

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

OTHER ORIGINAL SUIT NO. 4 OF 1989

Sunni Central Board of
Waqf U.P. Plaintiffs

Versus

Gopal Singh Visharad
and Others Defendants

STATEMENT OF P.W. 8

ABDUL AZIZ

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STATEMENT OF PW 8

Shri Abdul Aziz, son of Hasan Mohammad, aged 70 years, resident of Shahjahanpur Faizabad solemnly affirms on oath:-

I was born approximately in 1926. I started offering "Namaz" at my house at the age of about 8 years. I studied upto IV class. There was a Muslim orphan school about 3 furlongs from our house. I studied in that school. I completed my studies in 1942. I was issued a certificate also. I did not continue my studies thereafter anywhere.

I know Babri Masjid. I have offered "Namaz" there. I must have been about 10 years of age when I first offered "Namaz" there. I have had offered "Namaz" hundred of times. Apart from this, I have offered Friday "Namaz", "Johar Namaz, "Asar Namaz" and Namad of Shabe Barat in that mosque. Out offering "Namaz" there was discontinued after an idol had been placed there. The idol was placed in 1949.

My father has expired. He was about 80 or 90 years of age at the time of his death. I was first married in 1947.

My second marriage was solemnized in 1951. I have 6 children. They are all born to my second wife. I have two sons and both are married. They also have their issued. My elder son might be about 43 years of age. His eldest child must be about 15-16 years. My sons have a shoe factory. I have also done this job.

Statement was read out to me and I certify it.

Sd/-

Dated :20.01.1997

This was typed by the stenographer on my dictation. Asked to be present tomorrow i.e, on 21.01.1997 for further .

Sd/-

Dated :21.01.1997

(In continuation of 21.01.1997)

21.01.1997 Cross examination by Shri R.L. Verma,
Advocate on behalf of Nirmohi Akhara. P.W. 8
Shri Abdul Aziz affirmed on oath :-

I did not go to the site on the day on which the idol was installed. I did not go there on next day either. The idol was installed during the night and an announcement was made the next day. We only came to know of it on hearing the announcement. The announcement was made on loudspeaker but I cannot say as to who was behind this announcement. I had heard this announcement at a chowk in the bazaar. This chowk is situated in the "Bazar Faizabad". This is the main market there. There is a clock tower also in the bazaar. I did not remember the type of vehicle which was carrying the loudspeaker. I also do not remember who were the person making the announcement.

I do not remember the time when the announcement was being made. But certainly it was the day time and not the night. The announcement being made was that, "The God has taken birth". I do not remember what else being said. The announcement was being made by the Hindus. I did not pay attention to the announcement about the place where the God has taken birth or to the fact that the God had taken birth in Babri Masjid in Ayodhya. There was a Wahabuddin building a little distance away from the Chowk Bazaar. We used to go there, as our shoe factory was located at that place. On that day also I had gone there and heard the announcement being made. My factory was not situated near "Tatshah Masjid". It was in Anguri Bagh. This factory was not in Kanghi Gali. Our factory was a sort of shop where we manufactured shoes. Our shop used to open at 8 a.m., 9 a.m., 10 a.m., according to the Bazaar timings. We used to come back home from our shop in the evening. I did not hear anything else except the announcement stated above, on that particular day. I heard no other announcement. There was no announcement from Muslims on that day.

On the above said day, I had offered Namaz at noon at the Tatshah Masjid. I do not remember the exact number of Namazis but there number must have been between twenty to twenty-five. I do not remember if there were any Namazis from Mauja Shajahanpur to offer Namaz. I also do not remember if there were any Namazis from Shahjahanpur other than myself. Mr. Ziauddin, son of Shahabuddin, was not present at the Namaz. I cannot recall the name of any of the Namazis present in Tatshah Masjid on that particular day. I do not remember as to which Namaz did I offer or at what time in the Tat Shah Masjid on that day. But, I still remember that it was a day time Namaz. I cannot tell if there had been some discussion or any other activity at the Namaz. I had simply

gone to offer Namaz and came back as usual. None of the Namazis did tell me that an idol had been installed in Babri Masjid in Ayodhya.

I do not remember whether I happened to meet Mr. Shahabuddin on that day or not. We used to sell out shoes at Shahabuddin's shop and other shops as well. It is correct that Shahabuddin is an important person; he is rich and having good business. I do not remember for how long before this incident, I have known Shahabuddin. (I knew him since I started shoe manufacturing work). My factory was in a rented shop. I do not remember the year in which I had taken the shop on rent. This factory was housed in a part of the building that belonged to Shahabuddin Sahed from whom I had taken in on rent. I cannot exactly guess the age of Shahabuddin Sahem at that time. He was surely a middle aged man at that time. I must have been about forty to forty-five years then. Our Mauja Shahjahanpur is situated between Ayodhya and Faizabad. The way to our mauja meets the Beniganj Mohalla on Ayodhya-Faizabad road. Our mauja Faizabad is to the right of Faizabad-Ayodhya railway line. It is correct that Faizabad-Ayodhya road is about 100 yards away to the north of that railway line. The Baharganj railway gumti crossing has to be crossed over to come to Faizabad from Shahjahanpur. This gumti is alongside the road, which leads to Devkali from Beniganj. This road leads to Beniganj to the south of Ayodhya-Faizabad road. It is not correct to say that there existed no way to the north at the point. There are so many shoe factories on that way which did not exist earlier. Chowk Faizabad would be about a mile from that point. Ayodhya Shingar Haat must be a little less than 3 miles from that point.

There exists a mosque in Shahjahanpur also. It exists there from the time earlier than our birth. There were about 50 houses in mauja Shahjahanpur at the time of the incident. Most of the houses belonged to Muslims. Their number must have been between thirty to thirty-five. There were no Shias, all were Sunni Muslims. They used to offer Namaz at the Shahjahanpur Mosque. Janab Ghulam Siddiqui was the caretaker of this mosque. Ismail Chaudhary had been the Imam there for some days. Imams kept on changing rapidly after his death. Chaudhary Sahib hailed from Shahjahanpur. All the other Imams that came after him were from someplace outside Shahjahanpur. Friday Namaz used to be offered in the mosque. There are two minarets of this mosque. There is now well inside the mosque. It is outside the mosque. The well is adjacent to mosque. There is no "Moazin" (one who gives Azan) in the mosque. The Namazis themselves take water for "Vaju" (to wash hand and face etc. before offering Namaz). There was no committee (Anjuman) for the management of the mosque. Subscriptions were received from the residents for this purpose. There was no orphanage attached to this mosque. However, there existed an orphanage at a little distance from this mosque. There was no linkage between this orphanage and the mosque. Mirza Afzal Sahib at that time used to manage this orphanage. The Tazias of Moharrum were buried on the other side of the railway line at a little distance from the orphanage. The Muslim orphaned children were looked after in the orphanage. There was a "Madarsa" in the orphanage where other children besides those living in the orphanage used to get education.

Mohd. Rafi, Advocate used to run the above said orphanage and the Madarsa in those days when the incident of idol installation took place. It would be wrong to say that the orphanage or the Madarsa were being run by

Shias. Mohd. Rafi, Advocate is still alive. It is wrong to say that he is a Shia. I had seen him last time some four-five years ago. I cannot guess his age when I saw him last. But he was elder to me in age. I do not know when he started his practice. Presently, he is a middle-aged man. This Madarsa has no name. However, the orphanage is named as "Muslim Yatimkhana Bari Bua Sahiba Rahmatullah Allah". The orphanage was named after elder sister of Nasiruddin Sahib. But it would be wrong to say that she was a Shi-ite.

In the beginning, when I went to the Madarsa for schooling, Shri Abdul Mannan was our teacher. He hailed from which place that I do not know but surely he was not from Shahjahanpur. When I was admitted to the Madarsa, entries used to be made in the registers kept for the purpose. No accounts regarding income and expenditure were kept at that time. This practice started later on. The Madarsa continues to exist in the same building even today where it existed at the time of my admission. There used to be an office of Madarsa in one of the rooms of the building. I do not know as to where that office is situated nowadays. I had been to this Madarsa only one or two months ago. I did not notice whether the office still exists at its original place or not. When I joined the Madarsa that was the begging of it and no orphaned child studied there at that time. Later on, some orphaned children started coming to study in the Madarsa. This was an old building. There was a mosque and a tomb in it. The tomb and the mosque belonged to royal age. It belonged to the time of the Nawabs of Awadh. I do not know whose tomb was this but I had seen a Mazar there. It would be wrong to say that the mosque was in a dilapidated condition or Namaz was not being offered in it. We used to offer Namaz-e-id in this mosque till such time the orphanage was opened here. But

it did not mean that all Muslims of Shahjahanpur offered Namaz there. This mosque and the tomb are to the south of Ayodhya Road. The distance in between would be able a 100 yards. The way to Panchkosi Parikrama of Ayodhya is to the east from this point. But that is not adjacent to this Mosque or the Tomb. There is a wall to the east of the place where Tazias are buried, but there is not boundary wall there. The Parikrama road is adjacent to this wall towards the east. The place where Tazias are buried is not connected to the mosque but is very near it. The Mosque, the Tomb, the Madarsa and the orphanage all are situated at a little distance from each other. The Mosque and the Tomb are within the boundary of the orphanage. The Karbla land is situated outside. There are two Karblas – one for Shias and one for Sunnis. The Karbla we are referring to is not situated outside the boundary of the orphanage but is very near it. The distance in between might be about a furlong. This Karbla belongs to Shi-ites. This Karbla is to the north of the road whereas the Karbla belonging to Sunnis is to the other side i.e. to the south of the road. The Karbla of Sunnis is to the north of this orphanage and the Madarsa. There is a railway line and some gardens between the Sunnis' Karbla and the orphanage. While going farther from the Karbla towards the west, there exists an old mosque adjacent to the north of the road. I cannot tell how old that mosque was but that certainly existed before my birth. This mosque is made of "Lakhori" bricks. I do not know who had got it built. It is not correct to say that Namaz had never been offered to that mosque or that mosque was in a dilapidated state. I had also offered Namaz there. This mosque was known as "Maalik ki Masjid". There is no one to take care of this mosque. This was not managed by the orphanage. Five times Namaz was not offered in that mosque. There was no discipline for offering Namaz in the mosque. Any passer-by could

offer Namaz at the time of Namaz. A lady from the nearby gardens used to manage the mosque and got it whitewashed. The name of that lady is Ummtulnisha. She hailed from mauja Beniganj. When I joined the Madarsa, there were no inhabitants. But people have started residing there now. The nearest locality is Baharganj and no the Shahjahanpur.

