

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

OTHER ORIGINAL SUIT NO.4 OF 1989

SUNNI CENTRAL BOARD OF WAQF U.P.
& OTHER PLAINTIFFS

VERSUS

GOPAL SINGH VISHARAD AND
OTHERS DEFENDANTS

STATEMENT OF P.W.4

MOHD. YASEEN

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MOHD. YASEEN

Mohd. Yaseen Son of Rasool Bakash. Age 66 years, Resident of Ayodhya, Faizabad has given his statement under Oath:-

I live in Mohalla Raiganj, Guriyana, Ayodhya. I am a shoemaker. I know about Mutdaviya land and property. This building used to be Babri Masjid was surrounded by the Kabristan from three sides. There was no Kabristan in the western side of the Masjid. It is said that Babri Masjid was built about 475 years before The building was used for offering the Namaz I had seen it thoroughly. I had been continuously reading Friday prayer (Jumme Ki Namaz) there. I had not read there any other Namaz except Jumme Ki Namaz (Friday prayer). I had last offered Namaz in the Mosque about 47 years before from today. On the night of December 22nd / 23rd, 1949, idol was placed in the Mosque. Because of this Namaz could not be offered there and an announcement was made to this effect in the next morning. I had been reading Namaz since I was 8 years old as a hobby but after attaining adulthood and getting knowledge, it became a routine. Before adulthood, I did not offer five times of Namaz Instead of often I offered Fazir and often Magrib before adulthood. I started reading Jumme

Ki Namaz at about 12 years of age. I read Jumme Ki Namaz in Babri Masjid. Jumme Ki Namaz is a community prayer and the entire city take part in it. Mohd. Hashim, Mehboob, Qasim, Hidyatullah, Saffiullah, Rutmallu of Suthati Mohalla whose name is Abdullah took part in it. Ikhalagh of Durahi Kuan is alive and he meets of and on.

The exit of Mosque was in the east and north. There was arrangement of Wazu also (a ritual performed by Muslims before prayer) in the Mosque. The Mutwalli made the arrangement of water. There was a well in front of the Masjid. Wazu was performed in the southern side of the Mosque. Besides Mat and other material, a urinal was also provided there. Ajan was also offered in the Mosque. To the southern side, there was a platform and standing on the platform Muazzim used to offer Ajan. At a small distance from the urinal, there was a staircase leading to the top of the Mosque. This platform for offering Ajan was separated from the staircase. Inside Mosque, where Namaz was offered, there were lines of long mats. Black stones were also used in the Masjid. But no images of Gods and Goddesses were there. The images of flowers and leaves in the shape of flowerpots were carved on them.

Verified after hearing the statement.

Sd-

Mohd Yaseen

On my direction the Stenographer typed the statement in the Open Court.

Sd/-

Commissioner

17.10.96

Date: 29.10.96 (In continuation of 17.10.96)

(Cross examination on behalf of Nirmohi Akhara by Shri R.L. Verma, Advocate after taking Oath:-),

There are 7-8 Mulsim houses in Mohalla, Gudiyana. These include my family and other people. I can tell the name of other people. One of them was Abdul Hakim who is dead. Second one is Wali Mohammad who is still alive. There is one Immam Ali and many others apart from him. He is other than my family. Bashir Ahmed also lives there. One person is Noor Mohammed. Some persons are younger and others are older than me. Noor Mohammed is elder than me . He is elder to me by more than twenty years. I have read Urdu in Madrasa Islamia. I have studied upto 4th standard. Our Madrasa was located in Mohalla Kaziana. Abdul Ahad brother of Mehboob was my class fellow. Farooq and Hashim did not have study with me. I had started study at the age of 8 years. Abdul Ahad is elder than me in age by two or one year. Abdul Ahad studied with me in the same Madrasa for four years. Our teacher Mohammed Sattar lived in Darshan Nagar. I shall not be able to tell the numbers of students reading in the Madrasa, but several boys were reading in my class. Since then, lot of time has passed. I do not remember the name of other boys, except Abdul Ahad. At that time, Maulvi Abdul Sattar was about 70-80 years old. It had been 25 years from today since my father expired. We are three brothers. The other two brothers are elder than me. One of them is still alive and the other has expired. The name of my deceased brother was Mohammed Shami. He died after my father expired. My father had expired five years before his death. My deceased brother Mohammed Shami was about 70 years of age at the time of his death. He was elder than me by 8-10 years. The name of my second brother is Abdul Sabad and his age would be around 68 years. He is 5 years elder than me in age.

At the time of the death of my father, I had sense , recollect that I was 40 years old at that time.

I had a shoe making factory. This factory was located in Mohalla Raigunj, Gudiyaana, in Ayodhya. I entered in this business at the age of 12. Since, then I have been doing this work. Six years have passed since I left this work. I used to make shoes and sold them in Faizabad.

Suthatti Mohalla shall be about 1 kilometer away Mohalla Raiganj. Mohalla Kaziana shall be a bit less than one kilometer from my mohalla. It is wrong that Mohalla Tedhi Bazaar is about 2 kilometer away from our house. In fact this distance should be even less than one kilometer from.

There was a tomb near the Madrasa where I studied and which was located in Mohalla Kaziana,. In fact that tomb is located inside the Madrasa. There is a Mosque too. which is not near the Madrasa but very close to Mohalla Kaziana. I have seen this Kaziana Mosque. I do not know the name of this Mosque. I do not know when this Mosque was built or who built this Mosque. I had never offered Namaz in that Mosque, I used to offer Namaz in the Mosque located in my Mohalla. The Mosque of my Mohalla is hardly 100 yards away from my house. My house and this Mosque is separated by a house which also belongs to me and adjacent to the Mosque. I have 4 houses in Raiganj. Gudiyaana Mohalla. I have inherited some Of them from my ancestors and others I have built, My ancestors built 4 houses. I built the house sharing its wall with the Mosque, This Mosque is located in Mohalla Raigunj Gudiyaana but is not near the road. Raigunj Mohalla is situated on both sides of Ram Bazaar - Darshan Nagar road Our Mohalla is famous as Mohalla Raigunj Gudiyaana. There is another Mohalla of this name which is also called Machuana There is one another Mohalla which is called Raigunj only This is fact that Raigunj Mohalla which is situated on both side of Ram Bazaar-Darshan Nagar Road is the oldest colony. The population of Raigunj is spread upto Railway Crossing. In the west side of this Railway Crossing, there is a Railway Platform. The name of the Railway Station is Aydohaya. I have never heard that this Railway Station was called as Raigunj Railway Station. I have seen Raigunj Police Chowki This is correct that this police station Chowki is in the eastern side along the road. From west side of this Police Chowki a road leads to our Mohalla. It is wrong that the distance from this road to our Mohalla is at least 500 yards. I will say that my house is hardly 50 yards away from that road. There is no house of shoemakers

in Gudiya Mohalla There are 12 to 14 houses of Gudiya people Since the time I recovered my senses. I have seen Gudiya people living there. I do not know this village got the name of Gudiya because of their presence.

The house I built next to the Masjid was on the plot purchased from Riyasat of Ayodhya (State). When I purchased this plot, my age was about 40 to 45 years. I had purchased this land on lease basis (land revenue basis). I have also got this plot registered with the Development Authority They pass the lay out plan. I built this house in 1966 and two years later it was covered under Municipal Tax. I do not remember that when I built this house after purchasing the plot. Perhaps there is 10-12 years gap between purchasing a plot and building a house on it. Before 1966, I used to live in my ancestors house. that house would be at a distance of about 50 yards from my newly constructed house. My father inherited that land from his forefathers. Only my forefathers know how this land was acquired. Gudiya Mosque is located towards east of that house. In the east of that Mosque Rani Bazaar- Darshan Nagar Road is at a distance of 25 yards. From our ancestral house, Ayodhya Railway Station is visible. The distance between these two is about 100-150 yards.

It would be wrong to say that I have recently settled in this Mohalla. It is also wrong to say that my forefathers never lived in this Mohalla. It is also wrong to say that we have no ancestral property in this Mohalla. I have never lived in Faizabad city. I had no residential house there. It is wrong to say that there is no Muslim house in Mohalla Raigunj or there is no Muslim population. Noor Mohammed is living in Mohalla Raigunj. He is living a bit ahead north of Police Chowki, Noor Mohammed's house is not located on Rani Bazaar- Darshan Nagar Road. It is correct that from Ram Bazaar to Darshan Nagar and upto Railway crossing, clusters have come up on both the sides of the road. But this position has taken a permanent shape for the last 20 years. Earlier some plots were lying vacant. There are no Muslim houses on this road upto Railway crossing but earlier Muslim houses were certainly there. One of the resident was Shamim Manihar. His house was located at the north side of Police Chowki. In the

northern side of his house, sweet sellers' houses were located and I do not know their names. In the southern side of Shamim's house, a sweet seller's house was also located and I do not know his name.. To western side of this house across the road a house of a priest (Panda) was located and this house is still there but I do not know his name.

It has been about 15 years, since Shamim Manihar had passed away. That house has been sold to a sweet seller, but I do not know his name. The area adjacent to Rani Bazaar is called Bargadiya Mohalla. Abdul Latiff lives in that Mohalla. I do not any person by the name of Abdul Gani son of Allah Baksh. Resident of Mohalla, Bargadiya. At present there is only one Muslim house in Bargadiya Mohalla. Even 45 years ago, no Muslim family was living in this Mohalla except Abdul Latiff. I do not know the name of father of Abdul Latiff. Abdul Latiff is still alive. He is of my age. I do not know whether he has ay brother or not. I do not know whether Abdul Gani is his brother.

The Masjid which is near about my house is very old. It is built of Lakhori brick. But I do not know who built it. My grandfather used to say that he also did not know who built that Mosque and when. This Masjid is known as Raigunj Gudiyana Mohalla Mosque. The northern-southern part of this Masjid is 25-20 feet and eastern-western part including its courtyard is about 20 feet. This Mosque is without domes, but it has minarets. It has a well also. Friday Prayer (Jumme Ki Namaz) is not offered in this Mosque. Except Mutdaviya Mosque, Friday Prayer (Jumme Ki Namaz) is offered in Kevare Wali Masjid in Ayodhya. Besides it, at present Friday Prayer (Jumme Ki Namaz) is offered in Kutiya Mosque in Kutiya Mohalla. Kutiya Mohalla is located at westerned side of our house at a distance of about 200 yards. Panti Tola Mohalla is separate and Kutiya Mohalla is not called Panji Tola. Kutiya Mohalla Mosque is located in the western-northern corner of Ayodhya Railway Station. I have been seeing that Mosque since the time, I recovered senses. This Mosque is without domes and has only minarets. It is correct that Friday Prayer (Jumme Ki Namaz) is offered in this Mosque. It is correct that this Mosque is very close to our Mohalla as well as to Kutiya Mohalla.

Kutiya Mohalla is only one. Hashim lives in Kutiya Mohalla. I have been his house. Qasim is his brother and they live separately. Their houses are also separate. kasim Mohammed is younger to Hashim. I think he is younger to Hashim by 10 years. The said Kutiya Mohalla Mosque is at a distance of about 100 yards from their houses. The person who recites Ajan on this Mosque is called Muazzim. I do not know who is the Mutwalli of this Mosqus. Abdul Razaq is the Chief Immam of this Mosque. His father's name is Chedi. Abdul Razzak is working in Sahara company. He looks after the management also of this Masjid. No other person looks after the management of this Mosque except Razzaq Miyan. None of the persons of Kutiya Mohalla and Mohalla Raigunj Gudiyana assist or interfere in the management of this Mosque. Mohalla Panji Tola is located across the road in the north-west corner of Kutiya Mohalla. The name of this road is Faizabad-Ayodhya Road. Towards eastern and southern side of this road, this is the only one Mosque and it belongs to Kutiya Mohalla. There is a Mosque in Panji Tola Mohalla and this Mosque is called Panji Tola Mosque.

