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IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD

LUCKNOW BENCH : LUCKNOW
OTHER ORIGINAL SUIT NO. 4 OF 1989
(Re : Suit No. 12-61)

Sunni Central Board of Waqfs & Others
Plaintiffs

Versus

Gopal Singh Visharad and others
Defendants

STATEMENT OF P.W. 5

Abdul Rahman

(Hindi Pages 1 to 64)

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STATEMENT OF P.W. 5

P.W. 5 Abdul Rehman, son of Sayeuddin, resident of Ibrahimpur, Pargana, Magalsi, District and Tehsil Faizabad aged 71 has given his statement under oath :-

I have learnt by heart the holy Quran. I have read the holy Quran thoroughly and is learnt to me. I got my elementary education from Jaganpur which is our neighbouring village. After this, I joined Madarsa Alia Farkhania in Lucknow (Chowk) to complete my education and got my degree certificate from here. HAFIZ means "a person who had learnt the holy Quran by heart". I recite holy Quran in Ramjan Tarabi. I recited holy Quran in Tarabi in Mashakganj, Lucknow. There is a Mosque in my village too. I have recited the holy Quran in Tarabi in that Mosque also. In addition to this, I have recited the holy Quran in many places. In 1945 and 1946 I had recited the holy Quran in Babri Masjid also. This Babri Masjid was in Ayodhya. I have recited the holy Quran in Mumbai for several years. Ayodhya is around 18-19 kilometers away from our village. I had recited the entire holy Quran in Ayodhya in two continuous years. Haji Pheku has called me there. The day I completed the recitation of holy Quran, a devotee from Sahanwa whose name I do not remember now, gave me Rs. 10/- as Najrana in

appreciation of my recitation ability. This Najrana was given to me twice despite of my refusal. This devotee was the resident of Sahanwa. When I used to visit Ayodhya to recite the holy Quran, I used to read Friday Namaz in Babri Masjid in those days. When I used to recite holy Quran, I also taught Tarabi Ki Namaz. In Tarabi Namaz, the holy Quran is recited. Besides, I used to visit Ayodhya not very after. Whenever I went there, I used to offer Namaz in this Masjid.

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(Cross examination on behalf of Nirmohi Akhara by Shri Ranjeet Lal Verma, Advocate).

Ours is an ancient village and is called Chiragi Mauza (Village). It is in existence since the time of Royal Era. I do not understand the meaning of Chiragi Mauza. I do not know who gave this name to our village. There are 35-40 houses of Muslims in this village. Besides, there are houses of others and are double to this number. The remaining houses belong to Hindus which includes all castes of Hindus. The numbers of Hindu families living in this village are three times more than the Muslim families. I cannot say how many Muslims are educated. Chirara Mohammedpur is 3 kilometers away and Jaganpur is about one and a half kilometer away from our village. These two villages fall in the southern side of our village. There is one road between our village and Jaganpur village. Our village is situated at the northern side of this road and Jaganpur is situated at the southern side of this road. Jaganpur is a big village and I cannot give the exact number of houses in that village. I cannot give correct answer to this question that Muslims constituted 90% of the population of Jaganpur. This is correct that Muslims constitute majority of population in Jaganpur. The largest

Masjid of Tehsil Faizabad is located at Chirara Mohammadpur. There is Masjid in Jaganpur also. There are 5 Masjids in Jaganpur. We have seen the largest Masjid of Chirara Mohammadpur. The name of that Masjid is Madina Masjid. Perhaps one Seth Abdul Ajj or I do not exactly remember his name got this Masjid built with his own money and no donation was taken. I do not exactly remember when this Masjid was build. I do not remember how old it is. This Masjid may have a dome. Then said this Masjid has a dome. But I do not remember how many domes are there. I have never offered Jumme Ki Namaz (Friday prayer) there. I might have offered remaining Namazes as and when required. If I happened to go there, I used to offer Namaz. I do not remember when for the first time I offered Namaz there. I also do not remember when I offered my last Namaz there. I have never gone to that Masjid to recite holy Quran. That Masjid has minarets, but I do not remember how many minarets are there. I do not remember the place where Namaz was offered in Madina Wali Masjid. I do not remember whether upper portion of this Masjid is covered or not. It has metalled floor. I cannot say the floor is made of cement or any other thing. I shall not be able to say anything about the length and breadth of the place where Namaz was offered. (As I have already said, I visited the place twice or thrice since the Masjid was built I exactly do not remember anything, but whenever I got an opportunity, I used to offer Namaz there). There is one urinal in Madina Wali Masjid. I do not know if there is any well in the Masjid because, I immediately left the place after offering Namaz. I do not know who looks after the management of that Masjid. This Masjid was not built during the period of Royal Era, but was built by a rich man. Lakhori bricks have not been used in that Masjid.

I shall not be able to say which is the oldest Masjid in Jaganpur because this city is 400-500 years old. I do not know whether Jaganpur is the oldest village of this area. If, I happened to be there in Jaganpur once or twice in a year, I used to offer Namaz there. The nearest Masjid of Jaganpur would be one and half kilometer away from my house. I have never offered Jumme Ki Namaz (Friday prayer) in that Masjid. But I have offered other prayers (Namaz) there. I do not know who looks after the management of this Masjid. There is one minaret in this Masjid but I do not know whether domes are there or not. I can see that minaret from my fields but not from my house. This Masjid has only one minaret. I shall not be able to say anything about my age when I offered Namaz in this Masjid for the first time.

I have never undertaken the work of reciting holy Quran in Jaganpur village. Similarly, I have never recited hole Quran in village Chirara Mahmoodur [As I have said the Hafiz of Jaganpur fell ill and I was taken there and I recited holy Quran once or twice in Masjid]. The name of this Hafiz was Haroon and now he is dead. I shall not be able to say how many years have passed since his death. I participated in his burial ceremony (As I have said I have not noted these incidents anywhere on paper). Wherever I go to recite holy Quran, I do not note anything about date and time in paper but note down it in my mind. I do not know anything about my age when I participated in the burial ceremony of Haroon Mian. There is no dearth of Hafizes in Jaganpur. Many boys recited holy Quran there. Haroon Sahib himself came to me along with a person who recommended my name for this job. I went to his village to recite holy Quran while he was alive. I shall not be able to say anything about the time when I visited Jaganpur to recite holy Quran before his death. The Masjid where I recited Quran lies in the eastern part of Jaganpur. This

was not that one minaret Masjid about which I have mentioned earlier. I do not remember for how many days I had recited holy Quran there. But this much I definitely remember that I completed the work. I did not ask for money in lieu of my services but I was compelled to accept some customary payments by some elderly people. This payment I had to accept out of reverence for them. I do not exactly remember the amount, I received as customary payment (Nazrana) but roughly it was around Rs. 300-400. They had also offered me some clothes.

In the north-east side of our village (then said to the southern side), there is Bhadrassa town which is far away from our village. This town is located at Bikapur Road but falls under the jurisdiction of Faizabad Tehsil. I do not know what is the distance between our village and this Bhadrassa town. I shall not be able to say anything about the Muslim population of that town because it is very far away from my village. I have never gone there to recite holy Quran. I shall not be able to say anything about the distance between the Bhadrassa town and Faizabad city. Faizabad is situated at a distance of about 12-13 kilometers from our village. I have travelled on Bikapur-Allahabad Road. Bhadrassa village is located on the western side of this road and Bharat Kund falls in the eastern side of this road. I do not know that the place, where Bharat Kund is situated, is also called Nandi Gram. I do not know whether the distance between Faizabad and Bhadrassa is more or less the same as is between our village and Faizabad. I do not know whether Sahanwa village falls in the eastern side of Bhadrassa or not as I have never visited Sahanawa. I have merely heard of this village. I also did not know to which side of Faizabad Sahanwa village falls. I do not know if any village with Muslim population exists between Bhadrassa town and my village.

I never went to any village of Faizabad Tehsil to recite holy Quran (him self said I have recited holy Quran in Faizabad). I admit, I have recited holy Quran in Jaganpur. For the first time I recited holy Quran at the place of Dr. Mohammed Shafique Khan of Faizabad city but now he is dead. Behind his dispensary, there is a Masjid, which is called Mohalla Taxal. I had recited holy Quran in that Masjid. This is correct that the residence and dispensary of Dr. Shafique Khan are situated at mohalla Rakabganj. One door of his residence opens to south and leads to the Masjid. This Masjid is called Taxal Wali Masjid. I had recited holy Quran during the entire month of Ramjan, I am not sure how many years have passed since the death of Dr. Shafique Khan. I do not know how Dr. Shafique was related to the Masjid. I do not know whether he was caretaker of that Masjid. I cannot say anything about the length and breadth of mohalla Taxal Masjid. This Masjid is somewhat small but not very small. The mohalla Taxal Masjid has small minarets. I do not know how old this incident is when I was invited by Dr Shafique Khan to recite holy Quran (later himself said perhaps this incident is 25-30 years old). This was the first time when I had recited holy Quran at a place in Faizabad city.

