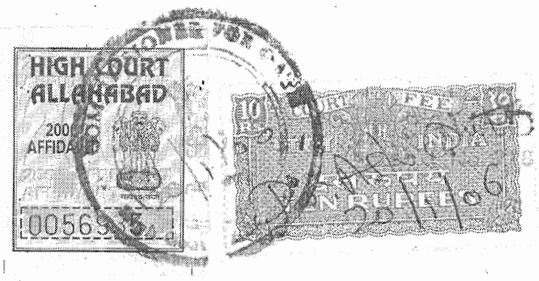
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

In Re:

O.O.S. No. 4 of 1989



Sunni Central Board of Waqfs, U.P. and others

----------Plaintiffs

Versus

Gopal Singh Visharad (now dead) and others

----------Defendants

AFFIDAVIT OF DR. ASHOK DATTA as Examination in chief under order 18 Rule 4 C.P.C.

I, Dr. Ashok Dutta, aged about 58 years, son of Late K.K. Datta, residing at 116/6/3, K.P. Mukherjee Road, Post BARISA, KOLKATTA-700008 (West Bengal), the deponent, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is presently working as Senior Lecturer in the Department of Archaeology, University of Calcutta,

Record copy for Sri V. Muralidhar Rao, Minister (Commercial) and Head of Chancery
20/11/06

Record copy
Deputy Secretary
20.11.2006
C.D.P. Group

Received
20/11/06

since 2001 and prior thereto he was working as Lecturer in the same Department since 1986.

2. That the deponent had passed his M.A. examination in the subject of Archaeology in 1972 from the University of Calcutta and he was awarded the Ph.D degree in Pre-History (Anthropology) in 1981 from the same University. Thereafter he had done post Doctoral work in West Germany in 1982 in Archaeology.

3. That the deponent has been associated with the following excavations:-

(i) Excavation at KOLN in Germany in 1982.

(ii) Excavation at Mathura in 1977 with A.S.I. Team.

(iii) Excavation at KARNASUVARNA, West Bengal in 1971.

(iv) Excavation at MANGALKOT, BURDWAN, West Bengal from 1986 to 1991.

(v) Excavation at DIHAR, BANKURA, West Bengal from 1991 to 1996.

(vi) Excavation at PAKHANNA, BANKURA, West Bengal from 1997 to 2000 and also in 2002-2003.

(vii) Excavation at DANTAN, MIDNAPUR, West Bengal in 2003 to 2004.

4. That the deponent's academic achievements have been briefly stated in a Chart being filed herewith as **ANNEXURE No. 1**.

5. That the deponent had observed the excavations at the disputed site of Ayodhya for several days during the Excavation

conducted by the Archaeological Survey of India under the orders of this Hon'ble court during March to August 2003.

6. That the final report of Archaeological Survey of India (ASI) dated 22-8-2003 submitted in this Hon'ble court is a one sided presentation with clear distortion of the material recovered during excavation and motivated inferences have been drawn from the evidence.

7. That the ASI has committed gross omissions in preparing the said report and one such omission is the total absence of any list in which the number of layers in each trench were assigned to the specific period as distinguished and numbered by the ASI itself. The chart placed between pages 37-38 of the report is given for some of the trenches only and no other list or concordance of the layers of all the trenches has been given although the same was also essential to test whether the artefacts etc. have been assigned correct period.

8. That the ASI appears to have proceeded with preconceived notion to trace and identify the structural remains or artefacts in order to establish and 'give strength to the theory of an alleged Hindu temple said to be existing there before the Babri Mosque.

9. That glazed tiles are also indications of Muslims habitation. A Scatter Diagram of Islamic Ceramics and so called pillar bases is enclosed herewith as **ANNEXURE No. 2**.

10. That the ASI has, in a casual manner, brushed aside the varying levels at which the so-called "pillar-bases" are said to have

been found. The ASI's own descriptive table (pages 56-67), shows that as many as seven of these alleged 50 "bases" are definitely above Floor 2, and one is in level with it. At least six of them rest on Floor 3, and one rests partly on Floor 3 and 4. Nine alleged "pillar bases" are also shown as cutting through Floor No.3. Thus it is clear that these are simply not "pillar bases" at all, but some kind of brickbat deposits, which continued to be laid right from the time of Floor 4 to Floor 1.

11. That In the light of my own field experience and observation (during the course of excavation at Ayodhya), the report submitted by ASI appears to be malafide and full of misinterpretation of archaeological data and far from the ground reality. The report is full of contradictions from the very beginning to the end. Any person having basic knowledge in archaeology may reject the report straightway.

12. That the report contains that " As stated earlier ..... 50 exposed pillar bases to its east attached with floor 2 ....." (page no 54). It further states that " Subsequently during the early medieval period (eleventh- twelfth century A.D) ..... only four of the fifty pillar bases exposed during the excavation belong to this level with a brick crush floor. On the remains ..... a massive structure with three structural phases and three successive floors attached with it ...." (page no 269).

The above statement of ASI reveals few interesting points:-

a) It contradicts its own statement.

b) It appears from the above statement as well the chart that shows the locus of different alleged pillars that at least four so called pillar bases were attached with the brick crush or brick jelly floor found at a depth of 2.20 B.S. According to its chronological estimation this phase belongs to 11^{th}-12^{th} century A.D.

c) It also appears from the Iso-Metric projections of excavated site (Fig Nos. 23,23A and 23B) and the chart showing the locus of different pillars that these so called pillar bases are found in different elevations and attached to four different floor levels.

d) It, therefore, implies that there existed four Phases of constructions being characterized by pillared halls long before the construction of the disputed structure.

e) According to the conclusion drawn by ASI as shown in fig no 23, 23A and 23B, it appears that these so called pillar bases represent the remains of a huge pillared hall.

f) If it is so then we have to subscribe to the Theory that there existed three more earlier Pillared halls.

g) Again if we accept the theory that the last Pillared hall was destroyed and demolished before the construction of the present disputed structure, the question which immediately crops up in one's mind is that then who demolished the earlier pillared halls particularly the

lowest one which should belong to 11^{th}-12^{th} century A.D according to their own estimation.

13. That this is a bogus and utopian idea that a massive pillared hall existed immediately below the disputed structure. In fact, these so called pillar bases, comprising two/three courses of broken bricks or brick-bats forming circular/square/rectangular or oblong with uneven calcrete stone block on its top, were used for resting the lime/surkhi floors.

14. That to impress upon the general people as well the honorable judges of the high court, the ASI has taken the help of iso-metric projection of the excavated site with superimposition of these pillars. This has been done deliberately to give an impression of the uniform distribution and alignment of these so called pillared bases. But the ground reality is different . They occur, according to their own statement and the chart providing the locus, in at least four different levels ranging from .50m to 2.20 m covering four different floor levels. To avoid this differences in elevation they have taken the help of this iso-metric projection of pillars.

15. That the Ground plans showing different floor levels are drawn by ASI without showing minimum courtesy to the ethics of archaeological recording.

16. That the best example showing how the archaeological data has been manipulated to achieve a particular goal is represented in Fig. No. 22. The figure shows the section of J3 trench

where the total deposit (approx.10.50 m) has been divided into 14 layers. This is an incorrect statement showing the deposit of J3 as stratified which are largely filled with filling materials.

In this context we can refer the guideline of wheeler where he has suggested that layer marking can be made within a pit provided the materials are found sealed by subsequent layer. But it is always desirable not to use the pit materials unless they are supported by other evidences. Moreover the pit materials should always be kept separately and marked as pit no1, pit no2 and so on so forth .But what the ASI has done in the present case is a gross violation of archaeological norms. In the final report, they described the deposit of J3 as pit materials and represent the trench as stratified by putting layer marking , although admitted in the report that these layer markings are superficial. There is no place of superficiality in archaeology. All the materials of this trench have been registered under a specific layer marking. The basic question which arises in one's mind is that why they did it ? They did it because any person having archaeological background knows that dump/pit always yield best quality antiquities. But if the objects are labeled with dump/pit slip, it does not carry any weight or significance in terms of chronology.

17. That the mound is characterized by extensive structural activities in the form of floors and walls including foundation wall. As a result the whole stratigraphical sequence particularly in the upper level is disturbed by the filling materials (debris). But no attempt has

been made by the ASI to co-relate different structures with stratigraphy which can be made by meaningful planning of excavation. The time and age of any structure can be determined only when it is related to layer. There lies the significance of stratigraphy.

18. That in the report the ASI has concluded " Now viewing in totality and taking into account the archaeological evidence of a massive structure just below the disputed ..... are indicative of remains which are distinctive features found associated with the temples of north India ...."

This final conclusion drawn by ASI on the basis of materials as stated in their report does not rest on ground reality. The materials unearthed from dumps and pits do not support the theory of north Indian temple structure below the disputed mosque. How far it is reliable to believe that those who used fine decorative black basalt pillar, decorative stone lotus petal motif and other decorative stone patterns in their alleged temple would use brickbats and broken uneven calcrete blocks in their sacred temple which attaches too much of sentiment to the people.

19. That in the summary of results (chapter X) the ASI concluded on glazed ware, glazed tile, celadon and porcelain herds in the following manner " In the last phase of period vii glazed ware sherds make their appearance and continue in the succeeding levels of next period where they are accompanied by glazed tiles which were probably used in the original construction of the disputed structure. Similarly is the case of Celadon and porcelain sherds recovered in a

very less quantity they come from secondary context ....." (page 270).

One can obviously ask the excavator in view of this above statement what does he mean by the word "secondary context" ? According to his own statement " the brick and stone structures that were raised in Kushana and the succeeding periods of Gupta and post-Gupta times have added heights to the mounds. To build further structure upon the earlier debris the later people added deposit of earth excavated from the periphery of the mound which belonged to much earlier cultural periods. This is true for the rest of the structural phases also..... "

It means that from sultanate period onwards the mound was filled up from time to time with architectural debris and earth excavated from periphery region of the mound. This means that all the deposit from this level upwards is debris and, therefore, not stratified. Naturally any antiquity collected from this level onwards is coming from secondary context. This is also applicable to the objects shown by the excavator in pushing back the theory of so-called north Indian temple. But the learned excavator has forgotten that any object coming from below any floor level may be considered as stratified in the sense that the objects are at least not later in age than the age of the overlying floor. In the present case many glazed ware sherds including glazed tiles have been reported from below different Surki-lime floors.(see table on glazed ware and tiles etc, as provided in the

report by ASI). This would further indicate that the debris between three different lime- surki floors immediately below the disputed structure and which contain glazed ware, glazed tile, celadon and porcelain were excavated from the periphery of the mound to raise the area in different structural phases. This means that the periphery region of the present mound was inhabited by Islamic culture people immediately before the construction of the disputed structure who used these ceramics otherwise we can not explain the reason.

20. That it appears, therefore, on the basis of material evidences that the site was continuously occupied by the Islamic culture people right from the time of Sultanate period and the structures associated with this level belong to Islamic culture and in reality there did not exist any temple as suggested by ASI in their report.

21. That the good repute of the ASI has suffered an irreparable loss and the credibility of such a reputed organization has also suffered immensely on account of such a faulty report which does not stand the test of professional integrity.

Lucknow: Dated **(DEPONENT)**

January 20, 2006

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 5 and 21 of this affidavit are true to my own knowledge while the contents of paras 6 to 20 of the same are true

to my knowledge and belief based on records. No part of it is false and nothing material has been concealed. So help me God.

Lucknow: Dated

January 20, 2006

(DEPONENT)

I identify the deponent who has signed above in my presence and is personally known to me.

(Advocate)

Solemnly affirmed before me

on 20-1-2006 at 11.05 A.M./P.M.

by Dr. Ashok Datta, the

deponent, who has been identified

by Sri Izhar Husain Siddiqui

Advocate, High Court, Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read over and explained to him.

A. NOOR KHANAM
Advocate
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench Lucknow.
No. 6635 Dt. 20.1.06

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

In Re:

O.O.S. No. 4 of 1989

Sunni Central Board of Waqfs, U.P. and others

----------Plaintiffs

Versus

Gopal Singh Visharad (now dead) and others

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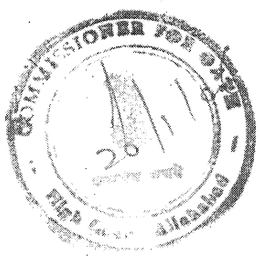
ANNEXURE No. 1



ANNEXURE No. 1

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1

PROFESSIONAL EXPERIENCE

Fellowship : Awarded a Fellowship by West German Govt. in 1982 to Study modern methods of Archeology in Nurenburg / Erlangen University. I worked under the guidence of Prot. Ludwing Reisch.

PROJECTS :

a) Conducted a small Research Project on "upper palaeolithic culture in Midnapur district, West Bengal". The Research Project was financed by I.C.H.R. in 1992.
b) Worked as a Field Director in the Project of Prof. B. N. Mukherjee on "Ancient Navigation system (Bengal Coast)". The Project is financed by C.S.I.R.
c) Currently conducting a Research Project on "Indigenous Iron Smelting technology in India – A case study in Jhargram, Midnapur"– being financed by CAST, Kolkata.

Excavation Training :

a) Received training at Mathura, U.P. in the excavation conducted by A.S.I. in 1977.
b) Received training in the Excavation conducted by Prof. Bosinski near Bonn in 1982.

PROFESSIONAL SOCIETIES AND ORGANIZATIONS :

a) Indian Society for Prehistory and Quaternory studies LIFE MEMBER
b) Centre for Archaeological studies and Training, Eastern India. Member, General Body.
c) School of Historical and Cultural studies. MEMBER.
d) Indo-Pacific Pre-history Association (IPPA). MEMBER.

ARCHAEOLOGICAL FIELDWORK

1975 – 1980 : Archaeological field investigations in diferent parts of the middle course of Tarafeni river, a tributory of Kasai in Midnapur and Parihati in Jhargram Sub- division.

1980 – 1982 : Field Svrveys in the upper course of Tarafeni river and Gandheswari river valley in Bankura.

1983 : Field Survey in Bagmundi and Matha Forest regions in Purulia.

1984 : Field Survey in Dulong river valley.

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1985	:	Field investigation at Parihati and Giani regions of Jhargram regions of Midnapore district.
1986	:	Field survey at different archaeological sites in lower Bengal.
1987-1988	:	Field survey in Suvarnarekha river valley and different other fossil bearing sites in West Bengal.
1989-1990	:	Field exploration at Kusadwip in Bankura district.
1991 – 1994	:	Field exploration at different parts of Midnapur, Bankura and Purulia.
1995	:	Field survey in coastal area in lower Bengal.
1996 – 1998	:	Field Survey in Mayurbhanj, Orissa.
1998- 1999	:	Field Survey in Mayurbhanj, Orissa.
1999 – 2000	:	Field Ssurvey in Lower Bengal.
2000 - 2001	:	Field survey in Midnapur, West Bengal.
2001 – 2002	:	Field Survey in Bankura, West Bengal.
2003 – 2004	:	Field Survey in Midnapur West Bengal.

Articles published in National Journal

1977	:	Prehistory of Karnasuvarna. (Jointly with Prof. Amita Roy) Man in India, Ranchi – 57 (2):
1977 – 1978	:	Copper hoard culture in West Bengal – A review of the Problem. (Jointly with Prof. Amita Roy). Journal of the Dept. of Ancient Indian History and Culture. Calcutta University. 11:58 – 65.
1981	:	An appraisal of Chalcolithic Culture in West Bengal. Bulletin of the Indian Museum. Calcutta 16 : 47 - 60
1985	:	Cultural Zones in lower Palaeolithic. West Bengal. Bulletin of the Indian Museum. Calcutta 20:69 –78.
1986	:	The Problem of Copper hoards in West Bengal – A reappasal in the light of Metallographic and Chemical analysis (with P. Chattopadhyay). Bulletin of the Indian Museum, Calcutta 21:81 – 88.
1987	:	Post Palaeolithic Hunter – gatherers of West Bengal. Swaranika (Souvenir) Dept. of Archaeology, Calcutta University of Calcutta PP 8 – 12.
1987 – 1988	:	Chalcolitic and Copper hoard culture in West Bengal – A comparative study. Journal of the dept. of A.I.H.C. Calcutta University, Calcutta 17(2) 89 - 101

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1988 – 89	:	Earliest evidence of painting in Bengal. Bulletin of the Indian Museum Calcutta. 23-24 : 11-14.
1991	:	Blade and Blade tool assemblages of the upper palaeolithic and Mesolithic periods: A Case study from Mid-Kasai Valley in Jhargram sub-division of Midnapur district, West Bengal. Man and environment, Pune 16 (1) : 23 – 33.
1993	:	Evolution of chopper / chopping complex at Kusadwip. Pratna –Samiksha, Bulletin of the Directorate of Archaeology, Govt. of West Bengal. (Jointly with Mitra, Chakraborti and Duari) Calcutta 1 : 65 – 77.
1993	:	Pragaitihasik Banga. Proceedings of the Seminar on Ancient Banga organised by Tamralipta and Research Centre. Tamluk. PP. 120 – 131.
1994	:	The scope of Ethno – archaeological study in Eastern India. Bulletin of the School of Historical and Cultural studies, Calcutta 1(2) L 2 – 4.
1994	:	The formative stages of Urbanization in India – New data. Bulletin of the school of Historical and Cultural studies, Calcutta, 1(2) : 5 – 10.
1995	:	Iron age in India. Bulletin of the School of Historical and Cultural Studies, Calcutta. 1 (3 - 4) : 24 – 32.
1995	:	Recent discovery of Rock-shelter paintings at Kawakol in Central Bihar. Bulletin of the School of Historical and Cultural Studies, Culcutta. 1(3 - 4) : 17 : 23.
1996	:	Economic life of BRW (Chalcolitic) people in West Bengal. Bulletin of the school of Historical and Cultural Studies, Calcutta. 2 (3 - 4) : 29 – 38.
1989 – 90	:	Iron as a form of technology in the chalcolitic culture in West Bengal. Journal of the Dept. of A.I.H.C. Calcutta University, Calcutta 21 (1 - 2) : 173 – 178.
1996 – 97	:	Bio–Cultural development of early man in Bengal. Journal of the Dept. of A.I.H.C. Calcutta University, Calcutta. 20 : 23 – 28.
1994	:	Acheulion and Post – Acheulion succession in West Bengal. Bulletin of te Indian Museum, Calcutta. 24 : 57 – 62.

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4

1996	:	Paschimbanger Nagarayan Pakria O Nimna Banger Bhumika. GABESANA, Bengali Journal. Calcutta 4 (2 - 4) : 47 – 52.
1997	:	Horappan Civilization – An overview in the light of recent discovery. Bulletin of the Indian Museum. Calcutta 32 : 13 – 22.
1999	:	Northern Black Polished Ware – A typical Marker of Mauryan Cultural expansion. Indian Museum Bulletin. Vol XXXIV. PP 102 – 109.
2000	:	Bengal from Prehistory to History, Indian Museum Bulletin. Vol XXXV, PP. 86 – 91.
2001	:	Evolution of Brick technology in Indian. Indian Museum Bulletin. Vol. XXXVI PP. 11 - 34.
2002	:	"Ecology and cultural behaviour of early man in Bengal" – Proceedings of the Seminar on Archaeology of Eastern India. Organised by the Centre for Archacological studies and Training (CAST), Calcutta. 2002.

ARTICLES PUBLISHED IN FOREIGN JOURNAL:

1996	:	The art of Pottery Paintings in Bengal during Black and Red Ware (Chalcolithic) Culture. Journal of Bengal Art. Dhaka, Bangaladesh. 1 : 9 - 15.
1996	:	Ancient Ports of Bengal and its overseas trade in South-east Asia – An Archacological overview. Proceedings of the 6th. International Conference of the Europen Association of South – east Asian Archaeologists. Leiden, Sept. 2 – 6, 1996, Eds. Klokke and Breijn PP. 87 – 98.
1997	:	Art and Archaeology of Natsal, JOURNAL OF Bengal Art. Dhaka, Bangladesh, 2 : 25 – 36.
1999	:	Bengal and South east Asia – Early trade & Cultural contacts. Journal of Bengal Art. Dhaka, Bangladesh. 4 : 49 – 60.
2000	:	Geographical Location of Ancient Tamralipta. Journal of Bengal Art. Vol. No. 5, PP . 129 – 137. Dhaka, Bangladesh.
2000	:	The context and definition of upper Palaeolithic Industires in Panchpir, Orissa, India. Proceedings of Prehistoric Society, Vol. No. 66. PP 1 – 13, England.

Calcutta

COMMISSIONER FOR OATH
High Court Allahabad

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2002	:	Shamanism and the Indian rock Paintings – in (BCSP 33) Bolletins Del Centro Camuno D1 Studi Preistorici, Italy, 2001 – 2002.
2003	:	Terracotta Ringwell and early historic Settlements in West Begnal. Proceedings of 4th. Seminar on Bengal Art, held in calcutta, 2003.

ARTICLES PUBLISHED IN BOOKS :

1984	:	Chamorgora, a microlithic site in Tarafeni basin, Jhargram sub-division, Midnapur district. Indian studies, Eds. Ray. Sanyal and Ray. Caxton publication Delhi (Jointly with Ray and Samanta). PP. 21 – 30.
1989	:	Kattara, an upper palaeolithic site in Mid-Kasai basin, district Midnapur. Studies in Art and Archaeology of Bihar – Bengal Eds. Mitra and Bhattacharyya. Satgura Publication, New Delhi. (Jointly with Roy) PP. 309 – 321.
1990	:	Chaleolithic Culture in West Bengal – A study on settlement and transition. Historical Archaeology of India – A dialogue between Archaeologists and Historians. Eds. Ray and Mukherjee Books and Bo- publication. New Delhi. PP. 77 – 91.
1991	:	Upper Palaeolithic Culture in West Bengal – A district regional development. Studies in Archaeology. Ed. Asok Datta. Books and Books publication, New Delhi PP. 67-77.
1991	:	Cultural Migration in West Bengal (Prehistoric Period). Studies in Archaeology. ED Asok Dutta. Books and Books publication, New Delhi. PP. 173 – 203.
1991	:	Ecological background of Chalcolithic culture in West Bengal – A case study between Ajoy – Damodar river Valleys, AKSAYANIVI. Eds. Mitra and Bhattacharyya. Sri Satguru Publication, Delhi PP. 19 – 27.
1992	:	Early stages of iron technology and the development of regional pattern in India. Man and his culture – A Resurgence. Eds. Bellwood. Datta. Sen and Chatterjee. Books and Books Publicatin. New Delhi. PP. 293 – 303.

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COMMISSIONER FOR OATH
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1995 : Formative stages of urban growth in West Bengal.
India at the dawn of History.
Eds. Datta, Ghosh and Margabandhy.
Agamkala Publication, Delhi. PP. 197 – 212.

1995 : Upper Palaeolithic Culture in Midnapur – An appraisal. India at the dawn of History. Eds. Datta, Ghosh and Margabandhu. Agamkala Publication, Delhi. PP. 75 - 86.

1998 : The antiquity of the Indian Iron and its impact on economic growth – A case study. History and Archaeology of Eastern India. Ed. Asok Datta. Books and Books Publication, New Delhi, PP. 119 -133.

1999 : Iron technology at the chaleolithic phase of West Bengal.
Archaeo-Metallurgy in India.
Ed. Tripathy, B.H.U. PP. 36 – 43.

2001 : Chaleolithic Culture in West Bengal. Hakim Habibur Rahaman Khan Commemoration valume. Ed. Enamul Haque. PP. 65 – 73, Dhaka, Bangladesh.

2002 : Identification and Location of Ancient Tamralipta. Essence of Bengal Art (in Memory of Prof. K. K. Ganguly). Eds. Biswas, Ray, Das, Mukherjee, PP. 15 – 23, Delhi.

2002 : "Early agricultural communities in Bengal" in Encyclopedia, Bangladesh Asiatic Society, Dhaka, 2002.

BOOKS

1982 : The palaeohistory of man and his culture.
Agam Kala Parkashan. Delhi, 1 – 167. PP.

1991 : Studies in Archaeology, Asok Datta, Ed. Books and Books Publication, New Delhi. 1 – 392 PP.

1992 : Neolithic culture in West Bengal with special reference to South – east Asia. 1 – 143 PP.
Agam Kala Prakashan, Delhi.

1992 : Man and his culture – A resurgence.
Peter Bellwood, Asok Datta, P.G. Chatterjee and A. Sen, Eds. Books and Books Publication, 1 - 382 PP. New Delhi.

1995 : Black and Red ware culture in West Bengal. 1 - 270 PP.
Agam Kala Prakashan, Delhi.

1995 : India at the dawsn of History. 1 – 246 PP.
Asok Datta, A Ghosh and C. Margabandhu, eds.
Agam Kala Prakashan, Delhi.

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1998 : History and Archaeology of Eastern India, 1 - 264 PP. Asok Datta. Ed. Books and Books Publication, New Delhi.

INVITED PAPERS IN SEMINAR AND SYMPOSIUM :

National

1982 : Presented paper on Neolithic culture of Eastern India. In urbanization in Eastern India organized by the Dept. of Archaeology, Calcutta University.

1984 : Presented paper on Archaeology of Midnapur district. In Archaeology of West Bengal, organised by the Directorate of Archaeology, Govt. of West Bengal, Calcutta.

1987 : Presented paper on Earliest evidence of painting in West Bengal. In panorama of Bengal Plaintings, organised by Indian Museum, Calcuta.

1988 : Presented paper on Evolution of Blade tools industries – A case study in Mid-Kasai basin, Nidnapur district, In Archaeology of Eastern India, organised by Bihar Puravid Parisad, Patna, Bihar.

1992 : Presented paper on Pragaitihasik Banga, In Prachim Banga, Organised by Tamralipta Museum and Research Centre, Tamluk, Midnapur.

1993 : Presented paper on Early Historic sites in lower Bengal. In seminar organised by Tamralipta Museum and Research Centre, Tamluk, Midnapur.

1994 : Presented paper on Prak-O-Adi Aitihasik Mritpatra silpa. In Seminar organised by Tamralipta Museum and Research Centre, Tamluk, Midnapur.

1995 : Presented paper on Problems and Perspectives of Prehistoric Archaeology of Midnapur organised by Tamralipta Museum and Research Centre, Tamluk, Midnapur.

1998 : Presented paper on Evolution of Brick technology in India. In Baked clay organised by India Museum and Brooklin Museum, U.S.A. in Calcutta.

1997 : Presented paper of Northern Black Polished Ware – A typical marker of Mouryan Culturai Expansion. In seminar on Mourya, organised by Indian Museum, Calcutta.

1997 : Presented paper on Bengal from Prehistory to History. In Seminar on Bengal from Prehistory to

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History, organised by School of Historical and Cultural Studies, Calcutta.

1997 : Presented paper on Problems and Perspectives of Prehistoric Archaeology of Bengal. In Seminar organised by the Dept. of A.I.H.O., Caltutta University, Calcutta.

1999 : Presented paper on Chalcolithic Culture in West Bengal. In Seminar on Interpreting India, organised by the History dept., Jadavpur University, Calcutta.

1999 : Presented paper on Excavation of Pakhanna. In seminar on Archaeology of Easter India, organised by the Directorate of Archaeology, Govt. of West Bengal, Calcutta.

2003 : Presented paper on Chalcoluithe Culture in West Bengal – a review. In the seminar organised by the A.I.H.C. Dept. Calcutta University, Kolkata.

2004 : Presented papers on Multi disciplinary approach in Archaeology – a case study – in the seminar organised by History Dept. Jadavpur University. Kolkata.

INTERNATIONAL SEMINAR

1996 : Presented paper on Redifinition of the Proto-historic Culture in West Bengal. In UISPP Congress, held in Sept. 1996 at Forli, Italy.

1996 : Presented paper on Ancient Ports of Bengal and its Overseas trade with South-East Asia – An Archaeological overview. In the VI EUR/ASEAA Conference, held in Sept. 1996 at Leiden Netherlands.

1997 : Presented paper on Art and Archeology of Natsal. In IInd. Congress of Bengal Art, organised by the International Institute of Bengal Art, Dhaka, Bangeladesh, 197.

1998 : Presented paper on Ecology and Cultural behaviour of Early Hominids in Bengal. In Seminar on Human Palaeontology, organised by Witwatersrand University. Johannesburg, South Africa – 1998.

1999 : Presented paper on Bengal and South-East-Asia-Early trade and cultural contacts. In IIIrd. Congress of Bengal Art, organised by the International Institute of Bengal Art. Dhaka, Bangladesh, 1999.

2001 : Presented paper on Terracotta Ringwell and early historic settlements in West Bengal. In 4th. International Congress of Bengal Art, Jointly

as Mandal

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organised by Institute of Bengal Art, Dhaka and Directorate of Archaeology, West Bengal at Calcutta in 2001.

2002 : Presented paper on 'Subsistence strategies of the Chalcolithoe People of Bengal – A case study' – in 17th. Indo = Pacific Prehistory confernee held at Taipei in Taiwan from 9th. – 15th. September, 2002.

2003 : Presentnted a paper on "Rouletted ware in Bengal – its orgin, chronology and distribution". In the 6th. Bengal Art conference organised by the International Institute of Bengal Art, Dhaka, Bengladesh, January. 2003.

2003 : Presented paper on Excavation at Pokhanna, 1997 – 2003 – A Preliminary report" – In 17th. South Asian Archaeology conference held in Bonn from 6th. July to 12th. July, 2003.

ARTICLES IN PRESS

Redefinition of the Proto-historic phase in West Bengal. Preceedings of XII, UISPP Congress, Forli Italy.

Early maritime activities of Bengal, In Asian Perspective, U.S.A.

Archaeology of Sundarban.
Bulletin of the School of Histroical and Cultural Studies, Calcutta.

Multi disciphinacy approaca in Archaeology. A case. Bulletin of the Indian Museum, Kolkata.
Rouletted ware in Bengal – Its origin and Chronology and distribution.
Journal of Bengal Art, Dhaka, Bangladesh,

Subsistance strategies of the chaleolithic People of Bengal – A case study.
Indian Museum Bulletin Calcutta.

Lower Palaeolithic culture in West Bengal Journal of A.I.H.C.C.U. Calcutta.

Archaeology if Coastal West Bengal and it's overseas & maritime trade Bulletin of the Indian Museum. Kolkata.

Palaeolithic cultures in West Bengal.
Studies on Afro – Asian Prehistory.
(Papers Presented in memory of Prof. A.K. Ghosh) Eds. Asok Datta and Kenneth A.R. Kennedy.

Asok Datta

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Additional Information

Publication of Papers:

1. Lower Palaeolithic West –Bengal. Journal of the Department of Ancient Indian History and Culture. Vol. No. XXI, 2000-2002, PP.1-6, Kolkata. 2005

2. Rouletted ware in West Bengal – its origin, chronology and distribution – An overview. Journal of Bengal Art. Dhaka, Bangladesh, Vol. No 8, PP. 109-115 2003.

Paper accepted for Publication:

Understanding Subsistence strategies of the Chalcolithic people in West-Bengal- An appraisal. Proceedings of the XVII IPPA conference, held at Taipei, Taiwan in Sept. 2002.

Tamralipta and Ganga , two port cities of ancient Bengal – myths and reality. Journal of Bengal Art. Dhaka, Bangladesh.

Chalcolithic Culture in West Bengal – An appraisal. Bulletin of Deccan College Of post Graduate and research Institute, Pune

Examiners:

1. Examiner of Ph.D thesis, Deccan college, 2005
2. Examiner of Ph.D viva, Deccan college, 2005
3. External examiner of Travel and Tourism courses in Berhampur K.N.college and Berhampur Girls' college, 2004
4. Examiner of M. Phil thesis and viva examination, Department of Anthropology, Bhubaneswar University, Orissa

Lecture:

Delivered lecture in the refreshers' course in Kalyani University in 2004.

Ph.D Guide:

1. Smt. Sreyashi Bhattacharyya is currently working under my supervision on "Archaeology of coastal west-Bengal" for her Ph.D dissertation.
2. Smt. Sunipa Banerjee is also working under my supervision on "Acheulian culture in Gandheswari river valley" for her Ph.D dissertation.

Special invitee, IPPA

I have been invited to chair a session on " Early historic archaeology of eastern coastal India and its bearing on over seas trade" in the conference of Indo – Pacific prehistory Association to be held in Manila, Philippines from 20 -26th March, 2006.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

In Re:

O.O.S. No. 4 of 1989

Sunni Central Board of Waqfs, U.P. and others

----------Plaintiffs

Versus

Gopal Singh Visharad (now dead) and others

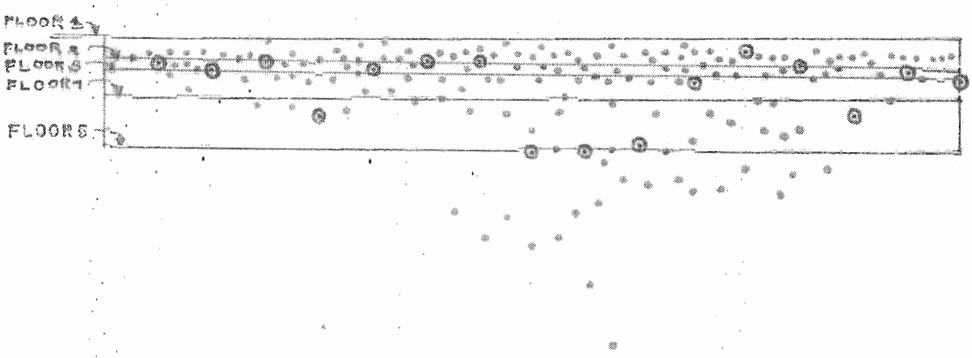
----------Defendants

ANNEXURE No. 2

ANNEXURE No. 2

MEASUREMENTS ARE SHOWN FROM B.S

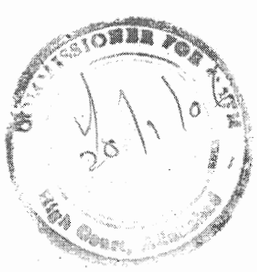
SCALE – 1 : 10



SCATTER DIAGRAM OF ISLAMIC CERAMICS AND SO CALLED PILLAR BASES

ALL MEASUREMENTS ARE SHOWN ACCORDING TO THE CHARTS PROVIDED IN A.S.I REPORT

as alleged



Dated 20-1-2006 **P.W 31 Dr. Ashok Datta**

Before:- Commissioner Sri H.S. Dubey/O.S.D.(R.J.B.-B.M.)High Court of judicature at Allahabad, Lucknow Bench, LKO.

(Commissioner appointed vide order dated 17-1-2006, of Hon'ble Special Full bench of Allahabad High Court, Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

O.O.S. 4 of 1989
(R.S.No. 12 of 1961)

Sunni Central Board of Waqfs, U.P & others --------Plaintiffs

Versus

Gopal Singh Visharad and others ----------Defendants

Examination in Chief of Dr. Ashok Datta aged about 58 years, son of Late K.K. Dutta resident of House No. 116/6/3 K.P Mukherjee Road, Post Barisa KOLKATTA-700008 West Bengal) filed, on affidavit (Page 1 to11/11) taken on record).

Cross Examination on behalf of Plaintiff of O.O.S No.3/89 (Nirmohi Akahara) by Sri Tarunjeet Verma, Advocate Witness stated on oath:

x x x x

It is correct to say that I am working as Senior Lecture in the department of archaeology, University of Calcutta since 2001. The University of Calcutta is an

autonomous body. I receive my salary from the University and not from the government of West Bengal. I have to apply for leave before coming here to be examined as witness. In para 2 of my affidavit of examination in chief I have stated that I had passed my M.A examination in the subject of Archaeology in 1972. There were 8 papers which were divided into 16 hal All these papers related to Archaeology. This is the only University in India which offers M.A and M.Sc. in Archaeology. In all these 16 papers referred to above, all the branches of Archaeology were studied, including one half related to excavation. It is correct to say that I had studied deeply about all the 16 papers which were related to Archaeology. The subject of my Ph.D. dissertation was on pabble-core element in India- A study on Geo-cultural variation, In fourth line of para 2 of my affidavit I have stated that I had done post Doctoral Research in west Germany. This work was sponsored by the German government. I had applied for a research in Germany for post doctoral work in the University of Nurenburg - Eralengen University. This post doctoral work is related to modern methods of archaeology. I stayed in Germeny only for 3 months in connection with my doctoral work. I have got a certificate from the University of Nurenburg for this work. I was getting scholarship during my stay in Germany.

I came at Ayodhya thrice and I remained on the disputed site for about 24-25 days. There was a student of mine whose name is Banani Bhattacharya, who informed me about the said excavation and had requested me to come at Ayodhya. Banani requested me to come at Ayodhya and contact with Shri Z. Jilani. During my stay at Ayodhya I was on leave. I was not paid for my stay at Ayodhya. During my stay at Ayodhya I stayed in a hotel in Faizabad. I don't remember the name of the hotel, perhaps this hotel was in the heart of the city in Faizabad. Name of that hotel may be 'Shane-Avadh'. I did not stay in A.C. room. It was an air-cooled room. I came along with three or four persons from Calcutta. They also stayed with me in the same hotel. These persons paid my hotel bill. The name of these persons are Banani Bhattacharya, Rupen Kumar chattopadhya, Dr. Vishnu Priya and Sutapa Sinha. All these persons who stayed with me had come in connection with the excavation conducted by ASI at disputed site.

The persons who stayed with me in Faizabad, two of them belonged to department of Archaeology, Calcutta University and one was from Directorate of state Archaeology department, goverment of West Bengal and the other person was a Ph.D. Research student of Vishwa Bharati, Shantinekatan. I think that all these persons who stayed with me had come as nominee from the side of Muslims. obviously I was interested to come at the time of

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excavation being conducted by ASI to see the excavation. Had there been any invitation from the side of Hindus to visit the excavation site I would have taken part on behalf of Hindus. While entering on the excavation site checking was made by the persons of CRPF. I was not permitted to carry any bag or article on the disputed site. So far as I remember I have not seen any person carrying any article and bag at the disputed site while entering at the disputed site. Since I had come at three occasions to Ayodhya, I had to take leave only for 7-8 days at one time. All the time I had taken leave on the ground of my personal work. It is right to say that I did not apply for leave for taking part in the excavation, because I was not directly involved in the excavation, therefore, I did not take leave stating the ground of my leave. Entry pass was issued by the concerned Magistrate.

Ques: You applied for leave without disclosing any reason for taking leave, therefore you concealed the reason while applying for leave?