Panji Tola Mosque is without a Mutwalli. Hashim and Qasim look after the affairs of the Mosque. I have offered Namaz in this Masjid from time to time.

Keware Wali Mosque is located behind the Police Station. I have seen that Mosque. This Mosque has minarets but no domes. Friday Prayer (Jumme Ki Namaz) is offered in this Mosque. This Mosque is slightly bigger than kutiya wali Mosque. This Mosque is also very old. But I cannot say how old it is. There is well also in the Mosque. After 1949, I used to offer Namaz in this Mosque, but not regular but some times. Mats are lying in these two Mosques of which we make lines. Even mat is not available, safe can be made. If somebody call loudly from Keware weli Mosque, this will not be heard in my house. The distance between my house and this Mosque is about 1 kilometer.

Farooq Ahmed is the son Zahoor Milan. He looks after the affairs of this Mosque of Kewarewalli. I had seen Zahoor Ahmed. I do not know

whether he was chief of any Islamin Anjuman. Zahoor Ahmed's house is located in Mohalla Singar Hat opposite Post office. I know Zahoor Ahmed since I got sense. I do not know whether he makes any claim any case about tombs. It is common to visit the locality and the post office in the city and during such visit, I saw him and therefore I knew him. He was not a very famous person. We used to exchange greetings. People told me that he is Zahoor Ahmad and so I came to know him. We were not so close. He used to live near the Police Station. I was related to him, and therefore, I cannot say whether he used to help Muslims in getting their work done in the Police Station. Zahoor Ahmad has died. I cannot exactly say when did he expire. I took part in his funeral. I cannot say what his age at the time when he met me for the first time. At that time, I would have been 12-14 years old. I cannot say what was his age at the time of his death, but he was an old person.

I have not noticed whether I had offered Friday Prayer (Jumme Ki Namaz) in the Keware Wali Mosque during the life time of Zahoor Ahmed. (Thereafter he said - "I read Namaz during his life time, but I do not remember whether he was present at that time or not"). Whenever I went to offer Friday Prayer (Jumme Ki Namaz) in the Keware Wali Mosques, 100-150 people were present there. This incident pertains to post 1949 years. Among these people there were persons of different Mohallas of Ayodhya. Were there Before 1949, I had never offered Friday Prayer (Jumme Ki Namaz) in Keware Wali Mosque. I have never noticed whether any Namaji from Faizabad ever came to offer Friday Prayer (Jumme Ki Namaz) in Keware wali Mosque after the year 1949. I have not even noticed whether any Namazi from Suthatti Mohalla used to come there. I had seen Istikhhar, Bhondu of Kaziana Mohalla taking part in the Namaz, I do not recollect rest of the names.

There is a Mosque in Kaziana Mohalla. That Masjid is famous as Kaziana Mohalla Mosque. This Mosque is located in the western side of Mohalla Panji and is adjacent to the Faizabad-Ayodhya road, Kaziana Mohalla is spread upto Aara Machine in Tedhi Bazaar. Abdul Gaffar Khan's son is the owner of this Aara Machine. His house is located

Between Vashisht Kund and Tedhi Bazar. It is correct that in the western side of Faizabad-Ayodhya Road, the Masjid of Mohalla Panji Tola and Mohalla Kaziana are located. The distance between these two Masjids is 200-250 yards. The Mosque near the house of Hazi Menboob is located in the western side of Kaziana Mohalla. The distance between these two Mosque would be about 200-250 yards. The Mosque which is located near the house of Hazi Mehboob is called Tedhi Bazar Wali Mosque.

In the western side of disuted property, Dorahi Kuan Chauraha (cross road) is located. From the Chauraha, one road lead to Mutdaviya building and another road lead to the house of Akhlakh Mian. It is correct that in the southern side of that Chauraha a small and dilapidated Mosque is located. I cannot say whether that Mosque is called Dorahi Kuan Masjid. This Mosque would be at a distance of 40-45 yards from Dorahi Kuan Chauraha. I have never noticed whether any well exists in or around the Mosque. A road also passed along that Mosque, which leads to Parkrama Road in the western side. In the eastern side at some distance from this Mosque one more road passed along the house if Lala Talior towards the northern side. The distance between this Moaque and Tedhi Bazar Mosque which is located near the house of Mahboob Milan is about 300-350 yards.

Tedhi Bazar wali Mosque would be at a distance of about 25 yards in the northern side of the house of Hazi Mehboob. If a person calls loudly from the dilapidated Mosque located at Dorahi Kuan Chowk. it will not be heard at the house of Hazi Mehboob. I know Hazi Mehboob from childhood. We had family relations and used to visit each other's house in sorrow and happy moments so I know him. His father's name was Hazi Pheku and I have seen him. Earlier he was a tobacco farmer and was doing tobacco business. But I do not know whether he had taken Nazul land on lease or not . I do know whether he was land owner or not or other land. I do not recollect whether I attended his funeral. But I heard of his death. But I do not recollect when did I hear about his death. I do not remember when did I last see him. He used to live in his house most of the time. He was quite healty and well built. Hazi Fayak was Pattidar. I had also seen Haji Fayak. Hazi Fayak has also expired. I know both of them

since my childhood. Both of them had fought elections for muslim Institutions. (Then he said, they fought Municipal Elections). I cannot say they were among muslim leaders. Hazi Fayak was elected as Municipal Commissioner of Municipality, and not Hazi Pheku was not elected.

It is correct to say that Hazi Pheku won the election of Municipal Committee from the Mohalla Kajiana, Panji Tola, Tedhi Bazar, Katra Anwarganj Katra Mugalpura, Khadarpur Godiyana, Syedwara etc., but because he could not sign his name, his election was cancelled and Hazi Fayak was elected in his place. Hazi Fayak was an educated person and knew English, Hind & Urdu. I do not know but it is possible that he might have some property in Faizabad by the name of 'Fayak Manjil'. It is wrong to say that whenever there was any Muslim Majils or Ijlas (Meeting or demonstration), they had chaired it or lead it. The area of their influence was restricted to their Mohalla. It is not that every Mohalla has separate Muslim leaders.

I am Sunni Muslim. Barawfat procession is taken out in our area. Since my childhood this procession is taken out in Ayodhya also. I do not know whether only Hazi Pheku and Fayak used to lead this procession during their life time.

I have heard the name of Anisur Rehman. It is said that he was a residence of Begampura. I have heard the same of Achchhan Mian, but I have never seen him. I have also heard the name of Salar Mohammad of Suthatti Mohalla and have also seen him. Salar Mohammad used to participate in the Barawfat procession and I cannot say whether he lead it or not. Salar Mohammad was older than Hashim Milan in age and he has expired. I do not know whether these two persons ever lead the Barawfat procession. It is correct that both persons were good friends. I cannot say whether these persons were enjoying good relations with Hazi Mehboob or not. I cannot say at what age Salar Mohammed had expired. He older than me in age.

Hidyatullah, Shafiullah used to live Mohalla Kutiya. Abdullah used to

live in Suthatti. I know nothing about Rehmatullah. Akhlakh used to live in Mohalla Doraha Kuan. Akhalakh was younger to me by 8-10 years. It is correct that there is a Mosque also inside the house of Aikhlakh. Aikhalakh's father's name was Maulvi Abdul Sattar. Aikhlakh Mian used to practice Magic arts Piri Muradi. He also has transport business. I have never taken any Ganda- Tabiz from him.

Abdullah ot Suthati Mohalla is also known by the name of Malhoo. He had a tailor shop in Rani Bazar. Shaquir was his brother and has now expired. Malhoo is still alive. Malhoo is much older than me in age. By this time he might be 80- 85 years old.

Safiullah lives in Mohalla Kutiya. I do not know about his father. His age may be about 25 years. He is working in PWD. Hidyatullah may be about 35 years old. I do not know his father. He is also working in P.W.D.

I and Hashim both know each other since our childhood. He has a tailor shop in Singar Hat opposite Post Office. I have family relations with Hashim and share sorrow and happy moments with each other. He is older than me in age by 8-10 years. Farooq also knows me since his childhood.

Verified after hearing the statement.

Sd/-

Mohd Yassen

29.10.1996

On my dictation the Stenographer typed the Statement in the Open Court.

Remain present on 30.10.96 for further cross examination.

Sd/-

Commissioner

29-10-96.

Date 30.10.96 (in continuation/ dated 29.10.96)

P.W.-4 Statement of Mohammed Yaseen in continuation dated 29.10.96:-

It is correct that the disputed property was in three parts. First part was outer courtyard. second part was inner courtyard and third part was that which was covered under the dome. After crossing the main door and on entering the Mosque, the outer courtyard comes and after the outer courtyard the inner courtyard comes and its wall are made of iron grills. This iron grill wall was in there sides, i.e. in the northern southern and eastern sides. In the eastern side of iron grill wall, there was a entrance gate. In the northern side, there was another gate to enter in the courtyard. I am answering about iron grill wall of courtyard. Both these gates were made of iron. Where the iron grill wall ended in the northern and southern side, the outer courtyard was in the left side. A high wall surrounded the outer courtyard. Out side this building, there was a field in the western side and thereafter populated areas came. From where this western side populated areas started, the existence of a Mali Temple is in my memory, but I do not know about Ambardas Temple. I have seen Mali Temple. I have not seen it thoroughly but it would have a Kalash-type dome. The road which leads to Hanuman Garhi from eastern side of Mutdaviya building, has a large concentration of temples but I do not know their names. In the southern side of this building, Kuber Tila does not exist but the Mazar of Khwaja Hatti exist and graves are there. I have ascended this Tila. It is incorrect that temple of Lord Shankar exist there. There was no temple in the name of Sumitra Bhawan between this building and the Tila. distance from this buiiding to Khwaja Hatti Majar, which is also called Farique Kuber Tila is about 150 yards. On the southern side of this Tila, there is populated area and Mauryas reside their. But I do not know whether it is called Murao Tola. I cannot say how far this population is from that Tila. This distance is almost the same, which between Mutdaviya building and the Tila. Adjacent to that Maurya population there. is Kaziana Mohalla which is in the southern side.

In the northern side of this disputed temple and across the road,

there is a temple, which is called Janamsthan Temple. It is said that this temple is also called Sita Rasoi. In Ayodhya, one or more Mosques exist in almost every Mohalla but I did not the chance of seeing every Mosque. It is correct that as many as Mosques I have seen in Ayodhya, they are located in Muslim populated areas. Apart from Shahjahani Mosque, Jahangiri and Alamgiri Moaques are also there. Alamgir means Aurangzeb. These above Mosques may be older than Mutdaviya Mosque. I cannot say why Mutdaviya Mosque had been built on this particular place. I have heard that this Mosque was built 475 years before. There was no well in this Mosque (He himself said-it was outside Mosque). This well was located at a distance of 25 yards in the eastern side from the main door of the Mosque. I did not feel the need of finding out as to who built this well. I cannot say how old this well was.

on entering the Mosque through main door, there was a platform in the southern side. which was located in the outer courtyard. The height of this platform was two and a half feet. There was a thatched roof on this platform. The platform was under the thatched roof and there was nothing between these two in the form of wood or tent. Priests did not sit on this platform. Perhaps that shed was raised by the Muntjims (Attendants of the Mosque). People who used to come here for offering Namaz utilized this platform as a resting place. Namaz was not offered in the outer courtyard. In the northern side of outer courtyard, there was a thatched shed along with the wall. Under that shed also visitors used to sit and take rest. In the northern side of Iron grill, there was no sign of any oven in the outer courtyard, but a dough board and rolling pin (Chakla and Belan) were surely built there. I had seen this dough board and rolling pin (Chakla and Belan) and the above two sheds (thatched roof) since I recovered senses upto 1949. Since I recovered senses, no Hindu used to come to the outer courtyard of the Mosque. I had neither seen any Hindu near the dough board-rolling pin nor the northern or southern thatched sheds.

