigraphs may have been fixed during 19th century. Shri Srivastava is a historian of Modern India and he is also not an epigraphist. Himself said that he knows Persian also is not known to me. At this point the Learned Advocate of the Cross-Examiner drew the attention of the witness towards second paragraph of paper No. C-2-155/6 filed in other Original Suit No. 4/89 by seeing which the witness said that she totally disagree with that opinion. Himself said that she had read many inscriptions of that period. The other inscriptions of Babar's period are also in existence and they have the same style which is there in others. I have seen the photo of the original inscription in *Epigraphia Indica*, 1964-65. It is true that I also read this book only after 1975. There were three epigraphs fixed at that disputed site. I do not fully remember at the moment as to what places they were fixed on. They were in Persian. I am fully conversant with Persian. I can tell after reading as to what was written on all the three epigraphs

(inscriptions). I do not remember it verbatim. Again said that the particular thing written in it is that Mir Baki got it constructed on the orders of Babar and by the word "Khair Baki" the date of getting it built is found out. The same things have not been written in all the three inscriptions or epigraphs. In some inscriptions Babar has been praised and in some other there is a praise of Mir Baki. But it is written on two inscriptions that Mir Baki has got it built on the orders of Babar but Kalma and Bismillah etc. and Kul ho Vallah, Bismillah and Kalma etc. is written. Archaeology is a main source to know the history of a period regarding which the history has not been written. In addition to this glotto chronology, anthropology and geology etc. are its other sources Archaeology is not the only source to know about the culture of Harappa but now remote sensing is also a source. It is true that archaeology is the main source to know about the history prior to emperor Ashoka period. It is true that the history of that period is known on the basis of epigraphs and mark of the coins excavated from the archaeological discoveries i.e. that is a source to know about that period. Lipi means script. I am not sure about the fact that Brahmi script is the oldest script of India but Kharsosthi is contemporary of this script. I do not know that Brahmi script is the mother script of all the scripts. Then herself said that if by all is meant the whole world then I disagree with it but if it means only India then I am not sure about it. According to my knowledge the world's oldest script is Phoenix which was discovered by Egyptians and the Idiography which was discovered by the Chinese. There is no question of there being any script in the pre-historic period because that period is treated as a historic period since when the script becomes available.

Question:- Which of the scripts were found on the inscriptions or coins etc. in the period of which there is no written history?

Answer:- The period of which there is no written history i.e. which is called the pre-historic period in that period there was no script neither any inscriptions nor inscribed coins are found of that period.

Question:- Such scripts have been found on some inscriptions in the excavations of Harappa, which have not so far been read by historians and epigraphists?

Answer:- Some such signs have also been found which can also be scripts but the day it is decided that it is a script, from that day onwards Indus Civilization would be called historic and not pre-historic. It is true that literature is also a source of history. I have not heard so far that any literature might be oral one. Then said that they were called Shruti till the time they were not written and they are called as part of literature when they are written. There are four Vedas which became part of literature after they were written.

Question:- According to your views till the time the Vedas were not written they were part of oral literature and when they were written they became the part of the written literature?

Answer:- As I have told above that till the time the Vedas were not written, they were Shruti and when they were written they became part of written literature. I do not know the time when the Vedas were written. I do not know anything about Shruti and Smriti.

Question:- Do you consider Shruti and Smriti as the sources of history?

Answer:- The historians of the ancient period used the Shrutis and Smritis as the sources of history.

Balmiki Ramayana is said to have been written in the first century A.D. Its author was Maharishi Balmiki. I had read its English translation quite earlier. I do not remember whether it contains the details of the birth of Bhagwan Ram in Ayodhya or not. Ayodhya has been described in Balmiki Ramayana but I had read it quite earlier. I do not remember whether there is a description of Saryu river or a description of Ayodhya as being a place of pilgrimage of Hindus in Balmiki Ramayana or not. Herself said that there is emphasis on political aspects and not on religious aspects in Balmiki Ramayana. As far as I remember the description of Bali is in political terms in Balmiki Ramayana, I do not recollect whether there is any description about Hindus and about their religious places in Balmiki Ramayana or not. It is true that Ram has been considered as an incarnation of Vishnu in Balmiki Ramayana. I do not remember that there is a description to the effect in Balmiki Ramayana that Ram was born in Ayodhya. I do know that it is the belief of the followers of Hindu religion that the birth of Shri Ram took place in Ayodhya itself. I am not aware of the fact whether or not all the Hindus believe that Sri Ram was born in Ayodhya but a section of the Hindus are of the opinion that Sri Ram was born at the very dispute place in Ayodhya. I have read the translation of Ram Charit Manas. I have read it a little bit in Avadhi. As I am not well versed in Avadhi so I have read the Hindi translation. Avadhi is the language of Avadh. These days Avadhi is not the language of Lucknow and it is not spoken anywhere. It is just a dialect. After the formation