My father got me admitted to Madarsa. At that time, we were three brothers and one sister. Both of my brothers were elder to me. Their names are Karimul Haque and Abdul Hamid. I had no younger brother. I was the youngest son of my parents. My sister was younger to me. My eldest brother's name is Karimuddin. Thus, we happen to be four brothers. None of my three brothers did get his education in this Madarsa. I cannot recall the age of my father at the time of my admission to Madarsa. Karimuddin was older to me by 8 years, Abdul Hamid by two-three years. I am only alive from amongst my brothers. The other brothers have all expired. Karimuddin passed away amongst first of all. I cannot say when he passed away. But my father was still alive at that time. Karimuddin's age must have been forth years at the time of his death. Our father died in 1965. I do not remember as to how many years after the death of Karimuddin had my father expired. Karimul Haque died after the death of our father. The difference between the age of Karimul Haque and Karimuddin was three years. Karimuddin had no son. I had not married even once when Karimuddin expired. I cannot say after how many years of the death of Karimuddin, I had married for the first time. However, I was first married in 1947. I was married in Mohalla Beniganj. My second marriage was solemnized three to four years after that. My first issue was from my second wife. Karimul Haque was alive then. Karimul Haque must have been 75 to 80 years

of age at that time. My sister is younger to me by three years. My first issue is a male child. I do not remember as to how many years ago had my sister been married. But, by the time of my first issue, my sister had been married. I cannot tell the age of my sister at the time of my first issue. My sister must have been five to six years of age at the time of my admission to the Madarsa. My last child is a daughter. I cannot tell as after how many years of my second marriage, my daughter was born. I was about twenty-five to twenty-six years of age at the time of my second marriage. There is a difference of approximately three years amongst all of my six children. My second child was born after four years from the birth of my first child. My youngest child is Qamar Hussain. He has not at all been educated. He is an illiterate. Mohd. Illiyas is my eldest son. He has studied upto V or VI class. He studied in Masjid Tatshah School. Even today I cannot recollect in which school he studied for the sixth class. I also do not remember if I had accompanied him to the school for his admission to sixth class.

I do not know Hindi. I can read Urdu. I accompanied my eldest son for his admission to Tatshah school. I got him admitted to that school. No forms in orphanage school were in vogue for admission in those days and no register was maintained and certificates issued on completion of the studies. I do not recollect and, therefore, I will not be able to tell my age at the time of admission of my son to the orphanage school. My son must have been 10 years of age at the time of his admission to the school. There were about 20-25 orphaned children in the school. I cannot tell the number of other children in the school. Mirza Afzal Baig used to manage the Madarsa. I do not know who the teacher in the school was. Certainly it was not the same

teacher that used to teach in our time. There was no school fee for the children.

Now, children have been paying the school fee for the last 15-20 year. They are issued certificates also after completion of studies, I cannot tell the number of years my elder son studied in that school. I also do not remember that after how many years of leaving that school had my son joined the Tatshah school. I also do not remember that in which class he had been admitted. I do not remember the year of his admission. I do not remember his age at the time of admission.

I do not know for how many years my eldest son had studied in Tatshah Masjid school. I am unable to tell in which year he leaved the school. My mother had expired. She had expired during the life time of my father. I do not remember in which year she had died. We all the brothers lived jointly during the lifetime of our mother. Thereafter, we lived separately. I do not remember in which year we had started living separately. Abdul Hamid had died after this separation. But I do not remember the year of his death.

I came to my senses at the early age of 8 years. After one year of that I was admitted to orphanage Madarsa school. I was issued a certificate from the school which shows my date of birth. I received this certificate in 1942. This certificate had continued to be issued for a number of years since then. But my elder son was not issued such a certificate. I have in possession my certificate. This certificate is in English. The teacher has filled it in Urdu-Hindi. The person responsible for issuing the certificate had also written in it in English. This certificate had been issued in the days of Mirza Baig. Mohd. Raffi Sahib has

not issued it. I have brought his certificate with me (the witness then searched his pockets and told that he had left his certificate at his home).

Mauja Shahjahanpur has a "Gram Sabha". The Gram Sabha was constituted after independence. Before independence, the date of birth used to be registered with the Chowkidar who in turn used to get it registered with the police station. Similarly, the date of death was also registered with the chowkidar and who in turn used to get it entered in police station records. Mauja Shahjahanpur comes under P.S. Ayodhya. My birth place and the place of my father's death is Mauja Shahjahanpur. There was no need to get registration for running a shop, factory anywhere. I have been registered as a voter in Shahjahanpur. It is quite possible that my age would have been shown as 60 years in the last voters list. I know Mohd. Jamil of Shahjahanpur. He is "Pradhan" of the Gram Sabha. He must be of about 55 to 60 years of age. I do not know any person by the name of Wakiluddin, son of Ismail, resident of Madarpur, The. Tanda, Distt. Faizabad. I only knew Hazi Fayak, Hazi Faiku and Zahoor Ahmed of Ayodhya. I know Mohd. Hashim of Ayodhya also who has come to the court today. I have seen his two sons, Hazi Ahed and Hazi Mehboob of Hazi Faiku. But I do not know how many sons Hazi has. I cannot say whether Hazi Ahed is younger or older to me in age. I have known both the Hazi brothers for the last 40 years. But I have known Mohd. Hashim even earlier from that. I have known him for the last 50 years. He (Hashim) has been the resident of Kutiya Mohalla. I do not know whether Hashim is younger or older to me in age. I have not seen Zahur Ahmed. I cannot say if he has any son or not. I also do not know as to in which Mohalla Zahur Ahmed lived. I do not know Mohd. Farookh. I have not even seen him. I do not

remember any Yaseen from Raiganj Guriyana. I do not know any Niyamutullah from Tedi Bazaar. In addition to the persons named above, I know Ekhlāq Sahib of Ayodhya who is still alive. Ekhlāq Sahib lives near Dorahi Kuan. I cannot say whether he is older or younger to me in age. But he might of 55-60 years of age. This is his present age which I have told.

I had not been to Ayodhya more frequently and do not know the names of all the mohallas. Apart from Mutdavia Mosque, there are many more mosques in Ayodhya. I have never counted the mosques in Ayodhya. I have not seen all those mosques but I have seen of them. I also do not remember whether there are more mosques or more temples in Ayodhya. There is a mosque, named "Kewarewali Masjid" being P.S. Ayodhya. In fact, there is a mosque in each and every mohalla. I have seen a mosque in Tedibazaar also. Namaz was offered in Kewarewali Masjid. The residents nearby used to offer Namaz there. That area could be Shingarhat also. The mosque is near the Police Station. I have seen that mosque and had offered Namaz there. There is no "Gumbad" (dome) in Kewarewali Masjid. I do not remember if there is nay minaret or not. I do not know the length and breadth of the Kewarewali Masjid. I must have offered Namaz there for about 25 times but I did not count the numbers. I have offered Friday Namaz also there. I have offered other Namazis also. The other Namazis are Jauhar and Asar. I might have offered Namaz 10-12 times although I do not remember correctly, nor do I have any record in writing. These Namazis include those offered after 1949 also. Prior to 1949, on days of Friday Namaz, the mosque was used to be full to its capacity. An estimated 100 Namazis definitely used to offer Namaz on Fridays. I did not recognize all the Namazis. I cannot say as to how many of them were from

Ayodhya, Faizabad or from elsewhere. But, the shopkeepers nearby were definitely there. I did not notice Hazi Mehboob in those Namazis. I cannot name a Namazi who had offered Namaz along with me in Kewarewali Masjid on Friday, prior to 1949. I do not know as to who had been the Mutavvali (the manager) of the Kewarewali Masjid. I do not even know the name of the Imam of that mosque. There is a well inside that mosque. One of the ways of the mosque is also from the side of the Police Station.

I know something about Tedibazaar Masjid in Ayodhya. I have seen that mosque. It is a very old mosque. I have offered Namaz in this mosque also. The Namaz was of Friday, Jauhar and Asar. I cannot say whether Friday Namaz was being offered there regularly or not. I must have offered Friday Namaz in this mosque about 15 to 20 times. I had offered Friday Namaz in this mosque even prior to 1949. But I cannot say how many times. The mosque used to be full to its capacity i.e. there were 100-125 Namazis at a time. Most of the Namazis used to come from Tedibazar. Among those Namazis Hazi Ahed and Hazi Mehboob are still alive. I do not know who used to look after the management of this mosque. I do not know who had been the Imam of this mosque prior to 1949. I also am not sure to say if the Imam had been from there i.e. the Tedibazar itself.

We used to go to Ayodhya on Thursdays to read Fatiya so we got the change to go to Tedibazar Masjid. The Fatiyas were read at Mazars in Ayodhya. One of the Mazars belonged to Hazrat Prophet Alsalaam and there are some small Mazars. There was one Mazar of Ibrahim Shah where we used to read Fatiya. Shish Paigamber's Mazar is outside Ayodhya at Maniparvat. I cannot say whether this place is at Ranopali or not. The place where Shesh

Paigamber Parvat is situated is to the right end of Ayodhya. The distance of Tedibazar Masjid from there is about 2 miles. I cannot tell you exactly that the direct route to Maniparwat from my house is one mile from the eastern side. The Maniparvat would be about at a mile distance from our Shahjahanpur house. Whenever we read the Fatiya at the Shish Paigamber's Mazar, there no one used to be present from Ayodhya.

I do not know the name of that Mohalla in Ayodhya where the mazar of Ibrahim Sahib is situated. The mazar is to the right from the Tedibazar road. At what distance would this mazar be from the main bazaar is not know to me. This mazar is not located on the plain ground but is situated at a little height. It is at a height of about 4 ft. from the ground. This mosque is to the north of the Tedibazar mosque. I cannot exactly tell the distance between this Tedibazar mosque and this mazar. There is a road to the east in front of the mosque. I do not know where this road goes. We used to take the Tedibazar route to go to the mazar of Ibrahim Sahib. Sometime we used to take the other route also which goes along the Queen Victoria Park before the Ghat. This road goes from north of the Queen Victoria Park. This route is shorter than the Tedibazar route. The mazar of Ibrahim Sahib like other common mazars is a quite big mazar. There is a tomb and mazar in the four walls. The tomb is at a height of about 8 feet from the ground. The tomb is known as Shah Ibrahim tomb. There is a residential concentration around this tomb and the mazar. Some concentration is so close that it is touching the mazar. On the other three sides, the residential concentration starts at a distance of 15-16 feet. The concentration on the western side was closely touching the mazar. It would be wrong to say that it was not the mazar of Ibrahim Sahib, but it was either a Kuber Tila or a

Shiv Mandir. It would also be wrong to say that the Tila was at a height of 400 feet from the plain ground of Tedibazar. It is also wrong to say that there was no residential concentration even at a greater distance. Sometime, I was accompanied by other people also and some other times I used to go alone. Sometimes two persons and on some other occasions, four persons used to accompany me. Those persons belonged to my own mohalla i.e. mauja Shahjahanpur. I do not distinctly remember the number of times I went to this mazar prior to December, 1949. When I went there prior to 1949, I was accompanied by my companions from my mohalla. Amongst them, Habibullah Sahib, Mohd. Farookh, Hafiz Mohd. Siddiqui Sahib, Mohd. Hanif Sahib are still alive. They all belong to Mauja Shahjahanpur.

