

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

**O.O.S. No.4 OF 1989  
(REGULAR SUIT No. 12-61)**

The Sunni Central Board of  
Wakfs U.P & Others .....Plaintiffs

Versus

Gopal Singh Visharad & others...Defendants

**STATEMENT OF P.W. 22**

**MOHD. KHALID NADVI**

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MOHD. KHALID NADVI

Date: 9.01.2002

P.W.22 Shri Mohammad Khalid son of Shri Allauddin Ahmed Siddiqi, aged 48 years, occupation Teacher, resident of Nadwa Collage, Lucknow stated on oath as under:

I am, at present, working as a Teacher in Darul Ulam Nadavtul Ulema, Lucknow. I have been teaching since 1992. I completed my education in Nadve itself. I have received the Degree of Alim and Fazil from Nadve. I got my Alim degree in 1975 and that of Fazil in 1977. I performed teaching work from 1978 to 1985. I kept on performing teaching work in Iamia Islamia, Bhatkal, Karnataka from 1978 to 1985. I worked as a Teacher in Jamia Hidayat, Jaipur from 1985 to 1992. I worked as a Teacher in Nadve also during 1985 and 1992. My education included 'Qurane Karim Ki Tafsir, Hadees', Fikah and Arabic Adab. 'Qurane Karim ki Tafsir' included Ibne Kaseer, 'Kashshaf, Madarikat Tanzil, Khajin, Tafseere Kurtuvi, Mariful kuran, Tadbbure Quran etc. The main books of Hadees include Bukhari Sharief, Muslim Sharief, Tirmiji Sharief, Muatta Imam Malik, Abudaud, Sharief etc. I have read all these books. In, Fikah, I have read the books 'Sharhe Vakaya', 'Kudoori' etc.

In Quran Sharief and Hadees Sharief, nothing has been mentioned about the style and shape of a mosque (masjid). In the books of Shariyat also one does not find reference to the style or size of a mosque. One finds reference about the existence of Kiblarukh. It is not necessary that a mosque should have a dome or minaret. It is not necessary that there must be a well or arrangement for water in the mosque for ablution. The three mosques which are stated to have been constructed in 'the era of Mohammed Sahab, are Masjide Kuba, Masjide Nabvi and Masjide Juasa. In the days of Huzoor Sahab 'Ajaan' (prayer call in a mosque) was given from a high place so that it could be heard at far off places. The place of making 'Ajaan' could be a place inside the mosque or outside. In the Masjide Nabavi, the first 'Ajaan' of Zumma (Friday) was used to be made from outside the mosque from a place called 'Jaura'.

If a structure located at a place is demolished or it collapses in a natural way, that place would still remain the mosque. If an idol of a god or goddess is kept in any part of the mosque, even then the status of a mosque does not change, but it would remain a mosque. If the people of another religion start offering prayer in the mosque, even then the status of the mosque does not change, but it would remain a mosque. The mosque concerned with this suit was got constructed by Meer Baki Asafhani, the Governor of Babar in the year 1528 A.D., who was in Ayodhya, Hazrat Bilal was the assistant of Mohammed Sahab and he selected him to make the five times 'Ajaan. Hazrat Bilal also used to make Ajaan sometimes from inside the mosque and sometimes from outside. One does not find any reference of his making Ajaan by going over the roof. Maulana Burhanuddin is an 'Ustad' in Nadve. He is the Head of Shov-e-Tafseer. At present, he finds a place at the first page of list of Ulemas.

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

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The dictionary meaning of Quran is reading. Quran-e - Sharief can be defined some what like- "Quran-e- Pak is the last revealed book of Allah that was revealed to Mohammad (S.A.V.) in Mecca and Medina through the medium of Hazrat Zibreel (A.S.) in a period of 23 years. I have an ordinary knowledge of English. In English also, Quran is called the book of God (Khuda). The process of revealment of Quran started when Huzoor Sahab attained the age of 40 years and it lasted for 23 years. As far as my knowledge goes, I have no details as to how many times Quran was revealed during this period of 23 years.

The pious Quran has 30 paras. Every para has separate Soora i.e. chapter and every Soora has Aayats. I can't tell the exact number of Aayats in one Soora. At present, I also don't remember the number of Aayats in the whole pious Quran.

Certified after hearing the statement

Sd./

Mohammad Khalid Nadvi

9.01.2002

On being dictated by us, the stenographer typed it in the open Court. Be present on 10.01.2002 for further examination in continuation hereof.

Sd/-

9.01.2002

**Date: 10.1.2002**

(In continuation of 9.1.2002, the statement of P.W.22 Mohammad Khalid Nadvi, on oath, begins)

Different Ulemas, at different times and Ages have explained the Aayats of the pious Quran in different forms. The word "Pious Quran" has been interpreted by different Ulemas in different forms. Some Aayats have been interpreted by the Ulemas differently in different ways. These Ulemas, in their respective periods, have stated the meaning of the words of some Aayats in the form of singular and plural. In the pious Quran, there are some words which convey different meanings or interpretations. It is true that some Ulemas used to take only those meanings of the words contained in the pious Quran that were used in the common conversation in their Age. The meaning of some words had continued to be the same for a long period, but later on the meaning of such words was taken differently due to changes witnessed by the language. In the Sahaba era, the meaning or the interpretation that was given to the word of Quran Sharief, was treated as authentic in the later Ages also and no change can be made therein. For example, the interpretation given to 'Asslaat', 'Ajajkaat', "Assaum" from the very beginning i.e. since the Age of Sahaba was Namaaj, Zakaat and Roza and it is being followed till today.

Similarly the meaning given to the words Umra, Sai, Ehram, Twaaf originally still holds good. To write the correct interpretation of an Aayat from the pious Quran, one is required to possess the knowledge of not only Nahav, Sarf and Adab, but one must know the matter with which the Aayat is related and the time when it was revealed. Nahav and sarf is Arabic grammar. A scholar will definitely see whether that incident concerned the common people or a particular section of the people. If the meaning of an Aayat is very clear and its same meaning or sense is

being taken right from the very beginning, then even subsequently that Aayat or the word would be interpreted according to that meaning. If need arises or it is felt necessary, its interpretation can be made. I am ready to testify (hafiz).

Question: Soora-6 Aayat 38 gives the sense that one should fight against only those who fight against you, but don't make encroachment. Allah (God) does not love the attackers. Every living thing on this Earth, even a sparrow which flies with her wings, is a living being like you - whether it is true or not?

Answer: At present, this Aayat is out of my mind but I think that this sense is almost correct.

It has been stated nowhere in the pious Quran that the land or property belonging to another should be forcibly captured or encroached. In the normal circumstances, one can't enter the land belonging to others forcibly and without their consent. Sunnat mean what has been said or done by Hazoor Mohammad Sahab or what has been said or done through others in your presence and you remained silent or did not raise objection there to. Neither did you accept that nor did you contradict that. That would be called Sunnat. Mohammad Sahib was born in sixth century. He was born in Mecca. It is true that the people in Mecca, before Mohammad Sahib, used to worship idols. At that time, most of the tribes in Arab were idol worshippers and the people, who did not worship idols, followed Deen-e-Ibrahim or were Christians or Jews. At present I don't remember that Mohammad Sahab took flight from Mecca to Medina in 622 AD, but I remember that he had migrated at the age of 53 years. Hazrat Mohammad Sahab was 'Ummi' (unlettered) and he had not learnt reading and writing from anyone.