There was no tension or difference on disputed property between the Hindus and Muslims upto the years 1949. To my memory no riots or

conflicts between the Hindus and Muslims in Ayodhya was heard upto 1949. (Then said, my mother used to say that riots violence took place in 1934 in which houses of Muslims were burnt and Mosques were destroyed). My mother told me that some people of Shahjahanpur Mohalla sacrificed a cow and this has resulted in violence and riots. I was also told that one or two domes of disputed building were broken. After eight years of this incident, I got my senses, I started understanding things at the age of 12-13 years. I had got senses in 1947 after independence of the country. At that time of independence in 1947, I was 11-12 year old. My mother has expired. when I was 8-10 years old, my mother told me about the above mentioned incidents.

outsides the iron grill wall of the Mosque, i.e. inner side, i.e. western side, there was a courtyard which was made of cement. This courtyard was about 30 feet wide. Its length would be about 80-90 feet. It is wrong that the floor of this courtyard was made of red-soil and lime (Surkhi Chuna). The western side of the courtyard (dome portion) had three doors. The floor under the dome was made of marble. The marble floor was about 30 feet wide. The length of the floor was about 80-90 feet.

The Mosque was very famous. Besides Ayodhya and Faizabad, people from outside used to come there. I was a child that time. I shall not be able to tell the name of the persons who used to come there and which particular person they were. When I used to visit this Mosque for offering Namaz, at least 4-5 hundred people assembled there. The marble floor was covered with lines of mats and Namaz was offered there. These lines could be filled in with any colour. The Raj Mistri might be doing the work of lines on this marble floor. There was no platform on this marble floor. In the back side, there was a member by standing on which the Immam used to read Khutba. This member was in the middle almost adjoining the western wall. I do not know whether except the marble floor and the inner portion of the Mosque, there was any platform on the inner side portion.

In Muslim community, it is lawful to start offering Namaz at the tender age of 10-12 years. On attaining the age of 18 years, a boy becomes major. It is not necessary for a minor to read Namaz at home only unless he becomes a major. If a Mosque exists in the Mohalla, then

the boy can offer Namaz there and if he has to go anywhere out, he can read Namaz in any other Mosque. Namaz is offered five time. They have different names, i.e. Fazar, Johar, Asar, Magrib and Isha and if somebody wants to do more ostentation, he can offer Namaz of Tahjudh. The time of offering Namaz of Fazar is fixed. It has to be offered before the sun-rise. The Johar Namaz is offered at 2.00PM. The Asar Namaz is offered in the evening at 4.00PM. The Magrib Namaz is offered after the sun set. The Isha Namaz is offered one and a half hour or two hours after the night falls. In Mutadaviya Mosque, all the five time Namaz were offered. Friday Prayer (Jumme Ki Namaz) is offered in the afternoon at about 1.30PM. The people of the city assemble in a Mosque, enquire about each other's well being and offer Jamati Namaz.

Hashim Milan meets me every day. It does not have any significance asking well being of fellow people in a Jumme ki Namaz. We used to enquire about the well being of fellow people in the Friday Prayer (Jumme Ki Namaz) before 1949. Last Friday Prayer (Jumme Ki Namaz) before the day when offering of Namaz was stopped in the Mosque, Hashim Mian met me in this Mosque and enquired about each other's well being. Hashim told me on that day that the Mosque was in the center of some dispute and there was fear of a conflict. Outside the main door of the Mosque, Kirtan used to be organized. I had seen this Kirtan on the day, I last offered my Jumme ki Namaz in this Mosque. Sadhus were doing this Kirtan. Before this I had also gone to offer Namaz on the previous Friday but I did not see Kirtan like this. I did not hear any speech or thing that suggested that some person wanted to place or trying to place idols in this Mosque.

The Muazzim of this Mosque was one person by name name of ismail. Ismail used to live there. I shall not be able to tell how many time before 1949 he was living there. Ismail used to live in the Mosque and also cooked his food there. But he lived there alone. His family was not living there. I cannot say he had a family or not. I did not know his native place. He was appointed as the Muazzim (Attendant) there and had no other profession. His boarding and lodging expenses were probably met by Mutwalli. This was not fact that we were donating money to meet his boarding and lodging expenses. We have heard that Mutwalli meets all

expenses, therefore, there was no reason for collecting donation by Zahoor Ahmed of Farooq to give it to Ismail .Hazi Mahbool or his father did not give any donation to him I had never given any donation for any work of this Mosque.

Maulvi Abdul Gaffar was the Chief Immam of this Mosque. I cannot tell the name of his father. Gaffar Sahab used to teach the children at his house and practice Immamat. I do not know whether he used to charge some fee for performing this work of Immamat. He was residing in between Vashisht Kund and Tedhi Bazar. I had once visited his house to attend a party. This incident would have happened about 15 or 20 years before. Except attending this party, I never visited his house. I would not say anything about his age but he was an older person.

I had gone to offer Namaz in this Mosque only a week ago. Later, we came to know from others that offering Namaz had been stopped On 23rd December, 1949 at about 4 O'clock, it was announced that God has appeared. Thereafter, I never went there for this reason. I do not recollect completely but on 23rd December, it was a Friday (Jumma) or thursday (Jumme Raat). Thereafter, I never went to Mutdaviya building.

I started going to this Mosque five years before we got the independence. I do know whether there was any litigation about this property before this or not. The appearance of idol that that I staled above was announced on the loudspeaker. I cannot say whether the announcement was made by police or any Hindu brother. I heard that Farooq Ahmed had put a lock there. Both the door were locked. Farooq had told me about this. After this whether any suit was filed, is not in my knowledge. Later on we came to know that during the time of Vir Bahadur, the Hon'ble Judge of Faizabad had caused to open the lock. When this lock was opened the Hindus celebrated this occasion like Deewali in Faizabad and Ayodhya. I would be able to say & the year and the month when the lock was opened. I was married 40-42 years before.

I shall not be able to tell whether the disputed Mosque was built earlier or the Kabristan surrounding it three sides. The most part of kabristan was located in the eastern and southern side of Mosque. In the northern side Janamsthan was not covered under it. The eastern side of Kabristan consisted of temporary and permanent graves. Some of these

graves were of the people of Ayodhya and some of them were too old . There are so many Kabristans exist in Ayodhya. One is located in Suthatti Mohalla also. Wherever Kabristan exists, Kanati Mosque can be made. If any picture/of a bird, animal or human being is expressly displayed in a building, Namaz can be offered after removing it. If there is any engraving work appears on the wall, it shall not be demolished rather Namaz shall not be offered there. (On this the Learned Advocate drew the attention of the witness in the case Paper No. 104/2 Ber File No. 1/89 of Gopal Singh Visharad Vs. Zahoor Ahmed and said this is Photo No. 6). I have seen the photo shown to me. This photo is about Babri Mosque. The picture of lions as depicted in this photo is out of my wit Lion means tiger.

While offering my last Namaz in the Mosque, I saw as usual the black stones used on the doors of the Mosque. Flowers and leaves were engraved on them. These stones were similar to those which are shown in the coloured photo album (Photo No. 104/114) prepared by the Archaeological Survey Department of State of Uttar Pradesh. The thatched roof and platform shown in Photo No. 57 of this album do exist there, but nothing was there except these two.

It is wrong to say that I am hardly 55-56 years old. It is also wrong to say that I have never offered Namaz in Mutdaviya building. It is wrong to say that this Building was temple or Saints or ascetic people used to worship here. It is also wrong to say that Nirmohi Akhara Sect has always occupied it.

(On behalf of Nirmohi Akhara, Shri R.L. Verma, Advocate completed the cross examination)

Verified after hearing the statement.

Sd/-
Mohd Yaseem
Dated: 30.10.96

Om my direction the Stenographer typed the statement in the Open Court. In this continuation be remain on 31.10.96

Sd/-
Commissioner
30.10.1996

Date: 31.10.96 (In continuation of dated 30.10.96)

Cross examination on behalf of Dharam Das by Shri Ved Prakash,
Advocate under Oath:-

XXX XXX XXX XXX

No body accompanied Babar. My father and grandfather were Muslims. They were the original resident of here and settled from the very beginning in Ayodhya. We are Muslims generation after generation. My great grandfather was also a Muslim. I do not recollect where and when Mohammed Sahab built first Mosque. I have never asked to any one about this. As I have not seen the Mosque built by Mohammed Sahab, therefore, I cannot say what was built in the Mosque. I know it that be ordered to offer Ajan. This first order was given to Hazrat Bilal Habshi. I do not know where and standing at which place by standing Bilal Habsi offered his first Ajan. It is wrong to assume that Hazrat Mohammed Sahab might have built a Minaret for this first Ajan or Hazrat Bilal Habshi might have offered first Ajan by standing on the minaret of the Mosque.

There is no fixed norms how to build a Mosque. It depends on the availability of funds. It does not matter whether Minarets and domes have been built in the Mosque or not. Similarly, there is no specific method for building the floor. It can be of marble or concrete or Khandja. Minarets and domes are built for beautification. It depends on the will of person. If you have funds, you can build domes, minarets and anything you like.

Babar was an emperor and master of India. He was capable enough to build domes or minarets or both as money was no problem. Rest depended on his temperament what he was to build and what not. Why he did not build minarets on the disputed Mosque, it was his will so I have nothing to say about this. After Babar passed away nobody liked to build minaret on this Mosque. Our forefathers had no need to build minarets on this Mosque because they used to offer Namaz in their Mosque, The Mosque where my forefathers used to offer Namaz is located in Mogalla Raigunj, Gudiyaana. He used to offer his five time Namaz in that Mosque

which is in our Mohalla. But for Friday Prayer (Jumme Ki Namaz) my father used to go Babri Mosque. In the Mosque of our Mohalla, Friday Prayer was not offered. There was not a hard and fast rule about this but it had become a custom. Actually, Friday Prayer (Jumme Ki Namaz) is offered in big Masjids of city. Before 1949, Friday prayer was offered either in Babri Mosque or in Keware Wali Mosque. Five to seven people used to assemble for offering Namaz in Raigunj Gudiyaana Mosque because that Mohalla was consisted of 7-8 houses only.

There is a Mosque in Kaziana. I do not know how many people used to assemble in that Mosque for offering five time Namaz. A person belonging to that Mohalla can give its answer. I have seen that Mosque but it is without a dome. I have also seen Tedhi Bazar wali Mosque (himself said that it has domes). This Mosque has 3 domes. This Mosque is 30-35 feet from north to south. It may be 15-20 feet from east to west. I cannot say how many people assemble in that Mosque to offer 5 times Namaz. The residents of that Mohalla can answer this question also. There is a Mosque in Mohalla Begampura, Begum Ballas. This Mosque shall also be about 30/35/40 feet long. That Mosque has a dome but no minarets. It has three domes. I have not seen the Mughalpura Mosque, and therefore, I cannot tell about its length and breadth. I have not seen any Mosque in Mohalla Swarg Dwar.

About 100-150 people assemble to offer Friday Prayer (Jumme Ki Namaz). The breadth of this masjid shall be 30-40 feet and same shall be its length. The Friday prayer is offered in mass. I do not agree with this contention that not more than 100-125 people can offer Namaz together in this Mosque. In my opinion, more than 200 people can offer Namaz together in a Mosque of this size. While offering Namaz, all Namazis stand together closely with clinging elbows. The distance between the forward line and the backward line is as much as to perform Sajda (the process of offering Namaz) comfortably. 2 ^{1/2} to 3 feet space is required to perform Sajda.