The statement was read out to me and I certify it.

Sd/-

21.01.1997

This was typed by the stenographer on dictation by me.

Asked to be present tomorrow on 22.01.1997 for further deposition.

Sd/-

21.7.97

(In continuation of 21.01.1997)

P.W. 8 Cross examination on oath of Shri Abdul Aziz by Shri R.L. Verma, Advocate.

In addition to Shish Paigamber and Ibrahim Shah Mazar, I used to go to read "Fatiya" at Naugazi Kabra" also. I have been to Khwaja Hattishah Mazar also. His mazar is on the right hand corner of south of Babri Masjid. When I came to senses, I had first of all read Fatiya at the Shish Paigamber Mazar in Ayodhya. It is not necessary that I used to go there to read Fatiya every month. It is correct to say that there used to be a "Jhoolan Mela" of Lord Ram on Mani Parbat in the month of "Shravan" (I have never gone to that Mela). Then he said himself because we were living in close proximity and we heard that mela was held on Mani Parbat I have not known it from my father. I had heard this orally from the people. There is a "Kanati Masjid" near the mazar. There are no other mosques there. A "Kanati Masjid" is the one which has no building of its own. It is in an open place. I have never climbed to Mani Parbat so I cannot say whether a temple exists there or not.

I have been to "Hattishah Mazar" also. It is submitted on a dune. I have not thought of any temple there. After a long time now, I cannot guess what my age would have been when I went to read Fatiya at the Shish Paigamber Mazar for the first time. I also cannot say as to when I had last read Fatiya at the Hattishah Mazar. I had certainly read the Fatiya there prior to 1949. At that time, I was not accompanied by any Muslim from Ayodhya. I have never read Fatiya at the Hattishah Mazar after December, 1949.

The Namaz can be offered even by the minors. There is no consideration of age for this. But it is the duty of

each and every adult Muslim to offer Namaz. We consider a child of about 10, 12, 14 years of age an adult. No special training is required to offer Namaz. The children learn it from their parents at home or from their teachers at school. I had learnt offering Namaz for the first time on our village mosque. Karimuddin was our eldest brother. I do not remember if he had been married by that time. I also do not remember whether my second brother Karimul Haque had been married or not. I also would not be able to tell correctly that our younger sister had been born or not by that time. I cannot say as to what had been the age of my father at that time. I had been admitted to orphanage school by then. I cannot say in which class I studied at that time. It takes about 4 years to teach as how to offer Namaz correctly. If one is educated and intelligent one would learn it quickly and easily and if one is unintelligent and illiterate it would take much time. After the Shahjahanpur mosque, I had offered Namaz in our own Madarsa i.e. in the orphanage mosque. In the orphanage Madarsa mosque I used to read Namaz independently and with ease. I do not remember after how many days thereafter I started going to offer Namaz at Shahjahanpur or Faizabad mosques.

I know the property under dispute. I am not the resident of that place but still I can tell something about that. There was "Ganje Shaheeda" to the east, a road to the north and the birthplace above that. There was a graveyard to the south and a ground to the west. The entire disputed property was covered by a roof. I do not remember if any "Quit India Movement" had been launched in 1942. I do not remember if the world war was going on those days or Japan had been attacked with Atom Bomb. I had gone to the mosque to offer Namaz for the first time before the partition. I cannot say after how many months

or years of partition, I had gone to offer Namaz for the first time in this mosque since lot of time have lapsed, I cannot tell that for the first time which Namaz did I offer in that mosque. I did not count the number of Namazis who offered Namaz then. If I say, my guess could be wrong also. I certainly remember that I was not the only Namazi, some other Namazis were also there. These included Namazis from our village also. Mohd. Yusuf Sahib and Sardar Ali were also among them. I did not take notice of the people from Faizabad. One of the Namazis named Mushtaq and another Ikhlq Sahib were also there. Mohd. Hashim who used to go there, was not present at that time. However, one Hazi Mehboob was there. Abdul Ahmed was also there. I do not know whether Ikhlq Sahed, Hazi Mehboob or Abdul Ahed knew my but I recognize them very well. I never visited Hazi Faiku's place. His house was located in Tedibazar. I know his house. The Tedibazar mosque was at a little distance from his house. I cannot guess it correctly but this distance must have been of two-three furlongs. It is wrong to say that this mosque is to the west of road and Hazi Faiku's house is about a distance of 10 steps only. I do not remember anything about the police chowki, Tedibazar. I have not seen the existing Ram Janam Bhoomi police station. It is to the north of the Tedibazar road from the main Ayodhya Faizabad road. There is a small "Kund" on the way to Tedibazar from the main road. There are residential houses to the north of the "Kund". The road is to the east of "Kund" and there are residential houses adjacent to the road. But, it is not correct to say that the Tedibazar Mosque is situated to the west of the road and opposite to these houses. Whenever I offered Namaz at this mosque, Hazi Mehboob and Abdul Ahed met me there and they were managing the mosque. I did not go to offer Namaz there on being invited by them. I never talked to them about the Imam of the Mosque. I used

to go there to offer Namaz. On my own, I used to go to offer Namaz in Tedibazar masjid even before and after offering Namad in the disputed mosque. I cannot say what might have been the age of Hazi Mehboob when I went to that disputed mosque for the first time to offer Namaz. Similarly, I cannot tell the age of Abdul Ahmed also.

I know the father of Ikhlāq Sahib but not familiar with his name. I have not seen Ayodhya so much that I could answer this question whether there is any personal mosque in Ikhlāq Sahib's house. I have never been to Ikhlāq Sahib's house. I cannot tell the profession of Ikhlāq Sahib's father but he used to write "Tabeez" and "Dua". I did not take any "Tabeez" from him. I have only heard of it, I had know Ikhlāq Sahib in connection with Namaz. I came to know from his as well as from others that his father gives "Tabeez". I do not remember as to what must have been the age of Ikhlāq Sahib at that time. He seemed to be of our age. When I offered my first Namaz there, there used to be an Imam and Maulvi Abdul Gaffar Sahib, was the first Imam of the mosque. I had learnt Arabic from him. But I do not know where he used to live. He taught us Arabic in the orphanage Madarsa. He was employed in that school as an Arabic Teacher. This school ran in two shifts, morning shift and evening shift after 2 p.m. Sometimes, the school opened at 8 a.m. and sometime at 10 a.m. When he taught us Arabic, we only knew that he was older to us in age but I cannot guess his age at that time. When he was the Imam of the mosque, he had a proper and definite place for him. He used to stand on floor in front of all. It is correct that the floor was made in the central door adjacent to the last wall and was in the middle. When Imam Sahib used to stand up his face was to the west. He used to be at a little distance from the western wall so that it was easy to offer Namaz. Some other persons were also

associated with arrangements to be made in the mosque. But I did not recognize them. Out of those persons, I knew only Hazi Faiku. I used to observe that he had a hand in the arrangements made in the mosque. I only used to meet him occasionally in the mosque. I do not know whether Hazi Faiku or someone else used to make some payment to Abdul Gaffar Sahib for his services or not. There used to be Moazzim for cleaning the mosque.

I do not know whether he stayed in the mosque or not. This Moazzim used to be a person but I did not know the name of this man. I do not remember when I had offered my first Friday Namaz in this mosque after my first Namaz. The Namaz-e-Jauhar is offered between 12 noon to 3 p.m. Namaz-e-Asar is offered thereafter at about 4:30 p.m. The Friday Namaz is offered after 12 noon and 1 p.m. depending upon place to place. At some places it is offered at 1:30 p.m. The Friday Namaz is offered once on a Friday. If someone has already offered Friday Namaz at some mosque, he does not have to offer Friday Namaz at some other mosque the same day.

When I first offered Friday Namaz in this mosque, I cannot say what was the population of Muslims in Ayodhya at that time. In Ayodhya wherever there is Muslim population, there is essentially a mosque for them in every mohalla. I do not know if Friday Namaz was being offered or not in any other mosque in Ayodhya in addition to the Babri Masjid, Tedibazar Masjid or Kewarewali Masjid. I cannot say what had been the number of Namazis in this mosque of Fridays whenever I offered my Namaz after my first Friday Namaz here. There used to be between four hundred to four hundred fifty Namazis whenever I had gone to offer Friday Namaz. This number may be more or less also. The Namazis used to remove their shoes (footwear)

etc. outside the mosque but inside the gate. Sometimes it also happened that we reached the mosque about half-an-hour before the time of Friday Namaz. The "Moazim" gave Ajan (call for the Namaz). There was a platform to the north-south of the mosque adjacent to the stairs (again said the platform was to the south). The Moazim stood up on that platform for the Ajan. I cannot tell the height of this platform from the floor of the disputed property. The Ajan was given without using the loudspeaker. There was a graveyard and a garden to the south of the disputed property. There were no habitation upto 3-4 furlongs nearby. It is correct that there were Muslim population mohallas of Kaziyanpaji Tola and Tedibazar. I cannot say whether the call for Ajan reached those mohallas or not.

I cannot tell the length and breadth of Ganje Shaheedan that was a small one but there was a boundary all around. This boundary wall was about three feet high. There was a gate for entry and a door was provided at the gate. I do not remember whether there was a lock on the door or not. I do not remember which side the door was. I do not remember if any one of the walls of the boundary of Ganje Shaheedan was a hundred yards long or not. It was a square one.

The place of birth, which I have told is adjacent to the road to the north of the disputed property, is a temple. I have seen this temple while passing through the road. There is a stone, which indicates that the place of birth is a temple. I do not remember whether the stone is pitched up in the ground or is somewhere else. The writing on it is in Hindi. I have not read the writing but have heard that it is about the birthplace temple. There is no temple to the east of Ganje Shaheedan. The temple is at a far away place at Hanumangarhi. There are a number of temples of Hindus

in Ayodhya. I have seen them and am conversant with their construction and design. It is correct that Ayodhya is a holy city of the Hindus. People come here from far off places. There is Saryu River to the north of Ayodhya. I have not traveled much in Ayodhya. I have seen temples while passing from the road outside. But I cannot be said that there are innumerable temples in Ayodhya. The temple has a top (Shikhar) which is thin and not round, not a dome. I have not even once gone inside the temple so I cannot say whether a platform (Chabutra) or a throne (Singhasan) is made to install the God.

There was one gate to the east and another to the north for entering the disputed property. I never entered the place from the gate to the north. I always used to enter the place from the gate to the east. There was a platform (Chabutra) on the left hand while entering through the eastern gate. I had seen that platform (Chabutra). It was not a Kuccha one, it was plastered one. I cannot say whether in the inside there were Lakhori bricks or gambdi. I had not gone around the Chabutra and thus not seen it from all sides. I cannot say at what distance I had seen the Chabutra. There was a thatched roof of the north while entering the gate. This roof was about 5 to 10 yards long. I cannot guess its width. However, this thatched roof was three side open and had a wall on one side. That wall was the last boundary wall of the mosque. The wall was about 10-12 feet and had enough width. This thatched construction was based on a pole or a wood. What was to the south of this thatched roof, I cannot say, as I did not go that way.

