

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

O.O.S. No.4 of 1989

The Sunni Central Board of  
Waqf U.P.and others ..... Plaintiffs

Versus

Gopal Singh Visharad  
and other ..... Defendants

**STATEMENT OF PW-3  
SHRI FAROOQ AHMAD**

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PW-3 Farooq Ahmad son of Zahoor Ahmad age about 90 years, occupation shopkeeper, resident of mohalla Naugazi, Ayodhya, Distt. Faizabad solemnly affirms on oath as under :

I know about the property under dispute. It was Babri Masjid. I also offered Namaz there. I used to offer Namaz on Friday, whenever I heard the call for Namaz (*azaan*) while; going to Faizabad or coming back, I used to go in That Masjid for Namaz whatever be the time. I had offered Namaz for the last time in that Masjid in December, 1949. We had left after offering the Namaz of Eisha. Ramdeo was daroga. He told my father, that today there might be some trouble. It' had been also reported in police station. He asked us to lock the door. We locked the door. I kept the key with me. It was the last of December; we went to hame, after reciting Eesha Namaz.

Razzaqe, Haji Feku, Hashim and Kasim used to be present there when we offered Namaz, many other persons also used to be there.

The learned advocate drew the attention of the witness towards black & white photo-album prepared by the Archeological Organization of the State Govt of U.P. I have seen the photo number 83 & 84 from the album shown to me; both the photos are of the Babri Masjid, its floor. In the inner side. There were arch (Mehrab) and lines (Safey) in the inner side where people recited Namaz.

Cross examination on behalf of nirmohi Akhara by Shri R.L. Verma Advocate:

Zahoor Sahab had a house in Naugazi mohalla and Kaziana also; the house in Naugazi was his personal. The house in Kaziana was situated on the road side going to Faizabad. This house was ancestral. We are living in Ayodhya since 700 yrs. There is a Masjid near Kaziana locality. It is called Roshan Masjid. Roshan was the father of my grandfather that is my great grandfather. The maintenance of that Masjid was earlier done by Zahoor Sahab and after him I look after the maintenance. Zahoor Sahab was its 'mutwalli'. This Masjid is about 10 yards away from my house. There are many other mosques in Kaziana mohalla. In Kaziana mohalla, apart from this, Masjid, there are five other Masjids in Kaziana mohalla. One Masjid is near the house of Hashim, second Masjid is near the house of 'Hazi - Mehboob', these are some Kanati mosques which used to be in 'Kabristan' (graveyard).

Hashim lives in "mohalla Kutiya" by the side of the 'Dharm Kanta', I don't have any idea, if he lived in mohalla- 'Panji- tola'. The Masjid is at a distance of 25 meters from the house of 'Hashim', that Masjid was constructed by the donations of Muslims. I am seeing this Masjid since my

childhood. This Masjid must be more than 200 yrs old. Roshan Masjid was built about 400 years ago. Rajjaq Mia manages the Masjid near the house of Hasim house. He is its "Mutwalli". Rajjaq Mia is the son of Chhedhi. Rajjaq Mia is alive and lives in Kutiya mohalla. He is about 60 years old. Before Rajjaq, his father was the "Mutwalli" of this Masjid. Mia Hashim was never "Mutwalli" of this Masjid. There are minarets but no domes in this Masjid. Minars and domes both were there in Roshan mosque. Three domes and two Minars were there in Roshan mosque. Domes or Minars are not essential for a mosque. Domes or Minars may be one or more but if there is none, it's alright. Deen Mohammad works as Imam in Roshan mosque. He also used to teach the children. We also gave him a place to reside. The length of Roshan Masjid is almost 15 meter and width about 5 meters Its door is towards North and opens on the road. The width is covered with terrace and dome. If people are larger in number, they may recite Namaz from the road. But in that case the road will not be considered as "Zuz- Tasavvur".

It's correct that Tedhi Bazar and Kaziana are the name of two, different mohallas. Then Volunteer: said that both are adjacent to each other. There is a mosque called Masjid of Jogies before the house of Hazi Mehboob - slightly slanting. Jogis might have built it that is why it is famous, so from a long period. This Mosque will also be more than two hundred years old, its' Mutwalli' is Hazi Mehboob. He is sole in charge. Hazi Mehboob is the son of Hazi Feku. Hazi Feku used to produce tobacco. He did not have another occupation except cultivation. He was 'Pattadar' of Nazul sarkar in respect of the land he was cultivating for tobacco Hazi Feku was given Nazul land on lease for cultivating tobacco. Hazi Feku has one more son named Abdul Ahad. Hazi Feku died in 1965. I took part



in his last rites. His both sons also took part in it. At that time Abdul Ahad was about 55 years old. Abdul Ahad is still alive, he is healthy and can move about. Hazi Mehboob is younger in age. He is about 7 years younger than his elder brother.

There would be about 25 houses of Mohammedans in Tedhi Bazar Mohalla, Ikaramulla, his elder brother Ashraf Khan and many others also lived there whose names I don't remember Hazi Feku also lived in that Mohalla. Hazi Fayak and Hazi Feku were ansari who are also called *jullaha* (weaver). I won't be able to say whether Mia Ashraf and others whose names I have stated above were from the same family or not. It's correct that Mohammad Hashim is also Ansan.

There were three houses of Hazi Feku in Tedhi Bazar Mohalla, one in front of the police station of Ram Janambhoomi, one at its backside and another beside it. In my knowledge he had only these three houses. The house in front of police station is towards east and newly constructed, it would have been built before 15 or 20 years. I won't be able to say what the relationship between Hazi Fayak and Hazi Feku was. Hazi Fayak was never the 'mutwalli' of the mosque of Jogies, Hazi Feku was the 'mutwalli' of that mosque Hazi Feku went to offer Namaz in Jogies mosque, they sometimes by chance came to Roshan Masjid also to offer Namaz. I always offering Namaz in Roshan Masjid but used to go to Babri Masjid for offering Namaz on Fridays. Roshan Masjid was a small mosque and only people living in that mohalla offered Namaz there on Fridays. Hazi Mehboob sometimes offered Namaz in Roshan Masjid also along with me. Hazi Mehboob does cultivation in place of his father and he is not in any other trade or occupation. Mr. Abdul Ahad lives in a separate

house, these days he is a bit sick and does not do any work. I don't know if there is any government debt or due towards Hazi Mehboob.

I had seen Hazi Feku. He was very strong and healthy. He did cultivation very actively and of good built. Hazi Feku also offered Namaz occasionally with me in Roshan Masjid.

The new house in which Hazi Mehboob lives, is along side the road that goes from Tedhi bazaar to katra mohalla and ends in Lucknow-Gorakhpur main road. The road that passes through the front side of the house of Hazi Mehboob goes to katra mohalla and passes on to the western side of the house of Ekhlaq towards Brahma Kund and on the eastern side is the disputed property and arrives to the place of disputed. I have not heard that this cross road is known as Ram Janambhoomi chauraha although I have been there. I have not seen any stone plate "*shilalekh*" or any other stone with any writing on the road going towards Bramha-Kund in the west and the house of Ekhlaq. I have never heard the name of this cross road as Bramha - Kund chauraha, this crossroad is known as '*Doraha Kuan*' there is no Temple on the corners towards west of this crossroad, there is vacant land. On the eastern side of the vacant land Butchers (chikva) people from Kaloot, Bhaloote, and Lala families live. One path goes towards the north of the houses of butchers, that path goes behind the disputed property and meets the vacant land. This path is not metalled. It is about 4 feet wide on which rickshaw can ply. On the north of this path is the Temple of gardeners (Maali) while passing through this path I have seen the Temple I have not marked whether there is dome on that Temple, this Temple is on the western side of the disputed property, but the distance in between would be about 2 *Bighas*. There is a road in north of gardener's

Temple that goes to east and extends upto Hanuman Garhi through the disputed property.

There is a mosque adjacent to the house of Ekhlāq Mia. The path of Panch-koshi Parikarmama is towards west of the Masjid. I have never taken any notice whether there is Bramha-Kund or Gurudwara for sikhs on the western side of the house of Ekhlāq Mia. The western side of the path which is of Panch koshi Parikarmama and which passes through the house of Ekhlāq Mia, I am unable to say what to there but in my opinion that is all a barren land. The Masjid adjacent to the house of Ekhlāq Mia would be said to be situated in Dorahi Kuan mohalla. One very old and dilapidated Masjid is also there in the same mohalla. This Masjid is at a distance of 5 yards from the Dorahi Kuan crossroad. It is on the southern side. I do not remember the name of that Masjid I cannot say whether it is a shahi Masjid or not but it was very old. I do not know who built it. It must be at least two hundred to two hundred and fifty years old, and it is dilapidated. The miscreants had broken it down. Children get education there and also offer. Namaz and people also go there to offer Namaz. People of that mohalla offer Namaz there. I have never offer Namaz in that Masjid. The miscreants had demolished this mosque in 1992. It was intact there till 1992. Its maintenance was done by Haji Feku. After his death Haji Mehboob used to look after its management. There is a chauraha beside this Masjid. One road goes on the west north corner of this Masjid towards ganj. There was about 4 feet wide path on the south of lala's house. It goes to the barren land and this path coming from the road of Tedhi bazaar goes to the barren land behind the disputed property from the eastern side. It might also be called crossing but it is not very important path. Wherever there are four reads. It becomes a crossing. There has been

barricading on the point where lala's house ends on the eastern side. That barricading is on the south of the house of Lala. This barricading starts after skipping one path. This is correct that the barricading starts after leaving 20 feet space from where his house ends. I have seen the southern corner of lala's house. The Masjid destroyed by the miscreants in 1992 is on the southern side of Dorahi Kuan chauraha. This Masjid is not on the southern corner of lala's house. There are some graves in the east of the destructed Masjid after that there are some shrubs and the barren land. Then on its east there is a road. The barren land and the shrubberies must be at least in 15 *Bighas*. There is no locality (mohalla) between Dorahi Kuan and Tedhi bazaar.

I don't remember who is Ramashray Yadav or where does he live, many yadava's live here. I have heard about Vashisht-Kund but have never seen it. I don't remember if there is Vashisht- Kund mohalla or not. There is no other Masjid or mosque except Dorahi Kuan Masjid mentioned above and Jogies Masjid. The distance in between is not 100yards but only about 50yards. The distance from Dorahi Kuan crossing to the disputed land will be about 2 ½ *Bighas*. One yard would be equal to about 1 ½ hand length. The distance from Dorahi Kuan Masjid to the disputed Masjid would be about 200-hand length. In Dorahi Kuan mohalla there are houses of Muslims who are butchers and there is Lala tailor.

On the occasion of Urs we used to go to the mosque adjacent to Ekhlaq's house and offer Namaz also. I don't think there is any other crossring on the north of the crossing while going to Ekhlaq's house. Of course there is small path that side. Alamganj-katra mohalla is there in which stone Temple of Jains stand on this very road.

Mohalla Alamganj-katra starts from Dorahi Kuan crossing in north. There is a Masjid in Alamganj-katra mohalla towards west on the road. This Masjid is just west of Sutahati mohalla. There is a Tiyyanj Masjid in Alamganj-katra where the residents of the mohalla offer Namaz and look after its maintenance. Sutahati mohalla is in the east of Alamganj-katra at some height. The disputed property's height was the same as that of Sutahati mohalla. People of all caste and creed live in Sutahati mohalla. There are 5, 7, 8 mosques in Sutahatimohalla. In addition to these there are kanati Masjids for the graveyards. The mosque is called Kanati Masjid where Namaz is offered for deceased persons. There are three or four kanati . mosques in Sutahati mohalla. All the mosques in Sutahati mohalla have Minars except one, which has only domes and no minar. All these mosques are very old - of royal period. The mosque without minar in Sutahati mohalla is on the east of the road. This road is the same which goes from Jain Temple to Tedhi bazaar. This mosque is on hieght towards corner. There is population of Sutahati mohalla on the east of this mosque. Royal period means the period of Alamgir and Shahjahan. In my opinion this mosque of Sutahati mohalla is the oldest. Rest of all the mosques would be small in Sutahati mohalla and they are seven in numbers. These mosques were constructed by the resident Muslims. All these mosques still exist. There may be about 100 houses of Mohammedan families in Sutahati mohalla. Miscreants of Sutahati mohalla had demolished small mosques, but were later repaired. Rauf, Shakir, bismilla, barqat are the names I can remember from those 100 families, the rest I do not remember. It is wrong to say that there are houses of only these four families and this is also wrong that I cannot tell the names of others because no other Mohammedan families live there.

After coming out of Alamganj mohalla comes the Katra mohalla. There is a police chowki in Katra. There is a Masjid in its front and police quarters are beside it in the west. This police chowki and residential quarters are very old. At the time of riots in 1949 the disputed property and land was not in the area of this chowki rather it came under Tedhi bazaar chowki. After katra mohalla, there is Badiana mohalla in the north. It is on the riverside slope. The road coming from Katra towards police station goes to Asharfi Bhawan crossing where Mughalpura mohalla starts towards north. There are two or three mosques in Mughal Pura mohalla. One is named as Madar Shah Masjid, which is very small but very old, and there is a very big graveyard near it. This Masjid is on the north of Tiloi estate ruined buildings and not in the eastern side. This Masjid is five yards long and three yards wide and has three domes and two very high minars. Its Mutwalli was Fakir Mohammad. On his death Mohammad Gani and after Gani's death the people of the locality look after it. On the eastern side of this Masjid there is Tamatpur Mandir which is situated in an ordinary building. There is tobacco field in the north of this Masjid. In west there is a very big graveyard. The second Masjid is beside the house of Naimullah in the north. There are 8-10 Mohammedan houses.

Verified the statement after hearing

Sd/-  
Farooq Ahmad  
7.10.96

Typed by the stenographer as dictated by me in the open court . In continuation of this for futher cross-examination on 8.10.96

Sd/-  
7.10.96

Date: 8-10-96

(in continuation of date 7-10-96)

Today date: 8-10-96 - The statement of PW-3 Farooq Ahmad continued;

There are mosques in Saidwada that has a population of Shia Mohammedans. There is Hargadh mohalla adjacent to Saidwada which is also known as Swargdwara mohalla. There is an old Temple on the riverside in Swargdwara mohalla. There is a Masjid near Hargadha which is called as Shahjahani. There is a grave of Shah Ibrahim, which is visited by both Hindus and Muslims. The river bank was earliar called Rahman Ghat, now it's called Lakshman Ghat. The old Masjid on the riverside is now dilapidated, it was constructed by Aurangazeb. It is wrong to say that in place of Masjid it was the Temple of the Queen Ahilyabai. That dilapidated building is in this condition not from now but from about 500 years. From Tedhi bazaar upto Saidwada the mohalla as are closely situated on the bank of the river.

My house and shop in Ayodhya is in front of the post office. Our mohalla is called Nuagazi mohalla, It is not correct to say that it is also called as Singar Ghat mohalla. After two houses from our house there is Ayodhya police station (Kotwali) in the south. The S.H.O. (Kotwal Sahab) used to live on the upper floor of the house in the north of that police station and in the ground floor there was a vegetable shop. In 1949 the SHO Ramdeo lived there. Ramdeo was deputed there 4-5 months before the December 1949 tragedy. I cannot say who was the SHO before him. My father was not familiar with Ramdeo. My father never met Ramdeo before this tragedy. The SHO Ramdeo had himself come to our home and informed my father about the apprehension of disturbances. The tragedy occurred on the same day. He came at about 12 that at

night. Ramdeo came only to my father and did not go anywhere else. He had come to my father as he was the Mutwalli of this Masjid after Zaki. Ramdeo came to meet my father at 12 in the night in my presence and all the talks were held before me. I did not mark whether there was any constable with him or not. I had gone with him keying a lock and when I came back after locking the door, he left me in his custody. People were gathering there. When I went with the SHO with the lock there was nobody along with him, no constable was with him. I was instructed by the SHO to lock the door. The SHO was apprehensive that some people may put statues in the Masjid that is why he asked me to lock it.

Question: When this tragedy occurred, the SHO asked to lock the door, whether the door in the disputed property was not used to be locked before?

Answer: No, it never locked.

When the SHO came to our home, I went to lock the door along with him on a horse-cart (*Tonga*). After putting the locks the SHO came back in the same horse-cart and left me with my father. The SHO told my father that he had got it locked and I handed over the keys to my father. No Mohammedan family lives near our house therefore we didn't tell anybody about the locking of the door in that night.

My father was a shopkeeper. He used to grow tobacco and also sell tobacco. After that I started a shop of 'surma' (*medicated kajaal*), because in the mean time the custom of tobacco disappeared. The name of my shop is "jugmug jyoti surma" there is Hashim's shop after the road in the south of post-office. Hashim's shop was there at the time of the tragedy in 1949 stated above. Hashim lived in Kutiya



mohalla and used to go to his house in the evening, after closing his shop, therefore he did not have much familiarity with my father. However they were known to each other and it was so even before the tragedy. My father was not a member of 'muhafiz makabar Masajid anjuman' but he was appointed mutwalli by the Waqf board, and used to go with the people to help them. He also worked as makabir muhafiz. He had been doing this work since 10 years before the 1949 tragedy. The cases regarding wear and tear of graves and graveyards etc. were also handled by my father. No tomb, mosque or graveyard was destroyed before the 1949 tragedy.

An auditor from the Waqf board used to come once in a year in the Masjid and take accounts from my father. My father kept accounts of all the Masajid, makabir and graveyards of Ayodhya. Its records were with us but all that burnt in the 1992 tragedy.

My father cultivated tobacco on the land of Nazul. He had got the lease. I am the only son of my father. My one sister is alive. I had 2-3 more sisters who are dead. My elder sister is alive, but younger sisters are dead, my father breathed his last in 1917. The marriage of my sister who is alive was solemnized in the life time of my father. My elder sister was married more than fifty years before my father's death. This sister of mine was 25 years old at the time of her marriage. She is 5 years elder to me at the time of her marriage I was 18-20 years old when she got married. I am not literate and I can only put my signature. My father also knew only to put his signature.