400-500 people used to offer Friday Prayer (Jumme Ki Namaz) in Babri Mosque. But if the number of Namazis exceeds to this number, then about 1000 people could offer Namaz together. (At this point the Learned Advocate drew the attention of witness towards paper No. 136/6 File No. O.O.1/1989 in the case of Gopal Singh Visharad Versus Zahoor Ahmed etc. this document is in the form of a map). I have seen the map. I do not know anything about the map and I shall not be able to say anything about the map. In the disputed building, the built up areas in the northern-southern portion of the building was about 130 feet in length and eastern - western portion was about 90 feet in breadth. After entering the main door, there was a courtyard. After the courtyard, iron grill wall existed and after crossing it, courtyard of Babri Mosque is located. An open place is called courtyard. The built up building was located after the inside courtyard which was part of the Mosque, It is wrong to say that a grill was built in the middle of the said building. Instead there was a member, by standing on which the Immam used to read Khutba. There was provision of a iron net on the western wall so that the air pass cross. On entering the Mosque through main door, there was a courtyard. But Namaz was not offered there. There was a wall in the northern and southern side of this grill portion.

There was a wall in the western side but a pustan (slope) existed there. A pustan is just like a slope. In the western side of the grilled wall Mosque was located after the courtyard. After the western wall of the Mosque, there was a slope. The distance between the grilled wall and the western wall of the Mosque was about 60 feet. In the southern side, there was outer wall of the Mosque. In the southern side, there was no inner wall. In the southern side, everything was not open but an outer wall existed. In the southern side of the wall, Namaz was not offered but there was provision of Wazu (ritual performed by Muslims before Prayer). In the northern-southern side, there was a lower courtyard where Namaz used to be offered and it was 90-95 feet in length. All the Namazis used to stand there with their faces towards west. The distance between the first line of Namazis and the second line used to be about 3 feet. Every person used to occupy the place according to the size of his body. While entering

through the main door, there was a Chabutara (platform) existed in the southern side, but there was no Ram Chabutara. That Chabutara (platform) would have been around 10 feet in size, i.e. 10 X 10 Sq. ft. In the western side, there was vacant land (then said the vacant was in the eastern side where dough board - rolling pin (Chakla-Belan) was built). That dough board-rolling pin was outside the Mosque but why it was there, I do not know and I never enquired about it. I did not consider it necessary to verify facts about it. But since the time I started offering Namaz there, I have been seeing that dough board rolling in (Chakla - Belan). The 10 X 10 Sq. ft. Chabutara (platform) had a thatched roof on it.

In the northern side of disputed property there was a Margo (Neem) Tree and a Maulisri tree. In the left side, there was one more tree, but it was not known whether it was a sandal wood tree or any other tree. Besides these, was no other tree. Question of Neem tree & Peepal tree joining each other did not arise.

It is wrong to say that outside northern door of this building, some Samadhis were built. It is wrong to say that these would be the Samadhis of some Sadhus (holy persons). It is also wrong to say that in the southern side also Samadhis of Sadhus were built.

The things on which Prophet Sahab has emphasized are:- Namaz, Roza, Jakat, Haj and Jihad. Besides there, he had also emphasized on honesty. It is not true that he might have emphasized on Jihad for the reason so that Jihad could be launched against the people who did not follow his directives. It was his order that Jihad should be launched against those people who did not follow Allah's dictates. It is correct that Prophet Sahab brought the dictates of Allah to the people and told them that idol-worship is against Islam. It is correct that he had ordered that people who did not follow his orders, Jihad should be launched against them. But it would be wrong to say that Babar or any other Muslim ruler broke the temple under this edict. It is heard that Mehmood Gaznavi broke the temple of Somnath. But it would be wrong to say that the temple was broken under this edict. (Then he said that the temple had become a vice

den). What it have said about the temple, it is a hear- say. I cannot say from whom I have heard this thing. Since then it has been a long time. I have heard this in Faizabad. I do not recollect who told me this. I cannot say whether that person is alive or dead. It is wrong that whatever I might have said about Somnath Temple would be out of curiosity. I have said a hearsay and it may be right or it may be wrong that it has become a vice- den.

In this Mosque black colour stones were used on the door. These stones were fixed in the earth. I cannot tell the height of those stones from the floor. These stones were used on all the doors and these were about 14 in numbers. If the photo of these stones is shown to me, I can recognize them. (On this point the Learned Advocate drew the attention of witness towards File No. O.S.-4/89 ND file Photo No. 54-A/2/31). I have seen the photo, the stone shown in the photo is not that which has been used in the Mosque. But the next Photo No. 54- A-2/32 which I have seen now is one which belongs to the stone used in he doors of Mosque. The next Photo No. 54-A-2/33 too, stone used in this Mosque. This is the same case with Photo No. 54-A-2/34. Photo No. 54-A/2/35 also belongs to the stone used in this Mosque. But the photo next to it i.e. Photo No. 54-a-2/36 is out of my wit. In Photo No. 54-A-2/37 black stone has been shown but I cannot say whether the stone belongs to this Mosque. Similarly, Photo No. 54-a- 2/38 is out of my wit. This photo does not belong to the stone used in Mosque. This is from outside because flower, leaves and a pot has been shown in the photo. Photo No. 54-a-2/39 belongs to the stones in the Mosque .Photo No. 54-A-2/40 is out of my with. Photo No. 54-a-2/41 does not belong to the any stones that are used in the Mosque.

Question:- You do not consider Photo No. 54-A- 2/41 belonging to any of the stones used in the Mosque because images of gods have been shown in it?

Answer:- This stone does not belong to the Mosque and is from outside. It is wrong that I have given my answer on the basis of the pictures carved out on the stones.

Photo No. 54-a-2/42 belongs to some other place and it does not belong to the disputed Mosque. It is wrong to say that my answer is based on the pictures shown in it.

(On this point the Learned Advocate drew the attention of the witness towards the black and white film album prepared by Archeological Survey, Department of Uttar Pradesh.) I have seen the album shown to me. In Photo No. 9, garbarage of some place has been shown. I cannot understand to which place this garbarage belongs. My answer is the same about Photo No. 10. This garbarage is dumped, it can assume any form. It might be the picture of a pig and I have nothing to do with it. This is the photo of garbarage outside the wall and belongs to Babri Mosque. Photo No. 15 is the part of Mosque and in Photo No. 16, wall of Mosque has been shown. I shall not be able to tell to which side the wall shown belongs to. The Photo No. 17, is also a wall of Mosque. It is difficult to tell to which side of wall it is. Photo No. 18 is not clear to me and is out of my wit. While I fail to understand this Photo, how can I say it is a part of Babri Mosque or not.

Photo No. 19, is wall of the Mosque. In Photo No. 20, north gate of the Mosque has been shown. A map has been made on it but I do not understand for what this map is. Photo No. 21 appears to be the northern side of Mosque. Photo No. 22 is the another half part of the previous photo. Photo No. 23 also appears to be northern gate of Mosque. Photo No. 24 is not clear to me. Perhaps, it may be outside of Mosque. Photo No. 25 is about Mosque. Whatever things have been shown around it, were not there earlier. Photo No. 26, is a pillar of the Mosque. Photo No. 27 also belongs to a pillar of Mosque, but at that time nothing was written on it only there were some flowers and leaves. Photo No. 28, shows a wall of the Mosque, but I cannot tell its direction. In Photo No. 29, a platform (Chabutara) has been shown which is located in the southern side of the entrance of main door. But at that time nothing was built on it which has now been shown on this Chabutara. Same thing has been shown in Photo No. 30. Photo no. 31 is out of my wit and I do not know to which place it belongs to some idols have been kept here. This photo is not clear to me

and so I cannot say whether it is part of Babri Mosque or not. The same thing is in the case of Photo No. 33. Photo No. 34 is a part of Mosque. In this Photo walls are visible. It is not that on seeing the images of Gods and Goddesses in Photo No. 33, I say that I cannot understand it. Actually, I cannot understand to which place this photo relates.

In Photo No. 35, Grilled wall has been shown. This wall existed in the Mosque portion after crossing the first courtyard. photo no. 36 appears that this part belong to northern side of mosque. In Photo No. 37, there is a grill wall. I do now know whether the tree shown in this Photo is of sandal woo or any other thing. In Photo No. 38, Gill wall has been shown. Earlier there was a thatched roof but now roof has been covered by tin. In Photo No. 39, walls belong to the Mosque but whatever has been shown on he platform (Chabutara), did not exist earlier. Photo No. 40, is northern gate of Mosque. Photo No. 41, is a grill wall of the Mosque, But I cannot say of which side it relates to Photo No. 42 pertain to Mosque but it is not clear as to which place it relates. In Photo No. 44, a tree has been shown, but I do not know its name but the photo relates to a portion of Mosque. Photo no.43 is of internal part of the Mosque entering in the Mosque through the Courtyard. Photo No. 45 also relates to the inner portion. Photo No. 46 also relates to the inner portion, but I do not know to which door it belongs to.

Photo No. 50 is out of my wit. Photo No. 53 also relates to a portion of Mosque. But I do not know to which corner it belongs to. In Photo No. 54, some portion of iron grill wall is visible. In Photo No. 55, a pillar of the Mosque has been shown. Photo No. 56 belongs to the same place. Photo No. 57 also belongs to the same place which is a portion of Babri Mosque. Flowers and leaves have been shown same type in the picture. These flowers and leaves have been carved out on the black stone. Photo No. 58 is also a portion of the same Mosque. In Photo No. 59, no picture has been shown except mapping and whatever has now been written on it was not three earlier. But this photograph relates to a portion of the Mosque. Photo No. 60 also relates to the black stone of the Mosque. Photo no. 61 also relates to the black stone of this Mosque

.Photo No. 62 also shows the same thing. In Photo No. 63 too, a portion of the same Mosque has been shown. In Photo No. 64 a black stone of that Mosque has been shown. Photo No. 65 and 66 also relates to the same place. In Photo No.69, Mehrab of western wall of the Mosque has been shown. Photo No. 71 and 72 also relates to the black stones of the Mosque. Photo No. 73 and 74 also relates to the black stones of the Mosque. Photo No. 75 and 76 also relates to the black stones of this Mosque. Photo No. 79 and 80 shows the place between the dombs and Mehrab of the western wall but nothing was built there at that time which has now been shown in the picture. In Photo No. 83 and 84, the safa lines of inner side of Mosque have been shown, but the remaining things which have been shown in these photos, did not exist at that time where the place for offering the Namaz has been demarcated, Namazis can make best of this place and can offer Namaz by spreading a mat or a cloth or ever without both of these two because the Mosque is a sacred place. People who used to visit there for offering Namaz, a cloth used to be spread on the floor for them to perform rituals before Namaz. Length of every safa was about 90 feet in the northern-southern side. The length of eastern and western side of Mosque was about 30 feet. Photo No. 85 and 86 are out of my wit. In Photo No. 89 and 90, the same black stones of the Mosque have been shown. Photo No.91 also relates to stone of the Mosque and flowers and leaves have been carved out on in it. In Photo No. 95 and 96 black stones have been shown and they belong to the Mosque. In Photo No. 97 and 98 black stones of Mosque have been shown and they belong to the Mosque. This is also the case with Photo No. 99 and 100. these photos belong to the Mosque. In Photo No. 101 and 102, black stones of the Mosque have been shown. The same case is with Photo No. 103 and 104. Photo No. 105 and 106 belong to the same Mosque and stones have been shown in them.

Even after seeing these photos, I cannot make any guess about the height of the stones.

(On this point, the Learned Advocate drew the attention of the witness towards the coloured Photo 'Album' prepared by the Archaeological

Survey of India. After going through the photo, the witness made his statement).