(Shri. Z. Jilani, Advocate raised the objection to the question and submitted that when the witness has already said that he had applied for leave on personal ground, no further question should be allowed in this respect and if any Learned counsel feels that ground mentioned by the witness was not sufficient, he may complain to the

University in this regard. Therefore such question should not be permitted to be asked)

(In reply of the above objection Mr. Tarunjeet Verma, Advocate submitted that since this dispute is of national importance, therefore all the big and small matters should be exposed in this case. Beside this Learned counsel with his objection helped the witness not to reply the question asked by me which is relevant.)

Ans: I have already said that since I was not directly involved in the excavation I did not state the reason of excavation for taking the leave.

I came to Ayodhya during excavation some time after the start of the excavation. So far as I remember I visited at Ayodhya first time in the month of April 2003. I must have come at Ayodhya in the early part of April. I stayed for the first time at Ayodhya for about 7-8 days. At the time of my second visit at Ayodhya I came in the month of May2003. I can't remember the exact date of my visit at Ayodhya on the second occasion. So far as I remember I came to Ayodhya for the third time in the month of June 2003. I stayed there for about 7-8 days on both these occasions also. The excavation at Ayodhya commenced from March 2003 and continued up to first or second weak of August 2003. I did not remain at the excavation site for the whole period of excavation because it was not possible as I was involved in the teaching.

So far as I remember I came to Ayodhya in 2000 also along with my students when we were involved in excavation at Srawasti with ASI.

When I visited Ayodhya in the year 2000 I also visited disputed site at that time. At that time I had Darshan of Ramalala. At that time I also visited some buildings of historical importance at Ayodhya. We, the archaeologist, while in the field, are not biased from any religious point of view. I did not make any note while in the disputed area but when we came back to our hotel then we would note down some important points regarding methods of excavations.

I am not very sure whether anybody was carrying bags, books, notebooks or articles at the excavation site, but I did not carry anything. The notes prepared on the basis of my personal observations are with me. I observed the methods of excavation process by ASI. It is true that for every trench a trench supervisor was appointed by the ASI for supervising the work.

The cover page of ASI report, volume 1, was shown to the witness who stated that the names of Hari Manjhi and B.R. Mani are written on this paper. I knew some persons of ASI who took part in the excavation at Sravasti and at Ayodhya, for example Neeraj Sinha and Sujeet Nayan were known to me. I knew the names of Hari Manjhi, B.R. Mani and A.R. Siddiqui prior to the

excavation but I did not meet them before the said excavation. I know what is selection procedure in ASI. At least for being appointed as Technical Assistant one has to appear in the interview for appointment as Technical Assistant. One has to pass a diploma course from the school of Archaeology of India and sometimes higher posts of the ASI are recruited through PSC. The Institution which selects the higher officials is UPSC. Earlier the selection process was very fair but now a days they try to keep regional representation in the diploma course because that is the foundation of ASI. I have never participated in the selection process of ASI. I did never appear in the ASI exam, although I was eligible to be appointed as ASI person.

I have mentioned about the excavations in which I took part in para 3 of my affidavit. I took part in these excavations in different capacity. In the excavation at Dantan, Midnapur, West Bengal, I was director of excavation and the license for this excavation was issued by the ASI. In the excavation at Pakhanna, Bankura, West Bengal in 2002 - 2003 also I was the director of the excavation. So far as other four excavations mentioned in para 3 of my affidavit are concerned I took part in these excavations as the member of excavation team. The license which was issued by the ASI with regard to the excavations at Pakhanna and Dantan was in my name as a

director. The excavation can not be carried out in absence of license issued by the ASI. If any excavation is conducted without obtaining license issued by the ASI, it would be illegal. Barring excavation at Mathura all other six excavations in which I took part were in West Bengal. Papers have been prepared on the basis of the excavations mentioned in para 3 of my affidavit.

I have given my academic achievements in the form of annexure No. 1. The purpose of giving detailed description was to emphasise my research work. The intention behind submission of annexure No. 1 is to emphasise my academic activities. It is wrong to suggest that I am super exposing myself by submitting this annexure.

Question : Whether affidavit of examination in chief is not complete without annexure No. 1.

(Learned counsel Sri Z. Jilani raised objection that the witness can not be supposed to be conversant with legal procedures and niceties of law, and hence such question should not be allowed.)

(In reply to above objection the learned cross examiner submitted that the witness in order to confuse the Court has submitted annexure No. 1 of his academic achievements running into 10 pages which has no relevance with the dispute of this case, hence this question is relevant.)

Answer : Since my personal experiences regarding excavations have been given in this annexure No. 1, and in absence of this annexure my affidavit will be incomplete.

Initially it was antiquarian curiosity of the people which gave rise to the foundation of Arhaeological studies and it was basically stimulated during the rennaissaie period in Europe. During this period there were all out developments including Art, Architecutres, Sculptures and Paintings etc. and which period saw the emergence of Leonardo, Vinichi and Raffol and many other stalwarts of the rennaissaie era.

For excavations, first, one has to prepare a proposal showing the area of excavation and one has to justify through his argument what he is going to achieve through this excavation and this is called ground work which is to be prepared through exploration of the area after preparing the ground plan or the ground work. One has to apply for a license in ASI. The second part of this process, is that once a person gets the license he has to decide what type of layout will be given. There are two methods one is called vertical excavation and other is called horizontal excavation. The director of excavation will decide whether he will lay out horizontal or vertical trenches, depending on the nature of the site and the resources at his disposal and the objectives to be sought by this method. After considering all these facts he will layout trenches either in vertical or horizontal

method. The excavation at Ayodhya was laidout in the horizontal method. There is no hard and fast rule of the measurement and number of the trenches. It may be 10 x 10 meter or 6 x 6 meter or 4 x 4 meters. It all depends on the director of the excavation. Besides the two methods of excavation mentioned above there are other methods also which are called the open stripping method and step method, but these methods are seldom applied in the Indian context. Step method is required if there is very high mound, say for 100 feet height mound, in that case step method is required to be applied.

Excavation is a team work. In the excavation team there are surveyor, draftsman, photographer, technical assistants, marksman and artists. Epigraphist and numismatics are also required but they are not essential part of the excavation team. There are many instruments and equipments which are required during the excavation. These are Theodore light machine for getting right angles Dumpi level, plain table, chain survey, ranging rod, tapes, scales and other related things are also required for this purpose. The excavation conducted at Ayodhya was a very sensitive type of excavation in the sense, that it involved a number of issues of national importance. I had some knowledge about the other excavations prior to the excavation in question. One of the excavation was conducted by Dr. B.B. Lal. I don't have any idea about the

other excavations prior to 2003 except that conducted by B.B. Lal. I don't know about the excavation conducted by Prof. A.K. Narayan at Ayodhya. I have some idea about the findings of Prof. B.B. Lal.

Statement read and verified.

20-01-2006

Cross examination of witness by Shri Tarunjeet Verma, Advocate could not be concluded. Put up on 23-01-2006 for further cross examination.

(H.S. Dubey) 20.1.2006
Commissioner
20-01-2006

Dated 23-1-2006 **P.W 31 Dr. Ashok Datta**

Before:- Commissioner Sri H.S. Dubey/O.S.D.(R.J.B.-B.M.)High Court of judicature at Allahabad, Lucknow Bench, LKO.

(Commissioner appointed vide order dated 17-1-2006, of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr Ashok Datta, in continuation of earlier statement dated 20-01-2006 being cross examined by Sri Ranjeet Lal Verma, Advocate, counsel for the Plaintiff, stated on oath as under):-

In para 2 of my affidavit I have used the word 'Anthropology' in which pre history is a paper and Archaeology has also a paper of pre history. Anthropology is the science of man relating to its culture and also biological evolution of man. Anything which relates to the activity of the man and the man himself, his language, religion, social and cultural activities are covered under this word 'Anthropology'. It is true that any artefact made by man and used by man including religious ritual ceremony is covered under the term anthropology. During

the period from 1975 to 1981, I was doing Ph.D. work. I have narrated about the excavations conducted in west Bengal in para 3 (III) to (VII). The excavation of Mangalkot in Burdwan district of west Bengal has revealed a cultural sequence which starts from Chalcolithic (Proto Historic Phase), then it reveals the Maurya-Shunga cultural remains, then it reveals Kushan materials, then Gupta material, then post Gupta material including Islamic/ muslim habitation on the top. The pal olithic artefacts have been recovered from the district of Midnapur, Bankura, Purulia and Veerbhumi. Veerbhanpur is a site excavated by B.B. Lal. Pal olithic age is a foundation of later human culture and also beginning of human technical development. At Kuliyana (Mayur Bhanj) in Orissa a site was excavated by S.K.Bose and D. Sen. That was the first excavated pal olithic site by an Indian. The report of this excavation was published by the University of Calcutta in 1948. It is true that Pal olithic artefacts were recovered from this excavation. These artefacts comprise Chopper, Chopping, handaxe, ~~thin scripper,~~ Flake, Scrapper points, cores etc.

So far my knowledge goes the oldest Archaeological record relating to human culture dates back to 1.8 million years B.P. and these evidences are found from East Africa. The science of Archaeology was recognised first with the division of the human culture into three age system by

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Thompson in the year 1836 and this 3 age systems are (1) Stone age, (2) Metal age and (3) Iron Age. This study of Archaeology started in Denmark. Thompson was a Curator of the National Museum of Denmark.

Question : I want to know from you from which nation of the world the study of Archaeology started for the first time and what was the exact time of that initial study?

Answer : It is very difficult to pin point the exact time and the country where Archaeology was developed because it is cumulative effort of many intellectual personalities but the process, I can say, started or received impetus during the rennaissaie period.

So far my knowledge goes the evidence of the study of script is found from clay tablets of Nabacadzar of Babylon, Mesopotamia around 3000 BC. Mesopotamia is now covering the modern country of Iraq, Iran and Jordan. It is true that the study of script is development in Sumerian around 3000 years before Christ. There was an enormous period of time gap when there was no language and no script in the human history. The study of Archaeology in Germany began in 19th century. It can not be pin pointed as to when Germans started study of the Archaeology as a subject. Bosinosky was a Professor of Koln University, he was a renowned pre historian and he is known for different works in pre history. Those in the field

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of pre history must be acquainted with the name of Prof. Bosinosky. I have heard the name of Phillip Cluver. It is wrong to suggest that the study of Archaeology began in Germany in the year 1650. The collection of artefacts of a curious object does not indicate the beginning of the Archaeological study. It is true that Tel Halef is a mound or a site which was excavated by German Archaeologist during the period of Second world war. It was mainly the Mesopotamian culture which was discovered in this excavation. Mesopotamian culture can be equated with the term proto historical culture. In Germany I stayed for a period of 15 days at Koln. I don't remember the name of the site of Koln because it was in the year 1982 and long time has elapsed since then. At Koln the excavation site was almost a plain land. I reached at Koln when the excavation was going on. This excavation was being conducted by Koln University under the supervision of Prof. Bosinosky. The object of my participation in excavation at Koln was to study the methods of excavation and the nature of analysing the excavated materials. I would not say that excavation at Koln was conducted only for an experiment but this excavation was conducted for learning the methods and the techniques of excavation. I would not agree that in the excavation at Koln was only an experimental because I went there to learn the methods and techniques of the

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excavation. At Koln open stripping method was applied. They divided the mound in a number of grids of 1-1 meter square but in actual digging the whole area had been opened keeping the measurements intact.

In Germany at Koln horizontal method of excavation was applied. I don't remember the number of Trenches which were excavated at Koln. I can't remember the whole area which was excavated at Koln. I had not seen the exploration map maintained by Director of excavation Prof. Bosinosky. In the German excavation the students were invited from different European Universities, who took part in this excavation work and acted as Trench supervisors. I did not directly excavate from my own hand but I studied the materials and they showed me how to study the materials.

Question : What was the dictum and principles which you had been taught there for the study of the materials excavated thereon at Koln?

Answer : The first thing which I learnt there was that the digging should be confined to one centimetre grid and the digging should not go beyond 5 centimetre and whatever was exposed was to put it in the map showing the inclination of the artefacts and the second thing was to adopt the shiving method and try to reconstruct the climatic references on the basis of soil analysis.

The depth of the excavated area was approximately 1 meter. Artefacts recovered were mainly the Chopper-Chopping Tools, Flakes and Cores and huge quantity of animal remains were recovered in this excavation. Only fossilised bones were recovered in this excavation. If the Carcas and the hides relate to the recent period, it is possible to recover but in case of pre history there is little chance to recover these things. The organic material does not survive for a long period unless it is preserved by some method. Same principle applies for bones also because it is also an organic material. All other materials which were recovered in Germany at Koln belong to pre-historic period. These artefacts related to pre historic period. This conclusion was based on the basis of the report of the excavation and on the basis of my personal observation. The stone artefacts as well the animal remains and the stratigraphical record confirmed that these materials belonged to pre-historic period. Stone artefacts can be called as cultural fossils. Initially the people did not have much faith in stone artefacts. These were termed as Thunder Bolt and Fairy Arrow. On the basis of the stone artefacts recovered during excavation a conclusion could be drawn that these artefacts belonged to pre-historic period.

It was mainly north western part of India including Rajasthan, Gujarat, parts of Uttar Pradesh, Haryana, Punjab and a major part of Pakistan, Afghanistan which is covered by the Indus Valley civilisation. I was director of the two excavations which were conducted in west Bengal. In these two excavations my two colleagues attended the excavation as co-director alongwith surveyor, photographer, draftsman. The students who were studing Archaeology were given charge of each trench. There were so many trenches which went deep upto the natural soil. At my last excavation at Dantan, the virgin soil was encountered at the depth of 3.50 meter. Virginity of soil can be tested if it is devoid of any human artefacts including pottery and other things. One has to go at least 2 feet deep to confirm that this is virgin soil. The colour and texture of soil, presence of sand in it, are not the sole factors to ascertain virginity of soil because sometimes there is huge deposit of silt or sand by river flood or anything and below that deposit there are possibility of human activities. This is must for an Archaeologist to check at least 2 feet deep to test the virginity of the soil. Initially trench supervisors mark the layers but finally it is checked by the director or co-director.

The layers are differentiated on the basis of colour, texture and composition of the soil. These facts can be

verified by personal observation, experience and by the study of the materials. My presence at Ayodhya excavation and at Midnapur was contemporary. I have submitted a preliminary report of my excavation to the Archaeological Survey of India for publication in the Archaeological Review with regard to excavation at Dantan.

This preliminary report was submitted in the year 2003-2004. This preliminary report was based on the basis of 1 year excavation. This report was not complete report. This excavation started in the early part of February 2003. The excavation at Dantan is not yet completed as I have to excavate further to reach at any conclusion. The object and purpose of the excavation at Dantan was to prove that modern Dantan was ancient Dandhadhukti. Dandhadhukti is a place referred in the inscription of Sasanko. He was a ruler in the early part of the 7th century AD in Gouda, comprising Bengal, Bihar and parts of Orissa. Sasank was the ruler of Gouda Kingdom.

The cultural period can not be fixed on the basis of dynasties. There are some objects which are time bound and can be related to dynastic rule but there are some other objects which are called time-less and can not be related to any dynastic period. The word 'time bound' refers to the objects patronised by elite and the royal class of a particular dynasty whereas 'time less' objects are not

patronised by royal or elite class but are meant for common people (folk class). When an archaeologist uses words 'folk class' then it represents common people having a common living, fooding & common tradition. It can be said that these things constitute a culture. it is correct to say that these cultural activities will include economic, social, religious and customary activities of a society. Indian culture can be described by taking into account all the elements such as religion, philosophy, art, literature and other institutions. As an archaeologist one should have a very brief and precise knowledge of Ancient Indian history but it does not mean that one has to go in details of the ancient history of India since archaeology is a separate discipline based on science. It is incorrect to say that archaeology is a fact finding discipline because that fact must be based on evidence supported by scientific analysis. If there is a single stone artefact of pre-historic period then it can be dated by scientific methods, which requires scientific process. This object can be approximately, dated on the basis of stratigraphy (geological formation). It is wrong to suggest that this process is a logical process and not a scientific process.

Question . In your earlier statement you have utilised the words 'precise' knowledge of Ancient Indian History is

the only requirement for an archaeologist. In that contacts i would like to know what do you means by 'precise'?

Ans. I mean that a broad idea of the ancient indian history is required.

I have passed the Ancient Indian history examination in M.A. Ancient Indian History starts from the beginning 600 B.C.

Q. What would be the name of that period from when you state to start the origin of Ancient Indian History?

Ans. Yes, it is called Vedic age also.

The sources for knowing Ancient Indian history are literary sources including the accounts of the foreign travellers, then numismatics and inscriptions. The initial literature by which we can know about ancient Indian history includes Vedas and Purans. Mahabharat and Ramayan are great literary works. I know the names of some early literary writers such as Kalidas, Banbhatt (harsh charitra). I have not gone through the Vedic literature mentioned above by me.

Q. Have you been taught by any of your teacher or not which has been describe in your earlier statements?

Ans. I have gone through these epic stories in connection with the preparation of my M.A. examination but afterwords I did not continue to study them. I was not taught in the class room regarding the Vedic literature

because I appeared in the Ancient Indian history and culture examination as a private student.

After the Vedic era the period covered by Indian History was the Chalcolithic or Protohistoric phase. It is absolutely correct to say that the protohistoric phase (Chalcolithic) did not have their own script. In reference to protohistoric phase the evolution of man can be defined as the human species known as homo sapiens and sapiens which they attained about 40,000 years B.P. (before present) and since then there is no further biological evolution of man. This is the most accepted theory of the evolution. This theory can be termed as human evolution theory supported by Charles Darwin whose famous book is "The Origin of the Species". As an archaeologist the artefacts of Palaeolithic age and Neolithic age can be distinguished. Earlier it was customary to define any culture on the basis of typo- technological changes but now the culture is defined mainly on the basis of economy, for example the Palaeolithic had hunting gathering economy while the Neolithic people had agriculture based economy. The shape and style can also be considered for any changes in the cultural materials. The period of 600 b.c. can be called as N.B.P.W. period. After that Mauryan period starts roughly from 324 B.C. During Mauryan period Ashoka was the great propagator of Baudh religion after the battle

of kalinga. It is difficult to say that Mauryan period was Budh a period because there were other religions also like Jainism & Hindus. Buddha was very popular in that period because Buddha religion partly up-rooted the Orthodox and became a very powerful source for the expansion of Mauryan Emperors.

Statement read and verified.

23-01-2006

Cross examination of witness by Shri Ranjeet Lal Verma, Advocate could not be concluded. Put up on 24-01-2006 for further cross examination.

(H.S. Dubey) 23-1-2006

Commissioner

23-01-2006

Dated 24-1-2006 **P.W 31 Dr. Ashok Datta**

Before: Commissioner Sri H.S.Dubey/O.S.D.(R.J.B.B.M.)
High Court of judicature at Allahabad, Lucknow Bench, LKO.

(Commissioner appointed vide order dated 17-1-2006 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr Ashok Datta, in continuation of earlier statement dated 23-01-2006 being cross examined by Sri Tarunjeet Verma, Advocate, counsel for the Plaintiff, stated on oath as under):-

The object of excavation at Midnapur (West Bengal) was to prove that the modern Dantan can be identified with the ancient Dandabhukti referred in the inscription of Sashank. There are two copper plate inscriptions from Midnapur and there are also other inscriptions which referred the name of Dandabhukti. The excavation site of Midnapur was a mound. We have recovered from the excavation the existence of two structural phases alongwith potterries and other antiquities relating to early medival history of the region. That excavation was a complete team work

contd

consisting of co-director, surveyer, photographer, artists, technical assistanct alongwith the students. I had submitted a preliminary report to the archeological survey of India for publication in the archlogical review. Since this excavation was not complete I submitted the preliminary report stating the major findings of the excavation. The major reason for incompletion of the excavation is that licence is generally issued in the name of the head of the department and the post of the head of the department in the university of Calcutta is rotational for two years. There is no other reason for the incompletion of the excavation because it is prerogative of the head of the department who selects the site for excavation. The excavation at Dantan continued for one year. Actually we had excavated the site for one season only for the duration of 35 to 40 days because our budgetory provision for excavation was very much limited and one can not afford to stay with this limited budget for a longer time. The budget for this excavation was granted by the University of Calcutta with a matching grant from ASI. Matching grant denotes a small budget meant for labour payment. Our system is this that one has to work with the exiisting budgetory provision of the university. Naturally we took six seven years to complete the excavation on a particular site. More over the excavations of the university of Calcutta are basically

meant for the training purpose of the student. Our first priority was the training of the students because unless the students attend the excavation camp they are not allowed to appear in the final M.A.EXAM Naturally the basic purpose of the excavation is to afford training to the students and in addtion we try to solve some of the basic problems of history, for example, we have through our excavation identified the capital city of Shashank at a place called Chiriti which lies 12 km.north west of the modern town of Bahrampur in Murshidabad district. It is totally wrong to suggest that since we did not reach any conclusion therefore the university of Calcutta and ASI stopped its grant for this purpose. Obviously we use to discuss with the other members of excavation team in regard to the excavation. We concluded in our preliminary report on the basis of our findings, that there was in existance an early medieval site. Whether it can be identified with the ancient Dandabhukti or not, require further excavation. This preliminary report was signed by me as the Director of excavation. There was no sign of other team members of this excavation. If any person questions the authenticity of this report then I will be held responsible for this. As I said, in my earlier statement that I used to discuss with the other team members but the preliminary report was prepared by me and sent to the ASI. Pottries were also

recovered in this excavation besides iron objects . Copper plate inscription was reported from Midnapur which referred the name of Dandabhukti and that information was one of the source for taking up excavation at Dantan. The pottery recovered from the excavation at Midnapur mainly consists of black ware, red ware and grey ware besides we have also recovered black and red ware with painting from the Chalcolithic deposits from the site. The pottries recovered from this excavation were in the form of clay pottery that they were made of clay. Besides these clay potteries the villagers had recovered, stone sculptures representing Buddhist, Jains and Hindu iconography from the area. It is true that these stones were chiselled but some stone sculptures on slate stone were etched out by the artists. So far I remember there were floral motifs also. Particularly the image of Vishnu having a lotus was also found. This area is devoid of flint resources. So far I remember the villagers had in their collection some objects of Saddlequern (Silbatta) and also some stone pebbles. The excavation of Bakura continued from 1991 to 1996. Generally the head of the department is the director of excavation while the other faculty members acted as co-director. I was very much involved in the excavation conducted at Bakura as a member of the excavation team. It is not necessary to have experts of different disciplines.

If situation demands we consult the experts in the specific field. The Director of the Banukra excavation was Professor Anil Chandra Pal and so far as I know he used to send brief reports to ASI but the final report did not come out and possibly it will not come out as he is no more in this world. Only the director used to sign the report of excavation. The basic object of Bankura, so far as I know, was to study the transitional stage between the Chalcolithic and the early historic period. It is very difficult to prepare the final reports in the absence of director of excavation because he used to maintain his own dairy containing the observation of the day to day excavation work. Personal observation in the field was kept by the Director and in his absence one can prepare the excavation report on the basis of the material found from excavation but that would not be a absolutely correct report. In the absence of Director one can prepare the report but that would not be a very scientific one because the Director has his 'own observations which will not be reflected in the report prepared by other persons. Before reaching to any conclusion the Director of the excavation consults his colleagues but final decision is taken by the Director. The maximum deposit of the trenches taken at Bankura excavation varies between 2.5 to 3 meters over the virgin soil. Right now it is not possible to remember the exact

depth of the deepest trench but it varies between 2.5 to 3 meters. Naturally it should not go beyond 3 meters. The natural soil was encountered at the depth of 3 meter. There was no videography of excavation but the other relevant documents including drawing, photo-+graphy, ground plans etc. were prepared by the department. The excavation at Mangalkot continued from 1986 to 1991 i.e., it continued for 5 years. I took part in this excavation as the member of excavation team. There were three Directors of this excavation. In the year 1986 the Director was Dr. Chitra Rekha Gupta, she was director for 1 year and then the Director was Professor Anita Roy. She was the director of the excavation for 3 years and thereafter in the year of 1991 the director of excavation was Professor Sameer Mukherji. No complete report of excavation has been published but a very short & brief report was prepared by Professor Anita Roy and Sameer Mukherji jointly and it was published in 'Pratnasamksha' - a bulletin of the Directorate of Archaeology, Government of West Bengal. Besides a number of papers relating to this excavation have been published by different scholar's including myself. The report sent to Archaeological survey of India regarding 'Mangalkot' excavation was signed by the respective directors of Excavation. At the end of every year of excavation a preliminary report is sent to ASI. All

the above three directors who conducted excavation at 'Mangalkot' signed these reports individually. I participated in the excavation of 'Karnasuvarna' as a student of M.A. class. Professor S.R. Das was the director of this excavation. The object of this excavation was to identify the 'Karnasuvarna' the capital of 'Sasank' referred by 'Hiuntsang' with the present village of 'Chiruti' which lies 12 k.m. north-west of Bahrampur town in the Mursidabad district. Only the partial report of the excavation was published by Professor S.R. Das in the form of a book regarding the excavation of Karnasuvarna. The major reason for the non-availability of publication of the excavation is the lack of funds which is provided neither by the ASI nor by the university. The publication of the excavation reports requires a very good amount of money involving a number of technical hands to prepare the report. I participated in the excavation at Mathura as a Ph.D. research student along with the other students of the department. The director of the Mathura excavation was M.C. Joshi. It is very difficult to say for me about the objective of the Mathura excavation. I don't have any idea what was the major objective for taking up excavation at Mathura by ASI. So far I know Mathura was a great centre of Buddhist art activity during the 'Kusaan' and 'Gupta' time. So it was one of classic sites of the Indian

Archaeology. I do not have any idea whether the report of this excavation was published or not. I am not very sure about the zone of ASI which under took excavation at this site but presume that it may be the Northern Circle of ASI who under took this excavation. The Mathura excavation so far I remember yielded at its bottom level painted greyware culture followed by NBP culture and Maurya, Sunga, Kusaan and Gupta cultural materials. I don't remember whether Metalic artefacts have been found in this excavation or not. Stone sculptures were also recovered in this excavation. So far I remember stone sculptures of deities have been found from this excavation. I am not able to suggest the name of the deities.

In Annexure no. 1 of my affidavit (page no. 11/1) I have mentioned my professional experience. The fellowship is meant for the post doctoral work. Under the heading 'professional Societies and Organisation' I have mentioned about society for pre-history and quaternary studies. This society is non government organisation with its head quarters in Pune and who maintained publication of its regular journal. This society published regular journals as well as hold seminars and conferences. They also award different medals for outstanding contribution in Archeology. By applying in the prescribed form I became

the life member of society. The basic purpose of the centre for archaeologial studies and training is to sponsor different lecture by eminent scholars publication of research work by scholars, sponsoring research projects and they also offer training courses on coin and ceramics for professional and non-professional persons. The school of historical and cultural studies is an institution which devotes its times to study the historical and cultural research, they also publish regular journals. The Indo-pacific pre history association, is an association with its head quarters at 'Canberra Australia' which organises seminars, conferences and also published the proceedings of the seminars and conferences. This is an International organisation having its member from more than 50 countries of the Indo-pacific regions. The institution mentioned at (b) is a government organisation where as other institutions mentioned at (c & d) are non-governmental organisations. The purpose of excavation at Karnasuvarna was training because at that time I was a student of M.A. Class. At page 11/1 I have not mentioned about the excavation of Karnasuvarna under the heading 'excavation training' the reason is that the two excavations mentioned in the annexures '1' were conducted by the other departments. At the above page under the heading Archeological field work I have mentioned about the

exploration along the river course of 'Tarafeni' a tributary of Kasai river and also explored the 'Parihati' region and discovered one of the greatest copper hoard material from Parihati and which is now kept in our departmental Museum. Generally a license from the ASI is not required for exploration unless we dig. This exploration was actually not a team work but I often used to go to the field along with some of my students. In this case I got an information from a local source that a copper hoard object had been found in a village, so I wanted to see the site which yielded this copper object.

I have prepared a report about the copper objects which I recovered from Parihati of Jhargram sub-division. The report was prepared jointly with Prof. Amita Roy and it was published in the journal of the department of Ancient Indian History and Culture, University of Calcutta. Most of the explorations were conducted by me because our budgetary provision for the research grant of teachers is very meagre. Naturally we have to spend from our own resources for exploration. All the artefacts collected during the course of my exploration are now kept in the departmental museum which include stone artefacts, copper artefacts, stone sculptures and other antiquities including ceramics. Besides this I also explored in the Kusadwip region in Bankura district. The findings of the

exploration have been published in the form of a paper jointly with other participants, in the bulletin of the directorate of Archaeology, Government of West Bengal. I also explored Mayur Bhanj region of Orissa and the findings of the exploration was published in Proceedings of the Pre Historic Society, an International Journal published from London. 'Field investigation' means looking for if there is any Archaeological evidence. I have discovered one chalcolithic site at Parihati, Gidni regions which were included in my later writings. Besides this my articles were published in National Journals. All these articles were related to the Archaeological science. There are many references of my papers by different scholars in their writings. In the year 1981, my article appeared in the bulletin of the Indian Museum, Calcutta in the volume 16 pages No. 47 to 60. At page 3 of the annexure 1, it is mentioned that in 1988-89 my paper on earliest evidence of painting in Bengal was published in the Indian Museum Bulletin volume 23-24, pages No. 11 to 14. This paper relates to the finding of a discovery of pre-historic paintings, in Jhargram sub-division, by the author. My article 'Pragaitihasik Banga' was written in the year 1993 in Bengali and presented in a seminar organised by the Tamralipta and research centre in Midnapur. In the year 1995 my article on 'Iron Age In India' was published in

the bulletin of the School of Historical and Cultural Studies, Calcutta in volume 1, page 3 to 4 and at page 24 to 32. This paper relates to the antiquity of the Iron smelting Technology in India. In the year 1989-90 I published a paper on "Iron as a Form of Technology in the Chalcolithic Culture in West Bengal" in the journal of the deptt. of A.I.H.C., Calcutta University. This paper relates to the nature of iron objects found in the chalcolithic culture of West Bengal. In the year 1996-97 I published a paper on "Bio-cultural development of early man in Bengal". This paper relates to the development of stone age culture in West Bengal which also coincided with the development of biological form of early man although we did not find any fossil remain of early man. At page 4 of Annexure 1, it is mentioned that in the year 1997, I published a paper "Harappan civilisation - An over view in the light of recent discovery". This paper relates to Harappan civilisation in view of the discovery of Mehar Garh and Dholavira. Both these places are in the North-western part of India, more specifically Dholavira is in Gujarat whereas Mehar Garh is in now Pakistan (Baluchistan region). I have gone through the books and partial report of excavation of Dholavira and Mehar Garh. I, in my paper, made as assessment of earlier works in the light of the recent discoveries. Both theoretical and practical knowledge are essential for

Archaeological study. Both these studies are complementary to each other. Theories are generally tested on the ground. If the theories are very logical and based on reasons the theory may be accepted by the people, but for an Archaeologist one has to depend more on the field work than on the theory. Most of the papers published by me are based on field investigation, but it does not mean that one can not write paper on any topic by consulting the relevant document. In West Bengal most of the sites in the coastal region have yielded NBPW sherds from its early Historic level and I studied shape, colour and other techniques of NBPW sherds and thereafter I prepared the paper "Northern Black-Polished Ware - A typical Marker of Mauryan Cultural expansion in the year 1999. At page 4 of Annexure 1 the details of the articles published in Foreign Journals are given. In 1999, I published a paper Bengal and South east Asia - Early trade and cultural contacts". I presented this paper in a seminar on Bengal Arts in Dhaka (Bangladesh). The paper relates to the Ancient Trade Exchange between the eastern coast of India (Bengal coast) and the south-east Asian countries like Burma, Thailand, Vietnam and Indonesia. Before writing this paper I studied the materials found from the Archaeological sites of the lower Bengal and the objects found from the excavations in the south-eastern Asian

countries and then compared with objects which were exported from Bengal to south-east Asia. In the year 2000 my article on "Geographical Location of Ancient Tamralipta" was published in the journal of Bengal Art, volume 5. This paper relates to the controversy of the geographical location of Tamralipta port. Tamralipta is an ancient port city which is generally identified as the present Tamluk. But I differed in my paper with this conclusions. I suggested that the ancient port of Tamralipta must be located at the downstream of the Roop Narayan river or on the confluence of Ganga and Roop Narayan river. In the same year I published an article on "The context and definition of upper Palaeolithic Industries in Panchpir, Orissa" in the proceedings of Prehistoric Society, volume No. 66 page No. 1 to 30, England. The contents of the paper relate to the Palaeolithic culture which has 3 divisions as lower, middle and upper and I have dealt in this paper about the upper Palaeolithic culture of this area.

At page 5 of annexure 1, I have mentioned that in the year 2002, I published a paper on Shamanism and the Indian rock paintings in a bulletin of Italy. Shamanism is a form of religion. It is like the priest of our society. This Shamanism is very popular in the Siberian region of Russia and one of the earliest religious form of the human society. In Shamanism it is believed that they have the power to

communicate with god on behalf of their customers or clients. In the year 2003 I published a paper on "Teracotta, Ringwell and Early Historic Settlements in West Bengal". This paper was presented in the seminar of Bengal Art and subsequently published in the journal 'Bengal Art'. In this paper I have suggested that the process of Urbanisation started with the introduction of terracotta ringwell in settlement areas. Because this terracotta ringwells had served two purposes one for fetching water and other for the sewerage system of the settlement. And in Bengal this was introduced in the 1st century AD. Most of my papers in the foreign journals, except two, are the proceedings of the seminars which I attended. These two articles are "The context and definition of upper Palaeolithic industries in panchpir Orissa. It was not the seminar proceedings. The other paper is "Shamanism and the Indian rock paintings". My articles published in the national journals are either seminar proceedings or invited papers. It is correct to say that my most of the works are confined to eastern part of India except few general papers just as Harappan civilisation and Iron age in India as well as Shamanism and the Indian rock paintings and the "Northern Black-polished Ware - A Typical Marker of Mauryan cultural expansion". The general papers are published basically on the basis of reports, journals and different books. I did not visit the

Harappan site as well as other rock shelter paintings in Bhopal. I have already stated that my most of the works are confined to eastern part of India, while I made some occasional visits to Archaeological sites of northern India.

Statement read and verified.

24-01-2006

Cross examination of witness by Shri Tarunjeet Verma, Advocate could not be concluded. Put up on 25-01-2006 for further cross examination.

(H.S. Dubey) 24-01-2006

Commissioner

24-01-2006

Dated 25-1-2006 **P.W 31 Dr. Ashok Datta**

Before: Commissioner Sri H.S.Dubey/O.S.D.(R.J.B.B.M.)
High Court of judicature at Allahabad, Lucknow Bench, LKO.

(Commissioner appointed vide order dated 17-1-2006 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr Ashok Datta, in continuation of earlier statement dated 24-01-2006 being cross examined by Sri Tarunjeet Verma, Advocate, counsel for the Plaintiff, stated on oath as under):-

Learned cross examiner drew the attention of the witness on paper no. 11/5 (annexure attached with examination-in- chief of the witness)

The witness stated that there are some books which were edited by some others scholar. and there are some books which were edited by myself as well as others and there are some other books which were edited by myself. My articles were published in all type of these books. The details of which are given on Page No.11/5 and 11/6 of my affidavit. An edited book comprises a number of papers

contributed by different scholars. My papers were my individual papers which I contributed in the edited volumes. The editor has the right to edit the paper. The paper published in 1989 on "Upper Palaeolithic site in mid-Kasai basin" relates to the upper paleolithic industry found at Kattra in Midnapur (West Bengal). I made field study at Kattra and collected the artefacts and thereafter I had gone through different articles containing the upper Palaeolithic materials by different scholars and then prepare the article. By using the word 'industry' I mean it comprises a number of artefacts of a particular culture. The upper Palaeolithic artefacts of Kattra comprise scrapers, borer and points including flakes. The working edge of artefact is the major concerns to the pre-historic man and that edge is called 'working edge' to work or to serve any purpose. Borers are meant for boring purposes and points were used as missiles or arrow heads or spear heads. Flake is a by product of an industry and some times flakes were also used by retouching. The book "Studies in Art and Archaeology of Bihar - Bengal" was edited by Devala Mitra & Bhattacharya. The book "Historical Archaeology of India - A Dialogue between Archaeologist & Historian" was edited by Ray & Mukherjee, in which my paper was "Chalocolithic culture in West Bengal - A study on settlement and transition". The word settlement means the

settlement of the culture and the word transition means how it involved to the next stage. This settlement means habitational area of a particular culture. Editor does not edit every paper, if they feel it necessary to make any change in the article they will request the author of that particular paper to correct that portion. My specialisation in archaeology is mainly in the field of Pre-History, Proto-History and early Historic culture. In the year 1991 my article on "Ecological Background of Chalcolithic Culture in West Bengal - A case study between Ajoy - Damodar river valleys". This paper relates to the ecological background on the basis of the animal remains found from the Chalcolithic sites of Ajoy & Damodar river valleys. In this study I have taken into consideration the animal remains which are found from Mangalkot excavated by our department and Pandurajadhibi excavated by state archaeology and Bharatpur excavated by ASI. In 1992 my article on "Early stages of iron technology and the development of regional pattern in India" appeared in "Man and his Culture A Resurgence", by the resurgence I mean emergence of things. I have gone through articles related to iron technology by different scholars and I have studied the iron objects found from the Chalcolithic culture of West Bengal and then I prepared the papers. I have shown in my paper that iron technology did not originate

from a single area rather it is found to be associated in different cultural contexts in different region in India within a broadly contemporary time. The origin of iron technology in India can be assign to 1200 B.C. to 1000 B.C.

At page 11/6 of the annexure '1' annexxed with my affidavit I have mentioned that in the year 1998 an article "The antiquity of the Indian iron and its impact on Economic growth - A case study" was published in the book "History and Archaeology of Eastern India". This paper relates to the antiquity of the Indian iron technology and its impact on socio-economic change through a case study. This was a case study in West Bengal. Under the heading 'books' I have mentioned the names of the book which have been written and edited by me. In the year 1982 I had written a book titled "The paleohistory of man and his culture". The contents of this book relate to the lower Palaeolithic culture of India. I also discussed in this book the different tool types found from different parts of India and the technology associated with the artefacts. In the year 1992 I have written a book titled as "Neolithic Culture in West Bengal with special reference to South East Asia". In this book I have discussed the different Neolithic tool types found from different regions of West Bengal and made comparative study with the Neolithic

asm needs

artefacts from South East Asia. In the year 1995 I have written a book titled as "Black and Red ware culture in West Bengal". I discussed in this book the different aspects the Chalcolithic culture of West Bengal taking into account the excavation report of different Chalcolithic sites of West Bengal. The culture of black and red ware related only to West Bengal. In the year 1995 the edited volume of the book titled as "India at the dawn of history". This book was edited by myself, Professor Ashok Ghosh and C Margobandhu of ASI. The word 'Dawn' has been used here because the contents of the book relates to the pre and proto history of India.