We had seen the northern gate of this building from outside and not from inside. This gate mostly remained closed. It was opened sometime. I did not go to the south

of that gate. I cannot say if the gate was locked from inside or outside. I have not seen any lock on it from outside. There was a boundary while entering the Sadar Gate. The boundary had a gate through which one enters the Masjid. There was a wooden gate and a small gate. This is possible that the small gate may be of tin sheet but I don't recall. The wooden gate was 5 or 6 feet long and 3 or 4 feet wide. This wooden gate could be bolted. I am not sure, if it was locked or not. The smaller gate was to the south of that wooden gate. If one starts from the central dome with one's face to the east, none of two gates appears to be in the front side.

I did not notice the approximate distance between the two gates. It must not have been more than one or two feet. The wooden gate was just opposite the Sadar Gate. This gate was near the southern dome. When ever we went for the Namaz both the doors were found open. It is not that only the small gate was opened or the wooden gate was opened for the Friday Namaz. The boundary wall enclosing these two gates was made of bricks. It was plastered also. So it cannot be said whether bricks were used inside or Lakhori bricks were used. That plaster was not of cement but was of "Surkhi". This wall was not high enough. It had a railing on it. This wall must have been three feet high at the most. I do not remember, if seen through the middle while entering the Sadar Gate, how far away would be the southern platform (Chabutra). I cannot tell what was to the south or west of this Chabutra as I had never gone there. I cannot tell the length of this Chabutra. It must have been one or one and half feet above the floor of the Chabutra. The boundary wall of the mosque that I have mentioned in the inside of the Sadar Gate, did not have a Kucha floor. It had instead a pucca floor. No stone or marble was used in the floor. It can be said to have been

made of "Lakhori" lime or bricks. This floor extended upto 30 feet to the northern end of the chabutra referred to above. This is my guess. I have not measured it. I had not gone towards the northern and so I cannot say whether the boundary wall of the building started from there. We used to enter the mosque through the Sadar Gate and I did not used to look sideways. Mostly the Namazis from outside used to sit on the chabutra. I sometimes used to see them and sometimes not. I had never seen any Hindu sitting on the chabutra. There was a thatched roof on this chabutra also. I do not remember if the thatched roof was standing on the support of wooden pillars or on plastered bricks. There was no wooden tent on this thatched roof, chabutra or in between the two.

On the other hand, i.e. towards the thatched construction to the right, I had not seen anyone cooking meals or lighting "choolah". I had never seen any domestic articles like mat, utensils or clothes etc. under that thatched roof. I had not seen any bucket or pitcher for water as well. People used to sit under that thatched roof or Moazims lived there. It was not being put to any other use. While going to the masjid through the wooden or small gate as mentioned above, the floor there was made of lime. The length of the place was about 80-85 feet. There is the northern gate where this floor ends. This we used to see from outside the building. The gate remained bolted from outside. We did not notice what was inside. It is wrong to say that a "Chullah", "Chalka", or "Belan" existed on the southern side of this gate. At least we have not seen so. We have not seen any "Charan Chinh" (foot prints) there. It would be wrong to say that there must have been a 6 inches high chabutra on the south of this gate.

We have had offered our Friday Namaz last time on the first Friday immediately before 22nd December, 1949. This was a week before the night of 22-23 December. We have reached there for the Namaz about 12 noon. The Friday Namaz began at 1 p.m. Many a Namazi had already assembled at 12 noon when I reached there. These include Razzak Sahib, Hashim Sahib, Hazi Ahed of Ayodhya also. About 40-45 Namazis must have assembled by the time I reached there. The names I have mentioned were the persons of repute. We, therefore, were familiar with them. The number of Namazis swelled to about four hundred to four hundred and fifty. In the meanwhile, we kept sitting inside the mosque under the aforesaid thatched roof. There was no thatched construction to the south after entering the building. The thatched roof was only to the north and we had sat under the same on that day. No shoes were allowed under the thatched roof. We had removed our shoes at the Sadar Gate itself. The thatched roof, the Chabutra, the wall and the floor inside the building were intact and did not undergo any change after my first and till last Namaz.

Water was filled in 8-10 pitchers for Vaju (washing hands and face) by the Namazis. So far as I remember, all the pitchers were of the same size and each with a capacity of 3-4 "Mashak" (a leather kit for containing water) of water. I cannot tell it in litres. These pitchers were kept on the southern end. There was tank in the open where "Vaju" was performed. During our times water was not filled in this tank. Water was filled in the pitchers. I cannot give an idea of the size of the tank.

I have seen the wall of the main building on which three domes had been constructed. These walls were quite thick. The lower portion was made of stone and Lakhori bricks (Lakhori means small thin bricks of the olden times). These must be about 8 feet wide from below. I had offered

the Namaz of Shabe Barat also in this mosque. I had offered Namaz of Shabe Barat after two to three years of my first Namaz in the mosque. I know who is "Hafiz". Many a Hafiz had assembled there on the occasion of Shabe Barat. But I knew no one by the name. I cannot also say how many of them were present there. I do not know the English month when I had first offered the Namaz of Shabe Barat. I can tell the "Hizri month". That was the summer season.

The residents of Shahjahanpur had also gathered to offer Friday Namaz immediately before 22-23 December. Those included Mohd. Jamil Pradhan, Mohd. Hanif, Habibullah, Mohd. Farookh also. Yusuf Sahib who was older to me in age was also there. All the others were younger to me. There were people from Faizabad also but none amongst them of my acquaintance. I cannot say if there was any sort of commotion or any other activity or panic spread among the Namazis on that day about and mischief being played by the Hindus. It is wrong to say that I had never gone inside the building or had not offered any Namaz there. It is also not correct to say that the property has always been in possession of the Nirmohi Akhara, or there have been temples where pooja-upasana of Hindu deities was being performed.

The statement was read out and consented to by me.

Sd/
22.01.1997

Typed by the stenographer in the open court on dictation from me.

Asked to be present again on 24.01.1997 for further deposition.

Sd/-
22.01.1997

(In continuation to 22.01.1997)

Cross examination by Shri Ved Prakash, Advocate on behalf of Dharam Dass.

Muslims do not worship idols; Hindu are both – those who worship idols and those who are devout of the “Nirakar”. But I do not know that those who believe in idol worship worship which idols or which shapes. I am not the resident of Ayodhya. I live in Faizabad. I only know that Hindus carve shapes on stones and worship those shapes. I do not know who are their deities whom they worship. I also do not know if Hindus worship any birds and animals. I also do not know if they worship trees and plants and/ or vegetable. The entire world is the creation of God. I do not know if Hindus offer water to the Sun or the moon as a form of worship. I do not also know if Hindus also worship the house or the land where their forefathers were born or lived by treating those places as sacred. I have not studied something that may suggest that the Hindu worship their, “Chullah”, “Chakla”, “Belan” or footprints also or not.

I do not know if all the things I have mentioned above are things of worship for the Hindus. But Muslims do not worship these. It is wrong to say that the Muslims do not worship these things because they are worshipped by the Hindus (Muslims do not worship these because their religion allows only to worship God and no other thing). I do not know if the Hindus keep or make those things at their homes or temple for the purpose of worship. It is correct that no Muslim would ever keep or make such things in the mosque. I have not read History but have heard that many a Muslim have got temples built in India. It is true that after getting the temples constructed, they had handed them over to Hindus. It is also true that those

Muslims never offered Namaz in those temples. No Muslim can offer Namaz in a temple but if any such occasion arises where a Muslim has no sacred places, except the temple, to offer Namaz, then Namaz can be offered in the temple. But no such instance has come to notice where a Muslim has offered Namaz in a temple. No place would be become unsacred, as an idol has been installed there. Well any such thing should not become visible, which can be treated as an idol. Where an idol is installed and Hindu worship that, we would not go there to offer Namaz.

The pig is unsacred to Islam. No Muslim would make a shape of the pig inside a mosque or nearby it. No Muslim would make a statue of a pig. As per our information, there was no "Sita-Rasoi" in the Babri Masjid. We have not been there nor did we see it. We have not seen any 'Chullha', 'Chakla', 'belan' and Hudsa. We have not seen any footprints also. We did not go to that place, therefore, cannot say anything about their existence. If all these things exist there, I do not have any knowledge about them. I have not spoken to anyone about these things so that I may have some knowledge about them.

There was a Chabutra to the south and there was no throne on it. Chabutra was empty one. This Chabutra falls to left hand side while entering through the eastern gate. This chabutra was not far away from the inside wall of the mosque. It was at a little distance, but now I cannot say how much. Even I cannot tell its distance by guesswork. It is wrong to say that if a 'Chullha', 'Chakla', 'Belana', Hudsa and footprints exist in the building, that cannot be a mosque.

Faizabad is at an approximate distance of one and a three quarter to two miles from Shahjahanpur. Likewise,

Ayodhya is also about 2 miles away from Shahjahanpur. I had started my shoe factory at many places in Shahjahanpur. Now a days, we run this factory from our house at Shahjahanpur. My brothers also were engaged in this shoe factory. I had set up this factory in 1940. Again stated that I now recollect that I did not set up this factory in 1940, but started the factory when my age was 30-40 years. My brothers also joined my when I started the factory. Both Karumul Haque and Abdul Hamid were with me. It is true that we manufactured shoes and used to go ourselves to sell them. It is also true that this was our only means of livelihood. It is also true that we worked hard form morning till evening to make daily our both ends meet. We used to have an off day also. An off was generally on a holiday or some other day when it was necessary because of some compulsion. We used to have Friday as closed day. This factory was our small business and it was not like that on the holidays we could not meet our expenditure for that particular day. But it is correct that we did not earn much from our factory as we could not acquire any property or enhance our status. It is not necessary that those having small business were visiting the mosque nearby to offer Namaz. We used to stop our work and go to the mosque for offering Namaz.

I can clearly recognize the property under dispute in photos. (At this juncture, the learned Advocate drew the attention of the witness towards the black and white photo album prepared by the Archaeology Deptt., Govt. of Uttar Pradesh). I have carefully seen the photo album shown to me. I have seen photo No. 39. When I visited the mosque, the state of affairs was not so as shown in the photo. The signs shown in it were not at the site. Photo No. 9 shows the pile of garbage lying there. It is wrong if it is the picture of a pig. Same is the position of photo No. 10. It is

otherwise correct that both the photographs are of Babri Masjid. The mosque was not in a dilapidated condition. The rubble pertained to the foundation. The foundation was old one. Some outer bricks of the foundation wall had been damaged. This rubble pertained to those bricks. Some plaster of those bricks had also fallen and all this was lying as a pile of rubble. There was no wall adjacent to the place where rubble was lying. There was no wall behind it. So far as I remember, the western wall of the mosque had fallen and the rubble shown in these photographs belonged to that wall. This is the rubble of the foundation of that wall and the foundation lies in the lower portion and not above. When we used to go there of offer Namaz, we did not care for the rubble. We had seen the rubble only once or twice, which was piled up only at one place. On seeing the photographs No. 9 and 10, I can not say if both the piles belong to the same rubble, or of different rubble. If think there had been just one pile of rubble. It is wrong to say that no portion of the foundation of the western wall had even fallen. The distance between the western boundary of the mosque and this fallen portion of the foundation was approximately three to four feet.