It's not necessary that my father had any meeting with Hazi Feku before the 1949 tragedy. Hazi Fayak lived beside Hazi Feku. My father never went to Hazi Fayak. My

father used to go to pursue (*pairavi*) the case after 1949 tragedy, I did not go. I don't know whether my' father received the notice regarding 145 Cr.P.C. or not but he used to go for *pairavi* Hashim Sahab accompanied him on this occasion but Hazi Fayak or Hazi Feku did not accompany him. My father and Hazi Feku was of the same age. Hazi Feku was 90 years old when he died.

There is a Masjid called keware wali Masjid behind our house. Leaving the house adjacent to my house there is a path to this Masjid from north. This path goes towards the east. The Mohammedan's of Nuagazi mohalla offer Namaz in this Masjid. My father also offered Namaz there. It's not correct that there is no other Masjid in the Tedhi bazaar and Kaziana mohalla circle. Above stated mohallas have Muslim names. The Waqf board I have mentioned above is Sunni Waqf board. Apart from this there is a separate Shia Waqf board. But it's wrong that the Masjid for Shia's or Sunni's is separate. It is also not correct that there ways of offering Namaz is different. It is not necessary that Sunni's should put their hands across chest while offering Namaz. It is also not necessary that Shia's do not put their hands across chest while reciting Namaz.

Wazu (washing hands and face) is done before offering Namaz. Both Shia and S unni do Wazu in the same way. I have some knowledge about Quran. Shia people believe in all the kalifs (khalifas). It would be wrong to say that they treat the Hazarat Ali Sahab as the first Kalif. I don't know that Sunni people treat him as the fourth Kalif. It's correct that Imam Hussein the son of Hazarat Ali Sahab was killed in Karbala. It's wrong to say that mourning for his martyrdom is done by only shias and Sunnis don't do it; Infact both the sects observe it.

There is one Imam in big mosque but it's not necessary in small mosques to appoint any particular man as Imam. The Imam making people offer Namaz either in a small Masjid or in a big one sits ahead of others facing west other people sit behind him. Imam sits 2 ½ hand length behind the Western Wall. That space left in the middle of the wall is for bowing and making prayer. All the five Namaz is offered in lama Masjid also, and Friday Namaz is also offered. The timing of all the five Namaz is predecided. The night Namaz is called as *Eesha Namaz*. This Namaz is offered at around 8:30 in the night. Friday's Namaz is offered from 1:30 to 2:30 in the afternoon.

Babar was the emperor of Hindustan and this Masjid was named after him. Babar's minister Mir Baki got this Masjid constructed. I don't know when Babar's army chief Mir Baki came here to get the Masjid constructed Babar was still a robber. I understand that he was the emperor. Whatever Mohammad Ghaznavi did he did not come here, I don't know anything about him / My answer for Mohammad Ghauri is the same.

In Gopal Singh Visharad and Paramhans Ram Chandra Das case my father was a party. If some body forcibly gets a Masjid constructed on somebody else's land then, that will not be legal. The area where the disputed land and property was situated is in Ramkot mohalla. The mauja of this place is named as Kot Ram Chandra. It's wrong to say that there is no house of Muslim family in mohalla Ramkot; rather there are many houses of Mohammedans there. There are 10 to 12 butchers (Chikva) houses. The house of Hazi Ekhlaiq is also in Ramkot and Lala of horse cart, Ahmad Ali and others whose names I don't remember lived in this very mohalla. Babu tailor also lives there. I don't know where the Bramha Kund is. Ekhlaiq

that I have mentioned is Haafiz; his house is in the west of Dorahi crossring. The above mentioned Lala of horse cart lives on the north side of the house of Ekhlaiq. Besides this many other Mohammedans live in Ramkot mohalla I won't be able to tell the name of the remaining persons. Ramkot mohalla inhabited both on high and low land, the disputed property is on high land. I don't know that there are famous Temples of *Sanatan* Dharm Hindus in Ramkot mohalla , but there are many Temples there. This is wrong that there are numerous Temples on both the sides of the road going from the disputed property to Hanuman-Garhi. There was a graveyard in the north of the disputed property. The width of that graveyard would be 5 to 7 yards and the length could be 50 to 60 yards. There is the road on the north of its 5 to 7 yards width. The northern wall of the disputed property could be about 20 feet high. After leaving a gap of 4 to 5 feet from that northern wall the graveyard started.

Verified the statement after hearing

Sd/-

Farooq Ahmad

10.10.96

Typed by the stenographer as dictated by me in the open court . In continuation of this for futher cross-examination on 10.10.96

Sd/-

8.10.96

Date 10-10-96

(In continuation of date 8-10-96)

The statement of PW -3 Farooq Ahmad continued today dated 10.10.96:-

I cannot say anything whether any stone pillar is there *in* other mosques except the disputed one mentioned in my statement. This is also riot necessary that the well could be inside the mosque except one or two mosques. The oldest mosques in Ayodhya were the one, which is called the Babri Masjid. There is no other mosque older than Babri Masjid in Ayodhya. This is wrong to say that Ayodhya is treated as much sacred by Hindus as Mohammedans treat and give importance to Mecca, according to their religion. Ayodhya is full of graves. I don't know if there is Tamsa River in the south of Ayodhya. I've heard the name of Chitra Koot. I have also heard the Rameshwaram. I have also heard the name of Lanka. I cannot tell the number of Temples in Ayodhya, but there are Temples in every household where the statue of Ram is worshipped. Different Kund~ must have been named after Dasharath or Kaushalya etc. related with Ram, afterwards.

My ancestors had constructed Roshan Masjid by taking the land from the then landlord Madar Sahab. At that time such things were done verbally, it was not recorded or written anywhere. I don't know if the other mosques constructed in between Tedhi Bazar and Katra are in the land of Nazul or not. Without permission mosques cannot be constructed. It would be wrong to think that the mosque could be constructed forcibly in anybody' s land.

I made the petition filed to be a party in this case. As far as I remember, I filed this petition in 1980. I don't

remember if I appended my statement under oath to the petition. (At this point the learned advocate drew the attention of the witness to paper no. - 101 C containing the application 42-0/90 and the claim no. 4/89. Seeing the document the . witness said)

I have. seen the affidavit, it bears my thumb impression but the signature is not mine, as it is in Hindi and I do my signature in Urdu. My age is written as 65 years there but I mentioned this age approximately.

I don't know whether any Sufi saint came to India from other country. I understand the meaning of Kalandar. This word is used for Fakirs with respect. I have heard the name of Khwaza Moiuddin Chisti, his dargah is in Ajmer. It would be wrong to say that he came to India before Babar, rather he came after Babar. It is correct that Babar was not a Kalandar. He was an emperor.

Main door of the disputed property was towards east. This door remained opened. It was a very large door and was open from the top side . Black stones were fixed on both sides of the door. I don't remember whether these stones where connected with any arch (*mehrab*) or they were placed separately. There was no lintern on them. Earlier there was no stone plate in front of the northern pillar; people now must have put it. I had never seen any stone having something written on it. I have never seen such stone. There was road on north of this property and there is the *Janam-Sthan* Mandir in the north of that road. I have not noticed if there was any stone bearing the letters '*Janam-Sthan*', '*Sita-Rasoi*' however there are such boards bearing such type of matters.

I won't be able to tell you who were the mahant in that Temple at the time of this tragedy. After entering into this

building there was a lawn after which there was a door of the Masjid with windows. The distance between the main door and the door with windows was about 30 feet. This space in between was called *Sahan* (open ground), where people took out their shoes. Length from north to south of the *Sahan* would be about 120 feet. There was a small *Chabootra* (square platform) with a shade. The *Chabootra* was built with bricks and was one or one and a half hand length in height. But I don't remember if it was fitted with marbles or not there was no wooden tent like Temple between the *Sahan* and *Chabootra*. At the time of the tragedy there was a small tree in the east and south wall of the *chabootra*. It was a chandan tree, which is called sandal in Urdu. The southern wall of the Masjid from the south end of the *chabootra* was about 40 to 50 feet. This in between space was vacant where people used to do *Wazu* (washing hands and face). The entire wall was 90 feet long the inner portion might be about 10 feet less. From the vacant place in the south of *chabootra* the distance of the Western Wall was about 25 feet. There was no arrangement for Havan etc in that place. This place was used for *Wazu*; people took out their shoes there also. Towards its north there was the disputed property': which was attached. On the north there was a path and the wall with the window also. People could come and go in the disputed land from that side also. There was no door in the window in south. There was a door towards the north of the wall with window. Just after crossing the northern wall with window there were some signs of *chakla*, *belan* and hearth were made towards the west. They were made after leaving the path. These signs were there in 1949 also but it's wrong to say that this place was called *Sita Rasoi* (kitchen).

On entering through the main door there were Thatched roofs on the north. On entering from the eastern

main gate from the middle of the path the northern wall was at a distance of about 40 to 50 feet. This roof was small in 4-6 hand length; it was not 40 feet long. People used to take rest in these shades. Muslims constructed the shades but I can not tell you the name of the person who got it constructed or the person who constructed it himself. I have Volunteer: that Zaki Sahab was Mutwalli at that time. Since the time I can remember I am seeing this shade. This roof might have been changed 20 times since I remember. It was changed in 6 months or a year. I went there to recite Nalnaz, looked at the roof; it was not necessary for me to find out who was the person behind the repairs. It's wrong to say that I don't have any knowledge about it because the roof was not constructed before me. There was a tree between this roof and the northern wall but I don't remember whether it was a molsri or a neem tree. I won't be able to say how old the tree was at the time of 1949 tragedy. At that time the branches of the tree were thin and small, these might have grown thick later. There was the vacant land of the Masjid towards the west of the tree and after it was the graveyard. There was a '*pushtwan*' in the east of the tree and after it there was open' land. Leaving the path below this tree the signs of hearth, *belan* and *chakla* appeared in this very part. The distance of the wall of disputed property from the hearth would be about 40 feet. I don't remember what was there in between the hearth and the wall.

There was a door each on the north and the east in the wall with windows. I had locked the doors in the middle of the eastern two walls. Western wall below the dome was at the distance of about 40 feet from the wall with window. This distance was half-open and half-covered with the building with dome. There were 3 doors below the dome. Black stones were fitted in then; I won't be able to tell the number of the stones.



Musalles (place where people sit and recite Namaz) were constructed with stones on floor of the covered space. I did not see any throne there. There was only floor. On entering from the main door there comes a sahan floor which was not metalled (*kuchha*). Now I don't even remember it was *kuchha* or metalled, it's a thing of very past. The place after entering from the grilled wall with window was metalled. I do not remember whether it was brick laid or marbled. In the Sahan with *kuchha* floor people took out their shoes and went inside from the grilled wall with window to recite Namaz.

Muslims start offering Namaz at the age of 8 or 9 years. Normally children start going to Masjid with their father. I started offering Namaz for the first time at the age of 28 years along with my father. During the first time many people of kutiya mohalla including Hashim, Kasim and Razak met me there. Since Hashim's shop was in front of us we were familiar with each other from beginning. Rajjab Ali and Mia Razak who is dead now of Kaziana mohalla were also there. Old persons of Kaziana are now dead. A long time has elapsed. Their names I do not remember. Ahmad Ali the father of Hafiz Ekhlaiq from Dorahi Kuan was also there. I came across Lala, Babu Tailor and many Chikva also went and met. Mostly people met at the time of *Magrib* and *Eesha* Namaz. Ekhlaiq and Mohammad Hashim met mostly on these two Namaz or on Friday Namaz. Hazi Feku, Hazi Fayak and Abdul Ahad and many other persons whose names I do not remember met from Tedhi Bazar.

People from Faizabad also came to offer Namaz here. Abdul Rahman and Yunus Sahab used to come there. Their mohalla was near the property of Nazul but I am not able to

recollect its name. I did not know their names but recognized them with their face.

People from Faizabad mostly came on Friday Namaz. This is the same Mohammad Yunus Siddiqui who met me on Namaz and is the advocate in this case. I do not remember whether he has got any connection with the Babri Masjid Action Committee or not. I have been seeing these people coming to offer Namaz 10 years before the December, 1949 incident. Rahman Sahab and Yunus Sahab were with me on the Eesha Namaz on 22nd December 1949. I do not know the occupation of Yunus Sahab during those days.. At that time his age was about 40 to 50 years. I did not have any relationship with him. It's wrong that they came to our shop before offering Namaz, beside him many other people also from Faizabad participated in the Namaz. About 7 - 8 persons coming from Faizabad participated in that Namaz. They were in the age group of about 20 to 40 years old whose names I do not know. In the Eesha Namaz that day some people were outside and 3 lines (*safa*) inside the Masjid were full. 25 to 30 persons are accommodated in one *safa*. There must be definitely 10 to 15 persons from outside. From outside I mean the western Sahan after going inside the window.

That day I offered the *Magrib* Namaz in this very Masjid at about 6, offered *Eesha* Namaz at about 8pm, before that I offered Namaz in this Masjid on the last Friday. These people whose names I have mentioned in my statement above participated in that Friday Namaz. Anisur Rahman of Begumpura also participated in it. Salar Mohammad of Sutahati was also there, those persons recognize me. Anisur Rahman and Salar Mohammad used to accompany my father. for pursuing (*pairavi*) in the case of 145 Cr.P.C.

One or one and a half-month before the December 1949 tragedy ,Panch-koshi and Chaudh-ko.si Parikarmama were held. I do not remember if any baba (*sant*) named Raghav Das gave lectures there during those days.

It is correct that people used to perform *kirtan* - *bhajan* one and a half month before the tragedy in the east of the disputed property. This *kirtan* was organized for all, whether Hindu or Muslim. There was no prohibition for religion. We used to stand there and listened the religious songs. The gathering did not use to be very considerable. The Chabootra for prayer (*kirtan*) was not constructed, it was there before hand. Ganj-Shaheedan was constructed and they did *Havan* by burning wood. The place where many people have died and have been buried together in the same pit is called Ganj-Shaheedan. I do not know how these persons died but they had come to fight. The mound (*tilla*) of Hanuman-Garhi was dug and the dead bodies were buried there. Hanuman-Garhi is a little east slantingly from the main door of the disputed property. The Bairagies had dug the *tilla* at Hanuman-Garhi. Bairagies of Hanuman-Garhi and Darshan Singh the king of Ayodhya sent their army and killed the Muslims. This incident is more than one hundred years old from today. About 82 Muslims were killed in this incident.

In my memory Hindu Muslim riot occurred for the first time in 1934 in Ayodhya. This riot occurred in Shahjahapur, due to cow slaughter. There was no dispute about Temple or mosque, in this riot the disputed Masjid was not damaged at all. During the riot in 1934 the wall of this Masjid was broken and the dome was damaged. The western wall of the Masjid was broken for 2-4 hand length. It was not broken much, it was repaired, I saw it, and the

western wall was very wide and it may have been around seven feet. The dome was broken 6-7 feet in depth. It was broken in 6-7 feet circle. Southern dome was broken; there was no crack rather a hole was made into the dome. Except this no damage was done in the riot, on the disputed property. In that riot, 2-4 Muslims were killed and 10-12 houses were destroyed. I have become a party in this case after my father. I don't know what has been written in the claim but I have now started coming and know a little.

I do not indulge in litigation much. I am involved in one or two cases related to graveyard or Masjid. There is no case regarding my personal property or eviction running in the court. This is not correct to say that I have 5-6 personal cases. I do not know which or how much portion of the disputed property was auctioned under 145 Cr.P.C. I came to know about the tragedy when we went to offer the Namaz in the morning. I saw many police men and found that we could not offer Namaz. In the night when it was being announced in the city that statue has been placed then we got some idea. The announcement began at 4 0' clock in the night. This is wrong to say that police had prohibited us from offering Namaz one and a half months ago or we had stopped going there. This is wrong that Hindus had broken 27 graves of Muslims. When we came to the road going to Hanuman Garhi on 23rd of December to offer the morning Namaz and reached on the southern steps of the disputed property then we were prevented by some police men and Bairagies, so we stopped. I was with my father; a few more Muslims were standing there whose names I don't know. They were from Sutahati Katra, I recognized them, but I didn't try to ask their names. It was very chaotic, the police had stopped us. People were shouting that the god had appeared we ,were not allowed to

go inside. We came back to our house. We stayed there for half an hour and looked at the scenes.

On that day no other Muslim came to meet us in our house. That day no Muslim was arrested. I do not know whether my father had given any report or application regarding this incident to any officer. But that day also my father went out of the house as usual. People were shouting on that occasion about setting up of the idol. 10 - 20 other Muslims were also there they had learnt about this incident there only . We did not go there at 2 O'clock in the night to see whether the idol was setup there stealthily or it was done forcibly. Everyone knew that the Hindus were bent upon to setup the idol forcibly and they completed their work in that night. The matter was reported to the police. The action taken by the police was under 145 or not must be known to the police. It's wrong to say that the police took action on its own, or it was not reported by any Muslim. The actual fact is that my father reported the matter. I did not go to see who had registered the report of my father. I don't know that those days head constable Abdul Barkat used to write reports in the police station. On the first night when I came back along with the SHO after locking the door of the Masjid, there was no police surveillance (*paharah*)

I do not know whether before 1949 or in 1949 there was any *Anjumane-Islamia* in Ayodhya or not. I have not heard the name of any Imtiaz Ali Advocate. Sheikh Abdul Gaffar s/o Sheikh Abdul Kadir working as Imam used to operate saw machine in mohalla Kaziana, but lived in Bramha-Kund. He was operating sawing machine since long about 3-4 months before December 1949 incident. I don't know whether he had or not had any shop or house in Kaziana mohalla, before he started the sawing machine.

I have heard but not seen that there is a mohalla named Vashista-Kund. Gaffar Sahab is dead, he used to teach in an madarsa, and at home also.

I know Sayyed Rehmat Hussein Advocate. He along with Gaffar Sahab must have sent some application to the deputy commissioner about the tragedy after getting signatures of many Muslims, I do not know. I do not know where is the copy of the report filed by my father. My father did not tell me, about the matter about report filed by him.

