

4037:

**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. AND OTHERS**

PLAINTIFF

VERSUS

**GOPAL SINGH VISHARAD
AND OTHERS**

DEFENDANTS

**STATEMENT OF PW – 6
MOHAMMAD UNIS SIDIQI**

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MOHAMMAD UNIS SIDIQI**

Dated-28.11.96

P.W.6 Mohammad Unus Siddiqui S/o Late Hafiz Ahmad, resident of Mohalla Reedh Ganj, aged 63 years, District Faizaad, solemnly affirms on oath as under :-

I was enrolled as a advocate on July 9, 1955. I was enrolled in Lucknow. I had worked under 3-4 advocates as a trainee. Among them was one Sri Shyamlal Mishra who practiced in criminal courts. One was Shri Kohli who practiced in Income Tax court and in his chamber another Shri Shriram Gupta advocate who practiced in sales tax. In 1956 I left Lucknow and went to Faizabad. And there I started practicing in a criminal court. At that time I practiced only in sales tax matters. Till 1965 I practiced in the criminal matters and simultaneously did some work of Income tax also, but since 1965 I have been practicing in Sales Tax only.

I passed high school in 1948. In 1950 I passed Inter from Govt. Inter College, Faizabad. In 1952 I passed B.A. from Lucknow University. In 1954 I passed M.A. and L.L.B. together from Aligarh Muslim University.

In this case I have come today as a witness, I have been the advocate of the claimants (Muddayi), but these days I am not doing any pairavi on their behalf. In fact I am not working on this case since 1965.

The disputed property was known as Babri Masjid. I had gone inside it. I offered Namaz also there. I went in this Masjid in the night of Shab-e-raat for the first time with my elder brother, when I was 12-13 year old. After that I used to go to the Masjid in the night of every Shab-e-raat. I have been to the Masjid during day time also. I have offered Namaz only once during day time but have offered Nafle on the occasion of Sheb-e-raat. I had offered Namaz during the day time on the same day, when statues were placed there. Before that namaz was offered in group on Friday (jumma). After the placement of statues I went once at the time of survey and once in 1991 when disturbance occurred. This disturbance was created during day time, I was sent there by the commissioner. When I went there on Shab-e-raat in night, I recited Fatia also. The actual motive in that Namaz is to recite Fatia. I went to Ganje Shaheedan of Babari Masjid and to other near by graves and mosques like Grave of Khwaja Hatti, Grave of Shah Ibrahim Sahib, Naugaji grave, Grave of Sheesh Paigambar, where his Dargah is located to recite Fatia. I am not able to go to these places for the last 5 to 7 years due to my personal problems. I have been going to all these places except Babri Masjid, to recite Fatia after 1949.

In 1949 when the statues were placed, before that I had never seen any statue there. Upto 1949 I had never seen any Hindu doing worship there. Upto 22 December 1949 there was no hindrance in offering Namaz in this Masjid.

Examination-in-chief concluded. May be put up tomorrow on date 29.11.96 for cross-examination.

Verified the statement after hearing

Sd/-

Mohammad Unus Siddiqi

28.11.96

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

Sd/-

28.11.96

Cross-examination by Shri R.L. Verma advocate on behalf of Nirmohi Akhara begins on oath :-

I started legal practice in Faizabad with Shri Himayat Ulla Kidwai Sahib. I never practiced with advocates of this case i.e. Rahmat Sahib and Mohd. Yahya Siddiqi. I mean to say we never worked jointly, our practice was not jointly. I am connected with these cases since 1961. At that time the prosecution of the case was being done by Mohd. Ayub who lived in Lucknow. I was not a advocate in the case under C.R.P.C. 145 filed regarding this dispute. I was not a advocate for any party in the case filed by Gopal Singh Visharad and Paramhans Ram Chandra Das. I don't know in detail if two cases were filed by the Hindus in Civil Court after the attachment of the property. I don't remember that in the case filed by Nirmohi Akhara, I

appeared as a advocate for Achhan Mian or Zahoor Ahmad or not. In 1961 I used to appear as advocate in ordinary claim petitions filed in civil court by Sunni Central Waqf Board on behalf of the claimants. I did not pursue important matters, as I practiced mostly in criminal courts. Therefore I never went to Lucknow to meet Ayub Sahib in connection with the notice of that claim case. I can not identify the signature of Ayub Sahib.

It has not come to my knowledge, which part of the disputed property was attached under 145. This attachment took place probably in 1949, but I won't be able to tell you for sure. So far as I know perhaps Shri Priya Dutta Ram was appointed Receiver. I could not know till today through any Document or through any other way as to which particular portion of the disputed property was attached.

I won't be able to say who pleaded the case on behalf of Muslim party in the attachment under Section 145. The case under 145 was heard in Faizabad only, first in the court of City Magistrate, then it was referred to the civil court. But I cannot say about these things for sure. Those who pursued this case on behalf of Muslim Party, might have been meeting me in the court in connection with other cases, not regarding this case.

May be, I recognize the said Anisur Rahman mughalpura people by face but don't know them by name. Yes, I know Salar Mohammad of Sutareti Mohalla of Ayodhya. I know Mohammad Hashim s/o Karim Baksh resident of Kutia Mohalla, Ayodhya. Salar Mohammad often came to us as he used to come to my senior and meet me also.

It is correct that Salar Mohammad became acquainted to me after I started practice as advocate. I won't be able to tell why Salar Mohammad came to my senior Shri Himayat ulla Kidwai and in what connection. I came to know about salar Mohammad from before 3-4 years before 1961. When I knew him for the first time, he might be 50-60 years of age.

I know Mohd. Hashim since 1957-58. he also used to come to my senior very often. I cannot tell whether Shri Himayat Ulla Kidwai was a party of Muslims or not, in the case of 145. In 1957 when I saw Mohd. Hashim for the first time and today also when I see him in 1996, his looks are the same. Therefore nothing can be said about his age. He was adult in 1956. Mohd. Hashim may be called a leader of Muslims to the extent that he took interest in the maintenance and security of the graveyard and graves.

I know Bhola Nath Advocate of Faizabad very well. When these civil suits started in 1950, he was one of the selected few good advocates with seniority and status. His professional skill and helping nature was never questioned by any party. He is dead now, but I never got any opportunity to meet in course of writing or putting signature. Neither Hashim nor any body else told me that 50-60 Muslims had given affidavit in favour of Hindus in 145 dispute or Shri Bholanath advocate identified them in those affidavits. No such things has come to my notice personally.

I know Bashir Ahmad, advocate. I had heard that he was appointed as commissioner in the civil suit by the court, but I wouldn't be able to say whether Gopal Singh Visharad was a claimant in this case or not. I don't know Bashir Sahib was appointed as Commissioner in which

year. It is also not in my knowledge whether any local Commissioner was also appointed along with Bashir Sahib or whether he was asked to prepare the map. I have not heard about any person named Shri Sheoshankar Lal as an advocate. Except survey Commissioner I did not go to the spot at the time of any other Commissioner.

Survey Commission went to the spot probably in 1991. Perhaps this Commissioner was sent by the High Court. During the survey I never remained there for the whole day but I kept on going there at some interval. During that period I had seen the disputed property, and had also gone inside it. It is correct that before my appointment as Commissioner, I had gone there once with Shri Ramsharan Shrivastava, District Magistrate, Faizabad, at that time when the demolition was started. That incident might have been in 1990-91, firing was also done. It is correct that I had given a statement that no demolition had taken place, but had not given a certificate to the effect.

(Volunteer : that infact outer wall of the Masjid was fallen down, but taking into consideration the prevailing critical situation and on believing in the assurance properly on the next day, I issued my statement that no damage was done to the building of the Masjid. The damaged wall was the eastern outer wall of the Masjid. I have not heard that my statement was broadcast on BBC Television. However it is correct that my statement was flashed on the television. In that statement also I had said that no damage was done to the building. I am the chairman of Faizabad branch of Babri Masjid Action Committee. Not the entire wall, but a portion of it was damaged.

We were eight brothers, now only two are alive. I am the youngest, at number 8. My parents have died. My mother died 15-16 years before. There was 16 years difference between me and my eldest brother. My eldest brother died in the HAYAT of my mother. He died in 1950. My date of birth as recorded in High School Certificate is 27th of August, 1932. I won't be able to tell you on which day of the week the statue was placed in the building of the Masjid. Before this incident there had been no disturbance or riot regarding the disputed property in Ayodhya. I am familiar with some of the mohallas of Ayodhya but not all. This disputed property is situated in the backside mohalla of Tedhi Bazaar. There is a large population of Muslims in Tedhi Bazaar Mohalla which consists of 2 mosques also. There was a police chowki (picket) in Tedhi Bazaar Mohalla which is called Ramjanam Bhumi – Police station these days.

There was a masjid a little distance it also, but I won't be able to tell who looked after that Masjid. I have offered Namaz also in that Masjid. Hazi Feku Sahib had 2 houses, one in front of the police station Ram Janam bhoomi and the other was towards north after the street. Perhaps Abdul Ahad lives in the house in the north and Hazi Mehboob lives in the house that is in front of the police station. I had seen Hazi Feku. According to my knowledge the source of his livelihood was cultivation of taboacco. But I won't be able to tell whether he did cultivation in the land of Nazool or not.

Abdul Ahad is perhaps elder to me in age; he might be 8-10 years elder to me. My last meeting with Hazi Mehboob was in the last of September or October '96. In my opinion the age of Hazi Mehboob would be 60-62 yrs. The difference in age of Abdul Ahad and Mehboob should

be 10-15 years. I came to know about this property between 1957-1966 as to who had built it and when. I won't be able to tell about the area of this property with certainty. I don't know what the settlement numbers are. I understand Mauja, for example the disputed property is situated in Ramkot Mauja. I had heard that the landlord of this Mauja was Tahir Sahib. There was a Verandah and building in the disputed property. In the built up part of the covered area was about 90 ft in length whereas the length from east to west would be about 25 ft; after 25 ft there was Verandah towards east. This Verandah went to about 25 ft towards east from the eastern portion of the wall of the covered area. After that Verandah of 25 ft. there was a wall towards east. After that wall there was a terrace towards east. This terrace was 10 x 12 ft. i.e. its total area could be 10 chains (zarbe) and 12 ft. This terrace was 3-4 ft in height. The terrace was made by bricks. This terrace was existent before 1949 also. There was a roof, over this terrace there was a gate towards east of terrace. I don't remember if there was any wall in east of terrace or not. I have not paid any attention as to any tree was there towards south of the terrace or not. Perhaps there was a wall on south of the terrace. The distance between the wall and the terrace would be about 8-10 ft. I don't remember if this middle portion was unmetteled, metalled or of what type. There was a graveyard just south of the wall. That graveyard was 30 – 40 feet towards south. The wall which is being discussed might be about 5 to 5 ¼ feet high. I won't be able to tell the thickness of wall. I won't be able to tell the length of the wall from east to west on the eastern portion of the wall where it ended. Probably it went towards north also; its height was also about the same that has been stated above for the southern wall. I can't say whether there was any Peepal tree in the inner side or not.