of United Provinces Avadh became the name of just a small region. Lucknow being a part of it is a separate region. There was no prevalence of Avadhi Language in Lucknow in 1970. I have not read the description about Sri Ram having been born in Ayodhya in Ram Charit Manas. It is correct that there is a complete detail in Ram Charit Manas about Ram son of Dashratha, and about his kingdom. It is true that the births of Sri Ram have been described in Ram Charit Manas. But I do not remember the description of Ram having been born. It is true that Ayodhya is an important place of pilgrimage of Hindus. I am unable to call to mind whether there is a description in Ram Charit Manas or not that there are a large number of temples of Hindus in Ayodhya. It is true that Saryu has been said to be in the north of Ayodhya in Ram Charit Manas. I have not read any book about Ayodhya and temples in Ayodhya. At this point the attention of the witness was drawn towards the three lines "Avadhpuri Sukhrasi" after the third couplet of Page 587 of Uttar Kand of Shri Ram Charit Manas filed in Original Suit No. 5/89. After reading this the witness said that she would not be able to translate this accurately as she did not have special knowledge of Avadhi. I would not be able to tell even the common meaning without the help of dictionary. It is true that in Ram Charit Manas Ayodhya has been addressed as Avadhpuri. I know the meaning of Janam Bhoomi (place of birth). The Janam Bhoomi means the place of birth of a particular person. It is true as I have told above that there is a mention of Saryu river in Ram Charit Manas. I would not be able to tell that "Uttar Deesi" means the north direction. As I am not conversant with Avadhi, therefore, I would not be able to tell about the meaning of the Quatrain (a metre of four lines) that Sri Ram may have said "Ayodhya is my place of birth in the north of which flows the river Saryu". I do not remember as to in

which portion of Ram Charit Manas it has been said that Ram belonged to Ikshwaku dynasty.

It is true that there is a description of four sons of King Dashratha of Ayodhya in Ram Charit Manas. Probably there is a description about the birth of all the four sons. There could be a description in it to the effect that all the four sons of King Dasaratha were born in Ayodhya but I am not in agreement to it. I have not studied the Puranas. I have heard the name of Skandh Puran. I have read the translation of one part of Skandh Puran. The details of the birth place of Sri Ram have been given in it and directions have also been provided. Volunteer: that it was said by intellectuals that they were vague. In this regard I have no personal opinion. When I was carrying out study on the disputed structure then I considered this portion of Skandh Puran to be relevant and therefore, I read its translation. It is true that there is a mention about the place of birth of Sri Ram in Ayodhya, in the Skandh Puran. But in that very portion it was not there where I read the translation of the surrounding temple of the place of birth. In that very portion the location of temples etc., situated in all the four directions of the place of birth has been given but it is not possible to be certain about. I do not remember whether in that portion there is a mention or not of Lomash Ashram, Vishwamitra Ashram and Vashisht Kund places etc., all around the place of birth. In my opinion the disputed structure may have been built in 1528 for the first time. The land this disputed structure was built on is not found out in any source and therefore I cannot tell as to who the owner of this land was, in whose occupation it was and what type of this land was. Whether this land was given in charity or not, the mention about this is not available in any source upto 17 century. I have read in the account of Finch that it is said that the area in which this mosque is situated is

known by the name of Ramkot. The full name of Finch was William Finch. It is true that he was an English traveller who came to Ayodhya between 1608 and 1611. It is also true that Finch has mentioned about the fort of Ram, palace and the ruins in Ayodhya in his accounts and along with this he has called Ayodhya to be a place of pilgrimage of the Hindus. Then said that William Finch has said that it was a legend that there was a fort of Ram (Ram Ka Qila) there. He has also said that it is believed that Sri Ram has incarnated here. But he did not use the word "Bhartiya". Gazetteer is not considered a source in history so I never took it seriously. I have not seen the Gazetteer of 1854 of Edward Thawrton. I have not read the Encyclopedia written by Edward Thawrton neither I have heard of it. I do not consider the Gazetteer of 1854 to be relevant for the 16th century history so I did not gather information about it. It is quite wrong to say that the disputed structure may have been built in 1501. At this point the Learned Advocate of the Cross Examiner drew the attention of the witness towards the date 18.12.61 marked on Paper No. 2/15-A-1 of the plaint of other Original Suit No. 4/89, after reading which the witness said this is written in Para 1 that the Babri Masjid was got constructed by Babar about 460 years ago. This cannot be more than 460 years if this was said in 1961. As Babar had not come to India in 1501 so there was no question of getting the Babri Mosque built at that time. The remaining things written in Para 1 of this is correct but it is wrong to say that this is earlier than 460 years from 1961. After reading Para 11(A) of this paper the witness said that about 460 years ago is written in it, therefore, I agree with this. Some means about. In my view this mosque was got built by Mir Baki and he has said that it was got built on the orders of Babar so I cannot tell whether Babar had given such orders or not because it does not find mention in any other source.

Question:- Did you find any written proof in the studies or research carried out by you regarding the disputed structure to the effect that the disputed structure was got built by Mir Baki on a vacant land?

Answer:- No mention is found of this mosque being built in any other contemporary evidence so there is no question of having any knowledge as to the land this was built on.

I tried to find out after 1986 as to what the nature of the land was on which Babri mosque was built. But no mention about this is found in any sources whether this land was acquired by force or a mosque may have been built on the site of a temple after getting it demolished.

Question:- After 1986 since when you began your studies regarding the disputed structure to date, have you found any information or not regarding the ownership of the land revenue, entries, possession and about the type of the land on which the disputed structure is situated?

Answer:- Upto early 18th century no such records were prepared, therefore, the question of my studies does not arise.

I have not studied the revenue records which were prepared in the second half of the 18 century. I have no knowledge about the situation of revenue records from 19th century to date.

I fully disagree with the view of historians that Mir Baki was a Shia. I do not agree with the views of Shri Suraj Bhan, who is an archaeologist, Dr. Suvira Jaiswal, who is

an ancient Indian historian and Shri Sushil Srivastava who is a modern historian, if they have said that Mir Baki was a Shia because these people are not an authority of medieval history.

Question:- In your opinion will any historian recognize any inscription, coin and pottery etc., found during any illegal activity which may be important from an archaeological point of view or not?