I do not know whether my father had given any witness against Ram Gopal Sharad or Aviram Das, or both of them were sent to jail for 2 years each on the basis of without, that witness. I do not know if Ram Gopal Sharad had written a book named '*Ayodhya Ka Rakt Ranjit Itihas*' ('History of Blood Soaked Ayodhya') or my father has been criticized in the book in question or my father' became the witness because he was not happy on the things mentioned in that book about him or Ram Gopal Sharad was penalized on account of that said statement of the witness. This is wrong that my father was a man interested in litigation or he was famous for initiating false cases by removing any brick from any mound.

After this incident my father was arrested from his house in about 1954. People had gone towards the Masjid to offer Namaz, police arrested them. My father was arrested because the police thought he was the leader, Abdul Gaffar Sahab was also arrested. Gaffar Sahab was Imam; he was being paid by Zaki Sahab, on behalf of the public.

Money was collected in the Masjid and from that it was given to Imam Sahab. The account of this money was maintained by both Imam Sahab and my father. The assignment of collection of such money and maintenance of its account was continuing before the incident of December 1949. Such type of account was also maintained at the time of the 1934 riot. My father was mutwalli of Sunni Waqf Board, so he submitted the accounts to them. The account was being submitted to the Waqf before the 1934 riot. Whatever accounts was to be submitted to the Waqf Board my father had done it in his own life. Rest of the accounts were burnt was burned in the incident of 1992. My father did not take any money from the Waqf Board. He used to spend money of his own

The action regarding attachment was immediately started just after the incident of December, 1949 which was done just the next day. The persons connected with the attachment destroyed many things or took away. Any movable property of the Masjid was not attached. From our side the Govt. did not appoint any undertaker (supurdgar) in respect of the property under attachment but I know this much that the auctioned property was taken by the Govt. under its custody. I do not know about the rest. It's not correct that in the 145 Cr.P.C case the Muslims of Ayodhya or Faizabad had submitted any affidavit in favour of Hindus stating that no Namaz was offered in the building in dispute since 1934. It is correct that after 15-16 days of this incident the Civil court had sent summon notice to my father in respect of this property but I did not hear any announcement that the worshipping etc would continue there.

It is wrong to say that there was any tension regarding the disputed property in Ayodhya one month before the

incident of December 1949 tragedies. At that time Abdul Razzaq was not doing any service. I do not know whether any Mohammedan had given witness or evidence in the case under 145 Cr.P.C that since 1934 or from earlier to that upto 1949 Namaz was being offered always in that building.

No proceeding took place in the case under section 145, the clerks used to send back by fixing other dates, as I am told. But I never went to pursue the case till my father was alive. The same number of people used to come to offer Namaz in the Masjid during the period of one month earlier to December 1949 incident as they used to come before. I do not know any police personnel named Mata Prasad. I do not know whether any constable named Ramdeo lodged any report regarding placement of idols or any Mata Prasad had lodged a report. I knew only the SHO named Ramdeo; it's a very old matter I do not remember who was the district Magistrate there at that time.

After entering from the main door everybody including the pujari used to sit on the chabootra towards south, but the pujari did not do *kirtan* (prayer). I did not see any idol there, nor was there anyone offering. I did not see any Hindu going to the pujari individually or in groups.

Hindu fairs (*mela*) like Ramnavmi, Parikarma mela and saavan mela are organized in Ayodhya. Hindus gather in these fairs. They also come to visit the Masjid. Many Hindus and Muslims also used this opportunity to come to see this *chabootra*. At the time of above said fairs the Hindus gathered there do not go to the chabootra specially because there is no offering there. During the fair also people from different religions came to see the chabootra. I do not know who were the persons who changed the roof



over this chabootra. This is wrong that under this roof there was any tent like Temple made of wood covered with silver. I had been seeing this roof and chabootra since my childhood. I saw the roof and chabootra in the same way till December ,1949 tragedy.

(At this point the learned advocate drew the attention of the witness to the album of colored photos prepared by the Department of Archeology, U.P. State. The witness after seeing photo 00. 57 said...)

This photo is of the same chabootra and roof which is being discussed but many such things have been shown into it which was not present those days. I have seen photo no. 59 and 60, these are also of the same place, but the statues shown in them were not in those days, and there was no writings on them also. I have seen photo no. 62 it shows the floor. But since my comprehension (*benai*) is weak I can not say whether this photo is prepared in connection with the disputed property or not. I am not able to understand as to the wall shown in the photo belongs to which place.

The chakla, belan and hearth I have mentioned above are about 4 fingers high from the floor. I have seen photo no. 7 in the album mentioned above; it relates to the disputed property and has focussed the floor, it was identified because of the window and gate shown into it. The things in the middle are very dull, I can not say if these are the same chakla, belan or hearth, which is being discussed. The hearth, chakla, belan are clearly visible in photo no. 72 of the album, but the Hindi writing shown in it was not present at that time.

(At this point the learned advocate drew the attention of the witness to a black and white photo prepared by the Archeology Department of D.P. State)

I have seen photo no. 83 and 84 of this album .This is related with the property in dispute. The floor after the

window has been shown in it; beyond the floor the rear portion has 3 partitions - its outer floor has *Mehrab* (arch).

Flowers and leaves were carved on the black stones fixed in the building, no pictures were there. No pitcher or *Kalash* was made there. Photo 139 and 134 shown in the coloured album are of the same stones which were fitted in the same building, the rest photo No. 141, 142, 143 except this photo are not related with those stones that were set in the building. I have also seen photo No. 145, 146 and 147, the colour shown on the stones does not match with the colour of the stones in the building. Black stones were fixed there which match with this photograph. The stone shown in photo No. 44 was not there those days. Similarly Stone Plate *Shilalekh* "shown in photo No. 48 was not there.

Photo No. 23 of the Black and white album shows the northern door of the disputed property. There was a graveyard in its north. Photo No. 43 shows the *Sahan* (open ground) just after entering into main door of this property. What was the particular thing on *Ganje Shaheedan* I cannot say as it is 200 year old incident. There were no trees just after outside the Masjid, there were only graves that went upto the Temple of *Amawan*.

I do not know whether there was any case regarding the Chabutra mentioned above any time or not.

After coming out of the main door getting down from the steps one had to go slantly on the path to *Hanuman Garhi*. In my knowledge there was no Temple by the name of sakshi Gopal on the north east corner of the place in question, there is a chauraha (four crossing) in front of Janam-Sthan Temple its one path goes towards the Sutahati after graveyard in the north. Southern path has gone to chauraha that meets the road to Faizabad. There is no path that goes anywhere from the southern side of the disputed property to the east of the chauraha. It's not correct to say that a call given from the disputed property

could not reach Kaziana mohalla (I have Volunteer: that *azaan-call* for Namaz was given and was clearly heard, there was one Ismail Mujjim who used to give call (do *azaan*) at that time. We have seen him doing this work 5 - 6 years before 1949. Ismail came from the district *basti*. He lived there and cooked his food. He did not cook the food in Masjid, but did outside in shade, etc he also cooked food below the chabootra just after entering into the gate there was a shade on the right he cooked his food there also.

Its wrong to say that I have lied about my age, it is also wrong to say that my age is 67 years (I have myself stated that my daughter is 60 years old and my son is over 50 years). This is also wrong to say that Namaz was not recited at all in this building after 1934. This is also wrong that there was any Temple on the chabootra stated above or this has been continuing under the management of the Nirmohi Akhara since hundreds of years.

(Cross examination by R.L. Sharma on behalf of Nirmohi Akhara concluded.)

Verified the statement after hearing

Sd/-  
Farooq Ahmad  
10.10.96

Typed by the stenographer as dictated by me in the open court . In continuation of this for further cross-examination on 11.10.96

Sd/-  
10.10.96

Date: 11-10-96

(In continuation of Date: 10-10-96)

In cross examination of PW-3 Farooq Ahmad continued today dated: 11-10-96:

Cross examination by Ved Prakash Advocate on behalf of Shri Dharam Das.

(The learned advocate drew the attention of the witness towards colored and black and white photos albums prepared by the Department of Archeology D.P. State)

Question: Look at both the albums and tell if they are related with the disputed place and property or not?

Answer: (The learned advocate was instructed that he could put separate questions about the particular photos, he wanted to know about, in place of putting mixed questions on all the photos in both albums.)

Photos no. 1 and 2 in the black and white album show the rear part of the disputed Masjid. Photos no. 3 and 4 of this album are related with the western rear part of this Masjid. Photos no. 5 and 6 also appear to be of the rear part. Photo no. 7 shows the main door of the Masjid. The middle portion with window is also seen in it. Photo no. 8 is of the wall in which the tree of *neem* (molsri) is visible. Photo no. 8 is of the wall of the same Masjid. In photo no. 9 and 10 some scattered ruins are visible which are of the same Masjid. Photo no) 9 shows the southern part. I can not say, photo no. 10 relates to which part. Photo. no. 11 and 12 are also of this Masjid only but I cannot read the content written on the stone that looks on the left corner of the photo no. 11, but it appears like a damaged 'wall', when its plaster falls down and the bricks are loosened or they fall down from the wall. Photos no. 13 and 14 are also of the western part of the Masjid. Photos no. 15 and 16 are not clearly visible. I am not able to understand of which part they relate but they are of Babri Masjid. One dome is also visible in photo no. 15; nothing is clear in photo no. 16. My vision is weak.

Photo no. 17 and 18 are snapped from the rear side of the Masjid and are not clear. Photos no. 19 and 20 also relate to this Masjid. In photo no. 19 the wall with window and its back portion is visible, where we had locked. In photo no. 20 some portion of eastern gate and some middle portion of the northern part are seen. Two fishes constructed on the gate are visible; in between the fishes some flower is seen. Photo no 21 and 22 are also related to the Masjid, in which the gate and the wall with window is seen. Photo no. 23 and 24 are also of the same, in which the northern gate, its path and the graveyard in back side are visible. In photo no. 24 the shade covered with hay and tin is seen in photo no. 25 the eastern gate of the Masjid is seen but something is written there which is beyond my understanding. Photo no. 26 is also of Babri Masjid where a stone is visible but some portion of the shade is also there which makes it difficult to comprehend clearly, which portion was snapped in it. Photo no. 27 contains the eastern gate but the stone ,fixed there which bears some writing was not there in those days.

In photo no. 28 some portion of the shade placed on the eastern wall is visible. In photo no. 29 middle portion of the Masjid where black stones were fixed is visible, in this photo the shade put on the eastern wall of the Masjid is visible. Photo no. 30 also looks similar. In photo no. 31 some idols are seen, something is written there coins set in the doors are visible; it appears as the wall of the Masjid, the *chajja* is visible. Those days there was nothing written over it. In photo no. 32 there are 4 pillars something is written over them; the idols are also visible. I cannot say whether this photo is snapped by concealing the chabootra or at which place. In photo no. 33 there is the southern part of the Masjid where some toys are placed which are beyond

my understanding. When *kirtan* (prayer) was organized we also used to stand and chanted' *Ram nam*; Ram, Allah and Khuda all are the same. We used to take *name* there and also do it here. We have been living in Ayodhya since the time of our ancestors we look at the idols placed in the Temples, but don't take any notice. I cannot say if idol of '*Ganeshji*' is there in photo no. 33 or not. In it on the left a toy of cow is visible. I cannot say what was constructed before the idol of *Ganeshji*, at that time there was nothing there. In photo no. 34 it seems to be the eastern gate of the Masjid or it might be a part of the rear portion.

In photo no. 35 a pillar is seen in the east, a window is also there. The stones with something written in Hindi fixed on the front side were not present at that time. In photo no. 36 also the same door that appears to be the middle one is visible but I'm not sure. Main door is also there, the middle door is behind it. Stones have also been fixed that were not earlier. On the gate there is something written in Hindi which I don't follow, it was not before. In photo no. 37 some people are standing towards north. The gate with window which I had locked is visible. In front of it also there are many stones with written matter that were not earlier. Photo no. 38 has been taken from the north side; in it hay roof is visible. Photo no 39 is covered with the throne the rest is not understandable . Stones are kept before it. It is covered with the throne and curtain so that Masjid may not be visible. In photo no. 40 the large gate of the east is shown, two black pillars are fixed. Some people are also sitting inside. In photo no. 41 the middle portion with window is visible it appears to have been taken from the south. In photo no. 42 both the doors and dome of the east and middle portion are visible. In photo no. 43 the northern door and neem or Maulashree tree on the east-west side is visible. In photo no. 44 the back side of the

Masjid is seen, this 'photo has been taken from the west; small arches of the Masjid are seen. In photo no. 45 a gate, arches and domes are visible. Photo no. 46 also appears to be similar. These are the arches of the mid portion covered with curtain. It appears to be a door and a portion near window.

Photo no. 47 relates to the place where Namaz was offered, there are three shelves, one is visible. In photo no. 48 a tin shade is visible, it's not clear where is it related to but this photo is certainly of the disputed property. It appears to be the same shade that was from east to west. Photo no. 49 shows the place near member where Imam used to stand to make people offer Namaz. In the archs shown here some thing is written in Arabic. Before it stones are also fixed with something written in Hindi. Photo no. 50 is of the same place where there was fan in the dome and the walls of the Masjid is looking some what covered, it is the western wall where Imam used to stand. In photo no. 51 it is the portion below the dome of the wall extending beyond the window. In photo no. 52 it appears to be that arch of the dome where cloth was hanging. In photo no. 53 also the back portion of the 'way' is visible. The middle window is visible in photo no. 54. In photo no. 55 it is a pillar of main door, flowers and leaves are carved there. In photo no. 56 it is a pillar of the same type. In photo no. 57 statues have been made that were not present at that time. This photo is also of the property in dispute but may be it has been changed because at that time the statues were not there at the pillar. In photo no. 58 also a statue is seen on the upper side. Black pillar was fixed in the gate there was no statue in it, might be it was changed later. I'm not telling on the basis of hear-say but I'm telling after seeing the photograph that the pillars might have been changed. Statues have been made on these pillars

that is why I am saying that the pillars have been changed. It's Wrong that I'm hiding something or I'm giving false statement.

I had' seen two touch-stones on the grave of Musa Ashiquan which is very far from the Janam-Sthan; these were similar to the touch-stone fixed in Babri Masjid. It would be wrong to say that the statues of gods and goddesses were carved on those stones.

There are black stones in photo no. 59 but I feel some colors smeared in its middle. Something is surely smeared but its not clear whether it shows some gods and goddesses, in ,photo no. 60 some leaves and flowers are made but it seems to be changed somewhat, some are black and some are white and some are coloured, at that time black stones were there. In photo no. 61 also some white lines have been made but it is not clearly visible. A photo that seems to be of a small boy is kept. Those days it was not there. The pillar shown in it seems to be similar to what I have mentioned above in my statement. In photo no. 62 a pillar like thing looks near the window in which statues have been made. This pillar belongs to the northern gate of the disputed property; the gate is looking very dim. In photo no. 63 there is a black stone with statues. And ' Kalash' but it is not the same stone which was fixed earlier. In photo no. 64 also some thing of white colour is visible, statue is also visible. I cannot say if the pillar shown in this photo is separate or a part of the wall, it was a black coloured stone but there are some changes in it. Photo no. 65 relates to main door but on its pillars statues have been made. This is the result of change. Photo no. 66 also relates to the eastern side but some statutes have been made on it .This is the result of change .Earlier the stone was of round shape which was made on the Chaukhat. Photo no. 67 relates to



the middle 'way' of the Masjid; something is written, something is covered and a picture of somebody with turban and a towel in sitting position is also there, something is written in Hindi on its floor.

Photo no. 68 is also of the same 'way' on which long shelves are made. Photo no. 69 is of the back side 'way' where fan is fixed, something is written at 3 places in Arabic and Urdu, they appear like flowers. In photo no. 70 some flowers are visible, something fallen down and some stones are -visible. Photo no. 71 shows some statues, a black coloured pillar that has been made white with white line. In photo no. 72 the pillar is certainly of black colour but on its upper and lower portion statues have been made. The pillars are standing towards east on the main gate, one is set in the wall and the other is standing. In photo no. 72 two pillars are visible one is standing and the others is set in. similar is the condition of both the pillars in photo no. 71. Same is the case with the pillar shown in photo no. 73 statues have been made in it. The case of photo no. 74 is also the same; statues are carved on its pillar. This whole pillar has been shown from all the four sides, it was attached. There is black stone with changes done in white colour in photo no. 75, and it was also fixed there. On the pillar in photo no. 76 also elephants, horses, leaves and flowers and trunk of elephant were carved. Several changes have been made; Kalash also seems to be there. In photo no. 77 there is the western wall where Imam used to stand, fan is fitted, all the three 'ways' are visible.

Photo no. 78 also relates to the same place, some thing is visible, shows the inside of Babri Masjid where Namaz was offered. Photo no. 79 shows the eastern door, the wooden throne kept in the middle and covered with curtain. In photo no. 80 the throne has been kept where Imam used to stand, there is '*kalma*', it is covered with

curtain. In photo no. 81 also the throne and the statues are seen, Masjid is also visible covered with curtain. In photo no. 82 the tent is erected in which there is the throne with statues in it. Photo no. 83 relates to the place where musallae were made. Photo no. 84 is also of the same type. It is of the same place where musallae was made and Namaz was offered. Photo no. 85 is not clear. In photo no. 86 there are 2 black stones, in it a pitcher and above it a water pot is kept below the pillars and in front of it the bell for ringing is also hanging. I am not seeing two bells, only one is visible. In photo no. 87 leaves and flowers are carved on the pillar and a bell is hanging by a chain. In photo no. 88 there is a pillar on which a bell of white colour has been made that is rung by hand and some statues are kept in the lower portion. One statue is visible beyond that also. These pillars appear to be of the same place, these were fixed in photo no. 89, and there is a pillar in which many changes have been made with the colour. Pitcher is kept there and statues have been made. This pillar looks like standing beside the wall, it is not fixed. In photo no. 90 also there is a pillar carved with statues. It is standing beside the wall and not fixed in it.