Above mentioned terrace was completely covered with roof. I did not see any body doing any thing inside the roofed space. When I went there during night people sleeping inside were often seen. I cannot say who had constructed the roof. Even after perusal of the documents shown to me, I could not know, who constructed the roof; but I had learnt that this terrace was in existence since 1985. There was probably a gate in the north of this terrace that was mostly closed. The distance between the terrace and the gate might have been about 50-60 feet. I don't remember whether any thing was constructed in these 50-60 feet or not. I won't be able to tell if there was any tree or not, or if that place was unmetteled or mettalled. I did not take any notice whether on the south of the northern gate there were signs of belan or chakla – chulha (hearth) or not. On north of northern gate, there were graves, that went ahead upto 5-7 feet. After that there was a road towards north. I did not take any notice whether there were steps to enter from the northern gate or not. I never saw that gate during day time from north. There was no occasion to go from that side even when survey was done. I can identify the photo of that gate, if it is shown to me.

[At this point the leaned advocate draw the attention of the witness to photo no.6 which is paper no.154/6 in file (1/1989) regarding case of Gopal Singh Visharad versus Zahoor Ahmad etc.]

This photo is related with the northern gate being discussed above. I do not see any lion on the gate shown on both the sides of the door. Main door of the disputed property can be approached on the east by going through the road towards the north of this property. I do not know

about any other door except that one. Eastern gate of the disputed property can be approached by going through the road towards north of the northern gate to east and turning south after going for some distance towards east. I won't be able to tell if while going on the road towards the north and taking a turn to south the Chauraha, we come across, has any road to Sutahati or not. But it certainly goes to Hanuman-Garhi. I won't be able to tell if there might be any portion of the disputed property on the north of the northern road. I won't be able to tell you if there was any portion of the disputed property in front of the eastern door towards east. I don't remember if one stands after entering into the Masjid from eastern main door then there would be no hindrance of any wall upto the western wall, or not Sometimes a Masjid is called after the names of the person who got it constructed. Babri masjid means that this Masjid was got constructed by Babar. Mir Baki was his employee and under his order Mir Baki might have got it constructed. By the time the Masjid was constructed Babar must have won the war and have become the emperor. I have neither read nor acquired the knowledge of why this Masjid was got constructed here. It's wrong to say that touch-stone might have been used in construction of this building. There was the grave of Sayyed Musa Ashiquan alias Fazal Abbas. It was on the south of the disputed property. I have never seen it, only heard about it; therefore I won't be able to tell the distance between them. I have neither heard nor read that Babar destroyed any temple and constructed a Masjid, on the advices of Musa Ashiquan in order to win a war or to please god internationally or fulfill some particular desire. (Myself stated that no masjid can be constructed at such place). I won't be able to tell whether there was any Masjid in Ayodhya before this Masjid was constructed or not. I think Muslim population was there in Ayodhya before Babar. I

won't be able to tell the names of all the Mohallas with Muslim population. The grave of Shah Ibrahim is on the north-west corner of the property in dispute. That Mohalla is in sargad dwar but I don't know that the "Sunehri Masjid" of adgada is also located near by. Mohalla sargad dwar is on the bank of Saryu River and is located at a distance of 2-2 1/2 km from the disputed property it must have been about 50 years when I went to recite Fatiya for the first time on the grave of Ibrahim Shah. I won't be able to say whether there is any other famous place of Ayodhya near this grave or not. The grave of Ibrahim Shah is covered. The covered area might be about 10 x 15 ft. it is approachable by road only. While going to this grave it was on the left side of the road. The road is on the eastern corner of the grave, I cannot say the road goes from where to where.

The dargah (grave) of Sheesh Paigambar is in Rano Pali Mauja, near Mani Parvat. Mani Parvat is a (Teerth) for Hindus in Ayodhya. When I went to Babri Masjid for the first time with my elder brother on the night of Shab-e-baraat, then I went to all those graves to recite Fatiya. It was the first occasion for me to go there. My elder brother whom I accompanied was at 7th number. His name was Mohammad Ayub, who is already dead. He was 2 years elder to me. When we went there for the first time, he might be 15-16 years of age. 15-20 years have elapsed since his death. At the time of his death he might have been barely 30-40 years of age.

I know Hizri the Muslim calendar but I won't be able to say, when I went to Ayodhya on the occasion of Shabe-Raat for the first time with Ayub Sahib, and then what was the year of Hizri. Shabe-Raat is celebrated in the month of Sahrban. On Shab-e-Raat Fatiya is recited after sunset.

Fatia is recited on graves. Reciting Fatiya and naflye goes on for the whole night. Those days there was no electricity in Ayodhya; naturally there was no street light also. That night we went to the disputed property also. That was the occasion of my first visit to that place. Some other people of my Mohalla were also with me. Our Mohalla is in Faizabad and not in Ayodhya. No one from Ayodhya was with us. We had come on several bicycles, we were surely 4-6 in numbers. All of those who had accompanied me have died, none is alive.

I, think it was 10-11 in the night when we reached the disputed property. I cannot say whether there was any Muslim from Ayodhya or not. I don't see any such person who might have met me or have accompanied me to that place. And who might be alive still. I don't remember now whether it was winter or summer or rainy season at that time. It was a moonlit night. Lamps were lit in the disputed property. I don't know who had arranged for the light. We had not gone with light. People kept on visiting that place, at that time also there must be 50-60 people on 3 side of the disputed property. There were graveyards; I recited Fatiya in all these 3 graveyards. I recited naflye at 11:30 pm in the disputed property. Imam's presence is not required in naflye, everybody recites Namaz separately Namaz is recited in the covered area; I also did so there. Under the covered area the floor was of marble. Three lines were made on the floor I won't be able to tell the length and width of the lines. I won't be able to tell who was mutwalli those days. Abdul Gaffar Sahib was the Imam and by chance he became my client also. Who was the muazzim I don't know. This incident of going there for the first time and reciting Fatiya is about 10-12 years before the December 1949 tragedy. On the 1st Friday after the December 1949 tragedy I had recited Namaz in the

disputed property it was the Friday Namaz. My brother (born to my Khala) Mohammad Mehmood Sahib was also with me in the Friday Namaz. The Namaz was recited at about quarter past 1 afternoon in my opinion there must be 400 – 500 'Namazis' people from both the places of Ayodhya and Faizabad were among the Namazis. I did not know about any other person's name who came from Faizabad that day to participate in Namaz with me and who is still alive. Namazis were in the covered area and also in outside Sahan, lines were spread also in the Sahan. Imam was Maulavi Abdul Gaffar sahib at that time. He lived in the kaziana Mohalla in fact his tailoring machine was in kaziana Mohalla and his house was in Vashisht-Kund. I won't be able to tell whether he had his house in kaziana or not but it's correct that in 1949 his machine was not there. Vashisht-Kund Mohalla is on the north and south of the disputed property the distance in between may be 3-4 furlong. I had seen the house of gaffar sahib located in Vashisht-Kund it was not on the road but in the lane. The distance of the property in dispute from the Masjid of Tedhi Bazaar would be 2 – 2 ½ furlongs. On the Friday of December 1949 when I went to offer Namaz in the Masjid, Kutaba was being done. No such thing came to my knowledge that people were feeling some sort of terror. At that time I was 16-17 years old. Earlier a few days before there were apprehension in the air that some people might try to take possession of the Masjid or they would try to place statues in it. I can't say whether some organization of Muslims or Anjuman Islamia was in existence those days or not. I knew Imtiaz Ali Advocate. I think in 1949 he was not alive, he was already dead. In view of the apprehensions mentioned above that statues would be placed in the Masjid or its possession might be taken, some action must have been taken by the Muslims. But I have no knowledge about it. I don't

remember whether on that Friday, when we offered Namaz in group, there was police arrangement or not. I won't be able to tell if there was any police chowki or camp or tent was arranged near the disputed property or not. I did not pay attention to the main door through west which we entered was open as a 'way' or it was fitted with wooden or iron door. Whenever I went into this Masjid there was no hindrance whatsoever from the main door to the inside covered area, it was not locked at any point.

There was a well outside this Masjid; it was on the eastern and southern corner. It was at a distance of 15-20 feet from the main door. I did not take notice whether the well was situated at the same place where the terrace (Pukka chabutra) was constructed. I did not notice if the wall of the well (jagat) was raised from the ground or not. On the south of the Sahan of the Masjid there was the place for Wazu. This Sahan was about 90 feet long and 30 – 35 feet wide. There was a urinal on the other side of Wazu khana separated by a wall, but there was no wall between Wazu Khana and Sahan. The terrace in 1885 was outside of this Sahan. Pitcher filled with water, water pots and bowls were kept there for Wazu. I did not see any open water tank (hauz) but there was no tank fixed above and there was no tub either. On the day when I recited Friday Namaz 4-5 pitcher filled with water were kept there. Spreading mats and bringing water is arranged by Muajjim and he must have done this arrangement on that day also. I never saw any signs of residential construction in that building except the roofed sheds. This roof was on the same terrace that was connected in the year 1885 and which has been mentioned by me earlier.

[On this point the learned advocate drew the attention of the witness towards an album of black and white photographs prepared by U.P. Archeological Department.]

I have seen the photo no.29 and 30 of the album shown to me. I won't be able to tell whether the terrace shown in this photo is the same or not.

[On this point the learned advocate drew the attention of the witness towards the album of coloured photographs prepared by U.P. Archeological Department.]

I have seen the photo no.56 and 57. The roof and the terrace shown in photo no.56 is the same that has been mentioned earlier but I cannot say anything about photo no. 57. When I went there at the time of survey, I did not pay any attention to this terrace, therefore, I won't be able to tell whether any changes have been made into it or not.

Some of the graves that I have mentioned were unmetteled and some metalled. On the south-eastern side of the main gate graves of Ganje Shaheedan was located. I did not count the numbers of grave there. It has been a long time, I cannot even guess their number. The first grave of Ganje Shaheedan was at a distance of 20-25 yards on east-south corner from the main door of this building. When I went at the place of occurrence at the time of the survey these gates were existent. I don't remember whether any case was filed regarding the destroying of graves. On the western side of this building also there were some metalled and unmetteled graves but I cannot state their numbers. Towards west the first grave was at a distance of 8 to 10 feet from the western wall. These graves went upto the road of Dorahi-Kuan from where residential area started; there are residential

houses of Kasab people. I did not take notice if these graves were existent at the time of survey or these were already destroyed.

Big graves were also on the north of this Masjid. First it was the Masjid wall then there were graves and after that one more wall was there and after that came the road from the north. The graves were both metalled and unmetteled, Turbat also means grave. I did not notice if the metalled graves were constructed with Lakhori bricks or with any other bricks.

There are temples of Hindus nearby the disputed property. From this property upto Hanuman Garhi big temples of Hindus namely Kanak Bhawan, Ram Janam-Sthal, Hanuman Garhi are there on the way. Ram Janam bhoomi temple is also in Mohalla Ramkot In Ayodhya also the temples of Shree Ram and Jain temples are there. It is correct that Hindus have their faith that Ayodhya is related with Lord Ram.