We used to go to the mosque for offering prayer, and not for a stroll. There was a complete boundary wall to the west of the western wall of the mosque. (Then said) It comes to my mind that there was some open space behind the western wall of the mosque. I think there was no boundary wall on that side. The western wall was not the wall of the boundary, it was the wall of the mosque. There was a slope under this western wall. This pile of rubble was outside the wall. It was, or in the shape of an embankment which happens to be for the strength of the wall. The embankment was linked to the wall. These photographs pertain to the rubble and not the embankment.

But I cannot say to which side of the building this rubble belongs, as the embankment and the wall are contiguous. Therefore, the rubble may belong to any of these. The embankment was all right at the place we had seen it but the rubble had been broken. I cannot give the length and breadth of the embankment, as I had not measured it. The length of the embankment was shorter than the life size. The embankment was very high from the rear side. I cannot guess its height but it was touching the ground from the front side. The embankment was not square in shape. It was sloping in the shape. I did not measure how much portion the embankment was broken but it was not much. The western side portion was broken. This embankment was only adjacent to the western wall and no other wall of the mosque. It would be wrong to say that both the photographs Nos. 9 and 10 resemble the picture of the pig.

Photographs Nos. 11 and 12 shown in this album also belong to the building in question. They show the walls. One of the walls seems to be leading the way to 'Dorahi Kuan'. This is in photograph No. 12, but I cannot say the wall appearing in photograph No. 11 belongs to which side. I have also seen photographs Nos. 15, 16, 17 and 18 of this album. Of these photograph No. 15 seems to be that of the Babri Masjid dome. But I am unable to understand the remaining three photographs. I cannot say if these photographs belong to some portion of the disputed building in question or not.

I have seen photograph No. 20. This is shown as the half gate, which is of this building. But it is difficult to decide whether this gate belongs to the eastern side or the northern side. At the top of it, there is some shape to beautify by it. But this is not the shape of an animal. In my opinion, it is the shape of flowers and petals to beautify the

gate. I again say, the Muslims do not worship flower and petals.

The articles shown in photograph No. 33 of the album were not existing at the site at that time. These photographs do not belong to any part of the property under dispute. Photograph No. 76 in this album belongs to a pillar. This black pillar was in existence at the site.

Flower pot and flower petals were carved out on this pillar. It is wrong to say it depicts the elephant trunk (proboscis) shows the front portion from neck to head. If the picture is of later addition, I cannot say so. But it does or does not show elephant's eyes, it was not so at the site. I do not know if this photograph is right or wrong. I cannot find elephant's eyes in it. Actually, this photograph does not belong to that pillar. This does not appear to me to be true. I have seen photograph No.91, this does not belong to any part of the property under dispute.

The statement was read out to me and I certify it.

Sd/-

24.01.1997

Typed by the stenographer in the open court on dictation from me. Asked to be present again on 27.01.1997.

Sd/-

24.01.1997

Dated : 27.01.1997 (In continuation to 24.01.1997)

Cross examination on oath of P.W. 8 Abdul Aziz, by
Shri Ved Prakash, Advocate.

Pig is also a creature of God. It is wrong to say that the God does not allow any of his creatures, be it a thing or an animal, to be treated as unsacred. I have read Quran Sharif but I do not understand its meaning. However, we have heard Ulemas saying Pig is an 'Unsacred' animal. I think it must have been quoted in Quran Sharif. I do not remember the names of the Ulemas who told us so.

(At this juncture, the learned counsel draws the attention of the witness towards the black and white photo album prepared by the Archaeology Deptt, Uttar Pradesh). I have seen the album shown to me. There is no picture of an elephant in photograph No. 76. This depicts a flowerpot and flower petals. It is correct that this pillar is one of those belonging to the property under dispute. It is wrong to say that this depicts the face, the trunk and eyes of an elephant. It is wrong to say that I am deliberately telling a lie. I have never seen a photograph of 'Ganeshji'.

(At this juncture, the learned counsel drew the attention of the witness towards the coloured photo album prepared by the Archaeology Deptt., Uttar Pradesh). After examining the photograph, the witness stated that:-

Whatever has been constructed in photograph 13 to 16 that is different from one another? That does not resemble with each other. In my view, nothing in these photographs seem to be bodily the same. It is wrong to say that photograph No. 16 shows eyes, mouth, feet or

abdomen. It is wrong to say that photograph No. 15 shows the mount and feet clearly or the eyes dim. It is also wrong to say that the photograph No. 14 shows the eyes, feet, mouth or abdomen of a living creature. It is also wrong to say that photograph No. 13 shows the eyes, mouth and feet. This is another thing that this photograph is regarding the disputed property. These photographs belong to southern end of the western side of the property under dispute. There was a slope on that side. The slope was very deep and the mosque was above the slope.

Photograph No. 40 also pertains to the property in question. It is wrong to say that it shows the face of a fish or some other creature. In our view, there are flower and petals, which are commonly decorated on doors/ gates. Photograph No. 59, depicts the conditions after the year 1949. Such a picture was not seen before this. The portion shown in it was not a part of Babri Masjid. It can be of the later period. The picture that has been shown in photograph No. 56 was not there in the site in 1949. Therefore, I cannot say if the photograph pertains to any part of the property under dispute or not. Same is the position with photograph No. 57. My response to photograph Nos. 58, 59 and 60 is also the same. Things that are shown in photograph No. 61 were not there in 1949. It is not correct to say that this photograph pertains to any part of the property under dispute. Photograph No. 71 does pertain to the disputed property but picture/ shape shown in that was not there in 1949. Photograph Nos. 104, 105 and 108 pertain to the pillar that was there in the property under dispute. But the conditions here have changed. The red colour and the pictures/ shapes stated to exist in the pillar were not there till 1949. These pillars do not contain any idols, they depict only flowers petals. It is wrong to say that they depict the idols of Hindu deities.

Photograph No. 141 is also a pillar of the same property but it is not correct to say that it depicts the idols of some deities. I say that it depicts flower petals. It is wrong to say that the photograph Nos. 146 and 147 show the face or trunk of an elephant. My assertion is that they depict the flowers and flower petals.

I have gone to mazars also. 'Chadar' is offered at the mazar and no other offerings are made i.e. no 'batashas', no 'rewaris' or 'gattas' etc. are offered on the mazars, only prayer is offered. There is not much difference between a 'dargah' and a 'mazar'. Generally, the 'mazar' is built in a 'dargah' and is in the form of a tomb whereas Namaz is offered in a 'dargah'.

It is wrong to say that there did not exist any mosque in the property under dispute. It is also wrong to say that I have never gone there or never offered Namaz there.

It is wrong to say that the place where material for Pooja by the Hindus is available or where idols of Hindu deities are installed or there are such other things, which depict idol worship, no Namaz can be offered there or that place is considered unsacred for the Namaz.

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

(Cross examination by Shri Vireshwar Dwivedi, Advocate on behalf of Shri Umesh Chandra Pandey begins):-

My father did not own shoe factory. I had first started show manufacturing and then gradually set up my own factory. First of all, I had learnt this trade from my own brother and later on learnt from other Ustads. We learnt this trade not from Shahjahanpur but from mohalla Zabti Wazirganj situated at a distance of about 2 miles. I started learning this trade at the age of 15-16 years. I continued to do this job for 30-40 years along with my brother. Thereafter, I learnt the art of setting up a factory. I established my own factory at Hazi Shahbuddin building which is situated in Angoori Bagh. This building is situated at a distance of about 2 miles to the west of our Shahjahanpur house. It is correct that both mohalla Angoori Bagh and mohalla Zabti Wazirganj are in Faizabad city.

I do not remember for how many years I ran my factory at Angoori Bagh. But now I guess that I ran this factory for about 20 years there. After that I left that place and where and when did I shift my factory is not known to me.

It is wrong to say that mauja Shahjahanpur had come under Faizabad city municipality by this time. The property under dispute must be at a distance of about one and a half mile to one and three quarters miles. Angoori Bagh is about one furlong from chowk Ghanta Ghar. This is situated towards north-west from Chowk Ghanta Ghar. It is possible that the distance from Chowk Ghanta Ghar to Tatshah Masjid may be 50 yards to the south-east direction. Shahbuddin has one shop at Chowk Ghanta

Ghar. But it not correct to say that he has three shops at that place. It is correct that he has another wholesale shop at a distance of about 30 yards from Chowk Ghata Ghar to the east. His son used to sit on this shop. Shahbuddin Sahib has expired. The Tatshah Mosque from that place is not at a distance of 10 yards, but at a distance of about 15 yards. This is their wholesale shop for the last 10 years. The other shop is newly opened. It is not correct to say that this second shop is his oldest shop or is being run for the last so many years. The shoes I manufactured at my factor were sold at Shahabuddin's shop located at the same building outside the chowk Ghanta Ghar. This shop must be more than about 50 yards distance from Tatshah Masjid. This is true that Tatshah mosque is the most famous mosque of the Sunnis of Ayodhya and Faizabad. Since Babri mosque happened to be near from our house so I used to go there for offering Namaz instead of going to Tatshah Masjid. It is more rejoicing to go far away from one's own mohalla to offer Namaz, especially the Friday Namaz, so I used to go to Babri Masjid to offer Namaz. This I had not read in some religious books but had heard from Ulemas. I am not able to recollect the names of those Ulemas at present. It is wrong to say that Tatshah Masjid was at a farther distance from our mohalla and it was the larger mosque.

On the occasion of Shabe Barat, the Namaz is offered in the same way as it is offered usually. There is no special way for offering this Namaz. On the occasion of Shabe Barat, it is more rejoicing to offer Namaz in a mosque. It is a religious order. I have read this thing in books but I do not remember the names of those books.

Our elders have been buried in the 'Badi Bua Graveyard' of the orphanage. Orphanage is not the name

of a graveyard, it is the name of a school. I do not know if there is any graveyard of the orphanage or not. There is a mazar in the boundary of the orphanage. It is studded with a stone in the name of Hazi Iqbal Sahib. There is a mosque in this orphanage. There is no bar in offering Namaz in that Masjid. Occasionally, we also offer Namaz in that mosque but generally we offer Namaz in the mosque of our mohalla. On the day of Shabe Barat it is not necessary that first of all we read Fatiya on the graves of our elders. But I read Fatiya in that graveyard which comes first on my way. By way I mean the distance between my house to the graves of our elders. The graveyard of our elders is at a distance of about 2 furlongs from Shahjahanpur. Now a days I do not go to so many places but when I was young I used to go to all the nearby graveyards and read Fatiya throughout the night and till morning. I continued this practice till the age of 50 years. By nearby graveyards I mean the graveyards of Ayodhya and Faizabad also. I do not remember the number of those graveyards now. I also do not remember the names of my other companions who used to read Fatiya with me. It would be wrong to assume that all that I have stated is a concocted story (I have the proof of my age also).