In photo no. 91 there is a pillar in which a trunk of an elephant, a statue and a Kalash kept below are visible. This pillar has been kept beside the wall and not fixed. In photo no. 92 something tied in the backside wall is visible; something kept in pitcher is also visible. There is flower and 'kalma' has also been written in Arabic. In photo no. 93 the arch appears to be a 'way', kalma has been written in Arabic. In photo no. 94 it appears to be the portion towards west in the backside, in which a flower is made. In 95 also there are changes, statues have been made. In photo no. 96 a black stone is fully visible. In photo no. 97 there are changes, a saint is visible standing. Its all of the Masjid,

the photo has been taken after standing somewhere. Similar type of pillar is in photo no. 98, it has also been kept erect and not fixed, the pillar of photo no. 99 also has been kept standing, leaves and flowers are there but statue is not visible. In photo no. 100 large statues have been made side by side, two pillars are standing side by side and statues have been made between them. In the middle in place of statues some girl is standing, nothing can be said whether it had been snapped by arranging or by standing the pillar.

Photo no. 1'01 also relates to the same place but there are many changes in it. Changes have been made and Kalash also appeared to have been kept. The things I have stated are not related with photo no., 101 rather it is related with photo no. 102. In photo no. 101 also a statue of white colour is visible, there is a pillar in it ,which is fully standing by the wall, a statue is carved in the pillar, Kalash is also kept there and this stone is also standing behind the wall. In photo no. 104 also a pillar of black colour has been kept with statues carved in it. Kalash is kept below. In photo no. 105 it appears to be some minar, either some boys are sitting on it or some statues are kept there. Above the minar it is not kitchen, some persons are, sitting. This pillar does not appear to be of disputed property or place. It seems that some people might have gone on visit to the minar. I don't see any body standing there.

The pillar shown in photo no. 106 contains a Kalash, one more Kalash on it, leaves and flowers have been made on it. In photo no. 107 a window and a covered throne is visible. A boy is sitting there. In photo no. 108 a saint is visible who regularly keeps on coming for the case. Some persons are sitting beside him; one pleader who looks like Mushtaq Sahab is also visible. Mushtaq Sahab is our

pleader. On his side one more person is there whom I don't recognize. But beside this unknown person Ekhlāq Sahab, whom I know is there. Some sweets are in their hand, they are eating something. I don't recognize the people in photo no. 109. In photo no. 110 hafiz Ekhlāq Sahab is sitting. I don't recognize the person who is also visible in it. One more photo is visible that is of perhaps our pleader Mannan Sahab. In photo no. 111 also the, same persons are there, our pleaders are also there. Who are eating something; all these photos from 1 to 111 relate to Babri Masjid but some changes have been made in them. It is correct that our pleaders were present at the place when these photos were taken.

I had not told our pleader that any changes were made on these stones. I have come to the court today for the first time therefore, I am mentioning about these changes to the court for the first time. I never came to pursue this case, my father used to come here for this purpose. Today after looking at these photos I have found that some changes have been made there. It is wrong that more changes of any type might not have been made in any pillar or at other places. It is wrong that any change may not have been made on the spot. It is also wrong that I did not mention about the said changes earlier because no changes were made on the spot. It is also wrong that for this very reason I did not inform my pleader about the said changes.

I have also seen the album of coloured photos prepared by the Archeological Department of the state of Uttar Pradesh. In photo no. 1 that appears to be the western portion behind the Masjid. Photo no. 2 also appears to be of the back side portion, my vision is weak, I can not see clearly, photo no. 3 is also of the back side

portion, appears to be surrounded from all the sides. Photo no. 4 also seems to be of the back side portion, similarly photo no. 5 also.. shows the backside, any gate or door is not visible. Same is the case with photo no. 6. In photo no. 7 the door is not visible, some people standing are seen in - it. Photo no. 8 is not clear to me. Photo no. 9 shows the eastern gate of the Masjid, on both the sides black pillars smeared with red color are fixed. In photo no. 10 there is the middle wall beyond the dome in the Masjid. In photo no. 11 some people are standing at the place of the roof and the trees are visible.

Photo no. 12 is not clear to me. Photo no. 13 relates to the same place but is not clear. In photo no. 14 the wall of the Masjid is seen and some pillar is there and not much more is visible. The face shown in it appears to be that of a pig. In photo no. 15 there is a wall rest is not clear as to what has been made. In photo no. 16 there is a building something carved in the stone which is fallen separate is visible, I don't know the face of which thing is shown. Face is not seen in it only a small stone is visible, only eye is seen; I can't say that this face might be that of a pig. At that time it was not there. In photo no. 17 some people are standing below the thatched roof there was neem or molsri tree at that side. In photo no. 18 there is a tree and nothing is visible. At that place there was a tree of neem and molsri. There were two small trees that might have become larger now. Photo no. 19 is beyond my comprehension. Photo no. 20 shows a small door from north side, a tree is also visible, backside portion is seen and nothing else is visible. Photo no. 21 is of the back side portion of the Babri Masjid, two domes and small paths are visible. Photo no. 22 is that of the back side *pushta*, two domes and some trees are visible. Photo no. 23 also appears to be of the

back side portion. The fallow land and bushes are seen there.

Photo no. 24 appears to be the back side path, the fallow land and bushes are there, the rest is not clear. In photo no. 25 nothing is clear only one dome of Babri Masjid is identifiable. In photo no. 26 two domes, one bush and open ground are visible. I cannot say which portion of Babri Masjid has been shown in photo no. 25 and 26. But these domes are of the same Masjid. Photo no. 27 is also beyond my comprehension. In photo no. 28 only one dome of back side and bushes are visible. Similarly photo no. 29 is also beyond my comprehension. In photo no. 30 perhaps some people are seen going inside the door that is on north, after it there is the graveyard. Photo no. 31 is also not clear to me. What is there in photo no. 32 I cannot say because my eyes are not capable. I don't see anything in photo no. 33. In photo no. 34 it appears backs side 'Sahan door', bricks are laid, nothing else is visible. Photo no. 35 is not clear to me. In photo no. 36 only this much is visible that police men are standing, there are some trees but it also relates to Babri Masjid. In photo no. 37 the northern door and the gate are clearly seen, the graveyard that was on the north is also visible. Photo no. 38 also relates to the northern door. Gates are fixed in it. Photo no. 39 is also of the northern portion but it appears that the gate was not closed. Photo no. 40 appears to be of the northern door.

In photo no. 40 fishes have been made on the upper side. There might have been some picture above and some flower in the middle, but it is not visible to me. Photo, no. 41 shows the backside portion of the Masjid where the dome was, it is its arch. In photo no. 42 it appears to be the eastern gate. Photo' no. 43 is beyond my comprehension. Photo no. 44 shows the outer portion but there is some

stone with something written on it, which was not there before. The black pillar shown in it, was fixed in the gate but it is smeared with colour. In photo no. 45 there is the eastern wall, black stone is fixed on both the sides but colour is also smeared. Photo no. 48 appears to be the outer eastern gate, black stone pillars are fixed that is seen in it, but some colour is smeared on them. In photo no. 47 also pillars are shown but a stone, something written on it has also been shown which was not there before. Pillars are the same black ones, leaves and flowers are carved in them and nothing else is there. In photo no. 48 also the same black stones with carved leaves and flowers are there but red colour is smeared. In photo no. 49 there is black stone with carvings but some-what coloured. In photo no. 50 a flower pot is placed below a Kalash, leaves and flowers are made and nothing else it is also smeared with red colour. It appears to be the stone of same place, looks like the portion below the stone. In photo no. 51 also the same stone carved with leaves and flowers smeared with red colour is there, after that a stone something written on it is also there. Photo no. 52 is also of the same black stone below which red colour is smeared, In the side afterwards one stone is also fixed. The pillar shown in it is looking black from above and red from below is only one pillar that goes from above to downwards. In photo no. 53 there is the black stone with carved leaves and flowers, it appears to be the half upper portion. In photo no. 54 a flower pot is placed below the pillar, it is covered with flowers and leaves. All this are carved in a black coloured pillar.

I don't know what things have been shown in photo no. 55 but the tree is surely there. Whatever was in photo no. 56 was not before but a shade is clearly visible which was earlier, but the arch (dur) shown in it was not earlier. What is seen in 57 was also not earlier, two black pillars

shown on both the sides in it, but the pillar on the right side is coloured 'red'. In photo no. 58 the window is shown it is covered with red color, no statues are visible, no statues or toys are seen in it, and only red color is visible which is smeared on the clothes hanging on the wall.

In photo no. 59, some toys are seen kept below the shade. In the southern hall, toys are seen there - one cow, small children in sitting position are kept there. These things were not similar. Things are there in photo no. 60 also. 61 is of southern side. Toys of cow etc. are kept in it also.

Earlier there was shade at this place; I have no knowledge about it that the cow constructed in this way is called *nandi* also. This cow can be called an 'ox'. In front of it some disfigured stone is kept, I can't say whether it appears to be that of *shiv ling*. In its backside some toys are visible; I can't say whether they are statues of 'gods'. In photo no. 62 the northern door is seen, in photo no. 63 it seems to be the portion with window in middle. The southern window is visible in photo no. 64. The middle window' is visible in photo no. 65. In photo no. 66 there is outer shade and the window in the middle is also visible. I don't know whether it relates to north or south. In photo no. 67 the black stone of the pillar is visible. In photo no. 68 there is the portion of the wall with central window but the stone with something written on it was not there earlier. In photo no. 69 eastern wall of the Masjid with tin door is visible, where some people are standing. Along with this door Tin roof or shade is also there. Photo no. 70 also contains a tin roof but something is hidden with woods below. In photo no. 71 a throne is kept in tin shape which is covered. Signs of fish are made on it, but nothing is clear.



Photo no. 72 is exactly the same as to photo no. 71 except on some stones where something is written on them.

Verified the statement after hearing

Sd/-  
Farooq Ahmad  
11.10.96

Typed by the stenographer as dictated by me in the open court . In continuation of this for further cross-examination on 14.10.96

Sd/-  
11.10.96

Dated:14.10.1996

(In continuation of date 11-10-1996)

Today dated 14-10-1996 the statement of P.W.-3 Farooq Ahmad under oath continued.

(The learned advocate drew the attention of the witness to the album of coloured photos, prepared by the department of Archeology; U.P. State. witness has seen all the photos.)

Question: In photo no. 73 of this album a southern dirty wall and arch (dur) is visible. In fact it is the photo of the northern side which have been taken from the southern side. Photo no. 74 relates to the eastern gate which is barred by the bamboo barricade. In photo no. 75 there is the back side of open field where some people are standing and a neem tree is also there. In photo no.76 there appears to be the southern wall and there is also a sandal wood (chandan) tree . In photo no. 77 the middle wall with windows is visible. This was looked by me. Photo no. 78

relates to the eastern gate. In photo no. 79 the door to open field (Sahan) is there where some people are standing and the northern gate is also visible.

In photo no. 80 it is the portion below the middle dome, where shelves have been made. The tree in it seems to be of molsri. In photo no. 81 the back side portion of the dome is visible. In photo no. 82 the backside portion and the *pushta* below is seen. In photo no. 83 the steps towards south have been shown, from where azaan was given. In photo no. 84 it is the western portion below the dome, covered with curtain, one way (dur) is visible, may be it is of the north. In photo no. 85 also similar way (dur) is visible; it might be of the north or south. In photo no. 86 also a way (dur) is visible it may be of the middle or some other, it is covered with curtain. Photo no. 87 relates to the middle wall below the dome. Its height around 40 feet, shelves have been made in the middle. In photo no. 88 it is the portion below the dome; its height is upto 35 - 40 feet. Photo no. 89 shows the middle portion below the dome in which wooden railings have been made. Photo no. 90 is also of the same type, the railings are seen here also. Photo no. 91 also appears to be of the same type with wooden roof. The roof was one hand length wide to ensure saving of the wall. I won't be able to tell about its thickness.

In photo no. 92 something is covered but the roof is of the same type. In photo no. 93 also it appears to be the same type of roofing. Photo no. 94 is also of the same type, something is covered giving it an ugly look. I would not be able to tell which portion does it belong to - north, south or east. Photo no. 95 is also showing something covered. It appears that this photo has been taken from south and it

shows the northern door. Photo no. 96 is beyond my comprehension. In photo no. 97 it is the middle portion below the dome where shelves are visible. In photo no. 98 there is a way (dur) and dome. In photo no. 99 there is way (dur) with curtain, it is a door (dur) either of south or north. In photo no. 100 also one door (dur) is there on which dome is visible. About photo no. 101 I won't be able to tell you anything because it is very dull. In photo no. 102 the middle window and some portion of the northern part is visible, on the door of the Sahan some stones, something written on them are also there. The first Sahan is visible.

In photo no. 103 black stones are visible on both sides some leaves and flowers are carved on them, red colour is smeared in the middle and some persons are visible. I won't be able to tell whether it is the middle or it is related with which particular portion. In photo 104 there is a stone of black colour carved with leaves and flowers, smeared with red color. Changes have been made in it. Photo no. 105 is also of the same *type*, there is black stone smeared with red color and carved with flowers and leaves. In photo no. 104 and 105 red color is smeared, changes are made and nothing can be said.

Photo no. 106 relates to Babri Masjid, it shows the pillar, no change has been made in it. Photo no. 107 is also of the same type, it appears to have been sprinkled with white wash. In photo no. 108 there is a black colored stone with leaves and flowers carved in it, flower pots have been made changes are there, red color is smeared at several places. Any elephant trunk is not visible flowers and leaves are visible. A flower pot appears to have been placed below the pillar. This flower pot appears to be made in the pillar itself, not separately. In photo no. 109 there is black colored pillar where some changes have been made, red

color is smeared something is erased some spots of white wash are visible ,flowers and leaves are seen ,these changes have been made. In photo no. 110 there is a black colored stone, it related to the Masjid but some changes have been made in it. In photo no. 111 there is a black coloured stone fixed in the wall. Flowers and leaves are made. This photo appears to be of the same place where Imam used to stand. In photo no. 112 steps are also visible and some toys have been kept there. In photo no. 112 it is a black colored stone in which leaves and flowers are seen.

In photo no. 113 there is a black coloured stone smeared with some color, flowers and leaves are made. Flower pot is also visible. A flower pot has been made in which tree is grown. I don't know about Kalash, flower pot is long but the flower pot in these photos is in square shaped. I don't see this flower pot round. This flower pot has been engraved in the pillar. Whatever is engraved on it I can see it very well. The pillars shown in photo no. 114 are of Babri Masjid but some changes have been made there in. These changes have been brought by writing something on flowers and leaves. I cannot say what changes have been made in the engagements on the pillars because it is hidden behind some blockade.

In photo no. 115 there is a black colored stone smeared with little red color. This photo also relates to the same place. Photo no. 116 shows the place where Imam used to stand. There are black pillars, something has been placed, changes have been made - red color is smeared something placed on members are seen, steps are also there, some toy is visible. In photo no. 117 two black pillars are visible, somebody is standing between them. In photo no. 118 there is a black colored pillar on which leaves and flowers are carved. In clear light it appears that flowers and

leaves are carved in it. Photo no. 119 is also of the same type, there a black colored stone with carving flower and leaves. The carvings for leaves and flowers are of the different type for those made of children, boys. Everything can be carved on a stone, if you want to carve any animal that can also be done easily. The figure of animal is different from leaves and flower.

In photo no. 120 black pillars with leaves and flowers carved extensively on them. In photo no. 121 there are black stones of Sabri Masjid, but red colour is smeared to great extent. In photo no. 122 black stone is in horizontal position, it is smeared with red color, somewhat white washed, so it is not clear which particular place is it related with. Photo no. 123 is also of the same type. Photo no. 124 shows a black stone. Photo no. 125 also shows a black colored stone. Photo no. 126 is beyond my comprehension. Photo no. 127 shows a black stone smeared with red color, with flowers and leaves carved on it.

Photo no. 128 shows the place below minar, might be of north side, one picture is placed there, it is perhaps of Guru Dutta Singh, he is in turban. In photo no. 129 also Guru Dutta Singh is sitting with the picture, on the same place where Imam used to stand. In photo no. 130 the portion below the dome is seen where shelves were made. In photo no. 131 there is the middle portion below the dome, where something's written in Arabic. Some toys are seen to have been kept there, are visible; this door (dur) might be either of north or south; I see something written there in Arabic. Some vague letters are visible. Today I'm seeing clearly due to light, my eyes have been operated. Photo no. 132 shows the middle portion, where Imam used to stand. In photo no. 133 it appears to be the middle portion, might be the inner portion has been shown,

standing below the dome. In photo no. 134 some flower is made inside below the dome, something is hanging, which was not there earlier. Photo no. 135 also looks like the flower in the dome.

