

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

OTHER ORIGINAL SUIT NO.4 OF 1989.

SUNNI CENTRAL BOARD OF WAKF U.P.
AND OTHERS -----PLAINTIFF.

VERSUS

GOPAL SINGH VISHARAD
AND OTHERSDEFENDANTS.

**STATEMENT OF P.W. 7
HASMAT ULLAH ANSARI.**

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STATEMENT OF P.W.7

Dated 05.12.96

Shri Hasmat Ullah Ansari 510 Niyamat Ullah, aged about 65 years. rio Mohalla Kaziana Ayodhya Distt. Faizabad. profession-typing work. gave his statement under the oath as follows:

I was born at Mohalla Kaziana Ayodhya. I was born in 1932. I have taken education upto High School. I had passed High School from Phofas Inter College. Faizabad. My date of birth in the High School certificate is mentioned as eighth January 1934. But it is wrong. My correct birth year is My admission in High School in the 8th class was got done by my brother in law. It is he who had got the date of my birth written himself. Prior to this I had taken education at Katra Middle School. This School is near Sutahati in Ayodhya. There I studied for one and a half-year. Presently I am a permanent resident of Faizabad. My father is still alive and he is residing at Ayodhya. I have one brother and he is residing at Mohalla Kaziana. Ayodhya.

I am aware that this case is regarding Babri Masjid I have offered Namaz there. I have offered the same hundred of times. First of all I had offered the Namaz there in 1943. Till a week prior to placement of Idol there. I had been regularly offering Namaz there. The Idol was placed in the midnight of December 22-23. 1949. This was placed in the Mosque. Two days before this I had offered Namaz. but

subsequently I never offered Namaz there. Prior to Dec.22nd. 1949 Namaz has been offered in this Mosque.

Maulavi Abdul Gaffar Sahib was the Imam of this Mosque. Juma Namaz was also offered at this Mosque and Namaz of all the five times was offered here. During Rarnzan, Tarabi Namaz was also offered here. In 1949. Tarabi Namaz was offered only at Babri Masjid. Juma Namaz was offered either at Babri Masjid or Kevda Masjid. Farookh 510 Zahoor, Mohd. Hashim. Hazi Mehboob, his elder brother Hazi Abdul Ahad used to accompany me to offer Narnaz there and they are still alive. Upto 22nd Dec. 1949, I have not seen any idol in this Masjid and neither saw anybody worshipping there. We never saw any Hindus going there for Darshan. Upto 22nd Dec. 1949, this Masjid was taken care either by Hazi Fekku or Zahoor Ahmed.

(Cross-examination by Shri RL. Verma, Advocate on behalf of Nirmohi Akhara)

Kaziana Mohalla is situated in the north of Terhi Bazaar and this is in the north of crossing of Terhi Bazaar. It is in the west of the main road. Terhi Bazaar is adjacent to the West of Kaziana Mohalla. In the South there is crossing (Chauraha) of Terhi Bazaar. I am not aware of the name of the Mohalla situated in the North, but Murav community inhabits it and it is Murav Tola. Mazar of Khwaza Hatti is located that side. It would be too long to say that Mohalla in the north of Kaziana is Vashishta Kund. I would not be able to tell the name of the Mohalla, which is situated in the east and adjacent to Kaziana. A temple of Khatiks is located there. It is correct that Kaziana Mohalla is a very small Mohalla. It has the population of only 25-30 houses. Kaziana Mohalla has several Mosques. These are three Mosques. These Mosques are located at different places. But these Mosques have no specific names by which they can be recognized separately. All these Mosques have minarets. Only one had a dome, which has now been broken. The Mosque with the broken dome is in the east of the road. Various people and not any particular person look after this Mosque. The other two Mosques are located in the south of this M— Mosques are also in the east of the main road. Mohalla is located on both sides, east and west of the main road. There is no Mosque of Kaziana Mohalla on the west side of this road. Approximately 40 steps away in the

south of the Mosque of the broken dome. Is also another Mosque in dilapidated condition and further at a distance of 50 steps, there is a third Mosque. The dilapidated Mosque, which I have mentioned, is completely in dilapidated condition and no Namaz is offered there now. This Mosque has turned into such condition only in the recent last few years. Since I am residing in Faizabad. I am not able to state since when this Mosque has been in this condition. The house of Mohd. Hashim is not located near this dilapidated Mosque. The house of Mohd. Hashim is not even located near the third Mosque that I have mentioned. The dome of the Mosque, which is broken, was broken in the year 1952 in the month of December. The third Mosque would be within the vicinity of 40 sq.fi. (Not clear). House of my father is located near this third Mosque. Only Namaz is offered here and no other activity takes place. No Madarsa is functioning in this Mosque. Different persons are taking care of this Mosque but Maulavi Abdul Gaffar Sahib shares major responsibility because his Saw workshop is located nearby.

For the last 32 years I have been residing at Faizabad and hence I won't be able to tell as to since when his Saw workshop was located there. But this did not exist in 1949. Abdul Gaffar Sahib was residing in his house at Vashishtha Kund. The third Mosque would be at a distance of 25-30 steps away from the house of my father. The place where the house of my father is located, houses of Hindus is also located there: Five houses are .of Muslim Community. These families used to offer the prayers at the third Mosque mentioned by me at above.

In the Kaziana Mohalla, there was an Islamic Madarsa, which is not there now. This Madarsa was functioning in the north of the Mosque located near our house. Bengali Shah lived therein. This was not functioning in the house of any body. There was a Dargah of Shah Avesh, in which this Madarsa was functioning. I won't be able to tell as to when this Madarsa ceased functioning. This was functioning in 1949. A Maulavi from Darshan Nagar was coming for teaching in the Madarsa. This Madarsa was meant of teaching the small children and children only from Kaziana. Mohalia were attending. But even children from other Mohalias were also attending. Children from Terhi Bazaar, Kutia, panza Tola and from outside villages were also attending. I cannot tell the name of any

child or person from Kutia Mohalia who studied there. Mohd. Hashim is the resident of Kutia Mohalla and I know him. I know him since childhood. He may also be knowing me from the childhood. But there is no interaction amongst us. I do not remember whether Mohd. Hashim too used to study in that Madarsa or not, but I myself have studied there. Hazi Mehboob and Hazi Ahad have also studied in this Madarsa. Hazi Ahad had left this Madarsa after completing his studies before my admission, whereas Hazi Mehboob entered this Madarsa after I left the same.

I know Farookh sb Zahoor Ahmed. Zahoor Ahmed was residing in the Mohalla of Shingar Hat. His house was located on the road in this Mohalla opposite to the main post office. He is not a new resident of Ayodhya but I am not aware whether this house of his is old one or not. I had seen Zahoor Sahib. Now he is dead. I did not attend his funeral. I had not received any information about his death. It is only after a long time that I heard about his death. I knew his son Farookh from the childhood. We had developed acquaintance during the course of offering Namaz, there being no other factor. Zahoor Ahmed has no house in the Kaziana Mohalla. Farookh has a shop dealing in Surma. I am not aware whether Zahoor Sahib father of Farookh was heading any Muslim Organisation of Ayodhya. I have never said that Zahoor Sahib used to look after any Mosque of Kaziana Mohalla. The third Mosque, which is now in good condition in the Kaziana Mohalla, is being looked after under the superintendence of Maulavi Abdul Gaffar whereas it was being taken care of by all the people, It would be wrong to say that Hashim Miyan was looking after this Mosque. I know this much that Zahoor Sahib used to take up the cases of such graveyards and Mosques, which were encroached upon. But I can't say that he was a litigant. He was fighting the cases of those Maqbaras and graveyards were encroached upon. Whenever he got an opportunity he filed cases of this nature. But I am not aware of the number of such cases. There were many cases. I am not aware whether Farookh Miyan is pursuing those cases after his father's death. Muslim community did not consider Farookh Miyan as their Guide.

It is correct that Hazi Fekku was considered one of the richest

person among the Muslims of Ayodhya. He had a residential house also at Barvari Tola and Terhi Bazaar as well. Terhi Bazaar Mohalla would be approximately 200 yards long and these houses are constructed along side its road and the same is its width. Terhi Bazaar Mohalla has only one Mosque. I have seen the same This Mosque at Ayodhya is the oldest one. This has domes as well as minarets. There is a well within the boundary of the Mosque. There is a kaccha street in the north of the Mosque. I cannot tell in terms of number as to how many times I had offered Namaz at this Mosque. Our house is in between the Mosque of the Terhi Bazaar and the Kaziana Mosque mentioned above. We have offered Namaz at both these Mosques a number of times. The street which leads from north to west from the Mosque of Terhi Bazaar, in the east there is a stone fixed in its eastern corner. The stone is approximately three and a half feet high and appears like a Mihrab in shape at the top. I have studied Hindi. I can't say whether at this stone the words 'Dhana.vaksha Kund' are inscribed in Hindi. But it is a fact that some thing is inscribed in Hindi on the same stone. I have never read that inscription. There is a route from the west of this Mosque and I have used the same. In the west of the Mosque there is a pit which cannot be called a kund or a pond. I have not heard that this pit would have been called as Dhananjay Kund. The Mosque of Terhi Bazaar was being looked after by Hazi Fekku Sahib. In addition, he was also looking after arrangements at the Babri Masjid. Hazi Fekku Sahib has expired. I had attended his funeral. At time of his demise he would have been above eighty years of age, but I can't say this with certainty. At that time Hazi Mahmood was quite grown up but he was not major.

I can't say that how many years prior to my taking admission at the Kaziana Madarsa. Abdul Ahad had completed his education and left the Madarsa. Abdul Ahad is 8-10 years elder to me. This Madarsa conducted classes upto IV standard and Ahad left the Madarsa after completing his all the four classes. I am not aware that who got me admitted to this Madarsa. I am also not aware whether any form was required to be filled up for taking the admission. No certificate or testimonial was granted, even after completing studies in that Madarsa. I had taken admission in the fifth class

at the middle school. Sutahati. Katra middle School. I studied four years at Kaziana Madarsa and span of studies in each class was one year.

Katra Middle School was run by Municipal Committee and it was regarded as Govt. School. I am not aware whether somebody accompanied me to the school or not but I took admission in the fifth class I am not aware whether any form was required to be filled up for admission to the school. I studied here upto sixth class and I was issued a certificate for having studied there. Thereafter. I went to Calcutta and studied there on private basis. I had taken admission in the eighth class at the Phofas Inter College. I do not possess the certificate issued by the Katra Middle School. That has now been destroyed. I do not remember whether my dated of birth was mentioned in the certificate or not. While taking admission in the Phofas Inter College, I did not enclose that certificate with the form of admission. I was given a test there for the admission. I stayed at Calcutta for one and a half years.

I know Mohd. Younus Siddiqui. He has given his witness in this case ahead of me. I have been doing typing work at Faizabad Court since 1960 and since then I know Mr. Siddiqui Sahib. I am not aware whether Siddiqui Sahib had any connection with the management of Phofas Inter College. It is also not known to me whether his father had any relationship with them. I am also not aware whether Phofas Inter College is a minority Institution or not. Most of the students studying in that college were Mohammedan.. But it would be wrong to say that their percentage was ninety five percent. Approximately twenty five percent were non-Muslim students and seventy five percent were Muslim Students.

I have three sisters. I have one elder sister. One younger sister is alive and another younger sister has died long back. My elder sister is six years older to me and married at Sultanpur. But now she is a widow. Name of her husband was Mohd. Rafique, he was a Munsif (Munsrim) at Civil Court. When my elder sister was married, at that time I was a small boy and I was completely ignorant and I only recollect that she was married and she left for her in laws. My this very brother in law Mohd. Rafique

Sahib had got me admitted at the Phofas Inter College. Since he was at Faizabad in those days, he himself had filled in the college admission form. It is clear that he filled up the form in his own and. At Faizabad Rafique Sahib used to live near to us. In those days I was residing at Ayodhya. Rafique Sahib was also residing at Ayodhya. For a few days he was living with us i.e. with the in laws family. Rafique Sahib might have stayed with us for one /two years and at that time my father was live. On his advice only Rafique Sahib had taken me along to get me admitted in the Phofas Inter College. I am not sure about the age of Raffique Sahib at that time. I also won't be able to tell that how many days or years prior to my admission, he was married to my sister. My father had expired on 30.11.1992. When I got a certificate from Phofas College on completion of my education, I came to know that my date of birth was wrongly mentioned I have not taken any steps to rectify the mistake. My father was a teacher in the primary school. He has qualified normal ITC. My father has qualified ITC from Faizabad (ITC means Junior Training Certificate) I am not aware about the education he had acquired before ITC. May be he was Middle Class pass. or High school pass or a graduate. He was an employee of Municipal Committee Primary School. I would not be able to tell the year in which he started his service. I had grown up when he was in service. I had grown up at the age of eleven to twelve years. My father was a teacher in Primary school at Faizabad and not in Ayodhya. He remained posted at Sahebganj School also and worked at Jamunia Bagh School as well. The Municipal Committee could transfer him to any of their schools. My father had retired in 1962.

I have one younger brother. He is working as a Clerk in Hydel Deptt. My younger brother got the job after the retirement of my father. He is ten years younger to me. My younger brother got the job when his age would have been approximately 22-23 years. When my brother got the job, he had done his Intermediate and he was a student of BA but he did not do his BA. I have not seen the educational qualification certificates of my younger brother. The admission of my younger brother was not got done by our brother in law, I am not able to tell the date of birth of my younger brother. The Madarsa. in which I have studied, is situated at

Kaziana and it had derived its name perhaps from Bengali Shah or Shah Avesh. It was not named as Islamia Madarsa.

I know the name of the Mohallas at Ayodhya. After the Terhi Bazaar, there is Vashishta Kund and thereafter Durahi kuan and thereafter Babri Masjid is situated.