In the M.A. course of the University of Calcutta does not have any text book only the reference books are given in the syllabus covering the broad aspects of the topics, Volunteered that all the books written by me are available in almost all the libraries of Archaeological studies. The libraries all over the country. The libraries which are meant for the archaeological studies have in their collection my books, for example the Archaeological Survey of India, Deccan Dicon college Pune, National library of Calcutta and State Archaeology West Bengal etc.,

At page 11/7 of my annexure 1 annexed of my affidavit contains the details of the invited papers in seminars and symposium. Most of my papers presented in

seminars and symposium were subsequently published in different journals and books as well the proceedings of the seminars. The seminars and symposiums were both national and international. Almost all the seminars and symposiums mentioned at page 11/7 of above annexure were organised in Calcutta expect in Bihar. I have attended majority of seminars in Calcutta West Bengal. There are some reasons for not attending the seminars organised in North and Western India. This was due to the fact that the organisers of these seminars did not provide found to attend the seminars. It is wrong to suggest that I did not have knowledge about the themes of seminars organised in North and Western India. It is also wrong to suggest that I was not invited in the seminars of Northern and Western India because of the fact that I have limited knowledge of the subject. In fact, a number of invitation letters are received by me to attend the seminars. In Calcutta the organiser of the seminars provided the hospitality to the participants within their usual rules. For attending the seminars the organisers are supposed to ~~the~~ provide accommodation, fooding, and travelling expenses. In the year 1988 I presented the paper on evolution of blade tools industries - a case study in mid-Kasaibasin, Midnapur in the seminar, on Archaeology of Eastern India organised by Bihar Purabid Parisad Patna Bihar. Blade tools is a type of

tool which appeared in the upper Paleolithic culture and evolved into the microlithic industry of the Mesolithic culture.

In the year 1994 I presented a paper on 'Prak-O-Adi-Aitihasit Mritpatra Silpa' the contents of this paper relate to the pottery as well as the painting found on it from the Chalolithic sites of West Bengal.

At page no. 11/8 of the above annexure I have mentioned that in the year 1997 I presented a paper on "Problem and Perspectives of pre historic archaeology of West Bengal" The content of the paper relates to the problem of the Pre history of West Bengal and the areas which need to be looked for future research.

In the year 2004 my paper on multi-disciplinary approach in archaeology - a case study was presented in the seminar. The content of this paper was that how the archaeological studies can be made more meaningful with the help of other disciplines. The case study relates to West Bengal. Seminar is held on a particular theme and the theme includes a number of areas which can be covered under the theme. All the international seminars which I attended were on broad themes. In the international seminar which I attended, funds were provided by the host organisers in almost all the cases. Most of the contents of the paper which I presented relate to Archaeology of West

Bengal and in some cases there were comparative studies of the artefacts between the Bengal and outside India.

The articles which are mentioned at page no. 11/9 under the heading 'Articles in Press' were sent to the respective journals for the publication. They are still in press except 2 articles which have been published. These two articles are 'Lower Paleolithic culture in West Bengal' and the second article is "Rouletted Ware - It's Origin, Chronology and Distribution" - An overview'. Here it is referred at page 11/10 that three papers have been accepted for publication. I don't have any information about the papers no. I. 'Redefinition of the proto-historic phase in West Bengal, proceeding of 12 UISPP Congress, Italy. So far I sent the papers in the year 1997 but I don't have any information about its publication. I tried to contact the secretary of UISPP Congress of Italy but I did not get any reply from him. When they had asked to submit the papers that ~~the papers~~ was appreciated by them, I submitted the paper on "Early maritime activities of Bengal' in the journal "In Asian perspective', USA but since then I do not have any information what soever whether they rejected the paper or asked for its modification. This articles was sent for publication 4-5 years back. The article 'Archaeology of Sundarban' was submitted to the school of Historical and Cultural Studies,

Calcutta. This paper is likely to come-out. This paper was submitted 2-3 years ago. The article "Multidisciplinary approach - a case" was sent for publication in the bulletin of the Indian Museum, Kolkata 2 years back (2003). This paper will come out within a week or two. The article "Subsistence strategies of the Chalocolithic people of Bengal - a case study" was sent for publication in the year 2003 this paper will be published after the publication of earlier paper mentioned above. Another article "Archeology of Coastal West Bengal and it's overseas and Mar time trade was sent to the bulletin of the Indian Museum Kolkatta" for publication in the year 2004. My next article which is still in press is "Paleolithic Culture in West Bengal" In studies on Afro - Asian pre history is an edited volume which is in press, In which I contributed the paper on Paleolithic culture of West Bengal. The book is being edited by myself and Kenneth AR Kennedy, (USA). The time taken by for publication of article depends on the organisation and other financial aspects of the publishers of journal and books. Majority of the articles mentioned at page 11/3 relates to the Archaeology of West Bengal. We have a research grant from our University for carrying our research work by the teachers besides teaching. No money is paid for the publication of the articles only they provide the off prints as complementary copies free of cost. I went

as examiner at Deccan College, Pune and Bhuwneshwar University, Orissa as well external examiner in Behrampur K.N. College and Girls College. They had given me appointment letters both for Ph.D. thesis and M.Phil. thesis and Viva. I delivered lecture in the refresher course (meant for college teacher) in Kalyani University (District Nadia, West Bengal). The topic on which I gave lecture was on of Archaeology. I have been supervising the Ph.D. work of Smt. Sreyashi Bhattacharya and Smt. Sunipa Banerjee. Smt. Sunipa Banerjee is a technical assistant of ASI and now posted in Kolkata circle. A conference will be held on 22-26 march 2006 to be organised by IPPA in Manila where I will chair a session. As I have mentioned earlier my special field of investigation is on pre history, proto history and early history and my field work is basically confined to the eastern part of India particularly West Bengal. I have attended the excavation of Shravasti along with my students possibly in the year 2000. There is no basic difference in the method of excavation of West Bengal or Other states. There are certain rules and regulation of excavation which one should follow.

I did not mentioned about Shravasti excavation in para 3 of my affidavit as I was not directly involved in the Sharawasti excavation. I was present there as a guide of our students. We stayed at Shrawasti for about 3 weeks.

The major purpose of visiting shrawasti was the training of the students under the supervision of ASI as we did not undertake our own excavation in West Bengal that year. Archaeological materials recovered from excavation at Shrawasti. So far as I remember the excavation had yielded at its bottom level the NBPW culture followed by Mauryan and Sunga materials, Kushan materials and Gupta materials. Since my major area of investigation was pre-history and proto-history and early-historic period and that area can be considered as the area of my specialisation.

I know that the Chronology is a basic word in Archaeology. Chronology is obviously has a great significance in the study of Archaeology because unless the study of Chronology of the particular site is established the study will be meaningless. It depends on the nature of the depositions at the site when we referred the term Chronological sequence it obviously refers to the succession of the cultural sequence. There are so many things to determine the chronology of a particular site for example when we work in a site the basic and foremost objective of an Archaeologist is to present a chronological sequence of that site and this can be done by different methods (1.) By studying stratigraphy of the site, (2.) By absolute dating method, (3) By comparative study and with the help of this study we can build up the chronology of a

site. The most scientific method of chronology is the absolute dating method. There are so many absolute dating methods like C-14 or Carbon-14 method, TL Dating method, Potassium Argon method (K-Ar.40), Uranium Series method etc. C-14 dating method is now a days frequently used by the Archaeologist but a single dating obtained by C-14 method sometimes create confusion because there is always possibility of error. So a number of C-14 dating from a particular level can confirmed that the age of the particular layer or deposit. Above absolute dating method have different applications on different objects for example TL method is done on pottery or clay objects and potassium Argon method can not be applied in historical Archaeology.

Stratigraphy has a very important role in Archaeology because the modern science of Archaeology is based on stratigraphy.

For the study of Archaeology one has to acquire a broad idea about of Geology, Geography, Anthropology, the historical backgrounds or political history of the country, knowledge of methods of excavation, conservation, preservation, coins and sculptures etc. the study of Geology is very much related to for the study of pre-history and proto-history but never the less one should

have some broad idea about the Geology also for the study of Historical Archaeology.

The formation of this planet (earth) went through a series of evolution. The final shape of this earth took place due to a number of Geological events including volcanic erruptions, tectonic movements which uplifted the surface of this planet to a great extent as well the glacier activities of the Pleistocene period have also effected the configuration of the present earth. It is spontaneous process to the formation of this planet.

I have heard the name of Layell. He is considered to be an eminent scholar in the field of Geology.

Question : Whether you would agree with the view of Charles Layell that the formation of earth has been through spontaneous deposits?

(Learned counsel Sri Abdul Mannan, Advocate raised objection that this question is fully irrelevant and can not be permitted to be asked)

(Learned cross examiner in his reply to the above objection has submitted that parties may have different views on the above subjects since the witness is an expert of Archaeology and above question is related to Archaeology therefore the objection raised by learned counsel is not tenable)

Answer : So far I know there are different Geological formations of different ages ranging from millions to millions years starting from Pre-archean age to the present day and the Geological formation may be of very old age but since we are concerned about man who appeared at the dawn of Pleistocene period which is a sub-division of the quaternary period and again quaternary is a sub-division of a cenozoic era. Geological periods are divided into era, period and epoch and cenozoic is the last geological era. And the age of this planet according to the geologist has been estimated to 4.5 thousand billion years and man appeared only about 2 million years ago.

There will be no effect on the carbon sample in case of an earthquake or other natural disasters. Only if the carbon is contaminated due to a chemical reaction there is possibility of errors in dating method.

I have a very sketchy idea about the excavation conducted by Prof. B.B. Lal. This excavation was conducted by B.B. Lal at Ayodhya before the present excavation in question. I have seen a book, where name I do not remember but in that book the excavation of B.B. Lal was referred. I have gone through as well as the photographs provided with the article. I had seen this book before coming to the excavated site at Ayodhya. This book was in possession of some other person and I requested the

person to give me the book to have a look on it. In the book Prof. B.B. Lal has referred the findings of his excavations. He has referred the findings of his excavations including some pillars which he suggested as pillared hall. I have not gone through other excavation report which was conducted by B.B. Lal in at Ayodhya. I did not have the scope to study the pillared hall structure. I have some idea about the findings of earlier scholars who conducted excavation at Ayodhya, which reveal that at the bottom level there were NBP culture followed by Kushan, Gupta and other culture.

I did not study any material regarding the Archaeology of Ayodhya because I am interested to know the Archaeological findings from adjoining region, I was only concerned with the excavation. I am a very humble person I never considered myself as a big intellectuals, so I did not study anything about the Archaeology of the adjoining region of the disputed site. It is wrong to suggest that I was compelled to visit the excavation site at Ayodhya.

Statement read and verified.

25-01-2006

Cross examination of witness by Shri Tarunjeet Verma, Advocate could not be concluded. Put up on 27-01-2006 for further cross examination.

H.S. Dubey 25.1.2006

(H.S. Dubey)

Commissioner

25-01-2006

Dated 27-1-2006 **P.W 31 Dr. Ashok Datta**

Before:-Commissioner Sri H.S.Dubey/O.S.D. (R.J.B.B.M.)
High Court of judicature at Allahabad, Lucknow Bench, LKO.

(Commissioner appointed vide order dated 17-1-2006 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr Ashok Datta, in continuation of earlier statement dated 25-01-2006 being cross examined by Sri Ranjeet LalVerma,Advocate, counsel for the Plaintiff, of OOS 3/89 stated on oath as under):-

I have gone through the report submitted by ASI, and on the basis of my personal observation I filed my affidavit in examination in chief in the court. The affidavit filed by me is my observation report.

Ques: I want to know from you, whether you have gone through every sentence of every chapter of A.S.I. report?

Ans: when I say I have gone through the report it means that I have read the entire report.

I have also gone through the appendix submitted along with the report of ASI.

Before coming to the excavation site at Ayodhya as an observer on behalf of the Sunni Central Board I had some idea about the dispute of the site which centres around the question whether there was a temple below the foundation of the Babri Mosque. I don't have any idea regarding the disputed area or the litigation which was pending before Hon'ble Supreme Court. This issue, is a national issue which is known, I think, to each and every educated citizen of India. This is a well known issue since the demolition of the Babri Mosque. This information was widely cir culated through media including, Newspapers, T.V. and also radio. I don't have any idea about any Presidential reference which was made in connection of present dispute. I have not read about this presidential reference in any newspaper. Although I am not very sure but so far my knowledge goes it is by order of the Lucknow High Court that ASI has undertook excavation at Ayodhya. Possibly this order of the Hon'ble High Court was published in the newspaper when I came to the site the excavation Director had to submit preliminary progress report before Hon'ble High Court. I had this preliminary progress report of ASI through Mr. Z. Jilani, Advocate. This preliminary report was shown to me either during Ist or second visit probably the report upto 24th April 2003. Photocopy of this preliminary report must have been supplied to me by Shri.

Z. Jilani. So far I remember this preliminary report did not contain the signature of Mr. B.R. Mani, but it was submitted on behalf of the excavation team. I don't remember the name of the person who submitted this preliminary report. This report was only two or three pages. At the time of my first visit at the excavation site at Ayodhya I had seen that the ground sensing survey had been conducted by some Tojo Vikas Organisation. I have seen the report of the Tojo vikas Organisation regarding the anamolies of the site. I don't know as to who's initiative Hon'ble high court has passed orders regarding excavation at disputed site.

Ques. The order of the Hon'ble High Court regarding the excavation of the disputed site was to the effect that " whether there was any temple / structure which was demolished and Mosque was constructed on the disputed site"? Do you know the order of the Court?

Ans: I do not have any idea about the specific order of the Hon'ble court regarding temple / structure below the disputed Mosque.

I have not seen the order passed by the Hon'ble court but I gathered from other sources that the main issue was whether there was a temple or not below the disputed structure. The basis of this information was media i.e.

newspaper T.V. radio news and discussion with the other person in this regard. Before I came here I did not have any contact with Prof. R.S. Sharma, Prof Suraj Bhan, and Prof D.N Jha. I know the names of these persons because of their works and books but I did not have any personal contacts with them. I came to know about Prof Suraj Bhan when he came at Ayodhya during the period of my visit. Prof Suraj Bhan is basically an Archaeologist because he has done a number of work on archaeological issues. So far I remember Prof Suraj bhan was associated with number of excavations perticularly on O.C.P and P.G.W sites. I don't remember exact number of excavation conducted by Prof. Suraj Bhan. I have not gone through any authoritative book written by Prof. Suraj Bhan in connection with Archaeological science. As I had stated earlier I did not have personal contact with the above persons before coming to the excavation site so their is no question of being present in the seminar where Prof. Suraj Bhan was present. In my opinion Prof Suraj Bhan may be considered as an eminent Archaeologist. This opinion regarding Prof. Suraj Bhan has been expressed by me on the basis of his works on P.G.W and O.C.P. I can't say exactly name the site where Prof. Suraj Bhan excavated for getting O.C.P and P.G.W. I have gone through the some of the papers and reports written by Prof. Suraj Bhan about his views on

O.C.P and P.G.W. I read these papers and report of Prof. Suraj Bhan long before my visit at Ayodhya. I read about after doing M.A. and Ph.D. When I was engaged in research work after 1982 these papers and report must have been read by me but I don't remember the exact time. I don't remember name of the magazine or jou ral but I remember that their was a national seminar at P.G.W and O.C.P culture where Prof. Suraj Bhan was present and his views were published in the proceeding of the seminar. Volunteered that DR. K.D Banerjee who was former director of ASI was a renowned scholar in the field of pre-history and through out his carrier he has written only one or two paper in his life. I don't remember the place the seminar was held in which Prof Suraj Bhan was present and where he expressed his view on P.G.W and O.C.P. culture. So far I remember Prof Suraj Bhan submitted a paper and afterwards there was a discussion on it and there after this discussion and paper were published in the proceeding of the seminar . I was not present at the time of discussion. I don't remember as to who took part in this discussion. The proceeding of the seminar was published in the form of book but I don't remember its name I had gone thorough this book long before therefore I can't remember the name of this book.

Ques: Who was publisher of the above book mentioned by you?

Ans I can't remember the name of publisher .

Ques: Did you have this book in your Possession even now?

Ans: So far I remember I borrowed this book from one of my friend in the directorate of archaeology in West Bengal. The name of my friend is Mr. Sudhin Dey. Just a few years back he has retired from his service as an exploration assistant from the directorate of archaeology government of West Bengal. When I came to Ayodhya Mr. Sudhin Dey had already retired from service.

Learned cross examiner drew the attention of the witness on page 2, last para and page 3 first line of ASI report vol.1 under the heading " High Courts direction and GPR survey" . The witness after going through this stated that I had read this part of the report of ASI. Progress report on excavation at disputed site at Ayodhya " upto 24th April 2003" submitted by team leader in the Court was shown to the witness who after going through it stated that I am not very sure weather this was the report which I have seen as stated in my earlier statement.

The earliest evidence of ceramics is found to be associated with the Neolithic culture. Ceramics was not available even in upper Palaeolithic age. So far my

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10866-10867 OF 2010

IN THE MATTER OF:

MOHD. SADDIQ (D) THROUGH LRS. ...APPELLANT

VERSUS

MAHANT SURESH DAS & ORS. ETC. ...RESPONDENTS

STATEMENTS OF P.Ws

PAPER BOOK

VOLUME-XXVIII
(PAGES 6751-7000)

FOR INDEX KINDLY SEE INSIDE

KAMLENDRA MISHRA
ADVOCATE FOR THE RESPONDENT/STATE OF UTTAR PRADESH

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knowledge goes the earliest evidence of fire is found to be associated with Palaeolithic culture, more precisely the direct evidence of fire came from the 'choukautian' cave near Peking China with the Peking man. Although the earliest evidence of fire is found from china but the earliest evidence of ceramics is found in the world context, so far my knowledge goes , with Hoabian culture (Neolithic culture) of south east Asia. So far my knowledge goes the earliest evidence of fire in India is found to be associated with the upper Palaeolithic culture at a site called chintamanugavi in Karnool district of Andhra Pradesh. The question of pottery or ceramic came to the mind of people as soon as they adopted to the Neolithic culture of agriculture base economic. Only then the question of storing the food grain came into the mind of man and naturally the ceramics were developed. In Archaeology when man adopted agriculture the stage is called Neolithic and prior to that the stage was called as hunting and gathering. When man invented the knowledge of domestication of plant and animals he had to stay permanently in specific area for the purpose of agriculture. Neolithic and Palaeolithic age come under stone age. The earliest evidence of developing art activities in India in the form of icons comes from the pre Harappan and Harappan stage. This can't be said as upper Palaeolithic age. I can't remember

about the smallest icon on the ivory with reference to India. Earliest evidence of engraving is known 'ostrich egg cell' from upper Palaeolithic context at Patne. So far as India is concerned we do not have any terracotta female icons from upper Palaeolithic context. So far I remember I don't have any idea about the clay figurines from upper Palaeolithic context. Making of toys and object of clay started in India from the pre Harappan period. Volunteered I am not taking account Mehargar context. We consider Harappa is first urbanisation of Indian history naturally pre Harappan culture must be the formative state of the Harappan culture. So the period of pre Harappan culture ranges approximately 3000 B.C. to 2500 B.C. so far as my knowledge goes between 3000 B.C to 2500 B.C. man developed the art of making fired clay and also toys. The earliest form of Mother Goddes is found in the pre Harappan culture sites.

Animal figurines were also available during this time. In the later stage we find figurine of reptiles. I do not remember about the horse and elephant figurine during this period. Dog figurine was very frequent during this period of the pre Harappan time. The technique of making toys and figurine went through the process of development through the ages. There were attempts by man to represent each figurine in its natural forms in terms of its

shapes and other factors. We can say that the art of making of toys during the Mauryans time was much more refined than the earlier ages. Gods and Goddess are some times represent through symbolic manner in the form of images according to Hindu mythology. This development is a continuous process which is even found today.

Human and animal figurines in terracotta and stones were found from disputed site also. In plate no. 127,131,132,135 elephant terracotta are mentioned in the descriptions of plate given in ASI report vol. II. So far I remember I did not sign any register of the artefacts maintained by ASI. It is correct to say that terracotta figurine were recovered during excavation and have been shown in the report of the ASI. I was never present at the time of display of artefacts on the table at excavation site but I assume that it was correct.

I have already said that it depends on nature of mound and the objective which are to be served by taking up excavation, are the determining factor of laying out trenches. In case of mound of huge height say about 100 feet the method is little different from the general mounds plain mounds or low mounds. In case of mound of huge height it is desirable to take step method. This is incorrect to say that according to principle of Archaeology it is necessary to excavate the mound from its lower step. The site in

dispute is a mound of moderate height. The height of this mound from the surface is approximately 25 to 30 fit. To arrive at a conclusion about the chronology of a site there are different methods which should be taken together to arrive on a conclusion and these are absolute dating method, stratigraphy and comparative study or relative dating. Comparative dating and relative dating are more or less same. I differ with the statement that chronological sequence can be drawn on the basis of experience. So far I know stratigraphy is the basis or basic principle of archaeology which is borrowed from the science of geology. Possibly I visited Kushi Nagar along with the student. I was in Sravasti but did not take part in the excavation. I was there in the excavation camp of ASI along with the students for the purpose of their training.

Learned cross examiner drew the attention of witness towards plate no.61 of ASI report vol. 2. The witness stated that brick wall is visible in this plate. This wall is in a regular manner, where course of broken bricks are seen on the frontal surface. The wall which is on the right side of man has some broken bricks in front of the viewer. In this wall is the regular course of bricks are seen in front of the wall which is of about 5 feet height. There are two things one the bricks which are used in the temple. It is very difficult to ascertain the length and width of bricks on

the basis of this photograph. Some brick bats can be seen on the upper surface of this wall. Beneath these brick bats, it appears that, the regular bricks were used in the construction of the structure which have complete bricks. The excavation of Shravasti was conducted by D.r. Gopal Chawley of ASI . I stayed there at Sravasti for three weeks. I used to go along with the student at the excavation site but we(teachers) were not allowed to enter into the trenches. It is wrong to suggest that I did not observe any thing during my stay of three weeks at Sravasti. I was there and had seen all the excavation being conducted by ASI there. During my stay at Sravasti I did not make any note but my students prepared it. The objective behind Sravasti excavation at Sravasti is not known to me because there were several excavations before. Plate no. 52 of the above report of vol.II was shown to the witness who stated that a wall can be seen in this plate. On the right side of the wall it appears to me that the floor is made up of lime-surkhi. In front of the wall on the right side of the wall a damaged portion is seen. In view of the damaged portion it is very difficult to say whether the floor was attached with the wall or not. On the upper surface of the wall pegging of trench is not there but E-8 is written on the top of the trench. I presume that E-8 may be the trench number. In the section facing south of this

trench two clippings having numbers of floor one and two are shown in this plate. It is very difficult to come to a conclusion on the basis of photographs above two plates that similar bricks were used in both cases or not.

Statement read and verified.

27-01-2006

Cross examination of witness by Shri Ranjeet Lal Verma, Advocate could not be concluded. Put up on 30-01-2006 for further cross examination.

(H.S. Dubey) 27.1.2006

Commissioner

27-01-2006

Dated 30-1-2006 **P.W 31 Dr. Ashok Datta**

Before:-Commissioner Sri H.S.DubeyADJ/O.S.D. (R. J .B. B.M.) High Court of judicature at Allahabad, Lucknow Bench, LKO.

(Commissioner appointed vide order dated 17-1-2006 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta, in continuation of earlier statement dated 27-01-2006, being cross examined by Sri Ranjeet Lal Verma, Advocate, counsel for the Plaintiff, of O.O.S. 3/89, stated on oath as under):-

Learned cross examiner drew the attention of the witness towards plate No. 41 of ASI report volume 2. The witness stated that the floor which is visible in this plate and on which a scale has been placed is of lime-surkhi. On the left side of the scale there is a brick wall which has brick courses but brick courses are not in orderly manner. But, no doubt this is a wall. This wall consists of some courses of regular bricks but on the top of the wall some brick bats and irregular bricks in seen. The floor seems to be attached with wall and some plaster, possibly of lime, is

seen on the innerface of the wall. From Archaeological point of view it can not be said that the floor is a later construction than the wall on the basis of the objects visible in the picture.

Question : Whether according to your observation the floor which is visible in plate No. 41 does cross the wall or not?

Answer : It appears from the plate that it did not cross.

It is very difficult to say that whether the floor was constructed after the wall unless one could study the cross section of the wall. By cross section I mean by cutting the section which contains the wall because the foundation trench of the wall can only reveal the of the wall or to which layer it belongs.

Question : At the bottom of this picture at the surface layer there is a plaster of lime-surkhi sticking to the wall which appears to have been plastered whether with the surface, what would you say in this regard?

Answer : First thing is that the plaster on the wall may be of lime but it can not be of lime-surkhi, So the plaster on the wall and plaster of the floor, whether they are contemporary and belong to the same time is very difficult to ascertain on the basis of this picture. To ascertain this fact cross section of the wall is required to be

studied to find out the foundation trench of the wall and only then we can say whether this wall is contemporary with the floor or not. The wall in question may be earlier than the floor.

Question : Are you conceiving certain hole-poles in plate No. 41?

Answer : In terms of Archaeology such holes are called post-holes, which are generally found in case of mud structure. But according to me the holes which are visible in plate No. 41 are not post-holes. In this plate it appears that floor 1,2 and 3 have been marked as floors. Floor No. 3 is of lime-surkhi. The floor on which scale has been placed appears to me No. 1 and 3 which are floors consisting of lime-surkhi but in respect of floor No. 2, I am not very sure about it since the photograph showing floor No. 2 is not very clear and distinct. By word 'lime-surkhi' I mean that it consists of both lime and surkhi and surkhi is a burnt brick dust and lime is a kind of calcium carbonate which is generally used in different Architectural activities for plastering the walls of the structures may be a temple or other structures. Lime alone can be used for plastering and lime-surkhi can not be applied for plastering purposes, it is used for the purpose of flooring. If lime is mixed with surkhi it is called lime-surkhi. I have not gone through the site note book prepared by ASI. I have observed most of

the sections of the trenches of Ayodhya excavation. I had observed these sections in the day light. There were some problems only in respect of, so far I remember, trench G-7 which went down up to 10 meters and it was not possible for a person to observe the section of the lower level from the top of the trench. There was electricity facility which was for the purposes of the workers who were engaged in this trench.

Question : Did you ever step down in the trenches at the time of your visit at excavation site for observing this section itself carefully?

Answer : I did not step down in any trench, volunteered I observed most of the sections of the trenches from the top. Generally we never step down into the trenches because it is not customary for any Archaeologist from outside to get into the trenches in other excavations. On this ground I did not enter into any trench at the excavation site in Ayodhya. Moreover most of the sections of the trenches were visible from the top except one, which was possibly trench G-7.

Question : Are you aware of the fact that this Hon'ble Court had given permission to all parties to take their Archaeological experts on the spot to enter into the trenches for their observation and studies?

Answer : I did not have that knowledge.

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I don't have any idea whether the experts of Sunni Central Waqfs Board Prof. is Shireen Ratnagar and Prof. Suraj Bhan and others had gone at the excavation site and entered into the trenches for observation and the study of the sections. May be but I don't have any knowledge in this regard. I absolutely agree with you on this point that section will tell truth provided it is studied properly. I am in full agreement with the views expressed by Meadows Talayer that the study of a sectional wall required very patience, careful and close study. I agree with the suggestion that the stratigraphy is basis of Archaeological science which can reveal the truth of the sites and can also achieve the objectives of the excavations for which it is undertaken. This principles is a universal principle which is applied by all Archaeologist all over the world including India.

I have heard the names of the Archaeologists Schlieman Prepreih and Pitt Rivers. They have done lots of work in the field of Archaeology but I am not sure about it whether they should be considered as the inventor of the modern Archaeology. I am not aware whether Mr. Patrick has tried to prove that the Archaeological excavation does not reveal the history of mankind but it creates history of humankind. It is correct to say that the study of antiquities found from excavation can reveal the history of the area

provided if properly documented. By 'documented' I mean the proper study of the stratigraphy and the proper identification of the layers and thereby to study stratigraphy properly. If it is done properly then the finds from the different layers of the trench can reveal the truth of the history, which is acceptable.

Question : If an Archaeologist digs up any earth and finds the articles of art, handicrafts and other used objects of human kind whether such kind of objects can reveal the history of the mankind in respect of the social culture, religious activities and political life. What you have to say as an Archaeologist?.

Answer : An Archaeologist can reconstruct the socio-economic, political, religious life of people on the basis of materials found from excavation which should be based on scientific method. It is essential for an Archaeologist to provide a chronological frame work of his site through his excavation. Unless the Archaeologist studies the time and space of his excavated site the study of history of that area would be meaningless. It is one of the duty of the Archaeologist to provide the chronology of the antiquities of his excavated materials. In support of his conclusions an Archaeologist should provide sufficient grounds. When I say sufficient grounds in respect of the chronology of the

antiquities it refers to the proper study of the stratigraphy as well as absolute and relative dating-data.

Question : If an Archaeologist after excavation finds ten objects of antiquity and omits to study one object but and after total and thorough study of nine objects concludes to arrive at a definite cultural period than whether this report will not be explanatory?.

Answer : If the objects recovered during excavation are of the similar nature then if an Archaeologist studies nine objects out of the ten objects of the similar nature he can draw some conclusions. So far as the question of 'explanatory' is concerned it relates to the chronology of the antiquity which again is a combination of the study of different methods. If all the scientific methods are followed in the study of such nine objects out of ten, then the conclusion will be expectable. I have heard the name of Maulana Azad, the first education minister of India but I don't have much idea about the activities of Maulana Abul Kalam Azad. I do agree with the suggestion that it would be literally true to say that history of India is still concealed in depth of soil, waiting for Archaeologists to bring new data for the re-construction of Ancient History. In case when other methods of dating are not available then we can make an attempt to present a broad chronological frame work of the site on the basis of comparative study of

Arun Joshi

other sites. An Archaeologist can attempt to co-relate the antiquities of this site with the comparative study of the antiquities of the other sites. The Archaeological excavation does not necessarily require inclusion of eminent historians in the excavation team but in case of any confusion among the Archaeologists they can seek the advice of the historians. In the excavation team we can include a number of Scientists, including Geologists, Anthropologists and Historians etc.

Question : When any report or clarification is obtained from an eminent historian, will it not be the part of the report of that Archaeological team?

Answer : If the report is supplemented by a note of historian then it can be a part of the report. Archaeology and history are co-related but there is basic difference in the field of historians and Archaeologists.

An Archaeologist should have a base of history before coming to the field of Archaeology.

Question : Whether history consists of the fact regarding social life, regarding the religious life, regarding the political affairs, regarding the wars, regarding the pedigree of dynasty but the Archaeological objects its shape and style are comprised in the literature of the ancient history is it true?

(Sri Z. Jilani, Advocate raised objection that such questions have already been asked several times are as such repetition of the same should not be allowed.)

(On the above objection learned cross examiner submitted that this question is being asked for the first time.)

Answer : I can't understand the question.

Ques: whether the old literature of ancient Indian history reflect the mode of object being used as poetry ornament cloths or other religious object icons of god etc?

(Shri Abdul Mannan, Advocate raised objection that such questions with regard to history are not relevant and can not be permitted to be asked. Apart from this there should be some limit of the cross examination)

(In reply to the above objection learned cross examiner submitted that the above question is relevant.)

Ans: Still the meaning of the question is not clear to me. I am unable to understand exactly what learned cross examiner wants to know.

Ques : what is the ambiguity in my question?

Ans : The ambiguity in the question in the form of question. If the question is precise then I can reply that.

Ques: My suggestion is that you are trying to suppress the facts therefore declining to give reply?

(Learned counsel Shri Z. Jinlani raised the objection that such suggestion is totally unwarranted and it is an attempt to demoralise the witness because the learned counsel has not tried to explain his question in more clear words.)

(In reply to the above question learned cross examiner submitted that the question is self and quiet clear)

Ans: I have not suppressed any facts I have only requested to the learned counsel to explain the question in a more easy (lucid) language.

I do agree that literature is the biggest source of history. The history of ancient India starts from 600 B.C. The earliest centre of study of ancient history in India is Taxila and then Nalanda.

Sindhu valley harappan civilisation extends from Kashmir in the north to Gujrat in the south and Alamgeerpur in the east to the border of Afghanistan in the west. Western part of U.P. comes within this area. I don't know whether Kannauj comes under this area or not, because I do not remember the geographical location of Kannauj. So far my knowledge goes Ayodhya does not come within purview of harappan culture. I know that Ayodhya is a part of northern India. The centre of the N.B.P.W pottery is the Ganga -Jamuna region mainly.

Ques: Whether N.B.P.W is usually found in northern India or not?

Ans: Yes, northern India is the main centre of N.B.P.W.

Plate no. 12 of ASI report vol.2 was shown to the witness, who stated that pavement is visible in this plate. This pavement consists of the symmetrical form of brick tiles. This pavement is in the north- south direction.

Plate no. 40 of the above report was shown to the witness who stated that this plate relates to Sarnath Dharm chakra jina vihar.

The bricks which are visible in front of the pillar head at the lower side are not similar to those which are visible in plate no. 12. Even the cross mark bricks in the green colour in plate no.40 are not similar with the bricks of plate no. 12. The bricks which are visible in plate no. 12 are not called bricks but they are called 'bricktiles' whereas the bricks visible in plate no. 40 are called bricks. The bricks which are visible in plate no. 40 are not similar with the tiles as visible in plate no.12. Even from visual observation the bricks as shown in plate no 40 are not similar in length and width with the brick tiles shown in the plate no. 12.

ASI official

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The learned cross examiner drew the attention of the witness on para 7 of the affidavit of examination in chief of the witness. The witness stated that apart from the one omission as mentioned in this para there are other omissions also, for example the section of J-3 has not been properly marked and pottery yard does not follow the rules of Archaeology. These are two examples of omission. Another omission is that the report of ASI does not contain a vivid representation of ceramics found from different layers in different trenches either by providing a thorough list or by drawings. There are misinterpretations also of the Archaeological data in the report. The ASI people never tried to determine the age of the structure on the basis of archaeological principles and an other omission is that they had not provided in their ground plans BS (below surface) in their ground plan. BS is a recognised abbreviation in Archaeology. These are some of the omissions which I remember at this point.

While I was present at the excavation site the drafts man was preparing sections drawing and ground plans. Still photography and videography of the excavation site were also made at the time of excavation. For every trench, technical assistant was

supervising the excavation of the individual trenches. So far I remember they are called assistant archaeologist. It may be that the assistant archaeologists were maintaing the note books, but I don't remember exactly about it. In para 7 of my affidavit I have not said that the cultural period has been wrongly shown but I have emphasised the fact that there should be comprehensive and exhaustive list showing cultural affiliation since there are overlapping of layers in different trenches. So a co - relation was needed. I have seen the drawings accompanied with the report of the ASI. I have not seen the site notebooks. All the structure below the disputed structure have been referred in my earlier statement. By the word ' standing wall' I mean the wall which stands on the foundation wall. Such walls are constructed with having different courses then it will be termed as wall.

Plate no. 52 of ASI report of vol. II was again shown to the witness who stated that at the bottom of the wall stone slabs can be seen. Plate no. 51 of the same report stones slabs with decorative motifs can be seen.

Along with the written reply dated 21/11/2003 on behalf of Nirmohi Akhara annexure 19 and annexure 20

have been filed and shown to me the photographs shows some stone slaps with decorative motifs. These stone slaps with decorative motifs may be reused materials. In vol I of ASI report at page 42-A and page 42-B figure 23 and 23-A are the isometric view of the excavated site. In figure 23-A floors have been shown. On the basis of these successive floors in sequence no inference can be drawn on the basis of floor that it was pavement of public institution. On the basis of these floors an archaeologist can draw conclusion that these floor represent structure of different periods. It is very difficult to infer on the basis of these floors that it was an open space.

In figure no. 23-A I differ with the suggestion that these are pillars. It is true that so called pillars are missing in floor no. as shown in figure 23-A. it can be revealed whether there are so called pillar in between the gaps after taking up excavations.

Statement read and verified.

30-01-2006

Cross examination of witness by Shri Ranjeet Lal Verma, Advocate could not be concluded. Put up on 31-01-2006 for further cross examination.

(H.S. Dubey)
Commissioner
30-01-2006

30-1-2006

Dated 31-1-2006 **P.W 31 Dr. Ashok Datta**

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B. M .)High Court of judicature at Allahabad, Lucknow Bench, LKO.

(Commissioner appointed vide order dated 17-1-2006 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta, in continuation of earlier statement dated 30-01-2006, being cross examined by Sri Tarun Jeet Verma, Advocate, counsel for the Plaintiff, of O.O.S. 3/89, stated on oath as under):-

Since this figure 23 (page 42-A) of ASI report vol I does not contain the scale as well as the elevation of different floor Levels it may be considered purely conjectural in nature. We try to reconstruct figures or map on the above base on the actual data available from excavation. I did not prepare such map, in my observation report as shown in figure no. 23. The question is that if datas are available from the excavation that can be utilised for a meaningfull reconstruction of any structure or figure. I had not seen the disputed structure prior to 6th december

1992. I have seen the photographs of the Mosque. I don't remember weather I had seen these photographs from different angle or not. So far I remember the disputed structure was located in the position as shown in figure 23. It is very difficult to accept this map as it does not even contain the north-south direction of the area as such it is very difficult to say that the exact location of the disputed structure was similar and identical to the structure as shown in figure 23. So far I remember there were three domes in the disputed structure as I had seen the photographs and the figure 23 also contain three domes. I do not agree at this point that this type of map with out any scale does serve any purpose. Unless there is scale in the reconstruction of archaeological map or figure I do not accept that as authentic. It may be considered as conjectural. If a figure, as shown in figure 23, also contains details of the measurement in different context and drawn on the basis of that measurement in that situation that map can be accepted. It is an ethics of archaeological science to draw any map or figure that it should be based on measurement. No map can be accepted without measurement or scale.