It would be wrong to say that Quran was not compiled during the Age of Huzoor Mohammad Sahab. In His era whenever an Aayat was revealed, He, himself, directed that this Aayat should be written after a particular Aayat or Soora. No detailed mention of Sunnat exists in Quran but through inference it finds a reference therein. It is true that Huzoor, S.A.V., was against violence and encroachment. It is correct that as per His saying Quran is based on Mercy, Justice, donation and equality. Hazrat Mohammad (S.A.V), during his life-time, had got constructed 3 mosques. It is a fact that whichever mosque was got constructed by Huzoor Mohammad (S.A. V), was not got constructed forcibly, but was constructed with the consent of land owner or by purchasing that land. Huzoor Mohammad (S.A.V) also did not get any mosque constructed forcibly by demolishing any structure. From the meaning point of view, 'Hadees' and 'Sunnat', both carry the same meaning. Shariat is the rules of Islam. In Shariat, there is some detail about Ehkaam (orders) wherein certain orders have been called duty, some have been called Sunnat, certain orders have been called Mustahab, some have been called Mandoop and certain orders have been termed as Mubah. Similarly, not to do some thing has been called at certain place as Haraam and at some other places as Makrooh. Fikah is the knowledge to know the procedure/substantive. Through Fikah we know and understand Shariat.

It would be wrong to say that the Fikhi rules have been framed by the human beings by departing from 'Khuda' (God) and Rasool. In Fikah or Shariyat, one finds nowhere a reference about building a mosque forcibly. No detail has been given in Fikah about the style and construction of a mosque. The face of a mosque must be towards Kibla and Kibla means Kaaba. In the Second para of Quran Majid, one finds a reference that you should keep your face towards 'Masjide Haraam' that is

Kaaba Sharief. On this very basis, every mosque is built keeping its face towards Kibla. It is not necessary that the main door of a mosque should be towards East. It is true that the doors of a mosque could be towards any direction, but the face of the place for reciting the Namaz should be towards Kibla. I have seen the Nabvi and Huba mosques. Both these mosques are located in Medina. When I saw these mosques, there existed minarets. Perhaps, there were two minarets in Kuba Mosque. Both these Minarets were located in the Central Corner part of the mosque. There are domes in Kuba Mosque. A minaret is built only for the identification of a mosque. It is wrong to say that the existence of a minaret in the mosque is a must for offering "Namaz". It is also wrong to say that the Imam would not get the 'Namaz' recited if there is no minaret in the mosque. The literal meaning of a mosque is the place to offer 'Sajda'. If the land is not a Wakf for the mosque, that place will not be called a mosque but "Namaz" can be offered there. For a mosque, it is necessary that the land should be a Wakf in the name of "Allah". If a place is used as a mosque, that place would remain as a mosque till the day of resurrection irrespective of the fact that Namaz had not been offered there for a long time. If no way has been provided to reach a mosque even then that place will remain a mosque and it does not make any difference to its status. It is not necessary that a mosque should be built at a place where there is no public restriction on reaching that place. For a mosque, it is essential that it is open for all and if there is any restriction, its causes and reasons will have to be looked into. It would not be correct to say that if a mosque is constructed as a structure, it should not be adjacent to another building. If the occupant of the adjacent building objects to the



structure of mosque, even then the mosque will remain the mosque, but the reasons for his objection will be looked into. The person who knows the facts of the case could settle that issue and could see whether his objection is justified or not. If the temple there belongs to a particular religion and they object to the visits by the people and this objection would have been continuing for several hundred years, that issue can be settled by the Court.

As a matter of principle, there is no difference between Sunni or Shia Muslims in offering Namaz. Similarly, in 'Vazu' also, there is no difference between the two. Sunnis and Shias, both are the Islamic sects. According to me, there is no basic difference between both of them. It is true that Shia Wakf Board and Sunni Wakf Board are separate Bodies, but these are administrative matters and these Boards have been constituted to control these separate sects. Even in Shia's Imam, a Sunni can recite Namaz. It means that in case the Imam is Shia Sunni can also recite Namaz after him. If there is any picture of a living thing before the Namazi, then that Namaz would be 'Makrooh'. The literal meaning of Makrooh is 'undesirable'. If a figure of a lion, peacock or of any living thing is made outside a structure or a mosque, even then 'Namaz' could be performed there, but it would be undesirable. If the worship in a mosque, by placing an idol there, has been going on for hundreds of years, even then that place would remain a mosque. It is not necessary that there should be a Mutavalli for a mosque. If there is no minaret in a mosque, it would be identified by its acquaintance and Ajaan. If there is no minaret in a mosque, it can be identified by Ajaan and acquaintance or by information given by some one. As stated by me, it can be identified by the style and

construction also. The style and construction of a mosque in different countries, places and the people and in different Ages is recorded in their respective manner. It would be true to state that the style and construction of a mosque has not been explained in the pious Quran or Shariyat. I came to know only through history that the Babri Masjid was got constructed by Meer Baki, the Governor or the Army Commander of Babar. I also came to know through history that Babar was not the resident of this country. I have no knowledge about the fact whether the people of this country had attacked him or not. It is true that Babar came to Hindustan and he fought war to establish his rule. It can be said that Babar was an aggressor. He would have done so to establish and extend his rule. It would be wrong to say that this act of Babar was against the principles of Islam, but it is true to say that he struggled to establish his rule. I have heard the accounts of battle between Rana Sanga and Babar at Khanwa. This meaning of 'Fundamentalist' would be wrong that the religion of other people should be annihilated, but it means that one should move forward by following the principles of one's own religion. I have no knowledge about the fact that Babar fought the battle of Khanwa in the name of Jihad. I have no knowledge about this fact also that he formed mounds with the cut-off heads of the Kafirs (Hindus) and called himself Gazi. I also don't know whether the battle of Khanwa had started by 1528 or not. Ayodhya is a famous city of V.P. which is towards North-East from Faizabad. It is situated on the bank of the river Ghaghara. The Saryu river is further beyond Ayodhya, where there is confluence of the rivers. I have no knowledge about the place where this confluence takes place. Meer Baki lived in Ayodhya. The necessity of building Babri arose because the muslim population at that place was in sufficient number and therefore a

mosque is built wherever there is Muslims population. I have no knowledge about the number of Muslims living there.