In Photo No. 13,14,15 and 16, the garbarage which is visible, belongs to the wall of the Mosque. This is the garbage of slope. This mound is built outside the wall. I had seen a mound in the southern side. I have not seen four rubble heaps but one. Whatever have been shown in these photos, cannot be called mounds but are garbage, but actually this is the garbage of the mound. Along the side of the wall of the Mosque, about 2 feet high or as deem fit mound was built. The mound that is built along the wall looks like a slope. In Photo No. 14, the fallen rubble has assumed a face like shape but neither any eye nor any leg is visible to me It is wrong to say that a stomach is also visible to me it appears only a pile of garbage. No shape of any animal appears to me. The same thing is visible in Photo no 16. It is wrong to say that I am hiding something or giving any false statement. It is also wrong to say that this is a picture of a pig. I do not know whether such picture is respected as Baraha Devta in Hindu mythology. In Photo No. 17 and Photo No. 18, a part of Mosque wall has been shown. This was strong wall. This was an old wall and it white washing has fallen at places. Photo No. 27 in my view shows the back portion of the Mosque. Photo No. 30 is out of my wit. In Photo No. 31 part of the wall is visible but Photo No. 32 and 33 is out of my wit. Photo no. 34 is also out of my wit. Photo No. 35 shows a part of Mosque wall but to which side it belongs I cannot say. In photo no. 39 and 40 a map has been laid on. I do not understand what this map is all about. I do not see picture of any animals on them. This photo belongs to northern side of Mosque. It is wrong to say that these photos have pictures of animals. It is also wrong to say that because pictures of animals are not allowed on the walls of Mosque and therefore, I am not deliberately identifying the pictures. I do not know to which No. 43 belongs to. In Photo No. 44, of Mosque is visible but the rest of in the photo were not there earlier. 45, in my view, eastern main door of the Mosque has been shown. Same thing has has been shown in 47 and 48, black shown but at that there on them nor In Photo No. 49, pillar of Mosque have been shown. In Photo No.50 and 51 also pillars of Mosque have been shown but at that time neither red marks nor

Hindi writing existed on them. My reply is the same Photo No. 52, the same is the case with Photo No. 53. The Photo No. 54, black stone of the Mosque has been shown but at that time neither red arks nor writing existed on it. Photo No. 58, is out of my wit and I do know it is a part of Mosque or not. In Photo No. 59 and 60, wall of the Mosque is visible but the rest of the things shown may be either photo of some toy or something else that I do not understand, as it was not there earlier. These two photos relate to the disputed property. Photo No. 61 is out of my wit and I do not know to which place it belongs to. In Photo No. 62, a part of Mosque wall has been shown, but at that time this place was plain and I do not know what has been shown in the picture. In Photo No. 63 grill wall has been shown. In Photo No. 64 too grill wall has been shown, in Photo No. 65 grill wall has been shown. In Photo No. 66, there is a grill wall and in the middle a thatched roof and platform have been shown but the remaining things shown in the photo were not there at that time. Photo No. 73 is out of my wit. Photo No. 78, can be eastern main gate. Photo No. 81 and 82, appears to be the back portion of the Mosque. In Photo No. 83, staircase has been shown which existed in the southern side of the Mosque. Photo No. 94 is out my wit. There is no difference in Photo No. 94 and 95 and are out of my wit. Photo No. 96 is also out of my wit. Same is the case with Photo No. 101. In Photo No. 102, grill wall and courtyard is visible. In Photo No. 103,104, and 105, pillars of Mosque have been shown, but the red marks and Hindi writing on them did not exist earlier. Same is the case with the pillars shown in Photo No. 106, 107 and 108. At that time neither red marks nor Hindi writing appeared on it. Photo No. 109, 110, 111 are the pillars of the Mosque and flowers and leaves were carved out on the but neither red marks nor any Hindi writing appeared on them at that time. The same case is with Photo No. 112,113 and 114, Photo No. 115, 116 and 117 are the pillars of the Mosque but at that time neither any images nor writing or red marks existed on them. In Photo No. 116 Idol has been separately kept and not carved on the pillar. This idol was not there in 1949. in Photo No. 118,119 and 120 too, pillars of the Mosque have been shown. In Photo No. 121, 122 and 123, pillars of Mosque have been shown. At that time no red marks or writing appeared on them. Photo No. 124, 125 and 126, are black stones of the Mosque but at that time no red

marks or writing appeared on them. Photo No. 127 is also stone of the Mosque. Photo No. 136, 137 and 138, black stones of the Mosque but at that time no red marks appeared on them. In Photo No. 139 to 144, black stones of the Mosque have been shown but at that time no red marks or writing appeared on them. Same is the case with Photo No. 145, 146 and 147. Photo No. 157, 158 and 159 relates to the Mosque but at that time, no red marks or any other thing appeared on them. A bell has been shown in these pictures which did not exist at that time. In Photo No. 160, 161 and 162, black stones of the Mosque have been shown but at that time no red mark appeared on them. Photo no. 163, 164 and 165 are the black stones of the Masjid but there was no red color on it at that time. Photo No. 166 and 167 are the black stones of the Mosque on which no red marks existed at that time. Photo No. 176 to 180 are also the black stone of the Mosque but at that time no red marks existed on them. Photo No. 181 to 186 also belongs to the same Mosque, but at that time no red mark or writing appeared on them. Photo No. 187 to 192 belong to the Mosque but at that time no red marks or writing appeared on them. Photo No. 193 to 198 also belong to the Mosque but at that time no red marks or writing appeared on them. Photo No. 199 and 200 also belong to the Mosque.

All the black stone photos that we have seen used to carry embroidery work and flowers and leaves and flowerpots were engraved on them. I had seen these pillars for the first time when I visited this Mosque for offering Namaz some 56 years or 58 years before from today. I had visited this Mosque last time one week before 22/23 December, 1949. No difference has come in the engraving work on these photos during these 56 to 58 years. The red colour which is visible on these stones appear to be a plastering work, but it is wrong that wherever this red colour is visible, images of Hindu God and Goddesses have been made on those places.

In 1934, I was just four years old. At that time, I did not know anything about the Inspector of Waqf Board. I knew only about Mutwalli. The name of the Mutwalli of this Mosque was Zaqui Sahab. Zaqui Sahab has since expired. But I do not know when he has expired. I used to see him at the time of Friday Prayer (Jumme Ki Namaz). People used to say

that he was the Mutwalli. I cannot say whether he was an opium addict or not (then said a person offering Namaz cannot be an opium addict). I heard that Jawad Sahab was appointed Mutwalli after Zaqui Sahab. This is a hearsay and I do not know when Jawad Sahab became Mutwalli. I shall not be able to say whether Jawad Sahab is alive or not. I have heard that he was the last Mutwalli of this Mosque. I do not know whether any person became Mutwalli of this Mosque after Jawad Sahab or not. I never tried to know whether this Mosque has any Mutwalli or not.

My house is probably located at a distance one and a half kilometer away from Babri Mosque. It is wrong to say that it is 4 or 5 kilometers away. I do not know who built the Mosque located near my house. Even my forefathers could not give the answer of this question, then how can I give any answer. Who built the Kaziana Mosque and other Mosque, are such questions of which I cannot give any answer.

I cannot say when my forefathers came to Ayodhya and settled there. Rather, I will say that they were the original residents of this place. In every part of Ayodhya, Kabristans (Grave — yards) exist. It is correct that gradually Kabristans started vanishing. People forcibly occupied Kabristan. Those who forcibly occupied Kabristans, built their houses on them and started living in these houses. After forcibly occupying the land, the house that came up belonged to Hindus and not Muslims. Some people have forcibly occupied the outer portion of Nangli Majar Kabistan and Mecca Khurd Kabristan and put up sheds and built houses there and started living there.

After the incident of 6th December, 1992, curfew was clamped in Ayodhya. I have heard that the then Chief Minister Kalyan Singh had tendered his resignation. I do not know after the incident whether President's Rule was imposed or not. Curfew was imposed and during curfew movement of people is curbed. (Then said — curfew was meant for Muslims only). We did not complain to the Central Government or any other officer that the curfew was meant for Muslims only. (Then said if there had any officer been present then, we would have complained). I am

talking about the above for the officers of Ayodhya. We could not assemble anywhere and were confined to our houses and worried for our lives. I do not know whether any Muslim leader had complained in writing to the government or any officer about this incident. May be that they might have complained about this. As I recollect this curfew remained in force for 6 to 8 days. After lifting the curfew, Hindus and Muslims started coming out of their houses. After the lifting of curfew we have not complained to anyone that Muslims were not allowed to come out where as Hindus were moving during curfew. Perhaps the Muslims leaders might have complained about this. After demolishing the Mosque, Police and Army was deployed and they surrounded the disputed land and property. It is wrong that Police and Army might have maintained the status quo prevailing at the time of demolition of Mosque. Nobody could enter there without their permission. (Then said people now freely go there and offer prayer). Those who go there for worshipping, a special route has been made for them, Barriers have been erected. In my opinion, worshiping activity has been continuing since 6th December. It is wrong that worshippers enter the place from outside the disputed land and property. I have heard that at the place where barriers have been erected, strict checking is carried out. It is correct that no person can take the risk of carrying any objectionable material there. Any material, means, stone, rod, lathi or any type of weapon are not allowed to be carried there. It is also correct that besides barrier, police is keeping constant vigil in and around the disputed place. Nobody is allowed to enter the place without physical checking.

It is wrong to say that disputed building have never been used as Mosque. It is wrong to say that myself or any other Muslim has ever offered Namaz here. It is also wrong to say that it has been a temple or a worshipping place of Hindus from the beginning. It is also wrong to say that I have made any false statement.

Verified after hearing the statement.

Sd/-

Mohd Yaseen

Date: 31.10.96

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

Typed by the Stenographer on my dictation in the Open Court. For further cross questioning, remain present on 1.11.96.

Sd/-

Commissioner

31.10.96

Date 1.11.96 (In continuation of dated 31.10.96)

Cross examination on behalf of Umesh Chand Pandey through Shri Visheshwar Dwivedi, Advocate after taking Oath:-

I have never noticed that whether Hazi Mehboob studied in Madrasa Islamia or not. This Madrasa is located in Kaziana and I have been a student of this Madrasa. Bangali Shah lived there but he was not a teacher in that Madrasa. This is incorrect that Bangali Shah taught children in that school or he was teacher there. Initially, I learnt shoe making work and thereafter gradually I established a shoe factory. This was not our ancestral factory. Even today I am doing this shoe making work though on small scale. I used to sell my goods at chowk in Faizabad to Hazi Shahbuddin. I do not know whether Hazi Shahbuddin is also a party to this Suit of Sunni Waqf Board. Ziauddin is his son and I know him. But I do not know whether Ziauddin has become a party to this Suit in place of Shahbuddin now.

In tea house of Faizabad there was some discussion about Somnath Temple and so I over heard it and came to know that his temple had become a center of merry making. This discussion was taking place on the same table where I was also taking tea. Now I do not remember who those people were.

Except this disputed Mosque, I did not find use of black stone in any other Mosque of Faizabad or Ayodhya. It is not correct that a wooden shed like

structure existed on the platform erected in the outer court in the southern portion of the Mosque after entering through the main door. There was only a thatched roof on the platform. If Hashim Mian gave this statement that priests or worshippers used to sit under that thatched roof then it, is factually wrong.

It is wrong that Sadhus had besieged this place from three sides since one month before the incident of 22/23 December, 1949. They had not besieged this building or land from any side. If Hazi Mehboob has told that Sadhus had besieged this place from one side since last 15-20 days, then he is wrong. After the incident of 22/23 December, 49, I have never visited that place. I know that some Muslims took out a procession and shouted slogans to offer Namaz in that Mosque in 1954. (Then said that Mohammed Hashim was leading that procession). Mohammed Hashim was followed by thousands of people in the procession. A petition for offering Namaz was already given. Both the parties to the dispute must be knowing whether that petition was legal or not. The processionists were lath- charged, people were beaten, prosecution initiated, people were arrested, people were imprisoned and fined. Hazi Fayak Sahab, uncle of Hazi Mehboob and Farooq's father Zahoor Sahab were arrested in that incident. Hashim and his brother Qasim were also arrested. (Then said that Abdul Hakim Sahab of my Mohalfa was also arrested). I have full knowledge of the existence of this Mosque of Ayodhya which is called Anjuman Muhaffiz Mosque, Makabir Avadh. Hazi Mehboob is president of it. This society is functioning since a very long time. I shall not be able to tell whether this society is hundred years old or five hundred years old.