I think that hazarat Mohammad Sahib realized the enlightenment of Quran Sharif at the age of about 40 years. Hazarat Sahib spent these 40 years living among poor and grieved people and led his life like them. He got this sacred book in mecca Sharif. The importance of Kaba is not because of it's being the birth place of Hazarat Sahib, but because Hazarat Ibrahim Ale Salaam established kaba there. It is he who established it for the first time. It is correct that people of mecca gave Hazarat Sahib much trouble; they threw stones at him, slung heaps of waste materials (kuda-Kachra) on him.

After Hazarat Sahib Muslims were divided in their thoughts and beliefs. One segment thought to make Ali

Saheb, his son in law, as the head (Khalifas) and others wanted to make Hazarat Abu Baqra Siddiqi as the Khalifas. But this difference of opinion was eliminated during the time of Ali Sahib only, when he accepted Hazarat Abu Baqra Sahib as Khalifas.

Question:-Are the ways of offering Namaz different in Shias and Sunni?

Answer:- It is correct.

But it is wrong to say that Shias and Sunnis have separate mosque. It is correct that a case was filed by them regarding Babri Masjid. But I won't be able to tell what the decision was. I cannot say if this Masjid was registered as a Waqf with any Waqf board or not, when I went there on Shabe-barat for the first time. I won't be able to say whether there was any Anjuman Muhafiz Musajid, Muqabir was in existence or not, in Ayodhya at that time. I also cannot say whether any such anjuman was in existence in 1949 – 1950 or not.

The grave of khwaja Hatti was on the south of the disputed property. I had gone to that grave, it was Pukka (cemented) but it was not covered from the top. It was a tilla (higher platform). When I went there at the time of survey, I did not take any notice whether it was still existent or not. I did not go to the tilla at that time. Since last 5-7 years I have not gone to Ayodhya on the night of Shabe-barat, hence I have not gone to that grave for the last 5-7 years. My last visit to the place has become 8-10 years old. After that I did not go there (again said). My last visit to the grave of Khwaja Hatti was in 1948. Upto that time that tilla was called after his name only and not by the name of Kuber Kaziana Mohalla Tilla. I have heard that now its name has been changed to Kuber Tilla.

In Ayodhya there are Akharas and Mathas also. I have not heard of any sect. of sadhus by the name of Ramand Bairagi. I don't know if there is any math named Nirmohi Akhara. I won't be able to tell the parties names who filed case in 1985 regarding the terrace (chabutra). I have not been able to know how the dispute under Cr.P.C 145 was solved.

My uncle was in the management committee of Tat Sahib, its meeting was held and the matter of placing statues in this Masjid was discussed in it. Thus I came to know about the incident of 1949. Perhaps this news was received on 23rd December 1949 only, as the incident occurred on the night between 22-23 December. I came to know that Hindus placed statues stealthy in the darkness of night. It is wrong to say that the statues has been there since 1934 below the dome, which is called as garbh-Griha by Hindus or it was not placed in the night of 22 December. (Volunteer : that all Hindus do not consider it as Garbh-Griha, it is the opinion of just a few.)

When I saw the terrace with roof that I have mentioned earlier there was no wooden temple. I have not seen Nirmohi Akhara people doing worshipping. It is not in my knowledge that priests or persons of Nirmohi Akhara sit and worship. By compound I mean the Sahan of the Masjid and the covered area outside, in fact this covered area was the encircled or the surrounded area. I did not see that on the north of this terrace residential construction was made along the wall for Pujaris. I have not seen anybody reciting Namaz in this outer compound.

My sister's son Mehmood lived in the Mohalla Rai ganj in Ayodhya, he is already dead. Babri Masjid action committee was formed in 1986. At present Mushtaq Sahib is working as the chairman of the committee at all India

level and Mr. Shafiq-ur Rahman is either chairman or Naib Sadar. This organization (committee) was not formed against any Hindu organization. The objective of this organization was to arrange for taking back the Masjid legally and physically. I did not know any such announcement that the committee had made a program to recite Namaz on the disputed property on the coming 6th of December 1996.

It is wrong to say that I have never gone into the building in dispute. It is also wrong to say that I have not recited either Namaz or Nafel there or have not gone there at all. It is also wrong to say that the Masjid was not there or that it was in possession of Nirmohi Akhara or that only those people have been doing adulations there. It is also wrong to say that I have taken resort to false statement in the court.

[The cross-examination by Shri R.L. Verma Advocate on behalf of Nirmohi Akhara Concluded.]

May be put up on 2.12.1996 for further cross-examination in continuation.

Verified the statement after hearing

Sd/-

Mohammad Unus Sidiqi

Dated 29.11.1996

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

Sd/-

29.11.96

Date 2.11.1996

PW-6 Mohammad Unus Siddiqi son of Late Hafiz Ahmad resident of Mohalla Reeh Ganj, Faizabad, continued his statement under oath:-

I did not get any opportunity to see the papers related with this case before 1961. In fact I did not see the papers afterwards also, because I was advocate of criminal court, I was advocate in this case only to submit ordinary type of submission. I was advocate for all the complainants. My clients knew about it, I had told them that I was their advocate just for the name sake. In fact there were other advocates in this case to do the real work, I was engaged only as a stand by, if any when other advocates were not available, to represent the case. I never tried to know what action was taken on which date, on important dates other advocates were present but for ordinary work they did not come, then on request from the clients I used to find out what action was to be taken that day. I won't be able to tell what action was taken on the dates I appeared in the court, but this much I can remember that once I had filed a petition to dismiss a claim application. The draft of the petition came from Lucknow; I got it typed in Faizabad. I cannot say upto what time this case remained in Faizabad. It is correct that I was not interested in this case before I was engaged in it as an advocate by the Complainants in 1961. (I said that I did have sympathy). In spite of being sympathetic I did not take any important part in it as advocate because I did not work on civil suit, and I did not know the tricks of civil suit also. Since I did not have any interest in civil practice at all, I did not try to take more interest by going through all the related documents of this case. I stopped working in this case in 1965 because I was busy

otherwise, but it would be wrong to say that my interest in this case disappeared from 1965. Several cases related with Sales Tax and income Tax come to me and I was busy in them therefore I left this case. I did not try to know whether any other advocate was engaged in my place or not. I myself stopped going in this case; I did not inform my senior advocates that I had left this case.

Mohd. Hashim was an ordinary literate, as appeared from his talks. He does not do any work, his sons are working. He is not an office – bearer in the Babri Masjid Action Committee. Everybody who takes interest in its work is its member. I know Hazi Mehboob but I don't know how far he is educated. I don't know Farukh Ahmed Sahib. I don't know any Yasin, resident of Rai Ganj Ayodhya. I am also not acquainted with Abdul Rehman Sahib. It is known to me, who is Abdul Rehman Sahib. It is not known to me, who in Abdul Rehman s/o Sayyed-ud-din resident of Ibrahimpur.

I have never seen any picture of animal's birds or humans inside or outside of any Masjid. I have no right to declare any such place as a Masjid or otherwise. But generally it is not in the building of any Masjid. I can't say anything, if a building with pig's statue can be converted into Masjid or not. It is correct that according to Muslim religion pig is considered as an unholy animal. As far as I am concerned I will not hesitate to recite Namaz at a place where there is any statue or picture of any pig because Namaz is related with prayer and veneration. As far as my knowledge goes the ground becomes pious when it's dried up and Namaz can be recited there. With the presence of any statue or a picture of animal, even if it is that of a pig, the place does not become unholy; its piousness is not affected at all.

Question:-Will any common Muslim recite a Namaz at such place or not?

Answer:- In this regard I won't be able to tell about common Muslim.

Whenever I went to the building in dispute I found the northern gate closed, this building was surrounded by walls from all sides. I do not think that if in any building there is hearth, chakla, belan or which are revered by Hindus cannot be a Masjid. But it's not as if idol worship in a Masjid is considered proper. Piousness or reality of a building is not affected with the presence of anything. It is not necessary that for a common man the presence of Minars would be essential to identify a Masjid. The identification of a Masjid is that it should be a Masjid and there should be a place for making prayer. There is a place for making prayers in homes also, but homes are not called Masjids. Masjid is a place where prayers are made in a group. Masjid cannot be constructed without the consent of the owner of the land or building. If Namaz is recited continuously without the permission of the owner of the building, that place will not be regarded as Masjid. However I understand that it would be against the Quran Sharif to recite Namaz forcibly without permission in any ones building.

I have not gone to 'Haj' so far as I know Hazarat Mohammad Sahib got a Masjid constructed for the first time in Madeena. Before that he had recited Namaz in Khane-Kaba. Statue were placed in Khane-Kaba, yet he recited Namaz there. I won't be able to tell you the reasons, why he made a separate Masjid constructed for all Muslims and there was no statue in it. I cannot say whether Minars were there on that Masjid or not.

In group Namaz recited everybody stands closely with shoulders touching each others, for doing Sajda (kneeling down in reverence) about two and a half feet space is left vacant, ordinarily there is difference of 2 ½ ft between the lines. When the number of people in Namaz is increased the lines are made smaller, it is for the distance on the front. The group Namaz reciters line can be extended outside the Masjid also. A Masjid can also be built in graveyard. There also the group Namaz can be as it should be. I won't be able to tell that people who say that a Masjid cannot be built in graveyard or group Namaz cannot be recited there, are correct or not; but certainly I have seen Masjids in graveyards.

In Muslims there are 3 sects named – Ahmadia, Bohra and Memon. As far as I know no one from these three sects is Complainant in this case.

It is wrong to say that I have never gone to the disputed property. It is wrong to say that I was engaged as a advocate in this case so that I could separate myself from it at certain point and after that I could be presented as a witness, in view of my social status. It is also wrong to say that I have never gone to this disputed property or place neither recited Namaz nor naflye.

[The cross-examination by Shri Ved Prakash Advocate on behalf of Shri Dharam Das concluded.]

XXX XXX XXX XXX

The cross-examination by Shri Veereshwar Dwivedi Advocate on behalf of Shri Umesh Chandra Pandey:-

In BA my subjects were Urdu, Political Science and History. I have studied Quran Sharif in madarasas, but did not study Arabic language. I started my education from Madarsas. I think I started my education when I was 6 years old. I started my education in the madarsa named Hanifi Latifia Madarsa located in Masjid Tat Shah, it's correct that I have been connected with Masjid Tat Shah in one way or the other. My father also took initiative in its construction. It is correct that in Faizabad it is the largest Masjid of Sunni Muslims. It's correct that this Masjid is at a distance of about 100 yards from my house. The minority institution 'Forups' intermediate college is located in our Mohalla. I am not in management of that college, but I was related with its management for very long time. This college might be at about 50-60 yards distance from my house. On the east there is the graveyard, close to the college, but it is after crossing the middle road. Those who die in our family are laid down in the graveyard of Bari-Bua. That graveyard is at a distance of about 2 – 2 ½ miles. In Tat Shah Masjid all the five times Namaz as well as the Friday Namaz is held. It is correct that Babri Masjid and the graveyards close to it might be about 5 – 6 miles distance from our house. Hazarat Sahib was circumcised and common Muslims go to recite Fatiya in graveyard and naflie in Masjid in the night of Shabe-barat, it is done in home also, therefore I had gone to the disputed property.