There was no graveyard towards the western side of the disputed property. But there were graveyards on the other three sides. The graveyard to the north was not surrounded by any boundary. This graveyard started at a distance of 3 feet from the northern wall of the mosque. How far this graveyard went to the north, I have no idea. But this graveyard had 10-12 or 15-16 graves.

My first marriage was solemnized in Beniganj. My age at time of my second marriage was about 22-23 years. I can not guess after how many years of my second

marriage I had started my shoe factory. It is wrong to say that I had started my factory after 4-5 years of my second marriage. It is also wrong to say that I had started my factory after 8-9 years of my marriage. However, it may be right to say that I started my factory after 20-25 years of my second marriage.

I know Arabic. I can read it but cannot write. I learnt Arabic from Muslim orphanage of 'Badi Bua Sahib Rehmalullah Aleha Madarsa'. I learnt Arabic for 7 years. There was no restriction on learning how to write Arabic, but Arabic writing was not taught there. Arabic was learnt by cramming. We were not told to consult the Ulemas in case there was any difficulty in understanding it. Mohd. Hafiz Ibrahim Sahib had taught us Arabic. Maulvi Ghafar also taught us for a few days. Both of them have expired. Abdul Gaffar Sahib was same person who was connected with Babri Masjid. He was the Imam there. Gaffar Sahib used to come at 8 a.m. to teach use Arabic till 10 a.m or 11 a.m. and go back thereafter. Whether he used to teach children somewhere else also, I have no knowledge about it. I do not know the name of his mohalla where he resided. I was about 8 to 9 years of age at that time and Gaffar Sahib was a middle-aged man i.e. of 50-60 years or age. Other students also learnt Arabic with us but I do not at present recollect the names of any of them. I do not know when did Gaffar Sahib die.

Hafiz Mohd. Ibrahim Sahib was from Behraich. Earlier, Gaffar Sahib used to teach us Arabic. Thereafter, Hafiz Mohd. Ibrahim taught us. Gaffar Sahib had taught us Arabic for only 2 or 3 years. Gaffar Sahib was a lean and thin and a long statured man. He sported long black and grey beard. He attired himself in 'Kurta', 'Payjama' and 'Salvar' also. I do not remember whether the colour of the

hair on his head and his beard was the same or different. I can read some Arabic book apart from Quran if it is written in the same style as Quran Sharif. In addition to Quran Sharif, I have read 'Khutba' in Arabic. 'Khutba' is that which is read by Imam while standing ahead on the floor at the time of Friday Namaz. I had purchased the 'Khutba' book but when I do not remember. It is wrong to say that I do not know Arabic. It is also not sure to say that none of Maulvi Gaffar Sahib or Hafiz Mohd. Ibrahim Sahib taught me Arabic.

Our shoe factory must have been there in Angoori Bagh for at least 10 years. Thereafter, I shut my factory and then again my son restarted it. My son's shop is in mohalla Mughalpura and his factory is in a residential house. This is in Shahjahanpur. Nowadays, I do not do shoe making business at the Mughalpura shop of my son. I have stopped doing this job. I cannot say since when I have stopped doing so. These days only my son earns and I stay with him for the livelihood. My second wife has also expired.

We used to use both the ways for coming and going to Babri Masjid from our house. But mostly we used to take the Dorahi Kuan route through Tedibazar. The road passing through our mauja goes inside mohalla Beniganj on Faizabad Ayodhya road. The place where the said way and the road met is just at a distance of 2 furlongs from our mauza and the Tedibazar must be about a mile from that point. The 'Dorahi Kuan' must be about a half or three-fourth of a mile distance. The distance between 'Dorahi Kuan' and Babri Masjid must be less than one furlong. There was a graveyard about 2 furlongs beyond the outer wall on the eastern side of Babri Masjid. Ganje Shaheedan is also included in these 2 furlongs. Ganje Shaheedan is a

place where a number of dead bodies are buried together without making the separate graves for each and the ground is leveled from above. Ganje Shahidan might perhaps be 10 yards long and 10 yards wide, but I cannot guess it correctly now. Ganje Shahidan had a boundary so I could not know its location. The boundary wall was about $1 \frac{1}{4}$ or $1 \frac{1}{2}$ yards high. There was one small Iron Gate in the grill. So that those wanting to read Fatiya could go inside. But I do not remember which side the gate was. Whenever, we went to offer Namaz in the mosque, we read Fatiya also. I would have offered Namaz in Babri Masjid at least 50 times while the Jumla Namaz hundred of times. I cannot tell what had been there after the 2 furlong long graveyard on the eastern side. I do not remember if there was any building or a temple on that side or it was a vacant land. I have not traveled much in Ayodhya. I am not well conversant with each way. But I knew the way to these mosques which I have earlier mentioned and where I had offered Namaz. I cannot tell as to how many times I had offered Namaz at Tedibazar Masjid, Kutiya Ki Masjid, Kewarewali Masjid and a Shahi Masjid, which is situated near Ibrahim Shah Rahmatulla. May be that I had offered Namaz in Paji Tola Masjid but I do not remember it now. I have offered Namaz at the mosque near Swarga Dwar. I have not even seen that mosque. I have been to Nogaji grave. I cannot guess as to how many times I might have offered Namaz there. These are the specific mosques so I know the routes to their areas. All these mosques are adjacent to the road. The mosque adjoining the mazar of Shah Ibrahim is touching one route but I cannot tell the place or the mohalla where it is situated.

The graveyard which was to the south of the Babri Masjid that must have been at a little less than one mile to the south. I cannot guess its length from east to west. It

must have been at the most 100 yards or 50 yards. I had seen countless graves in this total area. I could not count those graves. But there were too many. Some of the graves were touching each other while some others were at a distance. The distance in between could be 4 feet to 10 feet. All the graves were pucca. We used to stand at a place and read Fatiya for all the graves together and not differently at each grave.

The country got freedom in the year 1947. Till that we had been offering Namaz at Babri Masjid for the last 13-14 years. When I offered Namaz for the first time, I was about 11-12 years of age. How to offer Namaz, this I had learnt at my house. I had learnt it from my father and my brother. My brother also accompanied me for the Namaz for the first time and thereafter off and on. There was an arrangement for Vaju in open space to the south of the mosque. There was a toilet also. This place was to the south of the first wall for entrance into the internal building while entering into the Masjid through the main gate. At a little distance away, there was a staircase to stand upon for Ajan. There was no construction, Chabutra or a thatched construction etc. to the north of the last wall where Vaju was done. It is wrong to say that I am making a false statement.

It is correct that the black colour dye is treated as unsacred amongst Muslims and is not permissible according to Islamic religion. I have had used Mehndi dye in my beard. But it is natural that the hair of my beard is white and that of head black. It is wrong to say that taking advantage of my white beard I might have told my age in excess by 15 years. So far as I remember, I have used my right to vote in almost all the general elections (held after every five years) after India achieved freedom. I do not know as to what my age has been shown in the voter's list.

Therefore, there is no question of my objection to my age as entered in the voter's list. My name has been included in the voters list. If it had not been there then how could have I voted. The Ustad (the teacher) of the orphanage Madarsa where I had studied taught us Arabic and he never taught us Urdu. There was another Ustad for teaching Urdu. He used to teach Urdu from 10 a.m. to 4 p.m. while the other Ustad taught us Arabic from 8 a.m. to 10 a.m. What did he do after 10 a.m., I do not know. He used to come the next day again at 8 a.m. to teach us Arabic. Do not think that I am telling a lie. I have not deposed before the court that our Arabic Ustad did come to Madarsa twice a day.

Earlier, Bismillah Sahib was the Pradhan of our mauja but now Jamil Sahib is the Pradhan. It is wrong to infer that I am telling a lie or I do not want Jamil Sahed to be Pradha. Might be that his wife would be Pradhan but I feel both the husband and wife are Pradhans. Both of them had stood for Pradhanship. It is wrong to say that Hashim Sahib had brought me for witness. He definitely had delivered me the summons of the Court. He had asked me, "If I had offered Namaz in Babri Masjid", I replied, "I had". He then told me that I had to appear as a witness and had to go to the court. I have heard, but am not sure, that Hashim Sahib is a plaintiff in the case. I do not know if any one else is also a plaintiff. It is not correct that Shahbuddin Sahib, to whom I was a tenant (I had taken his shop on rent), was a plaintiff in the case or nowadays his son Ziauddin is a plaintiff. I do not know who the defendants are. It is wrong to say that whatever Hashim Sahib has told me I have come to be a witness for the same. It is wrong to say that I never had offered Namaz in this building or that I had some interest in it. It is also wrong to say that I have come here as a witness for the

sake of politics. However, it is correct that in 1949 after we heard the announcement that "Lord Rama has born", I never went to Babri Masjid.

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

(Cross examination by Shri Madan Mohan Pandey on behalf of Paramhans Ramchandra Das).

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The distance between Nayaghat River Bridge and chowk Ghanta Ghar may be about two and a half or three miles. It is wrong to say that the distance was about 8 miles. The distance between Ghanta Ghar and Hanuman Garhi is not about 7 miles. I think it is about 2 miles. The crossing of Beniganj mohalla that meets the main road it not at a distance of 4 miles from Hanuman Garhi crossing. This distance should be between one and a half mile to one mile and three quarters. Chowk Ghanta Ghar may be about one and a half mile from the crossing of Beniganj. The Tedibazar crossing shall be about one mile from Beniganj crossing. The Hanuman Garhi crossing may be a little less than one mile from Tedibazar crossing. I did not go that way so I cannot say that one has to take a turn from Hanuman Garhi crossing to go to Babri Masjid from there. I have apart from the Tedibazar crossing, been to Babri Masjid through another route. There was a Queen Victoria's statue on the road before the Ghat. From there was road to Babri Masjid. Now Queen Victoria's statue is not there. In her place some replacement is there about which something is written in Hindi. I cannot say what has been written. This road is still in tact. It took about 20-25

minutes on foot to reach Babri Masjid. This distance was about a mile. The Babri Masjid was at a distance of little less than one mile. We have also been to the main Ayodhya-Faizabad road from the west while passing in front of the aforesaid 'Janamsthan' from Babri Masjid. There is a temple and some old mosques also. (Then said) we have never gone for the main road from that road. This road leads to the east while we used to go via the road to the west. I have never been to the road to the north of the Babri Masjid. We have gone to the west of the 'Janamsthan Mandir' but perhaps as recalled not to the north.