Answer:- If any archaeological find has not been found or taken out in a controlled situation but it may have been claimed to be found during an illegal activity then no historian would recognize them. By illegal activity I mean that which is against the Court's orders or in contravention of them. The epigraph (inscription) claimed to be found on the disputed site is known to me. I have seen the inscription in the book of Shri S.P.Gupta which are claimed to have been found at the disputed place. I do not believe in its existence or find. I do not disbelieve the contents inscribed on that epigraph but I am not sure as to where it has been found.

In the free translation of the epigraph in the book of Shri S.P.Gupta it has been mentioned that there is a description in it about the Vishnu Han Temple of 12th century in Ayodhya. I do not know as to when the Court ordered that the disputed structure should not be demolished but I came to know about it when the contempt proceedings were initiated.

The Learned Cross Examining Advocate drew the attention of the witness towards page 5 of 118-C-1/36 filed in other original Suit No. 5/89. After reading the last paragraph of it the witness said "I do not agree with it". I have not read the

book "Communal History and Rama" written by Prof. R.S.Sharma. I have not read the book "Archaeology of Babri Mosque and Babar" written by Mrs. Surendra Kaur and Sher Singh. Baki is the name of Tashkandi Mir Baki and Babar himself has used this name in the Babarnama. I have not heard the name Baki Sagawal. Then said "I do not remember it". I cannot tell that Baki Sagawal was the name of Mir Baki himself. Then said that Sagawal used to be not a name but a post. Sagawal was an office. I do not know as to what its duty and exact nature of it was. I cannot tell that there may be a mention in the Babarnama about Babar having gone to Jaunpur in 1529 and Mir Baki may have come to see him and Babar may have appointed him as his commander. Hassain Shah Sharki was a Sharki Sultan who had ruled before Babar. He was defeated by Lodhi. It is wrong to say that the disputed site may have been a Ram temple from the very beginning and by breaking down which a mosque may have been built. It is also wrong to say that it may have come up in the excavation carried out by Shri B.B.Lal and in other excavations that Babri Mosque may have been built by demolishing a Ram temple. It is also wrong to say that I have not studied those sources in which this disputed structure may have been called a Ram Mandir. It is also wrong to say that it may have been said in the Ain-e Akbari that any Babri Mosque may have been constructed at the site of a temple after destroying it. Volunteer: that Chahal Nasa-e- is not any book. There is also no mention of anything in Hadikul Shohda that the mosque may have been built after demolishing the Ram Mandir. I have not read the book "Tarikh-e-Avadh" which may have been written in 1878 by Sheikh Mohammed. I do not consider that book to be relevant so as to know about the history of Babar. I have not read the book "Hindustan Islami Ahad Mein" written by Maulana Hakim Sayyed Haee which was got reprinted by Ali Miyan. It is wrong to say that

I have not read all those books which may have made a mention of constructing the disputed structure after demolishing a temple and I am making wrong statements knowingly.

Cross-examination by Shri Madan Mohan on behalf of Paramhans Ram Chandra Das, Defendant No. 2, concluded.

Cross-examination by Shri Han Shankar Jam, Advocate on behalf of Hindu Maha Sabha, the Defendant No. 10 and Shri Ramesh Chandra Tripathi the Defendant No. 17.

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I have seen most of the mosques of historical importance from inside. They are Jama Masjids of Delhi, Moti Masjid of Lal Qila, Kuvvatul Islam Masjid and the Masjid of Fatehpur Sikri etc. The Jama Masjid of Delhi was built in 1648. The Moti Masjid of Lal Qila was got constructed by Aurganzeb. Kuvvatul Islam Masjid was built in the beginning of 13th century and the mosque of Fatehpur Sikri was built in 1576-78.

Verified after hearing the statement

Sd/-

(Shirin Musavi)

10.9.2001

Typed by the Stenographer in the Open Court on our dictation. In continuation of this be present tomorrow dated 11.9.2001 for further cross examination.

Sd/-

10.9.2001

Date: 11.9.2001

(In continuation of 10.9.2001 the statement of P.W.20, begins on Oath): -

I came to know from the Badshah Nama of Waris that Jama Masjid was built in 1648. Some other contemporary sources also reveal that the above mosque was built in 1648. To know about the year of construction of any building the year is either written on the building itself or it comes to be known from the contemporary books i.e. from the literary sources. If any new building is constructed in place of any other building after getting that building demolished then there are entries to this effect in the sources. For example it is entered in the Badshah Nama of Lahore that Mumtazabad constructed outside Taj Mahal was built after demolishing the houses and shops there. Similarly entries were made in the Mirat-e Sikandari to the effect as to what were the buildings that were demolished at the time of the construction of the fort of Ahmedabad. In addition to this I am not able to recollect at the moment at all as to what the other buildings were which had been constructed after demolishing the old buildings. I have read both the above books written in Persian. I have both the books in my own library. The Badshah Nama of Lahore was published by the Bengal Asiatic Society, Calcutta and the Mirat-e-Sikandari has been published by M.S. University, Baroda. Whatever I have read on both the above places, according to this there is no mention about the religious and non-religious buildings that were there or not. It is merely written that the people were given compensation whose buildings were destroyed. The market in front of Taj

Mahal which was known by the name of Mumtazabad, was built in decade of 1630. As far as I remember the fort of Ahmedabad was built in the 16th century. That fort was got built by a Sultan of Gujarat whose name is not remembered by me at the moment. I do not remember as to what the ancient name of Ahmedabad was. It is not written in any book that another religious building may have been constructed after demolishing some other religious building but it is found in the books, that the rubble of a broken religious building may have been used in the construction of any other religious building. The archaeological evidence is also found about these things. In such type of buildings there is a mention of Kuvvatul Islam Masjid of Delhi that in the construction of this building the rubble of other religious places was used. As far as I remember, it is written in the book of Bumi that the rubble of more than 27 Hindu and Jain temples was used in the construction of the above mosque. The name of Bumi's book is Tarikh e-Firozshahi and it is a publication of Asiatic Society of Calcutta.