There is no Mosque in the Vashishtha Kund Mohalla. There are two Mosques in Durahi Kuan Mohalla. Terhi Bazaar Mohalla has Muslim population. There is no Muslim population in Vashishtha Kund Mohalla. There is only one house of Maulavi Abdul Gaffar. I had seen him and I have seen his house. There is Mosque to the south of his house, which was being used by him only. Their family constructed the same. His house is located in the west of road, which leads to Durahi Kuan from Terhi Bazaar. His house is approximately 100ft. away from the road A strong road connects his house to the main road That main road leads to Dwahi Kuan from Terhi Bazaar. The link road that links Abdul Gaffar's house with the above mentioned road, a tiraha is formed at that linkage. I have acquaintance with the persons who have houses at Uris tiraha but I would not able to. tell their names. The distance between this tiraha and Terhi Bazaar Masjid would be approximately 100 yards. The place where the house of Maulavi Abdul Gaffar is located there is also one Kund. This Kund is at a small distance from his house and it is known as Vaslrishtha Kund and this Mohalla has acquired its name on that basis.

One pucca road has been constructed leading to Vaslrishtha Kund joining Tehri Ba7llar Durahi kuan wali road. On the same road to the eastern side there is on old temple known as Gokul Bhawan. The Tiraha. which I have mentioned with reference to Gaffar Sahib's house, the Gokul Bhawan is to the north from that Tiraha. The distance between these two may be between nearly 60-70 yards. To the east of this sixty yards distance was the Mazar of Musa Ashikan. I am not aware whether it is still there or not.

To the south of Gaffar's house there is one Mosque. It is very small. I have not observed whether it contains dome or minarets. I have also not observed whether it is made of Lakhauri bricks or not. This Mosque is

approximately 20 ft long and having the same width. This Masjid is not situated on the road. This Mosque and house of Gaffar Sahib are adjacent to each other. The road crosses from the north of Gaffar Sahib's house. This Mosque is covered from the top. Half is covered and half is open. Its one door opens to the east and one door opens in the house of Maulavi Salrib also.

I am not aware of the name of the father of Maulavi Gaffar Salrib. I have offered Namaz in his Mosque also in Ute month of Ramzan. First time I had offered in this Mosque approximately 35 years back. 40 to 50 persons have offered Namaz with me. They all were residents of Terhi Bazar. I won't be able to tell the age of Gaffar Saltib at that time. I am also not aware of my age at the time when I offered my first Namaz at the Mosque of Maulavi Gaffar Sahib. But Namaz was offered after Ute incident of December 1949. But I don't remember that how many years after Uris incident Namaz was offered. At that time Abdul Gaffar had three sons. Their names were Mohd. Sabir, Mohd. Tairir. Mohd. Jabir.

There is no Durnha at the Duralri kuan. It is Tiraha only there. To the north of this Tiraha. there is one Chauraha. A road going to the east from this Chauraha leads to the Mutdavia Building via Hanumangarhi. The road leading to the west reaches Brahmkund The distance of this Chaurnha is approximately 50 feet from the Tiraha of Durahi Kuan. To the east of this fifty feet route there are residential houses. There may be Mali Temple, but I don't recollect. In these houses, Chikwa community reside. To the east of these houses there was a footpath. This led to Babri Masjid from Durahi kuan. To the east of these houses there are fields. Beyond the fields, there is barren land. To the east of this barren land there is the disputed property. From the last end of the houses of chikwa community, the wall of disputed property may be approximately at a distance of 100 yards. In the fields, which have been referred to, tobacco is grown regularly. The barren land is in the shape of levelled ground. This barren land from north to south would be approximately 200 yards. While standing at the base of houses of Chikwa community. the disputed property would look like located at a mound. From this place. mound of Hatti shah Mazar was also clearly visible. The mound of Hatti shah Mazar was higher than the mound of the disputed property. This mound was located in the south of disputed

property. The distance between the two was approximately 200 yards. Excepting the graveyard, the entire route between these places was plain. I have visited the Mazar of Hatti Shall. I visited the same before 22/23rd December 1949. I have not gone there on any special occasion but had gone there just for strolling.

I have seen Sutahati Mohalla. Its original name is Sutahati. There is also one Mazar in this Mohalla. It would be wrong to say that this Mazar was known as the Mazar of Hatti shah and as a result, this Mohalla was known as Sutahati. I have no knowledge whether the mound on which the Mazar of Hatti shah is existing as referred to by me. is known as Kuber Tila. I have never heard that this mound is known as Kuber Tila. That Mazar is six feet long and four feet wide. It is enclosed at the lower part and open from the top. Nobody looks after this Mazar. This would be wrong to say that I am giving any false statement with the intention merely to corroborate the statement of Hashim Sahib. I had visited this Tila for the last time nearly thirty five years back. I had not seen any temple there at that time.

In the Sutahati Mohalla there is not one, but many Mazars. To the west of Sutahati Mohalla there is a Mohalla Katra. To the south there is one passage and the name of the Mohalla existing beyond it is not known to me. In the north there is a school, which is known as Katra Middle School. In the east there is also a Mohalla and I don't know its name. There are three Mosques in the Sutahati Mohalla. There may be 20-25 houses of Mohammedan in this Mohalla, when I saw this Mohalla for the last time all the three Mosques were existing there. When I was studying in the Middle School, I had seen this Mohalla for the last time. Of these Mosques one Mosque had dome and minarets, other two Mosques had no domes but only minarets. The Mosque with the dome was located to the west of Mohalla. I have not heard its name. Therefore I cannot say whether it was known as Shahi Mosque or not

Shakir and Malhoo were two real brothers, who were the residents of Sutahati Mohalla . Of them Malhoo is still alive. Shakir has since died. When I was studying in the Middle School. it is then that I had seen Malhoo for the last time. He was not less than forty five years of age at that

time. Out of other people of Sutahati Mohalla, I knew Abdul Rauf and another Salar Bux. I am not aware whether they used to champion the case or not. I won't be able to tell their parentage. I had seen them. Salar Bux is a gardener. I had seen him too for the last time when I was studying in the middle school. At that time Salar Bux would have been of the age of forty to forty years. He was also sometimes engaged in the work of patromax in the evening. When I was studying in the Middle School, the route to our school from our house was passing through Sutahati Mohalla. In one Mosque, I used to see Mohammedan offering lohar Natnaz. Natnaz might have been offered at other Mosques also but I have not seen any

There is no temple of Hindus in the Sutahati Mohalla. There is no Temple of Jams also. This is wrong to say that Sutaltati Mohalla is inhabited by most of the backward classes. The distance of the disputed property (Mutdavia property) is approximately 2 furlongs from the Sutahati Mohalla Mosque. In the Sutahati Mohalla there is no place to offer prayers except these Mosques and Mazar.

I have not read in any book that Ayodhya is the birthplace of Lord Ranta, as per Hindu belief. I have read Hindi as one of the subjects at Phofas Inter College. I don't remember if I have read Tulsidas. There are many temples here. Temple is a square structure with sharp vertex. In our side. Parikrama is not performed around the temple, there is idol placed in the temple. I have seen Murau Temple in Ayodhya. It has an idol. But after seeing the Idol, I can't say which God or Deity it represents. Dramas were played at Murau Temple and therefore we used to go there. 111 ese dramas were played during the month of Shravan. It was not Ramlila. I have seen this drama but I don't remember the story of the drama.

Verified after hearing the statement

Sd/-

Hamat Ullah Ansari

5.12.1996

Typed by the stenographer in the open court as per my spoken version

Sd/-

5.12.1996

(Today dated 6.12.1996 in continuation of dated 5.12.1996)

P.W.7 Shri Hasmat Ulla Ansari's Cross Examination started. under oath today dated 06.12.96:

To the north of Ayodhya, is the Saryu River. On the same river in the north towards Faizabad is Guptar Ghat. I am not aware of Jamthara Ghat. In Ayodhya, the place where house of Ahiak Sahib is located is known as Brahm Kund Ghat. There is one Gurudwara also. I am not aware of the importance of this Gurudwara that might have been linked with the stay of Guru Nanak or Guru Gobind Singh here. I have heard title name of Sumitra Ghat, but I have never been there. I have also heard title name of Kaushalya Ghat but have not seen the same. I have not seen Laxman Ghat along with Saidwada, but I have heard its name. I have never been to any Ghat. I am not aware of any specific importance of Laxman Ghat. Whenever there is any reference of any special oath in title Court of Faizabad that might be taken at the Laxman Ghat.

I have never visited Argara Mollalla and therefore cannot say whether any Mosque is there or not. I am not aware of any famous Dargah there or any pious place at that site. I have also never gone towards Swarg Dwar, therefore I don't know anything about Nageshwar Temple said to be located there.

I had been to Naya Ghat. There is Ram Ghat nearby. I have seen that also. But I am not aware of Janaki Ghat. I am not aware whether there is any Bilhar Ghat 15 kms away towards east of this Ram Ghat of Saryu River. (Few words illegible) I am also not aware whether this Ghat has any relationship with BILL and HARI'. But I know only this much that a Baba used to come many a times and tell that he had come from Bililaf Ghat. I have neither read anywhere nor heard that Commander-in-chief of Babar 'Mirbanka' had stayed at this Bilhar Shat. I am also not aware whether there is any big temple of Shankar ii. I am also not aware whether there is any such belief that Bharat Ji had cremated King Dashrath at this place. I have never gone towards that side and therefore cannot say that there is a Mandla village at a distance of one and a half-kilometer which is related to the kingdom of King Dashrath. I have also not heard any such talk that there is a story attached to this village that Mandvi, the wife of Sharat practiced penance here for a period of 14 years.

It is correct that while going from Faizabad to Allahabad, at a distance of 15 kilometer near the main road there is Bharat Kund. I have not seen that temple from inside or from a close range but I have observed

it from a distance. It is connected with the name Bharat li and is built at this Kund I am also not aware whether old name of this village is Nandi Gram. Towards the west of this village there is a Madarsa Mauza of Muslims.

At Ayodhya there are innumerable Temples. I cannot tell any famous temple of Ram Kot Mohalla but I can tell of my own Mohalla. Ramkot Mohalla may be some new name, I do not know it. I had never been to Hanuman Garhi but I have passed from the road leading to that side. I won't be able to tell in which Mohalla is Hanuman Garhi located.

I have never seen Kanak Bhawan, I have also not seen Amawa Mandir. I Cannot name the Mohalla of the disputed property, but it is near Durahi kuan.

There is no Mauza in the town. I will also not be able to tell that in which Mauza the disputed property is located. I will even not be able to tell the name of the landlord there. Hazi Fekku was a landlord. I will not be able to tell whether he was the landlord of the disputed property or not but his fields were nearby. Hazi Fekku had land with sole (Ala) ownership as well as Nazul land. Naya Ghat would be approximately at a distance of one mile (kos) from the disputed property.

I have heard the name of Mani Parbat at Ayodhya. It is located in the east of disputed property. I had been there. But I had never climbed this Parbat. It is correct that there is a temple on it. There is a Dargah also of Shish Paigambar. Dargah of Shish Paigambar is at the foothold of the hill. Masjid is located at a small distance to the west of this Dargah. We have Paigambars and one of them is Shish by name. It is therefore known as the Dargah of Shish Paigambar. I won't be able to tell that the temple on the Mani Parbat is of Sheshavtar or there is any other Avtar named Shesh. I don't know that there is any belief among Hindus that Laxman was a Sheshavtar. I have not read in any History book that Sikandar Lodhi had constructed a small Mosque there after destroying the same temple. I also don't know as to whether Sikandar Lodhi was not able to construct the Mosque on the Hill owing to the fact that whenever any construction was undertaken snakes used to appear and they did not allow the construction. I do not know any such story that due to this reason Sikandar Lodhi got constructed a Mosque at the foot hold of the hill and having constructed a

Dargah, gave it the name of Shish Paigambar Dargah after removing the word Shesh from Sheshavtar.

It is correct that during the month of Shravan, cradles of Ram are arranged at Maniparbat. I cannot tell that these cradles of Ram were organised in procession jointly by the Sadhus of Ayodhya and the residents and carried the same to the Maniparbat with gaiety. However, it is correct that a Fair (Mela) is organized at the Maniparbat during the month of Shravan. I can't tell that since when this Fair has been going on there. I also cannot say whether it is an old tradition. There is a forest at the Parbat. I am not aware regarding the gardens etc. The forest is on the lower side of the Parbat. I don't know whether there is any tree that is famous as Ram Vriksha. I don't know whether the word 'Ram' gets inscribed automatically on each branch and twig of the tree.

There are many kunds at Ayodhya, I won't be able to tell whether most of them are after the names of Hindu Deities. I have heard the name of Datun Kund but haven't seen it. I don't know anything about Tulsi Bhawan located in Raigunj Mohalla. I have heard the name of Shri Ram in relation to Ayodhya. I have also heard the name of King Dashrath. his Raj bhawan is also there. I don't know whether Bharat, Laxman and Shatrughan were brothers of Shri Ram. To the north of Babri Masjid, there is Ram Janambhoomi Temple. I have seen its wall, but never went to the temple. A board is fixed there displaying "Janamsthan - Shri Ram Janam Bhumi". I had seen that board first time, 45 years ago. This board was displayed at the roadside. This board is not of stone. It is made of tin. That board had nothing about the Mahant. This place is located beyond 10 feet wide road from the disputed site. I won't be able to tell correctly the length and breadth of this temple. The main gate of his temple opens towards the east. There is a road towards the east. There is no Sita Rasoi adjacent to that temple. I had no chance to go there. Therefore, I can't say that whether there is any Chauraha in the east, southern corner and north side of it. I had never been to the eastern side road of this temple. To the north of this temple there is a graveyard. But I won't be able to tell the length and breadth of that graveyard. I had never been to that graveyard. To the western side of this temple, there was an open plot of land. I am not aware whether there was any such other temple also around the disputed

property with a board on display. I have never seen any such temple in Ayodhya as has a board installed displaying the name of the temple. But I have seen the board of Nishat Temple. Nishat Temple is located to the west of Chauraha of Terhi Bazaar. It is located at a distance of 20 feet from that Chauraha. I have not seen that board from a close distance. Therefore, I can't say whether it is made of tin or wood. The words 'Nishat Temple' are written on it. If anything else is also written, that I can't tell. I have been observing that board since 1947. Previously no functions used to be organised in front of Nishat Temple, now dramas are played. Ram Lila is not enacted. Since I have not seen. Therefore, I can't say that during the days of Dussehra, Idol of Devi is installed there.