I do not remember if there is an Alamgiri Masjid in Ayodhya or not. I cannot say if the Shahi Masjid for which I have made mention in my statement is also known as Alamgiri Masjid. Where the location of the Masjid in Swargdwar is not known to me as I have not been to that mosque. There are some residential houses adjacent to the Shahi Masjid I have made mention of. This is a very old mosque. I have heard that Namaz is being offered in this mosque nowadays. I do not know of the eastern position. I have offered Namaz in that mosque about four or six months ago. I do not remember, if I had offered Namaz there before independence. I had offered Namaz there in 1949 and other people also used to come there to offer Namaz. The Friday Namaz was also offered. This practice is still continuing. I do not remember the number of times had I offered Namaz there. Mohd. Hashim Sahib in his capacity as Imam had also the Namaz offered. I had the above offered Namaz other than the Friday Namaz. I had offered the Friday Namaz once or twice there under the Imamship of Hashim Mian. I have never offered the Friday Namaz there in 1949. Apart from the Friday Namaz I had offered Namaz in several mosques in Ayodhya in 1949. I do not remember the number of times I had offered the

Namaz in those mosques in 1949. I cannot correctly tell as to how many times I had offered the Namaz in Babri Masjid in that year.

I cannot tell how old is the Shahi Masjid mentioned above because the writing on this stone indicating the date of its construction is in Persian which I do not know. This is a very old mosque but I cannot say whether it is older than the Babri Masjid. I have not read any history about the Babri Masjid. I know the location of the mosque but do not know the mohalla or mauza where it is situated in. I cannot tell the name of the mauja or mohalla of any other mosque of Ayodhya except the Tedibazar Masjid or Kutiya Masjid. I do not know if the property under dispute is situated in Mauja Kot Ramchandra or not.

Statement was read out to me and I certify it.

Sd/-

27.01.1997

Typed by the stenographer in the open court on dictation by me.

Asked to be present again on 28.01.1997 in continuation of this for further deposition.

Sd/-

27.1.97

Dated : 28.01.1997

(In continuation of 27.01.1997)

Cross examination on oath of the P.W. 8 Abdul Aziz in continuation of 27.01.1997 :-

It is correct that according to Islam, the dead body of a person cannot be buried in the land of another person without latter's consent. No graveyard can also be established on someone's land without his consent. Even a mosque cannot be constructed without the consent of the landowner. I have seen a "Kanati" mosque in the graveyard. Other mosques cannot be made in graveyards. Only a 'Kanati Masjid' can be made.

There are two sects among Muslims – Shias and Sunnis. I am a Sunni. The mosque in front of the Ghata Ghar Chowk belongs to Shia Muslims. But I do not know if the Manager (Mutwalli) of that mosque has been a Shia Muslim from the very beginning. I have heard the name of Nasir Hussain Sahib but I do not know him. It might be that he had been the Imam of the above mentioned chowkwali Masjid. I cannot say so definitely because I do not know it. Outside the chowk, a road leads to 'Lohia Tola'. There is another mosque, which belongs to Shia Muslims. I do not know who is the Mutwalli (Manager) or Imam of the mosque. I have offered Namaz in both these mosques. I have not offered Jamati (Collectively) Namaz there. I have offered other Namaz. Thus, I had no chance to offer Namaz under the Imamship of anybody. I have never offer Namaz under this Imamat (Imamship) of Shia Imam. (Such a Namaz can be offered) (I have seen Shias offering Namaz). There is a little difference in the way of offering Namaz by the Shias and Sunnis. I have not noticed this difference minutely so that I could describe it. I offered Namaz in my

own way and the Shia in his own. I do not know much about the way of offering Namaz by the Shias. So far as I understand, there is not much difference in celebration of festivals by Shias and Sunnis. Moharram is celebrated by some Sunnis while not by others Sunnis. Shias celebrated that festival. A procession is taken out at the occasion of Bara Vafaat, in Faizabad. Both Shias and Sunnis join this festival. Such a procession is being taken out for the last 5-10 years. I cannot say that the said procession was not being taken out before that period due to tension between Shias and Sunnis. May be that the procession is being taken out jointly by Shias and Sunnis owing to reconciliatory efforts made by the Administration. But I have not got the full knowledge of it.

Sunni adopt the posture of "Niyat" one time for one Namaz. But I cannot say how many times the Shias adopt the "Niyat" posture. I do not know if followers of Imam Shafai are Sunnis or not. Sunnis adopt the 'Niyat' posture only once while offering Namaz but I have seen some people doing 'Rafadain' a number of times. I come to 'Niyat' Posture once and do not do 'Rafadain'. Both the hands are raised and taken near the ears and then brought down and clipped together to the navel. The hands are unclipped and raised and taken to the ears many times while performing 'Rafadain'. Rest of the procedure is the same. I have never counted the people who were performing Rafadain many times nor do I remember their count.

There was no special reason for my offering Namaz alone in 2 Shias mosques. I was not there at the time Jamati (collective) Namaz so I did not offer Jamati Namaz. I was there at the time of general Namaz only. Sunnis generally offer Namaz under the Imamate of a Sunni Imam.

But if it is some different occasion, Namaz can be offered under the Imamatus of a Shia Imam. I cannot say with certainty if Shias offer Namaz only under the Imamatus of a Shia Imam. I have not ever seen any Sunni offering Jamati Namaz under the Imamatus of a Shia Imam. I also do not know whether there is a Sunni Imam in a Shia Masjid in Faizabad or Ayodhya or vice-versa.

I have read Quran Sharif. I do not understand the meaning of the 'Ayats' of Quran Sharif I have read the procedure of offering Namaz in Islami books. The title of the book is "Namaz Sikhane Ki Kitab". This book is in Urdu.

This is the Ramzan month nowadays. I go to read 'Tarabi'. 20 Rakats are read in Tarabi. I do not know if Shias and Sunnis sit together in 'Tarabi'. I go there to read 'Tarabi' and not to see the people or to identify their sects. I have never seen Shias reading Tarabi. I have never gone to their mosque even on the occasion of Tarabi.

Nowadays we read Fatiha also. Fatiha has nothing to do with Ramzan Sharif. We otherwise also keep on reading Fatiha once in a month. These days, we mostly read Fatiha in the graveyard of 'Bari Bua'. We are continuing to read Fatiha ever since we read it for the first time.

I do not know much about Ayodhya. I do not have any knowledge about Ayodhya's temples, akharas and saints. At present Hindus have majority in Ayodhya. I have heard of Muslim majority in Ayodhya earlier. Ever since I have come to my senses, I have been seeing more population of Hindus in Ayodhya than that of the Muslims. It is correct that in the neighboring village, such as in our village, the Muslims have a larger population. Shahjahanpur and

Chirra Jaganpur have more of the Muslim population. I cannot say may be the rest of the villages are Hindu majority area. There are several temples in Ayodhya but I cannot tell their number. There is a continuous flow of Hindu pilgrims of Ayodhya but not from our village. But we know there is a Panchkosi Parikrama. It happens every year. The way to this Parikrama is near the Gurukul. In the same manner, a Chaudakosi Parikrama also happens every year. I cannot say anything about lakhs of people but every year thousands and thousands of people take part in these parikramas. All these people are Hindus.

We have heard that a 'Ram Navmi Mela' held in Ayodhya in the month of Chaitra. We have never gone to this mela (fair) so cannot say that lakhs of Hindus attend this mela. A 'Jhoola mela' is also held in the month of Shravan. Lakhs of Hindu pilgrims must be attending that mela (fair) also. We have never been to this mela also. But we have not seen crowds in Faizabad on the occasions of these melas. However, there is great hustle and bustle on the roads.

I do not know that 'Ram Janamotsava' is celebrated at a number of places in Ayodhya and Faizabad on the occasion of 'Ram Navmi'. I know that Hindus consider the property under dispute as the Ram Janam Bhoomi (the birth place of Lord Ram) (But I say that there saying and assuming so is not correct). I have not gone to that place after an announcement made in 1949 that 'Ram has taken birth'. After that I have never gone to the disputed property. I do not know as to who is in possession of that disputed property or what is happening over there. I also do not know if after that incident of 1949, any graveyard or Ganje Shaheedan still exists and is intact there. But I know that the Babri Masjid has been demolished.

I do not know Paramhans Ramchandra said to be of Ayodhya. I have never tried to know about him. I also do not know if he has filed a suit regarding the property under dispute. I do not know if any Hindu has filed a civil suit claiming the disputed property as 'Ram Janam Bhoomi'. The tussle in the suit is regarding a Mandir or a Masjid. Hindus worship here assuming it to be Ram Janam Bhoomi.

It is wrong to say that I have never gone to offer Namaz in the disputed property. It is also wrong to say that a Masjid never existed in the disputed property or the Hindus have been doing worship here from the very beginning.

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

(Cross examination by Shri H.S. Jain, Advocate on behalf of Hindu Mahasabha and Shri Ramesh Chandra Tripathi).

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Apart from District Faizabad, the other districts where I offered Namaz include Lucknow, Kanpur, Bombay, Calcutta, Ajmer Sharif, Bareilly Sharif, Pilibhit, Behraich, Kichocha Sharif, Rudauli and District Barabanki. I do not remember the names of the other districts. I do not know which Masjid is the oldest amongst those where I had offered Namaz. Amongst these, the Masjid in Behraich and the Ajmer Sharif Masjid might be 400-500 years old. I did not carefully note the colour of the inside pillars of the Behraich Masjid. I also did not examine the colour of the

pillars of Ajmer Sharif. I only offered Namaz and came back. The pillars had been plastered, therefore, I cannot say if they were made of stone or of Lakhori bricks. Those pillars were not made of stone or 'Kasauti'. There are flower petals on the pillars of Ajmer Sharif Masjid. I did take notice of the pillars of Behraich Masjid. There was no other figure like thing on those pillars.

I have heard about the mosques of district Faizabad. The Alamgiri Masjid is said to be the oldest one. I do not know who got it constructed. This mosque can be as old as 400-500 years or even more than that. I cannot accurately guess. As that mosque had been in dilapidated condition I did not go there. It was in this condition long before I came to my sense. There are several mosques on way to Ayodhya from Faizabad. Some of the mosques are :- a mosque near the Aminganj bridge, another small mosque in Aminganj, Beniganj mosque which is just on the road, Tedibazar Masjid, and few others. Out of these, I have been to Aminganj mosque. I had offered Namaz there. I had also offered Namaz in Tedibazar Masjid and in Beniganj Masjid. I have offered Namaz in Ibrahim Shah Masjid in Ayodhya, Kewarewali Masjid, Kutiyawali Masjid. I have offered Namaz in some other mosques the names of which I do not remember. I have offered Friday Namaz in a mosque near the mazar of Ibrahim Shah. I have offered Namaz in Kewarewali Masjid also.