The birth of Islam religion took place near about 7th century A.D. The name of the founder of this religion was Mohammed Sahab. For the first time the Islam religion started from the peninsular Arab. As I have not read the Islamic history so I cannot tell that the Islam religion was confined to peninsular Arab and the number of its followers was less. Herself said that as far as I remember Islam religion had spread to both Iran and Syria upto 660 A.D. The Jews were residing in both Iran and Syria upto 660 A.D. and by that time the Arab Muslims and Caliphs had conquered Syria and Egypt. It is correct to say that Mohammed Bin Qasim had invaded and occupied the Sindh province of India in 712 A.D. It is correct to say that at that time Dahir was the King of Sindh. I do not know whether the throat of Dahir was cut off or not because I have not

read the political history of that period. I also do not know that Mohammed Bin Qasim destroyed the temples situated in Sindh and got built the mosques at those places. I have read the Chachnama source. There is no mention there about mosques being constructed after breaking down the temples. The name of the author of Chachnama has not been given. The name of the writer of this book is not written and probably some portions have been translated from Sanskrit and Arabic. The book of Chachnama is kept in the Aligarh Muslim University Library and it is also there in the Library of Department of History. It is wrong to say that a historian may not believe in a book, the name of the writer of which is not known. It is also not correct to say that many believe in a book which is written anonymously. It is correct to say that they believe in the anonymous books to the point upto which they contain consistency on interval evidence. It is not correct to say that it depends on the historian as to which portion of the anonymous book he should believe in or not believe in. In addition to India Islam spread upto Spain in 8th century. It is correct to say that in the 8th century in addition to Spain, some parts of Minor Asia had also been occupied by the Muslims. It is correct to say that all the above parts conquered by the Muslims in the 7th and 8th century were conquered by fighting battles. It is correct to say that in all the above parts before the victory of Muslims, there was no muslim population or mosques. It is also correct to say that the mosques were built in the above countries after the victory of the Muslims and there came about the Muslim population also. It is correct to say that Islam religion was established in the Central Asia upto 11th and 12th centuries. In my opinion the invasions of Taimur and Nadir Shah after the 11th and 12th centuries were not tribal invasions, but they were political invasions. I do not agree with the view that in whatever parts of the world the Muslims, followers of Islam

religion, went they built mosques after destroying religious places there. The religious places include the Church or temple and the religious places of other religions. It is also not fully correct to say that the Muslims caused forcible religious conversions wherever they went in the world. I had read quite earlier a book called "History of Arab" written by Hitti of Philip. I did not read the references given in the book. I do not know that any contradiction of this book may have been published in any book. Herself said that this is a book which has been written for the general public which is not based on any research. This cannot be considered to be a scholarly book. A scholarly book is that book which is based on the thorough research of somebody and the other people make a reference to it during their research work. Maps have been given in this book and there are references of other books but due to there not being any bibliography it cannot be considered to be a research work. It is fully correct to say that such a book may not be considered as a source or reference may not be made to such a book which is not based on a research work. In my opinion the above book is partially dependable. It is not correct to say that Iran is such a country where all the people may be the followers of Muslim religion but the Zoroastrians had remained there but I do not know this much whether they are present there these days or not. This is wrong to say that Spain is such a State which may have been fully reoccupied by the church but the mosques are in existence even these days there, which are in very good conditions and which have been seen by me.

I do not agree with the view that during Qutubuddin Aibak and during his reign the people became the followers of Muslim religion after mass conversions having taken place. It is to some extent correct to say that some mosques did get built during his reign and some of those

mosques have been built from the rubble (debris) of temples. By the rubble (debris) of temples I mean that the mosques were built with the rubble of temples after getting the temples demolished. I did not find any historical evidence on the basis of which it can be said that mosques were built after destroying temples during the reign of Iltutmish, Razia and Balban. It is quite wrong to say that any mosque may have been built after destroying any temple during the reign of Mohammed Bin Tughlaq. No literary proof about this is found that during the reigns of Alauddin Khilji and Firoz Tughlaq any mosque was built after demolishing a temple.

Babar was the resident of Fargana, Central Asia. Babar was the descendant of Changez Khan from his mother's side. As far as I have read in history and by reading the Babarnama it appears that the purpose of Babar's coming here was to establish his kingdom and to get settled here. It is not correct to say that his main purpose was to establish Islam religion in India. Himself said that Islam was already in existence here and he fought his first battle against a Muslim emperor. It is correct to say that at that time the rulers who were already ruling were the Afghans and not the Mughals. These are the following differences between Mughals and Afghans:- Mughals were those whose mythical ancestress was Alankuwa. Afghans were the ones who had come from Afghanistan. This difference was partially geographical and racial.