It is correct that there is a graveyard in Vazir Ganj near police lines and nahar-bagh in the town of Faizabad. Except these there are other graveyards also in Faizabad town. I went there also to recite Fatiya. Earlier I was not asked about my going to these graveyards, so I did not tell. In the night of Shabe-barat I used to go to the graveyards to recite Fatiya about every time in both the

towns of Faizabad and Ayodhya. Fatiya is recited for the peace of the souls who are dead.

No such things came to my knowledge that before December 1949 tragic incidents Hindus threw stones or shoes on Namazies or put up hindrance in their Namaz. The place in Babri Masjid, I used to go to recite Fatiya, there were numerous graves adjacent to each other. Towards south there was graveyard close to the Masjid wall. The eastern graveyard was at about 30 – 40 feet distance from the boundary of the Masjid. On the eastern and southern corner there was the well from where water was brought for doing Wazu. This well was located in the graveyard itself. I won't be able to say if any body tried to dig another well outside the graveyard and take water for Wazu or not. The graveyards were only on 3 sides and not on 4 sides of the Masjid. There was not any graveyard directly in the western side.

I have heard about the Shilanyas it was held on 8 or 9 November 1989. I am sure about the year 1989, but the date may differ. I have not seen the place where Shilanyas was done. It was done in plot no.586. I came to know about it when D.M. sahib sent a letter to me, as I was related with the Babri Masjid action committee. I was called in Kotwali (Police station) and given the letter, hence there was no scope of any doubt and that is why I did not testify it.

I don't remember whether I read the claim petition or not, upto the time I was engaged as advocate by the Complainants. I don't remember now what was written in the petition filed for making changes in the claim application, I have not tried upto this date, to know about it. When I received the letter from D.M. Sahib, then I was

told that plot no. 586 was also included in the plots of schedule property. I won't be able to tell you why I did not ever try to know the area and plots of the disputed property and land. It is wrong to say that I wanted to remain the leader by instigating religious feelings, without doing anything.

I had given my statement on 29.11.1996 in this very court, in which the graves on the west are mentioned. In fact these are located on the south-western corner. It is wrong to say that I am giving false statement and I forget what I have stated earlier. (Volunteer : that my memory is weak. This weakness has started since 1986.) It is correct that now I sometimes forget the names of my sons also. I have 5 sons, I recognize them. From that very time i.e. from 1987 my vision has also weakened. I was hurt in my head at that time.

Ganje-Shaheedan was on the east-southern corner of Babri Masjid. I won't be able to tell about the people who sacrificed their lives there and which occupation or cast they belonged to. I would also not be able to tell whether they sacrificed their lives before construction of the Masjid, or during the construction of walls or after completion. Ganje-Shaheedan would be at about 40 – 50 feet distance from the outer wall of the Masjid.

I knew Dr. Shafeeque. He is now dead. He lived in Taksal and his clinic was in Mohalla Rakab Ganj. Taksal was other Mohalla but his house about 50 steps from his clinic. The house was towards south and there was a way from inside his clinic to go to his house. There is a mosque on the back side of his clinic, beside it. Dr. Shafeeque was a British type man but very faithful to Namaz. He was also Sunni. Tat Shah Masjid is at about

200 – 250 yards from Dr. Shafeeque's house. The Masjid of Sunni people in chowk-Khas is famous as Hasan Raja Masjid. The distance between Tat Shah Masjid and Hasan Raja Masjid would be 50 – 70 yards. There are one more Masjid of Shia people, known as moti Masjid at a distance of 100 yards from Tat Shah Masjid. There is a residential locality of Shia people at a distance of 3 or 4 hundred yards from Tat Shah Masjid, there is an Imam Bara also with a Masjid in it.

I know Syed Murtaza Hussain very well; He is Shia. He is a learned old man of honor and a status in society. It is correct that he goes to the Masjid of Shias twice in a year, reads 'Mazlis' and goes in a proper dignified way. I don't know if he goes to Ravindralaya on the occasion of Raksha-Bandhan and gives lecture on Hindu – Muslim brotherhood. It is not so that any Sunni does not go to the place where he reads 'Mazlis'. I have never gone to any of his 'Mazlis' but my elder brother who was his class fellow used to participate in Muharram with him.

The birth and death of Hazarat Mohammad sahib had occurred on the same date. The celebration on this occasion is called Id-Mialdul-Nabi. Now a rally is organized on this occasion in Faizabad town. It is correct that in 1963 or perhaps in 1975, probably it was in 1973, when the rally was taken around for the first time, a few persons were arrested also, the pleader Abdul Aziz Farukh was also arrested. After the tension between shias and Sunnis was settled the organization of rally reinstated. I cannot say the reason why no Shia became claimant and why only Sunnis took part in it. Probably because Sunni Waqf board was also involved. I would be able to tell you after seeing my vakalatnama only whether I was engaged as a advocate by only private claimants or

by the Waqf board also. But Sunni Waqf board had never paid me any fees. None of the claimants also gave me any fees. It is correct that I am advocate without fee, who does not have any knowledge of claim petition, Answer petition or any issue of this case.

Maulavi Abdul Gaffar lived in Vashishtha-Kund of Ayodhya; he had a house in Kaziana also. I know about his two houses only, I don't know about his other properties. I don't know if he did anything else before except Imamat. Later he had a saw machine and wood business. When I went to Babri Masjid for the first time, I was quite grown up. (Again said, "I went there for the first time during day; this was the last time also"). During nights I went there for 4-5 days on the occasion of Shabe-Barat. Arrangement of light was done there during Shabe-Barat. Lights were put up in graveyards and Mosques also. With lights, I mean earthen lamps (diyas) with oil in them. It is wrong to say that I never went there at all. It is also wrong to say that with this case I became a leader. In fact I am not a leader.

There is a Jinnati masjid in Faizabad; its mutwalli is Mr. Jaleel Baba. I can't say that he was earlier a member of Anjumane Raheen and now he has become a Baba. It's wrong to say that Namaz was not recited in Jinnati Masjid. Full name of Jaleel Baba was Abdul Jaleel Sahib. It has not come to my knowledge that he was blamed of misappropriating the Masjid money and there was a proposal to remove him from mutwalli-ship. Perhaps it was in 1990, when Commissioner Sahib called me in the matter of violence.

I have not submitted any application in this court to take back the power of attorney of my advocate ship in

this case. I never gave any such written notice to my clients. I had separated myself from this case according to my facility. I did not try to know whether it was proper professionally or not. Perhaps Babri Masjid Action Committee was formed in February 1996. The word Galiban (perhaps) is not my 'Takiya Kalaam'. "I became chief of Faizabad munch in 1987". This committee was not registered in Faizabad, I cannot say if it has been registered at any other place or not. I was elected as a chairman in a meeting called for this purpose. The Muslims of Faizabad had held a public meeting; the people attending that meeting had elected me. These people had assembled there in regard to the meeting of Action Committee. There are no rules or regulations for becoming members of the Action Committee. In my election meeting about 1000 people had assembled. I cannot say whether Mr. Munir Ahmed Qureshi was present in that meeting or not. It is correct that Mr. Qureshi has been the principal of Fabris School. It is correct that on his becoming Principal, litigation with the managing Committee went upto the High court (Himself said that litigation had started on objection from a teacher.) it is correct that the litigation of Mr. Munir Ahmad Qureshi with the management is continuing even now. In the beginning Qureshi Sahib was the convener of Babri Masjid Action Committee. His presence or absence in my election, meeting is not in my memory, and it is not intentional. (Volunteer : that he had himself resigned from the Action Committee before that meeting.) it is not correct to say that Qureshi Sahib or other hon'ble Muslims had boycotted that meeting. It is wrong to say that I managed diplomatically to usurp this post.

My late father did business of selling bangles and was also a transporter. His bangles business was in Nepal

and transport was also there. Two of my elder brothers had bicycle shop. Now both of them are dead and their children look after their business. Basically we are related with Manihar caste.

I have heard that settlement numbers and Nazool numbers are different. I have not tried to find now whether Babri Masjid Action Committee is a registered organization at All India level or State level or not. Its office bearers are elected through election meeting; there is not any written procedure. Meeting is called by the Convener with the permission of the Chairman. It is correct that I am the chairman of such an organization which is not registered. There is an Anjuman named Anjumane Muhafiz Makabir and Masjid not in Faizabad but in Ayodhya. I don't know how this Anjuman was formed. I don't have any connection with it. I have no knowledge of its activities or objectives, but it appears from it's name that its work is to look after the security of Masjids and graveyards. The present Chairman of that Anjuman is Hazi Mehboob, he is known to me but is not my friend. We have no family level acquaintance.

I work as chairman of the Faizabad branch of Babri Masjid Action Committee on its behalf. The instructions received from Central Committee are also acted upon. The Central Committee is in Delhi. Sultan Salahuddin Abaisi, who hales from Faizabad and who is a member of parliament, is its chairman. I have never discussed with him any thing related with any difficulty or compulsion because our organization was not registered.

I started taking interest in Babri Masjid Action Committee to raise voice against atrocities. It is correct that when I came to know that Babari Masjid Action

Committee had been formed in 1986 to raise voice against atrocities, I also joined it. I knew about such atrocities even before 1986. By that time I did not raise voice against it because I believed that the case was in court and justice will be done, and decision will be made correctly. In 1986 we felt that the decision of the court will not be just because even after petition was filed, order was passed emotionally, without hearing us. I have not filed any application myself, but I came to know that petition was filed in the court. It is correct that I was aware of the fact that after a few days of courts order a writ was filed in high court to challenge it. I think Babri Masjid Action Committee was already formed before the writ was filed in the high Court. This order was passed by the district court on 1st February, 1986. I won't be able to tell the date on which writ petition was filed. It is correct that the writ was filed within a week of the order passed by the district court. In the meanwhile Babri Masjid Committee had Commissioner in existence at provincial (suba) level, and I had joined to fight against atrocities.

Question:-Did the atrocities on Muslims between the year 1949 and 1961 come to your knowledge or not?

Answer:- Placing statue is regarded by us as atrocities and thus it was in my knowledge.

Placing any statue in a Masjid is treated as atrocity and crime also. We consider the matter of demolition of temple as crime. We consider any act of demolition of a place of worship or prayer a crime and atrocity both. I have gone to Babri Masjid twice after December 1949, once in 1990 when people were killed in firing and next time when survey was done. Before that I went there during day on the last Friday Namaz on 22 – 23 December, 1949. After that Friday Namaz I went in this

Masjid for the first time in 1990. In between whatever incident occurred, I did not see myself. It is correct that on hearing from people I came to know that atrocities were being done. (Volunteer :, this thing reflects from the court's order passed in 1986.) The order was passed on 1st February 1986 without hearing us and the door was unlocked to facilitate Darshan. We were neither pleased nor displeased because the door was locked, but it was wrong to allow one party to take glimpse (Darshan) on deity, by unlocking the door without hearing the other party. We felt injustice both in the courts as well as the local administration's decision.