I don't know about Raigunj Mohalla, there is one Gudiana in that Mohalla. I do have been to Gudiana. There is another Gudiana Mohalla also which is to the north of Katra Mohalla of Ayodhya. Gudiana Mohalla which I am referring to is near to Ayodhya Railway Station. Its population comprises only 34 houses. I cannot tell how and on what basis the names of Mohallas in Ayodhya have been adopted. I also cannot say that these Mohallas have attained their names based on the majority population of a particular community. In the Gudiana Mohalla, only Hindus reside. But I cannot say whether Gudia community people reside there. I have not seen any Mosque in this Mohalla.

To the west of Ayodhya Railway Station. Mosque of Kutia Mohalla is situated. The affairs of this Mosque are collectively managed by all people, but not only by Hashim Miyan. There is no other Mosque in the Kutia Mohalla. Only the Mosque of Panji Tola is looked after by Mohd. Hashim alone. This Mosque of Panji Tola is located at a distance of 40-50 yards from the house of Mohd. Hashim. This is located to the west of his house.

Mohd. Hashim and Mohd. Kasim are real brothers. I know both of them. I have no relationship with them. It is another matter that he is Ansari and I am also Ansari. I have known Mohd. Hashim from the day I have grown up. It is equally necessary that he also might be knowing me from the day he grew up. All the people of the Mohalla have interaction with each other on occasions like marriages etc. Our interaction with Hashim Miyan had been on different occasions of happiness and sorrow. I

don't know the name of father of Mohd. Hashim. I don't know in which profession his father was engaged. I have not seen his father. Previously Hashim used to do the tailoring job. Now he is have never seen the elder son of Mohd. Hashim. I have never been to that side. Therefore I don't know whether Hazoor Ahmed's shop was near or in the same direction where his (Hashim's) tailoring shop was located. While leaving the work Mohd. Hashim had told me himself that he had left the job of tailoring. I can't say anything about the age of Mohd. Hashim. I don't recollect that when he left the tailoring job, what was his age. (He himself had told me that he was elder to me). At that time my age might have been about 30 years. Kasim, the brother of Hashim, was dealing in cycles at Ayodhya. These days' he is engaged in the business of tyres in Faizabad. I will not be able to tell as to when Kasim left the work of cycles. Kasim is also elder to me in age. He might have been 4-5 years older than I. Kasim and Hashim live separately. I can't say whether the financial position of both the brothers before 1986 was very bad. However. they were able to meet their both ends. They have no oar or taxi etc.

In 1986, I was at Faizabad Court when I heard that the court had ordered opening the lock of the Mosque. With this order the Muslims of Faizabad and Ayodhya were upset but they did not express their resentment. I have no knowledge as to whether we had filed any writ in the High Court by bringing Hashim at the forefront to find a solution to this crisis. Had it happened like this. then Hashim only would be aware of it. I stay out of politics therefore, I am not aware whether any legal action had been initiated in this regard on behalf of Muslims. I am also not aware that Mohd. Hashim filed a writ in the High Court and thereafter his financial position improved day by day.

I had last met Mohd. Hashim in July 1996. He had given me a summon of the Court pertaining to this case. He had delivered these summons by hand and told me that I have to give my witness. Mohd. Hashim used to follow up this case. I have been earning on an average Rs.100-150 per day. When Mohd. Hashim served me summons he did not pay any expenses for presenting myself as a witness.

It would be wrong to say that I have any relationship with Mohd. Hashim. Considering the age of my father, he is not healthy and is not able

to perform even own duties. He can speak and listen but he forgets by the evening everything told to him in the morning. In the incident of Dec.06' 1992. my younger brother and his child had been sacrificed. Since then my father lost his health due to that shock. There are Mohammedan older to me in my Mohalla. who are alive. One of them is Mohd. Umar. His father's name is Ali Hasan. He is engaged in masonry work. I would not be able to tell the names of Mohammedan older than me, residing in other Mohallas of Ayodhya.

At Faizabad. Namaz of Juma is offered at Mosque Tat Shah. Mosque Sarai at chowk, Mosque Gudri, Mosque of Maqbara, Mosque of Mughal Pura, Mosque of Hasnu Katra and at Mosque of Kanghi wali gali. I will not be able to tell the name of Imam of the Mosque of Kanghi wali gall. The Mosque of Shia's at Faizabad is at Hasan Raza chowk, Faizabad But no Namaz of Juma is offered there. Shia and Sunni are two sects. They have separate Wakf Boards. Shias also offer Namaz of Juma but that is offered at the Mosque of Imambara. Because Shia people live there and it is their Mosque , and therefore only Shias offer Namaz at this place. But per chance I have also offered Juma Namaz there. This Imambara is in a Rath Haveli Mohalla. Majlises are also organised at Imambara. But I will not be able to tell as to whether most of these majllses were presided over by Justice Murtaza or not or who presided over them.

The people of Shia community do not come to offer Namaz of Juma at Tat Shah Mosque, But it will be wrong to say that the people of Shia community never offered their Namaz of Juma with the Sunnis. Imam is present at the Namaz of Juma. If the Imam is from the Sunni community, even then people from Shia community have no problem in offering Namaz.

I have never seen the Mosque of Kevda where Namaz of Juma is offered at Ayodhya. I have only heard about it.

Having entered the disputed site, there was a courtyard. Thereafter was another courtyard which was the courtyard of the Mosque. And beyond it was the building of the Mosque. All these three parts had their main gate towards the east. These gates had no door planks. To have

entry to the premises there was one gate towards north but this used to remain closed. The gate at the north was visible from the road passing through north. The disputed site was at a height and the road was at lower level. For entering into the building from the road there were stairs at the gate. The gate at the north always remained closed and therefore I never had any chance to enter inside from this gate. These stairs had 8-10 steps. Since I have never been from the gate in the north, therefore. I cannot say that by climbing the stairs when one would reach the gate. whether there was any platform type place between the stairs and the gate.

The main gate in the east was in the middle of the wall. The outer wall in the east was approximately ten feet high, but nearer to the main gate, its height was somewhat more. It would be wrong to say that boundary wall was only five feet high. While entering the building, the first outer courtyard was pucca, its flooring was pucca. The length of the courtyard from north to south would be approximately 125 feet. From east to west, the width would be approximately 30 feet. In the outer courtyard towards south we had seen one raised platform. We had also seen one shed (Chappar) over it. There was one shed in the north also and another in the south as well. This shed was kept separately and the shed in the north was also not touching the boundary wall. The shed in the north was 6X8 feet, not bigger. The shed in the south was approximately 20 x 15 feet. The raised platform was bigger than that. The raised platform might have been 21 feet long and 17 feet wide- There was no tree in the outer courtyard. The outer courtyard had a turn from north to west but it was not like this towards south. That part of the northern courtyard, which had taken turn towards west, extended upto the last wall and it was about 90 feet long. The width of this part would be about 20 feet. This courtyard had also pucca floor. The floor was made of ordinary stones. It was not of marble. In the courtyard there was one hearth (Cholha) and one Belan (again said) there was no hearth but there was a Chakla on which bread loaves are baked. These Chakia and Belan appeared to have been made of cement. It did not appear to us that they were made of marble. Chakla was maximum in the diameter of one foot and Belan having length one to one and a half feet was also of the similar size. These Chakla and Belan

were placed at a small floor made at a height of 4 or 6 inches above the normal floor. I do not recollect whether this raised floor was made of stones, marble or bricks. This raised platform type of place was approximately three or four feet long and was of the same width. This small raised platform was approximately 25 feet away from the western wall. The north wall was towards north of this platform and there was no gate there. The gate preceded it. This northern wall was approximately 90 feet long from outside and was raised from west to east. Northern gate in the wall was approximately at the middle of the wall. If we enter the building through the northern gate from the road then this small raised platform fell towards left. Towards left, it is east. While entering inside from this gate, this raised platform did not fall on the way but it was slightly away from the passage. There was a wall, towards south of this 4X4 raised small platform with gratings fitted. It had one gate, which remained closed. The wall with grating was approximately 30 feet long, It was from east to west. The wall with gratings joined the wall of the Mosque from western end. Where the last corner of the wall with gratings was towards western side. From there the western wall of the building was approximately 30 feet away. There was no gate towards north. The northern wall with gratings had only a gate, which was in the middle of it. It was within the gratings and was made of iron. It was made of rods. This door might be of six feet height and four feet wide. Towards the east of the inner courtyard also there was a wall with gratings. It had two doors made of rods. The northern gate and the eastern gate remained locked. Two rods were tightened and fastened with the help of a chain, which was then locked. There was a wall towards south of the inner courtyard. This southward wall was approximately 10 feet high but I do not recollect its width. This southward wall was the outer wall.

The shed on the raised platform, in the outer courtyard was not being used for keeping anything it remained empty. This raised platform was at a height of approximately one and a half feet from the floor. While entering inside from the main gate this raised platform was towards south at a distance of about ten feet I am not aware for what purpose the shed was being used. I have never seen anybody using it for relaxing, sleeping or sitting. This shed was raised on the pillars of bamboos. I am not aware

who had got this shed raised and who was maintaining it and whenever it needed replacement who did the same. I had never seen any Pujari being present there.

It is understood that the shed towards the north was used by Imam for his residence. But I have never seen the Imam going there or living there. Namaz was never offered in the outer courtyard where these sheds were located, I never saw anybody sitting near Chakia Belan or Chulha. Apparently they were fixed with the ground and they could not be lifted. These objects would have been in the same position from the time of their existence. These had no use for the Mohammedan. There was no tree in the inner or outer courtyard those days.

The floor of the inner courtyard was not similar to the floor of outer courtyard but it was made of marble. It was white in the middle and had a border all round in black. (At this point learned Advocate drew the attention of the witness towards the coloured photograph album prepared by V.P Archeological Deptt.) I have seen photograph no. 56 & 57. When I had been to the Mosque in 1949 there was no such position, which is shown in these photographs. These photographs pertain to the shed and the raised platform. I have also seen photograph no. 66. The shed and the raised platform shown therein were the same, which existed earlier. But things shown therein were not there at that time. It is correct that these photographs were taken from the south. In the inner courtyard, excepting marble flooring. there was no other construction work.

I have seen the photograph no. 72, which has depicted raised platform with Chakla and Belna but it was not of this big size that time. In the inner side of the Mosque, there was only one member below the dome and there was no other construction of any type.

The disputed property is the Mosque and nothing else. I have heard the name of Nirmohi Akhara, but I don't know what it is.

The country got independence in 1947. By that time I had grown up. At that time my age would have been 15 years. I have no knowledge that before independence of the country, there was a movement known as Quit India. From 1943 to 1945 I used to accompany my father for Namaz. Thereafter I used to go for Namaz with my other friends. After I attained adulthood. I used to go for Namaz with my friends. Those who used to

accompany me were Ishtiaq, Abrar, Mehmood. I don't remember other names. All these three have died. I don't know their parentage. None is alive in the families of these persons. After attaining my adulthood, when I went to offer Namaz for the first time then Mohd. Hashim had not met me. But Farookh had met me in that Namaz. I don't recollect whether Hazi Mehboob met me or not, but his elder brother Hazi Abdul Ahad had met me. Hazi Mehboob is our distant relation. Karamat Ulla was our family uncle. He was married to the sister of Hui Mehboob. Karnmat Ulla and Niamat Ulla were not real brothers. They were cousins. Those who met me at the time of my first Nama, there is none among them who is alive now. Those who are alive. I have mentioned their names. There were 250-300 persons at that Namaz. They all were residents of Ayodhya. I can't tell, to which Mohallas they belonged.

Two days before the placement of the Idol in the Mosque. I had offered Namaz of Asar there. Those days I was unemployed and had no work. 250-300 people participated at the Namaz. Abdul Ahad was also there. But I did not see Hazi Mehboob there. Karamat Ulla Sahib was also there. (this I have stated about the first Juma Namaz offered after attaining adulthood - witness has himself stated thus.) On the occasion of Namaz of Asar, which I had offered only two days before the incident of Dec. 1949, 8-10 persons, would have been present. Ahad Sahib was also present and his brother Hazi Mehboob was also present. Mohd. Hashim and Farookh were also there. I did not see Iklakh of Brahmkund at that time. At that time, outside some speech was going on at the raised platform. This speech was from the side of Hindus. Sadhus. Bairagi's and Babas were present there. I don't recognise the person who was delivering the speech. But from the name I can say it was Rag hay Das. It was a gathering of 50-1 00 Hindus. We did not listen their speech and after offering the Namaz quietly left for our homes. However, we had no tension from their side. I had no opportunity to go towards the disputed site after that date. Before offering the Namaz of Asar on that day, I had offered the Juma Namaz. 400 to 500 people attended Juma Namaz. I had no meeting that day with Hashim Sahib. Therefore, I can't say whether he participated in the Namaz or not. But Hazi Mehboob and Farookh were there, since they met me.