In my opinion Babar was not tribal but he belonged to sedentary society. When Babar occupied Ayodhya at that time Lodhis were in occupation of Ayodhya. It was the year 1527. At that time there was a rule of Sikandar Lodhi in Ayodhya. At that time both Agra and Delhi were the capitals of Sikandar Lodhi. I do not know as to what the temples

were that were in existence near about 1527 in Ayodhya. It is correct to say that there were Boddh and Jain temples since the 7th and 8th century in Ayodhya as has been written by B.B. Lal, the archaeologist in his report. The legend about the birth place of Ram being in Ayodhya is found since 17th century. Prior to that in the medieval history no legend about the birth place of Ram is available. As far as I know the ideology associated with Ram of Ayodhya is available in 16th century and afterwards. There is no mention of any ideology associated with Sri Ram in Ayodhya in the Persian and English sources prior to this period which have been read by me. I do not know whether any other sources are available or not in addition to Persian and English sources. As far as I know there is no mention of Ayodhya in any of the Vedas. I have read the English translation of a portion of Skand Puran which is called Ayodhya Mahatmya. The inscriptions fixed in the disputed structure were got fixed by Mir Baki who got the mosque built. I have seen the photograph of that inscription and in my opinion the inscription is engraved on stones. It is true that a lot of damage was caused to the disputed structure in 1934 and one portion of it was broken down. Neither I know nor I have read that one dome was got built again by the Britishers. I do not know whether that damage was caused in the riots of 1934 or not. It is wrong to say that the inscriptions that were there on the disputed structure were fixed after the riots of 1934 but the truth is that they were already fixed there which had been made a mention of in accounts of Bukanan in 1810. In all there were three inscriptions on the disputed structure. All the three inscriptions were in separate and different words but their contents i.e. their meaning was more or less the same. That is all the three inscriptions were fixed at the same time which were previous to 1580. According to the study of epigraphists the script of all the three inscriptions

dates back to 1580. I have read in the 1964-65 volume of *Epigraphia Indica* that all the three inscriptions were engraved in 1528 itself. *Epigraphia Indica* is a journal of Archaeological Department and it is quite a trustworthy journal which is edited by the learned Epigraphist Z.A.Desai. In addition to this, I have also read about two inscriptions in the book of Banerjee "Babar and the Hindus". He has not written about the third inscription because that had got damaged. The book written by Banerjee is kept in my own library and it should be there in the Tagore Library, Lucknow also. I have read the *Babarnama* translated by Mrs. Brevarage. I have also read the translation of Persian written by Abdul Rahim Khan Khana. I have also read the English translation of *Babarnama* by Thaxton. I have also read the translation by Erickson but it is not much dependable. In all the above three translations there is a difference of words and interchange of words which change their meanings also. But in reality the best translation is the Persian translation of Abdul Rahim Khan Khana This translation of Abdul Rahim Khan Khana is placed in the Aligarh Muslim University in the form of rotograph and the original *Babarnama* perhaps does exist in the British Library, London. It is not correct to say that some pages of the real *Babarnama* written by Babar are missing but it is correct that accounts of some days are not there in it. I do not agree with the view that Babar was opposed to idols. I also do not agree with the view that he was opposed to idol worship because it is not written so in his *Babarnama*. After seeing the Hindu Temple of Gwalior he wrote that he had enjoyed it so much and he praised it very much which has been written by Mrs. Brevarage. It is true that Babar had ordered to deface the private parts of the idols of Gwalior which were nude. I cannot say whether it is written in the *Babarnama* of Brevarage or not that the commanders came

and said "O! You iconoclast have done a very good job". But Abdul Rahim Khan Khana has nowhere written that the commanders of Babar may have come to him and may have praised "O! You iconoclast have done a very good job". I have nowhere read in the translation of Babarnama by Mrs. Brevrage that after victory Babar may have taken all the women in his harem (seraglio) and may have caused mass conversions. It can be ascertained as to whether there was a temple or not at the site through archaeological survey explorations and through excavation survey. The most dependable proof of the evidence of physical remains can be found through archaeological excavations only. The evidence as to whether there was any building prior to the disputed building at the disputed place or not can be found through archaeological explorations only. I do not have any knowledge about any archaeological excavation having taken place at the disputed place. Professor B.B. Lal had carried out the excavation at Ayodhya but I do not know decidedly whether he had carried out an archaeological excavation or not. It is true that I do not have any historical evidence whether there was any building or not at the disputed place (disputed structure) or not. Volunteer: that negative evidence about this does exist.

The negative evidence is as follows:

1. If any standing building would have been broken down then it would have naturally been written in the inscription that this mosque has been built after destroying any building or temple.
2. The nearby contemporary historians would have made a mention of it in their separate writings.

I have not read the Guruvani of Guru Nanak Dev. It is correct to say that Guru Nanak Dev was the contemporary

of Babar. I have read five volumes of "History of Sikhs" written by Macowliph. It is difficult to describe in brief about the personality of Guru Nanak Dev as has been written by Macowliph in his book.

I have not read what Guru Nanak Dev has written about Ayodhya. I have not read the Sikh sources directly as I am not conversant with Gurumukhi. Therefore, I would not be able to tell as to what has been written with reference to Ayodhya. I have read whatever has been written by Mecawlay about the Sikh literature. Then said that Babar has not said any particular thing about Ayodhya. It is true that due to being a historian it was not necessary to read whatever had been in the Sikh literature but it could have been of use and I had read its authentic translation. It is true that there is a tradition in Sikh literature that Guru Nanak paid a visit to Ayodhya, saw the birth place of Sri Ram and took a bath in the river Saryu. By tradition, I mean that any solid historical evident about that is not available and it may have been said for quite a long time. It is true that tradition is also one of the sources of history but it is a source for that period in which period that tradition may have started or may have been in vogue and not for the period to which it is attributed. It is correct to say that tradition does not test if a fact but there being a tradition is in itself a truth. Ayodhya has been considered to be a sacred place upto 17th century and 18th century but the tradition about birth place of Ram is available in the sources since 18th century. I am not sure whether there is a description of the birth place of Ram in Ayodhya or not in the Balmiki Ramayana which was written in the first century A.D. I do not consider Balmiki Ramayana in this context as a source of history. I do not consider this book as a source of history as it was written in the first century A.D. It is true that it may be a source of cultural history of the first

century A.D. but after this I do not consider it as the source about Sri Ram. I cannot make any comment on any Divine Book i.e. on Quran. I have not heard that Balmiki Ramayana is a Divine Book. There is no mention about Ayodhya, Kashi and Mathura in Rig Veda. I am not sure whether it is so mentioned in the other Vedas or not. I have not read separately a book on Ayodhya Mahatmya but I have read the chapter named Ayodhya Mahatmya in the Skand Puran. Skand Puran is generally attributed to 9th century in which there is a chapter named Ayodhya Mahatmya. It is true that there is description of Sri Ram, his birth place and about his greatness in the Ayodhya Mahatmya. It is wrong to say that I have been connected with the Muslim Educational Institutions and Muslim Institutions. Since the beginning of my career I know the Karamat Hussain Girls' College by its name and there is a possibility that Muslim word may also be connected with it.