After two or three years later, I had recited holy Quran in many Masjids during the month of Ramjan. During the month of Ramjan one after another many Hafiz (scholar) recite Quran and complete it in one night. 6-7 years before, I had recited holy Quran in Sarai Pukhta Masjid at Mandi in place of a Hafiz who could not reach Mandi due to his personal reasons. On that day, I had read five paragraphs of holy Quran. There is one Masjid behind Bajaja called Gudari. During the month of Ramjan, I had recited holy Quran in this Masjid for 3 days. I was not alone, there were many Hafizs.

In the eastern side behind Niyanwa, there is one Jinnati Masjid. It was a whole night programme and many Hafizs were reciting holy Quran on their turn-wise. I was also there and I recited five paragraphs. I do not remember whether I got any other opportunity to recite holy Quran in Faizabad city or not. The Gudari Masjid of Bajaja mohalla is situated on the western side of Bikapur, Allahabad Road. To east side of this road, after some distance, there is a big Masjid which is called Tatshah Masjid. This Masjid is not visible from the road. There is a Royal Masjid near Ghantaghar Chowk. I do not know its name. This is a very big Masjid but I am not sure whether this is the biggest Masjid of Faizabad or not. I do not know whether this Masjid belongs to Mughal Era or not but it is called Royal Masjid and made of Lakhori. These two Masjids of Faizabad, namely, Tatshah wali Masjid and Chowk wali masjid are very famous and old. Besides these two Masjids, there is one Sarai Pukhta wali Masjid, which is located in Mandi, is also very famous and a big Masjid. I was neither invited to recite holy Quran in Tatshah Masjid and Chowk Ghantaghar Masjid nor I even went there to recite holy Quran. But I visited these Masjids to offer Namaz. Whenever required I used to visit there. I shall not be able to say how many years before I visited Tatshah Masjid last to offer Namaz. I have not written anywhere about my age so I cannot say anything about my age when I visited Tatshah wali Masjid for the first time of offer Namaz. My reply is the same in the case of Chowk Ghantaghar Masjid. (As I have said that I visited this Masjid many times to offer Namaz) I have offered Namaz in these two Masjids many times. I do not know who is the head Imam of Tatshah wali Masjid. We are concerned with offering Namaz and not with the fact that a particular Masjid belongs to Shia Sect or Sunni Sect. I cannot say whether the control of Ghantaghar

Masjid is in the hands of Shias or Sunnis. My reply is the same in the case of Tatshah wali Masjid. We are concerned with offering of Namaz and not interested in knowing whether the Masjid belongs to Shias or Sunnis. I never tried to know who built these Masjids.

Sarai Mandi wali Masjid viz; Sabzi Mandi wali Masjid is very old and recently some repairs have been carried out in this Masjid. I do not know who built this Masjid. I am not sure whether this Mosque was built by Kunjde people or not but actually Kunjada people live around this Masjid and carry their business). Maulana Basheer Sahib, who has expired now, told me that there is no Hafiz in this Masjid and so I was invited to recite holy Quran in this Masjid. Mohammed Basheer Sahib has expired about 4-5 years before and he was the caretaker of Madarsa Hussainiya. Basher Sahib did not invite me to recite holy Quran at four places, namely Sarai Masjid, Madarsa Hussainiya, Gudari Masjid and Jinnati Masjid but he invited me to recite holy Quran at two places where I went and recited holy Quran. This incident has been 30 years old. Other people invited me to recite Quran in the remaining Masjids, but I shall not be able to tell the name of these persons. 35 years have passed since then.

Verified after hearing the statement

Sd/-

Abdul Rehman

05.11.1996

Typed by the Stenographer in the open Court on dictation by me. Present yourself on 06.11.1996 for further examination in this case.

Sd/-

5.11.96

06.11.1996 In continuation dated 05.11.1996)

P.W. 5 Shri Abdul Rehman continues his statement under Oath today on 06.11.1996 :-

I do not know who was the Imam or caretaker of Jinnati Masjid. I was not invited there to recite holy Quran by any particular person but by a local Panchayat. No Anjum exists there. I can tell the names of some persons of that Panchayat. One Abdul Jalil of Taksal is one of them. He is alive even today. I do not remember the name of other persons besides these persons. I do not know the name of Abdul Jalil's father. I do not know about his profession. I do not remember the year I went there to recite holy Quran, because these things are 35 years old. Jannati Masjid is located at a secluded place and the town is at a bit distance from there. This Masjid is in dilapidated condition. I saw that Masjid even after I went there to recite holy Quran. There are two long roads on both sides of this Masjid but one of these roads is called Ayodhya-Faizabad Road (then himself said one road leads to Faizabad-Ayodhya and the other to Teli Tola Rakabganj). From Faizabad-Ayodhya Road, a six feet wide alley type link road leads to Teli Tola Rakabganj. I cannot tell whether this Jinnati Masjid is located at a distance of 10 yards or 200 yards in the southern side of this alley type road. Bamboo trees and pits surround this Masjid. It is a secluded and deserted place. I shall not be able to tell why it was called Jinnati Masjid. I cannot say whether Jinns have made it their home (Jinn means demon souls) and because it is a deserted place Namaz is not offered there, perhaps that is why it is called Jinnati Masjid. This is wrong to say that in the Masjid which is called Jinnati Masjid, Namaj can not be offered.

Madarsa Hussainiya is situated in the northern side of Rakabganj in Teli Tola, Faizabad. Besides a Madarsa (school), there is also a Masjid. Maulana Mohammed Basheer was incharge of this Madarsa at that time (he himself said that he has died 2-3 years before). Firstly, I went to Jannati Masjid to read holy Quran, and then I went to Madarsa Hussainiya (I went to Madarsa Hussainiya about 5 years before from today). Basher Sahib was caretaker of Madarsa Hussainiya. He used to live in mohalla Thatariya Bazar. Basheer Sahib had called me there. He was Maulana. I cannot tell the name of any other person who has been related to this Madarsa Hussainiya or has been a scholar. I am well conversant with Rathaveli in Faizabad. Majority of the people living there are Muslims but I shall not be able to tell whether they constitute 95 percent of the population. The biggest Imambara of Faizabad district is located in this mohalla. (Then corrected and said I am not sure there can be a bigger Imambara in city Faizabad than this one).

I shall not be able to say whether the place where Tatshah Masjid is located is called mohalla Mugalpura, so far I know Mugalpura is far away. I shall not be able to tell whether mohalla Mugalpura and mohalla Purani Sabzi Mandi are connected with each other. There is no large Muslim population in southern side of Haidarganj. I have heard the name of mohalla Purani Sabzi Mandi in Faizabad. There is an old Masjid to southern side of Tatshah Masjid, but I do not know the distance between these two Masjids. I am not sure about the distance, it could be about hundred yards. I am not sure whether this old Masjid is located in mohalla Mugalpura. There is a mohalla Kasabbara in Faizabad and I have visited there. This place has a sizeable Muslim population, but houses of other people are also there.

It is correct that where Jannati Masjid is located, Muslim population is very thin. Rich people constitute the majority and other Hindu-people are also living there. I shall not be able to tell in which mohalla Gudri Masjid is located. There is Muslim population but it is less in number. Teli Tola where Madarsa Hussainiya is located, Hindus constitute the majority of population and Muslims are less in number, but I shall not be able to tell how many Muslim houses are there. Because I have not been invited to recite holy Quran in the Masjid located in this Muslim majority area, so I have never visited there. I only visit those places where I am invited. A Village located outside Faizabad is Bhadrassa Town, which consists sizable population of Muslims. There is a large village of Muslims. But I cannot say whether it is a famous town or not. I do not know how many big personalities and influential people have emerged from Bhadrassa and it is also possible not to have happened I have not heard the name of Justice Murtaja Sahib. I do not know whether he belongs to Bhadrassa. I do not know whether Begum Akhtar, known as Queen of Ghazal, also belonged to Bhadrassa. I do not know whether Murtaja Sahib used to preside over the Majalis convened in Bara Imambara or old Masjid located in the southern side of Tatshah Masjid. I also do not know whether Hafizes were called from far of places to recite holy Quran there.

Wherever I went to recite holy Quran, I came back after completing my work. Thousands of people used to come there to hear holy Quran but I cannot say whether any person from Ayodhya were a part of this gathering or not.

I am a farmer by profession. I have 10-12 bigha of land. I have inherited some of this land from my father and acquired some of it on my own. We are three brothers. I am the youngest. The brother elder to me was elder by 10 years. (He expired 2-3 years before – the witness himself stated). The eldest of our brothers was 20 years older to me. It has been 25 years approximately since he expired. I had taken admission in a school. I got admission in a school in Jaganpur for the first time. This was an Islamia school and used to run on donations. I received education of Hafiz from this school. There were no class for Hifz in that school. I have not read Farsi. I have read Urdu in that school. I do not recollect my age correctly. I was a small boy of 7-8 years (then said about 6-7 years) when I went to that school for the first time. There was mixed system of education. We used to read Urdu half the time and during the other half time Arabic. This practice continued right from the beginning. I completed my education in 6-7 years approximately.

My father expired during the life time of my eldest brother. I would not be able to say how many years before the death of my eldest brother, my father died. I was not married during the life time of my father (then said my eldest brother got me married). I cannot recollect correctly when I got married. Perhaps I got married about 5-6 years after the death of my father. I shall not be able to tell anything about the age of my father at the time of his death. I married only once. Perhaps I was 22 years old at the time of my marriage. By that time I got my certificate and degree from Lucknow. I do not exactly remember my age at the time of the death of my father. But I was mature enough by that time. I married 3-4 years after receiving certificate and degree. Actually, I will not be able to tell it exactly.