Black and white album paper no. 201 C-1, was shown to the witness. He stated that photo no. 5 and 6 may be photographs of the disputed structure. The photographs

of the disputed structure as visible in photographs no. 5 and 6 of the above album may be similar to that which is shown in figure 23. I was not concerned with any issue of Ayodhya but I am concerned with the excavation conducted by ASI and since then I became interested in this excavation. My interest developed in this regard since this was very important national issue. The excavation is therefore very important to each and every archaeologist. I am running 58 plus. So far I have heard the dispute regarding disputed structure continued for a long time. I have heard that prior to the excavation by ASI in the year 2003, the excavations were also undertaken by Prof B.B. Lal as well as by some other archaeologist. Possibly this Archaeologist was Prof. A.K. Narayan. I do not have much information regarding the excavation conducted by Prof. B.B. Lal. But I remember the cultural sequence of the disputed site. The excavation conducted by Prof. B.B. Lal was about 35 years ago. My interest with regard to disputed site developed only after the excavation because after demolition of the mosque and by subsequent order of the Hon'ble High Court. The excavation at the site was undertaken by ASI to examine whether there were any temples/structures below the disputed structure. I have full faith in the decision to be given by the Hon'ble court. In para 14 of my affidavit of examination-in-chief, in the first

four line, I have stated that to impress upon the general people as well the Hon'ble judges of the high court, the ASI has taken the help of isometric projection of the excavated site with super imposition of these pillars. It is wrong to suggest that in these lines I have raised any question about the working of the Hon'ble court. My intention to place these facts was that this isometric figure can be avoided by ASI people because this picture of isometric figure presents an impression that as if this is the outcome of the excavation. The meaning of word isometric is that equal dimension and measurement.

Learned cross examiner drew the attention of the witness towards figure 21 (page 42-B) of the ASI report vol I. The witness stated that the floors which have been shown in this figure are correct as four floors were found from excavation and the floors as shown in figure 23-A may be similar as this figure is the replica of floors found in the excavation but my submission on this point is that the figure should have contained the elevation of different floors in the map and in the absence of these details this figure is meaningless. In figure 23-B (page 42-C) isometric view of the excavated site has been shown. I do not accept this view that there have been a very huge structure earlier, on the basis of the so called pillar bases and the conjectured columns as shown in this figure are highly

hypothetical in nature and do not have any ground reality. I agree with this view that duty of the archaeologist is to reconstruct the ancient history on the basis of material evidence. In archaeology there is no hypothetical basis of the science. It is correct to say that an archaeologist can show any reconstruction of any structure or culture or any thing else related to excavation on the basis of material evidence. I do not have much knowledge of architecture since my especialization is in field of archaeology particularly in pre history, proto history and early historical period. I have basic knowledge of structures of religious buildings used by different religious community. In para 9 of my affidavit I have mentioned about Annexure no. 2. The main reason to annex this Annexure with my affidavit is to show the nature of the occurrence of Islamic ceramics. As I have referred in my earlier statement that in archaeology two types of objects are generally found which are called time bound and time less, for example, N.B.P.W. sherds P.G.W. sherds, black and red ware sherds including the Islamic ceramics comprising porcelain glazed tiles, celadon and glazed bricks are some of the time bound ceramics of the Indian history. These ceramics of the Islamic culture occur with in a time (11-12 century) till the end of the Mughal emperor although the tradition of manufacturing continued by the Dutch people.

The beginning of the interaction of these ceramics in India started from the sultanate period till the end of Mughal emperor. In Annexure no. 2 of my affidavit I have pointed out with red and blue colour the occurrence of Islamic ceramic in relation to the so called pillar bases. The blue points are the so called pillar bases.

The red points shown in annexure no 2 of my affidavit indicate the depth of occurrence of Islamic ceramics. The red points as indicated in annexure 2 are taken from the report of ASI. The measurements of the 16 pillar bases are provided in the ASI report. Floor 5 has been shown in annexure 2. The time of this floor can not be ascertained by me right now. Celadon is a type of ceramic used by the Islamic culture people. Celadon is generally of the shape of bowl. In para 10 of my affidavit I have mentioned about the descriptive table shown by ASI. At page 56 of the ASI report vol. 1, details of the pillar bases have been tabulated by ASI. These details have been given on page 56 to 67. The level of the pillar bases are not shown in the chart. Moreover there are many gaps in the chart. These gaps are about the number of brick bats courses, size of blocks etc. in the column 'any other feature'. Some indirect indications of the locations of the pillar bases have been given in the chart but it does not contain the real surface. In the first line the measurement

of the floor is shown while the projection of the so-called pillar base has also been given. I understand at this point that the so-called projected length of the so-called pillar base on floor 2 is 9 cm. In the columns, material and measurements of the orthostats, the measurements of the stone slabs are given in this table. The column containing the material, the stone blocks, number of blocks and the size of the blocks is covered under the heading materials and measurements of the orthostats. In para 10 of my affidavit I have used the words the brick bats deposit which means heaps of broken bricks. In column 3 under the heading 'shape' square, rectangular, circular, irregular shape etc have been mentioned. I have seen this type of shapes formed by the heaps of brick bats. I have seen this type of pillar bases from excavation during my stay at Ayodhya. These types of pillar bases particularly pillar base shown in plate no. 43 was recovered during my stay at disputed site. I can't exactly remember the number of pillar bases which were exposed in my presence. Plate no. 45 of ASI, report vol.2, was shown to the witness who after seeing it stated that this plate relates to pillar base no. 29. It is very difficult to say that whether sand stone blocks have been used in this so called pillar base or not. As far as possible, observed from outside the trench, I had seen the pillar base as shown in plate no. 43 of the ASI report,

vol.2, I can't remember whether there was any sand stone block in trench G-2 or not but some kind of stone was used at the centre of this so called pillar base. So far my knowledge goes the sand stones were used as raw materials right from the time of Palaeolithic period. I have seen this pillar base no. 23 excavated by the archaeologist of ASI as shown in the plate no. 43. I have stated in my affidavit that pillar base no. 23 is not actually pillar base. So far I remember these so-called pillar bases are found immediately beneath the floors which might have been used for stabilising the floors and also for levelling purpose of the floors. In the pillar brick bats have been used where as in the floor possibly lime-surkhi have been used. I can say on the basis of my own observation that the floor immediately below the disputed structure consisted of lime- surkhi. So far I remember some stray brick bats might have been found from the floors. I have already mentioned that floor consist of lime and surkhi while the so-called pillar bases consist of broken brick bats. Obviously pillar bases and floor are different in the sense that the material used in that are different. It is very difficult to make any comment whether the floor as seen in plate no. 43 penetrates into the pillar base or not. As I have mentioned that it is very difficult to make any comment about the penetration of the pillar base into the floor unless

we make a cross section of the area containing the pillar bases.

I have considered this pillar base No. 21, as one of the so-called pillar bases, included in the report of ASI. This pillar base was made by cutting through the earlier floor to rest the above floors on it. I am not talking about the cutting or excavation of the trench which reveals a so-called pillar base in between two floor levels and it appears to me from my observation that this so-called pillar base was constructed or made to rest on the above floor over it. I have stated that some brick bats might have been found over the floor. I have stated today on page 100 that "so far I remember some stray brick bats might have been found "from the floors". The word 'from' used in this sentence means 'over the floor' and not 'within the floor'. Some disturbances are found on the left side of the so-called pillar bases but it appears from the photograph of plate No. 43 that the so-called pillar bases are found imbedded on the floor since the cutting mark is visible in the photograph. Cutting mark is in the right side also. Some broken bricks are seen on the left side of the so-called pillar base which might have been dislodged from the original so-called pillar base. When I used the term 'dislodged' it means, it is a part of the original so-called

pillar base. This might have been dislodged due to pressure of over lying deposits.

I have referred IInd para of the ASI report of page 54 in para 12 of my affidavit. I have referred this para because it has stated that 50 exposed pillar bases to its east were attached with floor 2 or the floor of the last phase of structure 4. It means that 50 pillar bases are attached with floor 2 and subsequently in the same report at page No. 269 the excavator has referred, in the conclusion, that only 4 of the 50 pillar bases exposed during the course of excavation belong to this level with a brick crush floor and on the remains a massive structure with structural phases and three successive floors were attached with it. This statement seems to be contradictory in nature. On the one hand he has stated at page 54 that 50 so-called pillar bases are attached with floor No. 2 and in the conclusion he has referred that only 4 of the 50 pillar bases are found at the level of brick crush floor and over which a massive structure was constructed with successive floors attached with it. This seems to be very confusing because according to the report of ASI the so-called pillar bases are found in different elevation and attached to different floor levels that there were at least successive phases of pillared hall. Now the question is developed in one's mind that if there existed more than one pillared hall then who or how it was

destroyed before the construction of another pillared hall. At page 269 of the ASI report, volume 1, in the last para it has been mentioned that during the early medieval period a huge structure was constructed which seems to have been short lived, as only four of the pillar bases exposed during the excavation belong to this level with a big crush floor. In these lines words 'this level' refers to the level of brick crush floor. According to the excavation it belongs to a level having floor with brick crush materials.

Plate No. 35 of ASI report, volume 2, was shown to the witness who stated that according to this photograph the so-called pillar bases are shown attached to the contemporary floor No. 2. So far I remember the so-called pillar bases are not found in exact alignment. I have observed the reason for the different elevation of the so-called pillar bases. It appears to me that the so-called pillar bases were used to establish the floor and maintaining the level of the floor in different stages. At page 5 in the 5th line from the top I have used words 'brick crush or brick jelly floors', the meaning of these words is that when burnt bricks or dust of the burnt bricks are used in the powdery form.

At page 5 under clause (f) I have mentioned, that there were successive so-called pillared halls, if we accept the observation of ASI. With reference to sub clause (g) at

page 5 of my affidavit I have never suggested the existence of pillared hall. I maintain to state that these so-called pillar bases are not actually the pillar bases of the so-called pillared hall. It is totally wrong to suggest that there existed a large pillared hall before [illegible] of the mosque.

Learned cross examiner drew the attention of the witness at page No. 37-A of the ASI report, volume 1, (Tentative periodization of the disputed site at Ayodhya). The witness stated that in the last column periods have been shown. The excavator has himself written the word 'Tentative' which means it is approximate period, which can be accepted. I was not present all through the excavation of trench G-7 and J-3, but occasionally I was present. I have great doubts about trench J-3 which ASI people have shown as index trench. This is great violation of Archaeological norms, because trench J-3 does not contain stratified material.

In figure 22 (page 39-C) of the ASI report, volume 1, deepest trench J-3 have been shown in para 16 of my affidavit ,I have mentioned at page 7 that 'this is an incorrect statement..... filling materials'. I have said it as incorrect statement because the materials of trench J-3 were not stratified. It was filled with filling or dumped materials. In figure 22 of the above report by examining the photograph one can not say whether this is stratified

material or dumped material. The stratification of this trench J-3 by ASI is totally wrong. In para 16 of my affidavit at page 7 in para 2 I.have stated that 'moreover the pit materials should always be kept separately and marked as pit no.1, pit No. 2 and so on and so forth'. Pit No. 1 and 2 may have been in a trench which may contain the number of pits. The whole materials of the trench or part materials of the trench may comprise of filling materials. These materials should be kept separately, showing as pit No. 1,2 or 3 as dumped material. Obviously the pit or dumped materials provide the best or large number of the antiquities but in Archaeology materials from pits or dump do not have any relevance for the reconstruction of the sequence of the site. In figure 22 a pit is shown in the section of trench J-3. The excavator himself has admitted in the conclusion that the layer markings of J-3 are superficial although they have utilised the materials of this trench as stratified in their chart. This is gross mistake on the part of ASI. Moreover the excavator has admitted in his earlier progress report that the eastern part of the mound was filled up by debris upto 4 meters in the eastern side where trench J-3 is located. In the last 4 lines of para 16 of my affidavit I have stated that dump/pit always yield best quality antiquity which means that it is well known to each and every Archaeologist that

best quality antiquities are always found from pits and dumps. ASI should have not included the Archaeological material of trench J-3 in the list of the stratified objects. I have seen trench G-7 but the bottom portion of this trench was so deep that it was not possible to observe the section but I do not have any objection of this trench. I am not sure about the depth of trench J-3, therefore its approximate depth has been mentioned by me in affidavit of examination-in-chief.

Statement read and verified.

31-01-2006

Cross examination of witness by Shri Tarunjeet Verma, Advocate could not be concluded. Put up on 01-02-2006 for further cross examination.

(H.S.Dubey) 31.1.2006

Commissioner

31-01-2006

Dated 01-2-2006 **P.W 31 Dr. Ashok Datta**

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B. M .)High Court of judicature at Allahabad, Lucknow Bench, LKO.

(Commissioner appointed vide order dated 17-1-2006 of Hon'ble Special Full Bench of Allahabad High Court, Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta, in continuation of earlier statement dated 31-01-2006, being cross examined by Sri Tarun Jeet Verma, Advocate, counsel for the Plaintiff, of O.O.S. 3/89, stated on oath as under):-

I don't have any idea about the GPR survey conducted at the disputed site prior to the excavation in 2003. I was not aware about GPR survey, therefore I did not ask about it to any person. I have gone through both the volumes of ASI report before preparing my affidavit of examination in chief. So far I know under High court orders the excavation was undertak by ASI and there by to examine there was any temple/structure below the mosque which was demolished. I don't have any detailed idea about the suit pending before this court. I know that

the dispute which pending before the Hon'ble Court is between two communities. In para 5 of my affidavit order passed by Hon'ble High Court regarding excavation is mentioned. I came to know about this order before I came at Ayodhya. The contents of the order of court was communicated through news paper as well as discussion with other colleges of my university. So many persons from my university were also there at excavation site at Ayodhya.

Since my field of investigation is eastern part of India I was never interested in the dynasty rule of the adjoining region of Ayodhya. I have heard about the Gaharwal dynasty but I have no detail idea about it. I am not in a position to describe the Dynasties rule of Gaharwal rulers. Since it was not concerned to my research area I did not find it necessary to know about regional dynasties. Regarding my affidavit I have mentioned only the technical points of the excavation in dispute. History is a part of Archaeology. It is wrong to suggest that we pay attention only to the technical parts of excavation setting a side the history of the area. But in the present case since I was not directly involvedin this excavation I did not feel it necessary to know in details about the local history. It is wrong to suggest that I have submitted my affidavit about the excavation without observing the excavation. If I am an

excavator I must study the geological features, geological aspects as well as the local history of the area before undertaking excavation. I was present at the excavation site at Ayodhya as an observer. My function was to see and observe about the excavation methods and materials which are exposed through excavation and to study them properly. This is totally out of ethics on the part of archaeologist to make any comment on the site. Some objection was raised by me with Mr. Z. Jilani so far I know some objection were made by Shri Z. Jilani, Advocate regarding excavation in dispute. I had made some comments to Mr. Z. jilani who on behalf of the submitted the objection . So far I know Shri Z. Jilani represents Sunni Central Bo ıd of Waqf. ASI people did not fallow all the norms of archaeological ethics. Plate no 82 and 83 of ASI report vol. II were shown to the witness who stated that stones slabs possibly of black basalt with some decorative moti s can be seen in these plates. Black basalt is a kind of rock which is igneous rock. There are three types of rocks they are called Igneous, metamorphic and sedimentary. The Igneous rocks is a kind of rock which originates from volcanic irruption. I don't have any idea about the use of black basalt in Ayodhya region but I can state that this type of rock was extensively used in eastern

part of India. These stones are basically used for the purpose of sculpture.

Learned cross examiner drew the attention of the witness towards paper no.200 C-1 after seeing photographs no. 122 and 123 the witness stated that it appears to me from the photographs that the stones used in stone pillars is possibly black basalt. It appears that the pillars which are seen in paper 122 and 123 are similar to that as shown in plate 82 and 83 of ASI report vol. 2. It is very difficult to confirm to it on the basis of the photographs. Photograph no. 141 of the coloured album and the stone slab which is visible in plate no. 83 Of the ASI report vol. 2 appear similar but they are not identical. But it appears that they are similar. Pillar as visible in photograph no.143. appears similar to that which is shown in plate no. 82 of the ASI report. I don't agree with this point that these black stone pillars were used in so called Ram Janama Bhoomi because there is no existence of such temple at disputed site at Ayodhya.

As an archaeologist at least I have that amount of knowledge to differentiate between mosque and temple. I don't have any idea whether this type of stone slabs having decorative motifs were used in the mosque or not. In plate no. 83 there are flower design on the stone slab. lower part of this stone slab is not distinct and clear.

After seeing plate no. 83 with the magnifying glass the witness stated that some objects are visible in this stone slab, they appear to be lower part of a figure. But whether it represent human being or any thing else is difficult to ascertain because the foot is shown in different way then the man. In the centre of this plate it gives an impression of a 'Ghat with flower'. I don't have any idea wether these type of decorative motifs are used in mosque. But flower motives and design are often used in mosque. I do know that believers of Islam do not use icons. So far I know the Muslim architecture contains flower design and motifs but I have not seen any decoration with Ghat or figure as suggested by Learned cross examiner.

Plate no. 105,108 and 112 were shown to the witness who after seeing these plates stated that these relate to human figure. These figurines were recovered during excavation. It is totally wrong to suggest that by the term gross Omission, Pre conceived notion, utopian, superimposition etc have been used by me to suggest the report as wrong. I have only suggested in my affidavit only some omissions and mistake. This is totally wrong to suggest that ASI people followed the rules and ethics of Archaeology in toto. Video-graphy and draftsmanship are part of the excavation process which the ASI people maintained in the course of excavation. It is totally wrong assumption

that there existed a fifty pillared based hall below the disputed structure. The submission of the report within a sort span of time shows ability on the part of ASI, people but more time was required to preparing such type of report. It is wrong to suggest that the antiqu found from the excavation indicate that there existed a north Indian type of temple below the disputed structure, because with out any ground plan no body can construct the actual structure. The ASI people have prepared the report in consultation with other excavators present during the excavation. But in preparing the report they have made some mistakes. It is wrong to suggest that I am expressing my views on excavation in dispute for the sake of Muslim communi as I have stated in my affidavit that I have nothing to do with other issues of the religious affairs. This is totally wrong to suggest that I am speaking keeping in view the interest of Muslim community I have only pointed out some technical mistakes perpetuated by the ASI people while preparing the report.

(Cross examination by Shri Tarun Jeet Verma, Advocate on behalf of the plaintiff in O.O.S No. 3/89 concluded.)

(Cross examination on behalf of defend No. 20, Shri Madan Mohan Gupta, in O.O.S No. 4/89 by Kumari Ranjana Agnihotri, Advocate)

X X X X

This correct to say that I was born and bought up in West Bengal. It is also correct to say that I born in S c rd Banga Bhoomi. It is correct to say that Swamy Vivekanand was born in this land. It is also correct to say that Shri Ram Krishna Param Hans was also born in West Bengal. It is also correct to say that the " tum mujhe khoon do main tumhey azadi dooga" also came from this land. I know about the life of Shri Ram Krishna Param Hans Dev. I have not gone any specific book on Ram Krishna Param Hans, but he is known to each and every man of Bengal and as well India. I have also heard Chaitanya Maha Prabhu who was also born in Bengal. I don't have any idea whether Ram Krishna Param Hans practise Vishnus m or not. So far as I know he was a worshiper of Goddess Kali. I don't have any knowledge about Shikha Sutra and about Darshan of Ram Lala by Ram Krishna Param Hans Dev. He was a believer of Goddess Kali. It is known to most of the people of Bengal that Ram Krishna Dev was associated with the Dakshineshwer- Kali Mandir. I know this fact because thousands of people used to go Dakshineshwer Kali Badi

for worship each and every day. It is true that devotees from all over India visit Dakshineshwer Kali Mandir every year. I can assume that Dakshinershwer was built around 200 to 300 years ago. The distance of this Mandir from my residence is about 20-25 kilometres. The distance of this temple from Calcutta university (Alipur Campus) is between 15-20 kilometres. The Navratra Durga Puja which falls in the month of October is very famous Puja of Bengal. I used to go to Dakheswer Kali Baadi temple but not any particular occasion. Volunteered I had visited the temple about 2 -3 years back. I know that 'Shankhs' is very auspices to the Indian people.

Ques: do you know that 9 articles are significant in regard to worship Goddess Kali.

(learned counsel Shri. Abdul Mannan, Advocate raised objection that this question is irrelevant there fore can not be permitted to asked)

(in reply to the above examination learned cross examiner submitted that above question is wholly relevant and the objection raised in order to waste the time of this court)

Ans: May be but I don't have any specific idea about these 9 items.

The articles Sankhas, Chanwar, Deep, Alta. Sindoor, Sakha, Paula, Bindi and Bichiya may be important items in relation to the worship the Kali. But whether

these objects are required for the worship of Kali Puja or not, I am not sure about it. I have attended so many marriage ceremon of Bengali community. So many things are required in the marriage ceremony, but I can remember Dhan and Durva in this regard. It is correct to say that fish is also considered auspicious and forma at the time of marriage ceremony. I know that fish is an auspicious item of the Bengali marriage ceremony and some time the replica of fish are presented during marriage ceremony. Sound of the Sankhs is very auspicious both in marriage and worship as well as uludhavani which is generally perform by the female . So far I remember I have not heard the sound of Sankhs in Kali Puja. I have seen and also in the Arti the sound of the Ghanta as well as the sound of Sankhs. I used to worship Satya Nar Puja. I know that Sankhs is part of ritual of Hindus. At the time of Satya Nara Puja Saligram are generally brought by the Purohit for the worship but the Purohit never disclosed it to any person. They used to make the sound of sankhs during the course of Puja. I do not have any idea whether Sankhs has any scientific significance. I don't have any idea doctors recommend the use of Sankhs for the purpose of in connection the treatment of the ear. I don't have any idea Dr. Braiyan of Berlin University had submitted any report in 1929

recommending the use of the sound of Sankhs in treatment of tuberculosis. Making sound of Sankhs is a traditional of our rituals. Since I do not know about the fact that sound of Sankhs makes the bacteria inactive within the range of 2200 cubicfit. So far I know Sankh is very popular ritual item of the Hindu, but whether this type of instrument are used by other community or not, I do not have any idea about it. I know about Nimai Sanyasi. I know that Nimai Sanyasi was a Vaishnav and worshiper of Lord Vishnu.

It is very difficult to precisely mention the number of temples I visited in my life. The temples which I visited belong to Goddess Kali. There are very few permanent Durga temples in West Bengal. After the performance of Durga Pooja the idols or emersed in the river Ganga. Saraswati Pooja is also a very popular ritual worship. I know that during Saraswati Pooja books are placed before the Goddess Saraswati and other part of the rituals are performed by Purohits. I have seen the image of Saraswati. Saraswati is also accompanied by 'Hans' as well as 'Veena' and 'Books'. I have not noticed any 'Devi yantra' at the entrance gate of Dakshineshwar Temple. When I visited Dakshineshwar Kali Temple I used to go there as a worshipper, not as a Archaeologist. It is true that I came at Ayodhya as an Archaeologist not as a worshipper. I have

visited many temples in Orissa including Jagannath Swami. I don't have any knowledge about the fact that images of Toran Ganpati and Krishna Yantra or on the entrance gate of Jagannath temple or not. I visited temple as a worshipper. Since I was not involved with the excavation of temple structure of any site the question of visiting any temple as an Archaeologist does not arise. I have no rivalry. I have already stated this question that if I am involved in any excavation or the excavation is directed by under my direction, it becomes obligatory on my part as an Archaeologist to have knowledge about Geology, Geography and history of the area before undertaking excavation. It is equally important to know the historical background of the area on the part of the Archaeologist who is undertaking the excavation. To know about the historical importance of site the sources of historical background of the area can be derived from literary sources but we the Archaeologists depend much on material evidence than on literary evidence. The literary evidence is a primary source to inquire that whether these are materially available. I have mentioned in my earlier statement that since I was not directly involved in the excavation at Ayodhya it was not obligatory on my part to know the political history of the area. It is wrong to suggest that I have wrongly stated in my affidavit, I have

only suggested some technical points of the excavation and I did not mention any thing about the history. It is true that I am not directly involved in this excavation. It is totally wrong to suggest that I with held the PHD. Degree of Miss Banani. I belong to Calcutta University and Banani has been registered as research scholar in Vishwa Bharti University (Shantiniketan).

At page 14 of my statement recorded on 20-1-2006 I have stated that "there was a student of mine whose name is Banani Bhattacharya, who informed me about the said excavation and had requested me to come at Ayodhya", it is totally wrong to suggest that I had threatened Miss Banani in this regard. I can understand Hindi little but I cant read or write it.

I have little knowledge of numismatic because it was a part of my M.A. syllabus. Numismatic is a study of coins. It is not necessary for an Archaeologist to know about epigraphy if necessary he can take help of an Epigraphist. I have read the history of India in my childhood but I have some basic knowledge about the ancient history of India. I have heard the name of Ujjain and Maharaja Vikramditya. I have also heard the name of Mathura, because in my affidavit I have referred the name of this place. I have also heard about Varanasi. I have heard the name of Ayodhya at different occasion. I have

read about Ayodhya during my academic career at school level. I have heard the name of Lav and Kush. I have also heard the name of Maharaja Dashrath. I have read about him during my childhood. I have heard that Dashrath had a large kingdom and a big palace. I know that Ram was born as son of Rāja Dashrath. I have also read that Shri Ram was married with Sita who was princess of Janakpuri. I have not visited Indonesia. I know that Ayodhay is an important sacred place for Hindus. I have not read Ramayana in Bengla language but I have heard that there is Ramayana in Bengali language. I don't know whether it is recited at the temple of Dakshineshwar or not. I don't have any idea about Ramanandi sect of Vaishnavis. There are so many Vaishnav's in Bengal. I know about Ram Krishna Mission. The followers of Ram Krishna Mission may be the worshipper of Goddess Kali but I don't know exactly about it. I have already stated that I perform Satya Narayan Pooja at my house but I am not Nimai Sanyasi or Vaishvavis or the follower of Ram Krishna Mission. Volunteered I do not have any idea about the religion practised of Ram Krishna Mission but so far as I know Ram Krishna Mission is an institution whose major purpose is render social work in different forms. I did not have the opportunity to visit the Maths of Ram Krishna Mission Institution.

I have gone through the report of ASI but I can not remember each and every sentence of the report right now. I used to stay at excavation site of Ayodhya during the time of excavation.

The entire excavation site was divided in five parts. Generally a mound is divided into four quadrant North-South, East-West.

Statement read and verified.

01-02-2006

Cross examination of witness by Km. Ranjana Agnihotri, Advocate could not be concluded.

Put up on 7-2-2006 for recording of further cross examination of Dr. R.C. Thakra (P.W.30). The date for further cross examination of this witness by Km. Ranjana Agnihotri, Advocate will be fixed later on.

(H.S.Dubey) 1-2-06

Commissioner

01-02-2006

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Dated 20 -2 -2006 **P.W 31 Dr. Ashok Datta**

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B. M.)High Court of judicature at Allahabad,Lucknow Bench LKO.

(Commissioner appointed vide order dated 15-2-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta, in continuation of earlier statement dated 01-02-2006, being cross examined on behalf of defendant No. 20, Shri Madan Mohan Gupta, in O.O.S No.4/89, by Kumari Ranjana Agnihotri,Advocate stated on oath as under)

I have heard the name of Pandit Ishwar Chandra Vidyasagar. I and Pandit Ishwar Chandra Vidyasagar belong to the geographical boundary of West Bengal. He was a reformist and he did a lot to spread education and other social work in West Bengal. I don't know the meaning of 'Rastravaadi' but every Indian is 'Deshpremi'. I don't have any idea whether Ishwar Chandra Vidyasagar wrote any poetry or not. I have also heard the name of

Jagdish Chandra Bose. He was a great scientist. There are many temples at Ayodhya which may belong to 300-500 years but I don't have any idea about the earliest or oldest temple at Ayodha. I have not visited 'Nageshwar Nath' temple at Ayodhya. I know that disputed excavation site is divided into 5 areas. The first area is eastern area, second one is western area, third is north, fourth is south and the last area is the raised platform. The excavation at disputed site might have been comenced from eastern side but I don't have any idea beacause when I came here I found that the excavation was going on in all the four areas.

Q. In such a important excavation you did not try to make any enquiry as to from which side the excavation started. Can you explain it?

Ans. I did not find it necessary to ask which area was taken first for excavation because an archeologist, where an excavation is conducted in a mound, observe the sequence by cheking the sections. I have observed eastern part of the mound carefully. It may be that 17 trenches were dug in the eastern part of the mound.

Q: Don't you exactly remember the number of trenches in the eastern side of the mound?

Ans. I did not count exact number of trenches taken by ASI in the eastern part but I observed the sequence of area very carefully.

This is not correct to say that I did not study the area, an archeoligst the sequence of an area can be observed by studying one or two sections of the trenches in that area. It is correct to say that trench J3 was dug upto the level of 10.83 meters approximately.

Q. Whether there was lime floor in trench J3?

Ans. It appeared to me from the surface of the trench and I did not observe any lime deposit in this trench. It appeared to me from the surface that the whole deposit of trench J3 was dump/distrubed material.

By 'distrubed material' I mean that when the material is disturbed by human agency or by natural process. I have seen in the report of ASI that inscription has been found from trench J3 but according to my observation it was dump/disturbed material. I did not have any scope to see this inscription personally.

Q. Whether any person informed you about any inscription wherein 'Anangpal' was written in 'Nagri' script?

Ans. Nobody informed me about it nor I did have any idea about this inscription before the publication of this ASI report.

We had a paper of a paleography in our M.A. course but since my specialisation is in the field of pre-history I did not persue the subject of paleography. I know about hearth (Chulha). Hearth is generally found in domestic area.

Learned cross examinor drew the attention of the witness towards plate no 2 & 3 of ASI report volume 2. The witness on being asked replied that it is very difficult to assume the presence of 'Chulha' in plate 2 & 3 because Chula must contain the evidence of Charcole or other thing which was absent in this picture.

Q. Whether remains of hearth (Chulha) were found at the disputed site in trench J3.?

Ans. I don't have any idea whether remains of hearth were found in trench J3 or not. Possibly there was a tree in the eastern part of the mound. I don't know about the 'Maulshri' tree. I have heard about the tooth paste 'Vico bajradanti' in T.V.

It may be possible that there would have been 'Maulshri' tree in disputed site. I don't have any idea whether there was any Sant Niwas or not. Similarlliy I have no idea

whether the branches of tree were used by any saint (Sadhu) or not. I have never seen any Mosque where food is prepared or cooked. I perform 'Satya Narayan puja' occassionly in my house but it is not possible to remember the rituals or mantras of puja. I don't have any idea about 'Srivatsa'. It is possible that ASI may have found some symbol of 'Srivatsa' in J3. I have not personally seen that object. I have only seen the photographs which are given with the ASI report. Voulunteered to say that in ASI report vol. 2 regarding antequeties they have referred 2 or 3 photographs with cultural sequence and trench number while the majority of the photographs are without any cultural sequence and layer number as well as trench numbers. This is a mistake on the part of ASI. Plate number 88 of ASI report vol. 2 was shown to the witness who stated that the motif which is shown in this plate definetely belongs to Hindus but this is a symbol which may be connected with the Hindu religion.

It is true that 23 trenches were taken up in the southern area of disputed site. I was present occasionly when this area was being excavated. The southern part of disputed site is adjacent to the make-shift structure. When the excavation was going on Ramlala was placed in make shift structure. It is correct to say that court had directed

that the area which is covered by make shift structure should not be disturbed. The court has also directed that Puja and Arti should not be disturbed by the excavation. The area of make-shift structure is approximately 10 x 10 meter. So far I remember, now there were one or two trenches which were taken up in the raised area.

I have been associated with the 7 excavations details of which have been given in para 3 of my affidavit. The excavation at Pakhanna, Bankura, West Bengal shows that the entire historical deposit is disturbed or dump material.

Q. What were the differences between the result of these seven excavations and the inferences drawn by you relating to these excavations?

Ans. There is no question of disagreement regarding the excavation conducted at seven different places which are mentioned in para 3 of my affidavit because we have stated what we have found in the excavation. I accept the result of excavation of these seven sites and also the report published by us in this regard.

Pakhanna was excavated for a number of years and initially Prof. Chitralekha Gupta was director of the excavation possibly for four years and I was director of the excavation of the same site for one year. I was an associate excavator with Prof. Chitralekha Gupta, who was the

director of the excavation. I was team leader at Pakhanna for one year only and at Dantan for one year but so far as other excavations mentioned in para 3 of my affidavit are concerned, I was only associate excavator in these excavations. The team leaders of these excavations were other persons. I attended the excavation at Mathura in 1977 as a student of the department. So far as I remember the excavation at Mathura was undertaken at Gridhkut. During this excavation at Mathura I was satisfied with the working of ASI. The director of this excavation was Sri M.C. Joshi.

Q. You are only dissatisfied with the functioning of Sri B.R. Mani for excavation at Ayodhya. What would you say in this regard?

Ans. The excavation conducted by Sri B.R. Mani was not conducted properly and nor the report was presented seriously. By 'seriously' I mean that there are deliberate and/or undeliberate mistakes in the report. I do not know about the other excavations conducted by Sri B.R. Mani, but in the present excavation at Ayodhya there are many lapses in the report. I have not gone through any other report relating to some other excavation by Sri B.R. Mani. I have heard the name of Sri B.R. Mani as well as of Sri Hari Manjhi but I don't have any personal contact with them. This is wrong to suggest that without having any

knowledge about the previous report of Sri B.R. Mani and without knowing about his working, due to any pre conceived notion, I have made false allegations against B.R. Mani. I have come here in Lucknow for the purpose of cross-examination. It is wrong to suggest that I have come here at the request of Banani Bhattacharya. I stay in a hotel in Lucknow.

Q. You have annexed Annexure 1 with your affidavit of examination in chief inwhich you have mentioned your experience but no where in this annexure it has been mentioned that any lapse or fault was found by you during excavation in which you took part. What would you say in this regard?

Ans. So far as my knowledge goes the excavations which I conducted or associated with are perfectly alright and in case of any critisism of the report I will welcome it.

I was Ph. D examiner in Archaeology at Deccan College, Pune. I have mentioned in my affidavit that I will chair a session in the conference of Archaeology to be held in Manila in Phillipines from 20th to 26th March 2006. The scholars in the field of Archaeology will decide whether I am expert of Archaeology or not. Going to foreign countries is a kind of recognition of my work. Generally I used to attend seminar and conferences outside India and

presented papers relating to my research activities and there was no occasion of disagreement on any specific excavation being conducted by me and most of the presentations were published in different journals and proceedings.

Q. You are giving above statement because you don't understand the excavation report published with regard to excavations conducted outside India similarly since you have not gained any monitory benefit therefore you are unaware of these reports. What would you say in this regard?

Ans. This is totally wrong.

The excavation which was conducted at Koln in Germany was conducted the team leadership of a foreigner. The excavation at Koln was conducted by Prof. Bosinosky of Koln University and I was there to learn the methods and techniques of excavation for sometimes and after words I do not have any idea whether the report of Koln was published by Prof. Bosinosky or not. I was there in Germany to learn the methods and techniques of excavations.

Q. When did the Germans start excavation?

Ans. So for as my knowledge goes the Germans are also pioneers in the field of Archaelogy alongwith french

and british people and the initial history can be traced around 18th century AD, but I can't remember the precise date. I did not participate in the excavation conducted at Koln, I did not take part in this excavation directly. I had studied the techniques and methods of excavation and also learnt how to make analysis of the objects found from excavation.

Q. Since you had gone in Germany only to learn and observe the excavation therefore you did not bother to know about the result of this excavation nor you had made any notes regarding it. What would you say in this regard?

Ans. It is indeed true that I was present at the excavation site to observe and learn and I did not take any notes of the excavation finds since I was not directly involved in the excavation. Moreover I was attached with Nurenburg University where from I was deputed to the excavation site at Koln for a few days. This is not correct to say that preparation of notes is unnecessary whe a person takes part in excavation to observe and learn its procedure. He may take notes if finds it necessary. Since I was in the excavation camp for a very short period of time and my whole stay in Germany was for three months only I did not find enough time to search for the report of this excavation and other things.

Q. You stayed in Germany for three months but do not know about the report of excavation conducted at Koln whereas in case of excavation conducted at Ayodhya you remained for 3 days and knew each and every thing regarding this excavation. What would you say in this regard?

Ans. In Germany particularly in Koln I was a student and when I came to Ayodhya at three different occasions with a total duration of 7 to 8 days each, there was a hell of difference because in Germany I was a student and here at Ayodhya I came as a mature person.

Q. You had gone in Germany in 1982 whereas in 1981 Ph. D Degree had already been awarded to you whether you were not an experienced person in 1981 even after award of Ph. D. Degree. What is your reply?

Ans. I went to Germany with post doctoral fellowship by the German Government which means to study further after Ph. D. work. This is a very common practice even in India.

Q. If objections were filed by you with regard to excavation conducted at Koln then fellowship would have been cancelled and monetory benefit gained by you would have been recovered from you therefore out of these fears

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you did not file any objection regarding the excavation conducted in Germany. What is your reply?

Ans. This is totally wrong.

Statement read and verified.

as on 20-02-2006

20-02-2006

Cross examination of witness by Kumari Ranjana Agnihotri, Advocate could not be concluded. Put up on 21-02-2006 for further cross examination.

H.S. Dubey 20.2.2006
(H.S. Dubey)
Commissioner
20-02-2006

as on 20-02-2006

Dated 21 -2 -2006 **P.W 31 Dr. Ashok Datta**

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B. M.)High Court of judicature at Allahabad,Lucknow Bench LKO.

(Commissioner appointed vide order dated 15-2-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta, in continuation of earlier statement dated 20-02-2006, being cross examined on behalf of defendant No. 20, Shri Madan Mohan Gupta, in O.O.S No.4/89, by Kumari Ranjana Agnihotri,Advocate stated on oath as under)

I went Ayodhya as an observer. I did not take part in the excavation. During observation, relevant facts or points may be noted down. The points which I have observed during excavation are - first relating to the show pillar-bases, its position, alignment and other related factors, the second point which I noted is the excavation of J3 trench, the third point noted by me is regarding the occurrence of glazed wares, porcelain and other ceramics. I discuss with Mr. Z. Jilani, Advocate on the above points but all the points have not been mentioned

in the objection filed by Sunni Central Waqfs Board. The objection was prepared by Sri Z. Jilani and was submitted in Court on behalf of the observers. The Court had directed regarding excavation to see whether there was any structure temple below the disputed structure. I have heard about this order of Court from different sources including newspapers but I have not seen the original order of the Court. Before going excavation site I was aware about the gist of order passed by Hon'ble Court.