I do not know that Karamat Girls' College is an institution of Muslim minorities. In addition to teaching at Karamat and Aligarh Muslim University, I have also taught at Chicago University for two quarters i.e. I have taught there for about eight months. I have been teaching history in Aligarh University from the very beginning. I do not know that Aligarh University had been a den of Muslim League upto 1920. I do not agree with the view that Aligarh Muslim University has played a prominent role in the partition of India. It is quite wrong to say that anti-Muslim history books are not available in the Aligarh University Library. It is also quite wrong to say that those history books are not available in which true accounts of the things against Muslims have been written. It is also wrong to say that the atmosphere of Aligarh Muslim University is against the Hindus. Herself said "The present Head and Coordinator of our History Department is Prof. S.P.Gupta". The translation

of Balmiki Ramayana is there in the library of our English Department and I have read it from there itself. The book of Dr. Ishwari Prasad is taught as a text book in all the courses of medieval India in the B.A. and M.A. courses of our University. In M.A. my specialization is in medieval history. It is true that the thesis of my Ph.D was on "Economy of Mughal Empire". It is wrong to say that I read only those portions of the sources during my research which were related to economy. I read about the research of medieval history relating to the disputed place upto 1750 but I have got no publication on that. It is wrong to say that I have not carried out any research work about the disputed place. I have collected the historical materials relating to Babari Mosque and Ayodhya but I have not prepared the final draft about my article. It is wrong to say that all my statements given with regard to Ayodhya are tentative ones. It is wrong to say that I have been connected with only the Muslim Educational Institutions through out of my life. Again said, "I got my elementary education in La Martinear". Then I studied for my High School and Intermediate in Women's College and then did my M.Sc from Lucknow University and joined for my research in Maths there itself.

It is wrong to say that I have come, to give false evidence intentionally because I have been connected with Aligarh Muslim University since 22 years of my age. It is also wrong to say that I have given false evidence by hiding the historical facts intentionally. It is also wrong to say that I have intentionally not told about whatever literature is available in favour of Hindus. Then said. "I do not consider this problem as a Hindu Muslim problem but a national problem. In my opinion it is not only the problem for Hindus but it is also a national problem for all of the Indians". It is

wrong to say that I knowingly want to muslimise this national problem.

The cross-examination by Hari Shankar Jain, Advocate on behalf of Hindu Maha Sabha, the Defendant No. 10 and Shri Ramesh Chandra Tripathi, the Defendant No. 17 comes to an end.

Cross-examination by Shri Puttu Lal Mishra, Advocate on behalf of Shri Rajendra Singh the plaintiff in other Original Suit No. 1/89).

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I passed the M.Sc examination in 1969 and I was doing research in Lucknow University. I was able to do it only for a few months when I got lectureship in Aligarh so I went there leaving it behind. I had done M.Sc in Mathematics. I had carried out Research on Economy of Mughal Empire and I submitted my thesis. In M.A. my special paper was Medieval History. Medieval Indian History is different according to different historians. According to some historians it begins after the death of Harsha and some others consider it to have started from the early 10th century. I have read the medieval history from the 12th century and onwards but I had read the economic history earlier to that period i.e. I had read it further to 7th century and upto early 18th century. In the medieval history I had read the history of internal existence and development of India and about the attacks on India from outside and its effects on it. The sources of history from 12th century to 15th century are as follows. Tabkate Nasiri of Minhaj Siraj, Tarikhe Firozshahi of Zia Burni, Travels of Ibne Batuta Fayadul Favad of Hassan Sijji, Khairul Majalis of Hamid Kalandar, Futuhate Firozshahi of Isami, Mitahul Fateh of Khusro and Khazainal Futuh etc. In the history from 12th century to 15th century I read particularly the history of Northern India and also read some sources about Deccan.

Question:- What did you read and about what places of Northern India in the history between 12th century and 15th century and particularly about their historical importance?

Answer:- I read the sources completely and read about all the information that was available in it.

There does not exist any source written by any British historian for the history of India from 12th century to 15th century.

Question:- What is your opinion about the history from 12th century to 15th century as mentioned in the books "Glimpses of World History and Discovery of India" written by Pandit Jawahar Lal Nehru?

Answer:- I consider both these books as sources of history for the history of National Movement. Leaving this aside they are only popular works. From 12th century to 15th century and particularly upto 12th century there were the States of the Rashtraputas, Pratiharas, Gaharwallas, Chauhan' s in the political history of northern India. From 13th century the Delhi Sultans became the main rulers. There were the reigns of Lodhis and Sayyeds in existence in the 15th century. I am not certain what place from upto what place the reign of Gaharwal was there but possibly it was from Kannauj to Kashi.

Verified after hearing the statement

Sd/-
(Shirin Musavi)
11.9.2001

Typed by the Stenographer in the Open Court as dictated by us. In continuation of this be present on 1-10-2001 for further cross-examination.