In photo no. 136 black pillars are set in the wall, flowers and leaves are carved. I won't be able to tell which particular portion of the Masjid it relates to. Two pillars are seen in photo no. 137, might be of the same gate. In photo no. 138 it is a black coloured stone engraved with flowers and leaves, it will be construed as half pillar only. The photo seems to be of the upper portion. However this pillar seems to be of Babri Masjid, no change is visible in it. In photo no. 139 also a pillar is visible with engraved flowers and leaves. In photo no. 141 it is a black coloured pillar, appears to be of Babri Masjid, flowers and leaves are engraved in it. In photo no. 142 it has a black stone with flowers and leaves engraved in it, belongs to this very gate. Photo no. 143 is also of the same type, cotton curtain is there, something is wrapped in it. In photo no. 144 it is a black stone with flowers and leaves engraved in it. In photo no. 145 there is a black colour pillar engraved with flowers and leaves. In photo no. 146 also there is a pillar engraved with flowers and leaves coated with red colour. Elephant trunk is not visible, something has been erased. Long leaf is hanging, elephant is not visible. If any flower' pot is made, its plant's leaves and flowers will be shown upward and not hanging downward. In photo no. 146 the leaf is long, it is not clear what it is, colour is smeared on it. There is no elephant or its mouth or trunk is also not there. In photo no. 148 it appears to be the door (dur) below the dome, a turbaned head is also visible, which was not there earlier. Changes have been made after 1949. In photo no. 149 it seems to be the door (dur) of eastern portion, changes have been made in it also. In photo no. 150, a

little portion of eastern gate is visible. In photo no. 151 it is the western wall where Imam used to stand. In photo no. 152, the same is covered with cloth, beyond that there are wooden things. In photo no. 153 also it is the same place, where Imam used to stand, something is covered. Changes have been made. Beyond it some pictures are visible. Photo no. 154 is also of the same type, something is covered, and some toys are kept on a wooden *deewan* on the front. Changes have been made after 1949. Photo no. 155 is also of the same type, something is covered. In photo no. 156 there is the western wall, where musallae and 'durs' were made for offering Namaz. In photo no. 157 black pillars are visible; changes have been made on them. Photo no. 158 shows black pillars engraved with flowers and leaves, changes have been made after 1949. Changes are related with the chains etc. that were not earlier. Photo no. 159 is also of the same type. In photo no. 160 also there are black pillars, whose engraved flowers and leaves have been covered with red colour. Sindoor (vermilion) is also of red in colour and red colour paint is also made. In photo no. 158 it appears to be red colour. This red colour is not visible on the pillar. The colour shown on pillars in photo numbers 157, 160, 161 and 167 is not vermilion rather it is yellow. In photo no. 162 there is black coloured pillar, fixed in the wall is visible, a little red colour is smeared on it. In photo no. 164 there are black stones fixed in the wall flowers and leaves are engraved, nothing else is visible. The photo no. 165 is black and flowers and leaves are engraved on it. In photo no. 166 there is a black pillar engraved with flower pot with flowers and leaves. This pillar is fixed in the wall and is smeared with red colour. In photo no. 167 there is a black stone fixed in the wall, flowers and leaves are engraved and red colour is smeared on it. In photo no. 168 there is a way (dur) below the dome, might be of north or south.

There is a door (dur) below the dome and western wall in photo no. 169. In photo no. 170 it seems that some books are kept, nothing else is clear. In photo no. 171 it appears to be a door (dur) might be of north or south, something is written in Arabic. Photo no. 172 is also of the same type something is written in Arabic in a circle. In photo no. 173 it is the northern gate, a door (dur) is visible, might be of north or south. In photo no. 174 the flowers made inside the dome is shown. In photo no. 175 the flower below the dome is visible. In photo no. 176 there is a black pillar engraved with flowers and leaves, red colour is smeared. Photo no. 177 is also that of a black pillar engraved with flowers and leaves smeared with red colour. In photo no. 178 it is a black stone with flowers and leaves engraved on it. It is fixed beside a door (dur). In photo no. 179 there is a black pillar fixed in the wall in a door (dur) In photo no. 180 also there is a black pillar fixed in the walls in a door (dur). In photo no. 181 there is a black pillar fixed in wall, flowers and leaves is engraved in it. In photo no. 182 there is a black pillar with flowers and leaves engraved in it, some person is sitting beside it. In photo no. 183 there is a black pillar engraved with flowers and leaves, all fixed in the wall in its front is visible, and this was not the position before 1949. In photo no. 184 there is a black stone fixed in the wall, it has been engraved with flowers and leaves. In photo no. 185 it is a black stone on which flowers and leaves are engraved and which is covered with red colour. In photo no. 186 there is a black pillar engraved with flowers and leaves, some changes have also been made, it is smeared with red colour. Photo no. 187 is of the same type, flowers and leaves are there, red colour is smeared, and changes have been made. Photo no. 188 shows a black pillar engraved with flowers and leaves; something is covered with red



colour. In photo no. 189 there is a black pillar engraved with flowers and leaves. In photo no. 190 there is a black pillar engraved with flowers and leaves and fixed in the wall. Photo no. 191 shows a black pillar engraved with flowers and leaves. In photo no. 192 there is the same type of black pillar with flowers and leaves, fixed in the wall. Photo no. 193 there are black pillars engraved with flowers and leaves, smeared with red colour. Photo no. 194 shows black pillar with flowers and leaves engraved in it, fixed in the wall, it is smeared with red colour. Photo no. 195 shows black pillars smeared with red colour. In photo 196 there are black pillars on which flowers and leaves are carved and red colour is smeared. Photo no. 197 shows black pillar on which flowers and leaves are carved. In photo no. 198 also there is the same type of black stone with engraved flowers and leaves. In photo no. 199 there is black pillar with engraved flowers and leaves, and smeared with red colour. It is fixed in the wall. Photo no. 200 shows the same type of black stone fixed in the wall. Flowers and leaves are carved in it and red colour is smeared on it. In photo no. 201 there is the middle wall, two windows are also visible, that are covered, the middle gate is also there and some wooden thing is also visible. In photo no. 202 some persons are sitting in the middle Sahan, they are a eating and drinking something, some eatables are placed before them. I don't recognize any of them. In photo no. 203 also some persons are sitting, some eatables are placed before them. I don't recognize anyone of them also. In photo no. 204 there is Mr. Ranjit Ram, Advocate, a saint of Nirmohi Akara and some other people. They are eating and drinking something. Photo no. 205 shows our advocate Jilani Sahab, hafiz Ekhlaiq Sahab and two more persons whom I don't recognize. It is correct that all the photo graphs placed in this album were taken in the presence of our pleaders. All these photographs are related with the land and property in

dispute. At the time of offering Namaz a red coloured stone, that is a black stone smeared with red colour and sandal is not used. These things are not needed at the time of offering Namaz. If a red coloured stone and sandal is kept, it is not prohibited to offer Namaz there, but its tilak is not made on the forehead, it is prohibited. I have seen vermilion, it is of red colour. I don't know 'Ingoor'.

(At this point, the learned advocate drew the attention of the witness to photo no. 4/1989 which relates to photo no. 54A2/31 to 49 submitted on behalf of Paramhans Ram Chandra Das in this very case, after seeing the photo the witness said).

Photo no. 54A2/31 is of Babri Masjid. Black stone engraved with flowers and leaves is set in the walls. These are called Black stones. I can't say whether these are touch stones or something different. Photo no. 32 of the same case also relates to Babri Masjid, there are black stones with flowers and leaves constructed on it. In photo no. 33 also, there is the same type of black stone on which flowers and leaves are carved. Similar is the condition of photo no. 35 also. In photo no. 36 same type of black stone with flowers and leaves are there. Photo no. 37 is related with Babri Masjid on which flowers and leaves are made, leaves are shown larger. In photo no. 38 there is a black coloured stone, towards its lower side, there is a flower pot with flowers and leaves. It would be wrong to say that there is a picture of any god on the flower in it. They seem to be crumpled leaves. In photo no. 39 the black stone has the carving of very large flowers and leaves. In photo no. 40, a flower pot with flowers and leaves are shown inside the stone. In photo no. 41 there is a pillar engraved with flowers and leaves. There is a pillar engraved with flower and leaves. There is a flower pot in its lower part, in which

the engraved flower and leaves appear crumpled on the tips, it doesn't look like a picture of any deity. Photo no. 42 there is some structure; fishes made on it are visible. To me this photo does not look in the same condition as it was earlier in the year 1949. Some ghost like thing is seen. No god or goddess is visible. It appears to be of a wrestler (body builder). Such condition was not before in 1949, in photo no. 43 also, the pillar appears to be the same old one but some Saitan's face is visible in it also. Regarding photo no. 44 also, I have the same reply - the same old pillar showing some Saitan.

In photo no. 45 also the same pillar is there but something brushed with paint is there. It's not clear whether it contains some Saitan or not. In photo no. 46 the same pillars are seen but some destruction and grass is visible. In photo no. 47 black stones are fixed that appear to be half. Photo no. 48 is beyond my understating. In photo no. 49 some scattered heaps of destructed material are seen. The difference between the face of a human being and a Saitan is that the human being stands erect but the face shown in these photos is that of a Saitan because he is staring and spreading his hands right and left stifly.

The beginning of Islam started from Mecca Medina. Mohd. Sahab told us about the Quran, about the reciting of Namaz and Paigambar Sahab might have constructed mosque and instructed to offer Namaz there. I have never gone there. I have never seen the mosque there. The Namaz may be offered in an open place. All the places where Namaz is offered will not be treated as Masjid suomoto. I don't know if Paigambar Sahab has given any special instruction as to what should be the shape of a Mosque.

I don't remember whether I ever knew Hafiz Mumtaz Hussain, son of Sayyed Taffasur Hussein or not because the matter has become very old. I don't remember any Hazi Agha Mirza son of Mirza Agam Baig resident of mohalla Subzi Mandi, Faizabad. They are very old people. I don't remember Hazi Mohd. Hussain son of Sayyed Mohd. Hafiz as to who were they. I did not know any Haqim Abdul Wahab son of Dr. Khuda Baksh of Singar Haat of Ayqdhya. Zahoor Ahmad was my father and Noorl Mohd was his father that is to say my grand father. I don't know any Mohd. Shafi son of Bhure resident of Sutahati mohalla in Ayodhya. It is wrong to say that the property called Babri Masjid was never included in Waqf. It is also wrong that no one was made mutwalli or there was no mutwalli. I don't know if my father along with the persons mentioned above might have filed before any officer such application which could be called as under section 92 C.P .C. or it could have been prayed to permit them to file civil complaint petition treating them as a trust in respect of this property. I don't know if on the said application, permission was given by the government on 18 December 1929. I don't know if inspite of the said permission any claim regarding the trust was filed by my father or by others regarding the said property or without the said permission or not. It is wrong that such claim was not filed because there was neither any Babri Masjid nor its trust. It is wrong that the property in dispute was any religious place of Hindus. It is also wrong to say that the Muslims had no connection or concern with this property from before 1929. It is also wrong to say that Namaz would not have been recited here any time.

I remember the riots of 1934. I don't know if any dispute is continuing from the year 1858 between Hindus and Muslims regarding this place. (Volunteer: there was no dispute and they always went there to recite Namaz). Two -

three Muslims were killed in the riots of 1934. Their dead bodies were recovered from the well of Sutahati after 2 – 3 days. 10 -12 roofs were destroyed, the domes were also damaged, and the walls were also damaged. 82 Bairagies were sent to jail. I don't remember that the Bairagies had destroyed or burnt anything of this Masjid; certainly they did dig a little. All the Bairagies sent to jail were released on bail afterwards. It is wrong to say that they had spread any terror due to which Muslims could not go to recite Namaz. We were lions. It was the period of the Britishers, they were very strict.

If the Govt., granted money to repair Masjid it was considered proper because Govt. is also god. During the British period we were happy, there was full freedom to offer Namaz, and no body had any difficulty. Arrangement was always sufficient. It would be wrong to say that the Britishers tried to creat rift between the Hindus and Muslims or make them fight. In fact they kept the arrangements sufficient. It is wrong to say that the British made the Hindus and Muslims fight or issued indiscriminate order.

I have heard about the Waqf inspector Mohammad Ibrahim. He always used to come in this Masjid and looked after it. He talked with our father. We did not have any interest those days. When he talked to my father, I did not pay any attention neither they told us about their discussion. (Volunteer: that those days Zaki Sahab, Zawaad Sahab were mutwalli. They came from a distance of more than 2 king. they used to tell my father to look after it. My father was never a mutwalli of this Masjid. Mutwalli was Zaki Sahab and Zawaad Sahab. They told my father to manage it. Thus he was only a manager. After Zaki, my father became the mutwalli of this Masjid. My earlier

statement about this is correct. The arrangement of the Masjid is done by the mutwalli only. I don't know if Zaki Sahab took opium or he was addicted to opium. It is wrong that the Britishers had taken any decision to remove Zaki Sahab from the post of mutwalli because he was an addict of opium or he was unable to do the arrangement. The public elected Zaki Sahab as mutwalli. It is a very, old matter. I cannot say when he was elected as Mutwalli, but he has been recorded as mutwalli in Waqfboard. He is treated as mutwalli by general public also.

Verified the statement after hearing

Sd/-

Farooq Ahmad

14.10.96

Typed by the stenographer as dictated by me in the open court . In continuation of this for futher cross-examination on 15.10.96

Sd/-

14.10.96

Dated: 15-10-1996

[In continuation of date 14-10-1996]

The statement of Farooq Ahmad PW-3 continued on date 15-10-1996 on oath:

It is wrong to say that Zaki Sahab was not Mutwalli of this Masjid, it is not correct to say that that he did not file a case due to this very reason. It is also wrong to say that my father, along with some persons took permission of the Govt. in 1929 to file a petition. It is wrong to say that British issued such orders without any document, to create tension between Hindus and Muslims. There was no difference or tension between Hindus and Muslims, though they followed different religions.

I don't know if the Waqf inspector Mohd. Ibrahim came to Faizabad or Ayodhya or not. I did not know him. I did not see whether Mohd. Ibrahim came to my father after the death of Zaki Sahab or not. I cannot say when Zaki Sahab died; I cannot say whether the Waqf inspector came to my father during Zaki Sahab's life time or not. I had not grown up at that time. I started coming here since the 28th year of my age. I could understand things at the age of 28.

Whether the Waqf inspector gave any report about the Masjid or about its conditions, or not; I don't know. He told such things to my father only, I'm not aware of these things. I have heard the name of Baba Raghav Das, but I did not know about him. I have also heard the name of Ram Manohar Lohia. I do not remember whether Baba Raghav Das and Shri Ram Manohar Lohia came to Ayodhya in September October 1949 or not. I do not know whether they had told the people to arrange recital of Ramayana or 'Katha-Kirtan' and worshipping or that it should be done

properly and regularly. It is wrong to say that 'katha-kirtan' and recital of Ramayana is being arranged regularly in the disputed place and property from that very time. It is also wrong to say that no Muslims went or visited the place since then.

The lock I put in 1949 was opened in the year 1986. It is wrong to say that in this place and in the building Namaz was never offered. It is also wrong to say that this place and the building has always been the sacred place for Hindus.

[The cross examination by advocate Shri Ved Prakash on behalf of Shri Dharam Das was completed.]

[The cross examination by Advocate Shri Veereshwar Dwivedi on behalf of Shri Umesh Chandra Pandey was completed.]

I started coming to pursue this case since 1986. I came to my Advocate in Lucknow. There are four cases going on in connection with this place and property. I had submitted applications to get authorized to take the place of my father in all these four cases. But I don't remember whether I submitted those application since 1986 or after it. At that time my age was 70-75. I don't remember when I submitted these applications. It is wrong to say that I am lying even under oath. It is another thing I don't recall when I came to Lucknow. When I submitted my first petition, our advocates were Mushtaq Sahab and Jeelani Sahab. It is correct that I submitted the first application in Faizabad and our advocate was Hazi Mohiuddin Siddiqui. It is correct that I submitted this application on 18- 03-1986. I had also attached my statement under oath. In my affidavit I got my age recorded as 60 years approxmately. At present my age



is about 90 years. This statement about my age is correct. The advocate might have recorded my age in the affidavit approximately. My applications, submitted in 1986 were rejected there only. After that also I had submitted the application since 1989 but I cannot remember the place of submission whether it was Faizabad or Lucknow. Since the matter is very old, I do not remember my application was accepted or not. It is correct that I submitted that application because I am the legal living heir of Zahoor Sahab. I am his only son. It is correct that I might have given application saying I am mutwalli of the Masjid. My father was the manager of this Masjid during the life of Zaqui Sahab and after his death he was never mutwalli. I am not mutwalli at present nor I was in the past.

I have not stated in my statement that my father was a mutwalli. My father was mutwalli of graveyard. My father was mutwalli of the graveyard viz. 1. Khurd Mecca 2. Nuagazi grave 3. Jafari Begum Graveyard 4. Begum Ballas graveyard. Kabristan (Graveyard) Waqf is there. My father was its Waqf. He transferred it in my name afterwards. After my father I am the mutwalli of these graveyards. I have not informed the Sunni Waqf board about these graveyards. The graveyards Khurd Mecca and Nuagazi are registered with the Waqf board. There were many litigations regarding Mecca graveyard. The graveyard of Khurd Mecca is not involved in it. But many graveyards are under dispute under this case. The disputed graveyards are called as Babri Masjid Graveyard.

There was the main eastern door in the Masjid. After entering in to it, the two doors with windows were locked by me. It would be wrong to say that I locked only one door in the middle. I went to lock the door along with SHO (Daroga) Ramdeo. The SHO Ramdeo came to our house in a Tonga

(Horse-cart) at ten in the night. He took me in his Tonga with my father's permission. After getting the door locked. He brought me back in the same horse cart and left me under the security of my father. My first statement is correct in which I had said - "There was a door each on the north and the east. There were two doors on the eastern side I locked in the middle." I had told by mistake that I locked in the middle; in fact I put two separate locks in both the doors. I gave a petition in the court of senior judge through my advocate. In Faizabad saying that the lock was opened wrongly in 1986, although I had myself put those locks in 1949. This petition was not filed separately but in connection with the case. One petition was filed but I do not recall it was filed in which particular case. I had told my advocate in Faizabad that I did put the lock. I had also mentioned it to my present lawyer in Lucknow that it was me who had put the lock in 1949. In the case no. 4/1989 which is being pursued on behalf of the Sunni Waqf board I have joined as a complainant on my application. In the other 3 cases that are going on I have taken the place of my father as his heir. I had submitted application regarding it also. In these cases I did not submit any application praying that in my claim application or the reply claim application should be claimed and it should be written in it that in 1949, I had locked the doors.

I know Mohammad Hashim Sahab, he had filed writ in the court of Lucknow about the opening of the lock. That writ was filed in 1986. I don't remember if its no. was 746. It's correct that in writ also the court made me a party in the case on submission of my application. I don't remember if I had declared in that writ that in 1949, I had locked the doors.

I have not mentioned in my claim petition or in reply claim petition in these cases that I offered the Eesha Namaz in this Masjid on 22nd December 1949. The reply claim petitions filed by my father were confirmed correct by me. I have neither read nor seen the reply claim of petition of my father. I have neither seen nor read the claim petition of my father and also not heard by getting it read by some other person. I have not enquired about the claim petition or reply petition filed by the opposite party by getting it read by others as to what has been written on it. We have not asked any body as to what was written in the claim petition. It is wrong that I came to give witness after Hashim Sahab; Infact we have rather have come here after getting a notice. However a notice was given to me by Hashim Sahab. What I understood, whatever has come to my mind I have stated. It would be wrong to say that I have given that statement which was told by Mia Hashim.