It is wrong to say that on state level Babri Masjid Action Committee was not formed between 1st and 7th February 1986. We did not form our Committee to start agitation; rather we tried to raise our voice remaining in the limits of law and customs. According to my knowledge there had never been any dispute regarding this Masjid before the incidence of 1949. I had heard that in 1950 or sometimes after that some agitation was raised in which police arrested some persons, some houses were also attached. Some persons were also punished. It was also an eruption against the atrocities. At that time I was a student in a school and college. It was not proper for me to join it. I recited Namaz Fatia, but I was not involved in agitation. It is wrong to say that I did not join it out of fear of being arrested. After 1992 a call was made. A group of people going from Idgah of the city Faizabad to Babri Masjid because one party was allowed for Darshan and we were prevented from going there. I also had joined that group. It is wrong to say that the other party were given the right to 'Darshan' since 1950, may be the Darshans were performed with the order of the court, but It would be wrong to say that we were going in a group against the

order of the court. The court had never prohibited recital of Namaz by any order. I don't remember, in fact I don't know that the receiver used to sit there but it is certain that the court had appointed someone as a receiver. Might be that under the surveillance of that receiver Darshan was being organized and Namaz could not be recited. It is wrong to say that we were taking the law in our hands in the name of raising voice against atrocities. When I went inside the Masjid to recite Friday Namaz in December 1949 then I was standing towards the south in the middle of inner Sahan. It was Friday Namaz and there was great rush; about 400 – 500 people were taking part. I went there after doing Wazu in my sister's house. I went there with my brother Mehmood – son of my sister. My sister's house was in Rai Ganj. The in-between distance would be about 2 Furlong. When we started from our sister's house and reached Babri Masjid there was no chance for breakage of Wazu therefore we did not do Waru again. When we reached there – Kutba was going on, we joined it recited Namaz and come back to our house we did not go anywhere else in between. It is wrong to say that nothing like this happened or we did not recite Namaz.

In 1990 when I went to the Babri Masjid, curfew was imposed there. The city magistrate Sahib took me along with a few of my friends to some places himself. I don't remember the name for the city magistrate. We had reached the place at 10:40 in the night. Commissioner Sahib had sent the magistrate and me on the spot, perhaps the name of Commissioner sahib was some Garg or Gupta. From Babri Masjid we went to the office of a daily news –paper – 'Jan-Morcha' in Faizabad along with the city magistrate. We had observed on the spot that wall was broken but the inner wall was not damaged at all. Some statues were kept on the member inside the Masjid

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and in front were something like a throne. Except that the condition of the building was same like as it was before the incident in 1949. When we went on the spot to see babri Masjid, Commissioner Sahib had already informed me before hand that there was some demolition in the wall and he would get it repaired and he had already ordered for it. DM Sahib had also made us convinced about it. DM Sahib had given us this assurance on the spot in Babri Masjid itself, therefore I issued the statement that the building of the Masjid was not damaged at all. I do not consider the boundary wall is a part of the Masjid. I think it is a part of its boundary. The demolition had been done in the wall with window in the boundary wall which I don't consider a part of the Masjid but in my opinion it is included in the boundary. The first gate of the Masjid was made in the wall that is on the eastern side of the wall with window.

Verified the statement after hearing

Sd/-

Mohammad Unus Siquqi

2.12.96

It may be put up for further cross-examination in continuity on 03.12.1996.

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

Sd/-

2.12.96

03.12.1996 (In continuation of date 02.12.1996)

This statement under oath by PW – 6 Mohammad Unus Siddiqi continued today dated 03.12.1996:-

There was a wall from north to south towards the east of outer courtyard. Damage was done to terrace inner wall which was connected with the portion of the Masjid. That wall was not part of the building of Masjid. In the statement issued by me it was said that there was no damage to the Masjids building. It would not be correct to say that there was no relation to my statement from the assurance given by the Commissioner and the D.M.

Hashim Sahib is not my friend but our acquaintance is old. Enmity is certainly not there. I went to his house in 1992 for the first time when I came to know that his house was demolished. I won't be able to tell if Mr. Hashim has proposed my name in the court of Faizabad to make me a receiver of the disputed property. I did not get any information from the board in this regard.

When I used to go to grave and tombs near this property to recite Fatiya on Shabe-barat; I also went to the grave of Bari-bua (elder sister of my father). Naflye is not recited on tombs, Fatiya is recited there; naflye is recited in a nearby Masjid or in house. It takes hardly 5-7 minutes in reciting 'Fatiha' at one place. Incense stick and mustard oil lamp is lit. I burnt only incense sticks; I did not light any lamp.

The distance between Ram Kot and Swarg Dwar could be about 2-2 ½ furlong. From Singar Haat to Raanopali where the tomb of Sheesh paigambar is located would be at a distance of around 3-4 furlong. It is wrong to

say that these distances are appearing less today because of some special reason. Infact, it is my guessing, there may be something more or less in these distances. It is correct to say that in the night of Shabe-Raat we came out of our house and remained busy in this work for almost the whole night. This process started since I was 12-13 years of age. I was probably reading in class 4th when I went there for the first time. I had stated in my earlier statement in the court that for the first time I went to recite 'Fatiha' 10-12 years before the incidence of 1949, it might be due to some misunderstanding. But infact when I went to recite 'Fatiha' for the first time I was 12-13 years old. It's wrong to say that I did not give the statement without thinking, but it's possible that I may have made some mistake. I was born in 1932.

No such thing is in my knowledge that one month before the incidence of 22-23 December, 1949 Bairagies had assembled on the spot or they had announced their intention to place statues publicly. I won't be able to tell you that 10-50 Bairagies kept on sitting there permanently, always in search of an opportunity to do so. I also won't be able to tell that it was a jungle-raaj (might is right) there from one month before this incident. When I went there to recite Friday Namaz during day on the last Friday of this incident there was no hindrance or disturbance of any type. I felt as if there was no tension at all. Since it was my first chance of reciting my Friday Namaz there I can't say whether same number of people went there for Namaz earlier also or that day people had gathered there in extraordinary number or there number was related with the alleged tension.

I won't be able to tell if the entire Masjid or its certain portion or some place or land apart from the

Masjid was attached. I have not seen any roof towards north after going inside from the main eastern door of the Masjid. At that time there was no weakness in my vision. Since I did not see the roof there I cannot either confirm or deny whether Hindus used to sit there under that alleged roof.

I cannot say anything about the existence of that alleged roof.

Question:-If anyone gives the statement that there was a long roof towards north and Hindus used to sit there, this statement will be right or wrong?

Answer:- My right eye is infected due to small pox since, 7th year of my age I cannot see any thing with it, for this reason I won't be able to tell you whether there was any roof or not. I cannot see towards the right, nothing is visible to me towards right.

Hazart Mohammad Sahib had recited Namaz in spite of the presence of statues in Kaba Sharif, upto that time he had not gone after doing Hizarat from Kaba. I won't be able to tell about his age at that time but it would be more than 40 years. His first marriage took place in Mecca Sharif with Begum khadija. In my opinion he got the realization of Quran Sharif after his marriage. I won't be able to tell whether he recite the above mentioned Namaz after his marriage or before his marriage. I won't be able to tell if the process of reciting Namaz was started before his realization of Quran Sharif or after. It's not in my knowledge that I have made any wrong statement and so far as I understand it is correct that he recited Namaz even in the presence of statues. In my knowledge there is not any such thing that he had announced after reaching

Kaba Sharif that all these statues of Gods of tribal people should be removed and the place should be cleaned and arrangement for reciting Namaz be made. I won't be able to tell you what is there at present at the place of the birth of Huzoor Mohammad Sahib. I know about Hazarat Bilal, Huzoor Sahib had honored him with giving the very first Azam (call for Namaz) in the world. I cannot say what is there on the mosque of Hazarat Bilal in Arabia. I cannot say if there is a police chowki these days at that place.

It is wrong to say that I had given such wrong statement with the motive to become a leader that I had left the work for this case from 1965 or I told so with the motive to enable me to stand witness in this case. It's not correct to say that I keep on changing my statement for my convenience without attaching any respect to my oath.

(The cross-examination by Shri Veereshwar Dwivedi on behalf of Umesh Chandra Pandey concluded.)

(The cross-examination by Shri Madan Mohan Pandey on behalf of Paramhans Ram Chandra Das.)

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I won't be able to tell whether the Complainants had taken back the Vakalat-nama given in my favor or not. They did not prohibit me from pursuing this case but they did not come to me in connection with pursuing this case.

So far as I remember my neighbor Sayyed Hussain sahib had taken my signature by sending the Vakalat-nama to me, the claimants did not come to me. Those days I was practicing in criminal court. I won't be able to

tell if the Action under 145 CRPC of this property was also being taken during those days.

As far as I remember I went to this place and property only once in connection of the work of survey commission. I won't be able to tell in which year this survey was done, it occurred in 1990-91 or not, I don't remember. I won't be able to tell you as a guess also how many years before this survey was done. I don't have any knowledge if any other commission was appointed for this land or property or not. It's not correct that I went in the survey proceedings with an intention to pursue the interest of claimants. I came to know that Mannan Sahib, Jilani Sahib and Mushtaq Sahib had come there; there for thinking that I would be able to meet them, and I will visit the place also, I went there. As far as I know this survey was to be done in regard with the masjid. It's correct that surveys done on the basis of number only. It's correct that survey commission went there to measure the disputed area. I won't be able to tell you whether the commission made survey on the basis of the number of 'Nazool' or those of settlement. I think they have both the numbers. I don't have the knowledge of all the Nazool and settlement numbers of the settlement land; I know only a few of them. I won't be able to tell the total of these numbers. I don't have the knowledge about the total area of the disputed property or land of this case. But I have the knowledge as to what is the bone of contention between the two parties, but I don't know the total number of the claims.

I don't have the knowledge, that Gopal Singh Visharad or Paramhans Ram Chandra Das have filed claims in this regard. It is in my knowledge that the case in which I was engaged as a advocate was in this regard. This claim was filed in connection with the Masjid. I won't

be able to tell you what was specified in this claim but it was certainly for restoration the Masjid.

I have the knowledge of the boundary (outer 4 sides) of the disputed property. There was graveyard on its east, on just west there were fields, towards north it was graveyard and on the south also there was graveyard. I won't be able to tell you whether the dispute was only regarding the land inside this outer boundary or not. I did not go to Ayodhya to recite Fatiya since last 5 years, before that I have been going there regularly but I did not go in the graveyard of Babri Masjid. In 1949 when the placement of statues was done after that only I did not go to the graveyards to recite Fatiyas. I won't be able to tell you the reason for that. I cannot tell you if it was prohibited to go there or not, but may be I did not go there out of fear. I don't remember whether there was any inner northern wall in the portion with dome or not, but it is certain that there was the outer wall of the Masjid on its north. I won't be able to tell whether the northern dome was based on the same outer wall or not. There was space between the wall with dome towards south and the southern outer wall. In that space there was a terrace (chabutra for doing Wazu and there was urinal in one side. There was not any door in the main building. Arcades (Mehrab) were made for entering and coming out, I think these were 3 in number. The portion with dome had pucca (cemented) construction. I had not seen, but it is said that It was constructed with Lakhori bricks and lime. I did not take notice if stones were also used in the construction of the building, the walls or the domes. It is correct that the arcades, I have mentioned above, had stone pillars. I won't be able to tell whether each arcade had four pillars or not. When I went on the spot with city magistrate in 1990, I did not pay much attention, but I felt

that the pillars were fixed there. I won't be able to tell whether the same types of stones were set in both the side of the main door of the eastern outer wall or not. I think when I went in the Babri Masjid for the first time and when I again went there in 1990, there was no change except placing of statues on the member and the throne. There was no time or occasion to pay more attention to these things. When I went there in 1990 I had seen the chabutra towards south in the outer Sahan, I had also seen thatched roof over it. I had seen some change in them, at that time stones were fixed on it and these were not present in 1949. At that time I did not go to the north, I had seen the damage after going inside. I had seen the broken wall with windows, that were fallen there itself, I saw it in between the northern dome and outer wall towards north. I did not notice any damage in the wall on the northern side of the dome. In 1990 I went inside the dome towards north also. From that very place we started the inspection. We did not go outside the north wall of the dome. I did not notice any wooden temple in the roof in southern portion as mentioned above. I cannot say, when I saw that roof before 1949, who were the people who used to sleep there. I won't be able to say whether the people who slept were Hindus or Muslims. I did not try even to know about it.