Sd/-
11.9.2001

Date:- 19.11.2001

(In continuation of 11.9.2001 the statement of Prof. Shirin Musavi, P.W. 20, begins on Oath): -

I have not read any separate book on the history of Ayodhya. I have read only the book "Ayodhya" of S.P.Gupta which is submitted in the evidence. No historicity about the Ramayana period is established. No established historian has considered the Ramayana period as historical period. The historicity of Ramayana period has not been established in whatever books I have read of established historians. In addition to the established historians, who have been mentioned by me in my statement above. I have also read the books of other historians whose names are as follows:- Ancient Indian History of the Vidya Bhawan Series edited by R.C. Mazumdar, the book of Neelkanth Shastri, "Wonder that Was India" by A.L.Bhasham, Ancient India Pelican Series of Romilla Thapar etc. R.C.Mazumdar has made the beginning of historical period of India from the Indus Valley Civilization in his books. The earliest dating of the Indus Valley Civilization is done from 3000 B.C. It is not correct to say that the Indus Valley Civilization is considered to be the oldest civilization of the world in history. It is true that the ancient most civilization of India was the Indus Valley Civilization which has been mentioned in history books. It is true that the first two excavated sites of Indus Valley Civilization are Harappa and Mohanjodaro. There is also no historicity about the date of Mahabharata period. The Buddha period is placed in the third century in history. It is in order that the whole Buddha period is considered to be from 500 B.C. to 300 B.C. The Jam period is considered to be the near contemporary of Buddha period. B.B.Lal has not written any history book but there are his reports available which have been read by me. It is true that he is a reputed archaeologist. Of all the

excavations carried out by B.B.Lal, the Hastinapur excavation is considered relevant in this context. Shri B.B.Lal had carried out excavation work in Ayodhya also. He had also carried out excavation at Ramkot in Ayodhya where pillars had been found but he has not expressed his view as to whose pillars they are or what building they belong to. He has said in his report that no proof prior to 7th century is available in Ayodhya. I cannot tell with certainty as to what period has been assigned to those pillars by Shri B.B.Lal. I will not be able to tell at this moment whether he has made any other important discovery or not in addition to the above ones. But he has made a mention of pottery, culture, iron, bones and grains also in his report.

As far as I know no other historian except B.B. Lal has carried out excavation work in Ramkot Mohalla of Ayodhya. Kot word is used for Qila (fort). It is true that a place with which the word Kot is added, by that it is generally concluded that there may have been a fort there.

Question:- Some mounds, ruins are found at the places with which the word Kot is added and the archaeologists generally make discoveries by excavating those very places?

Answer:- It is not quite necessary that the archaeologists make discoveries of the very mounds of the places with which the word Kot is appended (added). Archaeologists have got their own methods of exploration on the basis of which they determine to dig the place or whether any excavation should be carried out or not. I have read about the place of Ramkot in Ayodhya. There is a description about the geographical location of Ramkot in Skand Puran but that is unclear. It is true that a certain place in Ayodhya

is known by the name of Ramkot since the end of the 16th century. The writing period of Skand Puran is attributed to i.e. told to be 9th century. I am not aware of this that in settlement and survey records also Ramkot Mohalla has been accepted. Then said that certainly it would be so. As I have not read those survey reports so I cannot tell about this. (At this stage the Learned Cross-Examining Advocate drew the attention of the witness towards Page No. 173 of "Ayodhya Ka Itihas avam Puratattva (History of Ayodhya and Archaeology) of Paper No. 289/C-1 filed in other Original Suit No. 5/89 on seeing which the witness said that) it is in Sanskrit language what is written on Page 173. I can read this script as it is simply printed and is in Devnagri script. Its free translation has been given in the Pages from 175 to 177 of this as has been written in this book. I have neither read about Panchkosi or Panchkosi Parikrama (circumambulation) nor about the Chaudahkosi circumambulation in the studies which I have made about Ayodhya. I have not read anything in history about the Ram Navmi Mela (fair) in connection with Ayodhya. I know that on the occasion of Ram Navmi a fair of very big scale is held in Ayodhya in which lakhs of people come to take part in. Then said that a very large number of people come . Then said "I have not read it in history".

I do not know about the mela (fair) on the occasion of Sawan, Jhoola (swing) in Ayodhya. I do not know that in the month of Kartik the pilgrims perform Panchkosi Parikrama (circumambulation) all round the disputed place and I also do not know whether the pilgrims do the Parikrama

(circumambulation) of the whole of Ayodhya in the Chaudahkosi Parikrama or not. I have said earlier also that I have not carried out the research work on the ancient history of Ayodhya. My research and study are limited to the medieval history. There is no survey or settlement record of Ayodhya regarding the period between 1200 to 1500 nor it was carried out. As far as I know the geographical situation of Ayodhya is established from 12th century. It may be that earlier to this also there may have been the existence of Ayodhya but from 7th century its geographical situation is not disputed. I do not know whether during the Buddha period there was the existence of Kaushal State or not. It is wrong to say that the statement which I have made has been given with a view to benefiting the Muslim side but I have made my deposition on the basis of my historical studies and research work. It is also wrong to say that due to that very reason I may have left out such sources in which the proof of birth place of Ram or of a temple on the disputed site may be found.

(The cross examination by Shri Puttu Lal Mishra, Advocate on behalf of Shri Rajendra Singh son of Shri Gopal Singh Visharad the Defendant in Suit No. 1/89 comes to an end).