The platform (Chabutra) on which the Muazzim used to stand and offer Ajan was located in the southern side of the Mosque and its height was about 1 feet from the floor of the Mosque. In the southern side of this platform, there was a urinal at a distance of hardly 2 yards. In the eastern side of that urinal, there was provision for performing Wazü (Muslim rituals before offering Namaz). The place where Wazu maker used to sit was in the southern side. The place where any the person who sits for urine has his face towards the southern side. At a distance of 2 yards, there was a staircase in the western side. After crossing that place the land was

leveled. That staircase was in the back side of Mosque and lead to the dome along its sides. This staircase leads to a height of about 30 feet from the floor of the Mosque. I do not know why the Muazzim did not use this staircase to go the dome. (Then himself said that the Muazzim used to go upstairs for Azan for offering Friday Prayer (Jumme Ki Namaz)). I do not know whether Mutwalli had instructed the Muazzim for this arrangement or the Muazzim might have expressed his inability and did this himself. It is correct that it was the duty of the Muazzim to look after the belongings of the Mosque and these included earthen pot, Badne, Badra, white bed sheets or mats etc. I have heard that this building has been attached by the orders of the Magistrate. After attachment of the building we did not go there for offering Namaz and therefore we found no opportunity to talk to the Muazzim, Ismail. Thereafter, I never met him. I got busy in my work and did not feel the need of enquiring about his whereabouts. We did not try to find out whether the white (sacred) bed sheet was taken away along with the goods attached or was taken away by someone.

I do not know who became Mutwalli after Zaqui Sahab but I had heard that Jawwad Sahab became Mutwalli. Zaqui Sahab was Mutwalli upto the incident of 1949, and thereafter Jawwad Sahab became Mutwalli. Zaqui Sahab used to look after the arrangement of Mosque. If Farooq Sahab has said that at the time of this incident, Zahoor Sahab was looking after the arrangement of the Mosque, the responsibility of correctness of statement lies upon him. To my knowledge, the arrangement of the Mosque was being looked after by Zaqui Sahab. Before the incident of 1949, peace was prevailing there and there was no interference of any sort in the matter of offering Namaz. Had this incident not happened, the people of Ayodhya would have been leading a very peaceful life. If Hashim Sahab says that jungle Raj was prevailing at that time, he is responsible for the correctness of his statement and only he can answer to this question. I have given my statement at my own will.

It is correct that after getting independence from the British Rule, We Muslims have a troubled time. From getting independence in 1947 and up to happening of this incident in 1949, we did not face any sort of difficulty.

All people got independence from the British Rule, but this was not the case with us. Before the incident of 1949, there was no lock anywhere in Babri Mosque. I do not know how much or which part of the Babri Mosque had been attached. I had heard that Mian Farooq had locked the Mosque. I came to know about it from Farooq himself. I asked Farooq who locked the Mosque, and then Farooq told me that he himself locked the Mosque. I had asked Farooq about this after 2-4 days of that incident. This had become a hot subject of discussion among the people so I had asked about it from Farooq.

I have good acquaintance with Hashim Mian. Hashim Mian has been doing tailoring work since a long time and now he has left this work for quite some time. For some time, I mean, it can be 8-10 years or 15 years because I do not exactly remember the year and time. Perhaps it would be correct to say that he had left tailoring work since 1976. But it would be wrong to say that he had started this work only in 1966. I cannot exactly say when he started this tailoring work. His tailoring shop was situated in Mohaalla Singar Hat opposite Post Office. If Hashim Mian says that he did his tailoring work from 1966 to 1976, then it would be a wrong statement on his past.

Hashim Mian and Qasim Mian are two brothers only and they do not have any other brother. Both these brothers have separate houses. It is wrong to say that they have only one house. I do not know whether they lived in the same house in 1949 or not. (Then he said — They had separate houses in 1949) Except this residential house, Hashim Mian did not have any other land or property. He had no other property. It is wrong to say that Hashim Mian is indulging in mischief or taking out processions since the time I know him. It is also wrong to say that this was the only source of earning his livelihood.

Hazi Fayak and Hazi Pheku, Achchhan Mian and Zahoor Ahmed belonged to rich families. Farooq is the son of same Ahmed Sahab. Hazi Mehboob is the son of Hazi Fayak. It is wrong to say that these people indulge into litigation and on the basis of their money power they make

Hashim Mian as their front man. I know Urdu Bazar but I do not know Abdul Shakur said to be of that place. I also do not know any Abdul Gani or Abdul Jalil who are said to be of Raiganj. Latif Sahab lives in Bargadiya and not in Singar Hat. I do not know his father. I know about Syedwara Mohalla. I was not acquainted with Abdul Jabbar of that place. I have heard about Miranpura Mohalla but I have never gone there. I was acquainted with one Abdul Razaq, a sweeper, living in our Mohalla. Apart from him, I do not know any other person by the name of Abdul Razaq who used to live in Raj Sadan.

I do not know Mohammed Wald Wazir of Mohalla Naugaji. For strengthening the foundation of outside wall a slope type mound was erected and it is called Pustan. The purpose of making this mound is to prevent rain water from entering the foundation. In the outer side of the western wall of the Mosque, there was a large Pustan (mound) which goes up to the wall. There was one foot wide road along the dome. (Then he said this road was used for the purpose of cleaning and repairing of the Mosque). This was a common road and any person could use it.

I had thrown light on the instructions issued by Prophet Mohammed Sahab and they put emphasis on good virtues. From good virtues, I mean, do good works and avoid ill path. All the good virtues have been mentioned in the Holy Quran and also in the Hadith mentioned by Hazoor Sahab. Hazoor Sahab has forbidden idol worshipping. Hazoor Sahab has also dictated that Jihad against those people is justified who do not follow the teachings of Holy Quran Sharif and virtues and virtues mentioned in Hadith. But it would be wrong to conclude that under this Jihad, Mosque was built here by demolishing a temple. It would be wrong to say that Hazrat Mohammed Sahab never talked of Jihad and only prescribed Iman, Roza, Namaz, Zakat and Haj for Muslims. It is also wrong to say that due to that call of Jihad. I am giving a wrong statement and calling a temple as Mosque. It is also wrong to say that even according to the tenets of Shariyat, this building has never been a Mosque.

(Cross examination by Vireshwar Dwivedi Advocate on behalf of Umesh Chand Pandey concluded)

(Cross examination by Madan Mohan Pandey, Advocate on behalf of Paramhans Ramchander Das)

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I have seen the Alamgiri Mosque. This Mosque is located in Ayodhya. I can describe its length and breath but its ruins are still there. I have never visited Alamgiri Mosque for offering Namaz. That Mosque is lying in ruins since the I have recovered my senses. Since I have recovered my senses, nobody has offered Namaz in that Mosque. There are some residential houses in and around that Mosque. All these houses belong to Hindus and temples are also there. I cannot say and I do not know how old that Mosque was. What I know is that it was an old Mosque. But it was built after disputed Mosque. I cannot even guess whether Mutdaviya Mosque is older than that Mosque which is built near my house. Even I cannot guess how old Keware Wali Mosque would be. Babri Mosque can be older than Keware Wali Mosque. Our Mosque is located in Muslim populated area. Keware Wall Mosque is located a bit outside populated area but Muslim population also inhabits in that area. It is correct that disputed Mosque was located in Mohalla Kot Ramchander. Earlier, in the eastern side of this Mosque, the entire area was a Kabristan. Even the area behind Amawa temple was a Kabristan. I do not know what has been built there by now. In the northern side, there is a road then Janamsthan Temple, Sita Rasoi and a few more temples followed by Kabristan. These Kabristans are not only located behind the Sita Rasoi but in the eastern side also. There are lots of temples in the eastern side of Sita Rasoi and up to Lucknow-Faizabad Marg. Even temples are spread up to Hanuman Garhi. In the northern side of this Mosque, the road mentioned by me, leads to Hanuman Garhi from east to west and west to east. In the southern side of that road there is a large concentration of temples but I do not know their names. Famous temples among them are,; Kanak Shawan, Janamsthan and Hanuman Garhi and I know about them. I have

not seen the eastern side of the Mosque and therefore, I cannot say anything about the Manas Bhawan.

In the southern side of this Mosque after the Khwaja Hatti, which is called "Doosra Farique Kube Teela", some temples are located. In the western side, there is no Kabristan but a plain field and thereafter comes a populated area. In the western side, there is a Dorahi Kuan and thereafter comes a populated areas. At the crossroad of Dorahi Kuan, a Mali Mandir is located there. In the northern side of the Mosque, there is a road. There are some graves between the road and the Mosque. It is wrong to say that they are not graves but samadhis of saints. In the southern side of Mosque, Kabristan was spread on an area of about 100 to 150 yards. In the eastern side also it was spread on an area of about 200-250 yards. I shall not be able to say anything about the area covered by the northern side Kabristan. In the southern and eastern side, there were many metalled and unmetalled graves. Since I recovered my senses, I had been seeing Kabristan. I do not know whether Kabristan came into existence after the Mosque or it was already there. I shall not be able to say and is not in my knowledge whether any dead person was cremated in this Kabristan. Since I recovered my senses, it has never come to my knowledge that any grave was dug or damaged. When graves were seen then it did not convey any sense to say that it was a Kabistan. I had seen that Kabristan in the same condition up to 1949.

Till I recovered senses and upto the year 1949, no damage was done to any part of this Mosque. In the northern side of the courtyard of this Mosque, I frequently visited the place where Dough Board — Rolling Pin (Chakla — Belan) exist. Neither ay Ibadat or Namaz was offered there. If somebody has given statement about offering Ibadat or Namaz on this place or at this courtyard, then only I can say that he has given false statement.

Friday Prayer (Jumme Ki Namaz) is not offered in every Mosque, Religion does not prohibit it but the Friday Prayer (Jumme Ki Namaz) bein a Jamati Namaz, is not offered in every Mosque. I have never offered

Friday Prayer (Jumme Ki Namaz) in the mosque near to my house. I have offered Friday Prayer (Jumme Ki Namaz) in Keware Wali Mosque after 1949. I used to offer Friday Namaz in Babri Mosque because it gave us Shabbab (youthfulness). (The witness said — definitely one is blessed with Shabbad). According to Shariyat, gathering in a biggest Mosque of the city and offering Namaz together gives us Shabbab (youthfulness).

It is wrong that I do now have any knowledge about disputed Mosque or I have never visited there. It is also wrong to say that after 1934 neither any Muslim ever visited this Mosque nor he offered Namaz there. It is also wrong to say that there was a Hindu temple and only Hindus used to visit there or they used to visit there or they used to worship there. It is also wrong to say that in the northern side where Dough Board and Rolling Pin (Chakla and, Belan) are kept, no other things like Chulah (Oven) or Charan Chinh (foot print) have been kept. It is also wrong that Hindus visit that place and offer prayer there regularly. If no other place is available and we have opportunity, then we can remove the idols from the temple and offer Namaz there.

(Cross examination by Madan Mohan Pandey, Advocate on behalf of Paramhans Ramchander Das concluded)

(Cross examination by Shri Shankar Jam, Advocate on behalf of Hindu Maha Sabha and Shri Ramesh Chander Tripathi)

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I have not read English. But I can tell names of the months according to English Calendar. January, February, March, April, May, June, July, August, September, October, November, December. It is wrong to say that Islam does not recognize English calendar. The Islamic Calendar months are as follows:-

Muharram, Terha Teji, Barawfat, Gyarahwin, Madar, Hajamddin, Rajab, Shabrat, Ramzan, Id, Khalik, Bakrid. I cannot say in which month of

Islamic Calendar the incident of 1949 took place. The followers of Islam recognises Hijri Calendar. I cannot tell that in which year of Hijri Calendar, this incident took place. I shall not be able to tell in which Hijri Calendar year I was born. Hun Calendar is based on Shariyat (Then said — Marriages are fixed on Hijri Calendar basis but dates are used according to English Calendar and English Calendar is adpted in daily use). I shall not be able to tell in which Hijri Calendar year I was married. At the time of writing Holy Quran Shariff or when Allah Tala handed over Quran Shariff to Prophet Mohammed, English language was not in existence. Every Muslim knows English Calendar. Quran Shariff is a sacred took and has descended from heaven to the earth. Whatever is written in Quran Shariff that is final and nothing is before or beyond it. Hijri Calendar is based on the instructions of Quran Shariff but for day-today work English Calendar is used with it. English is required to everyone. I cannot state any incident relating to my life or memory, the day or date of which can be described in accordance with Hijri Calendar.