The type of pillar I have stated in the portion with dome, I have seen only in Ayodhya and Faizabad, not anywhere else, neither in temple nor in mosque; I had seen only two pillars in front of the office of the Board cantonment. Those pillars were kept there, not fixed. I saw those pillars in 1988 or 1989 when 2 research scholars – a gentleman and a lady, had come from Delhi University and had taken me there along with them.

In 1990 when I went to see this Masjid, Sajjad Sahib was also with me. Hafiz Sahib, Khalik Sahib and Ziauddin Sahib were also accompanying us. There was no occasion for me to go towards Babri Masjid, graveyard or Ganje-Shaheedan between 1949 and 1990. When I went there in 1990, I did not see the graveyard or Ganje-Shaheedan. I had recited Fatiya for the last time before 1949 when statues were placed. I don't remember whether it has come to my knowledge that statues will be placed there, or not. I know about placing the statue for the first time on 23rd December, 1949. I have given this statement that before the placement of statue it was being discussed among people that such effort will be made. I won't be able to tell since how many days this topic of discussion came to my knowledge. I did not know particularly who placed the statue, however, I was aware of the information of placement of statue.

I have recited Namaz under the Imamah of Shia Imam. The only difference is that the Shia people recite Namaz with unfolded hands and Sunni people close their hands while reciting Namaz. I have recited Namaz in Shia Masjid in Chowk and also in the Masjid of Imambara. (Volunteer : on the occasion of Holy Milan normally we recite magrib Namaz in chowk Masjid only. Shias may recite Namaz under the Imamah of Sunnis and Sunnis may recite Namaz under a Shia Imam. If any Hafiz or Maulavi says that Namaz can't be recited in this way then I will declare him wrong. There is no such prohibition even according to the Muslim religion.

I know about the Babri Masjid Coordination Committee, formed in 1987. I don't have any connection with it. According to my knowledge it does not have any branch in Faizabad. Perhaps Shabuddin Sahib and his

friends have formed this Committee, which is a parallel organization to Babari Masjid Action Committee. It has also been formed to raise voice against atrocity. The objection of both the committees is the same. It is correct that Babari masjid Hazarat passed a resolution in 1986-87 in which this committee had decided to boycott the republic day function of 1986-87. Babbri Masjid action Committee did not celebrate republic day function but I myself celebrated this function in Forps Inter Collage. It's correct that Babri Masjid Action Committee has been taking interest in this case and doing full efforts, but it's not taking any part in the proceedings of this case, because even after the claim of Sunni Central Waqf Board no action was being taken to restore the Masjid, and it was allowed to be unlocked wrongly. This is why' Babri Masjid Action Committee was formed. There is nothing in my knowledge that Babri Masjid might have taken any legal action related to it since 1986 to date.

Rath yatra was started perhaps in 1984 and not in 1986. But this yatra was stopped after the death of Mrs. Indra Gandhi. In my opinion these yatras were stopped at their own. I am connected with Babri Masjid Action Committee since 1986. I got the information about the actions being taken through newspapers. I thought these information through newspapers were sufficient, so I did not feel it necessary to contact the claimants or their Advocates regarding this case.

I have not read Babri-Nama. There was not any mention of Babri Masjid in the Hindi Books of history prescribed in my course. Since I belong to the same place, I knew about Babri Masjid. I don't think, Babar was some Sufi Saint. I cannot say if Babar came to Ayodhya or Faizabad at any time or not. It is wrong to say that I never

went to Babri Masjid. I won't be able to tell if on the north of the portion of Masjid with dome and inside the boundary wall footprints, belan, chakla or hearth were from the beginning, or these were being worshipped. I won't be able to tell whether Hindus have always been visiting that place.

It is not so that Hindus have been worshipping in the roof in outer Sahan towards south or this place was being visited by Hindus continuously. It is wrong to say that any Muslim did not go there to recite Namaz after 1934. It is wrong to say that I am giving any false statement because I am the secretary of Babri Masjid Action Committee, Faizabad. At present the convener of this Committee is Mr. Wasi Advocate. He is the convener since the time I became the secretary. Earlier I was the convener and before me Munir Ahmad Qureshi was on this post. Mr. Moiuddin Ahmad Siddiqi Advocate has also been taking part in our committee. As far as I know he was never a convener or the secretary of our committee or secretary of any other committee. He has also been a pleader of the claimants in this case.

[Cross-examination by Shri Madan Mohan Pandey Advocate on behalf of Paramhans Ram Chandra Das Concluded.]

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

XXX XXX XXX XXX

Mohalla Reed Ganj is in Faizabad, there is police station also. My hereditary house where I was born is also there. Ayodhya might be at a distance of about 5 miles

from here. I started my education from a Madarsa, after that I studied in Hyder Ganj Govt. High School. I recited Fatiya in Faizabad, in Ayodhya and in the graveyard of Bari-Bua also. I recited Fatiya on unknown graves also and on the graves whose names were known to me. I recited Fatiya with their particular names such as Shah Ibrahim, Shahde-Mazar Nuagazi, Sheesh Paigambar, Bari-Bua where my grandfather, grandmother, father, my elder brother, Bhabis buried; I recited Fatiya with their names.

I don't know as to whose graves were there in the graveyard in front of Babri Masjid, Name of only one person is known to me, he was called as Quazi Qidwa. That graveyard was adjacent to the disputed property on south, but was at a distance of 20-25 feet and was on south – west and north. I read Quran Sharif, but since I do not know Arabic language, I do not understand it. I have read the Urdu translation of Quran Sharif. It is correct that in Quran Sharif there is not any instruction to recite Fatiya on any Mazar after going over there. Muslim is bound by the guidelines given in Quran Sharif. A Muslim cannot do anything contrary to the guidelines. I have not studied any Hadees.

I won't be able to tell you the number of pillars supporting the building of Babri Masjid. In fact we had seen that building erected on walls and not on pillars. I won't be able to tell the total number of pillars in Babri Masjid. Whatever pillars were there, their height was about 5 -7 feet and width about 9 inches. I did not mark whether the pillars were whitewashed or painted or not. Some pillars were black in colour, I cannot say about the rest. I won't be able to tell if there was any other colour on the pillars or not. The pillars were straight; I did not see any curve or tilt on them. Pillars had carvings on them,

lines were drawn and carvings were ordinary. In the carvings somewhere it was white and somewhere it was golden but in them human figures was not present. I did not see any Kalash also in any pillar. In my memory any sign of lotus flowers is also not coming that could be in those carvings. I remember very well that there were no statues of Hindus gods and goddesses on them. I have not seen that place where it was locked in the property in dispute. When I had seen in 1990 for the first time, the statue was placed there I remember. Before putting the lock I did not see any idol in the compound of the Masjid. After It was locked I saw the disputed property in 1990 only.

In 1986 when the lock opened I did not go to inspect the disputed property, leaving the law and custom only on the basis of feelings. The Babri Masjid Action Committee was formed keeping in view the decision of the court in 1986. The first meeting of this organization was called in the first week of February 1986, in Lucknow, when it was formed. This meeting was held in Rine building i.e. perhaps on Laoutche road. I won't be able to tell whether only Muslims attended this meeting or people from other communities also participated in it. This meeting was called by 2 – 3 persons but I can't tell their names. Perhaps mannan Sahib was not present in that meeting but Jilani Sahib and Mushtaq Siddiqi Sahib were certainly there. In that meeting it was not decided to fight for the finish but decision was taken to restore the Masjid by making efforts in the limits of laws and customs so that the young blood might not go astray. It was wrong to say that this property was in possession of Hindus in 1986; in fact it was in possession of the court. But I have certainly heard that the arti and worshipping of idols placed in the Masjid was being done at that time also. This process

started in 1949 after the idols were placed. In 1949 when the statues were placed a meeting was held in Tat Shah in this regard and a committee was formed. I won't be able to tell you the name of that committee. wafad of the committee was sent to the DM Sahib and Delhi also. But I wouldn't able to tell whether any written application was filed in any court or given to any office or not. By that time my father was dead, if my uncle submitted any application, I can't say.

At that time of filing this case I was not involved in the preparation or drafting of the claim petition. On the day claim petition was filed I was present. [At this point the learned advocate drew the attention of the witness towards the map (Naksha-Nazri) attached to the claim petition]. I have seen the map in question, I cannot say if it was attached with the claim petition at the time of filing it in the court or not. By looking at this map I won't be able to tell the spot where the disputed property marked or not. In my opinion a disputed property was on Nazool number 583 but I cannot tell you it's 'Khasra' number. I cannot tell the settlement 'Khasra' number of this property. The graveyard was only on three sides of this property and not on all the four side. It is correct that the map enclosed with the claim petition indicates graveyards on all the 4 sides of the property in dispute. I think that this map is wrong, because the graveyard was only on 3 sides. There is no signature of any claimant, but I can't tell you any reason behind it.

I cannot tell if the Masjid got any kind of grant at any time or not. Sarvashee Mohammad Ayub, Rehmat Hussain, Mohammad Yahiya Siddiqi and Sayyed Munir Sahib also were the advocates of the claimants in this case. These lawyers were the members also of the

committee formed in 1949; this committee has already been mentioned earlier in connection with the meeting of Tat Shah.

I had gone to Hanuman temple in Hanuman-Garhi along with my senior. When it Namaz time, I came out of the temple and recited my Namaz there going a side. But it is not allowed to a Hindu to place idol in a Masjid and do worship there. I cannot say about any other Muslim but personally I say that if any Hindu stands by my side in the Masjid and recites Hanuman-Chalisa, Ramayana or any other prayer without placing any idol I will have no objection.