A few days after completing my education at Jaganpur, I came to Lucknow for further education. The interim period was only for few days and not for months or years. I remained for 1 ½ -2 years at Lucknow and immediately after this period I received my certificate and degree from Lucknow and then I came back home. I used to mark my attendance at Lucknow Madarsa. My eldest brother got me admitted there and I do not know whether he had applied for my admission or not. My eldest brother Mohammed Siddique accompanied me to Lucknow for my admission. At that time I was not an adult. I do not remember the year of death of my brother after I received certificate and degree. It has been a very long time since my mother expired. My mother expired after the death of my eldest brother. My eldest brother died first and then followed by the death of my mother. I do not remember the year of death of my eldest brother and mother. My mother expired about 2 years after the death of my eldest mother. I do not recollect what was my age at the time of death of my mother. I do not remember the year of any incident related to my family, e.g. the year of death of my father, brothers or even date of my admission in school.

When I came to Lucknow, I lived at the house of my maternal uncle at mohalla Bhadewan. After receiving the certificate, I for the first time started my work of reciting Quran at mohalla Mashakganj, Lucknow for the first time. Rakabganj is connected with Mashakganj by a road. For the first time I recited holy Quran at Mashakganj instead of Maulviganj. Nobody invited me there, but my teacher sent me there. It was a small mohalla, and I shall not be able to tell the name of the Masjid where I recited Quran. Perhaps that was the only Masjid. I cannot tell the name of any person who had been the Manager or caretaker of

that Masjid. I shall not be able to say anything as to how many years before I recited to holy Quran. I can explain and recite it. Reading and understanding, it is the duty of Maulanas. I shall not be able to tell who was our tenth Imam. Holy Quran is a God's gift. Hazrat Mohammed was a prophet. The path he has shown and work he had accomplished is called "Sunnat". The fundamentals of Islam are based on holy Quran and sunnat.

Question : A person, who follows the path shown by the holy Quran and Prophet Sahib and believes in only one God, is called a Muslim?

Ans. : Only belief in holy Quran does not make a man Muslim. Islam means a religion started by Prophet Hazrat Mohammed. I cannot go beyond this and explain anything more that which could be easily understood.

Question : Does Islam mean to believe in one God, to acknowledge Mohammed Sahib as Prophet and follow his directions and get mental peace.

Ans. : This is wrong to say.

Basically, Islam had its origin in a Arab Country. Only a Maulana can answer this question whether it came from Greece and Persia or not. I do not know when Islam came to India. This is correct to say that Muslims came to India from outside (then said they came from Arab countries). But I will not be able to tell as how many years from today they came to India.

I understand what Hijri (the Muslim Era) is all about. It started when the people tortured and troubled Mohammed Sahib and his associates in Mecca Sharif and he was compelled to leave the place and he left for Madina Sharif. This incident is called Hijarat and "Hijri"

(Muslim Era) started right from that day. Since Hazrat Mohammed Sahib started his campaign of one God, the people of Mecca began teasing, troubling and disobeying him, and, therefore, he left that place and headed for Madina Sharif.

After Hazrat Mohammed Sahib Abbu Bakar Siddique became the first Khalifa (representative of Hazrat Mohammed). This is the opinion of Sunni Sect. I know many things about Hazrat Ali Sahib. I do not know whether it is the opinion of Shia Sect that Hazrat Ali Sahib was the first Khalifa. Only a Maulana can give answer to this question. I know Shia and Sunni are two different Sects of Islam. I do not know whether there are three sub-sects under Shia Sect and their names are Asariya, Islamia, Raidiyar. I do not know what is the basic difference between Shia and Sunni Sect.

I do not know whether there is difference between Shia and Sunni Sect with regard to the reading understanding and complying the directions of holy Quran. I do not have any knowledge about it and only a Maulana can give correct answer of it whether the Islam religion and its laws are based on holy Quran or not. I cannot say it correctly as to how many verses (Ayats) are there in holy Quran. If somebody asks me to recite the three thousand six hundred and nine Ayat of holy Quran, I shall do it. Without knowing the number of the Ayat, I cannot do it. Mention the name of the Ayat and I shall recite it. I cannot correctly answer this question whether the total number of Ayats in holy Quran is 6000 or not. I have no knowledge of it and so I cannot deny the fact that 200 Ayats in holy Quran only pertain to law. Our teacher taught us holy Quran, made us learn it by cramming and we crammed it. As per practice, it was not my work to

understand the meaning and convey it to others. This was not our duty. We used to understand that the teacher guided us according to the prevailing practice.

Question : Interpretation of Quran is done as per rules, which rule has a specific meaning and which has a general meaning, what do you call it in Arabic?

Ans: - I have no knowledge of it and I do not understand it.

I do not understand the meaning of Ayat written in Quran Sharif and therefore, I cannot answer this question if a word has two possible meaning then how their interpretation will be done. (Then himself said if the meaning of a Ayat is required to be understood, I can read the translated text of Quran).

I cannot tell how many types of Sunnats are. This is correct that Sunnatul-Fail means works done by Mohammed Sahib. It is also correct that whatever Mohammad Sahib preached is called Sunnatul Kaul (then himself said whatever Prophet Sahib said is called Hadees). I do not know whatever other people said before him and he did not retract it, is called "Sunnatultaukir". Kauli and Feli means whatever said that is fully achieved. All these became Sunnaten. I do not know much about Shariya (Muslim Law). I cannot say it is based on holy Quran. I do not know whether Do's and Don'ts are mentioned for Muslims in holy Quran. I do not know whether duties of Muslim have been described as "Mundab" in Quran Sharif or not. To break the house of a person or illegally occupy it is a wrong deed, but I will not be able to tell as what is written about it in Quran Sharif.

The distance of Ayodhya from my village is about 18-19 kilometers. I do not recollect when I went to Ayodhya for the first time. I do not remember the year or Samwat. I have a distant relative in Ayodhya. My relative is living in Tedhi Bazar Mohalla. I have not visited all the mohallas of Muslims in Ayodhya. I do not know the name of Muslim mohallas in Ayodhya. My relative's name is Hazi Pheku Sahib. He has two sons. The name of younger son is Mehboob and elder is Abdul Ahad.

Hazi Pheku Sahib had invited me to recite holy Quran in Ayodhya. He did not come himself but personally sent a message through a person. I have forgotten the name of that person. Hazi Pheku's next door neighbour was Hazi Fayak. I do not know whether both of them were related to each other or not. Besides Tedi Bazar, I know one person by name of Gaffar Sahib, who was the head Imam of Babri Masjid. Out of Muslims settled in Ayodhya, I know the names of Muslims living in Tedhi Bazar only. I do not know where Gaffar Sahib used to live. Maulana Karamtulla Sahib also used to live in Tedhi Bazar. His next door neighbour was Ashraf Sahib. There used to be one person named Chotu, perhaps he might have expired by now. I had seen Mehboob son of Hazi Pheku but will not be able to tell how many years before I saw him. I cannot even guess whether I saw him two year, three year or thirty year before. I do not correctly remember how many years before I saw his elder son Abdul Ahad. I cannot memorize when I met him last.

When I visited Ayodhya to recite Quran Sharif, I stayed at the residence of Hazi Pheku for 12 days. Again I visited Ayodhya next year and stayed with him for 12 days. I know the months of the Muslim calendar. Hazi

Pheku Sahib sent a message to me 2 or 10 days before and I went to Ayodhya. I do not know which Muslim calendar month it was when I received the message. (Then himself said I use gregrain calendar whenever required). I cannot correctly answer which month of gregrain calendar was. I received his message. It was late summer season heading towards the rainy season. Both the times when I visited Ayodhya, it was summer season. I could not enter the building to recite holy Quran due to intense heat. The outer Courtyard was used to recite holy Quran. Inside the Masjid, I recited Quran Sharif in the second inner Courtyard leaving the first.