For the Namaz of Juma, referred to above, water had been fetched from a well near the outer gate of the Mosque. That well was approximately at a distance of 50 feet from the main gate. There was no Hauz built near the well. This was a pucca well made of Lakhauri bricks. There was no raised circular curb (Jagat) built around the well and there was no pulley fixed therein. Water used to be taken out by bucket with the help of a rope. A wooden beam was placed at the well. There was a Hauz inside the disputed property. It was towards south. It was towards south of the wall of the Mosque. The Hauz was not in use those days. A pitcher of water was placed there. On that day of Juma Namaz, 5-6 pitchers were placed there. Hands and feet are washed (Vazu) three times and not five times. Every part is washed three times. Washing of hands and feet is essential for every. Namazi. The pitchers were of big size and each of them was three feet high.

I had come to know about the incident of placing the Idol in the morning of 23. I had gone to Janab Karamat Ulla and there I came to know. I had been there at about 8:00 in the morning. On that day, there were no arrests of Mohammedan and if there were any, I am not aware of that. After a month I had heard that this property had been attached. I am not aware which part of the building and what items were attached. Nobody had come to my father from the Wakf Board a month prior to this incident I had not heard whether any speeches were organised at Ayodhya a month prior to the incident, handbills distributed or it was announced that this property was a temple and pooja path would be organised there. After this incident Muslims had not offered any Jatha for arrests. (He himself said that after two - three years of the incident a few Mohammedan had given arrests in connection with trying to offer Namaz and attachments also took place at their end.) This would be wrong to say that this was told to me by Hashim. Attachment was also made at our relative Mohd. Faiyak and he was arrested too. Hazi Fekku and Hazi Faiyak are related to each other. Both of them cannot be called representatives of Ayodhya Muslims but they were essentially their patrons.

Prior to the incident of 1949, Mutdavia property was being looked after by Hazi Fekku and Zahoor Miyan. There was no coordination between them rather tussle prevailed. Zahoor Miyan was educated. Faik

(not clear) and Hazi Fekku knew only Hindi. Hazi Fekku was a moneyed man and Zahoor Miyan was an ordinary person. The reason of tussle was poverty of one person and the richness of the other. But they were one so far as the management of this property was concerned.

Hazi Faiyak was a literate person. He knew English, Urdu and Persian. He had less knowledge of Hindi. In connection with the management of this property, he was working as an advisor of both.

On 23rd December 1949, when I went to Karamat Ulla's house, neither Hazi Fekku nor Hazi Faiyak was there. Thereafter, they happened to be there whenever I visited that place. But I was neither given any information about it nor I tried to make any effort to know what action Mohammedans contemplated about this incident.

Namaz of Tarabi is offered in many Mosques of Faizabad, which is attended by Hafiz. I have offered Namaz of Tarabi at Tat Shah Mosque, at Sarai Mosque, at Maqbara Mosque at Moghulpura Mosque as also at Bilal Mosque near Fateh Gunj. At Tat Shah Mosque, Qyum was the Hafiz there. At Sarai Ahmed was the Hafiz. He was Maulana also. Qyum Sahib and Aluued Satlib never guided offering Tarabi at any Mosque in Ayodhya. I can't say that which Hafiz read the Tarabi at Ayodhya Mosque in 1941.

At the time of December 1949 incident I was a minor. Therefore, I did not make efforts to know or enquire that which Idol and by whom it had been placed at the mutdaviya property.

It would be wrong to say that my father is a healthy person or he moves about it would be wrong to say that I have collected the entire information about the disputed property from my father and had no personal information. It would also be wrong to say that I have heard only about the Juma Namaz at the disputed site. It would also be wrong to say that under the southern shed of the outer courtyard and at the raised platform the idols of Hindu Deities had been there from the ancient times or there had been a temple made of wood and pooja path would have been performed there. It is also wrong to say that under the northern shed, the Sadhus, Bairagis of the Nirmohi Akhara have been living and had their stores. It is also wrong to say that the raised platforms had been in the possession of Nirmohi Akhara people since 1885. It is also wrong to say that inside the

disputed property, tile part below the dome has always been used for the pooja of idols of Hindus placed there. It is wrong to say that after the disturbances of 1934, no Mohammedan had gone towards the disputed property.

It would also be wrong to say that tile raised platform, where the Chakla, Belan were kept was the Sita Rasoi and Hindus used to worship there. It is wrong to say that I am giving witness by misstating the facts under the influence of my relative Hazi Mehboob.

(Cross-examination concluded by Shri. P. L. Verma Advocate on behalf of Nirmohi Akhara)

Verified after hearing the statement.

Sd/-

Hamat UITah Ansari

Dated: 06.12.1996

Typed by the stenographer in the open court as per my spoken version

Sd/-

6.12.1996

(In continuation of dated 6.12.1996, today dated 9.12.1996).

P.W.7 Hasmat Ulla Ansari's cross-examination started under oath today dated 09.12.1996: -

Cross examination by Sh. Ved Prakash Advocate on Behalf of Dharam Das:-

I have, read Quran Sharif. But don't understand its meaning. Nobody has explained to me its meaning. I did not make any efforts to understand the meanings of its layats. I have not read any book, which explains the meanings of its layats. I have read Quran Sharif but I do not understand the meaning of its layats. Quran Sharif does not contain the instructions of Hazrat Mohd. Sahib. It is a command of God. His instructions are contained in Hadis. I have read Hadis. I have not read any Hadis of Hazrat Mohd, Sahib. The sermons of Hazrat Sahib are kndwn as Hadis and these have been written by Alims and not by Hazrat Sahib himself. Hazrat Sahib is associated with Quran Sharif because it had been bestowed on him. The intuition, which he only got, that has been brought before the people in the

form of Quran Sharif. A true Muslim is he who has faith in A19h and his Prophet (Rasool).

Question. A true Mohammendan is one who have faith in Hazrat Mohd. Sahib?.

Answer. In addition to the above, it is essential to have faith in Hazrat Mohd. Sahib.

It is correct that Hadis was written by Ulemas after Hazrat Mohd. Sahib. It is correct that the layats of Quran Sharif are the commands and law for the persons having faith in Islam. This is correct that no Muslim had any authority to do any act against the commands given in Quran Sharif .

According to Islam, there is no living place of Allah. He is omnipresent. He lives in every Mosque. It is correct that the Namaz whether offered at the Mosque, at an ordinary place, at a railway station platform or verandah of a court, its reward is the same. While offering Namaz, a Namazi has a direct link with the God. A person cannot share this bliss with any other person. No person. who is a believer of Islam. can interfere with the commands indicated in Quran Sharif. So far as my knowledge goes there is no such command in the Quran Sharif that which type of Namaz should be offered in a particular Mosque. As I have already stated, I don't know the meaning of layats written in Quran Sharif. I can't say this with surety that the command of offering different types of Namazes in different types of Mosques may not be there in the Quran Sharif, or subsequently it may have started as a practice followed by people. Offering different types of Namazes at different types of Mosques does not provide different types of bliss. It would be wrong to say that the purpose of offering different types of Namazes at different types of Mosques is not religious. Ulemas told this to me. It is not based on my personal information.

It would be wrong to say that offering different kinds of Namazes at different types of Mosques may have no relationship with religion but with politics. A person. who does not follow the command given in the Quran Sharif and does not follow the path shown by it. can't be treated as Mohammedan. To my understanding it is no ground that a person who does not follow the path shown by Quran Sharif and does not have faith in

the instructions written in it. should be condemned. It is correct that the command of Quran Sharif and principles of Islam are against the idol worship. Instead there is nothing in Islam, which suggests that, a person, who practices idol worship. a war should waged against him. Instead, the directives are in favour of persuasion of such a person. Even after persuasion, if he does not follow how should he be dealt with, can only be guided by Ulemas. If in Quran Sharif there is instruction of offering different types of Namazes at different types of Mosques this can also be clarified by Ulemas, I won't be able to tell. If someone treats himself as Mohammedan and does not follow the path shown by it and goes against the command given therein., he will not be treated as Mohammedan. This act of his cannot be treated as Islamic. This will be treated as a worldly affair.

These cases which are going on, I have never pursued anyone of them. The question of my being a witness in these cases first arose when I had a talk with my uncle Karamat Ulla., but I don't remember the year. These cases were being pursued by Hazi Faiyak Sahib. He also was my uncle (chacha). Karamat Ulla Sahib was not pursuing these cases. Karamat Ulla Sahib had no concern with these cases. In addition, I had a talk with junior advocates who were advocating these cases at Faizabad. Since they had known that I had offered Namaz at this Mosque, they had enquired from me about my concern for tendering this witness. These advocates were not advocating the Case on behalf of any party but they were merely pursuing the cases. I won't be able to tell whether any of these advocates had filed Vakalatnama or not in relation to any of these cases. Those advocates are still practicing. They are Mohd. Salim Sahib and Mohd Nadim Sahib. I don't know whether the incidents had been mentioned in the application as per there version or not. The matter of my becoming a witness for the first time came up with these advocates about 8 to 10 years ago. After discussion of my being a witness with Karamat Ulla Sahib, only these were the advocates with whom I had a talk first time. I had no talk with any other person. Karamat ula Sahib had since died During the course of my talks with these advocates, I had said that I had, offered Namaz at this Mosque, and if need be I would give my witness. I had also told these advocates that Farookh had also offered Namaz there,

Hazi Abdul Ahad had also offered Namaz there and his, younger brother Hazi Mahmood had also offered Namaz there. No other person told me this fact that unless the Namaz of Juma is mentioned. this case wouldn't be proved.

When I had a talk with the junior advocates as mentioned above. I can't say whether at that time this case was under consideration at Faizabad, at High Court or at any other place. Those advocates were not pursuing these cases at the High Court. Those advocates did not tell me that I have to be present in the court as a witness or I have to go to any senior advocate named by them. I also don't know whether any meeting was held at Ayodhya or Faizabad wherein it was discussed that in these cases who will be the witnesses. These cases were being pursued by Hazi Fekku, Zahoor Ahmad and Mohd Hashim being the leading personalities and in addition Hazi Faiyak also used to remain in the forefront. I had no such talk with Hazi Fekku as to agree that I would be tendering my witness in these cases. I had no such talk even with Hazi Faivak. I had no such talk about this with Zahoor Ahmed also. Prior to July 1996. I had no talk in this regard even with Hashim.

I have no interaction with Hashim Sahib. We also have no occasions of exchange of social call with them. He is much older than I and also lives at a distant place. We have only locality hood or interaction only at the time of marriages etc. besides the above, there is no other concern. I don't know whether Hashim Miyan is a member of this Babri Masjid Action Committee or not. I have heard that there is an Action Committee of this nomenclature at Faizabad. Ayodhya. I have had no dealing with this committee. I don't know whether any meeting of Babri Masjid Action Committee was held at Faizabad or Ayodhya, wherein it was settled that who would be the witnesses, in this case. I had no talk with the advocates of Sunni Wakf Board also in this regard at any point of time. I never had any talk regarding giving witness in this case with the advocates of Wakf Board.

There is no other Mosque at Ayodhya, in any part of which, there are foot marks (Charan Chinh), Chakia, Belana, Chulha are made. There is no such Mosque at Ayodhya where signs of animals and birds are inscribed.

There is no such Mosque even at Faizabad where such signs may be visible. In India, I had been to Suitanpur and Ahmedabad and Rudauli. At all these three places also I have not seen such signs at any Mosque, I have also not seen such signs at any Mosque at Lucknow.

I had also been to Calcutta as also to Lucknow. I have not seen any such signs at Calcutta or Lucknow. No other person too has mentioned to me about the existence of such signs at any Mosque in India or Abroad.

Question. If pictures of animals, footmarks, hursa (not clear) Belna, Chakla are inscribed inside or outside the building, are these signs of idol worship?

Answer. If these signs are inscribed inside the building, these will be treated as that of idol worship. If inscribed at the backside or any other side, Namaz can be offered inside the building.

I won't be able to tell whether the signs referred to above have any relationship with idol worship or not. This question can be replied by Alims. These signs referred to above, should not be in the front while offering the Namaz. These items have no concern with Namaz. These are not inscribed inside a Mosque. No such thing is inscribed inside the Mosque, which is worshipped by the idol worshippers. Whether these things have the bearing on the desecration or otherwise of the Mosque can only be explained by the Alims, not I. In my view such things would not be inscribed in a Mosque.

Question. If a person offers water or sprinkles water, offers flowers or offers batashas, will it be covered under Idol worship or not?

Answer. I can't tell this. But I will say with confidence that this is unfair. But I can't say whether it is against Quran Sharif or not. However, it is against Islam.

I have never seen anybody displaying the photograph of Hazrat Sahib or any other Khalifa. This act would be Idol worship. No other photograph of this type should be displayed. Likewise even the photograph of some eminent personality of India cannot be displayed. If somebody gives offerings with own hands, that is covered under Idol worship.

I had been to Mazar. We read Fatiya there. We do not offer any chadar or batashe there. These things are not offered because doing so would amount to Idol worship. But it will not be correct to say that people who offer batashe or chadar at the Mazar are not Mohammedan. It is correct that such an act is against Quran Sharif. The -question whether such a person is a Mohammedan or not, cannot be replied by me. Only Alims can reply this point. I have not read the meanings (commentary) of Quran Sharif as to what are its contents, but we accept the explanations of Quran Sharif as given by the Ulemas and have faith in their version. I won't be able to reply the point as to agreeing with their version and believing the same, is also mentioned somewhere in Quran Sharif or not.

It is correct that there are different sects even among Muslims e.g. Sunnis, Shias, Ahmadiyas, Yohras and Memons. All go to Masjids.