If a figure of woman or of a man with turban or that of a 'Kalash' (pitcher) is drawn, even then Namaz could be performed there. I have received education in Nadwa. Nadwa was established for imparting Islamic and Shariyat education. I have read Arabic language. In Arabic language, Id means "to return". This is an Arabic word. In Arabic, 'Ud' means wood, but it would be wrong to say that the word 'Ud' has originated from Id. It would also be wrong to say that the word 'Ud' means to return times and again. Mohammad (S.A.V.) had asked Hazrat Bilal to make Ajaan in Nabvi mosque. I had seen minaret in Nabvi mosque also. Zumma Namaz is supposed to be the Namaz offered on behalf of 'Allah' and it has great importance. And it expresses the respectability of the Muslims. The day of Zumma was earlier called Yaumal Aruba. The name of Zumma is also mentioned in the pious Quran as Zumma. It is correct to say that Zumma has been called as Saidul Aiyam also which means the head of 6 days. Manlana Burharnu Din Sahab is among the top-most Ulemas. It would be wrong to say that I have been educated in Nadva and I have come to give statement in this suit due to my religious fanaticism. (Cross-examination by Sh. Ranjit Lal Verma on behalf of Nirmohi Akhara -Defendant No.3 ends)

Certified after hearing the statement

Sd/

Mohammad Khalid Nadvi

10.1.2002

(Typed by the Stenographer in the open court on being dictated by us. Be present tomorrow on 11.1.2002 for further examination)

Sd/-

10.1.2002

**Date: 11.1.2002**

(In continuation of 10.1.2002 P.W.-22 Mohammad Khalid Nadvi's Statement, on oath, begins)

(Cross examination by Sh. Ved Prakash Advocate, on behalf of Mahant Dharamdas Respondent No. 13)

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The person who treat Allah as Khuda (God), believes in Huzoor Mohammad (S.A.V) and treats 'Quran' as the last book of Allah, believes in the day of judgment and believes in Hashr. (ultimate end) and Nashar (resuscitation), he/she is a Muslim. It is an essential duty of a Muslim to follow the principles of Quran. It is true that only that person would be a Muslim who follows the principles of Quran. It is correct that a person, who does not believe in Quran and does not follow its principles, is not a true Muslim. But a person who believes in Quran, but does not follow its principles, even then he is a Muslim. It is true than any human being is called a Muslim only on having belief in the religion or Islam and not on the basis of community or domiciliation. It is true that person, who follows the principles of Islam is a true and firm Muslim.

Question: Whether Mohammedans have two categories of Muslims- first a true and firm Muslim and the second a false and imperfect Muslim?

Answer: One can say so on the basis of practical deficiencies.

Even a true and firm Muslim will accept a false and imperfect Muslim but will keep an eye on his practical

weaknesses. The practical deficiencies may be of different types, such as he does not offer Namaz, drinks, commits adultery, gives false witness, commits atrocities against others etc. One can't be treated as ousted from Islam if one does not read Quran but if one does not believe in Quran, he would be treated as expelled from Islam.

Question: Whether a communist, who does not believe in Khuda (God) but he writes his name as Mohammad Usman, would be called a Muslim?

Answer: One, who does not believe in one-ness of Allah, can't be a Muslim. In the pious Quran, boar has-been called Haraam. I can identify a boar by seeing its picture. (The learned cross examiner Advocate drew attention of the witness to picture No.9 and 10 from the album of black and white photographs of the disputed structure taken by the U.P. Archaeological Department, on seeing which the witness said) some images and signs can be seen here but it can not be said to be the picture of a boar. Neither the stomach of an animal is visible in this picture nor one can see the face of any animal. Of course, some holes can be seen, but it does not seem to be the eye. .

Attention was drawn towards photograph No.13, 14 and 15 of the coloured pictures of the album of the disputed structure taken by Uttar Pradesh Puralatav Sangathan Vibhag (U.P. Archaeological Department). Seeing these pictures, the witness said that no picture of an animal is visible in it. These are the images and signs, flowers, leaves and embroidery. In these pictures even the face, eye, stomach, feet etc. are not visible. I don't

agree with the fact that the face, eye, neck, stomach etc. are made in these pictures.

Namaz can be offered even in the presence of a boar. Namaz can be offered in the presence of its picture, shape or an organ or the photograph of its idol. It is wrong to say that the followers of Islam can do offer-Namaz in a temple, Church or the worship place of the followers of another religion. According to principles of Islam, Namaz can be offered from the above said places. The followers of Islam adore only Allah. So, it would be wrong to say that they can worship gods and goddesses. If Namaz is offered as per the principles of Islam, Allah will definitely accept that, even when it is offered from a temple, church or any other place. As a Muslim, one will not build a temple in which idols of gods and goddesses are kept. Similarly, as a Muslim he will not get constructed a church. No Muslim will get the idol of a god or goddess made in a mosque because it is against the principles of Islam. If he draws a picture of any god or goddess, he would be the 'Murtkib' of a Haraam fail. Murtkib means one who complies with. It is wrong to say that a Muslim would not make god or goddess because offering Namaz in its presence is prohibited. I have already said that Namaz can be offered in the presence of gods and goddesses. Under' exigent situation, Namaz can be offered in a temple or a church after obtaining permission. If the priest or the owner of that temple does not grant permission for fear of quarrel and disturbances, it would be better not to offer Namaz form that place.

Question: If you enter a temple and seek his permission to offer Namaz from inside the temple and he does not grant permission, will you go inside and offer Namaz?

Answer: If a mosque is forcibly turned into temple, no permission is required and Namaz can be offered there

Question: According to you if idols are kept in a mosque, that does not turn it into temple?

Answer: It is correct to say that a mosque does not become a temple by simply placing idols in it.

If idols are kept in a building and a Muslim offers Namaz from there, that place will not become a mosque. If a building has been treated as temple since ancient times and it was built on that very basis, it would not be called a mosque by offering Namaz therein.

Namaz is the duty of every minor and adult Muslim. For offering Namaz, cleanliness of the body and clothes, face towards Kibla, proper time are the essential principles. By following these principles, Namaz can be offered in any part of the world. One who does not believe in the principle of Namaz and denies them, has no right to offer Namaz, i.e. he is not a Muslim.

In connection with a mosque I have read that whenever a mosque is built, its face should be towards Kibla, it should be built on a land which has been acquired by justified means, whether through Wakf or a place which belongs to others. A mosque can't be built on that ownership or through mosque is built, shall remain a mosque till the day of judgment, whether its place with cruelty and forcibly. And I have also read that the place where a structure remains or not or it be given any shape. It is true that a mosque can't be built by forcibly demolishing a place of worship belonging to another religion. A human being accepts the animals and plants as

living" beings with some difference. Trees and plants, flowers and leaves etc. can be made in a mosque but a picture of a man or animal can't be made. And similarly, an idol or a picture of a human being or animal wouldn't be made on the outer portion of the mosque. Similarly, if the construction of a building is made for a mosque and there is a picture or idol in its inner or outer portion, its status as mosque would not change.

Question: If idols of human being or of animal are made over, inside or outside the building, a Muslim will never call it a mosque?

Answer: Except mosque, if any picture or idol is made or drawn on any other building, no Muslim can call it a mosque.

If that structure has been treated as a mosque since ancient times and has not been accepted as a mosque, it would be regarded as a building and not a mosque.

Question: Any structure, which contains in its inner and outer portion the idols of human beings or those of animals and which is used as a temple and if any Muslim calls such a building as a mosque, he has no right to be called a Muslim?

Answer: No Muslim calls a common building as a mosque and if he makes such a claim, it is against the principles of Islam.

As per my Knowledge, there is no such instance where a Muslim has got constructed a mosque which contains the pictures of gods and goddess.

As per my knowledge, there is also no example where a Muslim emperor or king got constructed a mosque in



which the picture or idols of gods and goddesses were made.