While staying at Hazi Pheku's residence in Ayodhya, I was his guest. Mehboob was there. He was looking teenager and I could not guess what would be his age at that time, but he was a minor. To my mind, Mehboob has not done Haj. I did not see him as a grown up boy. I do not know what was the age of Abdul Ahad when I was staying with Hazi Pheku. (Then himself said he was of my age). I cannot correctly say about the difference of age between Abdul Ahad and Mehboob. But by that time, Abdul Ahad Sahib was neither growing beard nor mustache. At that time, Hazi Pheku was neither kingpin nor a leader of Ayodhya Muslim community but he was a rich person. I do not know how many houses he owed in Tedhi Bazar. There was a Masjid near his house (then he said he also used to go to offer Namaz in that Masjid). The Masjid was situated across the road of the house of Hazi Pheku (then said it was situated at a small distance). This distance would be about 100-150 steps. We used to offer Namaz in that Masjid four times a day and offered Namaz in Babri Masjid once a day. I cannot correctly say whether Hazi Pheku was the caretaker of this Tedhi Bazar wali Masjid or anybody else. I did not know who looked

after the management of this Masjid. Maulana Karamtullah Sahib was the Imam of that Masjid. I did not know what was the profession or source of earning of Maulana Karamtullah. But I saw that he used to teach in an orphanage for one to two years. This orphanage was located at Shahjahanpur. This orphanage used to be called "Yatimkhana Badi Bua". I have visited that orphanage. But I do not recollect how many years before I visited there. I have never visited there, but I have heard that Tajiyas are buried there and it was also a burial place. I have never visited Tajeya. When somebody dies, I go there to offer homage. Orphanage is located on a separate area and beyond it there is a burial ground. There is some land in the east side of orphanage which is about 5-6 latha. Rail line is adjacent with this burial place. I do not know whether north side of this Kabristan is adjacent with Panchkoshi Parikrama. The names of those persons whose burial took place there and where I was also present are as follows :- Shahbuddin's brother Mohammed Hasan, Mohammed Hasan's father Mohammed Raja. This Shahbuddin is not that person who had a shoe business at chowk. The persons whose funeral procession I attended belonged to Shahjahanpur. I attended Mohamed Razak's funeral about 15 years before. I attended Mohammed Hassan's funeral 2-3 years ago. Mohammed Hasan was my brother-in-law. Mauja Shahjahanpur may be at a distance of one kilometer approximately from Badi Bua.

When I went to Hazi Pheku's place for the first time, I came back after teaching holy Quran. And next year, I again visited there for the same purpose. Hazi Pheku was my distant grandfather from mothers side. Next year he called me by sending message through my elder brother Siddique. Siddique met him at chowk. Besides these two

occasions, I used to visit Hazi Pheku Sahib in two or four years or in ten years whenever any opportunity arose. The visits were not made on regular basis. I do not know when I stayed at his residence last time. I do not remember the year, Samwat or San.

Hazi Pheku has expired; and it has been a long time. When I stayed with Hazi Pheku Sahib. For the first time, Hazi Fayak never came there. But because he was living in the neighbourhood, so I saw him. I do not know what would have been the age of Hazi Fayak during those days.

I did not attend the funeral of Hazi Sahib because I did not get any information about his death. He was my distant relative and after many years of his death, we heard about his demise. I do not remember how many years ago I got this news. After I recited holy Quran at Mashak ganj, I went back home and on the eve of first Ramzan, I went to Ayodhya to recite Quran on the invitation of Hazi Pheku. It was also the month of Ramzan when I recited Quran at Mashakganj (Then he himself said holy Quran is recited in the month of Ramzan. This is called Tarabi). I think before reciting holy Quran I would have gone to Ayodhya one or twice. At that time I was adolescent and perhaps somebody took me there to see Babri Masjid. I shall not be able to say when I got this opportunity. It is also the possibility that I might have gone there along with some other boys. After reciting holy Quran in Babri Masjid once again I went there and found that it was locked and the policemen did not allow me to enter it. I shall not be able to tell after how many days of reciting Quran this incident took place.

I do not remember the year when I read holy Quran at Mashakganj. When I went to Ayodhya to recite holy

Quran for the first time, I would not be able to tell which Muslim Era it was according to Muslim Calendar.

When I went to Ayodhya to recite holy Quran for the first time then it was British Rule. Besides these two occasions when I recited Quran for 12 days each time, I never visited Babri Masjid (then himself said that once he went to Bahraich and on way he offered his one time Namaz at Babri Masjid). At that time steamer service was used in Saryu river. It was rainy season. The incident pertains to pre-independence period. When I came back after reciting Quran Sharif, then this opportunity had taken place within two-four months. I did not stay there at night but left for Bahriach the very same day. It was dark and I read there either the Namaz of Magrib or Asir, whatever I can recollect now it was not Namaz of Magrib. At the time I offered Namaz, only Mauazzim was pesent there who used to offer Ajan. But I do not recollect his names. He used to live in that building and was appointed there. We had reached Bharaich by a steamer. This is wrong to say that steamer service did not operate in the evening.

In 1946, when I went to recite Quran Sharif, I used to start at 9 p.m. (he himself said recitation of Quran Sharif started 2 hours after sun set). I used to recite two and a half para and I used to come back to my house on completing it. Quran Sharif is not recited anywhere during day time. Audience included elderly and old people children and youths. About 80-100 people used to come to listen Quran Sharif. I shall not be able to tell whether these people belonged to Ayodhya, Shahjahanpur or any other place. At that time loud speakers were not used. Earthen lamps and lanterns were used to lighten the area during recitation of Quran Sharif. Whenever I used to go to recite Quran Sharif, I used to go at night and used to

come back the same night. During daytime, some time I used to visit this Masjid and sometime not. I used to read there once in a day on Jumma (Friday). When I used to recite Quran Sharif, Mehboob and his brother did not come to listen. Both of them were youngsters. Abdul Ahad used to come there sometimes and sometimes not. What could I do about it. I cannot say anything about Mehboob Sahib. I do not remember who used to accompany me when I visited Hazi Pheku's place for reciting Quran Sharif. Hazi Pheku used to remain present when I recited Quran. But Hazi Fayak did not come and I had never seen him there. (then said wherever I go to recite Quran, I kept myself engrossed in my work and did not care whether 50-100 or 500 or who have come to listen Quran Sharif). Babri Masjid is 3-4 kilometer away from Hazi Pheku's house. We used to go there on foot. Entry to the disputed Masjid was via road. The main door of the disputed property was in the eastern side. Towards eastern side of that door was a road. There was a Courtyard between the main door and the place from where I used to recite Quran Sharif. There were two Courtyards. I do not recollect whether the floor of outer Courtyard was of mud or bricks. I shall not be able to tell the length of the outer Courtyard. There was no structure in the outer Courtyard and only a thatched roof hut was there. This thatched roof hut was located at the left hand side of the entrance of the main door. I could not see whether this thatched roof hut was on the wooden or bamboo stands. (Then said though it was supported by the wooden or bamboo stands, but it was small in size). I do not know whether Sarpat or Kashahri (a kind of grass) was used to close this hut. I do not know what was happening in that hut. I do not know how this hut was used and whether it was inhabited or not. I used to go there for my own work. In my view, on entering from eastern gate, there was not a thatched roof

hut in the right hand side, but I have never gone to that side. In the eastern side of the outer courtyard, there was wall of the Masjid.

Question : Was there any wall in the eastern side of the outer courtyard?

Ans. : We used to enter a boundary wall from the door and it looked like a big courtyard of a house. There was iron railing in the middle of the courtyard and had it not been there it would have been nothing but a courtyard. I do not know how long that iron railing wall was. The iron railing wall was having a door through which we used to enter the building. I do not know whether this building had one door or ten doors. On entering through the door of the iron railing wall, there was an inner courtyard and it was this courtyard from which I used to recite Quran Sharif. This place was made of bricks but I am not sure whether the inner courtyard was made of bricks or not. I cannot say anything about the length of the inner courtyard. The estimated length might be 100-125 feet. Its width might be 25-30feet. In the western side of this courtyard, there was a field and no building was built on it.

When I went to Bombay, I did not note anywhere the year of visit in my diary. Therefore, I cannot tell. I cannot recollect the year. I had been there about six or seven times. I used to teach in a Madarsa in Bombay. I used to live in Bombay when I taught there. The people also invited me to read Quran Sharif in Ayodhya – Faizabad and some of them are alive and others have died. One Hazarat Jalil of Taksal wale is alive even today and for the remaining I shall enquire.

To recite Quran Sharif is not my profession. I went to Bombay to teach in a school. The people there invited

my to recite Quran Sharif, so I went there. I have recited Quran Shariif in three or four places in Bombay. I have once recited Quran Sharif in Haji Ali Masjid in a year and two to three Masjid in Madanpura and Mahim Dargah for two or three years. I also recited Quran Sharif for two years at Mama Haziyani.

I used to go there for reciting Quran Sharif at the behest of my brother. The people used to invite him and instead of going himself he used to send me. I do not recollect the name of those people who requested my brother for this. My brother used to offer Imamat on Hazi Ali. I stayed at Bombay 3 to 4 years but not at a time.

In the absence of Imam, the Friday prayer (Jumme Ki Namaz) cannot be offered. While offering Namaz we stand up and tie our both hands. I do not know whether people from Shia Sect on this occasion follow the same custom or not.

When I went to Ayodhya to recite Quran Sharif for the first time, it was the 1st day of the month of Ramzan. (Then said he used to reach there on 29th Shahban if the moon appeared and I recited Quran Sharif on the same night). I do not exactly recollect which particular day (then said he reached Ayodhya on 29th of Shahban). On reaching Ayodhya and coming back from there, I cannot correctly say how many Jumme had during this period but one Jumma definitely came. The same thing of going to Ayodhya and coming back from there happened next year also. (Then he himself said that he did not like restrictions and as such was not bound to do any Jumma, but recollected that definitely he did one Jumma). I cannot tell the number of Namazis present in the Jumma

that I did in Ayodhya. I do not remember whether Mohammed Hashim, Hazi Pheku, Hazi Phayak or Kayamat Ali Sahib were present in this Namaz, but I am sure Hazi Pheku was definitely present there. I know Mohammed Hashim, he used to visit the house of Hazi Pheku and then I met him there. I do not exactly recollect when I went to recite Quran Sharif there, I met Mohammaed Hashim.