Muslims spend their own money on the construction and maintenance of Mosque. I can't say anything about it whether there is any command on this aspect in Quran Sharif. We have not heard anything about it from Maulanas and Ulemas. It is fact that for the construction and repair of Mosque, money is not collected from non- Muslims. I can't say about the British period whether at that time Govt. funds could be used or not for Mosques or temples.

Exchequer in India is to be spent for the welfare of the people.

Since the day I have grown up, I had started my education. We used to study at home. Then we started going to Madarsas. My father was a teacher in a Govt. Primary School. He had the knowledge that while admitting a child to the school, what type of information was required to be given. My father had got me admitted himself for the studies prior to Sib class. Evidently my father himself got my date of birth written in the records. It is obvious that the date of birth, got recorded by him would be correct. My father is a strict follower of the principles of Islam. Being a teacher and a pious Mohammedan, he always followed honesty and avoided falsehood. At the time of admitting me at the Katra middle school. he himself had gone there.

When my brother-in-law got me admitted to Inter Phofas college, he concealed the fact that prior to this I had been a student of Katra Middle School or I had studied there upto the sixth class. I have no knowledge

that the date of birth which was got recorded at the time of admission to this Inter college, was concealed from my father or not. I had been no

occasion of any mention before me that my real date of birth was concealed from him. During the course of my studies I learnt to offer Namaz. Prior to this I was offering Namaz with my father at home. By the time I was studying in the fifth class, I had learnt completely how to offer Namaz. I had studied in the middle school upto class five. It would be wrong to say that my father did not want to give witness in the court for the reasons that he would have to tell a lie. The fact is that he was not able to go to the court. He was staying at home (I myself have stated that my father has lost his memory). He is able to tell us about his requirements. We use to enquire from him about his trouble or need. Regarding this he was able to give suitable reply. My father takes long sleeps. Considering his age, his health is not upto the mark. He is not able to sit or stand on his own. Due to old age, he has become weak and not able to sit. He had nervous breakdown, no other disease. If someone asks any thing from him, he can reply his questions. If his statement is taken at the house, he won't remember the old events. About his memory, we have not taken any treatment from any doctor. We have not used tonics to restore his memory. With whatever tonics we gave him for the restoration of memory we were satisfied.

Farookh Ahmed is the resident of Naugaji Mohalla. He is not younger to me in age but somewhat elder. But I can't tell how much older he is. We have no interaction with each other. We go only with the purpose of purchasing surma. The shop is at the front and the house is in the inner side. We had no chance to go inside of his house. We had been meeting frequently at the Babri Masjid. This is the same Babri Masjid which is called a temple by Hindus. Farookh Ahmed might have seen this building more times than me. Statement given by him was not read to me. He would have better knowledge of this building than what I have.

The Mutdavia building had pillars attached to the walls. They were black in colour. Flowers and leaves were inscribed on them. If the photographs of the building are shown to me I can recognise them. (At this

point the learned Advocate drew the attention of the witness to the album of black and white photographs prepared by the UP Archeological Deptt.)

I have seen the entire album. The photograph No. 20 shows upper part of the north gate of Babri Masjid. Above it, a design has been drawn. No clear picture is visible in this design. It is not clearly visible that what is depicted there. It is not clearly visible according to light. But I have not seen such a design in any other Mosque in India, visited by me. I can't say whether such a design is made on the Mosques or not. I am not aware whether photograph No.33 of the album is of any part of Babri Masjid or not.

In photograph no. 32, it appears to be the southern raised platform which existed in the Babri Masjid. This raised platform (chabutara) in the Mosque was inside the eastern wall. I have not seen such a raised platform in any other Mosque in India which is shown in photograph no.32. such a platform is not constructed in any Mosque. The picture appearing in no. 33 does not appear to be connected with the Babri Masjid. I can't say whether this photograph is of that place or not. Photograph no.37 is of the middle-meshed wall inside the Babri Masjid. The picture shown in photograph no.38 has not been seen by me in the Babri Masjid. The raised platform shown in the photograph no.39 is of bigger size. When we had gone to the Masjid, this was not so big, it was smaller in size. Photograph no. 57 and 58 appear to depict the same pillars that of the Babri Masjid. Photograph no. 59 and 60, 61 and 62 are also the pillars of Babri Masjid. But I can't say whether they are of the inner side or the outer side. Photograph no.95 and 96 appear to depict the pillars of Babri Masjid.

Photograph no. 9 and 10 are also of Babri Masjid. In these, malba lying outside the wall is visible. When I saw the Babri Masjid, some part of it appeared as if it has fallen.

Where the southern and eastern walls were meeting, there some part was broken and where western and northern walls met, there also some part was broken. After the broken parts, the height of the remaining wall was approximately 10 feet. This had not fallen. The fallen wall might have been of one to two yards in length and I cannot tell its width. It might have been two feet in height. I had not seen the wall in this broken or dilapidated condition initially. It was seen only at the last time. It is wrong to say that I

am describing the fact of fallen walls incorrectly. It would also be wrong to say that existence of malba as described by me is in fact the pictures of pigs.

(At this point the learned advocate drew attention towards colour photograph album prepared by UP Govt. Archeological Deptt.). The fallen wall which I have mentioned had fallen at two places. In the coloured album.. photograph no. 13 relates to malba but I can't say what constitutes this malba. And where it is lying. Immediately at the back of the malba, a wall is visible. This wall appears to be complete upto the height and does not appear to have fallen from any place. When I had seen the Masjid, none of its internal part was broken, in my view, no inner part of the Masjid and no part between the outer eastern wall was broken. Towards the west, no bricks etc had fallen. However plaster had been peeled out. Towards the west, there was embankment along the wall and thereafter it was soil I can't say with surety whether photograph no. 13 is depicting the western wall or the southern wall. I even by approximation cant tell the length and breadth of that part from which the plaster stood peeled out. It had fallen from several places. Towards the south, there was a staircase in dilapidated condition between the building and the wall. But it had not fallen. Towards the north between the building and the north gate, none of the part was fallen. In the inner part of the Masjid nothing such had fallen, whose malba had been thrown outside.

It would be wrong to say that photograph no. 13 depicts pig and I am concealing this fact deliberately. This would also be wrong to say that I am deliberately telling it as pile of malba.

In photograph no. 14, the alleged picture of a pig is beyond my understanding. At the back there definitely is a wall but it appears to be somewhat fallen. It is high but its upper part (munder) is fallen. I can't tell the approximate length and breadth of this upper part. Maybe plaster of this upper part had peeled out. About the alleged picture in this photograph I can't say anything.

In photograph no. 15, the wall is constructed upto the top and some part of it is broken. I can't say anything about the alleged picture below it. I

can't say whether the picture made is of a pig. I have not seen that place from close range therefore I can't say what other thing it could be. Photograph no. 16 shows that there is wall at the back but it is not apparent and in front of it there appears to be a pile of earth. I can't say whether this pile of earth pertains to which part of Babri Masjid. Photograph no. 61 does not appear to be of any part of the Babri Masjid. Photograph no. 62 definitely appears to be of Babri Masjid.

I can't say who was the Caretaker of Babri Masjid, I even did not make any effort to know as to who was its Caretaker. We used to see that Hazi Fekku and Zahoor Ahmed were managing the affairs of this Masjid. They were not managing the affairs on behalf of anybody, but they were doing the same themselves. They were not representatives of anybody. Every Mosque does have a Caretaker. But I do not know who was the Caretaker of this Masjid at that time. Hazi Fekku and Zahir Ahmed were not the Caretakers of this Masjid. During winter season and when there were hot winds (loo) blowing, at that time one curtain used to be placed while offering Namaz in the Mosque. (loo means blowing of hot wind). The curtain was hung so that the wind could be stopped. (i.e. curtains were put at the doors, as has been stated by a witness). In the side, where there were black pillars and Sita Rasoi is constructed, there was no door. Black stones were fixed in the doors while Sita Rasoi was outside in the north. Curtains were hung at the doors and not at Sita Rasoi.

I had no talk with my father regarding the situation at the site. My father never told me anything about this building; about any dispute at Ayodhya regarding this building among Hindus and Muslims that might have erupted. But we had heard from outside that there had been a dispute prior to my birth. I don't remember that when I heard this for the first time. I even don't remember that when I heard about this dispute, how much time had passed since then.

It would be wrong to say that I have never gone to this building or I have never offered any Namaz there or I am giving any false statement in this regard. It is also wrong to say that on the pillars of this building, pictures of Hindu Deities are depicted or they were being worshipped by Hindus from the ancient times. It is also wrong to say that the entire

complex of this building has been under the possession of Hindus. It 'would be wrong to say that from 1934, Hindus have been offering Pooja path here continuously and this has been in their possession. It is also wrong to say that after 1934, no Mohammedah had been there or they did not dare to go there.

(Cross-examination by Shri Ved Prakash, Advocate on behalf of Dharam Das concluded.)

(Cross-examination by Shri Vireshwar Dwivedi on behalf of Umesh Chandra Pandey.)

xxx xxx xxx xxx

I have been staying at Faizabad since 1962. My family has been staying with rite. We have been residing in the building Bahu Begum Makbara. When I was studying at Phofas Inter College. I used to do up and down daily to Ayodhya. I studied there from July 1948 to March 1951. My subjects of study were Hindi., Urdu., English, Geography and Economics. Our school used to function from 10:00 in the morning to 04:00 PM, but on Fridays its timings were from 8:00 morning to 12:00 noon. So long I had. been a student, I did not learn typewriting. I stayed at Calcutta from 1946 to 1948 for one and a half-year. My maternal uncle was there. I used to stay with them. For one and a half years, I studied at Sutahati Middle School. Prior to this I studied for four years at a Madarsa.

I can't say with certainty that Hashim had stopped the tailoring work from 1,976. But it is definite that now he is not doing any tailoring work.

My first statement on 06.12.1996 at the court that Hashim Sahib himself had told me that he had left the job of tailoring may be construed to mean that while giving him my shirt for stitching. He had told me about the discontinuance of the tailoring work. I had not given my statement dated 6.12.1996, under the pressure of anybody in which it was stated that "Mohd. Hashim had himself told me while leaving the tailoring work that he had stopped this work".

In 1973, I had been engaged in the work of typing at the Faizabad Court. At a distance of 25 ft from my place of work, Janab Abdul Azeez Farookhi Sahib had his place of work. It is correct that in 1973, when Sunnis tried to take a procession of Baravafat, there was a dispute at

Faizabad at that time and the police had to Lathi Charge and some arrests were also made. Farookhi Sahib was also arrested and Janab Mukim Sahib Advocate was also arrested and many other people too were arrested. At that time we were living at the Qureshi Pavilion of Mohalla Moghul Pura. This house belonged to Janab Munir Qureshi. I don't know whether he was at any time (marhala), the convenor of Babri Masjid Action Committee or not. The distance of Chowk Ghanta Ghar from our that house was about 150 yards. At this Chowk there was a Hotel named Star Hotel Janab Bashir, of village Bhadarasa. Bashir was a Hazi. His son's name is Mohd. Ahmed. Being a member of Jamait-e- islami. Hazi Bashir was sent to jail during the emergency of 1975-77. I don't know anything that after the lathi charge and arrests on the procession of Baravafat as stated above, any meeting of Sunnis was convened at .the Star Hotel of Hazi Bashir regarding the resentment against the highhandedness by Shias meted out to us. I also do not know that a few years later whether there was any settlement between Shias and Sunnis to the effect that Baravafat procession could be taken by Shias but no abuses (Tabarre) would be showered.

When Hasilim Miyan had told me about leaving the work of tailoring, my age was above 30 years. It would be wrong to say that my age was 30 years at that time. Above 30 years. I mean that at that time my age would have been 32-33 years.

Verified after hearing the statement

Sd/-

Hasmat Ulla Ansari

Dated: 09.12.1996

Typed by the stenographer in the open court as per my version. Be presented on 10.12,1996 for further examination in continuation.

Sd/-

Dated.9.12.96

Dated 10.12.1996 (In continuation dated 9,12.96)

P.W. -7 Cross-examination of Hasmat Ulla Ansari commenced today dated 10.12.96 under oath:

It is wrong that while entering the premises from the eastern main gate. there was raised platform towards South and one tent type wooden structure was placed there. On this raised platform there was only one shed (Chbapar), which was on the entire platform. It would be wrong to

say that this shed was only at the northern part of the raised platform. It would also be wrong to say that the height of the raised platform was one meter. we did not see any plaster on this raised platform but only stone work was done there.

When one entered from the eastern gate, towards left i.e. in the northern side there was one shed. But I don't recollect whether there was any Neem tree or this shed was under the Neem tree. This shed was not longer than the shed in the southern side, rather it was smaller to that. Imam Sahib was not staying there. Previously in my statement the name of Imam Sahib was mentioned by slip of tongue. Actually Ismail was staying there, who was the employee of the Mosque. Wife and children of Ismail were not staying in the shed. Ismail was staying alone in the shed. It would be wrong to say that in the shed some other people stayed or were staying.

It would be wrong to say that prior to one month before the incident of 22/23 December 1949. there was tension and jungle Raj prevailed in Ayodhya. There was no such incident that people used to throw stones or shoes at the Namazis or create such types of obstacles in the way of offering Namaz. At least I have not heard any such thing. Nobody stopped anyone for going to offer Namaz. I had no difficulty of any type in offering Namaz there. During the period of one month I have offered Namaz there atleast 8-10 times alongwith Hashim Sahib. On these occasions no body troubled us. During this period, I observed that outside the eastern main gate Babas used to come and deliver speeches. 20- 25 30 people used to be there as listeners also. I never listened to their speech Whenever I went there to offer Namaz, I saw that Baba and different people making speeches. These people were engaged in lecturing at a distance off 10 steps from the eastern outer wall towards east The listeners did not indulge in any slogan shouting. Their speeches were not provocative, so far as I heard them. I kept my ears open but my main function was to offer Namaz at the Masjid and not to listen to speech.