Q. Keeping in view the order passed by the Hon'ble Court you did not try to observe anything in respect of temple. What would you say in this regard?

Ans. This is not true because I observed some black bassalt pillars in the Eastern part of the mound. So far I know these black bassalt pillars (Kasauti Pillars) were found from excavation.

Stray stone objects were lying here and there at the disputed site. By 'Stray' I mean lying here and there. These objects were not found from the excavation but they were present there before excavation. It is very difficult to assign them any particular structural phase because these stones were fragmentary in nature. They may be part of a pillar or may be some other architectural objects.

Q. You were not sincere during observation when you went there with a pre-conceived notion to find fact in

support of the objections filed by Sunni Central Waqfs Board. What would you say in this regard?

Ans. This is totally wrong.

I was there at excavation site on the request of Sri Z. Jilani, who is counsel for Sunni Central Waqfs Board. I went there at the request of Sri Jilani. I have repeatedly told in my earlier statement that I have nothing to do with other issues of the site. I was only concerned with the excavation methods and techniques and if I was invited by other parties I would have gone there at their request. It is wrong to suggest that I will speak on behalf of the parties whom I represent. I wanted to see the excavation and Mr. Jilani offered me a chance to come as observer and I accepted the proposal.

The attention of the witness was drawn at para 6 of the affidavit of examination in chief. After going through this para the witness stated that the facts mentioned in this para are true on the basis of my personal knowledge and belief, based on records. These facts have been mentioned in the verification clause of my affidavit.

Q. Which portion of paragraph 6 of your affidavit is based on reocrds?

(On the above question Sri Abdul Mannan, Advocate raised objection that in 'belief' both the things that is knowledge and belief are included. belief can be through

other sources also. Sri Z. Jilani, Advocate also raised objection on the above question and submitted that this is a purely legal question and the witness is not conversant with the legal procedures and requirements of verification etc. Therefore this question should not be allowed to be asked.)

(In reply to the above objections learned cross examiner submitted that the witness is being mislead by learned counsels making objections and they are suggesting reply. Such type of technical questions were asked by the learned counsels at the time of cross examination of my witnesses.)

Ans. The entire report of the ASI is one sided and the datas of finds recovered from the excavation are placed in a way to confuse to come to any conclusion.

These facts have been mentioned in para 6 of my affidavit. Without getting any direct evidence of temple the ASI has concluded that possibly there existed a north Indian temple. This is a gross violation in the sense that without having any ground plan of the temple no-one can conclude about the existence of a temple below the disputed structure.

Q. You are not giving reply of my question and answering the questions being biased. My question was that which is the record on the basis of which you have mentioned the facts given in para 6 of your affidavit. What is your reply?

Ans. This is totally wrong that I am biased. I have mentioned in my affidavit some of the points which are very relevant to the excavation and the excavator (Team Leader) has presented in his final report the Archaeological data in a different way to achieve some objectives. I am citing one example i.e. when the porcelain, glazed ware, celadon are found from different levels of the excavated site he has referred them as in significant and thereby concluded that these are of no importance but in reality they are found from different levels of the disputed site.

Q. Again you have not given the reply of my question and you are wasting precious time of Court by giving misleading suggestions.

(Sri Z. Jilani, Advocate raised objection that learned cross examiner is trying to cowdown the witness by putting the same question again and again and by saying that the reply is not being given while the witness is pointing out about the records which he has referred.)

(In reply to the above objection learned cross examiner submitted that the witness is not giving reply of the question therefore this question is being asked repeatedly.)

Ans. I have already pointed out one example why I have said 'one sided report'. The second point which I would like to add that the materials of trench J-3 have been the used extensively by

excavator which he should not do, because the trench is entirely a dump or disturbed trench.

In 6th line at page 137 of my statement I have used the words "porcelain glazed ware", these words have not been used in para 6 of my affidavit because para 6 is summary of the whole observation. This kind of situation did not arise earlier therefore there was no question of raising objection in the past.

Q. Whether these situations are related to monetary or personal gains?

(Sri Z. Jilani raised objection that this sort of accusation is being made by the learned counsel during cross examination again and again and it is highly objectionable and defamatory. Sri Abdul Mannan, Advocate also raised objection and submitted that the entire suggestion of learned cross examiner must be struck off.)

(In reply to the above objection learned cross examiner submitted that the witness is not given direct reply to the question took to him and the witness is compelling me to ask such type of questions.)

Ans. This is totally wrong.

I know about Babar. He was foreign invader and came to India. I don't have any knowledge whether he looted the jewellery and precious gems and stones and took it to Kabul. I don't have any idea whether Babar destroyed

any 'Pathshala' or not. Though I do not have any specific knowledge about destroying of villages or arson or looting of property by Babar but it is likely. When a conqueror conqurs a country destruction follows.

Q. How much you know about the Muslim habitation in India?

Ans. I have many friends and students of the Muslim community therefore I know little bit about them.

Q. You have used the words 'Muslim habitation' in para 9 of your affidavit. What do you mean by these words and whether you have obtained any degree regarding study of Muslim habitation?

Ans. I have stated in my earlier statement that there are two types of Archaeological objects one is called time bound and other is called timeless. The NBPW, PGW are time bound ceramics,similarly glazed wares and porcelain are also time bound which are found to be associated with Muslim culture. Moreover I had the opportunity to excavate a site at Mangalkot in Bwdan district which was a Muslim cultural site and yielded porcelain glazed, ware and other ordinary ceramics of the Muslim culture. I do not have any degree on Muslim habitation. I have mentioned that I excavated a site of Muslim habitation at Mangalkot in Bwdan district therefore it is wrong to suggest that I have no knowledge about Muslim habitation.

Q. Are you aware that in earlier times Muslim women were not allowed to enter in the mosques to offer prayers?

Ans. Though I am not very sure about it but possibly they were not allowed in the mosques. I do not have any idea about wearing of bangles by men.

Q. You have come in the Court to depose without knowing anything. What is your reply?

Ans. It is absolutely incorrect to say that I know nothing.

I know that the depiction of human and animal figures prohibited in the Muslim architecture.

so far I remember there was no figure of human beings on the black basalt pillars.

Ques: Are you telling the above fact on the basis of second hand of information or on the basis of your personal visualisation?

(on the above question Shri Z.Jilani raised the objection that when the witness has said that he does not remember, there is no occasion or justification for such a question)

Ans: I have seen these pillars on the eastern part of the mound but I can't remember weather there was human figure or not. Again the photographs of these pillars were shown to me by Shri Verma , Advocate and on examination of these photographs I did not find any complete human figure. Only, so far I remember, there are some lower parts of leg portion. It appears to me that the

pillar which was lying in the eastern part of the mound and the pillar shown in the photographs were identi .. So far I understand these pillars were recovered from the debris where Ram Lala is seated.

Learned cross examiner drew the attention of the witness on following portion of paragraph at page 135- ' I have repeatedly told in my earlier statement that I have nothing to do with other issue of the site' the witness after going through this statement stated that this is not correct to say that I was interested only in the material of the Mosque. From the words ' Other issues' I mean the issues which are related to the religious and other social issue etc and the implication of the excavation results.

Para 11 of the affidavit of examination in chief of the witness was shown to who on being questioned stated that the word ' malafide' used in third line of this para has been used on the basis of my observation as well as the presentation of the archaeological material in the final report of the ASI. Archaeology is a science based on principles and if any excavator violated the rules and regulations of the archaeological norms then the report would be malifi de and may be mi s interpreted. The rules or principles of stratigraphy, recording of archaeological antiquities as well the documentation of the objects have not been properly done in the report. At the time of

.recording of archaeological antiquities there were archaeological personels, there were also observers from both the sides. It is not the question of number of people to be present at the time of recording of the antiquities but it is a question of methods which you applying for recording the materials. There are two methods of the recording of the archaeological materials, these are (1).Triangulation methods 2.Three dimensional methods and all these measurement should be taken from datum line which they did not follow always. Besides this documentation can also be done by photography and drawing. The Archaeological survey of India documented the excavation by photography and drawing but they failed to maintain the scientific measurement of triangulation and three dimensional method. I did not have the opportunity to raise objection with regard to recording methods because I have told in my earlier statement that it is not ethical for a person who is not excavating the site to raise objection to the methods and techniques of other persons. I had told Mr. Jilani, regarding the recording methods of ASI but whe he has submitted it in the form of objection I am not very sure. This fact was told by me only to Shri Jilani, and not to any other person of Sunni Central Waqf Board. I do not know about Shri Mohammad Hashim by name or any other person of Waqf Board. If I

see Mr. Mohammad Hashim only then I can tell whether he was known to me or not. It is wrong to suggest that I am not conversant with the techniques and practical methods of the excavation. I know the word 'palaeoantology'. Study of fossils is done under this subject.

Ques: How a skeleton is formed?

Ans: the flesh of any species including animal and human beings decomposes overtime the bon part becomes a skelet on. The fossil is a different thing for fossilisation it requires callcium corbonete which transforms the skele ton or the bone into fossils which is as good as stone.

The scientific method of excavation inculdes the principles of startigraphy which is based on proper identification of layer. It is true that the excavation should follow the rules of scientific methods. If the methods of excavation are not followed properly there are possibilities of misinterpretation of archaeological records as well as destruction of the evidence. Vertical and Horizontal method of excavation relates to the laying out of trenches. Vertical method of excavation is applied to know cultural sequence of a particular area or site.

Q: which method of excavation is applied for excavation of a mound.?

(Shri Z. jilani, Advocate raised the objection that this question has already been asked several times and there fore it should not be permitted to be asked again.)

(In reply to the above objection Learned cross examiner submitted that the context in which this question is being asked has not been put to the witness earlier)

Ans. It all depends on the requirement of the excavator, if he wants to know the sequence of a particular site vertical excavation can reveal the sequence and if he wants to know more in detail about the life, culture and other socio-economic aspects he should adopt Horizental method. In case mound of huge height, say about 100 feet there one can also adopt step method. Both types of excavation, that is horizontal and vertical are complementary to each other because one can not proceed for horizontal excavate on with out knowing the sequence of the site which can be achieved by vertical excavation. If the layer is stratified then the age of the layer can be determined on the basis of the coin found from that layer. Age of the layer can be determine on the basis at coin found from the stratified layer. If the age of the coin or to which period the coin belongs is known then the age of the layer can be drawn on the basis of that find. I don't have any knowledge of Arabic script. I can understand Hindi but I can not read or write it. I can not read Urdu. I have read Sanskrit up to school

level. This is an a age of specialisation and no one can say that he knows every thing related to archaeological studies because it is a combination of different subjects.

Q: In which branch of archaeology you have specialisation?

(Shri Z. Jilani, Advocate raised the objection that this question had already been replied on several time therefore it should not be permitted to be asked)

(In reply to above objection learned cross examiner submitted that this question is being asked in different context which has not been asked earlier)

A: I did my PhD. in pre-history and I teach, in the Post Graduate classes of Archaeology in Calcutta University, pre history and methods of excavations.

I have seen writings in 'Bramhi lipi'. I don't know that an inscription written in Bramhi lipi was recovered or not at RanoPali (Ayodhya). I have not heard the name of Dhandev. So far I know copper coin and Punch coins are the earliest forms of coins in India. I did not have the opportunity seeing the oldest coins found from Ayodhya. I have seen Bull, Elephant, solar symbols in cost copper coins and particular bull symbol in Kushan period copper coins. After coming to this excavation site at Ayodhya I tried to gather knowledge about the Sultanate and Mughal periods. But I am not specialist of this subject.

Q: Just before coming at excavation site at Ayodhya you have learnt about Islamic culture? what would you say about this regard?.

A: This is not true as I mentioned that I was involved in excavation of a site in Mangolkot district Burdwan , which was a Muslim site. More over I had the opportunity to study the sultanate cultural material from Gaur and Pandava which are now kept at Behala museum of state archaeology. What I did I tried to gather more knowledge before coming at the excavation site at Ayodhya.

Q: you did not do any attempt to know about the Vedic culture or gaining knowledge about Hindu temple and religion because you were present at excavation site at Ayodhya as an expert of Sunny Central Waqf Board. What is your reply in this regard?

A: This is not true because the Hindu religious motifs, figures of Gods and Goddesses and art forms of different cultural periods were already known to me. So there was no question of gathering further knowledge about these things. I can tell what are the art forms of different periods as well as the basic traits of different cultural periods.

I know from the literary sources about the symbol of 'Surya Vanshi' or solar symbols. I don't exactly remember wheather sun motifs were recovered from trench no. G-7 or not. Learned cross examiner drew the attention of the

witness at page 231 of ASI report vol 2. The witness stated that at serial no. 28 and 29 there is mention of terracotta dis with sun motif. So far as my knowledge goes it appears to me that layer 19 of trench G-7 belonged to NBPW phase. I would like to add further here that sun motif with radating line are also found from the chalcolethic cultural phase of different sites in India. I have gathered knowledge from literay sources that Raja Dashrath is Surya Vanshi but how far this tradition is carried out generation after generation by the Indian people is a big question mark. I have already mentioned that the sun motifs with radiating line was also present in chalcolethic cultural phases. I know about toe-ring (bichiya). I do not have any idea whe ther toe-ring (bichiya) is offered to Devi Goddess or not but this much I know that toe ring is used by Hindu women. I know that there is a opening for locking purposes in this toe ring.

Learned cross examiner drew the attention of the witness at page 260 of ASI report vol 1. The witness stated that under the captions (copper object at serial no. 2) toe ring with open ends has been mentioned

Statement read and verified.

21-02-2006

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Cross examination of witness by Kumari Ranjana Agnihotri, Advocate could not be concluded.

Put up on 22-02-2006 for further cross examination.

(H.S. Dubey) 21.2.06
Commissioner
21 -02-2006

Dated 22 -2 -2006 **P.W 31 Dr. Ashok Datta**

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D. (R.J.B.B.M.) High Court of judicature at Allahabad, Lucknow Bench LKO.

(Commissioner appointed vide order dated 15-2-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta, in continuation of earlier statement dated 21-02-2006, being cross examined on behalf of defendant No. 20, Shri Madan Mohan Gupta, in O.O.S No.4/89, by Kumari Ranjana Agnihotri,Advocate stated on oath as under)

I have seen all the plates of A.S.I. report vol. 2. Plate no. 91 of A.S.I report vol. 2 was shown to the witness and following question was asked-

Q: Whether the photograph of plate no. 91 is ' Bhoot-Prate Badha Nivarak Yantra' ?

A: According to ASI report this is an Arabic inscription and whether this represent such kind of 'Yantra', I don't have any idea about it.

ASI has given caption of this plate as 'Arabic inscription and Arabesque decoration' I agree with the first part of this caption that is 'Arabic inscription' but I don't agree with the later part of this caption because I do not know exactly the meaning of word Arabesque.

Q: With out knowing about Arabic inscription you have agreed with the first part of this question what is the reason behind it?

A: I have got that amount of faith in A.S.I that they will never do such mistake in presenting an object with a caption.

Q: Since A.S.I has mentioned this inscription as Arabic inscription therefore you have agreed with this description. If A.S.I had mentioned this inscription as ' Bhoot Prate Badha Nivarak, Yantra ' then in that circumstance you would not have agreed with this description. What is the reason behind it?

A: I think that the A.S.I will not do such silly mistake and their by expose themselves of their own mistake. I have heard about ' Bangal ka Kala Jadu', but I have never seen with my own eyes the 'Black Charm' but I understand that the 'Tantriks' generally perform this kind of magic.

Q: whether you know in West Bengal use such type of 'Bhoot Prate Bhada Nivarak Yantra' as shown in plate no. 91?

A: I do not have any idea about it.

I have seen 'Swastik' symbol. It is true that two lines intersect each other at right angle. When we refer the Swastik then we imply its complete picture . The direction of Swastik symbol is clock wise. The cross symbol in Swastik is used by the Doctors. ' Cross' is symbol of Red cross society doing health and human service.

Q: Whether in Vedic books sun is considered as healer of the diseases?

A: The sun is source of life on this planet therefore it affects the life to a great extent. Sun-rays have good and bad effects. I know about 'Reckettes' disease (Sukha Rog), whether this disease the result of the deficiency of vitamin D or not but this much I know that this disease is the result of deficiency of vitamins. I don't have idea whether sun rays are used for the treatment of reckettes or not. It is true that Swastik is used in different ritual occasion and it is used at auspicious occasions by Hindus but whether it has any nexus with the sun or not I am not very sure. I have seen the symbol of 'OM'. This is also symbol of Ram Krishana Mission Institution. I don't have idea about the meaning of 'OM'.

I know about 'Aradh-Narishwar' the meaning of which is half man- half women.

Q: If there is a person which is half man and half women whether it can be called as 'Aradh-Narishwar'?

A: Certainly not.

I know that the word 'Ardha-Narishwar is used for Shiv and Parvati and it symbolises the concept of creation in the Hindu mythology. I may try to identify 'Uma-Maheshwar' in photographs. I have seen the photographs of Uma-Maheshwar but I have not seen their statue. The photographs of Shanker and Parvati are depicted in the photogarphs of Uma-Maheshwar. I think Shanker and Parvati are known as Uma-Maheshwar. I recognise Shanker ji on the basis of Trident, Bull and Damroo. On the head of Shankerji there should be crescent/moon. Snake is also accompanied with him some time. 'Rudraksha-Mala' is also seen in the photographs of Shankerji. If trident is in broken condition then to recognise it I would consult about other symbols. I have visited the temple of Lord Shiv. I have seen these temples in Calcutta and Orissa. I have seen Ling-Raj temple of Orissa. I had gone in these temples as a worshipper. I did not offer water at the time of these visits. I performed Puja through Pandas. I don't know whether water was poured on Shiv-Linga at the time of my performance of Puja or not. I do not remember at this point of time whether I had visited any Shiv temple in northern India or not.

Q: Have you ever seen pouring of water on the Shiv-Linga of any temple in northern India?

(Shri Z.Jilani, Advocate raised objection and submitted that repeated questions about the Puja etc. are totally irrelevant for the matter in issue ; hence such question should not be allowed to be asked.)

(In reply to the above objection cross examiner submitted that the matter of temple is main issue and such type of questions are wholly relevant. Learned counsel for opposite party is inducing the witness not to reply the questions put to him)

A: I have not seen personally this practise in northern India but I have seen it, i.e. pouring of water on Shiv-Ling in the Chandrarshwer temple which is located at the border of Bengal and Orissa provinces.

I have occasionally seen Bengali movies.

Q; whether you have seen the movie 'Pather-Panchali'?

A: Yes, I have seen this movie long back which was directed by Satyajeet-Ray.

Q: Do you remember that when the heroin of this movie was expelled from her house then she goes to a Shiv temple and pours water on the Shiv-Linga?

A: I can't remember this scene.

Asaiwalla

Q: You do not remember the facts or the scenes relating to Hindu temple. What will you say about it?

A: It is totally wrong.

Q: You are deliberately avoiding the answer about the scene of the pouring of water on Shiv-Linga.?

A: This is not correct.

I have heard about 'Shiv-Ratri'. I don't have any idea that Shiv-Ratri is also called as 'Maha Shiv-Ratri' or not. I know that there is common practise of pouring water on Shiv-Linga on the occasion of Shiv Ratri. This is also common practise in West-Bengal. I did not have the occasion to pour water on Shiv-Linga at the time of Shiv-Ratri. It is common practise by the women. My wife does not accompany me while going to the Shiv temple. I know that whatever is poured on the Shiv- Linga comes out through a channel. I don't have any idea whether according to the 'Shastras' the water offered on the Shiv-Linga always comes out in the north direction or not. I have never made any attempt to know as an Archaeologist that in which direction the water offered to Shiv-Linga comes out.

On being shown plate no. 89 of A.S.I report vol.2, the witness on being asked answered that petals of Lot us are visible in this plate. I know that in West-Bengal in

some houses Laxmi-Puja is performed just before the Deepawali.

In the compound of 'Dhakshineshwar-Kali' temple are several Shiv temples although I was there but I had not seen poring water on Shiv-Linga in this temple. I have seen the Shiv-Linga and 'Argha' in this temple. I did not observe it closely but I know that in every Shiv temple, exists a channel to pass out water. I had gone to Calcutta for Saraswati-Pujan just few days ago on 3rd feb. I reached Calcutta on 3rd feb. I have seen the idol of Goddess Sarasvati. Vina and book remain in the hands of Goddess Sarasvati. Some times She is seated on 'Hans'. I have also seen the icon of Goddess Laxmi. I am not very sure that some times this Goddess is seated on Lotus or not but this much I know that she is accompanied by a pot of jewels and owls. I am not very sure whether this Goddess is accompanied with Elephants or not. I have not seen the statue of Elephant in Dakshineswar Kali temple. I know crocodile. It is also very important for the temples. It is called 'Makar-Mukhi'. I have not seen Makar-mukha in any Mosque. I know tortoise. I don't know whether tortoise is the seat of Goddess or not. Bull is the seat of Lord Shankar. I know pig (Varaha). I know that out of so many in carnations of Lord Vishnu, 'Varaha-Avtar' is also an 'Avtar'. I don't know whether there is 'Matsya-Avtar'

of Lord Vishnu or not. The seeing of fish is considered auspicious in Hindus. I have not seen any fish symbol in any temple. I don't know whether there is ' Haya-Avatar' of Lord Vishnu or not. I know about 'Ram-Avtar' of Lord Vishnu. I know from the literary sources and from traditions that Ram was born at Ayodhya as son of king Dasrathabut whether Ram was a historical figure or not, is a big question.

Q: knowing a fact from literary source indicates that the person has not personal knowledge about it and he was not himself present at the time of the incident which are mentioned in that particular literary source. What will you say about it?

A: An archaeologist can not accept any thing without any material evidence .

Q: To know about any historical figure what knowledge is required to know about him?

A: For example Ashoka is historical figure and number of inscriptions of Ashoka are found in different parts of India and these archaeological evidences prove the existence of Ashoka as a historical figure.

Q: You have deliberately not read history and literature relating to Lord Rama and expressed your opinion on the basis of the fantasise and day dreaming of your own because you have come to give evidence in

support of Sunni Central Waqf Board after taking monetary benefit from them.?

A: It is totally wrong.

Q: Do you know that Prophet Mohammed was messenger of God?

(Shri Abul Mannan and Shri Z. Jilani, Learned Advocates raised the objection to the above question that this question is totally irrelevant and has got no concern with the ASI report and moreover the witness is not supposed to have the knowledge of Islam and its Prophet and such questions should not be allowed to be asked.)

(In reply to above objection learned cross examiner submitted that it is very necessary to know the genuineness of evidence given by the witness whether he is biased person or impartial person in his affidavit the witness has stated at so many places about the Islamic ceramics, Muslims culture and habitation hence the reply of above question is necessary for the purpose of this case.)

A: To the Muslim people he is the Prophet or messenger of God.

Q: What is your own opinion on above point?

(Shri Z. Jilani raised the objection that the witness has already replied about the faith of Muslims and he can not be compelled to comment upon such faith of Muslims. Hence such question should not be permitted to be asked.)

Ans. To the Muslim people he Prophet of god. The Hindu religion is called Sanatan-Dharm. It has neither beginning nor the end and there are 33 crores of gods and goddesses and still the process adding the new gods is going on. And if we try to prove their physical evidence it will be a futile attempt because it is our belief and respect which lies breathing in our heart and it does not require to prove its physical existence.

Q. On the basis of the faith of crores of Hindus Lord Rama is incarnation of Lord Vishnu. What would you say in this regard?

Ans. It is true that most of the people of India think that Lord Rama is incarnation of Lord Vishnu. Faith and belief and evidence are different things.

Q. Whether faith and belie of any person can not be challenged?

Ans. This is very tricky question because if I believe in supernatural or superstitious things, it can be tested scientifically. There are many superstitious beliefs for example, when a man is driving a car and a cat crosses the road there is some belief that it is sign of bad omen but in reality it has no relevance. It has no connection with reality. It is true that when a person comes across any difficulty or trouble he says that 'God save me'. If any book contains contents of history or details about the

ancient times then it can be said that the book relates to history. The contents of the book itself speak about the . There should be different chapters with many sub-chapters in a history book. I have not gone through the Balmiki Ramayan but I have seen this book. I have not read Ram Charit Manas. Balmiki Ramayan and Ram Charit Manas have been written about Ram and Dashrath. I know the story of Ravana. I know that terracotta human figurines were found during excavation at Ayodhya but I don't know there exact number. Animal terracotta figurines were also found during excavation but I don't know the exact number.

Page No. 174 of ASI report volume 1 was shown to the witness who, on being asked, answered that it has been mentioned at this page that during the excavation 62 human and 131 animal figurines were found. It is true that these terracottas belong to the pre-mouryan to the previous century. It may be that the figurine of mother goddess might have been recovered during excavation. It is true that Gupta period is Hindu period. A cultural period may comprise a number of viz. 1,2 or 3 layers but it does not mean that the cultural Gupta materials are found from different layers and if it is found from different layers it will indicate that the material is not stratified. I know that during excavation at Ayodhya one Ashokan Brahmilipi

inscription was found. I have not seen this inscription but I have gone through the report of ASI wherein it is mentioned that inscription of Ashokan Brahmilipi were found during excavation. The NBPW period has been drawn from 1000 BC which is very unusual. Ashokan Brahmi started from 4th Century BC and the ceramic type of that period was NBPW also. So inscriptions may belong to 4th Century BC and not beyond that. I agree that Ashokan Brahmi inscription was found in NBPW period.

At page 38 of ASI Report volume 1 in the last few lines and in the first line at page 39 it is written that a broken sealing with only 'sa' letter in Brahmi extant was found. I agree with this inscription. 'Seal' and sealing are two different things. Seal is original thing whereas sealing is impression of that seal. The 'Sa' does not represent Shunga period because it is very difficult to suggest on the basis of 'Sa' that this inscription belongs to Shunga period. it is wrong to suggest that Harshvardhan was the king in Shunga period. In Shunga period, who were the kings, I am not sure about it although I know their names. I have heard the name of Pushya Mitra. I have also heard the name of Ajat Shatru.

At page 39 of ASI report, volume 1, under the caption of period 3 (Kushan Level) in 5th and 6th lines it has been mentioned that in trench J3 a huge kiln was

noticed in the lower levels. I did not observe it from the surface because trench J3 was a very huge and deep trench. I do not remember whether I have seen the photograph of the kiln or not.

Q. Whether during Kushan period traces of "Mughal Kaleen Sabhyata" (Mughal period civilization) were available or not?

Ans. How can we expect Mughal period civilization during Kushan period because the Kushan period started from 1st Century AD to 3rd Century AD whereas the Mughals came in early part of the 16th Century.

Q. Whether a copper coin relating to Gupta period was recovered bearing image of a king on obverse side and on reverse side of which Srichand was written, was recovered during excavation at Ayodhya?

Ans. When it is written in the report then it might have been recovered during excavation. I am not raising any question about it. I did not see this coin personally.

Q. Whether all the artefacts which were from NBPW level to Post Gupta period recovered during excavation at Ayodhya are symbols of Hindu religion and there belief?

Ans. It is very difficult to come to any conclusion on the basis of these finds upto post gupta level. Because most of the Shunga and Kushan rulers were Buddhist.

Q. Whether Buddhist do not believe in God and the rituals?

Ans. The Buddhist have also their own beliefs and faith. As for example there are 16 Adibuddhas before the present Buddha. Different forms of Gods and Goddesses are also worshipped by the Buddhist. The description of 16 Adibuddhas can be derived from the Buddhist texts. The most common text is Jatak story. There are many other texts also in this regard but I don't remember their names at this time. I have not read the text of Jatak Katha but there are different sculptures depicting the stories of Jataks. The taming of the elephants, the monkeys, mayas dreams are the sculptures where Jatak Kathas are depicted. There is very huge collection of Jatak stories in the India .useum, Calcutta.

Q. What is the basic foundation of Buddhism. Whether they believe idol worship?

(Sri Z. Jilani, Advocate raised objection to the above question and stated that the question is totally irrelevant and the witness is not expert of Buddhist religion. Hence this question can not be permitted to be asked.)

(In reply to the above objection learned cross examiner submitted that the witness is himself disclosing regarding knowledge of Buddhistha and has compelled me to ask this question.)

Ans. Buddhism is based on love, compassion and peace. Initially the Budha religion did not believe in idol worship but the division of the Buddhism into Mahayan and Heen yan idol worship of Buddha became popular in the Buddhism. I personally believe that all the love compassion and peace. The birth of Buddhism is from within the Hinduism and later it was absorbed within the Hindu fold in India.

Q. Whether the materials recovered during excavation and belonging to Buddhism are also part of Hindu religion because Buddhism originated from Hinduism. What would you say in this regard?

Ans. It is very difficult to admit that the materials of Buddhism and Hinduism are same. Obviously according to me Hinduism and Buddhism are different . I have not stated that Buddhism and Hinduism are the same but I have stated that Buddhism originated from Hinduism and later the Buddhism was absorbed within the Hindu fold. But it does not mean that the Buddhist and Hindu materials are the same.

Q. You have stated that Buddhism originated from Hinduism and ultimately absorbed in Hinduism it means Buddhism is part of Hinduism. Do you agree with that?

Ans. I do not agree on this particular point because Hinduism and Buddhism are not same.

Statement read and verified.

22-02-2006

Cross examination of witness by Kumari Ranjana Agnihotri, Advocate could not be concluded. Put up on 23-02-2006 for further cross examination.

(H.S. Dubey) 22.2.2006
Commissioner
22 -02-2006

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D. (R.J.B.B.M.) High Court of judicature at Allahabad, Lucknow Bench LKO.

Dated 23 -2 -2006 **P.W 31 Dr. Ashok Datta**

(Commissioner appointed vide order dated 15-2-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta, in continuation of earlier statement dated 22-02-2006, being cross examined on behalf of defendant No. 20, Shri Madan Mohan Gupta, in O.O.S No.4/89, by Kumari Ranjana Agnihotri,Advocate stated on oath as under)

Q: What do you mean by Sanatan-Dharma?

A: Sanatan-Dharma means it has neither the beginning nor the end.

I don't have any idea about the basic rules and regulations of Sanatan-Dharam. Out of 33 crore Gods and Goddesses of Hindu religion I know the names of Shiv, Vishnu, Kali, Durga, Saraswati, Bramha etc. These Gods and Goddesses have beginning nor end.

Q: Whether the existence of above mentioned gods and Goddesses was in 'Kushan' period also?

Ans: At least God Shiva was there during 'Kushan' period also. So far other Gods and Goddesses are concerned I don't have any idea whether they also existed during 'Kushan' period or not.

In Gupta period there were Gods and Goddesses but right now I don't remember their specific names besides Lord Shiva. The earliest evidence of the construction of temple in India started the historical period during the 'Ashokan' time. The Gods and Goddesses are installed in the temple. I do not know the word 'Pran-Prathistha' there fore I am unable to say whether the installed in the temple go through this process or not.

Q: Whether ceremonial function to bring life (Pran-Prathistha) in the deities is performed during installation of idols in the Hindu temple?

Ans: This may be tradition or belief amongst Hindus to bring life in deities.

In every temple there is a principal . The temple is named and known in the name of that particular . It is known by the name of principal . I don't have any idea whether this principal is the owner of temple or not.

Q: Do you know about renovation (Jeernodhar) of a temple?

Ans: Renovation is very common term which can be applied to any kind of reconstruction.

Q: Do you know 'Punurudhar' ?

Ans: I know this word 'Punurudhar'. It means 'rediscover'. By the term rediscover I mean to discover it again. 'To reconstruct' a building is not the same thing as to 'rediscover a building'.

Q: Whether word 'Punurudhar' signifies to 'reconstruct the original construction'?

Ans: I don't agree with this meaning.

Q: Whether the meaning of 'Jeernudhar' is to reconstruct the original structure by making some material changes in the structure?

Ans: I don't have any idea about this word 'Jeernudhar'.

I don't have any idea whether there have been any tradition of the 'Jeernudhar' and 'Punurudhar' of temples in India. I have heard the name of 'Ahilyabai-Holkar' but I don't have any detail idea about her. I do not know whether 'Ahilyabai-Holkar' was queen of Indor and whether she had reconstructed the temple of Kashi-Visvanath or not. I have heard the name of first home minister of independent India Sardar Vallabh-Bhai Patel. I don't have any idea whether reconstruction of Som-Nath Mandir was done by Sardar Vallabh-Bhai Patel. It is wrong

to suggest that I have very poor knowledge of history. I have heard the name of Som-Nath temple.

I have read in history book that Som-Nath temple was destroyed by foreign invaders. Possibly this temple was destroyed by Muslim invaders. I don't have any idea that Dr. Rajendra Prasad, the first President of India inaugurated the Som-Nath temple after its renovations. I don't have any idea whether Som-Nath temple was renovated from the funds provided by government of India. If I was not concerned with these things why I should devote my time over this issue. It is wrong to suggest that I did not devote my time in this regard because I was not interested in the temple. It is wrong to suggest that I am not interested in monuments of great historical importance. It is also wrong to suggest that I have come here to give evidence in support of Sunni Central Waqf Board. I would like to add further in this regard that I do not belong to Archaeological survey of India whose area of activity is throughout India and I belong to teaching faculty of Calcutta university and our archaeological activity remains with in the boundary of west Bengal because we are not allowed to undertake excavation by ASI out side Bengal but it does not mean that I do not have any interest in archaeological monuments of India.

Q: Why you did not take part or took interest in the excavation of Som-Nath temple?

Ans: Unless there is scope and opportunity how can I take part in excavation of A.S.I. I don't accept this view that I don't have any interest in the excavation of Som-Nath. It is the question of scope and opportunity if I was invited there I must have been there to participate in the excavation. I have heard from history book that the Som-Nath temple was destroyed.

I have heard the name of Bhoj-Shala. I don't have any idea whether this temple of Goddess Saraswati was constructed by Raja-Bhoj or not.

If the temple of Bhoj Shala or any building which is more than 100 years old then it will have archaeological significance. I don't remember the period of Raja-Bhoj. I have heard the name of Maha-Kavi Kalidas. I don't know that Kalidas was contemporary to Raja Bhoj but he was contemporary of the Gupta period. I have heard about the books 'Raghuvansh' and 'Abhigyan-Sakuntalam' written by Kalidas. I have heard about this that the book 'Raghuvansh' contains the story of Lord Rama. It is the belief of the Muslim community that Prophet Mohammed was a messenger of god. I don't know whether this is only belief or there are material evidence in this regard or not. As a Historian I have not noticed any evidence in this

regard. It is matter of belief in Muslim community that prophet Mohammed was a messenger of god but I don't know whether there is any evidence in this regard or not. It is true that religion is a matter of belief, faith and custom. Different rituals performed in different religious faiths custom.

Q. Whether existence of god is only matter of belief, faith and custom?

Ans. It is true that existence of god is matter of belief, faith and custom.

It is true that existence of Goddess Kali does not require any evidence because it is my belief and custom.

Q. Before Gupta period there were no concept of Masjid what would you say about it?

Ans. Before Gupta period there is no evidence of the existence of any mosque in India.

The concept of construction of mosque came to India in the sultanate period. this period dates back to 11th -12th century. I don't have any idea that any mosque was constructed after demolition of temple.

Q. Whether Som-Nath temple was destroyed to construct mosque?

Ans. I do not agree with this point that Som-Nath temple was destroyed for the purpose of mosque. So far I know it was destroyed for wealth and jewellery.

Q. Do you agree that in past temples were destroyed by the Muslim rulers?

Ans. I do not agree on the point that all the temples were destroyed by the Muslim rulers.

Q. Whether some important temples such as Kashi-Vishnath temple , Bhoj-Shala temple, Krishna-Janam Asthan at Mathura and Ram Janam Mandir at Ayodhya were destroyed and looted by Muslim rulers?

(Shri Z. Jilani, Advocate raised the objection that the witness is not a historian but he is appearing as an archaeologist and as such detail cross examination about historical events is not relevant at all. Therefore such type of question should not be permitted to be asked)

(In reply to above objection the learned cross examiner submitted that the site which was excavated pursuant to the order passed by this Hon'ble court has great historical importance and the witness has come to give his evidence in respect of the same there fore above question is very much relevant. More so for an archaeologist it is important for an archaeologist to know about the history of site and other related historical events.)

A. I do not have any detailed idea about the incidents mentioned by learned cross examiner. What I say, I have learnt from history that Som-Nath temple was destroyed

for wealth and jewellery but I can not say about any thing which has been mentioned by learned counsel.

I have heard the name of NASA. The function of this Institution is to conduct space research. It is true that this institution is a reputed institution. It is wrong to suggest that the findings of NASA has never been challenged earlier. Recently the accident of Columbia space shuttle in which a number of astronauts were killed including one Indian Astronaut late Kalpana Chawla was Killed in that accident. That accident had raised a big question mark on the NASA satellite for which all the programs of this institution were suspended for one year. Now the programs have again started. The accident of Columbia shuttle was around two years back. I know about this incident through News papers and T.V.

Q. do you know about the discovery of NASA regarding discovery of a bridge extending from Ramesh-Varam to Shri -Lanka and which is more than 17and half lacks years old? Photographs of this bridge has also been taken by NASA. What is your reply?

Ans. What I know it is called a satellite imagery and it has different resolution and scale. Satellite can take picture or the picture taken by satellite can reveal different things like structure beneath the sub-soil. It can also trace the old river courses and it can forecast the climate. So far

as bridge mentioned by learned cross examiner is concerned, it is not possible. Land bridge can be seen due to the lowering of the sea level during the Pleistocene time which starts from two million years before present. During this time there were a number of climate fluctuations throughout world which we called glacier and interglacier or plu-vial or interpluvial phases. During a glacier period most of the water of sea and river are locked as ice and as a result there was lowering of sea level of about 300 to 400 which created land bridges between Alaska and Siberia and between Indonesia and Land south East Asia, between Sri-Lanka and main land in India. Through this land bridge there were movements of people.

If the terracotta figurines are made after the Gods and Goddesses of their belief it represent religious objects. If terracotta figurines of Gods and Goddesses are recovered from a particular site it represents the belief of the people but it does not necessarily indicate the existence of temple or other religious structure, although inference can be drawn on the basis of these terracotta figurines of Gods and Goddesses about their religious belief and practices. I have heard the name 'Garud'. It is a bird. I am not very sure whether Garud is considered as seat of Lord Vishnu or not. I don't have any specific idea that before worshipping any God, Lord Ganesh is worshipped first. Kali is either

shown alone or sometimes she is shown standing over Shiv. I don't know the reason why the Goddess Kali is shown standing over Lord Shiv. Goddess Kali is considered as very powerful and the source of all the 'Shaktis'. I have seen the image of Lord Ganesh. The face of Ganesh is of elephant. Elephant is auspicious symbol to the Hindus.