I might have seen some Hindu Samadhi but do not know what it is all about. I have seen Hindu temples from outside, but I have never gone inside.

It will be wrong to say that I am not a Hafiz. It will also be wrong to say that I have not learnt by heart the holy Quran. This is also wrong to say that I have never gone to any place for reciting Quran Sharif. It is also wrong to say that Hazi Pheku has never invited me to recite Quran Sharif at Ayodhya. This is also not correct to say that I have neither visited disputed building nor I have offered Namaz there.

(On behalf of Nirmohi Akhara, Shri Ranjit Singh Verma, Advocate concluded his cross examination).

Statement heard and verified.

Sd/-

Abdul Rahman

06.11.1996

Typed by the Stenographer in the open Court on dictation by me.

Present yourself on 07.11.1996 for further examination in this case.

Sd/-

06.11.1996

07.11.1996 (In continuation dated 06.11.1996)

P.W. 5 Shri Abdul Rehman under Oath to continue today the 07.11.1996 :-

(Cross examining on behalf of Shri Dharamdas by Shri Ved Prakash, Advocate)

Before the birth of Hazarat Mohammed Sahib, the people of Mecca used to worship nature and also idols. There were 360 idols in Mecca. In his early days, Mohammed Sahib did not oppose these practices but after becoming Nabi, he started to oppose it. He was 40 years old at that time. He was about 25 years old when he married and the age of Hazarat Kadhiza Begum was about 40 years. After becoming Nabi, Mohammed Sahib started to oppose idol worship. The battle in which Imam Hussain got Martyrdom was fought in Karbala. Perhaps Karbala is situated in Damisk. Mohammed Sahib had the prophecy of Quran Shariya. Thereafter, he got it written by the writers. As many as Pare and Ayaten he professed in Mecca were got written there itself. This process first started in Gare Hera and then Mecca Sharif and thereafter when Mohammed Sahib went on Hizarat to Madina Sharif, some Pare and Ayaten were written there and this continued even when he came back to Mecca. In my opinion, this process completed in Mecca Sharif.

Batil means falsehood. I am not prepared to accept this fact that any Ayat (verse) of Quran Sharif can be false. If somebody asks me about an Ayat, I shall find out its meaning and then answer to this question. Nothing is written in Ayat (Verses) which is contrary to the message or brotherhood and fraternity enshrined in Quran Sharif. I cannot explain the meaning of verses written in Quran Sharif.

I go to a Majar and read Fatiya there but I have never offered a Chadar (bed sheet) and Batasa because it is illegal in Islam. The law does not apply to a Muslim. It depends on his will to follow it or not. If somebody goes to a Majar, lit an earthen pot and offer a Chadar or Batasa, I consider it idol-worshipping. If somebody does it, I am not prepared to accept this argument that he is not a Muslim. After undergoing his sentence, he will go to heaven. He can be punished for his sins in his lifetime otherwise his punishment will be decided in the highest Court after his death. I do not have any example of this type for the time being. I do not know any such person has been punished who has offered Chadar and Batase at the Majar and lit a earthen pot there. For me Khuda, Iswar and Parmatma are one and the same thing. I do not accept Shri Ram as incarnation of God because he is a creation of God who has also created us and the entire universe in his creation. Hazarat Mohammed Sahib was also a creation of God.

Question : You respect and acknowledge

Mohammed Sahib because he followed
the path of truthfulness and honesty?

Ans. : The fact is that he took us out from a
dark pit. We deserved to go to hell.

This is also correct that Shri Ram also lead a virtuous life. We don't acknowledge him as God but a divine person. We do not treat him at par with Ishwar or Parmatma. We respect every such person who leads a virtuous life and humane at heart. We do not respect an untrue person. If somebody has hanged or drawn the picture of Hazarat Mohammed Sahib at his house, then he is a criminal. He has done it against the assertion of Mohammed Sahib and Shariat.

Minarets are built in the Masjids so that their heights remain higher than the houses and they command respect of the people. If the minarets are big in size, stairs are also built. But this will be incorrect to say that after ascending the stairs and standing on the Minaret Ajan (prayer) is offered. Existence of Minarets has nothing to do with the identity of a Masjid.

Hazarat Mohammed Sahib was not educated but this will be incorrect to say that people who accompanied him from Mecca Sharif to Madina Sharif on Hizarat were also illiterate.

It is also possible that before Mohammed Sahib, there was different way of offering Namaz but prayer used to be offered to Allah. It will be incorrect to say that people accompanied Hazarat Mohammed Sahib were not aware of the method of offering Namaz. I do not know to whom Hazarat Mohammed Sahib directed to offer Ajan for the first time. This is correct that practice of offering Ajan was started for the reason that people could assemble to offer Namaz after hearing the voice. Now this has come to my mind that it is incorrect to say that the practice of building minarets was started for this reason so that after ascending them, Ajan could be offered and people at far and off distance could be informed about the Namaz.

Hashim Sahib came to call me to give my witness here. He served me a summon and I came here. I did not have any conversation with Hashim Sahib. Before I came to Lucknow to given evidence, I went to Bhedava to meet a relative. He is my maternal uncle. It was mentioned in the summon that I had been called by the Hon'ble High Court. It was also mentioned in the summon that I have taught Tarabi (then said), this was not mentioned in the summon, but such things are published in the newspapers. Hashim is my childhood friend. I do not know where his house is located. He used to meet me at the residence of

Hazi Pheku and for that reason I knew that I have to give witness to this effect.

I have 11 children, 7 boys and 4 girls. I do not know their year of birth. I shall not be able to tell the year of my visit to the Masjids where I recited Quran. This will be a guess work.

(Cross examination on behalf of Shri Dharamdas by Shri Ved Prakash, Advocate concluded)

(Cross examination Minjabib Shri Umesh Chand Pandey through Shri Visreshwar Dwivedi, Advocate – Statement given under oath :-)

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Hifs means to learn the whole Quran Sharif by heart. Such person is called Hafiz. There is no doubt about it that I have learnt the whole Quran Sharif by heart. Hafiz Mohammed Shafi had initiated me into this field. He was living in Chowk Lucknow. Maulana Abdur Rauf Khan Jaganpuri had taught me at village Jaganpur. I got my education at Jaganpur for about 6 years. During this six year period, I had crammed the whole Quran Sharif like a parrot. Thereafter, I went to Lucknow for higher education to memorize the Quran Sharif perfectly. I restarted it learning by heart and like a parrot, I wanted to cram Quran Sharif and finish my education. In Jaganpur, I used to learn Urdu language half time and the other half time I learnt the Hibs of Quran Sharif whole day in Lucknow. I used to go to Kari (scholar of Urdu) to correct my pronunciation of Urdu for half an hour or so. I have not received education of Arabic language in any Madarsa. Now, I recollect that after returning from Lucknow, my brother admitted me in Arabic language school at Bahraich. The name of this school was Nurul Uloom. I went to this school for 2 months. Thereafter, my father

fell ill and I came back without completing the course. Quran Sharif is written in Arabic language. I have learnt the Quran Sharif by heart, but I do not know its meaning. Whenever needed, I see the translated version of Quran Sharif. This is the reason that people invite me to recite Quran Sharif at different places. If, I am free, I accept his invitation.

My brother was in Bombay and he was Imam at Hazi Ali, on his invitation I went to Bombay. One of my distant relative Nana Hazi Pheku used to invite me in Faizabad and I went there. Hazi Pheku Sahib invited me to recite Quran Sharif in Babri Masjid for two years. I do not recollect the name of those persons who called me to recite Quran Sharif at Faizabad. I remember the name of one Abdul Jalil Sahib. Abdul Jalil Sahib is not a vegetable vendor, but I will not be able to tell about his profession.

I had recited Quran Sharif in Jinnati Masjid on his request for a year, but I cannot say in what capacity he was related to that Masjid.

Hazi Pheku Sahib was not my close relative. I did not meet him regularly. At the time of his death, I was not informed to attend his funeral. Even at the time of the death of my grand mother (Pheku's wife), I was not informed. I have nothing more to say except that I had visited his house 10-12 times. But whenever I used to visit his house, I had never met Hashim Sahib. I do not know where his house is located and where he is living. He used to come to the house of Hazi Pheku where I used to get an opportunity to see him. Hashim Sahib were of my age and I became familiar and friendly with him in the Courtyard of Hazi Pheku. I have never said, I used to play with Hashim Sahib. I am a simple and religious person. I used to remain busy in reading Quran Sharif. Hashim Sahib used to come to the house of my grandfather Hazi Pheku because he was a rich person and I was a small

farmer. Hashim Sahib did not give much importance to me and as such I can neither call him my friend nor foe. He was not interested in me and used to give more importance to Hazi Pheku because of his money and high social status. I do not know what was the source of earning of Hashim Sahib. I even do not know what was the source of his livelihood. He was fond of wandering and it was his hobby.

When I used to read Quran Sharif in Babri Masjid, Hashim Sahib also used to be there, and for this reason he was not required to say that I had read Quran Sharif there.