Because I am a resident of Ayodhya, therefore I recognise Bairagis by their dresses. Bairagis were also among these listeners. I am not aware of the name of the Baba who used to deliver speech.

I have heard the name of Kaushalya Ghat. Ram Ghat, Laxman Ghat, Sumitra Ghat. Ramkot, Bharat Kund and Sita Rasoi. I have heard the name of Vashishtha Kund also. I have read Hindi upto Class X. I have heard the name of Tulsi Das also. I have also heard that he has written Ramayana. I don't remember if I have read any work by him upto 10th class. I can't tell that the places stated above i.e. the names of the Ghats etc. are related to the members of the family of Shri Ram. It would be wrong to say that I am concealing some truth deliberately.

It is correct that as I have been residing at Faizabad since 1962, therefore my brothers are looking after and serving my father who is staying at Ayodhya with them. (He himself stated that he was sending the things required by his father). Yesterday, I stated in the court that I am providing him tonics etc. I have never stated that I personally make him to take these tonics. I go to him when I am off from my work. The distance of Qureshi pavilion from the house of Advocate Younus Siddiqui would be approximately 100 feet. This Siddiqui Sahib has appeared as a witness in this case prior to me. I have no knowledge of the fact that when this case was filed on behalf of Sunni Central Wakf Board and others. Whenever Hashim Sahib visits the Court at Faizabad, he does not come to me. Whenever Farookh Sahib visits the Court of Faizabad, he does not come to meet me. It may be by chance that we meet. Hazi Mahboob never comes to the Court. This would be wrong to say that I am concealing the truth deliberately. I know Mr. Yaseen of Raigunj Gudiana. He was my classmate at the Madarsa. I don't know whether he has appeared as a witness in this case or not.

I have heard the name of Anjuman Muhafiz of Maqbaras and Mosques (stated himself that this has been newly set up). I have also heard the name of Babri Masjid Action Committee. This is also not an old institution but has been set up recently. By new Institution, I mean it could be 20 - 25 years old and not 40-50 years old I can't tell that who is the head of Anjuman referred to above and who had been its head previously. I also cannot say that who is the head or convenor these days as also previously of the above mentioned Action Committee, Faizabad.

I don't know any such institution named Babri Masjid Coordination Committee. The Action Committee stated above might be doing some work, relating to Babri Masjid, I won't be able to give details. I don't remember and neither it is in my knowledge that any action was taken at Faizabad or Ayodhya on behalf of Babri Masjid Action Committee. This is wrong that in this regard I am concealing any truth. This is also wrong to say that I am an active (Sardar) member of this Action Committee, It would be wrong to say that I am concealing this fact with the intention that the court may treat me as an unbiased witness. I came to know about this case approximately 20-25 years ago. This I did not know from any person but through reports in newspapers. After reading the newspaper, I did not make any efforts to verify as to what was going on in this case. To my knowledge, there is no friend of Hashim Sahib or Farookh Sahib or any other person who might be working at the Faizabad court and their acquaintance with that person might be more than with me.

The Anjuman referred to above has arranged the repairs of Bijli Shaheed Maqbara. This Maqbara is located in between Kutia and Rai Gunj Station. Anjuman has also got repaired the fallen wall of Idgah located at Ranopali. They had also filed a case for the removal of illegal encroachment at the land of Idgah. Maqbara of Bijli Shaheed had been repaired 20-25 years ago. This Idgah matter is about fifteen years old. I am not aware if they have got done any oilier work recently.

Hashim Sahib, Zahoor Ahmad Sahib and Hazi Faiyak Sahib were the Muslims in the forefront who pursued this case. This matter pertains to the period prior to 1960.

Question. Should it be construed that you were aware in 1960 that this case was being pursued and above three persons were its leading pursuers?

Answer. I had no knowledge about the suit. I only knew that all the three persons used to consult each other regarding this case.

Nobody had told us about this. I had been going to Hazi Faiyak and from there I came to know about this. It would be wrong to say that I am giving any misstatement in this regard.

I had been knowing Farookh Sahib since I was 12-14 years of age. I feel that upto the age of 10, it was my childhood. I am not knowing Farookh Sahib from childhood and I knew him when I had grown up. I had no chance to be in his company to play with him and to study with him. We were also not from the same locality. He used to come to offer Namaz with his father and I also used to go to offer Namaz with my father, in this way we came to know each other. When I saw his father for the last time, his father's age would have been approximately 70 years. He had died about 25 years back from today. Whenever we went to him to buy surma, we used to come back after having the same. At the maximum, we used to stay there hardly for ten minutes. I myself also apply surma and other people in the house also apply the same.

Before the incident of placing the Idol at the Mosque, I had offered Namaz there for the last time two days before only. Till that time I had been offering Namaz there regularly. It would be wrong to say that I had offered the Namaz there upto one week before the placement of the Idol at the Mosque. I have heard my statement of 05.12.1996, which had stated that "when the Idol was placed one week before that I was offering Namaz there regularly. It was placed there in the midnight of 22/B Dec 1949". This statement of mine is correct. But this is also correct that two days before the incident, I had offered the Namaz there for the last time. This statement I had given before the statement mentioned above.

When I offered the Namaz at Babri Masjid for the first time in 1943, my age was appx. 11-12 years and I had grown up. It would be wrong to say that I am deliberately enhancing my age and twisting the truth. I had never seen my school leaving certificates, of primary school, of middle school and these might have been obtained by my father. When I took admission at the Kaziana Madarsa, my age would have been approximately 9-10 years. I have obtained a license for pursuing the typing work at the Faizabad court, but I have not told the officials there the date of birth entered in my educational certificate is mentioned incorrectly. Hazi Mahboob is approximately, eight years younger to me. I have no estimation about the age of Hashim Sahib. He is much elder to me. I won't be able to explain the expression much as to how much elder he is to me. Farookh Sahib might be 5-7 years or eight years elder to me.

I am pursuing the work of typing at the court. Keep away myself from litigation and becoming party to any suits. Upto 1996, Hashim Sahib never told me anything for being a witness in this case. Actually he never told me to give the witness. I never said myself that I am ready to give my witness. He himself stated that this I have told to other persons. Janab Salim and Nadeem are both junior advocates at Faizabad. They came to me for getting their typing work done, at that time, I told them that I was ready to give my witness. This interaction is approxinlately fifteen years old. By that time, Salim Sahib and Nadeem Sahib .had perhaps taken up the profession of a lawyer. It would be wrong to say that in this regard I am giving some false statement I had informed my uncle Sharif regarding my being a witness about thirty years ago. I had never had any direct talk with the pursuers of this case, that I was ready to be a witness. The pursuers are Hashim Sahib, Zahoor Sahib and Hazi Faiyak Sahib There was no special reason for not informing them about this.

It is wrong to say that after the incident of 6th Dec. 1992 and my brother and nephew having been sacrificed, I was emotionally associated with this case. It would be wrong to say that I had prepared myself to give any kind of witness, true of false, thereafter. This would also be wrong to say that this was the reason of my tendering the witness.

I have not read the history regarding who had got constructed this Masjid. I have only heard it. Towards the east outside the Masjid there was Ganje Shahidan. The speeches, which I have referred to used to be delivered at this Ganje Shahidan. Bairagis and other Hindus used to listen to these speeches at this Ganje Shahidan. In these speeches the name of Ram was repeated frequently. but they never gave any speech against the Muslims. Atleast, I have not heard it. Ganje Shahidan would be approximately 30 feet wide and of the same length. Towards tile soul of Ganje Shahidan previously there was one well. After the well there was one tamarind (Imli) tree and thereafter was one very long graveyard. This well was neither in Ganje Shahidan nor in the graveyard. This graveyard was upto Khwaja Hatti and it would have been approximately of 8-10 bighas and I would not be able to tell its dimension because I had not

measured it. The area in bighas mentioned by me was not measured but it was only an estimation which I have told. I had not measured the dimensions in yard and feet and, therefore, I cannot give its approximation.

There was not graveyard towards the west of the disputed Masjid. In 1954, I had not offered any Namaz here because an idol was placed there and permission was not there to go inside and therefore. I did not go there to offer Namaz. In 1954, Hazi Faiyak and one boy Halim of our Mohalla and many people of the city had gone there to offer Namaz. They could not offer the Namaz as they were arrested. To my knowledge, there was not suit going on that time. I only knew that this place had been attached. Who else could attach it other than the Government? I don't know whether any suit was going on or not about this attachment. I have no knowledge that in 1954 any suit was going on or not about this property. Within a month from the placing of the Idol, this property was attached. After placing of the Idol there, I had never been to that site. I have not seen anybody placing the Idol there.

At the Katra Middle School, I had done my studies upto sixth class. But while leaving the school. I did not get any certificate. I had heard my statement dated 05.12.96, recorded in the Court, in which I have been recorded that I had studied there upto sixth class and I had got the certificate for the studies done there. In this statement it is wrongly written that I have got the certificate for the studies done there. In fact I did not ever get any certificate. It is wrong to say that I am telling a lie in this regard.

Ganje Shahidan name has been attached because there were certain graves of martyrs, some martyrs were given a mass burial. It is heard that during the uprising of 1934, certain martyrs were given a mass burial there. Those persons who sacrificed their lives in the war are called martyrs. As per my knowledge, whatever the type of war may be, those people who go to the war and come back safely, they are called Gazis. It is so, so far as my knowledge goes. I have only heard it and no Alim told me about this. I will not be able to give the details, whether I have read it or not anywhere. So far as I know, this case is regarding the Mosque I don't whether land of graveyard is included in this or not. The building of the

Mosque was more long in North-South and lesser in the East - West. The graveyard towards the South of the masjid, already been referred, that too was longer in the North-South direction. Towards the north of masjid and with the outer wall towards outside, there as a raised platform which had some graves and thereafter there was a road which was going down and thereafter there was graveyard. (Repeated) there was first Birthplace Temple and thereafter the graveyard.

(At this point learned advocate drew the attention of the witness towards the photocopy of map at paper no. 2/16 A-I attached with the application of suit). I have seen the photocopy of the map. In this the the courtyard shown in the south appears less in length towards south north while appears more in length towards east west. But at the site its length was more towards south north. In this map there is a mention of courtyard towards the west of the Masjid too. In this map towards the north, the graveyard is shown adjacent the road outside the Mosque. But there was no graveyard towards the west at the site, while there was Janamsthan Temple in between the road in the north and the graveyard, from the angle of the site. I can't consider these maps to be correct because there was no graveyard towards west whereas it appears so in the map. It would be wrong to say that I am giving some misinformation under emotions. When Hashim Sahib gave me summons of the court, he had told me that hearing has been fixed in the case and this is the summon for your witness. Thereafter, I had come to the court but my attendance was however not recorded in the court.

Our house is located in Kaziana, Ayodhya. Babri Masjid is located at a distance of one and a half furlongs from our house. It is visible from our house. But Azar could not be heard at our house. Because It was known as Jama Masjid, therefore, I used to go regularly there to offer Namaz. The names Babri Masjid and Jama Masjid are one and the same. Babar had constructed it and on Fridays Namaz was offered here. This was the very same place. I have not read in history but have heard from the people that this Mosque was constructed by Babar. Since I am temporarily staying at Faizabad and my permanent residence is at Kaziana, Ayodhya,

therefore when my witness commenced here on 5.12.1996, then I have given my address that of Kaziana. There is no special reason that why I have not given reference of my present address. This would be wrong to say that I have got recorded my address of Kaziana to give weightage to my witness. When arrangements of Masjid were being looked after by Zahoor Sahib and Nazi Sahib, at that time no management Committee was formed. There has been no meeting of the Ahle Sunnat to appoint in them as Managers.

It would be incorrect to say that those lawyers (Vakla) who had come to me and I had offered to them to be a witness, they were wrong and those lawyers had pursued me and on their persuasion, I agreed to be a witness. Those lawyers did not seek my agreement, but I myself had offered to be a witness. They had only asked me and enquired "whether I had offered Namaz at Babri Masjid or not? I had replied "yes, I have".

I don't have full information about the plaintiffs, but so far, as I know, there is no Shia Muslim in this. So long as I stayed at Ayodhya, I had known that this case pertains to Babri Masjid but I had no full details about the contenders. The dispute was on this count that Hindus wanted to make a temple of Babri Masjid. They never treated it a temple. After the Idols were placed, I came to know that they (Hindus) wanted to make it a temple. When the other elders were there, there was no need of any action being taken from my side, to the effect that our holy place should not be transformed like this. I am not aware whether my uncle Karamat Ulla Sahib took any action in this regard or not. I had taken my religious education at the Madarsa. At Madarsa we were taught Urdu and Arabic. This is what we call it religious education.

It is wrong to say that my entire statement is misleading or false or I am telling a lie.

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

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

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I have heard the name of Pammhans Ram Chandra Das, but I don't recognise him by face. I don't know where does he belong to. Which I

have not seen him then how : I can say that he is a Sadhu or a family man. I have heard his name after the incident of placing of Idol. I have heard that he was involved in the placing the Idol. After that I never made any efforts to gather any information about him. I have seen the disputed property. Towards the north there is one temple of Hindus, but none on other sides. It would be wrong to say that there are temples of Hindu God-Goddesses all around it.

In the north of the building, there is a temple of Hindus which is known as Birth Place. I have never gone to its eastern side. therefore. I can't say what is there. I had never been to the north of this temple too. Towards UIC south of the disputed property, there is a graveyard and after the graveyard. There is Khwaja Hatti and thereafter, there is small garden of guava trees and thereafter there is a passage. Then there is Gokul Bhawan. Just after taking a turn from the Gokul Bhawan, there is Vashishtha Kund in the same Bhawan.