(The cross examination by Shri Devki Nandan Aggarwal Defendant No. 3 on behalf of Litigants, Suit No. 5/89)

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It is wrong to say that there may not be any historical proof about Mir Baki being a Sunni but a mention about this is available in Babarnama itself that Mir Baki was a Sunni. The witness said that it is not possible to read the whole

Babarnāma at this moment because it is in about one thousand pages. In addition to this, this Babarnama is translated by Brevarage. I can quote by reading the original Babarnama which is in Turkish. It is wrong to say that my above statement might be incorrect. Besides, there is another proof also about Mir Baki being a Sunni to the effect that no higher officer of Babar was a Shia but all the higher officers were Sunni because Babar hated the Shias. Babar has addressed the Shias at some places in Babarnama whose reference is not remembered by me at this moment, as Ghalis and Raoji which mean impure and infidel. It is not correct to say that all the Shias may be claiming themselves to be the descendants of Mohammed Sahab. It is wrong to say that the Shias may be claiming themselves to be the Brahmins of Muslims Sayyeds are both Shias and Sunnis. I cannot say with certainty whether Babar was a dogmatic Sunni or not. As far as I remember Babar was not a conservative Sunni. As far as I know there was no officer or employee in the entourage of Babar who followed any other religion. The original books of the copies which have been filed by me with the list of books are available in the Aligarh Muslim University. But according to rules of the library it is not possible to take those books outside the library and file them here. The new print of the second edition of the book Favaydul Favad is available in the market and I can file it on the orders of the Court. The book named Khairul Majalis is out of print so it is difficult to get hold of its copy. Similarly Khulastut Tawarikh book is also out of print. The book named Epigraphia Indica at Serial No. 7 of the list filed by me is available in the A.S.I. and it can be filed. Similarly the book written at Serial No. 7 "Early Travels in India, 1583-1619" is available in the market with Ram Advani the distributors.

The book written at Serial No. 9 i.e. the book named "Catalogue of Historical Documents in Kapad Dwar, Jaipur-Part-2-Maps and Plots" is not available in the market due to a dispute between the author and the publisher. The English translation in the list filed by me of S.No. 1, 3 and 5 provided at S.No.2, 4 and 6 are the translations by me which I have referred to and considered as relevant and the translated portions are margin lined in Persian.

(At this point the cross-Examiner drew the attention of the witness towards Exhibit No. 53 filed in other Original Suit No. 4/89 on reading which the witness said that) the translation of Epigraphia Indica which has been filed in it tallies fully with the translation filed by me at S.No. 7. She further said "A smaller translated portion has been filed at Exhibit No. 53, than the translation filed by me". It is correct to say that the translation of Epigraphia Indica, 1965 filed at S.No. 7, which appears at page 49, is the translation done by late Maulvi Ashraf Hussain and edited by Dr. Z.A.Desai. I accept all these translated copies, as correct. After seeing the Exhibit No. 53 the witness said "Mir Baki was the founder of Babri Masjid as has been written in it". According to me founder means the person who got it constructed. If any person gets a mosque built, he would be called a founder i.e. in Persian he would be said to be a Baani. I cannot tell that a person getting a mosque built and a person making a Waqf (Charitable endowment) would be called as Waqif or not. I do not know whether there are two Waqf Boards of Muslims in U.P. or not which are known by the name of Sunni and Shia Waqf Boards. I also do not know whether such a Masjid would be called as Shia Waqf or not if it is get built by a person who is a Shia Muslim. Similarly I also do not know about this that if a person is a Sunni and he gets built a Masjid and makes a Waqf (Charitable endowment) then such a Masjid

would be called as Sunni Waqf or not. I also do not know as to what the difference is between a Shia Waqf and a Sunni Waqf. I have not performed Namaz and as the women do not perform Namaz in the mosque, therefore, no question arises about a Namaz being performed by me there. (The cross examining Litigant drew the attention of the witness towards Paper No. 107-C-1/112 filed in other Original Suit No. 5/89 by seeing which the witness said that) this is the true copy of the book which has been read by me. The will of Babar produced in 107-C/117 and 118 is not believable to be true and in my view any such will is a spurious document. I have read the book "Religions of the Mughal Emperors" written by S.R.Sharma. After seeing 107-C/119, the witness said that I cannot tell with certainty about the writing in it to the effect that Babar had written his last will because no footnotes have been given in it. I have not carefully read the book written by Michel Efisher. This book is on Avadh and the periods of 18th and 19th Century have been described in it. I do not remember at the moment whether there is any mention in it about 1850 or not. I cannot tell as to whether the transcript of 189/11 is the correct script or not of the read document 189/2. The documents 189-C-2/8 and 189-C-2/9 which are in Persian, relate to the disputed structure. It is wrong to say that I have made my statement and given my evidence as a committed witness. It is quite wrong to say that I have made my statement as per instructions of Jilani Sahab.

(The cross-examination by Shri Devki Nandan, Defendant No. 3 on behalf of Defendants, Suit No. 5/89 concluded).

Re-examination with the permission of the Court

I have stated on Page No 4 and 71 of my statement that Mir Hussan Sijji has compiled the sayings of Nizamuddin Aulia in Khairul Majalis and I have stated on Page 10 of my own statement that Hamid Kalandar had compiled Khairul Majalis in 1353, which contains the sayings of Nasiruddin. My statement made on Page 10 is correct. What I have stated on Page Nos. 4 and 71 about the compilations having been effected by Sijji is not correct which has been inadvertently been written wrong. Similarly Favaydul Favad is not the sayings of Sheikh Nasiruddin but they are the sayings of Nizamuddin Aulia which have been compiled by Hassan Sijji as has been stated by me on Page 11.

Verified after hearing the statement

Sd/-

(Shirin Musavi)

19.11.2001

Typed by the Stenographer in the Open Court as dictated by us. The cross-examination on behalf of all the Defendants comes to an end. The witness is discharged.

Sd/-

19.11.2001