(On this issue the witness himself said that it is his request from the Court to amend his statement written a day before yesterday because by mistake he had stated that Hazi Pheku's house was 3-4 kilometer away from the Masjid. In fact, I had stated earlier that it is 3-4 furlong away from his house and thereafter by mistake I had stated that it is 3 to 4 kilometer away. It hardly took 10-15 minutes from coming there. Therefore, that place must be at a distance of 3 or 4 furlong away).

Before Hashim Sahib served this Court summon to me to give witness, he met me once or twice at Faizabad. But he had never told me that I will be summoned to give witness that I had recited Quran Sharif in Babri Masjid. On receiving the Court summon, I knew that I had been summoned by the Court to give witness that I had recited Quran Sharif in Babri Masjid twice. That summon was written in Hindi and I have not studied Hindi. On receiving the summon, I became sure about the statement that I was supposed to give before the Court. Therefore, I did not take anybody's help to read this summon. It is wrong to say that I am giving a false statement.

Hizarat means to leave one's country and migrate to some other place. (Some people go at their will, others go for money, but Hazarat Mohammed Sahib went for his faith – this was stated by the witness himself) when I went to Bombay from Faizabad, I did not go there on Hizarat. (The witness himself stated that Hizarat means to leave one's house and settle in other place).

When Mohammed Sahib went on Hizarat from Mecca to Madina, he was accompanied by many of his followers and supporters. All of them needed a Masjid to read Jamati Namaz and Hazarat Mohammed Sahib got constructed this. Any person who is blessed by Allah with money and respect and has the capacity, always dreams of building such a Masjid as the one built by Mohammed Sahib. The Masjid built by Hazarat Mohammed Sahib is called Masjide-Nabi and also Madina Masjid. People bring the picture of that Masjid and I have seen it. Minerates have also been built in the Masjid. I know about Hazarat Balal. I do not correctly know whether Hazarat Balal Sahib was the first person who was given the opportunity to read the first Namaz in that Masjid by Hazarat Mohammed Sahib. This is also possible that he was allowed to ascend the minerate of the Masjid to offer the very first Ajan. Mecca Sharif and Kaba Sharif are the name of one place. There are arrangement of offering Namaz can be offered in Mecca Sharif. Minerates are also built there. I do not know who offered the first Namaz there, I can answer this question only after consulting any Alim (scholar) whether Hazarat Balal was the person whom Hazarat Mohammed Sahib gave the privilege to offer Ajan of first Namaz at that place also. It is also possible that he was instructed to ascend the minerate and offer first Ajan of Namaz.

I shall not be able to tell how much time it took to complete the Ayats of Quran Sharif on Hazoor Sahib. (The witness himself said that in proportion as the need arose Hazarat Jibrail used to bring Ale Islam from Khudah (Allah) and taught it to Mohammed Sahib. This Jibrail Sahib used to work as a messenger of God (Khudah). In this way, Jibrail Sahib used to bring the message of God to Hazoor Sahib and taught it to him. Thus, Jibrail Sahib was working as a messenger of Allah Tala.

The teachings of Hazoor Sahib are called Deen (Faith). He kept us away from bad works, showed us the path of virtue, saved us from hell and made us fit to live in heaven. The main teaching of this faith is to acknowledge the superiority of God. There is one God (Khudah) and Mohammed Sahib is the Prophet of God. These are the basics of Islam. Thereafter he taught us Namaz and asked us to respect the rights of your neighbour. Hazoor Sahib might have taught many basic things but I do not have sufficient knowledge about them as I am not a Alim (scholar). It is correct that I want to conceal this fact from common people that I am a Hafiz. I had read Quran Sharif for Allah and I do not care for the world. I never went to recite Quran Sharif, with the intension to conceal my identify of a Hafiz or get it known to them that I was a Hafiz or to earn fame. I wish that even at the time of my death Quran Sharif should be on my lips. It is also incorrect to say that I was not allowed to read Quran Sharif at my house.

It is also incorrect to say that I have come here on the instruction of Hashim Sahib to give false evidence. It is also incorrect to say that I am giving totally false evidence. Wherever I went to recite Quran Sharif, I never took any remuneration or fee, but if somebody compelled

me to accept the money or put it in my pocket, I used to accept it. When I was forced to accept the money, I took it. (The witness himself stated that the Mutwalli (caretaker) of Sahanwa was giving me Rs. 10/- as customary payment in Babri Masjid but I was not accepting it. He told me to accept the fee other wise I would lose it and so I had to accept it. Actually he wanted to say that it was Government money and if I did not accept it he would keep it in his pocket and therefore, I was compelled to accept it. By Government money, what I meant was that the Mutuwalli was looking after the Waqf property and was its manager. Out of this money, he used to make the customary payment to the Muazzin (one who offers Ajan) and Rs. 10/- per annum to the Hafiz. When I went to Babri Masjid to recite Quran Sharif, I was one of the Hafiz. I was alone. This customary payment was made by the Mutwalli of the Masjid and not by Hazi Pheku. I retuned this money on reaching the house of my grandfather and told him that I would not accept it but his son put the amount in my bag. I saw the face of Mutwalli Sahib when he gave me money. I cannot give any description about his appearance. I cannot tell about his age. I do no know whether he is alive or not. It is because a lot of time had passed since I met him. Even I do not know his name. I never went to his house at Sahanwa. I have never been to Sahnawa till to date.

It is wrong to say that I am giving false evidence at somebody's instance.

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

(Cross examination on behalf of Shri Rajender Singh and Gopal Singh Visharad by Shri P.L. Mishra, Adovcate)

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It is incorrect that I have made any wrong statement before the Court and have tried to mislead the Court.

(Cross examination on behalf of Rajender Singh son of Gopal Singh Visharad by the P.L. Mishra, Advocate concluded).

(Cross examination by Shri Devkinadan, self and on behalf of Plaintiff No. 1 and 2 in case No. 5/89)

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No body consulted me to give evidence before my name was included in the list of witnesses. My name was included in the list of witnesses a day before I was summoned by the Court to give my statement. This is in my knowledge. My name was given in the above list on 4th November, 1996. I do not know whether Shri Jilani, Advocate might have given my name in the list of witnesses at Serial No. 1 on 16.4.1996. I have not talked to any person before coming here to record my evidence. Even Hashim Sahib did not tell me anything about giving witness in this Suit. I do not remember whether I received the summons on 3rd or 4th but the day I got it, on the same day I have come here to give evidence. I have never asked any Advocate or Hashim Sahib that I am prepared to give evidence and summons may be got issued in my name from Court. Hashim Sahib did not get the summons issued in my name from Court after consulting me.

I do not know how the Hon'ble Court issued summons in my name. On receiving the summon, I have come here in compliance of the Court directive. I have not

been paid any fare or other expenses alongwith the summon. It is correct that Hashim Sahib served summons to me by hand and services of notice by server of the Court was not utilized. On reaching the Court, I did not tell anything to the advocate, whether I have got some information about this Suit or what type of questions could be asked from me. The advocate did not tell me anything about the statement that I am supposed to give or the possible questions that could be asked from me. I do not know whether the advocate knew anything about the statement that I was going to make. (Then himself said that he was fully aware of the statement that he was going to make).

Tarabi is a kind of Namaz which is read during the month of Ramjan everyday and twenty Rakats are read. First Eisha Namaz is offered to, thereafter it is Sunnat and therefore Tarabi is read. Some people read it others do not. It is correct that Namaz of Isha is the last Namaz before going to the bed. Ordinarily the Namaz of Isha is read two hours after the sun set during the summer days. During the month of July-August the sun sets at 7.00 p.m. approximately in Faizabad, therefore, the Namaz of Isha might be read at 9.00 p.m. If the month of Ramjan happens to fall in the month of July-August, even then the time of offering Namaz of Isha will be the same, i.e. two hours after sun set Tarabi is read after it. Quran Sharif is recited in Tarabi. Quran Sharif was recited in Tarabi everyday and completed in 12 days. Everyday two and a half Pare were read and it is used to take about 2 hours daily. If Ramjan happens to fall in the month of July-August month, the process of recital of Quran Sharif continues upto 11.00 p.m. or 11.30 p.m. The first moon of Ramjan is very small and is visible for a very short time.

Perhaps on the first two-three days of Ramjan moon disappears at the time of starting Tarabi.

When I went to Babri Masjid to recite Quran, I saw its inner portion only on the day of Jumma (Friday). This portion falls in the barbed Courtyard of Masjid. For two years, I read Quran Sharif outside this barbed Courtyard because the inner portion of barbed Courtyard was very hot. I saw the inner portion of Masjid at the time of Friday Namaz and not at the time of reading Tarabi. It is wrong to say that I have never offered Friday prayer there. It is incorrect to say that there was no Mutwalli (caretaker) of this Masjid in 1945-46. It is wrong to say that after 1934 Mutadaviya Building was totally vacant. It is also incorrect to assume that after 1934 no Muslim have ever entered this building. It is also incorrect to assume that Namaz was never offered there after 1934.