I have heard that there is Hanuman Garhi and Kanak Bhawan at Ayodhya. But I have never been there I had never come to the disputed property from the side of Faizabad-Lucknow main road. Whenever I had the opportunity, I used to go to this property via Terhi Bazar. While going from Terhi Bazaar there is a kaccha route in between. As the distance from this route was short therefore. I used to take this route. There is no building in Ute east of disputed property, there is only on raised platform (Chabutam). This is approximately ten steps away from this property. This is known as Ganje Shahidan. I don't recollect if any building on the north east corner of the disputed property existed.

When I had not gone to the disputed property from the side of Lucknow-Faizabad road. Then how can I tell whether there was any Mosque or not on the way. But there is no Muslim population on the way. By 'on the way' I mean the place from main road to Babri Masjid. There might Hindu Temples in between. It is wrong to say that upto a distance of one and a half to two Kms from 'the Babri Masjid towards north. Between the Masjid and Sutahati, there is no Muslim population but at Sutahati

there is Muslim population. It is correct that there are many temples of Hindus between Babri Masjid and Sutahati, but I don't know their names.

Inside the Babri Masjid, there was northern wall, forming part of the inner dome and at a distance of twenty feet outside there was the outer wall which had the northern gate to go out of the building. That was northern gate. The small raised platform, on which Chakla, Chulha or Belna and footmarks existed, was in the middle part of this 20 feet distance. This raised platform was a little away from the northern gate towards west not in the northeastern corner of the inner wall. Northern gate of the outer wall had its opening in the outer courtyard of the Masjid. This raised platform might be approximately at a distance of 25 feet from the Northern gate towards west. Since when I started visiting the Babri Masjid. I had been observing this raised platform and all those things made on this raised platform. as they were. Muslims had no occasion to go that side which used to remain closed. In between the inner north wall and outer wall, there was a grating wall from east to west. To the east of the small raised platform on which Chakla, Belna etc. were made, there was no wall. There was no obstacle to reach this raised platform while entering through the northern gate of the outer wall. A person could approach this place from the outer main gate while to enter from the inner passage of the Mosque, there were two gates made of rods which remained closed. While entering inside from the northern gate, there was no Neem tree in the corner, but there was a small plant. However, I can't tell what plant it was.

In the southern and eastern corner, there was a tree but I can't say whether it was inside or outside this premises. I don't know what tree it was?, now I don't remember. I can't say whether this tree was a Pipal tree or Neem tree. If a site map is shown to me then I can recognise it. I can also describe the position at the site. (At this point the learned advocate drew the attention of the witness towards plan (as per scale) at paper no. 136/5 attached in case. no. 1/89 in the suit of Gopal Singh Visharad. After seeing the plan the witness stated).

I have seen the plan, it appears that it is correct as per the site have seen a plan in the same file attached as paper no. 136/6. That is also correct as per the site. The location of Sita Rasoi and sheds etc. shown in this is correct and I have been seeing them in the same position.

I have not seen any cover over the small raised platform of Sita Rasoi as mentioned above, tile raised platform towards the south in the outer Courtyard had a shed. I had never seen anybody visiting the shed. I had never seen any Muslim too sitting under that shed. I can't tell whether Namaz was ever offered there or not. This raised platform was made of small stones. This would be wrong to say that images were also engraved on the stones. This would also be wrong to say that on this raised platform. Idols of Hindu Gods / Goddesses were placed. This would be wrong to say that Hindus had been visiting that place regularly, engaging themselves in Puja Path or Kirtan. I never saw any Hindu visiting or performing Puja Path at the Sita Rasoi as well.

I am the original resident of Ayodhya. A Fair in Shravan is held there. Fair at the Mani Parbat and another fair at the Vashishtha Kund is also organised. There is Ram Navami Fair in the month of Chaitra. It is said that Ram Navami Fair is organised on the occasion of birthday of lord Rama. On this occasion, people from outside also come to Ayodhya. During the days of our childhood thousands of people from outside used to come. These days lakhs of people come. Parikramas are also organized there. Of the two parikramas one is Panchkosi and another is Chaudahkosi. Hindus come from different places and they perform parikramas also on this occasion.

Since the time I grew up and upto 6ili Dec. 1992, no Hindu Muslim disturbances at Ayodhya, Faizabad have taken place. The relations between Hindus and Muslims were very cordial. First time, disturbance of Hindu Muslim took place on 06.12.1992. When Babri Masjid was demolished then there was disturbance. (Stated himself that this riot was one sided because Muslims had not banned Hindus anyway).

This building had been attached on account of the incident of placing of the idol. But I can't say whether Hindus continued Puja Archana there

inspite of the attachment. I can't say whether only inner dome portion was attached. I can't say as to how this property was being looked after or managed after the attachment of the disputed property.

We have Hafizes. They are invited for recitation of Quran Sharif. They are not given any compensation, but they are given money or any compensation, but they are given money or clothes as gifts. There is no fixed amount.

There are Mosques near to our house at Ayodhya even before 1949, I used to go there to offer Namaz. As the Babri Masjid was Jama Masjid, therefore I used to go there to offer Namaz. I offered there Juma Namaz and Tarabi, as well. Juma Namaz is not offered at every Mosque. It is offered only in particular Mosques. I am saying it on the basis of the opinion of the Alims, that Juma Namaz is not offered in every Mosque.

I won't be able to describe the boundaries of the Birthplace Temple, I have referred to.

Farookh Sahib, whose name I have mentioned earlier had many cases in the Court. He did not come to Court on daily basis, but used to come frequently. Occasionally I had talk with him about this case. I won't be able to tell since when this case had been going on, in which I am a witness in the Court Faizabad Salim Sahib and Nadeem Sahib are engaged in legal practice at the Court of Faizabad with whom I had a talk about this case, But these people did not tell me what was the dispute between the parties. When Hashim Sahib gave me summons of the Court, he merely told me that this case was regarding Sabri Masjid. I don't remember whether in the summon the date for appearance in case in the court was mentioned. These things pertain to the year 1996 (stated himself that he had received a summon' of the Court in 1991 also). Hashim Sahib had given the summons to me in July 1996. Advocate Younus Siddiqui Sahib had informed me about the appearance in the Court on 05.12.1996.

It is wrong to say that I never offered Namaz at the disputed site. It is also wrong to say that that place had been in the possession of Hindus always. It also wrong to say that this place was their temple and they have

always been performing their puja path there. This would also be wrong to say that I had never been to the disputed place. This is also wrong to say that on the raised platform in the southern part of the outer Courtyard and under the shed thereon the Idols of Hindu Deities had always been there or these were being worshipped or I am concealing this fact deliberately. It is also wrong to say that I am telling a lie. This is correct that not only from 1949 to 1990 but even now I had no interest in this case except as a witness. (stated himself that he is giving a true witness). It is wrong to say that I had given any misstatement.

(Cross-examination by Shri Madan Mohan Pandey Advocate on behalf of Param Hans Rām Chandra Das concluded.)

Verified after hearing the statement

Sd/-

Hasmat Ulla Ansari

Dt. 10.12.1996

Typed by the stenographer in the open court as per my version.
May be listed for 14.1.97 for further examination.

Sd/-

10.12.96

Dated 14.1.1997 (In continuation of 10.12.96)

Cross-examination of Hasmat Ullah Ansari P.W.7 commence under oath today 14.1.97:

(Cross-examination by Shri Devaki Nandan on behalf of self and on behalf of Plaintiffs 1 and 2 in suit no. 5/89):

I have never seen any Caretaker of Babri Masjid. None of the two viz. Fekku and Zahoor Ahmed was its Caretaker. (Stated himself that they only looked after its arrangements). Maulavi Gaffar Sahib was the Imam. He did not see this arrangements. He was the Imam of this Masjid as well as the Imam of the Mosque near to his house and looked after the arrangements of that Mosque also. I don't know correctly but according to my information no representative of the Sunni Wakf Board looked after the arrangements of Babri Masjid.

I had not offered Namaz in that Masjid on 2200 Dec. 1949. I had not offered Namaz there even on 21st Dec. 1949. I have corrected my statement that I had been rarely offering Namaz there upto a week before the placing of the Idol there. I did not offer all the five Namazes there but certainly offered Namaz of Asar. The Namaz offered when the sun sets is known as the Namaz of Magrib and the Namaz offered prior to that is known as the Namaz of Asar.

I am not aware that suit of Sunni Wakf Board was filed on 18th Dec. 1961. It would be wrong to say that keeping in view— the date of 22nd/23rd Dec. 1949, I have started offering of Namaz there regularly upto one week before from that date. I know about the Kevda Mosque located at Ayodhya. When I was staying at Ayodhya, I was living in the house of my father. Now I am residing at Faizabad, for the last about 32 years. The place of residence stated in my statement as Kaziana Mohalla is correct. I have also told that I was living at Faizabad. The Masjid of Terhi Bazaar and Masjid of Kaziana are approximately at the same distance from the house of my father and these are much nearer as compared to other Mosques. My father's house lies in between these two Mosques.

My exact date of birth is of 1932 not that of 1934. I was married in 1955. I passed high school in 1951. In 1943, when I used to go to this Mosque for offering Namaz, I was not being helped physically by my father (by holding his finger) to go to the Mosque. I have learnt offering of Namaz through books and no specific person taught me this. The recitation of Namaz is in Arabic language. I learnt the Arabic language in the Madarsa, I started going to Madarsa at the age of nine and had taken admission in the Madarsa at the same age. But before this I had learnt Arabic at the house. My father had also taught me. The age of my father at that time would have been approximately 92 years. He was not in a condition to move about. He speaks and can hear. He has become weak physically.

When I started to offer Namaz in 1941, I was not going alone, I used to accompany others including my father.

I had started typing work in 1960. It is wrong to say that people don't go to offer Namaz properly at the Mosque properly before the attainment of adulthood or the persons of this group go to the Mosque at special occasions such as Id and they accompany their elders for offering Namaz.

Perhaps in 1932, at the time of Bakrid disturbances had taken place at Ayodhya. But there were no disturbances in 1934. I don't know correctly whether some Bairagis had damaged the domes of the Mosques as a protest in connection with some incident of cow slaughter. I also don't know whether at this time British Government had imposed some fine on Hindus due to this incident or they had got the Mosque repaired after recovering the money from them. It is wrong to say that after this incident, the Mosque was locked by the police, or the Mosque remained under lock and key. Whenever, I went to this Mosque I never found any lock. I always used to come from eastern gate. While entering from the main gate towards the east there was a gate with iron rods through which I used to enter. The grated wall had two gates of rods towards the east. Out of these two gates one used to remain open and the other remained closed. But on the day of Juma this was also kept open. There was another gate in this grated wall towards north. That too used to remain closed. The road outside the Mosque was connected through stairs, which could lead to the main gate. But this main gate always remained closed. This main gate was opened only at the time of heavy rush. Otherwise it remained closed.

When we entered the disputed building from the eastern main gate, towards the left i.e. in the south there was a raised platform. It is wrong to say that on this raised platform the statues of Hindu Deities were placed and puja was performed regularly there. I never saw anybody doing worship there. Similarly, near the northern main gate Chulha, Chakla etc. were made. I never saw anybody worshipping there also. I never tried to enquire about the reason for the existence of the place of Chulha. Chakla and Belna and the raised platform there. I never asked this from any elderly person, nor I made many efforts to gather any information. Outside the main gate i.e. outside the eastern gate, I never saw any stone or inscription, which had a mention of anything about Ram Janambhoomi.

Outside the boundary of this building I had never seen any shape of any animal in any direction neither I saw statue of any animal like shape attached to the wall. Likewise, inside the boundary towards the east south, corner, I never saw any statue like image, outside the Mosque while going from west to south. There is an embankment running from north to south, which could also be used as a shorter passage. At the end of the embankment whatever the raised structure was there, it was the part of the embankment. Nothing separate. Outside it towards the north, there was a 20 feet raised platform where after there was one staircase and then Mazars and after the slope there was a road. Towards south there was a graveyard and not any path type embankment. Towards the west there was passage type embankment and immediately after that there was a slope. But towards the south, there was no slope.

The saw machine of Maulavi Abdul Gaffar Sahib was approximately at a distance of one and a half-furlong from this Mosque. Maulavi Abdul Gaffar had died about 7-8 years ago. When he was the Imam of this Mosque he did not have the saw machine.

I had left Madarsas in 1944. Middle School at Sutahati had been left by me in 1946. I had taken admission at the Phofas Inter College in 1948. I used to go there daily from Ayodhya. The timings of studies changed according to season. I was doing up and down by the bicycle. When I was going to the college, I was offering my Namaz at Faizabad. Evening Namaz was offered at the Mosque near our house. I had never offered Juma Namaz at the Kevda Masjid. Upto 1949, till I was staying at Faizabad, I offered my Juma Namaz at Faizabad and whenever I was at Ayodhya I offered the Namaz at Babri Masjid.

There was a Hauz built at the Babri Masjid for washing of hands before prayer (Vazu). This was 4-5 feet in height and approximately 5 feet long. Those days the hauz was not being used. Water was kept in the earthen pots.

I have not seen Sita Koop. I don't know where is village Kot Ram Chandra located. I also don't know where is village Jalwanpur.

It is wrong to say that I had never offered any Namaz at the disputed building. It would also be wrong to say that this building has always been in the possession of Hindus or Puja-Archana was being performed by them.

This is also wrong to say that I have misrepresented the date of my birth or twisted my entire statement under the influence of somebody.