I am giving this statement from my own mind; I have not talked to my pleaders regarding it.

When I come to Ayodhya from my house at Faizabad the Babri Masjid was on the way towards the backside, it was on the left side at the distance of 2 km from the road. While coming form road to Babri Masjid there were several other mosques' on the way. We recited Namaz in other mosques also on the way. When we came form Dorahi-Kuan we offered Namaz in Babri Masjid also, although there were other mosques in between. It is correct that when I went to offer Namaz with my father for the first time I was grown up. After that I used to go to offer Namaz either alone or wiith my father.

I had started the trade of selling *surma* even before 1955 which I have handed over to my children for the last 4

years. My father used to sell tobacco in the same shop earlier. The market is closed on Wednesday in Ayodhya. On Thursday i.e. Jumme-raat the market remains open. It is correct that it was Jumme-raat on 22nd December 1949. On that Jumme-raat I went to Babri Masjid to offer Namaz as it was a magrib Namaz which gives 27 fold blessings on reciting it. I also went to offer Namaz in group and this was the main reason. I participated in daily magrib and Eesha Namaz regularly as the shop was closed by that time. I used to recite other Namaz at any place wherever I got the opportunity. The shop is not closed at the time of magrib Namaz but it is closed at the time of Eesha Namaz. The group Namaz of early morning also gives 27 fold blessings. I used to go to offer group Namaz of early morning. I used to go to offer this Namaz in Babri Masjid only. I did not mention about the offering of early morning group Namaz on 22 December before because it was not asked from me. It's wrong to say that whatever I have mentioned about the morning magrib and Eesha group Namaz recited by me on 22 December 1949 is false or I have given any false statement.

I don't know if my father had given written statement in his reply claim that the last Namaz was offered in that Masjid on 16-12-1949. I do not know if my father has written such thing, it's correct or not. In my opinion if he has written so it is wrong. (Volunteer: that it might be the last Namaz of my father on 16-12-1949) but it was not the last Namaz. I don't know if my father went to offer Namaz in this Masjid after 16-12-949 or not. It's wrong to say that I am telling a lie even in regard to Namaz.

My father was the manager of this Masjid and the graveyard. In Masjid he did the job of cleaning etc, he used to fill up the pitchers with water. I did not keep any

connection in this regard. There was never any riots, tension about this Masjid. It occurred only once. About which I have already given in my statement. Since 1934 till today there was no tension, it occurred in December 1992 only when the rioters had come. It's wrong that I am speaking any lies. (Volunteer: that whole India knows this incident about 1992). It's wrong to say that I was arrested in 1954 in regard to any tension of this Masjid. I have no knowledge if I was ever arrested but it's correct that Hashim Mia was arrested, my father was also arrested. Both these persons were not arrested due to any violence as far as I guess they had gone to offer Namaz, there were many other people, the police had arrested them.

The shop of Hashim Sahab is at a distance of about 15 yards from our house and shop. The shop of Hashim Mia was running since 1949. Now he has left the shop for the last 15-20 years. He used to do tailoring work. It's wrong that I am telling any lie, I have not counted the days. If Hashim Sahab has said that his shop was closed from 1966 to 1976 because he was sent to jail then it is possible. (Volunteer: that he was jailed under MISA regarding Babri Masjid). Now his son earns and he takes rest .It will be wrong to say that he was sent to jail because of his activities. And therefore his shop was also closed .I don't remember when he was imprisoned under MISA as and when released. I am not speaking any lies.

The name of the younger brother of Hashim is Qasim. It would be wrong to say that mostly both the brothers go to jail together. In 1954, Hashim Mian was imprisoned but I don't remember if Qasim was also jailed. It would be wrong to say that Hashim Mia becomes the leader in religious matters of Muslims of Ayodhya. There are many learned people in Ayodhya. Hashim Mia was always on the forefront only regarding offering Namaz in Babri Masjid, except that

he had not done any leadership. He was the leader in 1954 riots. For this reason the police had beaten him . (Volunteer: - had beaten many other people also). The people going to offer Namaz were not beaten; they were not going in a rally.

Achhan Sahab, Hazi Feku & Hazi Faik of Ayodhya were known to me. Hazi Faik & Feku were wealthy persons. Achhan Mia was a landlord; the financial position of my father was weak. If Achhan Mia has stated about my father as a wealthy man, It is wrong. However it is correct that my father had property. Hashim Mia is Momin Ansar which is called dhuniya or jullaha (weaver). They are not wealthy, they were never wealthy. Might be the people mentioned above gave him money for litigation, but I don't know about it. In my knowledge, he did not fight any case. I know that in Sunni Waqf Board's case. He is a claimant along with my father. There was a big difference in age of Hashim Mia and my father. My father was very old and Hashim Mia was young at that time. After the death of my father, Hashim Mia come forward to pursue these cases. He has started coming after my father.

I know Mehboob, the son of Hazi Feku; he might be around 60 years of age. It is not such that his age could be around 80years. Abdul Ahad Sahab is the elder brother of Mehboob. He is about 7 years elder to Mehboob. Abdul Ahad might be around 55 years at the time of his father's death. I guess the death of Abdul Ahad's father occurred in 1965. At present the age of Abdul Ahad is 66- 67 years. I don't remember if his age would be of 66 years at present. It is wrong that I am telling any lies in this regard.

The name of the father of my great grandfather Roshan was 'Subrati'. The death of my great grandfather

Roshan Sahab might have occurred 150-200 years ago. Roshan Sahab made this Masjid in his 'Hayat', its not that my grandfather Noor Mohammad Sahab constructed it in his memory.

There was no personal relationship of my father with SHO Ramdeo, there was no acquaintance before 22 December 1949, and I had not even seen the face of SHO Ramdeo. It would be wrong to say that he was a supporter to our fatnily. Since there was rush in the Masjid and it was the duty of SHO Ramdeo to make arrangement, therefore thinking about the apprehension of disturbance he came to our house and accosted me to the spot for locking the door. SHO Ramdeo lived in our neighborhood after 8-10 shops from our house and shop. My father had given me 2 locks so I went there with 2 locks only. Northern door was opened on Friday only (Jumma) otherwise it remained closed; therefore I did not go with any lock for it. My father had told me that 2 locks would be sufficient. The Masjid was attached after 4-6 days of my locking. A case under section 145 was also filed in this regard in the city court of the magistrate. I don't remember if my father had mentioned or not that he had put the Masjid under lock through me in that case, under section 145. My father used to go in pursuance of that case. Action was taken in the High Court also regarding that case but my father might not have mentioned about the locks also in High court. I don't remember. This property was attached for sure but I don't know if any receiver was appointed or not and if so who was appointed. I don't know that at the time of attachment my father told the people of the court that he had got the door locked through me or not. The things attached were:as follows:-

Pitcher, Badhna, Musallae, clothes, I don't remember about the other things. All these things to be attached were in the outer portion of the Masjid (Volunteer: that these were towards south). Any goods were not kept towards north or towards east. These goods to be auctioned were inside the window in that portion towards south where the door was locked. From these locks I mean the locks I had put. Badhna is kept inside the Masjid.

The persons doing attachment went inside by jumping above the window and without breaking the locks and attached the goods. I did not see at which time the attachment was held, there was no body to check them. I had heard that the attachment took place, but I did not see anything. I did not see whether my father went at the place of attachment at that time or not. Hafiz Ekhlaiq and not Hashim told me that the things were attached. It is wrong that I'm lying. Its also wrong that, there was no lock in the door. The *anjuman* (society) that looks after, the mosques' and tombs, and is established in Ayodhya, is called Muhafiz Masajid Makabir Anjuman. Some 4-6-8-10 people of Ayodhya have formed this anjuman and decided as to who will take on which job. These people collect donations and look after the mosques and tombs and arrange for the maintenance. Its accounts are also maintained by them. This anjuman has no connection with Sunni Waqf Board. This anjuman is not registered with Govt. This anjuman is operating since 50 - 60 years.

There is no condition for its membership anybody can be its member. Before this my father used to be the head of this anjuman. It would be wrong to say that my father was not its head. However it is correct that my father was not its member. It would be wrong to say that any body who was not a member could not be the head of it. Its wrong to



say that I'm telling lies. My father got Nuagazi and Khurd Mecca and many other graveyards cleaned on behalf of the anjuman. With the permission of the anjuman he used to get its repairs done. He was both the head and mutwalli of the anjuman. For such maintenance and look after work, anjuman took permission from mutwalli and not the vice-versa. I never headed the anjuman. After the death of my father, Hafiz Ekhlaiq and Hafiz Mehboob were made the head. For some period Ekhlaiq was the head and then Hazi Mehboob was replaced after removing him. I don't remember as to when Ekhlaiq Sahab was ousted from the post of 'Sadar' (chairman) - might be ten years ago. He did not keep the accounts properly, hence was removed. Since Hazi Mehboob took over, no money was spent therefore the accounts was not recorded. The accounts of the expenditure of the anjuman are examined once in a month, its members sit together and examine it. Except them no one else examines that account.

I have acquaintance with Hashim Sahab for the last 50 60 years. We often met and did mutual consultations with when his shop was in existence. Our meetings have reduced since the closure of his shop. His house is at about the distane of one mile ; still we meet in a month or a fortnight. Hashim used to tell me about these cases also in 1986, when the lock was opened, Hashim told me that it was all wrong and he would file a writ in this regard. I had told him, that I had locked the Masjid on 22<sup>nd</sup> December 1949. He could have concealed it, only he could tell about it. When I became a party in this case I could not have remembered to declare this fact. It is wrong to say that, it came to my mind on 7th October 1996 for the first time that I should mention this fact. I did try to know and it's also known to me that, both Sunni Waqf Board and Shia Waqf Board are also a party in this case. I don't remember if Shia

Waqf board was a party in this case or not when this case claim was filed by Sunni Waqf board and my father. Shia people take their own Waqf tax and Sunnis take their own Waqf tax; both the boards manage their concerned people's Waqf. Its correct that the Waqf of these two sects are different. The disputed Masjid and graveyard relates to Shia Waqf. I wont be able to tell, when Zaki Sahab died. I don't know who was made mutwalli of the Masjid and graveyard after Zaki Sahab. This mutwalli is a party in these cases I could not know the name of any mutwalli after the death of Zaki. Zaki Sahab was a Shia. He lived in Shahjahanpur during those days Shahjahanpur is now a days a mohalla of Faizabad. Earlier it used to be a village. This is the same place where cow slaughter had occurred in 1934. It had led to the 1934 riots Zaki Sahab had made my father the manager in his life time, so my father kept on managing this Masjid and the graveyard. My father did not inform any Waqf board in this regard. The photographs I have seen and the Saitan that had come in view in them was because the eyes of a Saitan are very large and they keep on moving their hands and feet. He who has got very big eyes in the face of a human being and whose hands and feet keep on moving I will take him to be a Saitan. I had seen in the photo that the face shown into it had large eyes and he was giving jerk to his hands and feet. It's wrong to say that I am telling lies in this regard.

I have heard the name of Paramhans Ram Chandra Das but not seen him; he is only a saint not a god. I have seen GopalSingh Visharad quite well. He used to talk to my father, even before me but I did not have any contact with him. There were greetings between him and my father; there were no hard feelings between them. Among these cases there is a case on behalf of Ram Gopal Visharad, in which my father was a claimant. This claim was not filed because of any quarrel. Claim is not made in friendship. He

was made to stand against him by providing him with funds otherwise he was an outsider in Ayodhya. On being provoked he had filed the claim but it is wrong to say that in a similar way the Muslims of Ayodhya gave funds to my father to file the case. Gopal Singh Visharad came from outside but I cannot say from which particular place he came. Since I grew up I have seen him living in a rented house in Ayodhya.

Namaz can be offered at a place where an elephant's trunk or a pig's eye is visible, by covering it with curtain. In Islam worshipping of idols is prohibited. It is possible that people call those people 'Kaafir'. I don't know. I have heard the word Kaafirs. The people who worship brick, stones and tree are Kaafir. The people who do the idol worships may be called Kaafir. I Don't say. I am told in islam these persons are called Kaafir. I am not a literate so my knowledge about Islam is limited.

I know only to put my signature in Urdu and nothing more. I can read Arabic a little, it was taught to me by my father. I have studied 10 - 12 books in Arabic. The books, I studied were related with Islamic religion of the books- Alham, Do Sharif, Kulauz Birbil Nas, Kulaul Bil Farak, Saya Aakool, Alif Saam Meem, Tilka Rasool and there are some more, which I do not know. [All these names are in Arabic language]. These are the names of each book. These are the names of the chapters. [Himself stated that there are 30 chapters in Quran]. These are all in Arabic language that was taught to me by my father. He must have learnt it somewhere from somebody; I don't know how much of this language he had learnt. I have learnt Arabic language but I won't be able to read what is written in the photographs shown to me on day before yesterday or yesterday or to-date in Arabic language, in the court. I have gained a little

ordinary knowledge in Arabic language. It is wrong to say that I am lying in this regard.

In this Masjid at the place of Wazu, a Badhna was kept to facilitate the people to do Wazu. Large Kunds 5- 7 in number were kept there, each one could contain 15-20 buckets of water, might be the Kunds could contain 25-30 buckets of water. Water was brought from the well located in the nearby graveyard, to provide water for Wazu. The well was dug in a vacant place. It was made a graveyard afterwards. Therefore, there was nothing wrong, if water for Wazu was taken i from this well, though it was in the graveyard. I cannot say, after how many days of digging this well, graveyard was made at that place. I won't be able to say, when this graveyard came into existence. I won't be able to say, when this well was dug. It is wrong to say that I have spoken lie in this respect. This graveyard was not in the western side of the Masjid, but it was there on all the remaining three sides. In our claim petition it might have been written by mistake that there was graveyard on all the four sides of the Masjid. I did not get any opportunity to rectify this mistake till today; nobody had prohibited me to remove this mistake.

In the two locks given to me by my father for locking the door of the Masjid, one was red and the other was of green colour . These were new locks and were kept in the house. He might have purchased them from somewhere and given it. He had himself gone to purchase it and brought it, he did not send me for it. It was 10 - 11 at night. The time was not 12 O'clock at night. I might have stated earlier by mistake that SHO Ram Deo came to our house at 12 O'clock in the night. My father had brought the locks from a nearby shop, may be he brought the locks in the evening itself. During those earlier days my father sold Bisatkhana also in his shop, he also sold locks or not I cannot say. He continued to sell it up to which time or year I can not say.

When my father took land on Lease, it must have been 50 - 60 years before, tobacco was produced in it. He started selling tobacco from the same year and stopped selling Bisat Khana from the same year. Might be, my father started selling tobacco 55 years ago. He continued to sell tobacco till his death. I started selling *surma* in 1955 itself not after his death but before that. There were three parts ('Our') in the shop - in one we sold *surma* in the other part tobacco was sold. It was separated, after the death of my father; I became the owner of all of his properties.

It takes about 1 hour to offer Namaz in a group. In offering Eesha Namaz in a group on 22nd December 1949 about one hour time was consumed. Azaan the call for Namaz is given 5 minutes before, so that people could gather in time. They gather to do Wazu, then Takbir starts and then Namaz begins. That day also there might have been 50 - 60 persons for Namaz. After the offering of Namaz, some sort of heart change occurs in those, involved in the recital for 10 - 15 minutes, they become concerned about well being of each other. That day we went to offer Namaz on foot. I don't remember if there was or not anybody from Faizabad who had joined the Eesha Namaz on 22nd December 1949, my father was with me. I don't remember now exactly if my father went to offer Namaz with me or not. After offering the Namaz I had gone home. Shops are closed after 8:00 pm in the evening; I went to offer Eesha Namaz after closing my shop. Namaz is over by 7:30 - 8:00 pm. I went back to my home at about 8:30pm. That day, I closed my shop at usual time and not any earlier, I had closed my shop finally for that day. After closing the shop, I went to offer Namaz. When I came back home after completing the Namaz, it was 8:30 - 8:45 in the night. I did not see the watch. I had closed the shop at about 8 :00 pm, reached the Masjid at about 8:30 pm and

then after Namaz, I went back home. I did not see the time in watch. May be, I reached home at 8:30 - 8:45 pm and after taking my food, I went to bed. My father woke me up from my sleep. Before that SHO Ramdeo had already come. It would be wrong to say that I am telling any lies. It is also wrong to say that I might not have locked the disputed building with red or green locks. This Masjid was not put to lock before that day. At the time when I locked the door Muajjim was inside the Masjid; he was not in the inner side, rather in the *Sahan* door. He was in the outer Sahan. When I went to lock, Muajjim was sleeping under the roof. I did not wake him up. After putting the lock, I came home back, Muajjim went on sleeping undisturbed.

Verified the statement after hearing

Sd/-

Farooq Ahmad

15.10.96

Typed by the stenographer as dictated by me in the open court . In continuation of this for futher cross-examination on 16.10.96

Sd/-

15.10.96

Dated :16.10.96

(In continuation of the date 15-10-1996)

PW-3 Farooq Ahmad continued his statement today, date 1610-1996.

Nirmohi Akahara has also filed a claim suit in respect of the same land and property, in which I had submitted a petition for being a party. My application was granted, but I don't remember it was granted on which date. My vision is weak for the last 8 - 10 years. I cannot see without the pair of spectacles. (On this point the learned advocate drew attention of the witness to the album of black and white photographs prepared by the Archeological Department of U.P. State.)

I have seen photo no. 19 of the album shown to me. This photo relates to a part of the Babri Masjid. It is covered; I cannot say which particular part is shown here in this photograph. I have certainly gone to this part also. No lock was put in this wall. The statement that I gave in the court earlier is correct. Today when I have seen this photo. it looks blurred, no window is visible in it.