Whenever Babri Masjid Action Committee needed fund, we collected money among ourselves. We don't have any permanent fund. Common Muslim is not in a position to give a donation. Collecting donations from ourselves means the members of the committee and those persons who are wealthy. The branches of Babri Masjid Action Committee are in almost all the districts of U.P. In each district fund must have been collected for different issues. Babri Masjid Action Committee takes interest in this case, in the need of any expenditure we collect money and arrange for that expenses. We meet the expenses of the advocate who came from outside. We make on the arrangement for the witnesses coming from outside. To arrange for the expenses on witnesses is the duty of our committee. I won't be able to tell you the reason why Muslim did not file any case regarding this property from 1949-1961. A stone was fixed on the member of the Masjid on which it was written that on the order from Babar it was constructed by Mir Baki. I remember it but I won't be able to tell you word. This stone was fixed on the member and Imam used to stand

beside it. The stone was on the right hand side of Imam Sahib. This text was in Farsi. I have learnt Farsi to some extent. I had read that text. I had taken admission in Arabic College after middle class and had studied Farsi there to some extent. Except this text one more reason to consider the disputed property as Babri Masjid was this also that from very beginning we had been hearing its name Babri Masjid. Before 1949 Hindus did not call it by the name of Janm-Sthan. It would be wrong to say that they had been treating or calling it with this very belief.

I have no knowledge about the election held in 1945. In 1947 when India became independent, Hindus were very happy in Ayodhya (My self said that Hindus were very happy all over India, Muslim were equally happy). It is correct that even after this happiness, some Muslims of Ayodhya and Faizabad left India and went to Pakistan, but it would be wrong to say that most of them went to Pakistan. It is not correct to state that those days my uncle or other relations also left India and went to Pakistan. It is wrong to say that this claim was motivated to be filed by Pakistan Agencies to create friction among Hindus and Muslims. It is also wrong to say that I have come back from Pakistan in 1961 with the only motive of getting this claim filed in a court. It is wrong to say that I am giving this witness on being persuaded by Babri Masjid Action Committee or because I am the chairman of its branch. It is also wrong to say that this property has always remained in possession of Hindus or it has never been used as a Masjid. It is also wrong to say that it was always been a place of worship according to Hindu religion and customs. If it is proved that there was a temple at this place and Babar made this Masjid after demolishing it then I will think that he had done a very improper thing, but even then I will accept as a Masjid.

Quran Sharif does not permit to construct a Masjid after demolishing a temple, but if any Masjid is constructed after demolishing or even after demolishing anyone's prayer place then also it will be treated as a Masjid, through it is another thing that the fellow who does it, will have to face a very bad result. If by removing statue from a temple, a Masjid is constructed it will remain as a Masjid but if a statue is placed in a Masjid it will not be treated as a temple.

Verified the statement after hearing

Sd/-

Mohammad Unus Siddiqi

03.12.1996

It may be put up on up on 04.12.1996 for further cross-examination in continuation.

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

Sd/-

3.12.1996

Dated: 04.12.1996

[In continuation of date 03.12.1996]

Today dated 04.12.1996 the statement of PW-6 Mohammad Unus Siddiqi continued under oath:-

I cannot tell whether Masjid becomes unsacred by placing a statue in it or not. I have not read in history that Hindus have ever demolished a Masjid and constructed a temple in its place. I have also not read that Muslims have constructed any Masjid by demolishing any temple which

is wrong to say that I have never gone to the disputed property. It is also wrong to say that I have given anything false in my statement.

[Cross-examination by Shri H.S. Jain Advocate on behalf of Hindu Mahasabha and Ramesh Chandra Tripathy Concluded.]

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

This claim in my opinion was filed by Ayub Sahib. I don't remember the date of filing of this claim [The learned advocate drew the attention of the witness to the claim petition of this case]. I don't know if there was any discrepancy in the claim petition at the time when it was filed or not. I won't be able to read the courts order written in it because it is light and is not clearly visible to read.

I have seen the application placed in this file, it has been given paper no. 48A, and it is related with the application for making changes in the claim petition. This application was filed by me. There is only my signature on it; no other signature of any advocate or claimant is there. I have also seen its paper no. 48-3/5. This paper does not bear my signature or any signature of any advocate or any claimant or his thumb impression. There is no conformation of statement on any of the 3 pages of this application. I have also seen its schedule 'A'. I know plot no.686 and 583 mentioned in it, I have no knowledge about the rest of the numbers.

I have also seen the map 'Najari' appended to the claim petition; it has been given in the paper no. 2/16A.

According to this map I won't be able to tell about the location of those Khasra numbers mentioned in the above schedule.

I did not try to find out the settlement numbers of property in dispute before filling claim petition. I did not enquire about it even while filling the petition.

I did not know Gopal Singh Visharad. I could not know him even today. I won't be able to tell whether he was a advocate or he practiced in Faizabad. I won't also be able to tell if his residence was in Ayodhya. No such thing is in my knowledge that the above said Shri Ram Vishard or other Hindu leaders or public went in all the temples or Ayodhya and Faizabad for worshipping or doing Darshan or took interest in their management. The 'Janm-Sthan' temple is in Ayodhya; I also know about its location. It is wrong to say that the Hindu public considers the property in dispute as the birth place of Shree Ram, or it has been coming to this place to do worshipping in this behalf. It is wrong to say that Hindu public from all over the country considers the middle portion of the disputed property as the birth place of Shree Ram or considers it the Garbh-Griha (underground cell for worship) or has been worshipping it with this very belief.

[At this point the learned advocate drew the attention of the witness towards the case file no. 1/1989 – Gopal Singh Visharad versus Zahoor Ahmad etc. running in this court only.]

I have seen the map attached in the case of Gopal Singh Visharad; its paper no. is 134/5C. I won't be able to tell you whether this map is related with the disputed property or not. The building shown in this map is

encircled with A, B, C, D, and F. I can't say if the letter Q and R are indicating to such place where idols are established or where they are worshipped. I won't be able to tell if on the west and east each of the point indicated by Q in it there are 3 pillars of touch stone. I won't be able to tell you anything about east and west of the point R in the same way.

So far as I remember, there were black stone pillars below the arcades of this building. I won't be able to tell you the place of those arcades in this map. Total number of the arcades was three. As far as I remember, black stones were there under all the three arcades. I won't be able to tell you if the Darshanarthi could take a glimpse standing outside before the fallen wall with window in the inner portion, or not.

Three fairs are held in a year in Ayodhya, which are particularly popular, namely Kartik Purnima, Sawan and one more that is perhaps organized in the month of Magh. A very large fair is held at the time of Ram Navmi also. I won't be able to tell you if the number of people assembling in these fairs goes upto ten lakh.

I have heard the name of Panch-koshi and fourteen Kosi Parikramas (Volunteer : I have myself taken part in those parikramas.) The path of Panch Kosi Parikrama is on the west of Dorahi Kuan. The distance of that path from the disputed property would be around 1 ½ or 2 furlong towards west. The path of parikrama would also be about 1 ½ or 2 furlong towards east of the property in dispute. This distance on the north would also be about 2 furlong, while it might be around 4-5 furlong on the south. This parikrama is square. The fourteen parikrama is far away from Panch Kosi parikrama on outer side. Very large

number of people take part in these parikramas. The Janam-Sthan temple is not on the way of parikrama, so I can not tell whether the people doing parikrama also come necessarily to the Janam-Sthan temple or the said birth place (Janambhoomi) for doing Darshan or not. I am not acquainted with the above mentioned Rajendra Singh son of Gopal Singh Visharad who was claimant in claim case no. 1/1989. I won't be able to tell if these persons also like other Hindus, have been visiting the temples and other religious places or doing worship even now also.

(At this point the learned advocate drew the attention of the witness towards the album of coloured photos prepared by the department of Archeology, UP)

I have seen the Photograph nos. 85, 86 and 87. Photo No.85 and 86 relates to the 'entry way' on the sides. Photo no.87 appears to be of the 'entry way' in the middle. But I won't be able to distinguish as to which photo relates to the left or the right side. I won't be able to tell you whether black stones are visible in these Photographs or not. I think stone walls were fixed in the northern and southern 'entry way'.

It is wrong to say that I have never gone inside of this building. It is also wrong that I have no knowledge of the inside condition of the building because I have not gone there.

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

[Cross-examination by Shri Devki Nandan on behalf of himself and his companions, plaintiff no. 1 and 2 in relation with the claim no. 5/89]:-

I have seen paper no.48/2A connected with this case, placed in the file of Sunni Waqf board the date of 2nd January 1961 is given there. This application is regarding claim petition in which changes are included but my signature is not there on that claim petition and the changes made therein in red ink are not there from my pen, it is not in my handwriting. The short signature and date on it are not in my handwriting. I won't be able to tell who has written it. It has been dated as 03.01.1962. It is correct that the court had given the permission to make changes on 02.01.1962 in my presence. Mohammad Ayub Sahib had sent the claim petition for making changes from Lucknow which I got typed and submitted myself in court as an application. I had put my signature on my Vakalat-nama after being asked by Shri Rehmat Hussain sahib. I don't remember that claim petition was also filed on 18th December 1961 and Ayub Sahib had not done it. I guess I was present in the court at the time when the claim petition was being filed. The claim petition was given to 'Musirim', what happened after that is not in my knowledge. We came back after giving the Arjee (petition) to Musirim Sahib; in fact I did not give him the claim petition. When the claim petition was given to Musirim, I was present, after that I came back. What order was passed by the court on that claim petition is not known to me because I was not present there at that time. I was not told by Mr. Rehmat Hussain sahib also as to what order was passed by the court.

I won't be able to tell you about the place where I put my signature on the Vakalat-Nama. I cannot tell that my

signature were taken at home and brought back to the court. It is not correct that due to this reason I have no knowledge about the objections raised by the court. I cannot say that I signed the Vakalat-Nama only on being asked by Rehmat Sahib or none of the claimants had engaged me. I won't be able to tell if any claimant met me or gave me any information regarding submission of the application making change in the claim petition. Shabuddin Sahib had met me and given me the draft application and gone back. Some persons were with him, but I won't be able to tell you if any one of them was related with Sunni Waqf board. Shabuddin Sahib was only "Yakeaja" claimant in this case. I did not take his thumb impression on the application or on the text of changes or on conformation. The conformation has not been typed on the draft of the application. Conformation was not typed on the draft sent by Ayub Sahib also. Ayub Sahib was a famous advocate of civil court I did not know whether the draft of application for changes in the claim should have been confirmed or not. I have seen paper no.64 put in the file of this case. It is also a change petition filed by me. It was typed on 30th January 1962. It was granted by the court on the same day. I don't remember if I went to the court on that day or this application was accepted in my absence. There is not my signature on page no.2 of the claim petition, about the changes made regarding claimant no.8. I cannot say who has put his signature there. So far as I remember, I had signed only on Vakalat-nama in regard to this case, and not many. Only after seeing the papers I would be able to say if Zahoor Ahmad Sahib had become claimant afterwards or I had filed a separate vakalat-nama on his behalf. But it is correct that Zahoor Ahmad Sahib never came to me for engaging me as a advocate or for taking my signature on Vakalat nama.

[At this point Shri Devki Nandan drew the attention of the witness to the vakalat Nama put in the file as paper no. 45G/2]

I have seen the vakalat nama that has my signature. It was appended in the beginning with the claim petition.

[Attention of the witness was drawn to the vakalat nama i.e. paper no. 104/G placed in this very file]

I have seen the second Vakalat Nama which is paper no. 104/G. my name is written on it for sure, but my signature is not there, I did not write this name. I won't be able to identify the so called signatures of Ayub Sahib. However it appears to me, there are my initials on paper no.102/G of this file. It is a ordinary application regarding deposit of fees. The application which is at paper no. 95 also bears my initials. Same is the case of paper no. 87. There are my initials also on paper no. 89-91. I would be able to say if except the application mentioned above, I had filed any petition on behalf of the claimants or not, if the related Documents are shown to me, I won't be able to tell you correctly. I might have appeared in the court on behalf of the claimants on some other point, but cannot say for sure.