When India got independence, I remember that time. I was 11-12 years old at that time. (Then said — I was 17 years old at that time). Now my memory has weakened. But it does not mean that I could not remember old incidents. After I got senses, if any incident is brought to my notice, I can recall it. I have got my senses 54 years before. I was 12 years old When I got senses. I would not say in which year I was initiated into sunnat. Only my father could reply to this question. I have started reading Namaz in 1938 but I did not read it regularity. I used to read Namaz in the Mosque in 1938. I started reading five times Namaz at the age of 12. This incident belongs to 1942. I have been living in Ayodhya right from the very beginning and I was born there. I have read Quran Shariff. I know how to read 5 times Namaz. Five times Namaz has been provided in Islam. It is not written in Ayats or verses. No method has been provided for offering Namaz in verses(Aayat).

I can read Arabi. I have learnt Arabi from my maternal grandfather. I do not know whether it is written in the Quran Shariff where to read kuran or where not. I have read Hadish but do not remember it. May be that it has been written in Hadish where to offer Namaz and where not, It has

been written in Hadish that if idols are kept at a place, Namaz can be offered after removing it. If idols are removed from a temple and it is cleaned then Namaz can be offered there. Namaz can be offered anywhere and it will bring Shabbab.

Emperor Babar built the disputed Mosque and that is why it is called Babri Mosque. Babar himself did not build it but he gave orders and his Minister got it built. This would be written in history books. I, myself have not read it in history books but I have heard it from other people. I have read history books before 14M' century. The names of these books are; Jange Iran, Jange Yarmoque, Fateh Antakiya, Fateh Waitul Mukuddas. These are important amongst them. I have read incidents of Jange Ahat. I cannot say the years which these history books cover. These books give an account of Islamic battles and Jehads. Battle and Jihad (Holy War) are one and the same thing.

I do not remember, what special incidents have been mentioned in the book Jange Iran. I do not recollect what has been written in the above books. Only Ulmas (Scholars) can answer this question that Whether these books throw light on spreading Islam or not. I have not read any such book about Babar's attack on India but definitely I have heard about it. In Quran Shariff, it has been written: "People who follow Musalsal I man will be called true Muslims". People who do not believe in Quran Shariff, which is descended by Allah from heaven to the earth, are infidel (Kaafir). It is wrong to conclude that it is the duty of a muslim to kill infidels (Kaafir). It is wrong to assume that demolishing a temple or an idol is not an offence in Quran Shariff. No Muslim can demolish a temple built at a particular place.

After demolishing a temple, Mosque cannot be built at that place. Mosque cannot be built on a forcibly occupied place. If any person could prove that a temple was built there and after demolishing it a mosque has been made, We would not treat it as Mosque.

It is not necessary to issue a Fatwa (Decree) for Jihad (Holy War) if damage is caused to a Mosque.

The building under litigation had fourteen black stone pillars. I cannot say what types of or what particular Kind these stones were. It is wrong to say that these stones had engraving of human images. It is also wrong that those stones had engravings of images of gods, goddesses and animals and birds. There had flowers and leaves on them. In this Mosque also Ajan was given before offering every Namaz. This Mosque was locked after 1949. This was locked by Farooq. He must have the keys of that lock. After this was locked, the area between the main door and courtyard was not closed. No idols were not kept in front of the courtyard. Therefore there was no reason that idols were locked. Idols were placed in the Mosque in 1949. These idols were kept on Makbara from where Immam used to read Namaz whereas the lock was put on the iron grilled wall. When this lock was opened in 1986, we felt bad. We felt bad because we were not allowed to read Namaz whereas other people were allowed to worship the idols. The iron grilled wall was locked and Namaz was never offered in the outer courtyard. Namaz was offered inside the place where lock was put. Opening of the lock definitely affected Namaz because an obstacle had already been created in the way of offering Namaz. This is not the case that we had forgotten this Mosque before opening the lock or a furor had been created after opening the lock. It does not make any difference whether lock is opened or not, suit proceedings must have initiated.

Babri Mosque Action Committee has been formed but I do now know when it was formed. It is possible that this committee might have come into existence after the lock was opened. It is possible that this Committee may be consisting of many political leaders and advocates. It is wrong that the Muslims have collected funds for fighting the suit. The Advocates might be knowing whether they are getting any fees for fighting this case but we have not paid any fees. I do not know the source from where the funds are arranged so how can I say whether money comes also from foreign countries or not.

Question: - Are you an orthodox Muslim?

Answer: - I am a religious and faithful Muslim. I do not understand the meaning of orthodox or fanatic.

In 1947, When India became an independent country and Pakistan became a separate nation. But this is not a fact that Pakistan was created for orthodox Muslims. The Muslims who loved Pakistan went to Pakistan after partition and those who loved India are still in India. I do not know whether any plebiscite was held before Independence to know the views of people to create Pakistan or not. It is wrong that my father and entire family supported Muslim League to create Pakistan. It is also wrong that after Independence in 1947, the Hindus of Ayodhya physically tortured Muslim to run away. After Independence in 1947, perhaps the Hindus of Ayodhya-Faizabad felt happy that no one would suppress them. This could be their line of thinking and I had nothing to do with it. It is also wrong that if a Muslim went to the side of any Hindu temple, Hindus humiliated them. Hindus beat them, spat on them and abused them. (This witness himself said that Hindus never did this and said that even today whenever he goes to Hanuman Garhi, Hindus talk to him affectionately). In my view, Hindus are virtuous people and never tease anybody. But it is not true that Hindus might have not demolished any Mosque. Before 6th December, 1992, Hindus did not forcibly occupy any Mosque but have definitely demolished Mosque.

I have not read in history but heard that Muslims had demolished temples. I have heard it about only one temple.

The fact which I have stated now that a Muslim Mosque was demolished before 6th December, 1992 also belongs to Babri Mosque and my mother told this fact to me. Besides this, I do not have knowledge of any other incident in which a Hindu demolished a Mosque.

We like toys of Hindu Gods and Goddesses, whereas we have nothing to do with them. But it is wrong that after cleaning them, they are placed in a Mosque and we do not object it. If Hindus place idols of their Gods and Goddesses in a Mosque and worship them, we will definitely

object it. Beside me All Muslims will also object it. But it would be wrong to say that in such a situation, a Jihad or a holy war will begin.

It is wrong to say that I have never offered Namaz in this building. It is wrong to say that I have been paid for giving witness, but I have spent money from my pocket and came here. I was told that the Court is examining the witness so I came here to give witness. I have not received any summon from the Court. Hashim Sahab told me that the Court is examining witnesses. But Hashim Sahab did not tell me what statement he had given in the Court. It is wrong to say that I was 4-5 years old in 1949 and I had not got my senses or I am giving false statement. It is wrong to say that I had gone to Pakistan along with my father and family after partition. It is also wrong that I have been sent back from Pakistan to India to launch Jihad for Islam. It is wrong to say that I am a member of Babri Masjid Action Committee. Our Wakla Sahiban, i.e. "Mannan Sahab, Jilani Sahab and Mushtaq Siddiqui Sahab" may be members and leaders of the Babri Action Committee. It is wrong to say that I have been forced to give false evidence at the instance of Wakla Sahab. It is wrong to say that neither I nor any Muslim has ever offered Namaz at disputed building. It is wrong to say that this building has been a place of worship of Hindus right from the beginning. It is also wrong to say that pictures of Hindu God and Goddesses were made in this building or it had been a temple or due to this reason, it could not be called a Mosque.

(Cross examination by Han Shankar Jam, Advocate on behalf of Hindu Maha Sabha and Shri Ramesh Chander Tripathi concluded).

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

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I have heard the name of Shri Gopal Singh Visharad but I have never seen him. Gopal Singh Visharad Sahab might be living in Ayodhya. But I had not seen him or any other person coming to the disputed property for worshipping or for offering prayers.

Since I have not seen Gopal Singh Visharad, therefore, I cannot answer to this question whether he is alive or not. I do not know his son Rajinder Singh. I have neither seen Rajinder Singh nor any other person coming to this disputed property for worshipping or offering prayers. I do not know Ram Gopal Visharad. I have not read Hindi, so I do not know whether he has written the history of Ayodhya.

(At this point the Learned Advocate drew the attention of the witness to case File No. 1/89 Gopal Singh Visharad Versus Zohar Ahmed - Paper No. 136/5, 136/6 which are maps).

I am not a map drawer. Therefore, I cannot say anything about the maps. I do not understand these maps. I have seen the road leading to Hanuman Garhi from Dorahi Kuan. I have seen many buildings of that place but I do not know their names and about the place where Manas Bhawan is located. I know only Janamsthan Mandir. I also know about a famous temple Kanak Bhawan and Hanuman Garhi. But I cannot describe the boundaries of the aforesaid Janamsthan Mandir. In the eastern side in front of Janamsthan Mandir, there is a road which leads to Suthati in the north-south. On the road opposite to Janamsthan Mandir, Fakire Ram Mandir might be located but I do not know the names of the temples. The road which leads to Suthati passes through Kanak Shawan to Hanuman Garhi. In the southern side of this road after Janamsthan, the building of Manas Bhawan Trust might be located but I do not know much about it. I do not know whether below the aforesaid Fakire Ram Mandir, the office of Vishwa Hindu Parishad is located.

I do not have any idea about the distance between the disputed building and the very first building located in the eastern side. I do not know about any road which passes through Suthati and goes towards the southern side. I cannot say whether the unmetalled (brick road) road would be at a distance of 150 steps from the disputed building. There was a well at a distance of about 25 yards in front of Babri Mosque. After 25 steps from his place, there was a Kabristan in the eastern side. I do not know the exact distance of the first building located from that well. The nearest Police Station around the Babri Mosque is located at Katra Chowki. That Chowki

might be located at a distance of about 400 yards in the northern side of the disputed building. I have not seen any other Chowki between that Chowki and the disputed building.

On the crossing of the road passing through Janamsthan to Hanuman Garhi, a temple in the name of Shakshi Gopal temple might be located in the eastern side but I do not know. There was only one road between the Janamsthan temple and the disputed building and this road still exists. This road might be 11-12 feet wide.

The entrance of the disputed building was from the eastern side as well as in the northern side. The northern door of the Mosque was in the southern side of Janamsthan and entrance could be made there through eastern door after passing the eastern and southern portion. One has to go eastern and southern side of Janamsthan Mandir located on the same road. From eastern door of the Mosque to the road, there was no building or temple located in between them. I do not remember that whether the road passing by eastern door of the Mosque was metalled or not or it was made of bricks. I cannot guess how wide it was. For reaching the eastern door from the road the height of the level used to increase. But I did not notice the height of the entrance door from the level of the road.

Verified after hearing the statement.

Sd/-

Mohd Yaseen

1.11.96

On my dictation the Stenographer typed the statement in the Open Court. In continuation of this, remain present on 5.11.96 for further cross examination.

Sd/-

Commissioner

1-1 1-96.

(In continuation of dated 1.11.96)

P.W.4-Continuation of statement of Mohammed Yaseen today the 511.96 under Oath:-

Disputed Building where the Ibadat was offered had three doors. These doors were on the walls and not on pillars. These were dotted walls. Black pillars supported these three doors. I did not count how many pillars of black stones were used in each door. I shall not be able to tell how many pillars of black stone were used in the southern side door. It is very difficult for me to say how many black pillars were used in a door but I am sure black colour stones were used in every door. It is wrong to say that these black colour stones were used only in the middle door. It is also wrong to say that these stones were not used in northern or southern doors. Upto 1949, in the middle door, neither there were any idols nor any worshipping was performed and there was no chance to accept it as Garbh Grah. what has happened after 1949, I do not know about it. I had heard that idols were kept at the place where the Immam stood and read Khutba, there. The Hindus might be worshipping there but we have nothing to do with it.