Plate No. 131 of ASI Report volume 2 was shown to the witness who after being asked answered that in this plate it appears to be an elephant but it is very badly damaged. Plate No. 129 of the above report was shown to the witness. He stated that snakehood made of terracotta is visible in this plate. Snakes are worshipped in different villages. In Bengal also snakes are worshipped and it is a very popular form of worship in villages. Snake is associated in the image of Shiva. I have seen the object shown in plate No. 129 but at this stage I don't remember its exact locus. I can not remember right now as to where the snake worship is prevalent. I can't remember right now which other religion have the practice of snake worship. I do not have any idea whether snakes are worshipped in Muslim community or not. I never asked this type of question to my friends and students who belong to Muslim community.

Q. Whether everything which are recovered during excavation have great importance?

Ans. The objects recovered from excavation are important provided they come from stratified contexts.

Q. You were aware that the excavation conducted at Ayodhya was to ascertain whether there was any Hindu temple beneath the disputed structure instead of that you did not make any effort to know whether snakes and elephants have any importance in Muslim community or not. What is your reply?

Ans. This is not actually true. The terracotta snakes, as I have mentioned, if it comes from stratified contexts then it has great relevance to draw certain conclusions on the nature and belief of the people concerned.

Q. Can you tell how many terracotta figurines relating to Muslims were recovered from the disputed site during excavation?

Ans. As I have mentioned that the Muslim people do not believe in the idol worship hence there is no question of associating terracotta figurines with the Muslim culture. So far I know or my knowledge goes the question of terracotta figurines to be associated with Muslim culture does not arise.

Q. Whether all the terracotta figurines which were recovered during excavation were related to Hindu religion?

Ans. Not only Hindus but Buddhist materials may be there. The terracotta figurines which may include elephant and snakes may belong to Buddhist cultural period. I did not mention that the specific terracotta figurines belong to Buddhist religion. During the Buddhist cultural period or Buddhist rule there were traditions of manufacturing terracotta figurines of horse, elephant and snakes etc. It depends on the specific religion of the people of specific area to use them either as decorative objects or object of worship. But it is very difficult to come to any conclusion on the basis of the terracotta figurines about the religious activities. Even during the Hindu period, Elephant figurines were generally used for decorative purposes as well as for toy objects. It is true that such animal figurines are not allowed to be kept in the mosque. This is totally wrong to draw any conclusion on the basis of terracotta figurines that there was no mosque on the disputed site.

I can recognise the 'Swastika' symbol. I can also recognise 'Cross' symbol. I can also identify 'Om'. I have seen pigs. I can identify a pig after seeing its photographs provided photograph is clear and complete. If the photograph of Uma Maheshwar is distinct and clear then I

can recognise it. There is definite shape of Shiv Linga therefore I can recognise its photograph. I can also recognise 'Shankha' provided its photograph is distinct and clear.

Q. If the photograph is clear and distinct in that case even lay man can recognise it but being an expert it is expected for you that you may recognise a picture which is not clear and is dim and the objects shown in the picture is in broken condition?

Ans. I will try to recognise the object shown to me in the picture.

Plate No. 92 of ASI Report, volume 2 was shown to the witness. (Learned Cross examiner requested that caption of this plate given by ASI be covered before showing it to the witness.) After seeing this plate witness stated that in the upper portion of this photograph symbol of Cross is visible. In the lower portion of this photograph 'Shankha' is not visible. Similarly in the middle part of this photograph snout of pig is not visible. It is also wrong to suggest that Shiv Linga and Argha is visible in this plate. Uma Maheshwar are not visible in this plate similarly symbol of Om is also not visible. This photograph may be an inscription of Arabic or Persian script. I have seen the Arabic inscription but it does not mean that I can read it but it appears to me to be such inscription.

Q. Without having any knowledge and only on the basis of appearance can you come on the conclusion that particular script is Persian and Arabic?.

Ans. I did not come to any conclusion. I have just suggested that it appears to be an Arabic or Persian script. I may be wrong.

Plate No. 94 of the ASI Report, volume 2 was shown to the witness who on being asked replied that in this photograph an object having Geometric design is visible. The evidence of decorative stones in India can be traced from Indus civilisation. Decorative stones are not necessarily used in temples or other historic monuments but they are also found in isolated forms. The purpose of decorative stones is not necessarily only for decoration. It may be art for the arts sake but generally decorated stones are used in monuments and temples. The purpose of decoration is the aesthetic sense of the artist which inspires the artist to make more perfection in his work. The decorative stones are used mainly in the outer and inner portion of buildings and architecture. It is true that decorative stones are used at that part of building which is visible. Decorative stones are not generally used below the foundation level of any structure.

Plate No. 137 of ASI Report, volume 2 was shown to the witness who stated that Plate No. 137 is an inscription

depicted on a stone slab. ASI people have written this script as Nagri script. Therefore it can be taken as granted in Nagri script. All the things written by ASI can not be taken for granted. I believe that ASI people will not commit mistake in respect of the caption of objects.

Statement read and verified.

23-02-2006

Cross examination of witness by Kumari Ranjana Agnihotri, Advocate could not be concluded. Put up on 24-02-2006 for further cross examination.

(H.S. Dubey)
Commissioner
23-02-2006

23.2.2006

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D. (R.J.B.B.M.) High Court of judicature at Allahabad, Lucknow Bench LKO.

Dated 24 -2 -2006 **P.W 31 Dr. Ashok Datta**

(Commissioner appointed vide order dated 15-2-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta, in continuation of earlier statement dated 23-02-2006, being cross examined on behalf of defendant No. 20, Shri Madan Mohan Gupta, in O.O.S No.4/89, by Kumari Ranjana Agnihotri,Advocate stated on oath as under)

I know about 'Deep'. At the time of worship of Goddess Kali and other God and Goddesses deep is an important item of the rituals. Some times deep is also kept in the niches. Sometimes deep is also placed on the floor of any ritual place. Deep is also used for domestic purpose by the people. I do not have any specific idea about the introduction and origin of lantern in India but it may have been originated in the British period. According to the classification given by the A.S.I a large number of terracotta 'Pradeep' have been found from period seven. The amount of light depends on the dimension of the lamp.

It is true that the lamps which were found from period seven at the disputed site were of average size and may not provide sufficient light. I don't agree with the suggestion that the lamps which were found from the disputed site during excavation do not indicate that they were used only for ritual purposes. Because the terracotta lamp is very common item in the ancient time and this type of terracotta lamps have been found from Buddhist sites also.

Q: During excavation at Ayodhya, early medieval period (11-12th century A.D) a huge structure, nearly 50meter in north south orientation was found what would you say in this regard?

A: The evidence of huge structure as suggested by learned cross examiner was found in the form of a Jeli-Surkhi floor to which were attached so called four pillar bases along with some brick walls but definite shape of the structure can not be assumed on the basis of this Jeli-Surkhi floor and so called pillar bases.

During excavation some so called pillar bases have been found at different elevation and according to the excavator four were attached with the Jeli-Surkhi floor and rest were attached with floor no. 2. Volunteered and stated that I don't accept this contention of the excavator.

Q: Whether sand stone blocks were found below the pillar bases?

A: Sand stone blocks may be found but it does not support that this heap of bricks with calcrete or sand stone block represent pillars.

For construction of a pillar there should be a solid foundation of the pillar beneath the floor level since the purpose of such pillars is to distribute the load of the super structure. The foundation of the pillar must be solid so that it can carry the load of super structure. I do not have any idea about hallow pillar but I know that pillars are solid because their main purpose is to distribute the load of the super structure. In ancient times the foundation of the pillar must be carefully constructed so that it is not dislodged by the weight of the super structure. More over it depends on the nature of sub soil. If the sub soil is loose the pillar penetrates to reach the solid soil so that it can bear the load of super structure. some time sand blocks are also used in the construction of pillar but they will never use the loose brick bats or broken bricks. The nature of the sub soil at the disputed site is very disturbed one in the upper level. This disturbance was present not due to excavation but due to by the structural activity of the area. The nature of the soil found at the disputed site in the upper level comprise the debris of the earlier structure as well as earth taken out from the periphery region for further construction.

Q: Whether the pillar bases were exposed during the excavation in the northern and southern areas also give an idea about the length of massive wall of the earlier constructions with which they are associated and which might have been original around 60 meters. What do you say about this?

A: I do not accept these as pillar bases then how can I assume that a huge structure having length of 60 meter was in existence. I do admit that there were isolated Surkhi floors but that does not signify a huge structure.

The wall which was found in the north south direction can serve the purpose of a massive structure. I know that animal bones were recovered during excavation from various level of the excavated site. These bones were of different periods. Personally I have not seen the bones but it is very common feature of all the archaeological sites. By the word divine I understand that it represents deity or object of worship. Right now I can't remember the exact number and objects which were recovered from trench no. G-7. Learned cross examiner drew the attention of witness on page no. 218 of ASI report, vol 1. The witness stated that it is written at serial no. 4 that obverse trident,Damroo tied to it as shaft reverse-dusk of Shiva in Barad Mudra, Holi Trident with Damroo in left hand Cobra-Coil around the neck, Jata with Ganga and

Crescent-Moon, bearing Bedal-Mala it has also been mentioned at this page that this object was recovered from trench G-7. There is no doubt Damroo Trident etc are the accessories of Lord Shiva.

Q. ASI people have mentioned in the report 'term' pillar bases" whereas you say in your statement 'so called pillar bases'. Since you are not accepting the term used by A.S.I what will you call these structures?

A. These are structures meant for resting the lime-surkhi floor as well as for levelling the floor. Obviously structures may also be constructed over the floor. These structures of the floor are for the purpose of establishing and levelling of floors.

Q: These type of pillar bases are required for a massive structure/ building and this type of structure are not meant for small rooms? What is your reply.

A. These structures are required for massive floor if it is built on unstable soil. It is not necessary that massive floor must have a roof also.

On this type of floor a small structure can also be raised. It is very difficult to come to any conclusion that the remaining portion of the floor which is not covered with roof would have been used for the purpose of Kattha, Bhajan, Keertan, and 'Prdhkchana'. I am a devotee of Goddess Kali.

Q. All the finds which were recovered below disputed structure were not related to any mosque? What is your reply?

A. It is very difficult to make single point comment because the material found below the disputed structure represent the Hindu and Muslim culture both.

Q. Whether Trident, Damroo and Lord Shiva in Varad-Mudra represent Muslim culture?

A. These objects belong to Hindu culture.

Makar-Mukhi is generally related to Hindus. The symbol of Swastik is related to Hindus. The symbol Shri-Vatsa is related to Hindus. I know about ' Uttariya'. Uttariya is used by the Hindus. At the time of performance of rituals Hindu wear Dhoti. It is true that deities in Hindu temple wear Dhoti.

Immediately below the disputed structure there are three floors, the fourth floor is Jeli-surkhi floor. I am not telling about the floor of disputed mosque, So far as I remember, fourth floor was Jeli-surkhi floor. Whether brick-bats were used in this fourth floor or not, I am not sure about it. So far I remember the gap between third and fourth floor was between 72 to 74 cm. and the gap between the top floor (excluding the mosque floor) was 52 to 60 cm. Gap between 3rd and 2nd floor is approximately 15 to 20 cm. So far I remember, the gap between top floor and

the 4th floor, that is, total gap between mosque floor level to bottom floor level is around 2 meter. The gap between upper floor and the floor of disputed structure is approximately 20 to 30 cm. Number of floors can be made in a single building because of the damage of the floors. If a structure is demolished or destroyed or damaged, the new structure can be constructed over the older one. So far I remember these are the major reasons for raising the floors.

Q. In case of damage of lower most floor (fourth floor) can it be repaired without touching upper most floor (Top floor)?

Ans. This question is not clear but what I understand from the question is that it relates in respect of repairing of the fourth floor that is inner most floor without touching the upper floor. This is not possible. All the four floors belong to different periods as well as it also depends on the people who live there to renovate these floors or not.

Q. On what basis you are saying that all the four floors belong to different periods?

Ans. On the basis of the gap found between different floors, I am saying about it.

So far I remember the fourth floor belongs to Sultanate period and the upper three floors belong to later

period. I am counting fourth floor from below the disputed structure.

Plate No. 137 of ASI Report, volume 2, was shown to the witness, who on being asked, replied that leg portion wearing Dhoti is visible in this plate but term Dhoti was not prevalent in ancient time and some cloth having folding like Dhoti is visible in this plate. In plate No. 106 a human leg terracotta is visible. The lower portion of the figurine having a very thick leg ring can be seen. I am not sure whether leg ring is generally used by Hindus or not. I have seen Rajasthani Hindu woman wearing this type of leg ring. I don't know about the size of the brick bats which were used in aforesaid fourth floor. So far I remember the fourth floor was made up of brick-jeli and the upper three floors were made of surkhi and lime. I don't remember whether brick bats were used in any floor or not. But possibly it was lime-surkhi floor. I can't remember the situation right now about the brick bats used in the floors. I am aware of a Ram-Sita coin, which is called commemorative coin. Generally it is used in the ritual or kept by the Hindu people in the place of worship. Moulded bricks were used from the time of Gupta period. It is typical of the Gupta period. Burnt bricks were used from the of Indus valley civilization.

Q. How many types of bricks were used in the disputed structure. Have you any idea about it?

Ans. Though I have not observed about it very carefully but it is obvious that it is a multicultural site. Different bricks are used in different cultural periods. There are evidences of re-use of bricks. In Archaeological sites there are evidences of re-use of bricks in different cultural periods.

Page No. 217 of ASI Report, volume was shown to the witness, who after going through it, stated that under caption 'commemorative token' at Sl. No. 1 there is mention of a Ram Tanka and on the obverse side of this is Ram Darbar and on the reverse side Hanuman lifting the mountain were shown as per ASI Report. This object is only related to the Hindus.

I have heard about Chaitra Ram Navami. I don't have any idea whether birthday of Lord Ram is celeberated throughout India on Chaitra Ram Navami or not, But I have heard about Ram Navami. It is mentioned at page 217 of ASI Report volume 1 that Ram Tanka was recovered, according to ASI Report, from stratum/layer three. The depth of this layer is 1.08 meter and its trench No. is G-9.

Q. Whether in giving the details at Page 217 under the caption commemorative token, ASI has committed any mistake?

Ans. They have done certain mistakes because according to ther own statement, the Debris and earth near by area, were used to raise the area for further construction. So from this point it does not have any stratigraphical context.

Q. My question was only limited to the description given under caption 'commemorative token'. Whether ASI has committed any mistake in giving this description?

Ans. This description is alright.

The coin of queen Victoria was also found from excavation at Ayodhya.

Attention of the witness was drawn at page No. 218 of the above report. The witness after going through this stated that at serial No. 3 was Hanuman standing in a Katyavalambita Mudra on obverse, inscription in Dev Nagri Lipi, Jai Shri Ram Bhakta Hanuman and on reverse side 'Aum' in Dev Nagri Lipi was found from trench G-7. I have seen it in the description at Page No. 218, but I had not seen it at the site. This description by ASI is correct.

I know about Aamlak Shila. The shape of Aamlak Shila is of round shape with grooves. Aamlak Shila is used for the purpose of the top of the temple of larger dimension.

at the top of the shikhar type of t. temple. I am not very sure about it whether Aamlak is used in mosque or not.

Statement read and verified.

24-02-2006

Cross examination of witness by Kumari Ranjana Agnihotri, Advocate could not be concluded. The same will be continued on some other date to be fixed later on.

24.2.2006

(H.S. Dubey)
Commissioner
24-02-2006

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B. M.)
High Court of judicature at Allahabad, Lucknow Bench LKO.

Dated 1-5 -2006 **P.W 31 Dr. Ashok Datta**

(Commissioner appointed vide order dated 20-4-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others.)

(Dr. Ashok Datta, in continuation of earlier statement dated 24-02-2006, being cross examined on behalf of defendant No. 20,Shri Madan Mohan Gupta ,in O.O.S No.4/89,by Kumari Ranjana Agnihotri , Advocate, the witness stated on oath as under)

I have passed B. A. examination with history combination then again I passed the M.A. Examination in Ancient History and culture after doing in Archaeology. There are many sources including epigraph y, coin and literary sources for the study of history but the most reliable source of history, now a days, is archaeology. The literary sources are corroborated through archaeological work. To know about history, literary sources the primary source were as excavation can prove the reliability of historical sources. I don't know whether lime mortar were used in Harrppan site or not but so far my knowledge goes Lime and Surkhi was extensively used

from the sultanate period. I don't have any idea whether lime was used as mortar for the construction of buildings during Harrppan period or not. Lime was used for the construction of figures and the figurines in the post-Gupta phase. I have heard the name of Persi Brown. I have gone through the book of Persi Brown during my M. A. examination in ancient history, but right now since this is not my special area of research, I can not say much about the book.

Learned cross examiner drew the attention of the witness towards plate no. 59 of the ASI report vol. 2. The witness stated, so far as I remember that the structure as visible in this plate was found much below the level of the sultanate period. Figure no. 24 and 24a (page no. 70a and 70c) were shown to the witness, who stated that drawing of the photograph as visible in plate no. 59 have been shown in figure 24 and 24A.I have seen the structure as visible in plate no. 59 on the spot but figure no. 24 has been shown as circular where as it was semi circular at the spot. In plate no 59 this structure is semi-circular. The photograph of plate no. 59 shows the original structure as found on the spot. In the semi-circular structure burnt bricks were used so far as I remember.There were 7 or 8 brick courses present in this semi-circular structure. In plate no. 59, 9 brick courses are visible from one side . The maximum no. of brick courses from the corner of the back side are 13 in number. It appears from the photograph of plate no 59 that it forms a

rectangular shape inside because the front portion of this structure is broken so it is very difficult to assume that it is square shape inside the structure. I am not in a position to tell the actual size of the bricks which are visible in plate no. 59. Right now it is very difficult for me to suggest the length and breadth of this structure but so far as my memor goes it may be 1.5 meter in length and breadth The entrance of this structure was probably from eastern side but I am not very sure about it. The structure which is visible in plate no. 59 may be in the eastern direction. A calcre tstone block has been found in the northern part of the above structure. Having seen the plate no. 60 of the above report (vol. 2) the witness stated that 11 brick courses are visible in western corner of the structure. Any 'chute' is not visible in this plate . Any gap between the semi circular structure as suggested by the learned cross examiner is not visible. A gap in the upper part of this structure between two bricks is visible but this may be caused due to over lying pressure of the earth which means deposits. Since this structure which is visible in plate no. 60 is semi circular therefore in this sense it is different from structure in the plan. Semi circularness is the special feature of this structure. I did not get inside the trench in which this structure was located.

Q: Whether semi circular structure are the special feature of a Hindu structure?

A: I do not agree with this point.

Right now I can't remember whether I have seen any semicircular structure in any Hindu temple or not but I can suggest that these are special feature of a Buddhist structure.

Q: Whether Buddhist are follower of Islam ? Please reply?

A: Certainly not.

Plate no. 42 of the above report was shown to the witness who stated that trench F-2 is just below the foundation or floor level of the disputed structure. So far I remember the depth of this trench was 2 or 3 fit. A square shape of structure is visible in plate no. 42. Any brick construction can be called as structure. Only one course of bricks are visible. It appears from the photograph of the plate no. 42 that the fourth floor of floors of the disputed structure is found at the edge of this structure but it does not rest on this structure. There is a square blocks of stone which is resting on the broken bricks.

Having seen the plate no. 43, the witness stated that depth of trench G-2 was approximately 2 or 3 fit. Three different floors are visible in plate no. 43. The place where a scale is lying appears to be a floor. The so called pillar bases are concealed by floor no. 2. So called pillar base is visible in the left side of this plate which consiste of broken bricks and over which a stone block is partly visible .

Statement read and verified

01-05-2006

Cross examination of the witness by Km. Ranjana Agnihotri, Advocate could not be concluded put up tomorrow for furthur cross examination of the witness.

H.S. Dubey 1.5.06

(H.S. Dubey)
Commissioner

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B.M.)
High Court of judicature at Allahabad, Lucknow Bench LKO.

Dated 2-5 -2006 **P.W 31 Dr. Ashok Datta**

(Commissioner appointed vide order dated 20-4-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta, in continuation of earlier statement dated 1-5-2006, being cross examined on behalf of defendant No. 20,Shri Madan Mohan Gupta ,in O.O.S No.4/89, by Km. Ranjana Agnihotri , Advocate the witness stated on oath as under)

Learned cross examiner drew the attention of the witness to plate no. 45 of the ASI report vol. 2,having seen the plate, the witness state that four and five broken bricks are visible in this plate. The material used on the top of this structure appears to be calcrete.I am not very sure whether lime mortar has been used in this construction or not. The stone blocks which are visible in this plate may have been of the size of 2-1 fit. There is a gap between the northern part and southern part of the stone blocks which appear to be due to the irregularity of shape in the lower part. I can't remember

whether the first floor below the disputed structure was extended over the so called pillar base but it appears from the photograph that the stone blocks or the foundation of the upper structure is resting at the edge of the so called pillar base. I mean to say that Eastern wall of the disputed structure is resting on the edge of so called pillar base. Having seen the plate no. 46 the witness stated that the pillar base which is visible in this plate is semicircular because some part of it is within the section or unexposed. The shape of this pillar base can also be termed as 'Elliptical' Five courses of mud mortar are visible in plate no. 46. It appears that the foundation of this so called pillar base is resting on 3rd floor of the area. Plate no. 46 may not be called as insitu photograph but it should be insitu. So called pillar base by insitu I mean the original position or context of the object. I never said that this so called pillar base was created by the ASI with the help of knife. As I have said in my affidavit that all the so called pillar bases are found in different elevations and these were to hold the lime surkhi floor stable. Having seen the plate no. 47 of the above report the witness stated that a square shaped brick construction is visible in this plate but this is not exactly square shape. In plate no. 48 of the ASI report vol.2 a circular foundation is visible. Four courses of bricks are visible in the plate. Mud was used as mortar in this case. The

construction was made by bricks having a calcre block in the centre. Fifty so called pillar bases were found at the disputed site.

I have heard the name of Prof. B.B. Lal. I have heard that Prof. B.B. Lal had found six pillar bases in his excavation at Ayodhya. At a glance I saw the report of Prof. B.B. Lal but I did not go in detail.

Q: Discovery of pillar bases is not new only there number has increased since the area covered for excavation has increased ? What is your opinion on this point?

A: So far I understand that Prof. B.B. Lal is the man who propagate the theory of a large pillared hall having 85 pillar bases and the ASI people were guided by this principle because at any page between 50 to 55 (exact page no. I can't remember) they have suggested 17 rows of pillars with five in each row in the disputed area and on that basis altogether 50 pillar bases. This means that they were guided by a preconceived idea of 85 pillared hall. An archaeologist when doing excavation should not be guided by any preconceived idea in his mind.

Q: These pillar bases belong to two different periods do you agree on this point ?

A: It is true that they belong to two different periods according to the chronological frame work of the ASI. The earlier four pillar bases belong to 11th century and the rest pillar

bases belong to in between Sultanate period and the Mughal period which ranges between 12th to 15th century A.D. There is chart in the ASI regarding carbondating of the charcoal sample but some of the samples are misleading. It is true carbon sample dating are from various Lavel. The un-excavated area at the disputed site is approximately 10x10 fit. Having seen appendix 1 (page 273) of the ASI report vol.1 the witness stated that this appendix is based on the report given by Director Birbal Sahani Institute of Pal Botany, Lucknow. This Institute has a good reputation. The samples examined by the members of Birbal Sahani Institute of Pal Botany Lucknow and the results of the samples were given by the director to B. R. Mani and Hari Manjhi.

Q: Unless the structure and the floors of the later period or removed bodily one can not find the structures and the floor of the earlier periods ? What is your opinion?

A: It is not necessary to remove all the earlier floors bodily because in the present case some pillars are found directly resting on the earlier floors and in some cases the earlier floors were dug out to construct the pillar and after the completion of the pillar the area was filled up by the debris and the floor was constructed over it.

Q: As stated by you, this was the technique, this was exactly the technique, which were applied by the ASI

people at disputed site at Ayodhya they left behind 46 pillar bases intact which can still be seen insitu by any person, what is your reply?

A: I do agree, on the point that after excavation the things remain at its original position, immediately after excavation, under the protection of security guards and it appears to me from the excavation regarding the so called pillar bases that they are found in different elevations and almost in all cases they are always concealed by a lime surkhi floor which suggests the purpose of the so called pillars.

Having seen the plate no. 51 of the ASI report vol. 2 the witness stated that a decorated stone block having floral motifs has been found. In wall no. 17 it appears to be a reused stone block. A brick wall was found over wall no. 17. So far I remember there was a massive wall in the western part of the mount having 2 meter breadth. I can't remember how many courses of bricks were present in wall no.16 but it may be 10-15 or even more courses of bricks. In the upper portions of plate no. 54 at wall 16 there appears a lime plaster in wall 16, at some places cavities can be noticed which is due to the erosion of the mortar.

Q: Whether the bricks used in wall 16 and 17 are all of the same period or of different periods?

A: It appears from plate no. 51 that the construction of these wall are of different times.

There are three or four courses of bricks in wall no. 17 which appear to be of uniform shape. It is very difficult to say as to whether the bricks used in wall no. 16 and 17 are of the same size and shape or of different shape and size On the basis of the photograph of plate no. 51. Having seen the plate no. 66 of ASI report vol.2 the witness stated that it appears that the depths of trench J-3 is approximately 10 meters. A ghat (small vessel) is visible in this plate. Ghat is associated with Hindu religion. Substantial portion of a human body contains fluid or water but I am not sure of percentage of it in the human body. In plate no. 80 a decorated stone slab is visible similarly in plate no. 79, a decorated stone can be seen. The stones which are visible in plate no. 79 and 80, I do not have any idea about their locations. Plate no. 86 and 87 were shown to the witness who stated that these are decorated stone slabs. Having decorated designs it may be a geometrical abstractions but I can't say whether these are floral design or not.

Q: According to 'Vastu-Shastra' the design in temples are made geometrically. What is your opinion in this point?

A: I do not accept this view.

I do not have any idea whether the temples or the structures are buil on the basis of geometric calculation but I do

understand that since structure or the temples relate to the bearing of the load of the super structure, the foundations are laid according to this calculation. In plate no. 89 and 90 of the ASI report vol. 2 floral design are visible, the petals of Lotus flower can be seen in this plate. Lotus is the symbol of Goddess Laxmi in the Hindu religion but these are also found in other religions as well. Lotus may be seat of Goddess Laxmi but they are also very common in other religions. There are many representations of the Lotus in the Mosque. It is an auspicious symbol for human beings. It is true that the Lotus is associated with the worship of Goddess Laxmi but it is also found in other religion too. The photographs of plate no. 89 and 90 showing the Lotus symbols or petals motive are on the fragments of the stone. Besides Hindu and Muslim religion Lotus is also associated with other religions but right now I do not remember the names of these religions Buddhist also have association with Lotus symbol. The stones which are visible in plate no. 89 and 90 are individual pieces of stones but its location has not been stated by the excavator. It is very difficult to assume that the stones which are visible in plate no. 89 and 90 are the integral part of an idol. I do not agree with the suggestion that carved structural pieces depicting floral motifs are associated with the temples only.

Q: Discovery of Amlak is also made it clear that there was a temple beneath the disputed structure. What would you say on this point?

A: I do not agree with this point also.

Amlak shila is generally found on the top of Hindu temple, it is a part of the Nagri style of the Hindu temple architecture. I know about ' Makar pranal'. The purpose of Makar pranal is to remove the water from inside to outside. Makar pranal is one of the part of the Hindu temple architecture. I am not very sure whether Makar pranal has any association with Masque or not. I have not seen any Masque having Makar pranal in it but I am not very sure about it.

Q: Are you not sure about your reply in respect of your entire evidence?

(Shri Abdul Mannan, Advocate raised the objection to the above question and submitted that this question is not relevant therefore can not be permitted to be asked from the witness)

A: I do not agree with this observation.

It is true that during excavation at excavation site at Ayodhya so many animal and human figurines of terracotta were recovered.

Having seen plate no. 126 of ASI report vol.2 the witness stated that ornamented female figurine of terracotta

is visible in this plate. Eyes are clear in this photograph. The impression of nose rings is created due to the in rustation and chemical reaction of the figure.

Plate no. 125 was shown to the witness who stated that terracotta human figure is visible in this plate. There is a decorated round shape motif on the forehead of this figure but I do not agree that this is a sun motif. It is a motif applied by appliqué method having some decorated design with a circle at the centre. Plate no. 104,105,106,107,108,109,111,112,114,116,118,120,121, 123 were shown to the witness who stated that all these are terracotta figurines some of them are female figurine. Some of these figurines are decorated with ornament.

Q: Followers of Islam do not believe in idol worship. What is your reply?

A: It is indeed true that followers of Islam do not believe in idol worship in their religion. Volunteered that all the terracotta figurines belong to the different cultural periods of this site.

Q: Mohammad Gauri, Mahmood Gahjnavi, Aurangzeb Mohammad Bin Tuglak and Baber are known as Iconoclased as per Romila Thaper, Dr. R.A Sharma, Vipin Chand and Satish chandra. What is your reply?

(Shri Z. ilani, Advocate raised the objection that this question is totally irrelevant to the matter in issue and the

witness been produced as an archaeologist to give his statement regarding the ASI report which may be said to refer to Babar only and not to any other person about whom the question has been made and more over the material regarding the book and authors whose reference has been given by the learned cross examiner is not on the record. As such this question should not be allowed to be asked.)

(In reply to the above objection learned cross examiner submitted that the witness is expert of history and archaeology are interrelated with each other the witness is also M.A in history and the name of the authors mentioned in the above question are very popular and common. There books have been published by N.C.E.R.T. Hence it is expected from the witness that he must have the knowledge about above persons that is Mohammd Gauri and others)

A: I have not gone through the books of above scholars and I do not know the source materials of the books but if they did make such comments about the above persons, I can say that I do not agree with their comments but I would like to add here that History of India should be read on the basis of the archaeological evidence because till now we know that Gupta age is golden age of the Indian History but Archaeological evidence do not support the golden age concept of Gupta era.

Q: Just now you have stated that History of India should be written a fresh on the basis of Archaeology it means according to you the source of history is only archaeology. What is your reply?

A: If we wish to write the history on scientific basis the archaeological material should form the foundation of such study.

Many animal figurines have been found during excavation at disputed site. I know that the snake worship is very popular amongst Hindus in India. It is also popular in Egyptian population. I do agree that snakes are considered as 'Nag Devta' by the Hindus. It is also ornament of Lord Shiva. Bull is the seat of lord Shiva. Bull of lord Shiva is commonly known as Nandi. I have seen the trunk of Ganeshji. I do not know whether Ganeshji is worship before the worship of Goddess Kali. At the time of new year lord Ganesh is worshiped in most of the shops and business establishment. I do not know whether in the beginning of Satya Narain Katha, lord Ganesh is worshiped first or not. I have heard about 'Garudh' which is a bird and seat of Vishnu. Hanumanji has some times human face and some times monkey face. I do not have any idea whether Hanumanji has 11 types of faces or not. In India Hanumanji is said to be follower of Ram Chandraji. I do not have any idea that wherever idol of Lord Ram is installed the idol of

Hanumanji is always there. There may be Hanumangarhi temple at Ayodhya but I have not seen it. I have had Darshan of Ram Lala at the site.

I do not have any idea whether glazedware were first produced during Harrppan period or not. The production of glazedware began in India possibly in the Sultanate period. I have not heard about the glazedware of Kushan period from Mathura. I have heard about Kaushambi. I do not have any idea whether glazed ware of Kushan period were recovered from the excavation at Kaushambi or not. I am not a technical expert of the ceramics there fore I am unable to tell about Hindu glazedware and Muslim glazedware. Since I am not a technical expert it is very difficult to say about composition and the temperature for the manufacture of different ceramics of different periods.

Plate no. 31 of the ASI report vol.2 was shown to the witness who after seeing it stated that a decorated black stone slab is visible on the floor in trench no. F-3. I do not have any idea whether black stone pillars were fitted in the disputed structure or not.

Plate no. 82 and 83 were shown to the witness who after seeing it stated that both the pillar stones of above plates are similar but not the same. In plate no. 83 floral designs are visible. In plate no. 82 the stone pillar is decorated with

floral design. In plate no. 83 in the lower part of the pillar it appears a 'Ghat Pallav'.

Statement read and verified

02-05-2006

Cross examination of the witness by Km. Ranjana Agnihotri, Advocate could not be concluded. Put up tomorrow for furthur cross examination of the witness.

(H.S. Dubey) 2.5.2006

Commissioner

02-05-2006

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B.M.)
High Court of judicature at Allahabad, Lucknow Bench LKO.

Dated 3-5 -2006 **P.W 31 Dr. Ashok Datta**

(Commissioner appointed vide order dated 20-4-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta, in continuation of earlier statement dated 2-5-2006, being cross examined on behalf of defendant No. 20,Shri Madan Mohan Gupta ,in O.O.S No.4/89, by Km. Ranjana Agnihotri , Advocate the witness stated on oath as under)

Learned cross examiner drew the attention of the witness towards plate no. 212 of the ASI report vol.2, the witness stated that broken pieces of ivory objects are visible in this plate with decoration. It is very difficult to assume that these are bangles because these are fragmentary and does not form any shape of bangle although these are ivory objects with decorations. I was not present during the display of the objects found during the excavation at the end of each day therefore I am unable

to suggest the number of ivory objects found during the excavation.

Q: Ivory bangles are specially used by only and only married Hindus ladies. And these are used by the married ladies of West b ngal also. what is your reply?

(Shri Abdul Mannan, Advocate raised the objection that the bangles of each state are different. Shudra ladies wear different type of bangles, therefore, this question should not be permitted to be asked by the witness.)

(In reply to the above objection the learned cross examiner submitted that bangles are used by Hindu ladies of hill area like Mirzapur and Jhansi etc. Ayodhya is a place of pilgrimage where people come from all over India and there is hardly no difference between the bangles of different state.)

A: The ivory objects like comb and bangles are found from almost all the archaeological site from different cultural lavels but it does not mean that these ivory objects used by Hindus. I am not very sure whether there is any custom of wearing bangles by the married Hindu ladies only. But in case of westbangal the married Hindu ladies wear conch bangles as a sign of marriage.

Below plate no. 212 a captions has been given by ASI that above objects are pieces of ivory bangles. I do not agree with the shape only. I have seen different variety of

bangles such as gold, silver, copper, terracotta, and glass bangles. The shape of each bangles are circular. When I say bangle the shape must be circular but the cross section may differ. Cross section may be circular, square or rectangular in shape. Plate no. 211 was shown to the witness who stated that this type of comb has been found from the chalcolethic Level down to historical Level, so it is very difficult to suggest any date for this object.

Having seen the plate no. 218 the witness stated that broken part of copper bangle is visible in this plate. I don't have any idea whether this type of bangle is used by those Hindu persons whose planet sun is week. It is very difficult to suggest as to who wear this type of bangles. But I can tell one thing that in modern times people wear copper bangles if that person has some kind of 'arthritice' problem. This type of bangles are in Calcutta for the treatment of arthrit ice. Copper objects are preferred by Hindus during performance of their rituals. Plate no. 177 of ASI report vol. 2 was shown to the witness who stated that glass bead was visible in this plate. In plate no. 178 also glass bead can be seen. I do not accept the suggestion that these type of beads are used for preparation of garlands which are offered to the deities. Having seen plate no. 208 of the above report the witness stated that fragments of bangles are visible in this plate and the bangles are

generally used by the ladies. Volunteered that in ancient time even men used to wear bangles.

Q: Do you agree that 'Kanchedan' is a Sanskar observed by Hindus ?

A: I do believe that there is custom among the Hindu females to have 'kanchedan'. But I am not aware whether this Sanskar is prevalent amongst Hindu males or not.

Q: Do you know that there are 16 Sanskars amongst Hindus?

A: I am not sure whether 16 Sanskars are prevalent amongst Hindus or not but there is differe between Sanskar and ritual.

There are so many Sanskars among Hindu society but I do not know their difference.

Having seen plate no. 67 the witness stated that I won't like to make any comment on this plate.

According to the ASI report GPR survey was conducted prior to the excavation at disputed site.

Learned cross examiner drew the attention of the witness towards page no. 27 of ASI report vol.1 the witness stated that GPR report states that there are certain anomalies in the form of certain obstruction at the depth of 1.5 and 2.5 meter but according to the ASI report no anomalies were found at that specific Level in trench G-7 which was excavated up to depth of 13.5 meters. Page no.

23 of the above report was shown to the witness who stated that at serial no. 28 there is a mention about the anomalies at the depth of 0.7 and 5.2 meter but the excavator did not find the anomalies first at the specified Level but the trench was excavated up to the depth of 3.54 meter therefore the question of tracing the second anomaly does not arise. A lime surkhi floor was found at the depth of 0.8 meter (80cm) and 2.5 meters. It is stated in the report that a important structure was found in trench E-8 but the depth has not been mentioned. This structure is visible in plate no. 60 of the ASI report vol.2 I do not agree with the suggestion that all the evidence which have been referred by ASI and all the material object shown in the plates of ASI report vol.2 relate to a temple (Mandir).

It is wrong to suggest that I have come here to depose against Ram Mandir. It is also wrong to suggest I am trying my level best to conceal true facts with regard to existence of Ram Janam Bhoomi Mandir.

I had seen the raised platform at the disputed site. I used to go to pay regards to Ram Lala. So far I remember the raised platform is about 10x10 meter. I saw that thousands of devotees used to go to pay their respects or offering puja. The raised platform was higher in level than other part of the disputed area. It is wrong to suggest that I am giving the evidence under any pressure or threat from

any side. The ASI people have done their work in very short period which they should not have done and at the same time while doing excavation in hurry they have committed a number of mistakes in the method of excavation.

(Cross examination on behalf of defendant No. 20,Shri Madan Mohan Gupta ,in O.O.S No.4/89, by Km. Ranjana Agnihotri , Advocate concluded)

(Cross examination on behalf of defendant no. 17 Shri Ramesh Chandra Tripathi by Shri Vireshwar Dwivedi, Advocate in OOS no 4/89 started).

X X X X X

It is correct to say that I have been associated with many excavation teams. Almost every excavation team consist of so many persons. Different persons are allotted different work at the time of excavation. They are given their nomenclatures such as photographer, the person who digs the trenches by the labourer under the supervision of trench supervisor, field director or director of excavation who are over all in charge of excavation. the licence of excavation is given in the name of director of excavation. I don't know whether any written record is maintained by

the director with regard to the persons involved in the excavations with the detail of the job assigned to them but it is tradition.