(Cross examination by Shri. Ved Prakash, Advocate on behalf of Mahant Dharamdas Defendant No.13 concluded)

(Cross examination by Shri Madan Mohan Pandey, Advocate, on behalf of Paramhans Ram Chandra Das-Defendant No.2)

It is correct to say that Muslims have two sects- Shias and Sunnis. I belong to Sunni sect. I am the original resident of district Ghazipur. I got my primary education and education in Quran Sharief at Ghazipur. Thereafter I studied in Jaunpur Jamia Aribaya. Near my village, there is habitation of Shia followers. It is correct to say that Shia and Sunni, the people of both these sects construct mosques. According to Urf and custom, when the Shia people constructed a mosque, it is called a Shia mosque, but the fact is that a mosque is constructed in the name of Allah. It is also correct to say that when Sunni people construct a mosque on their own land, it, according to Urf and custom, is called a Sunni mosque. It is also correct to say that Shia mosque has a Shia Imam and Shia people go there to offer Namaz and similarly Sunni mosque has a Sunni Imam and Sunni followers go there to offer Namaz. It is correct to say that Sunni people do not offer Namaz in the Imamat of Shia Imam and similarly Shia people do not offer Namaz in the Imamat of a Sunni Imam. It is also correct to say that the Namaz of an assembly of Shia followers is offered in Shia mosques under the Imamat of a Shia Imam and that of Sunni followers is offered in Sunni mosque under the Imamat of a Sunni Imam. It is also correct to say that the mosque would be called a Shia

mosque if its is built by a Shia and if a Sunni builds a mosque, it would be called Sunni mosque. It is also correct to say whether the mosque is built by a Shia or a Sunni, it will be necessary to Wakf that land in -the name of mosque. It is correct to say that the person, who makes the charitable endowment (Wakf), must be the owner of that land.

I, as a Sunni Muslim, have offered Namaz in Shia mosque. I had offered Namaz all alone because the Namaz in assembly was not being offered at that time. I have not offered Namaz with a group in Shia mosque after a Shia Imam. I have seen Shia people (Hazrat) from a distance offering Namaz. It is correct to say that there is a minor difference in offering Namaz by the Sunni and Shia people. I don't know the details about that difference. I don't know whether there is any difference in making 'Sajda' while offering Namaz by the followers of both these Sects. There is also no difference in the manner of regular (Niyat) Namaz. There is no difference between Shia and Sunni Muslims over the Islamic festivals. I have no detailed knowledge about the fact that the Shia people celebrate any separate festival. According to my personal knowledge, there is no such festival which is celebrated by Sunni Muslims and the same is not celebrated by the Shias. I have no knowledge whether or not the Shia people read 'Taravi' during 'Roza' days. I do know that the Sunni people read 'Taravi'. It is true to say that there is a minor difference in observing Roza Iftar and the time of Sahari during Ramzan. Taravi, which I have mentioned, is read by the elderly and the adult Sunnis during Ramzan. The time of reading Taravi starts after the Namaz of Isha. I can't say whether all the Sunni people read Taravi or not. Normally every one should read Taravi, but some people

do not read due to their weaknesses. I have never seen a Shia Muslim coming to a Sunni mosque for reading Taravi. Any Shia Muslim has got the full right to offer Namaz and read Taravi in a Sunni mosque. Namaz is the main adoration (Ibadat). It is true to say that reading the pious Quran is also adoration.

At the time of construction of the disputed structure Babri Masjid, there were other mosques also in Ayodhya. I can't even guess the number of mosques existing in Ayodhya at that time. I have read something about Babar. As per my knowledge, Babar belonged to Sunni sect. I have no knowledge whether his Governor Meer Baki was a Shia or a Sunni. It is correct to say that the disputed structure was got constructed by Meer Baki. The knowledge about Babar being a Sunni came to me through his common fame. I have no knowledge about the fact whether Meer Baki was a Sunni or Shia. I neither tried nor did I consider necessary to know whether Meer Baki was Sunni or Shia. As per my knowledge, the land on which Babri Masjid was built was vacant land before the construction of Babri Masjid i.e. before 1528 there was no construction on that land. I came to know through booklets published after 1986 that the disputed site was a vacant land before 1528. It is correct to say that I got this information from the books published after opening the lock of Babri Masjid in 1986. The title of one of those books is 'Ayodhya mein Islami Assaar' and its writer is Habib-ur-Rehman Kasmi. Apart from these booklets, some articles regarding Babri Masjid were also published in newspapers which also provided me information about this fact. Out of the two above said writers, Sahabuddin Abdul Rehman is a historian and the other is a common writer. Sahabuddin Abdul Rehman Sahab has also written another history

book entitled "Bazme Sufia" which is related to the history of Mashayakh. The book entitled "Bazme Sufia" is a book published prior to 1986. I had personal acquaintance with Sahabuddin. He was the Head of Darul Musnifin of Azamgarh and a member of Majlise Shoot. of Nadwa. As far as I remember, Sahabuddin Abdul Rehman Sahab has made several references about the fact that before Masjid, the disputed site was vacant land. In this connection he had referred to the Report of Alexander Kaningham which we remember at present and we don't remember other references. The book written by Sahabuddin Sahab in Ayodhya about Babri Masjid related to this very disputed site and structure. As far as I remember, the writer of that book has written about keeping idols in the mosque and the restrictions imposed on the Muslims in 1949 for offering Namaz. I had read this book in 1987. It is correct to say that the writer, in the said book, has mentioned about the fact that the Hindus tell and believe that the disputed site is Ram Janam Bhoomi (Birth place of Ram) and the Muslims say and believe that it is a mosque. Even before 1987, I got the information about Ram Janam Bhoomi/Babri Masjid dispute after reading the book. The book entitled 'Babri Masjid' is written in Urdu language. Even about 20-25 years ago, I came to know through a book written on Sayyad Amir Ali Sahab about the fact that there is a dispute between the Hindus and the Muslims over the disputed site. This book was written about causing damage to Alamgiri Masjid, Ayodhya. From Alamgiri Masjid it appears that it was built by Alamgir Aurangzeb. According to my knowledge, I have no more information about this. It was not written in that book that the Hindus call that site as Ram Janam Bhoomi. It is true to say that I have come across certain references in some books about the fact that there is a

birth place of Ram Chandra ji in Ayodhya It is true to say that Shri Ram Chandra ji is an adorable god for the Hindus who treat Him as God and worship Him. In the book "Ayodhya mein Islami Aasaar", I have read that there is Ram Janam Sthan Mandir in the center of Ayodhya city which is famous for the Birth Place of Ram Chandra ji, which excludes the Babri Masjid. I did not try to get more information about this. I know about this fact that there was Muslim population in Ayodhya before 1528. I got this information through the book entitled 'Ayodhya mein Islami Aasaar'. In the above mentioned book the percentage of Muslim population and place of their inhabitation was also written or not, at present, I do not remember. At present I don't remember how much Muslim population was there at that time. It means that I don't remember at present whether or not anything was written therein about the percentage or place of population. It is true to state that I don't know where the disputed site is situated and what is its condition because I have not visited Ayodhya so far. It is also true to state that I do know about the disputed site being demolished but I have never seen that. Therefore, I have no information about its size. Maulana Burhanaiddin, the Head of Department (of Shobayetafsir), is my teacher also and I know him personally. His statement has also been recorded in this suit. I did not have any talk with Burhanuddin Sahab about the disputed site. His statement, that was recorded in the Court, came to my knowledge through news papers. Out of these news papers, as far as I remember, One newspaper is called "Kaumi Awaaz" or "Rashtriya Sahara". May be that the statement of Hon'ble Burhanuddin Sahab was published in the Urdu version of 'Rashtriya Sahara'. It is correct to say that in case the place of worship belonging to any religion is demolished, that would continue to remain the