(Cross-examination by Shri Devaki Nandan Aggrawal on his own behalf and on behalf of Plaintiff concluded)

(Cross-examination on behalf of Hindu Mahasabha and Shri Ramesh Chandra Tripathi by Shri Han Shankar Jam Advocate)

I had stopped my studies in 1952. My subjects of study were English, Hindi, Urdu, Geography and Economics. I have read Arabic at the Madarsa. I cannot understand Arabic but I can definitely read it. I have read Quran Sharif in Arabic. I am not able to understand what is written in Quran Sharif. I can't understand what is written in it. I have not read Urdu translation of Quran Sharif. I can't understand what commandments are there in the Quran Sharif.

Before offering Namaz, hands are required to be washed (Vazu) and no other action is required. Water is required for washing of hands (Vazu). There are no such instructions that how far of or nearby water should be available. Water should be clean (Holy). It is not necessary that water is of tap or from a well. In the Namaz thanks (Sajda) are given, nothing is demanded. Allah is treated as the Supreme. Only his prayex is done who has created this universe, he is Allah. Allah has created every person in this world. Allah has sent his messengers (Paigambars) to the earth from time to time. Allah is not. person. He is not visible. Paigambars were persons. They ,were visible. Mohd. Sahib was a Paigambar. Paigambars were Muslims.

Question. Had there been any Hindu Paigambar of Allah Hazoor or not?

Answer. (Witness has already stated that Paigambars were Muslims, therefore there is no need of this question. Honorable Advocate may ask any other question).

God had created all the universe which includes Hindus, Muslims. Sikhs and Christians. It is not that, Hindus who make Idols do it with the grace of Allah and with his approval. There is no commandment in the Quran Sharif saying that people who have no faith in Allah should not be made friends with. It is correct that a person is known Muslim if he has

faith in Quran Sharif. It is wrong to say that people who have no faith in the Quran Sharif are not to be tolerated by the Muslims.

I have not read History. I have not read anywhere that all the Muslim Kings who ruled Hindustan had broken the temples of Hindus. In the opinion of Muslims breaking of Idols is fair. It is permitted in Quran Sharif. It is not that if an Idol is placed in a Temple, .Masjid can be built by removing the Idol from there and Namaz can be offered. (Then stated that offering of Namaz is not prohibited. If any Idol is placed at that place it depends on the intention of the person offering Namaz. He can offer the Namaz by imagining that there is no idol at that place). We do not treat Bhagwan Ram and Krishan as Paigambers. We do not call them Kafirs.

When we used to go to offer Namaz at the disputed building, there were temples on the way, we never counted them. Gokul, Bhawan was definitely on the way. Since our coming to age, breakage of the disputed Masjid took place for the first time in 1992. It also happened 4-5 years back in 1990. There was some breakage in 1934 also. About the 1934 breakage, I have heard from my elders. I can't tell at which particular plot no. the disputed property was located. Towards the east of this property there is a raised platform at a distance of ten steps. It is known as Ganje Shahidan. Towards the north there was a road. Towards the west there was an embankment and a slope, whereas towards the south there was a graveyard. Graveyard was there on the three sides of this building.

At this point, the learned Advocate drew the attention of the witness towards the plan-Exhibit paper no. 2/16 A filed by plaintiff, on enquiring the witness said that he had understood the plan). I have seen the plan, there are certain lines drawn in the plan. It is correct that in this plan towards the west also a graveyard has been shown. This is not correct as per site, and to this extent this plan is incorrect. To enter the Masjid, we used to go from the eastern side. The raised platform mentioned above, was before the gate towards east. This raised platform was in the east of this building. This raised platform was approximately of an area 30 X 30 sq. ft. From the perusal of the plan it does not make clear at which particular place the Mosque was located. The entire disputed property belonged to the

Mosque. The above mentioned raised platform was outside the Mosque, not inside. The above-mentioned raised platform was not a part of the Masjid. On this raised platform other people i.e. Hindus, before placing the Idol used to perform Bhajan Kirtan etc. I have not filed any application etc. at any place regarding placing of the Idol in the Mosque. I won't be able to tell of which particular Deity the Idol was placed. I was not present there, therefore I can't say how many people placed it there. It would be wrong to say that fifteen days before the date of placing of the Idol. I had stopped going that side. A month prior to the placement of the Idol Bhajan Kirtan had commenced there. Bairagis performed these Bhajan Kirtans. It is not that there were firebrand speeches by the leaders but not against the Muslims. These Bairagi people would be 30-40 in number. When we used to go to offer Namaz, these Bairagis never created any commotion or quarrel. These people did not sound conch Ghariyal or bell. When we used to go to offer Namaz of Asar, our number used to be 8, 10 or 15, at the time of Juma Namaz the number used to be much more. We did not take with us the bedsheets for offering the Namaz. Bedsheets were available in the Mosque. These bedsheets were not used to be hung at the walls.

(The learned Advocate drew the attention of the witness to a particular person sitting in tile Court among the observers and after seeing them the witness stated) I know that particular person. His name is Aamir. I don't know whether he is a witness or not in this case. He is a resident of Durahi Kuan, Ayodhya. But I don't know his parentage.

The disputed property had pillars. There number would have been twelve. They were black in colour. The stone was of black colour. I can't say whether this stone was of kasauti or not. I never saw black marble. There was no painting on the pillars. Flowers and leaves were inscribed. I can't say whether these flowers and leaves were one thousand year old or not. God may be knowing better that how much old these would have been. No Idols were inscribed on these pillars. There was no pitcher or kalash inscribed thereon. (He himself stated that flowerpots were inscribed). We never saw this type of flower leaves and flower pots in any other Mosque. The place where we offered Namaz at the Mosque, that floor was of white colour. It is nowhere written that where Namaz is offered, the floor of that

place should be of black colour. Muslim religion adopts all colours. It also adopts saffron colour. It would be wrong to say that in Islam only black colour is recognised.

I have heard the name of Babri Masjid Action Committee. I have no knowledge that in this case advocate Shri Mannan Jilani and Mushtaq Ahmed Siddiqui presenting this case on behalf of Sunni Wakf Board and along with them other plaintiffs, are members of this Action Committee or not is correct that this Action Committee had interest in this case and pursues the case in every way. I don't know whether some directions came for the ordinary Mohammedan regarding the case of this Masjid from the foreign countries. I don't know whether the above mentioned directions were from the Muslim countries. We have not received any directions from Pakistan or Bangladesh in this regard.

Partition of the country in 1947 was in the name of Hindu and Musalman, but it was in the name of Hindustan and Pakistan. We have not heard any declaration that any Muslim who does not want to reside in this Hindustan should migrate to Pakistan. I don't know whether any speech or statement was issued on the subject by Mr. Jinnah or not. It is correct that after the partition many Muslims of Faizabad and Ayodhya left for Pakistan. No person from our family, house and neighborhood, left for Pakistan. We have no relative in Pakistan. It is wrong to say that after the partition of 1947 I had also left from Pakistan with my father. It is wrong to say that I was deputed here by Pakistan and I was assigned any such job that I may create any disturbances or pursue this case.

We Muslims, normally take the help of English calendar in our business affairs. We know our festivals based on movement of moon. The movement of the moon has its own course. When Mohd. Hazrat went to Madina from Mecca after performing Hajrat since then started the Hizri era. From that year Hizri Samvat has started. Date of all the festivals of Muslims are fixed based on this calendar. This calendar may also be wrong. Therefore, our festivals are fixed based on the movement of the moon. I have no knowledge about the Hizri calendar. I don't remember

Hizri dates. Today is the fourth date of Ramzan. I can't tell, my memory is not strong enough to tell that what date was 22nd Dec. 1949 as per the Hizri calendar.

After the incident of 22nd¹²³, 1 Dec. 1949, no declaration or fatwah issued by any Mullah or Maulavi. I don't know that any Action Committee was formed upto 1986 for taking back the Masjid. I don't know why this Committee came into existence in 1986 only.

The gate through which entry was made to tile Mosque was under lock and key. The lock was put there at the time of attachment. I was not there, Therefore I don't know whether something was there inside or not and if yes then what were those things inside where lock was put. After tile opening of the lock, the ordinary Muslims did feel aggrieved. The property having been attached, it was neither under the possession of Hindus, nor Muslims. At that place no Puja-path was being performed. I can't tell that after opening of the lock, the puja-path by Hindus commenced there.

There is no Sabri Masjid at Salmwa. I don't know whether the disputed Masjid was getting any grant from the Government or not. This would be wrong to say that Mosque at this place was constructed after breaking any temple. It would also be wrong to say that Muslims had never accepted it as a Mosque. It is also wrong to say that because of this reason no Muslim ever offered Namaz there.

Question. If it is proved that Sabar constructed this Masjid after breaking a temple. would you accept it a Mosque or not?

Answer. This question relates to Alims. According to us, there was a Mosque and we used to offer Namaz there today it is a Mosque. Mosque cannot be made after breaking any temple Question. If Mosque is made after breaking a temple, will it be accepted or not as a Mosque?

Answer. There is no example available.

There is no conflict between a country and religion. Both have their respective places.

Question. Which is greater - a Country or a Religion?

Answer. Both have their respective places.

It would be wrong to say that Namaz was never offered in this building or I am giving false witness under the pressure of somebody. It is also wrong to say that I have never offered Namaz myself in this building.

(Cross-examination by Sh. H.S. Jam Advocate on behalf of Hindu Mahasabha and Sh. Ramesh Chandra Tripathi concluded.)

Verified after hearing the statement

Sd/-

Hasmat Ulla Ansari

14.1.1997

Typed by the stenographer in the open court as per my version.

Be presented on 15.1.1997 for further examination in continuation

Sd/-

14.1.97

Dated 15.1.1997 (Tn continuation of dated, 14.1.97)

Witness of Hasmat Ullah Ansari P.W.7 continued today 15.1.97 under oath:

Cross-examination by Sh. Han Shankar Jam on behalf of Sh. Rajendra Singh plaintiff in suit no. 1/89.

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I don't know Sh. Gopal Singh Visharad. I have heard his name but I don't know him by face I don't know whether he has filed any suit regarding this property. I don't know which place he belongs to and at which particular place he resides. I don't know Rajendra Singh said to be his son. Towards the north of the property there is Birthplace Temple, and in between there is a road and maximum distance would be 30 feet. I had never been to the road leading from Durahi Kuan to Hanuman Garhi. I have not seen Manas Trust Bhawan. I have seen Hanuman Garhi from a distance. I have never gone near to it. I don't know whether any road in front of the Birth Place Temple leading from north to south approaches Sutallati. I know that place upto Katra School only. Therefore, I can't say

whether any road leads to Hanuman Garhi from Sutahati via Kanak Bllawan or not.

There was no police post near or nearby the disputed site at that time.

(At this point, the learned Advocate drew the attention of the witness towards plan no. 136/5 attached with file no. 1/89). I have understood the plan shown to me. This plan appears to be correct as per site. I am not able to understand plan no. 136/6 attached next. Therefore I cannot say anything about its correctness.

I won't be able to tell ti lat first building towards east from the disputed property was located at what distance. I won't be able to tell the name of building nearest to it. I would also not be able to tell whether this building belonged to a Hindu or a Muslim. Whether it was a Temple or a Mosque. There was a well near. the disputed property. That might be approximately at a distance of 30 feet. Water was fetched from this for the Mosque- I can't say which was the building nearest to the well. The police chowki nearest to the building was at Katra, The distance between the two would have been at least one and a half furlong.

I had not seen Sakshi Gopal Temple. May be that some temple of this kind is located near the disputed property. But I don't know. anything about it, I have never seen it There was no building between the eastern gate and the road of this property. The eastern gate of the property and its passage were made pucca. It was not kucha. Flooring was of bricks. The passage would have been approximately 6 feet wide. The people performing parikrama, do it of Ayodhya. What is their belief or why they do so, I can't say anything about it. Whether they do it presuming it Ram Birth Place or not, I don't know. (On this point tile learned Advocate drew the attention of the witness towards the album of coloured photographs prepared by the UP State Archaeological Deptt.) I have seen photograph no. 116. I can't say whether this photograph pertained to the disputed property or not. In photo nos. 118 119.120 some pillars had been shown. They appear similar to tile pillars which existed at the disputed property. But I can't say whether they are those very particular pillars or not. In respect of the pillars shown in photograph no. 121 to 126 my reply is tile

same, these pillars appear similar but whether these pillars are those very particular pillars or not, nothing can be said about it. Similar is the position in respect of the pillars shown in photograph no. 133 to 144. Similar is also the case in respect of the pillars shown from 163 to 167. Similar is the situation in respect of Photo nos. 176 to 186. In photograph no. 187 to 200 similar type of pillars have been shown. But it will be difficult to say whether these pillars are those very pillars or not which existed at the site. The pillars which have been shown in the photographs, similar type of pillars were there in the disputed building. I can't say whether these photographs are of those particular pillars or not.

In this building, the pillars below the arch were of black colour. There were in all three arches.

Photograph no. 85,86,87 shown in the album are that of disputed property. Photo no. 85 is that of a door.

Photograph 85 and 86 appear to be of middle doors. There were in all three doors. All the doors were in the east. In photograph no. 87 corner of the middle door has been shown. Photographs no. 85 & 86 show the middle door but it is very difficult to say which of them is towards left and which towards right.

It is wrong to say that the disputed property was never in possession of the Muslims or it had always been in tile possession of Hindus and it was being used asa Temple or puja was being performed there. It is also wrong to say that Namaz was never offered there. Cross-examination by Advocate Sh. H.S.Jain on behalf of Sh. Rajendra Singh concluded.)

Verified after hearing the statement

Sd/-
Hasmat Ulla Ansari
Dated. 15.1.97

Typed by the stenographer in the open court as per my version.

Sd/-
15.1.97