Q: Do you want to say that the licence director is not required mandatorily to maintain the record of the persons associated with the excavation ?

A: When a licensee director applies for a licence with the ASI, he has to submit the list of technical person of his team for getting licence. Labourers are not mentioned in the list submitted by licensee director while applying for licence.

In 1977 in the excavation at Mathura my position was of a trainee student. In the year 1971 at the time of excavation at Karnasuvran,West Bengal my position in the excavation team was as a M.A. student of department of Archaeology University of Calcutta. In 1986 to 1991 in the excavation at Mangal Kot,Bard wan my position in the team was of a teacher of the department. My position was the same in excavation in Dihar,Bankura in West Bengal. In the excavation at Pakhana, Bankura,West Bengal from 1997 to 2000 and also 2002 to 2003 my position in the last year of that excavation was that of a Director. By the last year I mean 2003. I was given the licence of excavation in 2003. Prior to 2003 in the excavation at Pakhana I work as an associate director. At this time director of excavation

was Prof. Chitralekha Gupta. From 1997 to 2002 I work as associate director at Pakhana. The preliminary report of this excavation had been submitted to the ASI for getting the next licence. It is correct to say that final report of this excavation has not yet been submitted. Volunteered that generally the report are not submitted because there is no budgetary provision for the publication of excavation report either by the University or by ASI since the publication of the reports requires a good amount of money which is not available.

Q: Should I understand that your academic efforts became the victim of shortage of funds?

A: It is neither true nor wrong because the publication of excavation reports require a lot of money, there is no doubt it, but on the other hand we have published a number of articles in different journals about these excavations.

It is correct to say that final report of excavation at Pakhanna has not yet been published in full. In the excavation at Dantan, Medanapur, West Bengal in the year 2003 to 2004 my position was that of licensee director. The question of submission of final report in full relating to the excavation at Dantan does not arise because a final report can not be submitted unless the excavation is completed. We took 12 years to complete the excavation at

Karnasuvarn. The excavation at Dantan has not yet been completed and this year we have undertaken the excavation at MangalKot which was excavated a long time back. The excavation at Dantan is still incomplete. In excavation at Dantan I was licence director. The submission of final report of any excavation to ASI is not mandatory. They insist to publish the report. It is absolutely correct that licensor does not require to submit final report of the excavation by the licensee director only submission of preliminary report is required. I did not study Anthropology as a subject but I did my Ph.D. in the Anthropology . Anthropology is science of Man, any thing relating to Man is domain of Anthropology. There are three divisions in the Anthropology 1. social 2. physical 3. Paleo-Anthropology. Those who are studying social anthropology they deal with the social behaviour of human beings. The physical anthropology deals with the genetic of human beings and the paleo-Anthropology deal with the prehistoric past including human evolution. As a student of archaeology I studied the prehistoric part of paleo-Anthropology. As such I have studied Harrappan and Mohan-Jodaro. I did not study about the Puranic ages. I had no apathy toward the 'Vedic-Age' or the Puranic age. I do not have any concept of 'Treta-yug' and like wise 'Dwaper-yug'.

Q: Do you or don't you believe in Lord Rama?

A: As a Hindu I believe in God Ram.

I don't believe that Lord Ram was born in Ayodhya. I visited the Ram Lala temple at Ayodhya and paid my regard and respect to Ram Lala. I used to go to the makeshift structure where Ram Lala was seated but I don't remember the number of my visits. Altogether I was there at Ayodhya for 21 or 22 days with 7 days at three different occasion. So the number of my visit to the make shift temple may be around 15 days.

I don't know whether there is any long drawn tradition regarding celebration of birth of Lord Ram in Ayodhya. I don't know whether it is celebrated in Ayodhya or not. Hindus in general believe that Lord Ram was born in Ayodhya. I have not heard whether Ram was born somewhere else out side Ayodhya in any part of India. So far I remember there are few temples dedicated to Lord Ram and I have seen these temples. Few believers of Lord Ram are there in Calcutta because there are some temples of Lord Ram. While in Ayodhya I did not try to know about any other birth place of Lord Rama. I have not been the student of Anthropology. My Ph.D. Degree was awarded in Anthropology since the subject matter is specific portion of Anthropology is similar to

Archaeology. In Anthropology there is a paper known as Pre-history.

Q: By 'Pre-History do you mean the Pre-History of India or any other nation?

A: By the word Pre-History I mean Pre-History of the old world. Its includes India. In pre-history of India I did not come across the word Lord Ram or Lord Vishnu.

Lord Ram was son of 'Dashrath'. Dashrath is said to be the king of Ayodhya. Since there are so many God and Goddesses in the Hindu beliefs, how I should devote my time for the existence of Lord Ram and Dashrath.

Q: Till now you have not cared to know about Lord Ram or his father Dashrath. Is it correct?

A: It is correct.

I belong to Kayasth community with Kashyap Gotra. I am not quite aware about the Gotras but I have heard about my Gotra from my forefathers because it required during rituals at the time of puja. I have heard about Vashistha and Bhradwaj Gotra. I don't know whether Vashisth was Guru of Dasrath family or not. I have heard the name of Vishwamitra. He may be at the time of Lord Ram but I am not very sure about it but it appears that he was at that time. We do not have any archaeological evidence to suggest any specific time period for Ram or Dashrath. There are literary sources about Ram but I have

not heard that Ram was associated with the Aryans. There is nothing about the Aryan culture in northern India. Only what we know from northern India is Indus Valley culture and in the Gangetic Valley there were painted Grey Ware during little latter time and Prof. B.B. Lal tries to associate this painted grey ware culture with the Aryans. I know that there was Dravidian culture in the southern India.

Q: Any authority have you come across about the existence of Aryan culture in India ?

A: Heingeldern advocated the theory of Aryan. Possibly he wrote this paper in 1935-1936. Prior to this there were many literary sources such as Vedic and Puranic literature on Aryan. Heingeldern possibly was a German scholar. I have heard the name of German philoshper MaxMullar. He has written so many books about Aryan culture. The period of MaxMullar is pre-Independence period that is prior to 1947. The period of MaxMullar may be before Vivekanand but I am not very sure about it. With confidence I can't say what was the period of MaxMullar. It is wrong to suggest that on this point I am all along telling lies. I have found the name of Heingeldern in a reference. I am not sure whether he visited India or not or what data he collected from India. I believe him to be an authority on the above point. So far I remember the cast system was started in the Sen dynasty in

Bengal. Caste system has a very long tradition. It may be that Manu has started the cast system based on profession of the individuals. It is very difficult to pin-point the period of Manu archeologically. According to Manu the persons who were the warriors or the rulers were called K shtriyas. The traditions say that Lord Ram and Dasthrath were kings therefore, they must belong to K shtriya community, according to the classification of the Manu. Dashrath is said to be the king of Ayodhya. The tradition say that Ram was also king of Ayodhya. I have heard that Ram fought a battle with Ravana and finally won the battle.

Learned cross examiner drew the attention of the witness toward plate no. 67 of the ASI report vol.2 the witness after seeing it stated that it is written that this object is 'Ghat shaped' pit cut into the large brick pavement. According to me this shape looks like a Ghat.

At page no. 212 of today's statement I have stated that 'having seen plate no. 67 the witness stated that I would not like to make any comment on this plate'. Earlier I did not comment about plate no. 67 because it appears to be very much artificial considering the context and the situation. More over I was present during the period, when it was excavated.

Plate no. 66 of the ASI report vol.2 was shown to the witness who after viewing it stated that there is a small vessel in insitu position.

Q: Is it not a Ghat shaped vessel?

A: It is a Ghat shaped vessel.

Statement read and verified

03-05-2006

Cross examination of the witness by Shri Vireshwar Dwivedi Advocate, could not be concluded. Put up tomorrow for furthur cross examination of the witness.

(H.S. Dubey)
Commissioner
03-05-2006

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B.M.)
High Court of judicature at Allahabad, Lucknow Bench LKO.

Dated 4-5 -2006 **P.W 31 Dr. Ashok Datta**

(Commissioner appointed vide order dated 20-4-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta, in continuation of earlier statement dated 03-05-2006, being cross examined on behalf of defendant No. 17 Shri Ramesh Chandra Tripathi in OOS No 4/89 by Shri Vireshwar Dwivedi, Advocate stated on oath as under)

Learned cross examiner drew the attention of the witness to annexeure 2 of the affidavit of the witness and asked following question.

Q: Have you prepared annexure 2 in your own hand?

A: I did not prepare it in my own hand.

The words and figures written in annexure 2 are not in my own hand. With reference to annexure no. 1 the witness stated that the excavations at Mathura and Srawasti were attended by me in U.P.

Q: Is it correct to say that annexure no 1. Shows that in India your work and writings relate to West Bengal and Orissa. Is it correct or not ?

A: This is not correct.

For example in 1997 I have written a paper on 'Harrappan civilisation an over view in the light of recent discoveries'. The second paper was written in 1999 on N.B.P.W. a typical marker of Mauryan culture extension. In 2001 I have written a paper on Evolution of brick technology in India. In 1992 I have written a paper on "Early stages of Iron technology and the development of regional pattern in India" and the next one has been written in 2002 on 'Shama nism and the Indian Rock Painting'.

Q: Do these relate to the Archaeology work done by you?

A: Some of the papers contain the finding of my research on specific subject and in some other cases I have utilised the data of different scholar.

Q: Did you conduct any archaeological work or you just based your work on the research done by you?

A: It is both.

I conducted the archaeological work also in the paper 'Early stages of Iron technology and development of regional pattern' and also in the paper in 1999.I did some field work for collecting archaeological data before the

preparation of this paper . For this I utilise the Iron objects found in our excavations. I have excavated at Pakhanna, Bankura as well as Mangalkot and Dihar, one from U.P. The secondary data is there also from U.P. I collected the secondary data from the published report and not from the spot. In Mathura excavation I worked as a trainee student and I did not work there as an expert excavator. That is why I have used the word 'excavator trainee' in Annexure no. 1.

Q: Is it correct to say that for the first time you came to Ayodhya in U.P. in the excavation proceedings conducted by the ASI who have submitted the report?

A: Yes it is correct to say that I came to the excavation at Ayodhya for the first time.

Banani Bhattacharya requested me to come to Ayodhya and I got the information from Banani Bhattacharya who was a student of mine.

Q: You along with some other persons came to Ayodhya or not ?

A: I came alone.

Some other persons stayed with me in the same hotel in Faizabad. Some of them were known to me as they belonged to my department.

Q: You along with other persons entered the same hotel on the same day or not?

A: It is not correct as I have stated earlier that I came alone to Ayodhya, therefore the question of entering the hotel with some other persons does not arise.

Q: Is it correct to say that thereafter after some days you at the instance of Banani Bhattacharya met Shri Jilani Advocate ?

A: I contacted Mr.Z Jilani before coming to Ayodhya.

As I have mentioned that I came to know about this matter from Banani Bhattacharya and I met Shri. Z. Jilani after having information from Banani. I met Shri. Z. Jilani advocate possibly at Lucknow.

Learned cross examiner drew the attention of the witness on the statement recorded on 20-01-2006 in the first paragraph at page 14. The witness, after going through this paragraph stated that the facts written in this paragraph are correct.

I do not have an expert knowledge of ceramics. But I know what are ceramics. The ceramics are found of different materials but the clay is the most common material the ceramics. The composition of clay differs from place to place. It is true that the clay of Ayodhya may be different from the clay of West-Bangal and Madras. There are material of ceramics. The materials of clay of different places may be similar but the composition of

clay used in different material of different places will be different. As an expert on the basis of style, form and technique I can differentiate or fixed the dating of terracotta figurine up to Gupta age. I can fix the relative dating of terracotta age up to Gupta on the basis of style, form and technique. On the basis of clay composition of a ceramic material I can not give the relative dating of terracotta objects.

Q: Did you fix the period of any ceramic figurine found in the excavation in question conducted by the ASI?

A: Yes, the date of earlier ceramics can be fixed from 650 B.C to 1st century A.D. Since ASI was working at the disputed site I was not in the position to fix the dates of the ceramics found during the excavation.

When I reached Ayodhya the excavation at disputed site had already been started. I am not very sure about the date of commencement of excavation at disputed site. The excavation at disputed site had started approximately before one month when I reached at Ayodhya. I did not maintain any diary and did not have any paper with me to write down about excavations. I did not prepare any note on the basis of my memory.

I have read the GPR report. This report was supplied to me by Shri. Z. Jilani, Advocate. Obviously I studied this GPR survey report before submission of my affidavit. This

GPR survey report is contained in about 10-12 pages. It is incorrect to say that I am giving false statement. I have studied the ASI report submitted in this Court. I have read about wall no. 17,16 and 5 in the ASI report.

Q: Have you studied it from an expert point of view?

A: I have studied it as an expert .

There is difference between the length of all these three walls. There is difference in the direction of all these three walls. So far I remember wall no. 17 is in north-south direction and wall no. 16 is also in north-south direction. I can't remember the direction of wall no. 5. So far I remember out of these three walls, wall no. 16 is the largest wall. It approximately may 30 to 35 meters. So far the length of wall no. 17 and wall no. 5 are concerned I do not remember their exact length. I can't remember the shortest wall of these three walls. I have seen all these three walls. I can't remember whether all these three walls are foundation walls of some constructions or not. It is correct to say that usually the wall are made for some construction. Wall no. 16 is very important wall and rest two walls i.e. wall no. 17 and 5 may be subsidiary walls of some other construction . All these three walls have archaeological significance. I did not mention about three walls in my affidavit. Wall no. 16 and 17 are one over the wall. . I don't remember the situation of wall no. 5.

Existence of one wall over the other shows that construction is made over the other if they are different. If the direction of the walls and materials are different between the two walls then we can say that other construction was made over the other one. On wall no. 16 lime plaster was found but it is lacking in wall no. 17. By seeing all these three walls it is very difficult to assume as an expert that there were three different structures. Unless one verifies it from different angles. If there is deviation in the directions of all these three walls then necessarily it will not show that there were three different structures made at different times. I noted the important things which I saw during excavations. I prepared my affidavit on the basis of my personal observation as well as the report of ASI. My personal observations include my personal notes. In my affidavit I have criticised the report of ASI. I have prepared my affidavit on the basis of personal observation as well as ASI report and I have quoted at a number of time ASI report in my affidavit. As I have told that wall no. 17 is of great significance of the site. I can't remember the lowest wall out of all these three walls mentioned above, again said wall no. 17 is the deepest wall.

Q: You have not mentioned about these three walls in your affidavit should it be presumed that you did not find

any thing important in the ASI report therefore you did not mention about these walls in your affidavit?

A: This is not true but I did not because I thought I should limit within the points which I referred in my affidavit that is why I did not discuss about walls in my affidavit.

This is not correct to say that I prepared my affidavit first and chose not to refer the walls.

Q: What is the reason of non reference of these three walls in your affidavit?

A: Because I thought that the points which I mentioned in my affidavit are more important than the walls.

Q: So should it be presumed that less important things have not been referred to in your affidavit?

A: I have mentioned only the points which are important. It is true that less important things have been left out in my affidavit because there are so many things in excavations about which of any one wants to the object then he will have to write a full report of the excavation.

It is incorrect to say that purposely and with prejudiced mind I am telling lies on the above point. I prepared my affidavit my self and the legal part was prepared by Mr. Jilani. The legal portion of my affidavit is

contain in verification clause at page no. 10 and 11 of my affidavit. In preparation of legal part of my affidavit I did not consult nor instructed by lawyers. It is wrong to suggest that on this point also I am telling lies.

Glazed ware and glazed tiles were introduced from Sultanate period. Sultanate period can be dated from 11th century A.D onwards. I don't have much idea of Gaharwal dynasty. What I can say is that Gaharwal dynasty was in the northern part of India. By northern part I mean area including U.P. I can't say about the area of the dynasty of Gaharwal kingdom. I can't say where from Gaharwal dynasty originated. I have heard the name of Sikandar Lodhi. I am not very sure about it whether Sikandar Lodhi was from out side or from India. I have heard the name Ibrahim Lodhi. He was a sultan. So far I remember Ibrahim Lodhi belonged to northern part of India. I don't remember the name of sultan who ruled India during 11th century A.D. I don't have much idea of chronological names of different sultanate and regional kings of different part of India because my area of study is archaeology not history. In excavation in Mathura which I was associated different ceramics objects and antiquities of different cultural period were found. These finds and materials includ that of Gaharwal period.

I have not studied about the structural design of the Vaishnav temples. In Srawasti excavation in which I was associated, the lowest settlement of Srawasti started from N.B.P.W culture followed by Maurya, Shunga, Kushan and Gupta period.

Q: Since you are not aware of the structural designs of Vaishnav temples there fore from the finds in a excavation you can not conclude whether it belong to Vaishnav temple or not? What is your reply?

A: This is not totally correct because to determine a temple there are many other sources on the basis of which one can determine the existence of temple.

It is wrong to suggest that at this point I am telling lies.

I know the structure or shape of the Mosque but it does not mean that I am an expert of architectur buildings of ancient period. I know about the structural design of Mosque. The most important structural design of the Mosque is the dome at the top. I have not seen any Mosque with out dome nor I have heard about it.

Q: Whether you have not studied about the Mosque with out dome?

A: I have seen many photographs, many articles on Mosque. I have seen many drawings and books on Mosques but I never undertook any serious study on Mosques.

architecture since this is not my area but I can distinguish Mosque and temple.

I have read about Babar during my school days. Babar was ruler of Delhi. I was taught about Babar. I do not remember whether I was taught about Gaharwal dynasty because Gaharwal is a regional dynasty where as Babar was an emperor or sultan of the entire northern part of India. I have not heard about Rana Sanga. I can't remember whether I have read about Rana Sanga or not.

Q: You must have been taught that Babar constructed a Mosque in Ayodhya?

A: I don't remember.

I have read that Babar came to India from Samarkand in 15th century A.D.

It is wrong to suggest that my statement on this point is motivated and incorrect. I don't know about mandatory requirement of a Mosque. I have seen Vishnu temples. I know that Hindus believe that Ram and Krishna were incarnations of Lord Vishnu. I don't know whether the temples of incarnation of Lord Vishnu are known as Vaishnav temples or not. I don't know whether the temple of Lord Ram in Calcutta is known as Vashnava temple or

not. I don't know about difference between Jama-Masjid and the ordinary Mosque.

Statement read and verified

04-05-2006

Cross examination of the witness by Shri Vireshwar Dwivedi Advocate, could not be concluded. Put up tomorrow for furthur cross examination of the witness.

(H.S. Dubey)

Commissioner

04-05-2006

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B.M.)
High Court of judicature at Allahabad, Lucknow Bench LKO.

Dated 5-5 -2006 **P.W 31 Dr. Ashok Datta**

(Commissioner appointed vide order dated 20-4-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta in continuation of earlier statement dated 04-05-2006 being cross examined on behalf of defendant No. 17 Shri Ramesh Chandra Tripathi in O.O.S No. 4/89 by Shri Vireshwar Dwivedi , Advocate, stated on oath as under)

I know that Muslims do not use figures in their religion. Human figure and figurines do not find in Muslims' religious places. The witness volunteered and stated that if the Muslim religious place is found to be present in an archaeological places there may be possibility of having such figure and figurine due to the disturbance of either underlying or overlying layers. According to me Mosque is religious place of Muslims. I know this excavation by ASI was conducted under the orders of

Court. I have seen the order of the court in this regard in the report of ASI. The order of the court was to investigate through archaeological excavation whether there was temple or structure below the disputed structure/ Mosque. The work assigned to ASI was limited since the court had given the specific order and the time period although this was extended later on from time to time. It is true that the excavation in question was for a particular purpose and was not conducted as a general excavation. Witness volunteered that although the order was specific but when the excavation was undertaken by ASI they should follow the scientific rule and regulation of excavations. The glazed tiles were one of the indication of Muslim habitation as I have referred in para 9 of my affidavit. Other things are also to be found that there was habitation. Besides glazed tiles, glazed ceramics, glazed porcelain and celadon were found which are generally associated with the Islamic cultural site as well as the application of the lime-surkhi construction indicates a Muslim habitation. These things are characteristic of the Muslim habitation. There could not be non Muslim habitation. One or two stone pieces do not suggest the non Muslim habitation. To come to any conclusion the things mentioned like fallen houses, residential houses, wells are not required in the form of structure or drain. Ceramic, terracotta figures and figurines

of specific period should be there to come to any conclusion about the cultural identity of that phase. Glazed tiles were not used by the Hindus prior to the advent of Sultanate period. According to me the advent of Sultanate period can be dated from 1206 A.D. In archaeology this period is known as Sultanate period. This period may also be called as early medieval period. The Sultanate period in India began from 1206 A.D and came to an end in 1526 A.D. Late medieval period according to archaeological perception started from 13-14th century A.D. According to my own perception early medieval period should be from the beginning from 11th century to 13-14th century A.D. According to me the late medieval period should be from 13-14th to 16th century A.D. So far as my knowledge and experience is concerned I am sure that Hindus did not use glazed tiles, and glazed ceramic during early and late medieval period. It is incorrect to say that on this point I am telling lie.

Isometric projection is imaginary or tentative. Isometric means imaginary or tentative metric analysis. For isometric projection photographs of a particular place or thing are not to be taken. It is done on the basis of measurement, some imaginary drawings are done.

' Pit' has got importance in the excavations in the sense that it is based on number of antiquities. 'Dump' is

formed when materials are thrown away in a particular area and it should have a convex shape at the top and in case of pit it should have a round shape at the bottom. 'Slip' means a tag which is attached with the antiquity showing , depth, layer and number of the trench. The figures and figurines having some cultural identity or religious figures indicate that the place was used by Hindus irrespective of its context.

Q: What do you mean by ' Irrespective of its context'?

A: By the word 'Irrespective of its context' I mean the locus of the find.

Q: Could you know about the locus about the figure and figurine found in the excavation?

A: Yes.

There were different figure and figurine including those of humans, animals and other objects. I saw many terracotta figures and figurine of different cultural periods at the site. It is very difficult to assign any period of any terracotta figures and figurines, When I say to Hindu religion they mostly belong to Shunga, Kushan and Gupta age. There are signs and traits on the basis of which I can determine their chronological sequence. I did not do it at the spot but after wards I came to know from the ASI report vol2.about these figures and figurines. When I say

Kushan period and Gupta period then I speak about the cultural periods. If I say that these figures and figurines belong to Kushan or Gupta period then it might be used by Hindus and non Hindus. Kanishk was non Hindu during the Kushan period. These figures and figurines were certainly not used by Kaniska. It is incorrect to say that purposely I am not speaking the truth on this point. I don't have any idea about the Sultanate rule in Ayodhya. I don't know as to who were the rulers of Ayodhya from 10th century A.D. to 14th century A.D. the witness volunteered that it is not mandatory for an Archaeologist, who is not directly involved with the excavation, to know the local history in details. Certainly I was not involved in this excavation in question. It is incorrect to suggest that I had been made to involve my self in this excavation.

Q: Except the glazed tiles did you come across any other thing to conclude that the area under excavation was inhabited by Muslims?

A: Since the glazed tiles and the ceramics are found in large number supplemented by lime-surkhi construction I come to conclusion that the area was inhabited by Muslim people, furthermore the director of excavation in his report has stated that the most distinctive ceramic of this phase was glazed ware, so on the basis of these things I come to this conclusion.

It is correct to say that without stratification or layering no periodization can be done. In case of dump stratification or layering is not required.

A mound as defined in terms of archaeology a mound is formed by the accumulation of cultural deposits. The excavation is done in archaeological mound. Certainly this excavation was conducted at the archaeological mound. A mound is created by the accumulation of debris consisting of cultural material left by men. It also contains earth including rubbish of the houses thrown by the people who inhabited in the area. eladon is a type of ceramics which were mostly imported from China. It is made of Chines clay. Materials made of eladon have also been found from the excavation site of Ayodhya. Few pieces of eladon were found during the excavation. It is not necessary to distinguish between Chines and Indian eladon. On this basis on a piece of eladon Indian clay can not be described.

Q: With out distinguishing Indian clay and eladon how you can say that it is eladon and not the Indian clay?

A: Unless it is chemically examined it can not be said.

To distinguish between Indian clay and Chines clay (seladon) chemical analysis is required. I did not chemically analyse any eladon found in this excavation.

Porcelain is a type of ceramic which is generally imported from China. Chemical analyse is not required to distinguish between porcelain and seladon and India clay. By seeing it with naked eyes I can recognise that a particular object is porcelain. I don't know about porcelain heard.

In para 19 in the second line of my affidavit the word 'Heards' has been written, it should have been written as 'Sherds'. I have signed my affidavit after going through it but due to mistake word 'Heards' has been written in place of 'Sherds'. By the word 'Sherds' I mean ceramics. Porcelain ceramics, Seladon ceramics and Indian clay ceramics are three types of ceramics. There are glazed ware ceramics also. Ware and ceramics are the same thing and they can be distinguished by naked eye. Chemical analyse is required to know the ceramics. Therefore I could not know the composition of all the ceramics.

Q: On the basis of what you saw with your naked eyes you have mentioned the same in your affidavit?

A: Yes on the basis of observation by the naked eye I have mentioned about it in my affidavit. The witness volunteers that there are certain time bound and identifiable objects which do not require any chemical analysis to identify them.

There were so many constructions beneath the disputed structure.

Q: According to you none of the constructions found beneath the construction of the disputed structure give any sign of a Hindu construction?

A: I did not find any definite sign of Hindu construction.

According to me all these were not Muslim constructions. The constructions in the lower level may belong to Hindu, Jain or Budhists. On the basis of the material deposit it may belong to Hindus or Budhists. There is no specific sign of any Jain construction in the lower level of the disputed site. I mentioned Jain construction just before, because the structures which were found in the lower level may belong to any religious community. The prevalent religion of that time was Budhist, Jain and Hinduism. By 'that time' I mean from 1st century A.D. to about 10th –11th century A.D. I have not heard whether in the 1st century the use of lime -mortar was in vogue or not. I don't know whether lime-mortar was used in the lower level constructions or not. It is wrong to suggest that on this point I am telling lies after lies.

An 'Amlak' is a decorative stone which is generally found on the top of temple, particularly 'Nagar' type of

temples. It is also found in northern part of India which includes Ayodhya also. I have visited one temple at Ayodhya, I don't remember the name of the temple although it is very famous. This temple is located at the distance of about 500 yard from the disputed site. I don't remember at this point of time as to which particular deity this temple was built for. It may be Vishnu orLord Ram.

Q: During your stay at Ayodhya and Faizabad did you know that Ayodhya is birth place of Lord Ram?

A: Yes.

Q: Did you try to know as to what date of birth of Lord Ram is given by the Hindu believers?

A: I did not try to know about it.

It is wrong to suggest that in my statement, all along,I have been prejudicein favour of Muslims against Hindus.

Statement read and verified

05-05-2006

Cross examination on behalf of defendent no. 17 of OOS no. 4/89, by Shri Vireshwar Dwivedi, Advocate, recorded and concluded. Cross examination of this witness is continued. Put up on 08-05-2006 for recording furthur cross examination of the witness.

5.5.2006

(H.S. Dubey)

Commissioner

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B.M.)
High Court of judicature at Allahabad, Lucknow Bench LKO.

Dated 8-5 -2006 **P.W 31 Dr. Ashok Datta**

(Commissioner appointed vide order dated 20-4-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta in continuation of earlier statement dated 05-05-2006 being cross examined on behalf of defendant No. 2/1 Mahant Suresh Das in O.O.S No. 4/89 by Shri Madan Mohan Pandey, Advocate, stated on oath as under)

My specialised subject is pre-history. Disputed site belongs to early historic site. I did a lot of excavation in early historic sites. All these excavations are mentioned in para-3 of my affidavit. I participated in a pre-historic site not as an excavator but as a student trainee in Germany in 1982.A.D. Numbers of papers have been written by me on pre-historic sites. I did not undertake any pre-historic site excavation. I was at the excavation at Mathura and Shrawasti. These are related to historical sites. I have

mentioned about these excavations in my affidavit. Twice I had been granted license for excavations at Archaeological sites. One site was at Pakhana (West Bengal) and the other one is at Dantan in Midnapur district in West Bengal. The preliminary reports on these excavations have been submitted to ASI. The excavation at Dantan is not yet complete. Final report of above two sites are yet to be published. The excavation at Pakhanna is almost complete but since there were more than one director of the excavation and the availability of funds for the publication of the report will determine when and how report is to be published. I agree on the point that preparation of an excavation report takes more time than the excavation itself. It is true that if excavation is conducted at any site for one month then preparation of its report will require at least six month. I do agree that ASI people had done this job within a very short span of time.

I know about GPR survey report. GPR survey is a scientific method of investigation. This is recognised by archaeologists also. I have gone through the GPR survey report submitted in this case with regard to site in question. The GPR survey report has been prepared and submitted on the basis of several scientific investigations of the spot. GPR report is generally done before excavation to know the anomalies beneath the surface, it serves as a guide for

taking up excavation but it does not mean that the anomalies which are mentioned in the GPR report are always to be found beneath the surface. The anomalies found in GPR survey should be confirmed by actual excavation at the site. In this case also after the GPR survey actual excavation was conducted by ASI at the disputed site. I agree that laying of the trenches by ASI is absolutely correct but the method of recording of antiquities is against Archaeological norms. I do not agree with the procedure of recording method of ASI. As to how recording should be done for example, in archaeology, the norm is that all the measurements should be taken from datum line or fixed line but in the present case the ASI has taken measurements from the surface which resulted in the variation of locus from 10 to 15 cm in recording the antiquities. Above norm is applicable to plane surface as well as to undulating surface. I came at the disputed site possibly in the year 2000 A.D. with my students. We had no mission or any objective at than time . We came just to see the site as well as to have 'Darshan' of Ram Lala. In the year 2000 A.D. Ram Lala was seated in the makeshift structure. In the year 2000 I had some idea about the disputed site. I knew at that time that that dispute was in between two communities for the disputed site. Hindus claim the disputed site as birth place of Lord Ram and

Muslims used to say that this was a mosque built by Babar. The disputed site was at the height of about 20 or more then 20 fits from the ground level. It was like a mound. The upper surface of this mound was more or less flat covering approximately 60-70 meters in North-South direction and 40-45 meters in East–West direction. In mounts generally there should be a top at the highest peak unless there are regular habitation or architectural structures. If there is construction at the top of the mound there should be some amount of levelling at the site. The site of Ayodhya is fragmented into a number of mounds by erosion activities or human agency. That is why ASI has referred mound as AYD1, which means there are other mounds in the area. I have seen from the top of the mound that there are number of fragmented mounds in the region which actually formed a single mound in the early times. I have seen these mounds from the top of the disputed structures. I did not make any enquiry or investigation about the other mounds of Ayodhya. I have seen the contour map prepared by the GPR survey.

Learned cross examiner drew the attention of the witness to figure 2 (page 138) of the ASI report volume 1. The witness after viewing this figure stated that this map has been prepared by Tojo-Vikas International Pvt. Ltd on the basis of measurement and investigation at the spot.

This figure is inconformity with the spot position. Anomalies found in GPR survey have been mentioned in this figure at different places. Some of the anomalies mentioned in GPR survey have been confirmed by ASI excavation. Figure-1 (page 13) of the above report is contour map of disputed area prepared by ASI which is also inconformity with the spot. The ASI has given a comparative chart showing anomalies in different trenches. I agree with the comparative chart regarding confirmation of anomalies of ASI on the bases of excavation.

Having seen figure 3 of the above report the witness stated that this map has been prepared by ASI after conducting excavation at the spot. It is correct to say that in this map walls found by ASI during excavation have been shown at their respective places and numbers. Similarly so called pillar bases as well as structured are shown in this figure at their respective places. There are 28-30 walls which have been shown according to the numbering given by the ASI. I did not mention any thing about the walls in my affidavit because I am not expert in architecture. An archaeologist even if he may not be an expert of architecture, he should have the minimum knowledge of the architectural position as well as to determine how the walls are dated. It is not correct to say that I did not study about the walls. I did not mention about

the walls in my affidavit as I do not consider myself an expert of architecture. I agree with the opinion of ASI that there lie a number of structure in the forms of walls and floors beneath the disputed structure. Wall number 1-15 may be related to the disputed structure. Walls number 16 onwards are walls belonging to a period before the construction of disputed structure.

Figure 3B (page no. 51) of the above report was shown to the witness. The witness stated that it appears from this figure that it has used 3 different colours for structures belonging to 3 different periods 6,7 and 8. It is correct to say that in this figure walls and structures found during excavation are shown. I can identify wall no. 16 and 17 in this figure 3B. Wall number 16 is a bit larger than wall no. 17. Wall no. 16 appears to be about 50 meters in length, where as wall no. 17 is approximately 35-40 meters if the measurement as done by ASI is correct. I have seen wall no. 17 on spot but I have not taken its measurement. The measurement shown by ASI in this figure 3B appears to be correct because it will be presumed that the measurement given by ASI is correct. So far I remember wall no. 16 is approximately 2 meters or less than 2 meters in width. I can not remember the exact width of wall no. 16 but it appears from figure no. 3B that it may be of the same width. I can not remember whether wall no.

17 is older than wall no. 16 or not. If the foundation trench of wall no. 17 is lower than wall no. 16 then wall no. 17 must be older than wall no. 16. I can not identify wall no. 18a, 18b, 18c and 18d in this figure 3B. Similarly I can not identify other wall also in this figure.

Since all the walls found during excavation have been numbered in figure 3 therefore I can identify the wall on the bases of the number given by ASI. The structures shown in this figure were found during excavation spot. Since I was not an excavator therefore I did not try to date the walls on the bases of excavation on the spot, but I can presume some proximate age of the walls on the bases of materials found different levels as well as from the nature of the brick size. So far I remember the foundation trench of wall no. 16 was just above the brick jelly floor or brick dust floor which may roughly around 1300 A.D. There are some places where the foundation of the mosque is resting on wall no. 16. Wall no. 17 appears to be older than wall no. 16. But I can not date wall no. 17 to any period because I did not find foundation trench of wall no. 17 because it is only method to date any wall.

The age and time of a structure or wall can be dated when it is related to the layer. To determine the layer to which the structure belongs and to trace the foundation

trench, It is essential to trace the foundation trench which was dug out. Moreover the antiquities of the layer of the underlying and the overlying layers as well the antiquities of the layer to which the foundation trench belongs, are some of essential studies to determine the age of structure or wall. In archaeology periodization is done taking into account the three factors viz layer wise, century wise and the dynasty wise but to my mind periodization should be made on the basis of century wise like early historic period medieval period and the modern period and furthur sub division of medieval period as early medieval period and late medieval period. There are two types of dating methods, one is relative dating method and the other is absolute dating method. Stratigraphy is one of the method of relative dating. Carbon dating is a scientific mode considered to be absolute dating method. This is true that the ASI has adopted all the three methods of periodization of structures and walls that is layer wise , dynasty wise and the century wise. But the periodization of the ASI in the present report is not very scientific one because in their periodization they have referred early medieval period ranging from 10^{th} to 11^{th} century which they say belongs to Sultanate period and the next period medieval period followed by Mughal period. volunteered, it appears that the sultanate period was confined to 10^{th} and 11^{th} century only.

Up to Gupta period there is no problem regarding dynasty-wise periodization. In the post Gupta period so many regional powers came into being and due to which dynasty-wise periodization is not possible. Dynasty-wise periodization is not recognised after Gupta period since there are lots of controversies regarding the nomenclature of the period. So according to me periodization after Gupta period should be on the century basis. ASI has given century wise periodization. I do not have any objection regarding periodization of ASI in which they did not mention early sultanate period from 10^{th} to 11^{th} century. In my opinion one of the objection regarding the periodization is the mention of early medieval sultanate period. The periodization should not be made on the basis of dynasty wise. The ASI has given carbon dating results as appendix in their report of different trenches. I agree with the carbon dating result but I do not agree with some of the carbon dating results which referred much-much earlier date of N.B.P.W. culture. All these carbon dating were done by Birbal Sahani Institute Lucknow, which is a well recognised Institute of conducting Carbon dating analysis. Carbon dating is a scientific method but there are possibilities of error, therefore sample is always tagged with plus, minus (+, -)symbol. I can not tell the names of the Post Gupta rulers of Ayodhya. I have heard that

Gahadwalas ruled in Ayodhya. I do not know whether Gahadwalas ruled in Ayodhya in 10th and 11th century but according the periodization of ASI 11th and 12th century belongs to the sultanate period. According to the periodization given by ASI 7th to 10th century belongs to Rajput period in Ayodhya. ASI is silent about the periods of early part of the 16th century.

The structures which were found beneath the structure, belong to earlier than 1528 A.D. but there are structures which are contemporary or post construction of the disputed structure. In my opinion brick tile floor which was found in the eastern side of the disputed structure was contemporary to the disputed structure. There are structures which have been found in the northern part of the mound. They are also contemporary or of post period of the disputed structure. The structures of eastern side which in my view are contemporary of the disputed structures are about 5 meters away from the makeshift structure. Similarly the structures of the northern side may be about 10 meters away from the make shift structure. Appendix 1 of the ASI report vol.1(page 273) was shown to the witness who stated that carbon dating result of different samples have been given in this appendix 1. On the basis of this the oldest structure found on the spot dates back to 90 - 340 A.D. The carbon dating results of sample

no. 8 and 9 show that first sample dates back to 1210-900 B.C. whereas sample no. 9 dates back to 1680 B.C.- 1320 B.C. In my view out of these samples mentioned in appendix 1 sample no. 8 and 9 appear to be contaminated.

I agree with the suggestion that the Stratigraphy is it self a scientific mode of periodization. I agree with the periodization given by the ASI of period 1 from 6th to 3rd century B.C., period 2 is from 2nd to 1st century B.C, period third is from 1st to 3rd century A.D. and period 4 from 4th to 6th century A.D. The ASI has fixed period 5 from 7th to 10th century A.D and period 6 has been fixed by ASI from 11th-12th century and period 7 is from 12th to the beginning of the 16th century A.D. It is true that in chapter 3 the ASI has given periodization on the basis of dynasty, Stratigraphy as well as on the basis of century wise but no stratigarphical sequence has been followed by the ASI. Moreover they have used both century wise as well as dynasty wise periodization. Volunteered that gross mistake of periodization is in the period 6 which is shown as medieval sultanate period starting from 11th – 12th century A.D. when they were non existent. This shows that the Stratigraphy was not followed properly. The ASI people had not done the carbon dating of different samples found from different level to support their periodization.