When somebody dies in a Muslim family, after 2-3 days his Fatiha (1st chapter of Quran or prayer to the departed soul) is read, this is called Qural Khani. On this occasion Qural Khani is specially read. Prayer is offered to Allah in the name of the departed soul to forgive him. I shall not be able to tell whether on the occasion of Muharram Majlish or Quran Khani is held. I have never attended any Majlish at the occasion of Muharram. This is wrong to say that I have never attended any Quran Khani. Anyway this is correct that I am not a Alim (scholar). But it is incorrect to say that I do not know Hibs. I consider it against the Islamic laws to hold a Majlish on the occasion of Muharram and therefore, I do not attend it because most of the participants in the Majlish are Shia Sahibans.

I do not know whether the way of reading Namaz by Shia Sect is somewhat different from the Sunni Sect or not. I have never read any Namaz with a Shia, may it be a Jamati Namaz or any other Namaz. I have never attended

any Jamati Namaz of Shia Sect. In Faizabad, near Ghantaghar Chowk, there is Masjid. The Muttawali (caretaker) of this Masjid is a Shia. I have offered Namaz in that Masjid but I have never offered Namaz with that Muttawalli sahib. I have offered many Namaz there alone. I have never offered a Namaz following a Shia Imam. Question of reading Namaz with a Shia does not arise.

Jibrail Sahib brought the message of Allah from heaven and taught it and explained it to Hazarat Mohammed Sahib. He used to get it learnt by heart. According to our belief Allah is present everywhere. Bahisht, Jannat and Bakunt are one and the same thing. To my knowledge it is against the tenets of Islam to demolish a temple for removing the practice of idol worship. It is correct that a Masjid should not be built forcibly just for offering Namaz on a place where a temple stood. So far as I understand Namaz offered at such a place is not acceptable to Allah. But I am not sure about it, only a Maulana or an Alim (scholar) can answer this question.

It is wrong to say that I had never visited disputed building or I had not seen this building from inside or I have never done Tarabi there or I have not recited Quran Sharif there. It is also wrong to say that I have given false account of any incident.

(Cross examination on behalf of Dev Shri Devki Nandan concluded)

Verified after hearing the statement

Sd/-

Abdul Rehman

Dated 07.11.1996

Typed by the Stenographer in the open Court on dictation by me.

Present yourself on 08.11.1996 for further examination in this case.

Sd/-

07.11.1996

08.11.1996 (In continuation dated 07.11.1996)

Cross examination of behalf of Hindu Maha Sabha and Shri Ramesh Chand Tripathi by Shri Hari Shankar Jain after taking oath :-

xxx xxx xxx xxx xxx xxx xxx

It is correct that Mohammed Sahib was the founding father of Islam religion. It is correct he was initiated into Quran Sharif by heaven. God is present everywhere but heaven being his real adobe, it has gone some special significance. It is correct that Quran Sharif is the first book of Islam religion. Sacred Quran and Sunnat are only two things which are very dear to the heart of every Muslim. Besides it, nothing else is binding. I do have read the whole Quran Sharif, but I could not understand its meaning. I do not know what is written in Quran Sharif about building a Masjid – where it can be built or where it cannot be built. It is not necessary that all our important work should be accomplished in accordance with Hijari calendar. In my opinion 90 per cent of our people follow English calendar. This is not necessary that if we are to see the date of Muharram, Ramzan and other festivals, we are supposed to consult the Hijari calendar and confirm the date. I do not accept the fact that the dates of these festivals are fixed in accordance with Hijari calendar. In my opinion not only 90 percent but 100 percent Muslims follow in accordance with the English calendar and not the Hijari calendar.

A person who does not accept the principle of one God and instead believes in many gods is an infidel in our eyes. It does not mean that a person who does not trust Quran is infidel. According to Quran Sharif, a person who does not believe in one God and instead believes in more

than one God is a Musharik. It is wrong to say that followers of Islam believe in the theory of more than one God. If somebody believes in this theory, he is not a true Muslim. One who believes in idol worship is called a Musharik or idol worshipper. I do not agree with the contention that it has been said in Quran Sharif that it is the duty of every Muslim to involve in a war against idol worshippers. There are some rules of war which I can explain only after going through the books.

I went to Babri Masjid to recite Quran Sharif for the reason that I can memorize it, people could listen to it and wherever I am invited to do this work, I keep on going there whenever I get the opportunity. I have seen the shape of this Masjid and the area around it but did not go to all the places.

The Muslim community had not started any movement on Ayodhya at least from 49 to 50 or 1951. May be it started later, I have no idea about it. It is correct that I am a devoted Muslim. Religion is very important for me. If I have option to choose between the religion and the country, I will choose the religion. I do not need the country. In my opinion, if need be, every Muslim will make supreme sacrifice to get or protect the Masjid and if not considered necessary will not do it. It will depend on his assessment of the situation. In case a Masjid is damaged, I do not know whether the Mulla or Maulvi issues a Fatwa. On 6th December, 1992 Babri Masjid was demolished. The news was published in the newspapers and even every village children know about it. I came to know about it from the newspapers and village people. I knew after this incident, a litigation was filed in the Hon'ble High Court. It is incorrect to say that I had decided at that time itself that I would make a statement about the Babri Masjid in the Court.

I do not have knowledge about the said Babri Masjid Action Committee. I am a God fearing person and busy in farming work. I have nothing to do with these quarrels. I have not made any contribution to fight the Masjid Suit. Shri Mannan, Jillani and Mushtaq Siddique have not influenced me. It is wrong to say that I am giving evidence on their invitation or under their pressure.

Before 1947, I had never been a member of Muslim League. The people who were member of Muslim League might have been happy on partition on 1947.

I have never been to Pakistan till today. It is wrong to say that on partition in 1947, I had migrated to Pakistan. It is also wrong to say that people of Pakistan send me back to India to create social tension and sectarianism among the people. This has never happened and I have never gone to Pakistan. It is wrong that I have neither seen Babri Masjid nor have I visited it. It is also incorrect to say that I have never recited Quran Sharif. It is also incorrect to say that I am totally giving a false statement.

(Cross examination of behalf of Hindu Maha Sabha and Ramesh Chand Tripathi by Shri Hari Shankar Jain – concluded)

Verified after hearing the statement

Sd/-

Abdul Rehman

Dated : 08.11.1996

Typed by the Stenographer in the open Court on dictation by me.

Present yourself on 27.11.1996 for further examination in this case.

Sd/-

08.11.1996

28.11.1996 (In continuation dated 08.11.1996)

P.W. 5 – Statement of Abdul Rehman dated 28.11.1996 starts under Oath.

(On behalf of Paramhans Ram Chander Das by Shri Madan Mohan Pandey, Advocate).

On recovering sense, after 5-6 years I started my education. My father was alive at that time. I cannot correctly tell that when my father expired how much period elapsed since I got senses. It may be 10-15 years time. Earlier, I started my education in Madarsa Hanfyiya-Islamiya, Jaganpur. That Madarsa still exists. But its name has been changed. I am not sure about its new name, but perhaps its new name is Madrastul Imam. It is wrong that no Madarsa by this time exists there. It was a non-government Madarsa which was run on donations. I shall not be able to tell whether this Madarsa is still run on donations or by Government aid.

At the time of admission in the Madarsa, no form was filled in, but just my name was got written. I was a minor at the time of admission. I was 5 or 6 years old by that time. I had recovered senses, and so I was admitted in the Madarsa. But I shall not be able to tell at what age I recovered my sense. I studied in that Madarsa upto 5 or 6 years. No grading or class system existed in that Madarsa. After completing my education there, I did not get any document or certificate from the school.

I have studied for only two months in Bahraich school. I had attended that school for a particular type of education in which one had to study Arabic and Persian to become a Alim (scholar). I had gone there to study these two languages. Neither did I complete my education there

not I left it in between. I could not read or write Arabic and Persian. I am not sure about the year when I got admission in that school. At that time I was not married but I had become Hafiz by that time.

I studied in Lucknow also. I am not sure about the year when I studied in Lucknow. I have never studied at Faizabad Chowk. Before going to Bahraich, I started studying at Lucknow. I stayed at Lucknow for one and a half year to two years. In Lucknow, I got education in Madarsa Aliya Phurkaniya Chowk. At that time, my father was alive. Even at Lucknow Madarsa, no admission form was filled in, but my maternal uncle got my name written. When I came to Lucknow for studying, I was able to read Quran Sharif. But I came here to learn pronunciation and update my memory. During this period of one and a half year to two years, I had been continuously learning Quran Sharif by heart cramming.

I do not understand the meaning of Ayats of Quran Sharif.

I do not know whether Dr. Shafique at whose residence I had recited Quran Sharif for the first time, was a resident of Arab or not. It would be wrong to say that his sons and daughters might be living in some Arab country. (Then said it was not in my knowledge, perhaps they might be living in some Arab country). Dr. Shafique was a famous doctor. I do not know when he had expired. After reciting Quran Sharif at his house, perhaps I might have visited him for my treatment. Now I cannot guess how old these incidents are. I do not know who lives at his house now. It is wrong to say that his house might be located in Kasabwara at Faizabad. I cannot say correctly as to from which place Rakabganj mohalla starts and

where it ends. I know about Kasabwara. I cannot correctly tell at which distance from his house, the boundary of Kasabwara starts. It is wrong to assume that a road passes in the eastern side of Dr Shafique's house and after that the boundary of Kasabwara starts, but a road does exist in the eastern side of his house. (Then said this road does not lie in the eastern side, but in the northern side, which leads to Chowk). I have knowledge of directions. There is a road in the southern side of Dr. Shafique house. The southern side road leads to Kasabwara and in the eastern side it links chowk. There are many Masjids in Kasabwara (then said he knew about two of them). Majority of population in that mohalla is of Muslims. It is correct that most of Sunni Muslims live in Kasabwara. I did not recite Quran Sharif in any Masjid except the one that lies behind the house of Dr. Shafique. I have never recited Quran Sharif in any other Masjid located in Kasabwara.