I have no knowledge of the facts that in 1944 some notification was issued related with the property in dispute that whether if it is Sunni Waqf or not. It is also not in my knowledge that the court has issued any guidelines and it was under consideration. I don't know if the court had taken any such decision in 1965 – 1966 that any such notification has not been issued. I don't know anything about the guidelines made by the court of civil judge. I don't remember what action was taken in connection with

this case from 1963 to 1966. It is not proper to say that I did not do any Pairavi on behalf of the claimants from 1962 to 1965. I have no knowledge about the said statement of Mohammad Ayub made on 08.01.1962. Much time has elapsed since. I cannot say what actions were taken from 1962 – 1965 till I was advocate.

In 1988 I was not consulted about my nomination for receiver. I won't be able to tell the exact date of the formation of Babri Masjid Action Committee, but it is not correct that it was formed on 14th February 1986; in fact it was formed – earlier, in the first week. I won't be able to say for sure. That it was formed on 6th of February 1986. I know that the order to open the lock was passed on 1st February 1986, but I have already stated that I don't know about any Amar shown in the map. And especially the map appended with the related file of Gopal Singh Visharad paper No.136 and 136/55. I have read the order of the honorable district judge but I don't remember if there was any mention of these 3 gates. I had come to know that the lock which was ordered to be opened was put in the Masjid, but I don't know that it was put at which particular place. At that time the governor of UP was Shri Arfi Mohammad. I won't be able to tell whether a group of 10 MLAs including Shri Sayyed Muzzafar Hussain Kaichhauchhui (Maulana) met him or not. They did not have any contact or any connection with Babri Masjid Action Committee regarding meeting the governor or before it. So far as I am concerned, I was involved in Babri Masjid Action Committee from the beginning but I was not holding any post. I became one of its office bearers later I don't know if they had made any contact with any other office holder of this committee.

The atrocities I have mentioned were not emotional but real. The way of giving decision of district judge and the indifference of local administration gave me this feeling. I did not go to High Court against the decision personally but I came to know that some other person had taken action in the High Court. Atleast Hashim Sahib had certainly taken Action, the rest I can't tell you in detail. I don't know if Sunni Waqf Board had filed any writ in any court in this regard. According to my knowledge no complaint was made against the atrocities of the administration by us in 1986. In my opinion any Rath yatra of Hindus was not taken out in February 1986, therefore the question of violence over them by Muslim doesn't arise. (Volunteer : that Rath yatra was taken out probably in 1984). It's correct that first Rath yatra was taken out from Sitamarhi (Bihar) in 1984, I can't say on which particular date of September 1984 it was taken out but it was correct that those Rath Yatras stopped after the death of Mrs. Indra Gandhi.

In my memory there is nothing as such that on 7.10.1984, the Hindus had taken a resolution on the banks of Saryu River that they will make Ramajanm Bhumi free. In my knowledge there was no such thing that the Rath Yatras were started again in 1985 or such tableau was shown in which Lord Ram was shown locked behind bars. Neither it was in my knowledge nor in my memory that any public meeting was held in 'Jhande wala' park, Lucknow on 19.1.1986 in which mahant Aavidyanath and justice S.N. Katju had raised the demand, if by 8.3.1986 the lock was not opened they will sit on hunger strike till death. I also don't know if Ram Chandra Paramhans had said to immolate himself in that very meeting. I won't be able to tell that said ensuing Rath Yatra was changed in Vijay Yatra after 1.2.1986. In my knowledge there was no such

incident in which any Muslim had created any disturbance or violence on the said Vijay Yatra.

It's correct that after 1.2.1986 we had read in the papers and heard on the radio that some Hindu temples were demolished in Kashmir and Pakistan (Volunteer : that we had condemned this act). It's possible that people from management might have given some such report but in my knowledge there was no such thing that those days there was tension between Hindus and Muslim and peace was disturbed or it was being apprehended.

In Ayodhya and Faizabad there was no tension between Hindus and Muslim, but the local administration had created such atmosphere. After 1.2.1986 the convenience in reciting Namaz was not affected in Ayodhya and Faizabad. It was the same as before. It is wrong to say that Muslim felt only sentimental atrocities owing to opening the lock in the disputed property. It is also wrong to say that this atrocity was not physical. Might be that the leaders were turning it in their favor, but in my knowledge there is not any leader who has extended his popularity with the help of Babri Masjid.

It is correct that a call made in 1986 to Muslim Public to court arrest in connection with the Babri Masjid. It was against the opening of the lock. I had also supported it. It is correct that All India Babri Masjid Conference was held on 22.12.1986, in which a resolution was passed, but this date might be perhaps 23rd December. I don't have full knowledge about the wordings of that declaration; therefore I cannot say if it was made clear that there would be no reconciliation or give and take about Babri Masjid. In that resolution it was said to boycott the Republic Day Celebration arranged by the Government. (Volunteer : that

later on the call of boycott was taken back). There is no such thing in my knowledge that any resolution was passed there urging all the Muslim MLAs, MPs or Ministers should march to Ayodhya and after Namaj in Babri Masjid, those who do not comply might be socially boycotted. I think the Babri Masjid Coordination Committee was formed in 1987 and not in that meeting. I fully support the Delhi Declaration. There were 10 members in Babri Masjid Coordination Committee and it's convener was Shri Sayyed Shabuddin.

I cannot tell you the month but it is correct that I had received invitation for the meeting being held in Ashoka Hotel in 1987, but I could not go there and since I did not go I cannot say, who took part in the meeting. It is correct that Muslims had rallied in Delhi on 30th March 1987 on this issue. In my mind there is no such thing that Sahi Imam of Jama-Masjid in Delhi had delivered a lecture there emphasizing they were Muslims first and then Indian. I was present in that meeting. I know Mr. Mohammad Azam Khan. He was a member of Babri Masjid Action Committee in 1987, but I won't be able to tell if he was a member of coordination committee also or not. Any such thing is not in my mind that he had pronounced Bharat Mata as Dayan (evil spirited lady) in the Muslim rally of 30th March 1987.

In 1990-1991 when I went to Babri Masjid at the time of survey, I did not go for my professional work I did not go there in that capacity also I went there only to meet the advocates. This happening is probably of the year 1991 and not of 1990. No such discussion was held to decide whether I would give witness or not, if yes, what should I tell as a witness. It is possible that my name was enlisted in the list of witnesses for the first time for the witnesses

of 10th September 1991. I won't be able to tell whether my name was included in the witness provided by the court of the civil judge or if not for what reason. I had received the summon from the court, I cannot say if my name exists in the list of witnesses or not. Mr. Hashim had brought the summon to me. I have come to tell you the name of any particular person neither of any claimant nor any advocate, nor can I say any particular time, but it is certain that I had told them, I used to go there in the nights of Shabe-barat and once I went there to recite Friday Namaz also, about which I may give a statement. I did not go the Babri Masjid specially, to recite naflye on Shabe-barat; we recited Fatiya in the nearby graveyard, so we went to Babri Masjid also to recite naflye. There is no grave of our relations in the said graveyard near Babri Masjid. The graveyard of Bari-Bua would be at a distance of 2 – 2 ½ miles from the graveyard near Babri Masjid. My late elder brother used to take me there on his bicycle.

Since 1977 I practiced mostly in taxation, but also worked a little on criminal cases. I practiced for both income tax and sales tax cases. I am paying income tax from 1955. Now since last 15-20 years I am not paying income tax. In 1970 Hashim Sahib did not consult me about getting arrested in MISA or about wriggling out of it. I won't be able to tell you for sure if he was detained under MISA or not, but was surely jailed, in which year, I don't remember.

We believe that we get more blessings when we go to Masjid after doing Wazu at home in comparison to doing Wazu in Masjid. There I and my maternal brother (Khala-Jad) went after doing Wazu from his house. I had gone to that Masjid only once during day time, but I had seen people doing Wazu there. My first statement is quite

correct that when we reached there Khutba was being recited. I had recited Namaz from south and Wazu Khana was on that very side that is why, I could see I did not go inside the Wazu Khana. I won't be able to tell you the number of Namazis in the south. Generally 2 to 2 ½ feet space is required in front to recite Namaz, width depends on ones own shoulders. I think, 200-250 persons could recite Namaz together in the inner building of the Masjid. It is wrong to say that I over stated the number of Namazis in saying that in the Friday Namaz 4 – 5 hundred Namazis had participated. It is wrong to say that I did not go there to recite Namaz at all, at any time.

(The attention of the witness was drawn towards the map i.e. paper no.136/5C placed on the file no.1/1989 related with the case of Gopal Singh Visharad.)

I have stated earlier that I do not understand this map well. I can not say if the steps shown in it are correct or not but it is correct that steps shown in it are correct or not but it is correct that steps were there in the building in dispute. There was a terrace also in the open space towards south of the steps. If this map relates to the same building then the southern terrace shown into it may also be the same. The place to do Wazu should be some where above this Chabutara only.

In Babri Masjid action committee Shias are also there. I know about the tension between Shias and Sunnis in Lucknow city. Hindus are also among my clients. They greet together saying 'Jai Ramji Ki'. The building in dispute was located in Mohalla Ramkot in Ayodhya, kot means a fort. It is wrong go say that all the Hindus have faith or they believe that the place in dispute is the birth place of Lord Shree Ram or they have been worshipping this place under this impression. (My self said that upto

1949 the place of birth of Lord Shree Ram is in the temple, I cannot say if a second thinking was propounded after 1949). I was won't be able to say if at any point of time in the last century a road to approach the birth place or a road from Dorahi Kuan was constructed due to which the land with the birth place and the property was divided in two parts otherwise the disputed property and the Janam-Sthan temple were in the same campus. And I also cannot say that it was in plot number 163 or this situation was before the first settlement. People had told me but I will not be able to tell their names who told me that this place is in plot no.583.

The black pillars that I had seen in cantonment board were similar to those fixed in the arcades of this Masjid. It is not correct that I did not go to recite Fatiha in the graveyards near this building after 1949 because the place of the graves was evacuated and no grave was left there. I was afraid of being troubled by police therefore I stopped going there after 1949.

It is correct that the constitution of India was passed in the constituent assembly on 26th November 1947 and was implemented from 26th January 1950. According to the constitution there was no danger of any type to the people of different religions. We were afraid of the police. It is wrong that I had not gone in the disputed building at any time. It is also wrong that I neither recited nafale or Namaz at that place. It is also wrong that there is no graveyard on any side of this building. It is also wrong to say that I have never recited Fatiha in those graveyards. It is also wrong that I am giving false statement simply with the motive of becoming the leader of the Muslims.

4102:

(Cross-examination by Shri Devaki Nanadan concluded.)

(Cross-examination on behalf of all the parties is concluded.) Witness is discharge.

Verified the statement after hearing

Sd/-

Mohammad Unus Sidiqi

04.12.1996.

Stenographer tyed it in the open court as dictated by us .

Sd/-

04.12.1996.