In my affidavit in regard to pillar bases I have used the words ' so called pillar bases ' and 'alleged pillar bases'. By these words I mean that 'so called' denotes that I do not accept pillar bases but since ASI has referred to them as pillar bases therefore I referred them as 'so called' pillar bases. Similarly the alleged pillar bases mean that they were non existent but despite that the ASI has referred it as pillar base. According to me both these words more or less have same meaning. I do not believe in the existence of pillar bases which are found in the southern part but I do agree that there are genuine pillar bases in the northern part of mound but it has nothing to do with the pillar bases, which I am referring because according to my observation the genuine pillar bases which are found in the northern side of the mound and which are 12-13 in number belong to a different structural activity.

Q: The words so called pillar bases and alleged pillar bases carry different meaning since you were not sure about use of appropriate word for pillar bases as such in your affidavit some where you have used word 'so called pillar bases' and some place 'alleged pillar bases' with an avowed object helping a particular party, is it so?

A: I do not agree.

I have verified the comparative chart regarding confirmation of anomalies, structures, pillar bases and walls

etc given by ASI from GPR report. Although I have verified the chart given by the ASI regarding confirmation of anomalies but I can not say so, because I did not physically verify all the anomalies of the disputed site but I verified these anomalies on the basis of chart given by the ASI. Since ASI has submitted the chart regarding confirmation of anomalies therefore it may be presumed that the anomalies are correct.

Learned cross examiner again drew the attention of the witness on figure no. 3A and 3B of the ASI report vol.1. the witness on being questioned replied that wall no. 16 is running in the north-south direction having a length of approximately 50 meters. Wall no. 17 is also running south to north but the length of this wall is much less than wall no. 16. Wall no. 17 is running with a slight minor deviation towards east in the northern side. Wall no. 18 a is in east-west direction where as 18 b is in north south direction. I can't tell whether wall no. 18 a and 18 b are attached to the same floor as wall no. 16. It is very difficult to tell whether wall no. 18 a 18 b and 16 are part of the same structure or not. In my view wall no. 16 is most important wall of the whole area but wall no. 17 is not of the same importance. Since I believe that wall no. 17 is earlier than wall no. 16, as such in my view results can be drawn on the basis of wall no. 16. Volunteered, I mean to say that every structure

is important, wall no. 16 is more important than other walls. It is wrong to suggest that since I do not consider wall no. 17 of much importance therefore I have not concentrated on this wall. I am not in a position to tell as to when the wall no. 17 was constructed but I know that wall no. 17 is earlier than wall no. 16. Wall no. 16 is resting on wall no. 17 at some places. I can't say that wall no. 5 is resting on wall no. 16 on some places.

Statement read and verified

08-05-2006

Cross examination of the witness by Madan Mohan Pandey, Advocate, could not be concluded. Put up tomorrow for furthur cross examination of the witness.

(H.S. Dubey)

Commissioner

08-05-2006

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B.M.)
High Court of judicature at Allahabad, Lucknow Bench LKO.

Dated 9-5 -2006 **P.W 31 Dr. Ashok Datta**

(Commissioner appointed vide order dated 20-4-2006 of Hon'ble Special Full Bench of Allahabad High Court , Lucknow Bench, passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta in continuation of earlier statement dated 08-05-2006 being cross examined on behalf of defendant No. 2/1 Mahant Suresh Das in O.O.S No. 4/89 by Shri Madan Mohan Pandey, Advocate, stated on oath as under)

Having seen figure 3A and 3B of vol. 1 of ASI report the witness stated that wall 18 C is attached with wall no. 16 and 18 D is also attached with wall no. 16. Wall no. 18-B is more or less parallel to wall no.18 C. wall no. 19 A is in east-west direction out side the circular shrine. Wall no. 18 B is in north-south direction. I can't tell whether wall no. 19A is resting on wall no. 20 or not. After seeing figure no. 3B the witness stated that still it is not clear whether wall no. 19A is resting over wall no. 19 or not. After figure

no. 3A it is very difficult to say that wall no. 19A sealed by wall no. 5. With out going through the photograph I can't tell on the basis of these figure 3A and 3B. Whether structure no. 5 is contemporary to layer 5A or not. If it is referred in the report that wall no. 20 is of Gupta period then I will accept it. Wall no. 22 is about 5 to 6 meter long running in east-west direction and south to the circular shrine but not in the same level. I must have seen the wall no. 22 at the spot but as I have said earlier the age of the wall or structure can not be determine on the basis of radio carbon dating. Volunteered, it can be dated on the basis of two things, if the wall contains any insitu inscribed tablet referring the date of construction and the other method is by locating the foundation trench to the layer to which it belongs and only then radio carbon dating can be done on the samples found. As an archaeologist I can not determine the age of wall no.20. I did not concentrate on determination of the age of construction of wall as I was not the actual excavator. With out following the method which I referred to earlier I can not determine the age of structures and walls. Wall no. 21 is about 2 meter long and is running in east-west direction in northern side of the semicircular structure. Wall no. 22 is larger than wall no. 21 and is about 4 to 5 meters in east-west direction and it is attached with wall no. 16. It is very difficult to say that

wall no. 22 is entering into wall no. 16 on the basis of this figure no.3A.

With reference to page no. 71 para 2nd of the ASI report vol.1 the witness stated after going through this paragraph I am unable to tell whether wall no. 19A is earlier than wall no. 20 As I told earlier since I am not an expert in architecture I did not devote time to the structures of the site specially relation to its age, as such I am unable to tell its age. Plate no. 59 and 60 of the ASI report vol.2 were shown to the witness who stated that these photographs are insitu photographs of this structure. Wall no 19A and 20 can be recognised in plate no.59. It is true that photograph of plate no. 60 shows that the upper wall is resting on the lower wall in eastern side. Even after seeing plate no. 59 and 60 I can not identify wall no. 19A and 20 as shown in figure no. 3A and refered to at page no.71 of ASI report vol.1. Plate no. 59 and 60 of ASI report vol.2are photographs of semicircular structure. volunteered, this semicircular structure does not have any connection with the walls found around this structure. This semicircular structure relates to the floor which is partially visible in the extreme north west side of the trench and another wall is laying over it in this portion. This is not absolutely correct to say that four successive floors were found during excavation but in my opinion taking into

account the disputed structure the number of floor would be more than five. In my opinion the semicircular structure/temple belongs to floor no.6 which belongs to the post Gupta period that is roughly from 7 to 10th century A.D. Wall no. 23 is in north-south direction. Wall no. 25 is running in north-south direction. Wall no. 3 is also in the north-south direction. I can't tell whether wall no. 25 is earlier than wall no. 3 or not. Similarly I can not tell whether wall no. 26 and 27 are earlier than wall no. 25 or not. Wall no. 27 and 28 are eastern part of the mound and belong to possibly J series trenches. Wall no. 27 and 28 belong to Kushan and Shunga period. With reference to page no. 72 (para 1) "layer 5A has contemporary..... range is A.D. 90-340" the witness stated that opinion expressed on the basis of carbon dating is correct.

With reference to figure 3A and 3B and on the basis of the ASI report as well as on the basis of my own experience it is very difficult to say that wall no. 1to 15 are contemporary to the disputed structure. Similarly I can not tell whether wall no. 16 to 30 are earlier than the disputed structure but I can not tell the dates of its construction as I have already said that the dates of these walls can not be confirmed on the basis of carbon dating.

I am aware with the orders of the Court regarding excavation. The order of the Hon'ble Court was passed for the

confirmation of anomalies found in GPR survey report. The Court inquired from the ASI, whether there was any temple/structure beneath the disputed structure. On the basis of this excavation it was established that there were constructions right from the early settlement of the area down to the construction of the disputed Mosque / disputed structure. I do not agree that from excavation it is proved that there was a big pillared structure below the disputed structure. Existence of a huge structure in the form of floors supported by a number of walls and sub walls is established from the excavation. Some pillars were found in the northern side of the disputed structure but they have nothing to do with the present problem. Some so called pillar bases have been found in the sections.

Q: As an archaeologist can you tell us whether pillar bases can be created in the section and baulk?

A: In archaeology a section is called the index of the trench. If there is sufficient material in the form of brick and stone an archaeologist can create an artificial pillar base but I do have regards to the integrity of the archaeologist which I believe they will never do.

The ASI in its report has referred about 50 pillar bases.

Q: Can you tell me that how many pillar bases were completely exposed by the ASI during excavation?

A: All the so called pillar bases are exposed during excavation, some of them are in section and some of them are in trenches.

Q: In your opinion whether some of the pillar bases were partially exposed or all the 50 pillar bases were completely exposed?

A: Some of the pillar bases have been partially exposed in the sense that they are embedded in the section or underlying the floors.

According to me 2 or 3 pillar bases were in the sections. I have checked the report submitted by the ASI. Some of the anomalies as referred to in the report are not found in the same locus. Either they are over the locus pointed by the ASI or below the locus pointed out by ASI. Few of them are found in the same place as pointed out by the GPR report. The ASI has given the details of pillar bases along with there respective trench, shape, size, number of brick bat courses along with its sectional elevation from page no. 55 to 67 including figures 8 to 13. According to me all these pillar bases are attached with floor no. 2, 3 and 4 except those found in the northern part of the mound. I do not agree with the chart as well as the figures submitted in the report. I have verified the existence of so called pillar bases from my personal observations as well as the GPR survey report.

Q: Do you know that out of 50 pillar bases as reported by ASI, 22 pillar bases were found at the same place where anomalies were found in the GPR survey report?

A: I differ with the above statement in the sense that they are not exactly found in the same locus of GPR report.

Q: In your opinion how many pillar bases were found in the same places as reported in GPR report?

A: I can not exactly tell the number of so called pillar bases as confirmed by excavation but they are found in different locus contrary to the locus mentioned in GPR report although it may be same trench. I am not in a position to give the exact number of the so called pillar bases as confirmed as per report of ASI.

It is wrong to suggest that I am intentionally avoiding giving correct answer of the questions put to me on this point.

It is also wrong to suggest that due to some preconceived notion I am giving false statement on the point of the locus of the so called pillar bases.

Having seen the plate no. 43 the witness stated that it is insitu photograph. According to ASI there should be two pillar bases but they have referred only 1 pillar base which underlies the floor, which may be possibly floor no. 2. This is in section but I must add that some rectangular outline is

created by the knife because the stone slab partially on the pillar base also shown on the floor by making an outline. Digging of this floor was conducted in my presence. I did not make any objection at that time. Plate no. 46 of the same report was shown to the witness who after seeing it stated that this pillar base is also partially exposed through the section. It is also insitu photograph of this pillar base.

Having seen plate no. 46 the witness stated that a semicircular so called pillar base is visible in this plate. It is also insitu photograph of the spot.

Q: Can you describe the difference between the pillar base and the pillar foundation?

A: The pillar base and pillar foundation denote the same meaning i.e. it is one or same.

I used 'alleged' 'so called pillar bases' in my statement as I have stated earlier that both these words have same meaning. Plate no. 36 of the same report was shown to the witness who after seeing it stated that this pillar base is also in section and is insitu photograph of the spot. They are two different pillar bases one is super iniposition,over the other.

I don't agree that the pillar bases of the northern side are similar to the alleged southern side but there are some pillar bases in the northern side numbering about 12 which

are different from the rest of the pillar bases. I don't agree with the alignments of all the pillar bases are same. I also differ on the point that the dimensions of the pillar bases on the northern side are similar to the pillar bases of southern side. I have not taken the dimensions of the pillar bases of northern and southern side but I am giving this statement on the basis of my own observation. I have not verified about the so called pillar bases of southern side by entering into the trenches but I have observed them from the surface level. My statement regarding above is based on the basis of my own general obervation as well as the chart provided by ASI. I believe the theory of 'Super imposition'. I believe that according to the theory of 'super imposition' creation of the pillar bases in the trenches impossible but in certain cases some super imposition found. The term 'super position' and 'super imposition' are not the same, term super imposition means 'while one thing is applied or placed over other thing' whereas 'super position means the nature of deposit which is borrowed from the science of ology' and it means that lower deposit must be older than the upper deposit in a given environmental condition. The constructional pattern of the so called pillar bases are more or less similar but the shape and size are different. I don't agree with the suggestion that the alignment and the brick courses of the so called pillar bases of southern side

are similar. I don't agree with the suggestion that intentionally I am giving wrong statement with regard to the pillar bases of southern side.

I agree that entire excavation at the disputed site had been conducted in presence of the parties, their expert nominees, counsels and two observers appointed by the Court under strict security. It is also correct to say that during excavation site note books, day to day register and antiquity register were prepared during excavation and these registers were regularly signed by the parties and their experts/counsels. Photography and videography were done during latter part of excavations. In site note book length and breadth of every trench along with layers were recorded by trench supervisors.

For identification of a layer its texture, colour and composition are considered. I don't agree that the co-relation is required for the identification of the layers. Once a layer is identified on the basis of colour composition and texture then stratigraphy can be built up on the basis of which may be further verified and supplemented by relative and absolute dating method. For identification of layers these things are sufficient. It has been done on the spot, again said, I differ whether the ASI people followed the principles of identification of the layers and certainly they did not follow the principles of

stratification. An archaeologist should have the minimum expert knowledge to differentiate between flat deposit, normal deposit and pit deposit. It is true that in excavation the co-relation of the layers with the structure should be established but that can be done by tracing the foundation trench of the respective walls. Age of the layers can be determined on the basis of relative and absolute method.

I have not heard of the name of the 'principles of Concordance' in archaeology. ASI has given tentative chart of the layers as well as the schematic-chart, cross section of different trenches and I emphasise two words, 'tentative and schematic' which implies that ASI was confused regarding the identification of the layers

Figure no. 16 of the ASI report vol.1 was shown to the witness who after going through, it on being questioned, replied that this figure is section of different trenches facing south and showing different structures and floors. Figure 14 of the above report, was shown to the witness who after going through it stated that it is the ground plan of trenches no. ZE-1 to ZH-1along with a section in the above part. Figure 5A of the above report was also shown to the witness who after going through it stated that this figure reveals the sections of trench E-10,E-9,E-8,E-7,E-6 and F-5,F-4,E-3,E-2,E-1and ZE-1it reveals the sections of different trenches as prepared by the ASI, Although I was

present on the excavation site but right now I am not in a position to confirm this figure reflects the actual sections of the trenches or not.

Q: You did not care to verify regarding different figures submitted with ASI report of different trenches showing sectional elevation etc?

A: I did not get any chance to verify it as I was not allowed to enter the area of excavated site after excavation.

I never had any occasion to discuss about these figures with my colleagues. I can express my opinion regarding the other figures submitted by ASI. It is wrong to suggest that I am intentionally avoiding giving correct answer regarding stratigraphical figures and prepared by ASI even without verifying the same. I have mentioned those points only in my affidavit that I am confident about. I am confident about the points I have mentioned in my affidavit. Right now I am not very sure whether I have used the word 'concordance' in my affidavit or not. With reference to para 7 of the affidavit the witness stated that the word concordance means co-relation of different layers. It is wrong to suggest that intentionally I have given a wrong statement about the theory of concordance. It is wrong to suggest that intentionally I have concealed and avoided to give answers

of the questions to me. I have stated to the best of my knowledge and their may be some mistake in it.

Learned cross examiner drew the attention of the witness towards para 10 page 4 last three lines and asked the witness, that is it possible in archaeology to collect the brick bats below the floors? The witness replies that if the floor is sealed by the floor it is not possible to collect the brick bats below the floor. Volunteered that the brick bats collected by those people who laid down or used the floor the foundation of the floor used and not by archaeologist or ASI. I have stated in para 11 of my affidavit that any person having basic knowledge in archaeology may reject the report strait away, I have stated this remark in my affidavit number of gross violation of archaeological which the ASI did not followed. With reference to para 13 of the affidavit the witness stated that I have the word 'Utopian' in this para which means imaginative. The use of word Utopian in para 13 of my affidavit is not appropriate and I express my regret for using the word Utopian. It is possible to lay the lime-surkhi foundation resting on a number of pillar bases and the gap was filled with debris before lying the floors.

Q: Do you understand that the use of the word 'with out showing minimum courtesy to the ethics of

archaeological recording' in para 15 of your affidavit is appropriate for ASI?

A: I have used these words because the mistake done by the ASI in ground plan are very silly mistakes and I wonder why they did it. In my view the use of this word may not be appropriate but the gross mistakes committed by the ASI are of serious nature. I am not expert of northern Indian temple architecture. I have quoted these words in para 18 of my affidavit from the ASI report itself.

Q: Whether the facts contained in para 12 ,16 ,18 and 19 of your affidavit are on the basis of general observation?

A: Yes it is based on general knowledge and my personal knowledge.

It is wrong to suggest that I am giving false statement with some preconceived notion and to give some undue benefits to a particular community.

Statement read and verified

09-05-2006

Cross examination of the witness on behalf of defendant no. 2/1in OOS no. 4/89 by Shri Madan Mohan Pandey, Advocate concluded. Put up on 10-05-2006 for furthur examination

(H.S. Dubey) 9.5.2006
Commissioner
09-05-2006

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D.(R.J.B.B.M.)
High Court of judicature at Allahabad, Lucknow Bench LKO.

Dated10-5 -2006 **P.W 31 Dr. Ashok Datta**

(Commissioner appointed vide order dated 20-4-2006 of Hon'ble Special Full Bench Allahabad High Court , Lucknow Bench, Lucknow passed in O.O.S. No. 4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others)

(Dr. Ashok Datta in continuation of his earlier statement dated 09-05-2006 being cross examined on behalf of defendant no.13/1in O.O.S No. 4/89 by Shri Rakesh Pandey, Advocate, stated on oath as under):-

The age and time of structure can be determined on the basis of two things (1). If there is any in-situ inscribed tablet referring the date of construction. (2). By tracing the foundation trench of the structure and thereby to co-relate the foundation trench with the layer and only then radio carbon dating of the object from that layer can be done to determine the age of structure. Moreover the antiquities found in that layer as well as overlying and underlying layers should be studied. Archaeology is a multidisciplinary subject in which a number of other

sciences are involved, naturally an archaeologist does not require to know all the branches of science. He can take help of other experts. When we are building the Stratigraphy of the site it is necessary to co-relate the all layers before coming to any conclusion. In the present excavation it was required to co-relate the layers of different trenches. It is wrong to suggest that for excavation in question co-relation of the layers with different trenches was not required. With reference to last three lines of para 7 of the affidavit the witness stated that it is essential both for Stratigraphy and antiquities to be placed in correct position. To pin point an object in the trench, procedure is called three dimensional method which is generally taken from the datum or fixed line. Periodization by an archaeologist can be done on the basis of Stratigraphy as well as with the help of carbon dating method and furthur it can be classified by the dynasty wise. There is no problem for making periodization dynasty wise up to Gupta level and that is also to be supported by Stratigraphy. From Gupta period onwards periodization of dynasty wise is wrong. In a particular site the periodization after Gupta period can be done on dynasty wise but it can not be applied in general term. After Gupta period so many regional powers came into power in India therefore periodization dynasty wise is very difficult.

Q: In the particular excavation at Ayodhya whether periodization on the basis of dynasty could have been done or not?

A: At Ayodhya periodization by dynasty wise is difficult since the Stratigraphy is not correct. It can be possible if the sequence of Stratigraphy is correct.

According to my own perception early medieval periods starts from 7th century to 13th century and period from 13th century up to the end of Mughal period is to be called late medieval period. I have heard about the use of glazed pottery for the first time in India during Kushan period which was possibly found at Mathura and Kaushambi but I don't believe that the glazed wares were used from Kushan period. Glazed tiles which had been recovered from the Ayodhya are fragmentary in nature. It was possible to ascertain its shape even on the basis of fragmentary phases. Generally all the tiles are found in rectangular and square shape. Glazed tiles indicate the habit as well as culture of the people. From glazed tiles it can be said that these were used by a particular community. I don't agree with the suggestion that glazed tiles were used by all the communities. I have used the special term 'Islamic' because glazed tiles, glazed wares 'porcalein' and 'cealadon' were typical of the Islamic culture. Even if the glazed tiles are in fragmented from,

archaeology does not require to ascertain the shape from the time bound or typical ceramic types. Glazed tiles were first used by Chinese but so far India is concerned they are associated with the Islamic culture not before that. There are some reference that glazed tiles were used in India before advent of Muslim as is reported from Mathura and Kaushambi but this is an exception and can not be a general rule. I do agree that the purpose of excavation at Ayodhya was different from other excavations. Its object was limited and well defined. Possibly 184 anomalies were reported by ASI. However there are many anomalies which could not be located by the excavation. If any artefact is found in natural deposit and if it is not the result of pit or dump then it can be called as layer. Pits definitely create disturbance in the strata.

Learned cross examiner drew the attention of the witness to para 10 of his affidavit, the witness after going through this para stated that there are more than five floors which were found during excavation. Out of these floors three floors are just below the disputed structure where as the other floor are below these lime-surkhi floor. All the three floors which were just below the disputed structure were made up of lime-surkhi with out using brick bats.

According to my observation floor no. 2,3 and 4 are made up of lime-surkhi without use of brick bats. Brick bats have been used in most of the so called pillar bases. Since the bricks used in pillar bases are broken we call them brick bats and more over according to ASI report 4 pillars are attached with brick crus floor which are found in still lower level. The section reveals the nature of the floor found in an excavation. It can be observed from the surface by studying the section. As I have stated in my earlier statement that if there are sufficient material on the ground of the excavated trench then it can be created but generally the archaeologist will not resort to this policy, if there are heap of bricks found on the floor that can be cut into a pillar shape in section or on the ground. I did not say that it was adopted by ASI but it can be done. In all the trenches fallen brick bats and bricks are found in most of the trenches but they were not part of the floor.

Learned cross examiner drew the attention of the witness to plate no. 46 of ASI report vol. 2, the witness, after viewing this plate, stated that so called pillar base is visible in this plate. I call it as so called pillar base because it is actually not the pillar base but it was constructed for resting the floor over it, so we can call it floor base not pillar base. I mean to say that floor was resting on the base. It is my observation. So far as my knowledge and

experience goes I am confident about my observation. This base was created since the floor lies over debris or filled in material. This is my observation.

Q: Why this base was created in over a small space?

A: It is not small because the size of these bases ranges from 1 to 1.5 meters and there are number of pillar bases like this below different levels and if excavation is conducted in the non excavated area many more like this will be found. I presume that this was not artificially created.

Having seen the plate no. 43 of above report the witness stated that there are two so called pillar bases lying below the floor. These two pillar bases are part of floor as I believe that these were used for resting the floor. This is my observation.

Q: To maintain the gravitational force solid bases were given to the pillar bases. What is your reply?

A: It depends on two things, the first one relates to the nature of super structure to be built over it and the second point relates to the nature of sub soil.

Having seen plate no. 10 of the above report the witness stated that these are some of the examples of pillar bases which are found in the northern part of the mound but it belongs to a different elevation and hence to different structural activity.

Plate no. 35 was shown to the witness who stated that this is same picture from opposite direction. I mean to say that the spot visible in plate no. 10 and 35 are the same but photographs have been taken from different directions.

Having seen plate no. 21 of the above report the witness stated that this photographs shows the southern part of the mound while the other photograph shows the northern part of the mound. In plate no. 35 some pillar bases are attached with the floor but they belong to different elevations. These are the pillar bases. Plate no. 36 was shown to the witness who stated that a genuine pillar base is found to be super imposing over a so called pillar base by mere co-incidence. When the people constructed the upper pillar bases it was found to be placed over an earlier so called pillar base.

Plate no. 37 and 38 of the same report were shown to the witness. The witness stated that I have no hesitation to accept that these are pillar bases but they belong to a different structural activity.

Learned cross examiner drew the attention of the witness towards para 10 of the affidavit who stated that in last three lines of this para it is stated that these are simply not pillar bases at all but some kind of brick bat deposits which continued to be laid right from the time of floor 4 to floor 1. These facts have been given on the basis of my

observation in which I have found that all these so called pillar bases are found to be attached with different floor levels and I believe that they were used as base for lying the lime-surkhi floor in debris. These so called pillar bases are found attached with floors of three different lime-surkhi floors below the disputed structure as well as surkhi dust floor which are found below these lime-surkhi level hence the numbering of floors is 4. The floor bases were constructed right from the time of the surkhi dust floor and continued up to the second lime surkhi floor below the disputed structure. As I said it is very difficult to date a structure on the basis of mere observation. To the best I can say that all these floors may belong roughly from 10th to early part of the 16th century. I have already stated that more than five floors have been found during excavation and they belong to different periods. The lower ones belong possibly to Kushan age. There are different phases of construction of so called pillar bases which are related to the construction of different floors in question.

Statement read and verified

10-05-2006

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Cross examination of the witness by Shri Rakesh Pandey, Advocate, could not be concluded. Put up on 11-05-2006 for furthur cross examination of the witness.

H.S. Dubey 10.5.2006

(H.S. Dubey)
Commissioner
10-05-2006

Before:-Commissioner Sri H.S.Dubey ADJ/O.S.D. (R.J.B.B.M.) High Court of judicature at Allahabad, Lucknow Bench, LKO.

Dated 12-5 -2006 **P.W 31 Dr. Ashok Datta**

(Commissioner appointed vide order dated 20-4-2006 of Hon'ble Special Full Bench Allahabad at High Court, Lucknow Bench, Lucknow passed in O.O.S. No.4/89, Sunni Central Board of Waqfs U.P & others Vs. Gopal Singh Visharad and others.)

(Dr.Ashok Datta in continuation of his earlier statement dated 10-05-2006 being cross examined on behalf of Plantiff in O.O.S No. 5/89 by Shri Ajay Pandey, Advocate , stated on oath as under):-

During exploration knife, pickaxe are used. I don't know difference between field investigation and field exploration but I know the difference between exploration and excavation.

Q. I have asked whether during field investigation knife, spade, and Gaiti are used or not? I have not asked difference between exploration and excavation nor I have asked difference between field investigation and field exploration? What is your reply?

Ans. To an archaeologist field investigation and field exploration carry the same meaning and therefor an archaeologist requires a knife, pickaxe, cotton bag, tape, camera and scale.

To an archaeologist exploration and field investigation carry the same meaning. Spade, knife and Gaiti are required for survey of a particular area.

Q. Whether digging is done during field survey?

Ans. Some time trial diggings are essential or permissible during field survey.

Q. Whether during field exploration spade, knife and Gaiti are used and digging done?

(Learned counsel Shri Z. Jilani raised objection at this question that this question has been asked today for several times and as such it should not be allowed to be asked again.)

(In reply to the above objection the learned cross examiner submitted that the witness has used the words 'Field Survey', Field investigation, and 'field exploration' in his affidavit. Therefore putting question on all these things is essential. Learned objector by raising objection is wasting time of the court)

Ans. If it is required to undertake a trial excavation then spade and Gaiti are required otherwise a knife and pickaxe

along with tape and map, camera, cotton bag are enough for carrying out field investigation.

It is totally wrong to say that I have done digging during all the field survey, field investigation and field exploration conducted by me. Except in those areas where our department undertook large scale excavation as well, some trial digging were conducted during pre-historic,field investigation on the basis of which papers were published. So far I remember I have done trial digging at two sites

Q. Whether travel and tourism are included in the definition of excavation?

Ans. Travel and tourism have nothing to do with excavation.

As I stated earlier that I did not enter in the trench to measure the distance between so called pillar bases. But I assume from personal observation from the surface that the difference ranges between 3 to 5-6 meters. We can determine the extreme lower level of pillar bases on making cross section over it which has not been done by ASI. In one or two cases lowest levels are exposed in the section but in most of the cases lower level has not been reached.

Q. Pillar bases which were found at a particular floor or at a particular depth, have been mentioned by the ASI in its report. What is your reply?

Ans. They have referred in their chart about some of the pillar bases which are exposed over floor number 2 and they have mentioned the depth of those pillar bases from floor number 2 only but they are silent about the pillar bases which are found below this level. ASI people have mentioned about pillar bases but they have not mentioned that these pillar bases have been found from floor number 3 or 4.

Q. How many iron rods ranging between length of 3 to 6 meters were recovered during the excavation at Ayodhya?

Ans. I am sorry, I do not have any idea about the measurement of different iron rods found during excavation. So far I remember iron objects mainly in the form of nails were recovered from excavation but I do not remember if any iron rod was recovered or not. Nails, I remember, were of different sizes but their actual measurement can not furnish. Some of these nails may be 4 to 5 inches in length, they may be even larger. Possibly I had gone to Ayodhya in the year 2000. There was make shift structure on the spot. I never had opportunity to visit the site before demolition of the disputed structure.

So far my knowledge goes glazed tiles and glazed ware were introduced with the coming of Sultanate Rulers.

Q. Whether images of Hindu Gods and Goddesses were found depicted on the glazed tiles at the time when they were first introduced in India?

Ans. So far my knowledge goes I have not heard the Hindu Gods and Goddesses being depicted in glazed tiles.

The technology of making glazed tiles, so far my knowledge goes, came from China.

Q. Do you mean to say that glazed tiles were imported from china at that time?

Ans. Since the technology came from China It is likely that initially they might have been imported from China but later it may be produced also in India?

I have heard the name of archaeological magazine 'Puratatva'. I have not heard the name of K.K. Mohammad. I have seen the reference of Prof. B.B. Lal 's findings of Ayodhya in some other books but I did not go through the report of B.B. Lal . I do not have any idea whether in the tiles which are in the Gwalior fort, have pictures of Hindu God and Goddess or not.

Q. When tiles were introduced first time in India?

Ans. There are different type of tiles. Some are brick tiles and some are ceramic tiles which are other than bricks.

If a brick is almost square in shape it can be called as clay tiles. I am not very sure about the age of the introduction of clay tiles in India.

Q. Whether clay tiles were used for making roofs of the building during Kushan period?

Ans. There is no evidence of any brick super structure of the Kushan age hence it is very difficult to assume whether they used tiles in the roof or not.

I have not gone through the book written by Kameshwar Prasad and published by Agam Kala Prakshan Dehli in the year 1984 and titled as 'Cities, Craft and Commerce under the Kushan'. For the first time bricks introduced in India were found at Mehargarh, which is now in Pakistan, around 4000-5000 years B.C. but so far India is concerned, bricks for the first time were introduced in the Pre-Harraphan period and the ratio of bricks were 4:2:1. Pre-Harraphan period can be dated around 3000 B.C. The bricks of Pre-Harraphan period which were recovered from Mehargarh were sun dried bricks only. No baked brick was found from that level and during Harrap an time both sun dried and baked or burnt bricks were used. Generally the size of Kushan brick is between

35–40 c.m. in length and 24-28 c.m. in width and the thickness varies from 3-5 c.m. I do not agree with the suggestion that glazed tiles were used during Kushan period also. The glazed tiles which were recovered during excavation at Ayodhya were found below the floor level of the disputed structure down to floor number 4. It is wrong to suggest that all the glazed tiles recovered during excavation at Ayodhya were found from Debris and dumps only. Again said that I have stated that glazed tiles and other ceramics like porceline, celadon etc. are found from the Debris between different floor levels which means that they are sealed by different floors and can not be later than age of the floors. I did not check the size of the glazed tiles recovered during excavation at Ayodhya. Different sizes of glazed tiles have been recovered from the disputed site, some of them are of large size and some are fragmentary and of small size. Glazed tiles may be of different colours but whether they are termed as pointed tiles or not, I am not sure about it. If it is multi-colours it can be called as painted tiles.

Q. I have asked that do you know about painted tiles or not. What is your reply?

Ans. When painting or colour is applied on any tiles then it can be called as painted tiles. Painted tiles were for the first time introduced during the period of 13th century

A.D. I do not have any idea whether painted tiles were used during Kushan period or not. It is possible that during Kushan Period brick paved floors may be constructed. If any floor is damaged it can be raised by filling that area by levelling it then another floor can be constructed. If the floor is completely damaged then only the question of raising the floor again arises. If the bricks used in floors are intact and without any destruction there will be no question of raising another floor. If a floor is partially damaged due to any reason then repair can be done in that area only. If a floor is damaged partially or extensively then some intact bricks generally are not used in repairing of that floor. It can be done in case of wall. Generally the material which are used for filling of a floor are not sorted out. In the filling material any artefacts of outside may be found if the material is taken from out side.

Q. If the floor was constructed 15 years ago and some part of it damaged at this time and that damaged portion is repaired by using filling materials from out side then whether this filling material may contain artefacts of later period?

Ans. It may contain material of later period but not later than the construction of last phase. From the word 'last phase' I mean the date of last repair.

I have already stated that so far my knowledge goes Lime-Surkhi was introduced extensively from the time of Sultanate period.

Q. Whether during excavation of Hul askheda (Lucknow) use of lime-surkhi was reported in Gupta period?

Ans. I am not very sure about it but even if is found the exception can not be a rule.

I have not heard that during excavation at Vaangarh, Dinajpur (West Bengal) use of lime-surkhi during Gupta period was reported. "Indian Archaeology – A Review" is a journal of ASI. Abbreviation of this journal is IAR. Generally I read "Indian Archaeology – A Review" when it is available but generally it is not available at all the times. There is a library in my university. IAR is subscribed in this library but generally there is backlog in the publication of this journal. I am not very sure about the numbers of IAR in my library as well as in other institutions. I am not very sure whether IAR from the year 1960 to 1970 are available in the library of my university or not but I used to read these journals from different sources. I try to read the IAR which are available to me or I consult IAR in connection with the publication of my own papers. I do not know that year of excavation at Baangarh, Dinajpur. This site was excavated by Shri K.G.

Goswami under the auspici s of Ashutosh Museum of Calcutta University. I have gone through the excavation report of Baangarh but right now, I am not in position to give detail information about it. I am not very sure wheter K.G. Goswami in his report mentioned or not that the use of lime and surkhi was found during Gupta period and during 8th Century at Baangarh, Dinajpur (West Bengal). I am not very sure whether during excavation at Taradih, Gaya (Bihar) use of lime-surkhi from the period 8th to 12th century was found or not. It may be that excavation at Taradih was conducted by A. Prasad. I am not very sure that whether excavation report of Taradih had been published in IAR 1981-1982 or not. So far my knowledge goes I can say that lime-surkhi was extensively used from 13th century A.D. and if there are any report, of lime-surkhi prior to that period it can not be accepted as a general rule, because there are hundreds and hundreds of sites excavated by different institutions and organisations but there is no reports of application of lime-surkhi except those which learned cross examiner have referred during his cross examination. I have heard the name of R.S. Sharma. He was a Professor of history in Patna University . He is a famous historian. He is a very sincere and scholarly person. I have gone through one book written by Sri R.S.

Sharma. Its title may be 'Social and Economic transformation of early historic period.'

Q. Have you heard that Prof R.S. Sharma in his book "Prarambhik Bharat Ka Arthik aur Samajik Itihass" has mentioned that during excavation at Ganvaria Dist. Basti use of lime and surkhi was found during 2nd and 3rd century?

Ans. I have seen about it in an article written possibly by Shri S.P. Gupta in 'History Today' published from Delhi and published in the year 2003 or 2004 where he has referred about this thing.

I have not heard that during excavation at Nangarh, Munger (Bihar) use of lime surkhi from century b.c. to one century a.d. was reported or not.

Learned cross-examiner drew the attention of the witness towards paper filed in other original suit no. 4 of 89 on 16-01-2006. The witness stated that in my above statement I have mentioned the name of 'History Today' journal. The photo copy of this journal is paper no. 296/C1/1. I have not gone through the article written by Sri S.C. Bhardwaj but I had read a paper in same journal written by Sri S.P. Gupta.

It is incorrect to suggest that I have given wrong statement with regard to glazed tiles and lime surkhi.

Learned cross examiner drew the attention of witness towards last 3 lines of para-11 of the affidavit. The witness after going through these lines stated that I have used the word 'Any person' for the persons having knowledge in archaeological methods and technique who will reject this report. I have used the word "any person' in general term and not for the lawyers and court. The word 'any person' includes ASI and other persons having archaeological knowledge.

Q. Whether the lawyers who have cross examined having basic knowledge in archaeology are included in 'Any person'?

Ans. I have used this word in general terms without mentioning either lawyers or doctors or persons engaged in other profession.

I remained at disputed site for about 3 weeks.

Learned cross examiner drew the attention of the witness to coloured album paper number 286C1/4A. The witness saw the Above album with the aid of magnifying glass. Having seen photograph number 1 witness stated that the stone slab which is visible in this photograph was probably seen by me at disputed site. 'Janm Bhumi' in English language is written on this stone. Having seen photograph number 15, 16, 17 and 18 of the above album the witness stated that in photograph number

15 in the lower portion of the slab showing the panel of male and female holding garlands is visible. In photograph number 16 there are some broken figures of male and female holding garlands. Photograph number 17 is of similar nature. In photograph number 18 broken portion of similar type of figure is visible. I have seen such types of sculptures in mosque. Whether it was original or reused is a different issue but they are found to be used by the muslims in their architectural activities. I can cite two examples, one is Jafar Sharif Dargah and the other is famous Adina Mosque of Gour in Malda district of West Bengal where extensively sculptures like this were used in Mosque and Dargah. These types of stone were not found on the inner wall of the structures but they are found on the outer wall. I can not remember the exact direction of the wall but these figures were found within a height of 5 to 6 feet. It is wrong to suggest that I am giving false statement on this point. Photograph number 22 of the above album was shown to the witness. He stated that only one hand is visible in the frontal part of this stone slab. In the left side of this slab is a folding but it is difficult to say whether it is part of human being or not. Having seen photograph number 23 of the above album the witness stated that possibly a female in dancing pose is visible in this photograph. In the lower part of this stone slab 2 figures

are visible though very indistinctly. Having seen photograph 27 and 28 of the above album the witness stated that the size of stone blocks can not be determined since no scale is used in photograph. The photographs appear to be 'amla k' but there is big question mark about its proper identity. I agree that these types of stones which are visible in photograph number 22 and 23 are used in temples inrespective of its religious affiliation. It can be used in Jain and Buddhist temples too. It is also used in mosque. I have not seen any decorative stone having figures used inside any mosque. It is wrong to suggest that due to pressure or on account of some promise I am giving any false statement.

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Learned counsel for the plaintiff,in other o.s. no. 1/89 Shri P.L. Mishra adopted the cross-examination already done on behalf of other defendants.

Cross examination by all the contesting parties concluded. Witness is discharged.

Statement read and signed

Typed by Stenographer on my dictation in open Court.

H.S. Dubey 12.5.2006

(H.S. Dubey)
Commissioner
12-05-2006