I have seen 'Hanumangarhi' from the roadside. I have not seen 'Kanak Bhawan' and know nothing about it. I have not seen 'Sakshi Gopal Mandir' nor do I know anything about it. I have seen 'Janam Sthan Mandir'. Babri Masjid was nearest to Hanumangarhi. I have never gone to the road leading to Babri Masjid from Hanumangarhi. I, therefore, cannot say how much time is taken to travel this

distance. We used Tedibazar road for going to Babri Masjid. It takes 10-15 minutes to reach Babri Masjid from Tedibazar. This is the time taken to reach there on foot. We used to go on bicycle. There used to come a mosque on way to Babri Masjid from Tedibazar, then a hospital whose name I do not know. There was a mazar of Khwaja Hatti to the east of the road and a Masjid at 'Dorahi Kuan'. These were some of the specific places on the way, which I had known. We used to enter the Babri Masjid from the eastern gate. The main gate of the Masjid was in the East. There was Ganje Shaheedan to the east of this mosque and farther from that some other graves. There were fields and a ground farther to the west. It was joined by a graveyard and a road to the north. Thereafter, it was the 'Janam Sthan'. There was a graveyard to a farther end to the south.

(At this juncture the learned counsel drew the attention towards the site plan annexed as paper No. 16A to the title suit filed in this case).

I examined the site plan shown to me and I am unable to understand it. I do not know anything in this regard. After entering the main gate, there was another wall as part of the mosque. There was a gate in this wall. There were a number of pillars in the disputed property and I do not know their actual number. These pillars were of black stone. I do not understand how is the Kasauti stone? Therefore, I cannot say that the pillars were made of Kasauti stone. I have not seen the type of pillars in any mosque as they are in this mosque. Although, pillars having flower petals have been found in some other mosques. The roof of the property which had 3 domes was round in shape. I did not notice if there was a black colour Chabutra. There was one Chabutra after the first gate near

the wall, two other chabutras – one on left side and the other on right side. I do not know the size (length and breadth) of these chabutras. There was no chabutra outside this building. There was a thatched construction on one chabutra on entering through the main gate and before the inner wall. The Moazim lived in that thatched house. I do not know the name of that Moazim. His duty was to give Azan. I do not know whether any damage had been done to this building or property prior to 6th December, 1992. No damage had been done to this building prior to the incident of December 1949. I do not know in which portion of this building the idol was installed. I did not go thereafter that. I had gone to this building 8-10 days before the idol was installed.

Flowerpots were carved on the black pillars of this building and flower-petals appeared above this pillar. I do not know the history of this building i.e. who made this building and when. But its name suggests that it was built by Babar. There was a stone embedded on a gate in this building. Something in Persian was written on that stone. I had not read so I cannot tell what was written on it. I cannot say if any such thing was written on it, which might suggest that it was built by Babar. We did not see any figure of deities made on the pillar of the building. A flower was carved on the roof of this building. It was on the inner portion of the round sized roof but it was not a lotus flower. It was some other flower. We had seen a gate to the north of this building but I never used that gate. On the outer side of that northern gate, there were no signs of a lion. But there were flower-petals. It is wrong to say that there existed a space for parikarma around this building. A staircase was put on the backside of the building, which was used to carrying out repair work. There was no stairs way for going to the rooftop. After entering the building through the main gate, we never went to the portion on the

northern side so cannot say if there existed any foot prints (Charan Chinh), Sita Rasoi, Chakla, Belan or Chulah or not.

After the installation of the idol, the building was locked perhaps by the Government. I cannot say the portion which was locked was being used by the Hindus for performing Pooja or not because I did not go there. When I did not go there how can I tell whether the idol was placed in the portion under lock or at some outer portion outside? After the incident of 1949, we had no interest in this building and we did not go there at all. I do not know when the court ordered to unlock the building, what had been the reaction of the Muslims – whether they took it unkindly or not. I have heard that a 'Babri Masjid Action Committee' has been formed. I do not know who formed this Committee when it was formed and why it was formed. I have never paid any subscription to this Committee. It is wrong to say that I had not gone to this building. It is also wrong to say that this building has ever been in possession of the Hindus. It is also wrong to say that at the time of partition, in 1947, I had migrated to Pakistan along with my entire family and had settled there. It is also wrong to say that the people or the Government of Pakistan had repatriated us back to India. It is also not correct to say that they had tutored or instructed us to create trouble in India and to incite riots or other religious disputes. We have no intention to play any mischief here. It is also not correct to say that all that I have deposed is false or that I was lying.

(Cross examination by Shri H.S. Jain, Advocate on behalf of Hindu Mahasabha Sangh and Shri Ramesh Chandra Tripathi concludes)

(Cross examination by Shri P.L. Mishra, Advocate on behalf of Rajendra Singh, son of Shri Gopal Singh Visharad, Plaintiff in O.A. No. 1/89)

I do not know Gopal Singh Visharad Sahib. I do not know his son Rajendra Singh also. The portion constructed in the disputed property was in the direction of west. It had a roof on it. It must have been 40-45 feet long and about 10 feet wide all under the roof. There was no open space in the inside portion to the south or north of the western part. The portion under the roof was not divided into rooms but it was in the shape of a Hall. The black pillars were on the sides of the doors. The black pillars were there almost on all the gates. There were a total of three gates. It is wrong to say that these black stones were only in the middle door and not on the other two doors. It is wrong to say that I had never gone inside this building. It is also not correct to say that I do not know anything about the condition of the building. It is also incorrect to say that I have come here to depose on somebody's insistence.

After the installation of the idol, I had never gone to this building, I therefore, cannot say as to where or at which place the idol had been installed. I have not been to this place since 1949. I cannot say if the Hindus consider the middle portion of this building as the birthplace of Lord Ram and go to worship there. We had not noticed any such thing there before 1949 on the basis of which it could be said that the Hindus had been going there for worship. It is also wrong to say that Hindus had been performing pooja etc. in the outer portion of this building apart from the inner portion. I have not idea about the disputed property and the adjoining portion being part of the same premises or for this reason it is called 'Kot Ramchander'.

(Cross examination by Shri P.L. Mishra, Advocate on behalf of Rajendra Singh, son of Shri Gopal Singh Visharad concludes).

(Cross examination by Shri Devki Nandan on his own behalf and on behalf of the plaintiffs No. 1 and 2).

In those days, when I was engaged in shoe business, I had dealings with Hindus also. Some of these are my friends even. When we met each other we used to say 'Jai Ram' and also 'Salam' to each other. Hindus must be assuming Ram as their God. I do not know if Ayodhya is called the city of Shri Ram. I was born at Shahjahanpur. This was my nanihal (my maternal grand father lived in this city). I cannot tell the place of birth of my father. There was no relationship between my father and my mother before their marriage. I was not related to my second wife before my marriage. The age of attaining maturity in Muslim children is not 15 years, but it is 12-13 years the boys are generally married at the age of 23-24 years. The age of the girl may be a little less than or equal to the age of the boy. I was married for the second time after the death of my first wife. The age of my second wife at the time of our marriage was about 18 years and not 15 years. It is wrong to say that Hashim Sahib had convinced me to appear as a witness. But it is true that he had delivered me the summons of the court. It is wrong to say that whatever Hashim Sahib has tutored me I have spoken before the court. It is wrong to say that I have used some sort of chemical on my beard to make it look white so that I may look older by 10 years and that this I have done at the instance of Hashim Sahib. It is true that the hair of my head are still black. I have never used any dye etc. to blacken my hair. After applying 'Mehndi' in my beard, the

hair have become brown but it is wrong to say that the hair have become white.

I had started a shoe factory of my own about some 30-35 years ago by hiring on rent a room from Shahabuddin Sahed. I ran that factory at that place for about 10 years. Thereafter, I had shifted my factory to some other place. This is now in Kanghitola. There I ran this factory for a year or two. Now I have handed over this factory to my son for the last 8-10 years. I am not in a position to run the factory. I am bodily fit and have handed over the factory so my son on my own so that he could work independently and stand upon his feet. It is wrong to say that my age is not above 60 years. It is also incorrect to say that I have falsely given my age as 70 years.

I know Mohd. Yasin who has been witnessed in this case. I do not know Hafiz Abdul Rehman. I know Hafiz Mohd. Siddiqi, son of Fateh Mohd. of Shahjahanpur. Sahvana village is about one mile away from our village. I do not know if Mir Baki's mazar is there at Sahnava or not. I do not know if the heirs of Mir Baki live there or not. I do not know if the heirs of Mir Baki have got some land or Zamindari for being pardoned. I had been to Sahnava but I do not visit it generally. I do not need to go there. I cannot say whether Shia Muslims or Sunni Muslims are in majority in Sahnava. It is incorrect to say that I do not go to Sahnava as it is Shia majority area. I have not heard the name of Javvad Hussain Sahib of Sahnava. I also do not know if someone by this name had been the 'Lambardar' of the village. I know one Shri Rafi Ahmed Sahib, Advocate of Sahnava. I know no other person there. I do not know some Achchu, son of Alhasan. I also do not know some Mohd. Umar, son of Alimuddin.

I have been to the bridge over Saryu River in Ayodhya for going to Godda. Chowk Ghanta Ghar Faizabad is about 5-6 miles from the place where this bridge has been constructed. People use some sort of conveyance for going to that place. That bridge is about a distance of one mile from Hanuman Garhi. I did not go to the disputed property via that route. I, therefore, cannot say what had been the distance between Hanuman Garhi and the disputed building.

The Friday 'Jamati Namaz' is held after the 'Azan'. The Namaz starts after about half an hour of the Azan. At some places it starts about an hour after the Azan. It is not necessary that 'Azan' is given before each Namaz. There is a minaret at the Tatshah Masjid in Faizabad. I do not know since when loudspeakers have begun to be used for giving Azan. I have not seen a time when Azan was given from the minaret. In our life Ajan has always being given through the loudspeaker. But it is not necessary that I have gone for the Friday Namaz after hearing Azan through the loudspeaker. We go to offer Namaz after seeing the time. I have mostly gone for the Namaz after hearing Azan. It took us about an hour to reach the disputed property from our residence when we used to go on foot. It took about two hours on foot to reach the disputed property from the place where our shoe shop was situated. It took the same time while coming back from here.

It is wrong to say that I had never gone to offer Namaz at the property under dispute. It is also wrong to say that I had gone to give false witness for the sake of religion at the instance of Mohd. Hashim Sahib. During the course of my witness, I used to have hello with Mohd. Hashim Sahib but we did not have a chance to speak to each other. It is wrong to say that we met daily and I

deposed as decided through our talk. I have not had any talk with any advocate regarding the statement to be made by me each time before I started deposing before the court. Before appearing as witness in the court, I did not know as to who were the advocates of the plaintiffs. But, now I have known that their advocates are Jilani Sahib, Mannan Sahib, Mushtaq Sahib and Azhar Sahib. I have met these advocates for the first time in the courtroom itself. It is wrong to say that I have delivered a false statement.

(Cross examination on behalf of all the contesting respondents and on behalf of the plaintiffs in title No. 5 and I concluded).

The statement was read out to me and accepted as correct.

Sd/-

28.01.1997

Typed in the open court by the stenographer on dictation by me.

Sd/-

28.01.1997