I have mentioned the name of Vashishtha-Kund which is written in my statement. In that respect I know only this much that there is the house of Maulana Ghaffar. I had heard that his house was located there. I don't know where this place is. I have only heard its name. I have heard the name of Bramha-Kund; I don't know where it is located. There is Gurudwara of Sikh people in Ayodhya, I have heard about it, but have not seen it. While going to Faizabad from Ayodhya, when we took turn from Babri Masjid, the road went through Tedhi - Bazar. While coming from Faizabad, the road turns from Tedhi - Bazar to go to

Babri Masjid. I did not mark that on that path of Babri Masjid, on the left side i.e. on the west there is Bramha-Kund, as we went away straight, there was no point to look left or right, we went straight to our destination, in a routine way. Babri Masjid might be about one km. from the police station (*Kotwali*) of Ayodhya. My house is located at 10 - 15 steps distance beside that *Kotwali*.

During those days of December 1949, loudspeaker was not used on Babri Masjid for giving call of Azan. My father lived in Kaziana. Masjid was quite near from there, the call of Azan was heard there, after hearing it we used to go for offering Namaz. My father used to go to offer Namaz after hearing the azan call, but we went there according to the time. It would be wrong to say that I went to offer Namaz after hearing the Azan call on 22nd December 1949. It is wrong to say that I am telling lie in this regard.

During the British period, we were very reassured and led peaceful life. These were the same British, who disposed and ousted Muslim Nawabs from A wadh, but I don't find solace with the fact that they made the Muslim Nawabs dispossessed, we were happy with their governance. I don't have any knowledge that Britisher had hanged Amir Sahab of Ayodhya on a tree. In Shahjahanpur during 1934 when the cow slaughter occurred, no Muslim was arrested nor was any case filed against them. I think the British rule was very good. Their way of governance was very good, the responsibility of that tragedy was fixed and punishment was given to those people who were actually guilty, who incited the riot, leading to violence and killing the people, burnt or looted their property.



In this Masjid, by constructing a wall with window in the inner side it was divided into two parts. It was done before; it had no relation with the British interference. It is wrong to say that worshipings and 'kirtans' with bells ringing was done in the Masjid.

The Britisher did not give any such permission. (Volunteer: it was a Masjid and always remained a Masjid.) I had heard only the names of the cantonment and Civil lines, but never went that side. I don't know if Indians were prohibited to go there.

In the Congress administration Muslims were not heard or given any importance. I pursue the cases related with mosques and graveyards.

It is not entertained in Faizabad. These cases were earlier pursued by my father , now I am doing it. I am pursuing about 4-6 cases. I remember about 4 cases; others are not in my memory. It would be wrong to say that I am pursuing more than 20 cases .It would be wrong to say that I am telling lies or I am pretending about my little education. It is also wrong to say that I keep changing my age according to my convenience in the cases. Its wrong to say that through these cases I want to remain the leader of Muslims. It is also wrong that I want to keep both the parties fighting against each other (the cross examination by Shri V eereshwarDwivedi advocate on behalf of Umesh Chand Pandey completed).

(Cross- Examination by Shri Madan Mohan Pandey advocate on behalf of Paramhans Ram Chandra Das).

It's correct that some of cases going on in Faizabad are related with some mosques and graveyards and some of them are my personal also.

In all the cases that are going on, I have stated my name, father's name and my age quite correctly. It's correct that I have filed separate cases against Sri Ram Kishore, Muslim, Ramakant, and Deen Mohd. Insan Ali, Yusuf etc. Suleiman was my maternal brother, he is already dead, and hence my case is already going on against his sons. Suleiman had also filed a claim case against me, regarding land-property. Deen Mohd. Constructed a house in graveyard. I filed a case against him; this matter is two years old. At present this case is in the court of second additional civil judge (senior division), Faizabad. That case no. is 138/93. I don't remember if I have stated my age as 67 yrs in that case. It's also, correct that one of my case against Yusuf is in the same court. My 4 cases were dealt in different courts, though they were regarding the same dispute. I had filed a petition in higher court to transfer all those cases to one court. I had filed this petition about one year ago. I don't remember if I recorded my age as 70 yrs in that petition. All these cases mentioned by me are being pursued by the advocate Moiuddin Sahab on my behalf. My total cases would be 8 – 10 and not 18. The case regarding Nuagazi graveyard is being pursued by advocate Aftab Sahab on my behalf. It would be wrong to say that Aftab Sahab is my pleader in 8-10 cases. I go to the court, whenever there is a date, it would be wrong to say that I go to the court almost everyday. Among all the cases I have mentioned, my personal case is only one which is against the case of Suleiman. There is no such case which was filed by my father and which is being pursued by me in Faizabad. Except these four cases regarding which I am

giving the statement, my father did not file any other case, so far as I know.

Ayodhya is my native place. I know about Ayodhya quite well. There are Temples in every house in Ayodhya. I have heard the names of Kanak Bhawan, Hanuman Garhi, Nageshwar Nath, Digambar Akahada, Chaawani of Mani Ramdas, 'Badi' CHavani etc. but I cant say whether they are Temples or not. I have heard that there is a Jain Temple in Ayodhya but I don't know where it is located .I have heard that there is Gurudwara of Sikhs also but I don't know where it is located. I don't know there is a Gurudwara of Sikhs that is centuries old. There is Ghagra River in Ayodhya that is very popular. Fairs are organized in Ayodhya where Hindus gather in large numbers but I don't know from which parts of the country they come. Sometimes there might be 5000 and sometimes 10,000 what more can they be. There is 'Sawan' Fair, 'Ram Navmi' fair and ' Kartik' fair when people take a dip in the river. Since I grew up no more than 10 thousand pilgrims have gathered in the fair in Ayodhya, miscreants had come from outside. Before 1992 the riots had erupted in 1934.

In 1992 riots nobody killed Hindus, the miscreants who came from outside killed the Muslims, burnt their houses and plundered their properties. In Ayodhya, I greet everybody but I don't mixup with any Hindu. In Ayodhya, they don't allow us to go inside a Temple, they are fundamentalists. I have never seen any picture or statue of Hindu idols. I don't see television. I have not seen any statue of Hindu deities; therefore I don't have any knowledge about them.

I recognize the signature of my father. I have seen the reply petition filed in case no. OOS-1/89 - Gopal Singh

Visharad versus Zahoor Ahmad, my father has put his signature, at two places in it. This paper no. 45/5. Its correct that I have become a party in the case of Nirmohi Akahada by applying for it after the death of my father. Sunni central Waqf board and my father have filed a case in respect of this very land and property. Now (have taken the place of my father, I don't remember whether my father was 'Muddayi' (complainant) along with the Waqf board from the very beginning of this case or later on during the course of this case.

I don't know why Gopal Singh Visharad filed the claim. It is clear that this claim and the claim of 'Nirmohi Akahada' and that of Paramhans Ram Chandra Das have been filed regarding Babri Masjid only. The claim petition of Waqf board is also related with Babri Masjid. I don't remember whether the claim filed by Gopal Singh Visharad before or after the attachment. I never went to the disputed land or property after the claim petition by Gopal Singh Visharad was filed. The disputed land and property is Babri Masjid, it's the same property that was attached in 1949, I don't have the knowledge whether only the backside portion of the Sahan was attached in 1949 or any other part. The disputed property is about 130ft. from north to south and about 90 ft. from east to west. After 22nd December 1949 I never went to this land and property except in the morning of 23 December where we were not allowed to offer early morning Namaz. No Muslim goes there after that, they are not allowed to get. All Hindus continue to go there. Idol has been placed there, Kirtan and worshipping is arranged. We are not allowed to go there. I had heard that statue was placed on 22nd December in the night, heard that the statue was placed on the '*member*'. Its not in my knowledge, where from the statue was brought and kept there. I did not try to know that made us 'guess about, the

placement of statues. I cant say how many statues were placed. I had not seen the statues placed there anywhere before.

I had not seen the said *Sita Rasoi* (Kitchen) and *chakla*, *belan* and hearth placed on it in the Sahan before 1949 I did not see even the *chabutra* there before 1949. I had seen only the roof. Even before 1949, when I went there to offer Namaz, I used to see only roof. The signs (traces) in form of *chakla*; *belan* and hearth were seen by me even before 1949. *Chakla* *belan* was seen only after 1949, only roof was visible before 1949, only roof was seen before that. Before 60 - 70 years I had seen *chakla* - *belan* and the roof also

In addition to the 130X90 square Feet disputed property mentioned above, the graveyard consisting of eight Bighas of land is also included in this case. The graveyard land was not attached. There was not any dispute between Hindus and Muslims about the graveyard land at any time. I don't remember if any case was filed regarding this graveyard land by Hindu sadhus or/and Hindus or Muslims or my father or any other man against my father, or not. Now there is no graveyard, Congress Govt. has demolished it and got it ploughed by tractors. The Congress Govt had demolished it after 1992 riots. Up to 1992 the graveyard and the graves were intact. Any grave was not demolished till 1992. From 1934 up to 5<sup>th</sup> December 1992 Babri Masjid, the graveyard on the outer side, the *chabutra* (terrace) in the inner side roof on it and signs of *chakla* - *belan* and hearth remained intact, as these were before, nobody had demolished them. It is wrong that before 6<sup>th</sup> December ,1992 the Vishwa Hindu Parishad had demolished the place which we call as the graveyard and had constructed there some building or had

constructed some temple or Ram katha Kunj. It is wrong that before 6<sup>th</sup> December 1992, the Government had allotted the whole land on patta to Vishwa Hindu Parishad. I said that I had never heard the name of Ram Janam Bhoomi nyas and have only heard the name of JanamSathan only.

In constructing Babri Masjid, Lakhori bricks (very small and thin bricks) were used, the floor was made of stone. Big bricks (Gumma bricks) were not used in it. (Gumma bricks are large size bricks according to the prosecutor (*vakil Sahab*). Stones were not used in construction of its walls; pillars were fixed in walls in outer doors and in the 'durs' inside. Marble was used towards the western wall, where musalles were made; the rest was made of white stone. In the outer and inner Sahan the floor was made of white stone. *Chandan* in Hindi is called sandal in Urdu. Sandal tree is planted in Masjid, molsri tree is also planted. Masjid cannot be constructed in the land where graves exist from before; it can be built at an open space. It could be built in an open space in the middle of a graveyard. Graveyard was not all around Babri Masjid, the place to the west was vacant. In my earlier statement I have said that the whole of Ayodhya is a graveyard.

Photo of a ghost or Saitan could be made in Masjid.

Those days Hashim Mia ran his shop in front of our house, when the incident took place on 22<sup>nd</sup> December, 1949. My father looked after Roshan Masjid; I am doing this job after him. Friday Namaz is not offered in Roshan Masjid. My family members and the people of my mohalla offer Namaz daily in Roshan Masjid. Sometimes when I went to Faizabad I went in Babri Masjid to offer Namaz. Babri Masjid was on the road going to "Naya Ghat from

Tedhi Bazar. My house is on Faizabad - Gorakhpur highway. While going to Babri Masjid from my house there were many Temples, I see Hanuman Garhi daily.

I don't remember if any Ibrahim Sahab was the inspector of the Waqf board or if he came to Ayodhya or talked to my father. I don't remember if he talked to my father or not about the maintenance of Masjid. What I said in my statement about the talk between inspector Mohammad Ibrahim and my father was not related to Babri Masjid; rather it was about Tat Shah Masjid in Faizabad. I had never heard or seen Ibrahim Sahab. My father had nothing to do with the Tat Shah Masjid. It would be wrong to say that Waqf inspector used to talk to my father regarding the disputed Masjid. Every Muslim has concern with every Masjid and simply this much concern I have got with Tat Shah Masjid, except this I don't have any concern. Whenever such occasion came and I heard the Azaan call (Call for Namaz), I recite Namaz there also. Masjid does not differentiate between Shia and Sunni, every Muslim can recite Namaz there. It is correct that Tat Shah is the largest and famous Masjid of Sunni Muslims. In Tat Shah all Muslims whether Shia or Sunni recite Friday Namaz. Tat Shah Masjid is situated in Faizabad city.

I have started taking interest in these cases after the death of my father i.e. since the year 1970; I have started pursuing these cases. This is my interest. When in the morning of 23rd December we were not allowed to recite the morning Namaz and were told about the placement of statutes in the Masjid, then we took action in this regard. We contacted people and filed applications also. My father had filed the petitions, not me. In the night of 22 December when it was brought to our notice that statues might be placed in the Masjid then I locked it on advice of the SHO,

did not take any other action except it, whatever action would have been taken, it must be taken by the police. It is wrong to say that no Muslim has gone in this campus after 1934 or Namaz was not recited there. It is also wrong that I did not recite Namaz in the disputed campus at any time. It is wrong to say that I am fond of litigation or I give false evidence.

(Cross-examination by Advocate Shri Madan Mohan Pandey on behalf of Paramhans Ram Chandra Das concluded.)

Cross-examination by Shri Hari Shankar Jain, Advocate on behalf of Hindu Mahasabha and Shri Ramesh Chandra Tripathy:

Babar got this Masjid built through some of his minister hence it is called Babri Masjid. I don't know if 'Babri' word has been used in *Khasra Khatian (Khatauni)* or in any other document or not. He, who gets the Masjid constructed, gets his name attached with the Masjid. I have heard Babar got this Masjid built through his minister Mir Baki, but the name of Mir Baki is not attached with this Masjid, I don't know. Babar did not come to Ayodhya. I don't know, Babar sent his order for constructing this Masjid from which place. There is a Masjid in the name of Shahjahani and Akbari, a Masjid in the name of Aurangzeb is also there. Akbari Masjid is located at Swarg Dwar in Ayodhya. Shahjahani Masjid is situated beside Ibrahim Shah's grave. Aurangzebi Masjid is on the bank of the river. May be, the names of all these Masjids are recorded in govt. documents. Those Muslims, who ruled, constructed Masjids in Ayodhya. It is wrong that the emperors got Masjids constructed for spreading or reducing the religion; rather they did so because they were the rulers.



Ayodhya is the sacred place for Hindus as is Khurd Mecca for Muslims. Now Panch-Kosi and Chaudah-Kosi Parikarmamas are done in Ayodhya, it was not so earlier. It came into practice for the last one hundred years. Hindus came to do Parikarmamas during festivals; I am seeing it since I grew up.

Babri Masjid was situated in plot no. 583, it was the Nazul's No. I did not go to the office of Nazul to see the record, but others have done so. People told me about this number. Towards south in Babri Masjid there were 100 steps. After going up through these steps Azaan (call for Namaz) was given. There was no loud speaker for giving the Azaan. I have not counted the steps, these were many in number, and after going up through them Azaan call was given. For giving Azaan call one had to go up 30 - 35 steps. Azaan call was given whenever Namaz was to be recited. Since the time the reciting of Namaz was stopped in the Masjid Azaan call has also stopped. I don't remember the day or date, but the last Azaan call was given for Eesha Namaz from this Masjid. It was the month of December, the days were cold, and the date was around 20 or 22. From one and a half month before this incident some 20 - 25 Bairagies lived there, it was not a gathering. They used to assemble in the graveyard in the outer portion and not inside the Masjid. They used to do Kirtan etc. after assembling there. It was Gahje-Shaheedan; they did Havan also at the same place.

I don't know for how many years my father did the management of this Masjid. I have never done the management of this Masjid. My father used to do it. Zaki Sahab had handed over its management to my father saying that he could not come due to the distance, he (my father) should do the work.

Zaki Sahab also regularly used to come to the Masjid and he used to bring pitchers, Badhna, etc. with him. He used to bring it on bullock cart. These things were brought to do Wazu. There was shortage of these things.

I don't remember the date but it was Friday when the SHO told my father to lock. We went along the SHO and locked the doors. After coming back I had given the keys to my father. These locks were opened on the order of the court in 1986. In the middle the door (*Mutwatir*) remained locked. These statues were kept in the same inside part of the Masjid which had been locked.

In all 14 pillars were set in the Masjid these pillars were fixed in the walls to beautify it. The pillars were black in colour. The stones were black; I can't say whether they were of the touch stone or of some other type. In all these 14 stones flowers and leaves were carved, but it would be wrong to say that these were the pictures of some birds. There was no human figure on them. No Hindu gods and goddesses were made. The stone pillars fixed there had no Shaitan's or ghost's face on them; it was falsely made on them later.

If any bird, animal, human being or Shaitan's face is made in any Masjid, Namaz may be recited after covering them with curtain. If some statues of gods and goddesses are made, these may also be covered with curtain and then Namaz can be recited there. When we went to recite Namaz we took clothes, curtain etc. along with us so that if there would be any such thing it could be covered. There was nothing like this in it. We took 'safe' on which Namaz is recited. In 1934 riot 3 domes were not brought down, only one dome was brought down, some damage was done to the walls, but Namaz was not stopped. Those days it was

the British period they repaired the dome of the Masjid by levying tax on the public. It's correct that according to Quran Masjid cannot be constructed on the place where there was any Temple. If any learned Maulavi says that there was some Temple on that place before then it will not be treated as a Masjid. If a court declares that there was a Temple at this place then also we will accept, that it was not a Masjid.

After the death of my father 10 -20 persons assembled and formed Babri Masjid Action committee. In 1986 when the locks were opened Mohammedans became very angry. Had the locks not been opened people would not have taken so much interest though the case must have continued . I cant say what happened in the country but violence increased in Ayodhya and Faizabad. It is correct that this led to increase in Muslim fundamentalism. I don't know that the Muslims formed Babri Masjid Action Committee due to this reason. Its wrong to say that I'm also a member of Babri Masjid Action Committee, I'm not a member of any committee. Its wrong to say that I along with my pleaders Mr. Mannan, Jilani and Mushtaq Siddiqui or we all together did any politics / brinkmanship in the capacity of the member of the Babri Masjid Action Committee.

I became a party in this case in 1990. Whenever our pleaders called me in this case, I used to meet them. We also pay the fees to ours pleaders. The fees of the pleaders are paid by collecting donations in Ayodhya and Faizabad.