worship place of that very religion. It is correct to say that if a mosque is built by demolishing a temple, the status of the demolished building would not change and it would continue to remain a temple and if a temple is built by demolishing a mosque, it would still remain a mosque. If it is proved that there was a temple on the disputed site which was forcibly demolished for building a mosque, it would be regarded as a temple. According to my knowledge, the disputed site before 1528 was in the ownership of the Muslims. I got this information through the book "Mazkurabala" I have no knowledge about the fact whether the disputed site was in the ownership of a committee. I have heard the name of Ali Mian Sahab. I had acquaintance with his father also. The book written by him is "Hindustan Islami Ahad Mein". It is correct to say that the second issue of the book written by Hakim Sayyad Hai Hassaini, father of Mian Sahab, was published in 1977. Since I have not read that book systematically, I can't tell whether it contains or not the mention of six mosques of Hindustan. It is true that there is a reference to Babri Masjid in that book. It is correct to say that the writer, in the above said book, has written that the people say that the place where Babar got constructed the Babri Masjid is called by the Hindus the Birth Place of Lord Ram Chandra ji. I don't know whether there is also a reference in that book about the book entitled "Tarikhe Awadh". As per my knowledge there has been no Mughal ruler who got a mosque built by demolishing the temples. One finds reference to certain Mughal rulers who demolished temples. I have read a reference to a temple which is called Somnath temple. In this regard it is stated to be demolished by Mahmood Gaznavi. I don't know whether any temple was demolished during the regime of Babar. According to my knowledge Babar was not against Hindu

religion .I have no knowledge whether any other mosque, except Babri Masjid, was built during the rule of Babar. I also do not know that Babar was addicted to alcohol and opium. It is true to say that the mosque, which is built in the name of Allah, is identified by the name of its builder. Besides the disputed mosque, a mosque in Jaipur is known by the name of Akbari Masjid and a mosque in Delhi is known as Shahjahani Masjid.

In the pious Quran, there is no mention about the fact that, in the normal circumstances, action was taken against a person who did not believe in Islam. Generally no reference about the action being taken against a non-believer, who does not believe in Khuda (God), is found in the pious Quran.

Question:- Whether or not there is a directive in the Quran to oppose the idol worship?

Answer:- It has been ordered in the pious Quran not to worship idols and due this reason idol worship could be opposed. But I don't remember such an Aayat which directs that the idol worship should be opposed till it is stopped.

In this regard I have not acquired any special knowledge as to the size and form of a mosque. In certain books on 'Fikah', I have read as to, what should be the salutation and Ahkam (orders) of a mosque. But I (have read nowhere about its construction and the style of its construction. But the essential thing about a mosque is that its face should be towards Kibla. If the face of a mosque is not towards Kibla, even then it would, remain a mosque. But the Namazi would turn his face towards Kibla while offering Namaz. In our village, there is a mosque whose

face is some degree away from Kibla. As far as I know there is no mosque in Lucknow, which has its face away from Kibla. I know about a 'Teela wali Masjid' situated on the bank of river Gomti and according to me its face is towards Kibla. It is wrong to say that I have no knowledge about the disputed site and style of construction of the mosque and it is also wrong that I am making wrong statement due to some compulsion.

(Cross examination by Shri Madan Mohan Pandey, Advocate on behalf of Parmhans Ram Chandra Das, Defendant No. 2 concluded)

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

It is correct to say that Hazoor Mohammad Sahab had called a Musharik as Kafir. In the pious Quran, Musharik has been called as Musharik and Kafir also. The literary meaning of Kafir means those persons who refuse and conceal the rights. It is correct to say that among the persons who refuse to believe in God, are also included those persons who don't believe in one God and believe in many gods. Those persons include such persons also who worship God by making his idols in many forms. The literary meaning of Munafic is that tunnel which goes ahead. i.e. the person who deceives. I do not know the word 'Pakhandi'. It is correct to say that Munafic is worst than Musharik according to Islam.

Of course, it is true to state that Islam advises to remain united (Itehad). It is correct to say that if there is any hitch between Islam and Itehad, it must be removed. It is correct to state that in case a mosque becomes a hurdle between Islam and Itehad (unity), removal of the



same would be in the interest of Islam. Its best example is the Masjid Zarar for which Hazoor Mohammad Sahab had given orders for its demolition.

Certified after Hearing statement

Sd/-

Mohd. Khalid Nadvi

11.1.2002

On being dictated by us, the stenographer typed it in the open court. In continuation hereof, be present in the Court on 14.1.2002 for further examination.

Sd/-

11.1.2002

**Date: 14.1.2002**

(In continuation of 11.1.2002, The statement of P.W-22 Mohammad Khalid Nadvi, on oath, begins)

The literary meaning of Saheeh is truth which may be accepted without any doubt. But in "Ulma-e Hadees ki Istilah", 'Saheeh' is known as that Hadees whose describer is a scholar in "Hafeeze Ka pukhta Akhlak" and an expert in 'Zabt-o-tikan'. Its tradition is called Saheeh. Saheeh is a compilation of Hadeeses compiled by Muslim Hazrat Imam Maslim. It is true that Saheeh Maslim is called Muslim Sharief also. The literary meaning of Sharief is the one in whom we see greatness and loftiness. It is true that there is a book "Kitabul Iman" in Sharief Muslim and it is true that there is a book "Kitabul Zehad" in Saheeh Muslim and it also contains "Kitabul Fazail Wal Manakib". It is not correct to say that there is a chapter 'Kitabul Salaat', also in Kitabul Imam. I have said that there is a complete book in Al-Batta Kitabul Salaat Saheeh Muslim that was published after Kitabul Tahara. It is true that in Kitabul Salaat, the manner of offering Namaz has also been described. It is incorrect to say that there is a reference to Vazu, Taymum and Gusl in Kitabul Salaat. It is true that there is a Soore Almayda in the pious Quran. I don't fully agree with the fact that in an Ayat of Soore Almayda, it has been said the wash your hands and feet (do Vazu) before offering Namaz or take a bath if possible and do Taymum if you are in a state of helplessness. In Aayat No.6 of Soore Almayda, it has been said, "O iman walo, when you intend to offer Namaz, wash your faces, wash your hands up to your elbow and wash your both feet and if you are in the state of Janabat (in need of after-coition bath), have a perfect bath and after that it has been said that in case you are a patient or when you are traveling or you have come after

easing your self from natural call and you are not finding water, then do Taymum in such a State. The literal meaning of taymum is 'intention' and in Shariyat taymum means putting both your hands on the pious earth and rubbing it on your face and putting your hands again on earth and rubbing your hands on hands including elbows. This is called Taymum. Rampur is a district before Muradabad. I have heard that there is a library there by the name of Maktaba Alahasnat. I have heard the name of Abu Saleem Mohammed Abdul Hayi of that place. I am not acquainted with Mohammad Faruq Khan of that place. I am not acquainted with Maulana Fateh Mohammad Rampuri also. I have no knowledge about any such book published from Makttaba Alahsnat which is the translation of Quran in Urdu or Hindi. I know Maulana Sayyed Abdul Hassan Ali Al Muvalligeen, Lucknow. I have heard that Maulana Siddiq Sahab was a Mudarris there, but I don't know whether he was a Mufti or not. I am not acquainted with the publisher of Lucknow Kitab Ghar. I have not seen any Hindi translation of the pious Quran which has a foreword written by Ali Mian Sahab. At this stage, the learned cross examiner drew the attention of the witness to the above said, book, which is Hindi translation of Quran Sharief (Quran Sharief: Mutarjam : Bahashiya (with translation and comments). On seeing this book the witness said "I have never seen this book. According to Arabic Istlah belief, it would be wrong to say that it is a chapter of Kitabul Iman Sahiya Muslim. It would also be incorrect to say that Kitabul FazaYai is a chapter of this very book. It is true and one finds in the Hadeeses of Sahiya Muslim the order to build a mosque but there is no mention about the manners of its construction. It is correct to say that Sir Burhanuddin Sahab is a senior teacher to us in Nadva". At this stage, the attention of the witness was drawn to the first line of the last paragraph at page No. 66 of the statement made by