Sawan Jhoola Mela is celebrated, during the Kartik and chait months also Hindus celebrate festivals. Panchkoshi and Choudahkoshi Parikrama rituals are also performed. During these days Hindus visit Ayodhya and Ayodhya becomes over-crowded but I cannot guess whether these people come in thousands or in lakhs. It is wrong to say that Hindus used to visit the disputed property or disputed place for offering prayers or having sight of the gods and goddesses. So far as the post period of 1949 is concerned, I have already given answer before. Hindus used to treat this place as birth place of Lord Rama according to their belief.

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

(Cross examination by Shri D.N. Aggarwal (Shri Devki Nandan Aggarwal) on behalf of self and next friend Plaintiff No. 1 and 2 suit No. 5/1989)

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It is correct that Hindus have been living in Ayodhya from the begining and they greet each other with the words Jai Ramji. Disputed building was located near Ram Kot mohalla, but I cannot say whether it was located into the same Mohalla or not. This place was in Mauja Ram Kot but I cannot say whether it was located in Mohalla Ramkot or not. I cannot say much about it that in Khasra Bahi the name of this place was Mauja Kot Ram Chander and when it became populated, in the Municipal record this place was entered as Mohalla Ramkot. I do not know Kot means Kila (Fort). Shri Rama is the God of Hindus and by chanting his name they greet each other. I know about the case for which I am giving witness. This was Babri Mosque, which was forcibly occupied, some people have claimed over its ownership and I have come to give witness. Hindus had forcibly occupied this property. Their contention is that it is the birth place of lord Rama. I live in Ayodhya, so I often meet some Hindus and Priests also. We also meet them in marriage ceremonies. They believe that this is the birth place of lord Rama. (Then said they have their own faith). Hindus consider it a sacred place and worship here.

I never heard about Ramcharitmanas or Goswami Tulsi Das. I know Bairagi people, they are sadhus. They have many Akharas (Sects) in Ayodhya (then said), may be. I have heard that there is a Mohalla Ram Ghat also in Ayodhya. I have heard that this place belongs to Nirmohi Akhara (Sect.). Upto 1949, I have never seen these Sadhus of Nirmohi Akhara worshipping the idol of Shri Rama kept on a Chabutara (Platform) located in the left side of main entrance door of this building. It is wrong to say that after entering through eastern side of the main door, in the right side a thatched roof existed and under it Sadhus used to live and these Sadhus belonged to Nirmohi Akhara. There are many priests in Ayodhya. They arrange for sacred bathing of pilgrims. They also perform worshipping rituals for them. It is wrong to say that these priests brought the people to the place described by me in my statement where dough

board-rolling pin (Chakia-Belan) has been kept for offering prayer and worship. Upto 1949, no idol of lord Ganesh, Nandi or Lord Shiva was kept in the outer courtyard, therefore, the question of bringing people there by priests for having sight of these idols of Gods-Goddesses and performing worship does not arise. It is wrong to say that I have never visited that building before 1949. It is also wrong to say that I have no knowledge of the inside description of that building.

The Friday Prayer (Jumme Ki Namaz) is a collective (Jamati) Namaz. May it be Friday Prayer (Jumme Ki Namaz) or any one the five time prayers (Namaz), the presence of Immam is a must. This applies in the case of Jamati Namaz. The big Mosques, where Friday Prayer (Jumme Ki Namaz) is offered or which Mosques are called Jama Mosques, Immams are present permanantly. But it is wrong to say that if a Immam belongs to Shiya Sect, the Sunnis cannot offer Namaz following him. It is also wrong to say that if the Immam belongs to Sunni Sect, the Shiyas cannot offer Namaz following him. There is no difference in the method of offering Namaz by Shiya people and Sunni people. It is wrong to say that Sunni Muslims keep their hands on each other on their chest while offering Namaz whereas the Shiya Sect Muslim leave their hands hanging down while offering Namaz. While offering Namaz, after reading the first verse some people enchant loudly and others enchant slowly the word "Amin". But it is wrong to say that enchanting the word "Amin" loudly or slowly refers to the different method of offering Namaz among Shiya and Sunni . By raising hands upto posture. I do not know what Rafayak Dain is called. When I used to visit this Mosque for offering Namaz, Shiyas and Sunnis used to offer Namaz together. The Imam used to be Sunni. Imam was permanant. His name was Maulvi Gaffar. From religious point of view, I cannot answer this question whether Shiyas and Sunnis can jointly offer Namaz. The answer to this question can be given only by Ulemas (scholars). But the truth is that Shiyas and Sunnis used to offer Namaz together in this Mosque. It is wrong to say that I have never offered Namaz in this building or no body has ever offered Namaz here or I am giving a false statement thereof.

The second Mosque where after 1949, Jamati Namaz was being offered, is called Keware Wall Mosque. In fact, Jamati Namaz was offered there earlier also. But there was no regular Imam in that Mosque. So far as I know or I have seen no Shiya Imam has ever performed the work of Imam in any Jamati Namaz Imam always used to be Sunni. There is a Mosque in Shiya Mohalla and hey have been offering Namaz in hat Mosque separately. That Mohalla is called Syedwara and that Mosque is called Syedwara Mohalle ki Mosque. I do not know whether he Imam of that Mosque is Shiya or Sunni. I have never got a chance to offer Namaz there.

10-12 Shiya homes are located in hat Mohalla from the very beginning. 10-12 homes belong to Sunnis are also there. Shiya Muslims are prosperous.

It is true that Hindus call them Chamar who make shoes (then said now they are called Harijans). Before Mahatma Gandhi, Hindus considered Chamars low caste people. It is wrong to say that because of this reason my ancestors left Hindu religion and adopted Islam. My ancestors had never been Hindus. My ancestors had always been resident of Ayodhya and they had not migrated from outside. I shall not be able to tell when the Islam religion was founded, only Maulanas (Ulmās) can answer this question. I cannot tell which Hijri Year is now a days. There was a marriage in our family on 3rd November, 1996. When I do not know nothing about Hijri year then how can I say when the marriage took place according to hizri calendar. I have never said that I have knowledge of Hijri year. Whenever any marriage take place in our family, it is fixed according to the position of the moon and English Calendar.

In disputed building, a stone was attached with the member on which something was written in persian. It is correct that "Bafarmude Shah Babar" was written on it in reference to the making year of the building. I did not notice whether 935 Hijri was engraved on it. May be that it is written. I did not notice it because I used to go there for offering Namaz and not for seeing Hijri year written on stone. I am interested in knowing when Hazarat Mohammed Sahib went on Hizarat. This is other matter that I do not know the exact period. This is Hijri year started with the Hizarat of

Mohammed Sahab. It is correct that at present Hijri year 1416 is running. It is also correct that I came to know about it during cross examination, otherwise I did not try to know about it.

I could not go to Haj because of my weak resources. I have seen the road passing through Tedhi Bazar to Doraha Kuan. While passing through the Tedhi Bazar, in the right side Musa Ashikan's Mazar is located and I have seen the Mazar. I have gone to his Mazar and I offered Fatiha there. I have not seen any black colour stones there. It is wrong to say that two black colour stones have been sighted there on which engraving has been done and these stones are similar to those which are seen in disputed building.

Musa Asian was an older person. I cannot say that he was a sufi saint (faqir). It would be wrong to say that I have never visited his Mazar. It is also wrong to say that I have never visited disputed building.

I have heard that Mahatma Gandhi had started Quit India Movement against the British Rule with the help of Hindus and Muslims. At that time I was hardly a 12 year old child. The question of my participation in that movement does not arise. I do not know after that in 1945-46, any Hindu Muslim riots took place or people of the two communities killed each other. But so as far I know it did not happen in Ayodhya. Before the Britishers left India, the country was partitioned and Pakistan came into existence but I cannot say why it was created. I cannot say it was created with a reason to end Hindu-Muslim riots.

I do not know that in 1945, Shiya Waqf Board filed a Suit against the Sunni Waqf Board to retrieve the disputed property and disputed place or might have claimed that these buildings were the property of Shiya Waqf Board and not of Sunnis. The matter which I do not know, actually I do not and the question of age factor does not arise. I used to be busy in my work and so I did not feel the need of knowing about all these things. In 1942, I started learning shoe making work. It took 5 years to learn this work. I used to make shoe at my own and also keep Karigars (artisans) to make shoes.

I myself built the shoe factory and did not inherit it from my father. I established the factory after 1947. During 1947-48 my factory started production.

Babri Mosque which is being called a temple by the other party was at a distance of 1 to 1 1/2 kilometer away from my house. Between my house and Babri Mosque, there is populated place, open field and a garden also. Hospital was also there but no Bazar was there. I do now know when the practice of giving Ajan through loudspeaker started. I cannot answer this question whether loudspeakers were used to give Ajan before 1949. For giving Ajan, loudspeakers were never used in the disputed mosque. My house is 1/2 or 3/4 kilometer away from Keware Wali Mosque. It takes at least 5 minutes time. For the Ajan of Jumma. Ajan takes place at 12.30, Kutba at 1.00. After completing Kutba, the Imam preaches the Namaz. Kutba and Namaz together continue upto 1.30. The factory I started in 1947- 48, was my house. The voice of Friday Prayer (Jumme Ki Namaz) Ajan did not reach my house or factory.

I have seen ancient (old aged) Mosques in Ayodhya which are equipped with minaret, but Ajan is not given from minarets. Loud speaker was not used at that time. There was stairs in big mosques to group to the minarets. Tatshah mosque is also in Faizabad and a big mosque is also in chowk Ghanta Ghar. These mosques have minarets also. Ajan is not given from minarets in these mosques. It is correct that if Ajan is given from minaret, it will be heard over a very long distance.

I have heard the name of Ganj-e-Shahidan. It was in front of Babri Mosque. I had seen it upto 1949, later on I heard that it was demolished. There was Chabutara on the land on which it was written "Ganj-e-Shahidan". It was surrounded by 1 foot high boundary wall. It was in the east at a distance of 10 yards from eastern side main door of Babri Mosque. In my opinion it was 10x 10 feet. The Chabutara which I have mentioned today was located outside Mosque and another Chabutara about which I mentioned earlier was located inside. There was a platform

(chabutara) on the left side after entering from the Eastern door would also be of the same size i.e. 10x10 feet.

It is wrong to say that Zaqui Sahab has expired in 1944. It is also wrong to say that he could not remain Mutwalli upto the year 1949. It is also wrong that after the death of Zaqui Sahab, Janab Kalbe Hussain Sahab started posing himself as Mutwalli. I do not know whether Husan Sahab expired in 1945-46. I do not know whether Sunni Waqf Board's Inspector had sent any report recommending the name of Jawad Sahab for the post of Mutwalli. However, I know that after Zaqui Sahab, Jawad Sahab become Mutwalli, as I have heard. I do not know whether Kalbe Hussain Sahab had given any application to Waqf Board in which it was stated that this building and property does not belong to Waqf Board. I do not know this fact also that on the basis on the submission of the Inspector, Jawad Sahab might have refused to give application to continue on the post of Mutwalli. I do not have any knowledge whether Janab Kalbe Hussain or Janab Jawad Sahab did not accept the claim of Sunni Waqf Board about this property. It would be wrong to assume that I have given false statement on have given a manipulated statement about anything. (Cross examination on behalf of all parties concluded)

Verified after hearing the statement.

Sd/-

Mohd Yaseem

5.11.96

On my dictation the Stenographer typed the statement in the Open Court.

Sd/-

Commissioner

5.11.96