I know how to read Namaz. It is wrong to say that people of Sunni Sect perform Arcadian only once. Rafadain does not convey any special meaning. Before offering Namaz, one has to move one's hand upto the ear only once and this process is called to make a resolve. In Sunni Sect this is done only once, I do understand what Rafadain is all about. After making a resolve, Namaz is started. I do not know how many times people of Shia Sect perform this activity at the time of Namaz. I might have seen any Shia to offer Namaz. I have never tried to know at the time of offering Namaz any Shia person making a resolve one time or many times. I had seen a Shia Muslim reading Namaz at Faizabad 10-12 days before toady.

In Sunnat Sect many people acknowledge Imam Sharif too. I might have seen such people offering Namaz. I cannot say whether people from Shia Sect offer a Namaz only under the supervision of Shia Imam. But Sunni Sect does not offer Namaz under the supervision of Shia Imam. I cannot say whether Jamati Namaz is being read for the reason that no mistake is made while reading the Namaz. (Then said, I read Jamati Namaz because I get twenty seven times more solace from it).

Question : In Jamat if a Imam reads incorrect Namaz, can the follower cause him stammering?

Ans. : This is correct.

We celebrate Barawafat, but not Muharram. I know that Shia Sect celebrates Muharram. I have never shared Namaz with a Shia. Whenever I got a chance to read Namaz in their Masjid, I prefer to do it alone but not with them. I do not know how many Masjids of Shia Sect are there in Faizabad. I have seen only one such Masjid which is located in Chowk. I cannot tell the number of Sunni Masjids located there. The Masjid of Tatshah is one of the famous Sunni Masjid. The Masjid located at Sarai is also Sunni Masjid. The Tatshah Masjid (Sunni Sect) and Chowk Masjid (Shia Sect) are very near to each other, but I cannot tell whether the distance between the two is of 25 steps or 100 steps.

I had also gone to Bombay. I had read Quran Sharif there in a Masjid belonging to the Sunni Sect. When somebody compelled me to accept the customary payment (Najrana), I used to accept it. Apart from money, I used to get the gift of clothes and other goods. In Bombay, I never went to any Shia Sect Masjid to offer Namaz. (The said, I

did not accept clothes and goods, but only money). If, I am invited to recite Quran Sharif in a Shia Masjid, I shall never accept this offer. When I do not read Quran Sharif in their Masjids, why should I accept customary payment. I do not know whether Imam and Mutawalli of a Shia Masjid belongs to Shia Sect and Imam and Mutawalli of a Sunni Masjid belongs to Sunni Sect. The Imam and Mutawalli of a Sunni Masjid are never from Shia Sect. I do not know the law of the whole country (India). It may happen somewhere else. In chowk Masjid of Faizabad, there is a Shia Masjid and its Imam and Mutawalli are from Shia Sect. (Then said if some people from Sunni Sect came there I used to do Jamat with them otherwise I read my Namaz alone). In any case, I do not read Namaz with the people of Shia Sect. if any Imam or Mutawalli of a Shia Masjid invites me to read Namaz, I shall never go. The largest Masjid of Faizabad Tehsil is located at Chirara Mohammedpur, and it is located at a distance of 3-4 furlongs from my house. The Jaganpur Masjid belongs to Sunni Sect. I have never read Quran Sharif in the large Masjid of Jaganpur, otherwise I have surely read Quran Sharif two-three times in almost all other Masjids. I had never been invited to read Quran Sharif in that Masjid. (Then said a Madarsa exists there, which is a big one and it has a Hafiz). In Sunni Masjids, Hafiz from Sunni Sect read Tarabi. But I cannot say it about a Shia Masjid whether the person reading Tarabi there belongs to Shia Sect or Sunni Sect or may be any person. But no Hafiz belonging to the Shia Sect can read Tarabi in a Sunni Masjid. (Then said, Shia Sahibans do not have a Hafiz, then who will read Tarabi). I have never been asked by any one to read Tarabi in a Shia Masjid. I do not know whether Tarabi is read in Masjids belong to Shia Sect or not. But it is a fact that they don't have a Hafiz.

This is correct that some Hafizs charge fee for reading Quran Sharif, some do not charge any fee for reading Quran Sharif and some accept the money, if offered, and do not mind, if not offered. This is correct that accepting remuneration or money in lieu of reading Quran Sharif is against the tenets of Islam. Accepting gift or remuneration is treated as disrespect of Quran Sharif. In Tarabi, twenty additional rakats are read. I do not know whether people of Shia Sect read it or not.

I used to teach in a school in Bombay. I have taught there in a school for 3-4 years. I have taught there many times. I was appointed in a school. I did not get any appointment letter. I do not recollect whether I applied for the post or not. That time was cheap; I do not recollect fully, I used to get three-four hundred rupees per month as salary. I did not read Quran Sharif in school, but read Deen Akhlak in Urdu. I read Quran Sharif in Tarabi in Bombay. Two-four boys belonging to rich families used to get tuition from me. I used to get rupees one hundred from each family per month. Neither did I resign from there nor I was removed from service. I am a farmer by profession and whenever I was required at home, I used to resign from service at my own will and come back home. When consolidation of holdings started, after resigning from service, I came back home. It has been 10-12 years when the consolidation work of land holdings has started, but I am not sure about its timings.

It is against the tenets of Quran Sharif to make images of animals, birds and human being on the walls and other places inside the Masjid. These images cannot appear on walls either inside or outside of Masjid. This is prohibited at both the places. I can recognize the image of an animal, a bird and a human being on seeing it. (On

this point the Learned Advocate drew the attention of witness to Court File No. 1/1989 Gopal Singh Visharad Vs. Jahoor Ahmed etc., Photo No. 6 at 154/9). On seeing the photo, the witness replied (this photo is of Babri Masjid, in my opinion the northern gate has been shown in the photo). I have a clear picture of this photo. May it be that the photo relates to the eastern main gate. A picture is visible on this door – This picture can be of some animal or person or it can be the picture of an idol. (Then said, when I saw the Masjid, this idol or picture was not there). In this photo, a picture or an idol is visible, but as I have earlier said this was not there when I visited the Masjid.

(At this point the Learned Advocate drew the attention of the witness towards various black and white photos in the album prepared by Archaeological Survey, Department of Uttar Pradesh). I have seen photo No. 2. The images that are visible in this photo were not there when I last visited Babri Masjid. The images of animals and idols are shown in this photo similar to the earlier one.

In photo No. 9, 4, 10, no images of animal are shown, it is only rubble which has assumed an image. In photo no. 9 some shape is visible which is made of rubble itself. But it is not the shape of any animal. This is the rubble of Babri Masjid after its demolition. It is wrong that the image of a pig is visible in these photos.

(At this point, the Learned Advocate drew the attention of witness towards the various coloured photographs prepared by Archaeological Department of Uttar Pradesh Government). I have seen photo No. 39 and 40. These photos contain the images of animals and idols

as shown in similar earlier photographs. But these images were not there when I had last seen Babri Masjid.

I have seen photo No. 13, 14, 15 and 16 of this album, but these are out of reach of my mind. I do not understand whether image of any animal is visible in these photos. I do not find the face, leg and stomach of a pig in these photos. These are made up and out of reach of my mind as what is this.

Any sort of image or picture should not visible in the Mosque, if somebody does it, what can I do about it. I can only say this is wrong and illegal. There should not be any picture or idol in the Masjid and if somebody has done it, he is a criminal. A place where idols and pictures are kept, Namaz cannot be offered there, but can be offered under the compelling circumstances. The unavoidable circumstances are like when a person is walking and the time of Namaz is running short under such circumstances, if Namaz is offered in a temple, there will be no harm because God is one. Both temple and Masjid belongs to him. Temple and Masjid are there as long as he wants them. Namaz can be read at a neat and sacred place. One can read Namaz on a field, a ridge or any other place. A person who has learnt Quran Sharif by heart is called a good Hafiz. It is wrong to say that I have never visited Babri Masjid or I have never read Quran Sharif there or I am giving a false statement. It is also wrong to say that no Muslim has ever gone to disputed Building to offer Namaz or was going there. On entering this building from the main gate, on one side of the outer courtyard there was a small thatched roof and on the other side an oven and a wooden rolling pin (Belan) was kept but it is wrong to say that idols of Hindu Gods and Goddesses were kept there. It is wrong to say that I have never

entered into the disputed building. It is also wrong to say that I have made a false statement about my age or that I am 50 years old. It is also wrong that I have given a prepared statement like a parrot.

(Cross examination concluded on behalf of all parties).

Verified after hearing the statement

Sd/-

Abdul Rehman

Dated : 28.11.1996

Typed by the Stenographer in the open Court on dictation by me.

Sd/-

28.11.1996