Mohammad-Burhanuddin-P.W.11 and the witness, after reading that, said the statement is correct. I have said personally that this statement could be interpreted to mean that wherever and by whomsoever the mosque is built, he should build it honestly for Allah and should not build by capturing the land belonging to others forcibly (Gasibana) and in a cruel way. With regard to the means and manners, this thing can be stated and it as so happened. In the second line of the paragraph on page 66 of this very statement there is a statement that "In Saheeh Muslim, there is a chapter by the name of Salah chapter". I don't agree that Kitabul Iman is a chapter. I reiterate that if chapter means Baab, I don't agree with it. Similarly, in third paragraph on page 66 of this statement, it is said that there is also a chapter by the name of Kitabul Fazayal, but I don't agree with it and according to me it is not a chapter, but a book.

I know about Masjide Kuba. I also know about Masjide Haraam and Masjide Nabvi. I also know about Masjide Aksa. I have personally seen the Masjide Haraam, Masjide Nabvi and Masjide Kuba. The name of Masjide Kuba is not Masjide Takuwa, but it has been mentioned in Quran that this mosque was built on Takuwa. Therefore, that Masjide could be called Masjide Takuwa. Therefore, that Masjide could be called Masjide Takuwa also. But this name is not reputed and well-known. First mosque of the Muslims is not the Masjide Kuba, but it is the Masjide Haraam. The literary meaning of Takuwa is to take precaution, be careful and fearful. There is no such order (Hukam) in the pious Quran that you should fear Masjide Kuba or take precaution, rather it has been mentioned in the pious Quran that you should enter the mosque with a sense of fear lest there should be impudence. I don't have the correct knowledge about the fact that Masjide Kuba is situated at that place

where the she-camel of Huzoor Mohammad Sahab had sat and she did not get up even when Hazrat Umar, Hazrat Abubrak approached that place, but when Hazrat Ali went there, that she-camel, known by the name of Kaswa, got-up. It is true that the Masjide Kuba was got constructed by Huzoor Mohammad Sahab. It is also true that the Masjide Nabvi was the second mosque got constructed by Huzoor Mohammad Sahab. Huzra is called a room. At present there is no Huzra in Masjide Nabvi. I have read that before the Masjide Nabvi, there was a Huzra. It is also correct to say there were many Huzras outside the Masjide Nabvi, out of which one Huzra belonged to Hazrat Bibi Asha, the wife of Huzoor Mohammad Sahab. The Huzra was situated outside the mosque. It is true that rooms are not built for women inside the mosque. According to the status, it would not be proper to assign the position number one, two, three and four to the Masjide Haraam, Masjide Nabvi, Masjide Kuba and Masjide Aksa. According to me its correct Sequence is:- Masjide Haraam comes at first place, at number two is the Masjide Aksa, at number three is Masjide Nabvi and the fourth place is occupied by Masjide Kuba. When I had seen Masjide Haraam, Masjide Nabvi and Masjide Kuba, there were minarets in all these three mosque. I don't know when these minarets were built, but I have read that the system of constructing minarets started in the first century in the times of Khalifa Valid Bin Abdul Malik. I have said personally that Allama Mahoodi has written about it is Akhbare Mecca. In the first Hizri century, Huzoor Sahab was certainly "Bakaide Hayaat" i.e. He was alive. Then it was said that he was alive in the earlier part of first Hizri century. It would not be correct to say that Kaba Sharief is not a mosque and many mosques have been got constructed in its complex, rather Kaba Sharief is the first mosque that was got constructed for adoring Allah. There is no minaret in Kaba Sharief but there is Masjide Haraam

around it, which has minarets. In this connection the learned cross-examining Advocate drew his attention to the picture drawn at page No.34 of the 1995 edition of "Dictionary of Islam Thomas" written by Patrik Hyuj. On seeing this picture the witness said it is an old picture of Kaba Sharief and Masjide Haraam. It is difficult to say how old this picture is- whether one hundred, two hundred or four hundred or ten to twenty years old. The attention of the witness was drawn to the picture at page No.44 of the same dictionary. On seeing this, the witness said- In this, the picture of the mosque is definitely visible, but it is difficult to say whether this picture is of Masjide Nabvi or not. The Masjide Nabvi that I had seen is different from this picture. I had gone there during the Ramzan of this very year (2001). I also visited the Masjide Kuba. It is difficult to say that till his stay in Medina, Huzoor Sahab used to visit Masjide Kuba on the 17<sup>th</sup> of every Ramzan and performed Namaz there. It is true that I have read nowhere that Huzoor Sahib, during his stay in Medina, used to visit Masjide Kuba for performing Namaz. It is true that Huzoor Mohammad used to visit Masjide Kuba quite often and He performed Namaz there. There was no fixed day for him for doing so or I have no knowledge about that. When I went to Mecca-Medina in 1990 for the first time for Haz, I visited all these three above mentioned mosques.

Babri Masjid i.e. the disputed structure is known as Babri Masjid since the time of its construction. It is true to state that it was got constructed by Meer Baki. It is not established whether Babar went to Ayodhya. I got this knowledge from the above mentioned books. It is true to say that no such Katba (scribe) was inscribed thereon, which indicated that this is Babri Masjid and it is also true that there was no Katba inscribed on the mosque to indicate that it is Masjide Baki. It is true that a Katba that

was inscribed on that structure bore a couplet which stated that this is the landing place for the angels. I have heard the name of Azazil, but he can't be said to be the leader of the angels. Azazil was not an angel. He was jin (ghost). It would be wrong to say that he was the leader of angels. It is true, that Azazil disobeyed the orders of Allah. Therefore, he was expelled from the Bargahe Khudavandi. A mosque is only for the Allah. It is not correct to say that the place where angels land, that place i.e. the mosque is not only further Allah.

Question: If the place, where angels land, is turned into a mosque, which is only for the Allah, as has been stated by you, whether that place would be only for Allah or for the angels only or will it be common for the both.

Answer:- In case of building of a mosque, it would only be for the Allah( God).It is true that the place where angels land would not belong to the angels. The angels are Allah's beloved ones. Allah is the creator of angels.

Question:- Should I take that the place where the creation of Allah, that is the angels used to land, Allah had accepted that for himself?