I don't know whether any election was held here in 1945. Before independence elections were held for chairmanship, this is known. I don't remember whether

there was any political party named Muslim League. I definitely remember the things 30 - 40 years ago. I have heard the name of Mohammad Ali Jinnah. I have heard that he had raised the demand of Pakistan. It is wrong that the Muslims of Ayodhya and Faizabad had supported him in this demand. At the time of 1947 partition some Muslims left this country and went to Pakistan. There were some disturbance and on being afraid they went away. It is wrong to say that I and my father had gone to Pakistan or we thought that Pakistan is our country since then. It is wrong to say that we were again sent back to India so that we could spread disturbance and fanaticism. It would be wrong to say that whenever any Masjid or grave is destroyed a Maulavi or Imam issues a Fatwa (*'Religious Order'*) to fight and sacrifice. Maulavi Amir Ali had come with 80 - 82 people when Hanuman Garhi *Tila* and Masjid were being destroyed. He was killed and Ganje-Shaheedan was made. When a Masjid is damaged or broken or its illegal possession is taken thereof, then Maulavi and Mullah Issue Fatwa. In 1949 when statues were placed in this Masjid, no Maulavi or mullah issued any fatwa (Volunteer: there was police arrangement; they did not allow to go there).

It is wrong to say that I or any other Muslim did not recite Namaz there or I am giving false evidence. It is also wrong that I give false evidence at the behest of my lawyer.

(Cross-examination by Shri Hari Shankar Jain on behalf of Hindu Mahasabha and Ramesh Chandra Tripathy completed. )

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

(The learned Pleader drew the attention of the witness to the claim reply in case number 1/89 Gopal Singh Visharad versus Zahoor Ahmad and others).

It is correct that on behalf of my father and other claimants a collective claim reply was filed in the case of Gopal Singh Visharad, I have seen my father's signature on it. There is a Temple in Ayodhya in the name of Janam-Sthan situated on the north of Babri Masjid; I won't be able to tell you the Chauhaddi (the boundary of four sides). I have heard about the Mandir, by the name of Manas Bhawan Trust. I have never seen it. I had seen this disputed property on its east, there was graveyard upto Amawan Temple. I don't know if there is any building between Amawan Temple and the disputed property. When I went to recite Namaz upto 1949, I did not look hither and thither. We used to go from Hanuman Garhi to the Dorahi-Kuan road that goes from east to west. Amawan Temple was in existence at that time. While going from Amawa Temple to Hanuman Garhi we came across several buildings on both the sides of the road. On both the sides of Amawan Temple towards west there were buildings. It was like this upto Dorahi-Kuan. I don't remember whether there is the birthplace (Janam-Sthan) on the south of Manas-Bhawan chauraha (four cross) or no. there was vacant land on both sides of the Masjid and it was graveyard on the eastern side. Graveyard was on its north also and towards its outer was the tomb of Khwaja Hatti Sahab on *tilla* and many other mosques were also there. There was the graveyard on the north of the Masjid and the road was beyond it. On the north of this road is the Janam-Sthan mandir. I don't remember whether there is any road on the eastern side of that Janamsthan temple. An unmetteled (*Kacchi*) path goes to Sutahati on north side of

Janam-Sthan. I won't be able to tell, what is there on the west of the Temple. It would be wrong to say, if the road is removed, between the Janam-Sthan mandir and the Masjid then they appear to be together. I have already stated that the road comes after the graveyard. The disputed Masjid might be at the distance of at least 20 yards, the compound of the Masjid starts after those 20 yards. This compound was 130 feet from north to south and 90 feet from east to west. If the outer Sahan of the Masjid is left out then it is reduced by 10 feet. The inside Sahan was the Masjid, the constructed part on which dome was made was at least 10 - 15 hand length wide, its length was 70 - 75 feet. The inner Sahan was 130 feet from north to south and 90 feet from east to west. Now I don't remember as to what was the length and breadth of the Sahan in the inside portion of the Masjid. Inside the Masjid there was a gate with window in the northern wall. The wall on which the window was from north to south. In the north there was only one wall on which the window was fitted, that I have mentioned, except that there were no walls with window. While coming inside the Masjid from the main door in east, Sahan came first, after that there was the wall with window which was locked by me, it was towards the east. In that wall with window, there were two doors all windows towards east and one in the north. There were 3 doors in all, they could be opened, and they might be called windows also. Now I don't remember if there was any other door except those three doors or not. The Sahan inside the Masjid and the portion of the building below dome was attached in last of December 1949. Attachment was completed from the eastern main door to the inside Masjid. Outer Sahan of Masjid was also attached; the northern gate as well as the eastern gate was attached. Any govt. lock was not put up we had ourselves placed the locks. At the time of attachment it was not locked by the govt. I had locked it from before. When we

were not allowed to get there after 22<sup>nd</sup> December 1949, the question doesn't arise whether we saw the locks. I was not present at the time of attachment of 145. I would not be able to tell you in details, who did the attachment, which particular thing were attached and whether things were given under anybody's undertaking or not, if it was given; to whom.

(The learned advocate drew the attention of the witness towards the map prepared by the commission - paper number 136/5 vide file no. 1/89 Gopal Singh Visharad versus Zahoor Ahmad etc. readied by Shri Shiv Shankar Lal).

I have seen the map; it might have been made by the commission. I can understand the map. In it the outer northern wall has been shown from A - F. in it the outer eastern wall is shown correctly from F - E. southern wall has been shown form E - D, C, B, the western wall is shown from B to A. in it the wall with window is shown from G N, H, J, K, L. in this northern wall with window, the western door between two windows is visible. In this map commissioner Sahab has shown correctly the signs (traces) of chakla belan and hearth of the said Seeta Rasoi.

Verified the statement after hearing .

Sd/-

Farooq Ahmad

16-10-1996

Typed by the stenographer in open court as dictated by me. In continuation for further cross-examination on 17-10-1996.

Sd/-

16.10,1996

Dated : 17.10.1996

[In continuation of 16-10-1996]

The statement of PW -3 Shri Farooq Ahmad continued under oath on the date 17-10-1996.

(The learned pleader drew the attention of the witness to the map prepared by local commissioner Shri Shiv Shankar Lal, which is appended in file no. 1/89 Gopal Singh Visharad versus Zahoor Ahmad)

In this map English letters are written which I do not understand. The wall with window i.e. towards west and which contained doors was connected with the northern wall or not, now I would not be able to say. There was a door towards north in the wall with window, never went through it, we used to come and go from the eastern side. I never went in the northern part of the wall with window, it was always closed; therefore can't say if there was any door or not. I had seen the inner portion of this building. In the inner 'durs' (archs) 12 black stones were fitted. These were fixed in the wall for beautification. Each 'dur' has four stones fitted in them. One 'dur' was on the north, the other on the south and one was in the middle. In southern 'dur' also about four stones were there but I did not count. Thus in the same way four stones were visible in each 'dur'. It would be wrong to say that 12 stones were fitted only in the middle 'dur'. I have no knowledge about the 'durs' shown in this map. The durs had four stones each as I have already stated.

It is wrong to say that I have never gone inside this building or I don't know about its details. (Volunteer: that I went there to recite Namaz) it is wrong to say that I am giving any tailored statement.



It would be wrong to say that the middle portion shown in this map is the 'Garbh-Griha' (underground cell of the Temple). The idol of lord Ramlala might have been placed in it after 1949, it was not there before. Before 1949, there were no such stones in which the statues of gods and goddesses of Hindus were carved, in the said 'Garbh-Griha' before 1949. It is also wrong to say that this is the same place where Hindus have been doing worship as the Janam-Sthan since centuries (Volunteer: that Muslims have been reciting Namaz there since quarter to 500 years). Its wrong to say that Hindus have been worshipping here by presuining as the Janam-Sthan (birth place) of Shree Ram since thousands of years.

Its wrong to say that there was any Ram-Chabutra at the place which we call the roof, or the worship, or Kirtan of Shree Ram are being done on it since thousands of years. It is wrong to say that on the same terrace (chabutra), any wooden Temple is existence since ages. It is wrong to say that the northern space shown in this map is the store of the Temple. It is wrong to say that the portion shown on the north side in the window, in the map was the allotted part for the '*Darshanarthis*' (visitors) so that they could take a glimpse of the idols.

It is also wrong to say that there was a Temple on south of the building by the name of Sumitra Bhawan (Volunteer: that there is the grave of Haji Hatti. Its wrong to say that the well on the east and south and on the north and east of 'Surnitra Bhawan' was known as 'Sita-Koop'. (Volunteer: that water for Wazu was brought from the well.

I knew Gopal Singh Visharad but I don't recognize his son Rajinder Singh. I can't say whether Gopal Singh Visharad lived in Ayodhya for the whole life or he went back to his home. But it is wrong to say that he or all

Hindus or his son Rajendra Singh used to come in this building for Darshan or for doing worship in the said Temple. It is wrong to say that Hindus have been coming to this place for Darshan in lakh and lakh of numbers. (Volunteer: that since BJP started the publicity, lakh and lakh of Hindu people came to see where the Babri Masjid is).

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

(Cross-examination by Shri D.N. Aggarwal on behalf of himself and rest two complainants of complaint number 5/89).

It is correct that I had submitted application to take the place of my father Shri Zahoor Ahmad in the case no. 2/89. (Halia no. 1/89 of Gopal Singh Visharad) I have seen my original application placed in this file with its paper number 4/90A, my signature is present on it. I had also attached affidavit to it which is present on this file, my signature is there on that affidavit. The affidavit paper no. is 4/89. I don't have any knowledge that my application dated 5th October 1988 was dismissed by the court in Faizabad or that court was third additional district judge. I have no knowledge regarding this alleged order.

Question: -Did you take any action to get the order passed by the third additional district judge, court in Faizabad on 05-10-1988 cancelled or not.

Answer: - I don't remember I put my signature in Urdu, do it in Hindi also, I practiced for it. The attention of the witness was drawn to the paper no. 527G/1-3 of the file of case no.2. (1/1989 Gopal Singh

Visharad versus Zahoor etc.) I have examined the application, the signature on paper no. 527G/3 are in Hindi. This application is in English, I don't know what is written on it. I did not try to ask my pleader as to what was written by him. I don't remember if I had given any instruction to write something in this application or not. I don't know in what connection this application was submitted. 10 - 15 years have passed since. It must have been 14 - 15 years from 1989 - 1996.

I don't remember if I had submitted any application to take the place of my father in the present case no. 4/89 Sunni Central Waqf Board versus Gopal Singh Visharad etc., or not. Now I remember that my pleader had submitted such application on 1-4-1989. I must have signed that application. (The attention of the witness was drawn to the original application dated 1-4-1989 paper no. 859G which is placed on the file of present case). I have seen the application, it is written in English, and it does not bear my signature. My affidavit is also not attached with it. I don't know if this application was dismissed by this very Court on 23-10-1989. I have also not any knowledge if any action was taken for its cancellation or not. Might be on our behalf petition no. 42 0/1990 was given for its cancellation. I did come here once in 1990 but the rest I don't know. The affidavit must have been attached. (The attention of the witness was drawn to the application and the affidavit attached to it). I have seen the documents. That affidavit no. 101 C attached with this application bears my thumb impression and my signature in Hindi.

I don't know what order was passed by the Hon'ble court on my application. I don't know what was written on

the affidavit of this application the pleader told me to put my signature on the affidavit and I signed it. I knew that my pleader will not take my signature or thumb impression wrongly. I am already a *Muddayi* (claimant) in case no.4/89 related with Sunni Waqf board. I came in about 1989 - 1990, since then I am claimant. It might be correct that I was made the claimant on court's order on 09-12-1991. My father died in 1970. It is correct that the period to get legal authenticity to become an heir is of 90 days. I submitted my application for allowing me to be a party in place of my father in the capacity of an heir. I have not heard that the heir loses his right if he is not made the authorized legal heir, within the time limit. It's correct that my memory has become weak due to my age. As far as I know, I have been stating the facts correctly. It's wrong to say that I might have locked the door on 29th December 1949 and not on 22<sup>nd</sup> December. It is also wrong to say that I might not have put any lock. It's wrong to say that the SHO might have asked to bring the lock after the order for attachment was issued by the city magistrate or the lock was brought on 29th December, or the lock was brought from us because we had a shop of locks.

It is also wrong to say that the SHO put that lock himself. I don't remember if it was' Jumme-raat (Thursday) on 29<sup>th</sup> December also or not. The incident of Jumme-raat of the date 22<sup>nd</sup> is still in my memory because on the next day Friday Namaz was to be recited and. when we went there to recite Namaz, we were not allowed to do so. It is wrong to say that I am speaking any lies as if such situation emerged that the SHO took me there in that night on his Tonga (horse-cart) so I had to go there.

It's wrong to say that the order for auction was passed by the magistrate on 29 December 1949. So far as I

remember the auction took place after two or three days after 22 December.

I have heard the name of Babu Priya Dutt Ram but I don't remember if he was the chairman of the municipal community. I *don't* know if the disputed building was handed over to the receiver after attachment or not. It might be that the police had handed over the disputed building to Babu Priya Dutt Ram on 05-10-1950 in the capacity of the receiver, but it is wrong to say that under the supervision of Babu Priya Dutt Ram and his arrangements for worshipings was regularly done by Hindus in this building. It is correct that I had heard on 16-10-1950 about the order passed by the civil judge of Faizabad court in the case of Gopal Singh Visharad against the claimants saying that the statue should not be removed and no interference should be done in worshipings. I don't know if on the petition of the district officer on 19-01-1950 the order was changed and then issued again to instruct that the worshipping, being done, may be continued as before. I don't remember if Sir Iqbal Ahmad had pleaded against such order on behalf of my father in the court of the civil judge. It is correct that even after his pleading the said order was made final on 03-3-1952. I don't know whether any appeal was filed in Allahbad High Court against this order or not. I also do not have any knowledge about any appeal being filed and dismissed by a bench of 2 judges in the High Court. I have no knowledge about the case before 1970. My father pursued the case at that time.

Babu Priya Dutta Ram also died in 1978. In 1970 a petition was submitted in the court of civil judge, infact several petitions were submitted, where in it was prayed that some other person might be appointed as receiver in place of Babu Priya Dutta Ram for looking after and

managing and arranging for worshipping, but I cannot say whether such applications were given by both the parties or anyone particular party. I don't remember whether I raised any objection against it or not.

I don't remember whether the civil judge appointed any receiver or not I cannot say if any receiver was appointed and any appeal was filed in the High Court, but as far as I remember, I was not involved in any such appeal. I don't remember the case was sent back to Faizabad by the high court and some body else was made receiver again. I don't know that civil judge appointed Shri Madan Mohan Dubey as the receiver and passed an order in detail with instructions about the manner in which the worshipping may be allowed properly.

It is wrong to say that I am giving this statement as instructed by Hashim Sahab. It is also wrong to say that I don't know any thing of my own. I had heard that Madan Mohan Dubey was appointed receiver, I don't remember whether I filed any appeal against him or not. It is wrong to say that I did not try to be a party in the case. It is correct that after 1970 , I did not try to be a party in the case . It is not correct to say that I did not take any interest in the case. In fact I was entangled in domestic problems. I came out of these problems in about 1980, then I again started coming to court. I won't be able to say that those days i.e. in 1980 when I came out of my personal problems, this case was running in which court or what action was being taken at that time, in this case.

I have heard the name of Vishwa Hindu Parishad. I wont be able to tell when the Dussehra festival is celebrated by the Hindus. In Ayodhya *Kartik* fair is held in the month of *Kartik*, *Kartik* comes just after the month of

Hindu's *Kuar*. Hindus *Dussehra* fair might be organized in the month of Kuar, I don't know. I had heard about the '*Rath-Yatra*' taken by Advani, he went all around the *Rath* (chariot). Might be this yatra was organized in 1990, but I don't remember exactly. Before 1990 no other *raht-yatra* was organized.

The lock was opened in the year 1986, but I don't remember whether it was opened on 1<sup>st</sup> February 1986. I don't remember if Veer Bahadur Singh was the Chief Minister of U.P., those days. It's not coming to my mind if Rajiv Gandhi was the Prime Minister in Delhi at that time.

I got my eyes operated before 10 years. I was affected by cataract. Before 10 years of the operation, my vision was weak. I had started using pair of spectacles. Just when the cataract started I took the spectacles. My specs were bi focal upper half for distant vision and the lower for near vision. From the very beginning I have been using specs in this form only, but my vision was not weak from the beginning, it became weak after the death of my father.

It is correct that Muslims were not allowed to go near the disputed property upto 150 yards. They were in power they could do what ever they wanted. I don't remember whether in 1954 it was the Govt. of Jawaharlal Nehru in India. Administration was of the congress and Jawaharlal Nehru was also a member of the congress. It would be wrong to say that the police arrested my father from our house in 1954 because he was a famous culprit; rather he was an old Namazee, not any thief or *lofar*. I would not be able to tell as to why the police arrested him from the house. It's correct; he must have been arrested regarding Babri Masjid. The magistrate had jailed my father along with the others for 6 months each and had fined Rs.500 each. I have never been jailed for breaking section 144. Till locks were there in the Masjid and until the Masjid was not

destroyed the pillars were not removed from the archs, neither were they changed, they remained as they were. If some changes were made later on I don't remember. The grave of Musa Ashiquan was 30 40 yards ahead of the eastern gate. It was towards east and south slantingly. The grave of Musa Ashiquan, which is towards Tedhi Bazar to Dorahi-Chauraha, was some other fakir (Saint) it was his grave. He was the highest honored Musa of Kidwai Muslims. I don't know Musa Ashiquan was the same Sufi saint on whose instructions Mir Baki built the Masjid. Babar had ordered of his own, not after being said by Musa Ashiquan. I had heard that Babar had crossed *Saryu* River and stayed there somewhere. I don't know whether Babar had sent some gift or *nazarana* to Musa Ashiquan or not. It would be wrong to say that he did not accept the gift. Any saint does not refuse a gift, but when gifts were not sent at all the question could not have come up about the refusal. I don't know if Mir Baki sent gifts. To tell lies on oath is a legal crime. It is wrong to say that if the truth is stated with some alterations in the name of god then it does not become a crime. God is very kind.

[Cross-examination of the witness on behalf of all the parties concluded.]

Verified the statement after hearing

Sd/-  
Farooq Ahmed  
17.10.1996

Typed by the stenographer in the open court as dictated by me.

Sd/-  
17.10.1996