Answer:- Allah Tala can do so. There is a standing order from Allah to build a mosque anywhere on this earth. It is true that in case the user of that land gives permission, a mosque could be constructed on that land.

Question:- Have you read anywhere whether the Allah or the builder had received any consent of the angels, who used to land there?

Answer:- The landing of the angels at that place is not established even before the construction of Babri Masjid. Therefore, the question of obtaining consent does not arise. I did read that there is a mention about landing of the angels in Babri Masjid, but I have not read about landing of angels on that mosque before its construction. By reading the Katba that was inscribed on Babri Masjid i.e. 'disputed structure, it appears that there is a place for the landing of the angels, but it would not be correct that at this stage I am making any wrong statement.

I don't have thorough knowledge about the fact whether Meer Baki was a Shia or Sunni. Zaheeruddin Babar was a Sunni I have no knowledge about any king who ever ordered that a mosque may be got built at a certain place.

It is wrong to say that Sunni people are in the habit of usurping property belonging to others. I am acquainted with Hazrat Hasan (R.A) who was the son of Hazrat Ali (R.A)

This mosque, i.e. the Babri Masjid belongs to Allah. Since this mosque was registered with Sunni Wakf Board, in my opinion its organizers were Sunni people. I know this fact that this Mosque i.e. Babri Masjid is registered with Sunni Wakf Board, but I don't know whether it is duly (bazabta) registered or not. It is correct to say that in case it is said that this Masjid is not duly registered with Sunni Wakf Board, I would not be able to give its answer. The fact that this mosque was registered with the Sunni Wakf Board came to my knowledge through the books written on this



subject. Anfal is the plural of Nafil. Nafil has many meanings. There exists in the pious Quran a Soorat by the name of Alanfal. The literal meaning of Kafir is Munkir i.e. the person who denies. To fight against the Kafirs, who rise against the religion, respect, honour and wealth of the Muslims, is called Zehad. It is correct to say that the people who oppose Allah and His Paigambar are called Kafirs. It is correct to say that there is an order from Allah in Aayat 12 of Sooreanfal that you should cut off the heads of such Kafirs, cut them by joints (said personally). This has been said for the kafirs who come forward to fight. It is correct to say that the property of the defeated party i.e. non-Muslims has been called Mall-e-Ganima. It is also correct to say that the Maal-e-Ganima will be divided among the Islamic army. It is also correct to say that the young male family members of the defeated party would become slaves and the women will join the Haraam. In such wars not only the king, but all the participating people who came back alive were called Gazi and those who were killed in the battle were called martyrs. I have no knowledge about the fact whether Babar, after having won the battle with Rana Sanga, had called himself Gazi. I also have no detailed knowledge whether or not Babar, before his battle with Rana Sanga, and after winning he battle with Ibrahim Lodhi, had called himself Gazi. It is true that the battle of Ibrahim Lodhi was bigger than the battle with Rana Sanga. I have, heard about Jange-e-Jamal. It is wrong to say that Babar was a fanatic Mohammedan. (Himself said) that Babar was a model representative of the era of Nishate Sania- a muhimazu i.e. brave man, loved literature and good life. It has been written by Pandit Jawahar Lal Nehru in his 'Discovery of India'. I don't agree with the fact that Pandit Jawahar Lal Nehru was a renowned historian. Whatever he said about Babar, I consider that as correct, despite the fact that he was not an historian. I came to know about Jawahar Lal

Nehru's book 'Discovery of India through "Babri Masjid" and "Ayodhya mein Islami Asaar". It is difficult to explain that period about which it has been written in "Ayodhya mein Islami Asaar". I have heard the name of Sir Burhanudin Marginani. His book with name and fame is "Hidaya". Decidedly, it is difficult to tell the period definitely in which this book was written. This book was written about 8-9 hundred years ago. Burhanudin Sahab had also written 'Kitabul Wakf' and 'Kitabul Salaat' which exists in Hidayat. I have read Kitabul Salaat. But at present I don't remember whether I have read Kitabul Wakf or not. Hidayat is a famous book of Fikah. Fikah is called the compilation of Islamic law. Salaat means Namaz. It is correct to say that all the manners regarding performing Namaz have been described in Kitabul Salaat. I have not seen the Babri Masjid. Therefore, it is difficult to state whether there was proper arrangement for water or not. In this regard I have not read any details also. The books I have read about Babri Masjid contained no details whether proper arrangement for water existed there or not. I have seen that mosque in Lal Quila (Red Fort), which has marble floor and there was no proper arrangement for water there. This Red Fort is in Delhi. I remember having visited the Red Fort in Delhi. I had seen a Bavli (a deep well with stairs down to the surface of water) there, which was at a considerable distance from the mosque. It is true that the Bavli is inside the Fort. There was definitely some water in the Bavli but I don't remember the quality of water i.e. whether it was cold, hot, fresh or stale? But water was definitely there. There is no estimate whether or not there was water equal to that of one or two thousand 'Badhnies' (earthen jars). When I had seen that Bavli, I did not estimate as to how much water was there. Whether it was for one or two badhni or one or two hundred badhnis. It would be entirely wrong to assume that I am trying to misrepresent the facts.

I have no knowledge about the fact as to where is the grave of Hazrat Adam. I shall also be unable to say with definiteness in this regard whether the grave of Hazrat Adam is in Kaba or not. The practice of constructing minarets in the Masjid is continuing till today. I have never tried to know this fact that why the minarets were not constructed in the Babri Masjid.

According to the Islamic law it is justified to make the pictures of flowers and leaves but making the pictures of human being or animals is not justified. I have not read that there were many pictures in the inner portion of Babri Masjid. If a human being gets a mosque constructed under the orders of a king, he can't get the pictures of human being or those of animals made in the inner portion of the mosque, but he can get the pictures of flowers and leaves made without any pressure.

It would be wrong to say that Babri Masjid was not a Mosque. In the books entitled "Ayodhya mein Islamic Asaar" and "Babri Masjid Pase Manjar Aur Pesh Manjar", I had read that Babri Masjid was got constructed in 1528. As far as I remember, this book does not contain a reference that this mosque was built under the orders of Babar. As far as Meer Baki is concerned, no mention has been made in this book that Meer Baki was a religion person or not. It also has no mention the he got this mosque built as a hobby. It is not correct to say that I have no knowledge as to how this mosque was built. I also do not want to hide any thing in this regard. I have no knowledge about Masjid -e -Teen Minaar. I know about Masjide Khaif. It is in Mina. Masjide Khaif was built after Masjide Nabvi. I have no knowledge whether Hazrate Azam was buried there or not.

A grave yard by the name of Jannatul Baki exists in Medina. I have no knowledge about the fact that the Mohammedans demolished the mosque and leveled the surface by digging the graveyards. I have no knowledge about this fact also that the Muslims had fought a court case or not against Sikh Gurudwara Committee. I have no knowledge about the fact that many mosques in Pakistan were removed and turned into ground. I have no knowledge about this fact also that many mosques in China and Russia were removed and replaced by other buildings. I know that a mosque named Babri Masjid was demolished in India. Apart from this mosque, I don't know whether any other mosque was demolished. The fact that Babri Masjid was really demolished came to my actual knowledge by reading the books on this subject and also by reading the details given in the newspapers of that time. It is true to say that the said mosque is actually no more in that shape. The structure of the mosque is not there but the mosque still exists. It is true that according to me that structure of the mosque has been demolished.

Question:- Whether the knowledge you have acquired by reading the topics, books and newspapers, about which you have given statement, has enabled you to know till today as to what was the length and breadth of that mosque?

Answer :- I don't remember at present.

I also don't remember whether it was mentioned in those books or topics. Since a Mosque is built by keeping its face towards Kibla, I have reached the conclusion that face of this mosque might also have been towards Kibla. I can't tell in detail that how many gates were there to enter the mosque and in which direction they were. I also can't

tell in detail about the things located around the mosque. I don't know by which name the local people of Ayodhya called the mound (Teela). I don't know why the builder of the mosque selected that very mound for building the structure of the mosque. From the knowledge acquired about Babri Masjid by me through the books, I don't remember whether I read the name of a Faqir called by the name of Fazal Abbas. It would not be correct to say that I don't remember the name of Fazal Abbas because for me, he was an ordinary man. Similarly I don't remember whether or not I have read or not the name of Faqir Jalal Shah.

I don't remember the year in which Meer Baki came to Ayodhya. I also don't remember that for how many years he had been living in Ayodhya before getting the mosque constructed. I have no knowledge about this fact also that he got the construction work of a mosque started immediately after his coming to Ayodhya. I have no knowledge about this fact also whether or not Meer Baki had got constructed any other mosque in addition to this mosque.

Certified after hearing the statement

Sd/-

Mohd. Khalid Nadvi

14.1.2002

On being dictated by us, the stenographer typed it in the open Court. Be present on 15.1.2002 for further examination.

Sd/-

14.1.2002

**Date: 15.1.2002**

(In continuation of 14.1.2002, the statement of P.W-22 Mohammed Khalid Nadvi, on oath, begins)

I teach Hadees Sharif. It is true that it is not fair in Islam to worship flowers, petals or nature. These could be sentiments of a Muslim who says that I had been roaming in the forests for Islam, getting myself prepared to fight with the nature, worshippers and the Hindus and I resolved that I would die the death of a martyr and with the blessings of Allah I have become a responsibility Gazi. It is the responsibility of a Muslim to establish and spread Islam and to make its respect public. Such a Muslim can order to engrave flowers and petals in the mosque. He could appreciate them also.

There could be a mosque, which has graveyards all around. In such mosques, Zumma-Namaz can be performed. If there is a grave constructed near its gate, even then it would be called a mosque and Zumma-Namaz can be performed there. I have no knowledge about the fact that the building of such mosque has been held justified in Hidayah or Hadees. I have also not read that the building of a mosque amidst graveyard is justified. I know the fact that there was a graveyard also near the disputed mosque. I came to know about this by reading the books relating to the disputed structure. Since I have not seen the disputed structure personally, I will not be able to tell that at what distance from the mosque that graveyard was. In this connection, the book I had read, also contained no description about the distance between the mosque and the graveyard. At the moment, I do not remember whether or not it was stated in those books that there were graves all around or on three sides or two sides or one side of the

disputed mosque. I did not try to know anything in this regard. I did not enquire about it even from the Farique i.e. the plaintiff. In this connection, the books that I had read contained no mention about any specific graveyard. That was a common graveyard.

It is true to say that for any Wakf, there must be its acquaintance or Bani. Mosque is also a Wakf. A graveyard could also be a Wakf. I don't remember at present as to who was the acquaintance of this mosque. I also don't remember whether or not I had the knowledge as to who was the acquaintance of this mosque earlier. It would not be correct to say that I forgot about it because it was not an important thing from my point of view. I have said, myself, that sometimes one can forget even an important thing. It would be correct to say that it was an important fact which I forgot. It is also true that, at present, I have come to give statement about the mosque. It would not be correct to say that I am misrepresenting the facts at this stage. It would also be incorrect to say that I am hiding the truth. It would be wrong to state that it would be illegal not to take valuables from the defeated army and to leave them in their possession. I have read 'Mishkat Sharief'. I have also read Hidaya. If any book says that it is essential to acquire the baggage (Maleganima) of the defeated army and it is illegal to be left with them, I don't agree with that. It would be wrong to say that Babar was a robber. After defeating the Munkirs (non-believers) he used to take their belongings and would distribute them or not among his army- a fact about which I don't have the detailed knowledge. It is wrong to say that Babar fought with the non-believers only for the sake of Islam. This is my own statement he fought for expanding his rule. I don't remember that Babar was turned out of his paternal place Fargana. Before that I had read history about Babar but I

don't remember that it was said there that Babar was made to run away from Fargana. It is wrong to say that Babar was an alcoholic or opium-addict. I don't remember that he gave up wine and opium after making a resolve to fight against the nonbelievers (Munkir). It would be wrong to say that I am resorting to misrepresenting the facts. It would also be wrong to say that my memory betrays me when I give statement on special occasions.

It has been mentioned in Hadees Sharief that Huzoor had said that my grave should not be made a place of adoration. It is true to say that in case a Muslim performs Sajda (worship) a common grave, it would be against Hadees. In Hadees there is no mention whether or not Huzoor Mohammad offered Sajda in a graveyard.

Nadva is Madrassa. It is correct to state all the students reading in Nadva are Sunni. It is also correct that all the teachers are also Sunni. Their 'Maslak Masalke Able' is Sunnat. It is correct to state that Able Sunnat has many schools of thought such as Hanfi, Shafyi, Malki and Humbly. Kadiyanis are not Mohammedans. I do not know whether or not they are the Hindus, Buddhists, Christians, Sikhs or Jews. It is correct to state that Shia is also a school of thought. It would be wrong to say that I had forgotten to describe Shia school of thought earlier because I was questioned only about Sunni school of thought. Shia means a group or an assembly. The literal meaning of Shia is an assembly or a group and Pairo is its Muradi (desired) meaning. Pairo means followers. Shia people are also Muslims. There is minor difference between Shia and Sunni. There is no basic difference between these two sects in the matter of performing Namaz or Haz. It is incorrect to say that at this stage I am deliberately mis-



stating the facts or hiding some thing. It would be wrong to say that in connivance with the plaintiffs of this case and by taking advantage of my position, I am misquoting the facts. It would be wrong to say that there was no such structure at the disputed site which could be called a mosque. It would also be wrong to say that a Namaz performed in that mosque would not be accepted by Allah Tala.

(Cross examination by Shri Vireshwar Dwivedi, advocate on behalf of Shri Umesh Chandra Pandey concludes)

(Cross examination by Shri Puttu Lal Mishra, Advocate on behalf on Shri Rajendra Singh S/o Late Shri Gopal Singh Visharad, plaintiff, other original suit No. 1/89)

(On behalf of suit No.1/89 cross examination made by Shri Puttu Lal Mishra, Advocate on behalf other Defendants was adopted)

(Sh. Hari Shanker Jain, Advocate, on behalf of Hindu Mahasabha defendant No.10 and Shri Ramesh Chandra Tripathi, Defendant No.17 adopted the cross examination made on behalf of other Defendants)

Cross examination on behalf of all the Defendants Concludes. The witness is discharged.

Verified after hearing the Statement

Sd/-

Mohd. Khalid Nadvi

15.1.2002

On being dictated by us, the stenographer typed it in the open Court.

Sd/-

15.1.2002