

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

OTHER ORIGINAL SUIT NO.4 OF 1989

**SUNNI CENTRAL BOARD OF
WAQF U.P. AND OTHERS ...PLAINTIFFS**

VERSUS

**GOPAL SINGH VISHARAD
AND OTHERS ...DEFENDENTS**

**STATEMENT OF P.W. '9'
SHRI SAIYAD AKHLAK AHMED**

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Shri Saiyad Akhlaq Ahmed, S/o Saiyad Haji Abdul Sattar,
aged (approx.) 60 yrs., r/o Mohalla Dorahi Kuan, Ayodhya,
Faizabad, solemnly affirm on oath as under:

I am a transporter by profession. I am Sajjada Nashin
of Khanqah Shah Muzaffar Qudassirru, and not the Gaddi
Nashin. I am a Quran conner (hafiz) of Quran Sharif. I have
studied Hibbs, and performed it also.

The disputed property, about which I have come to
give evidence, is known as the Babri Masjid. My House is
located at a distance of about one furlong from it. I have
offered Namaz at this mosque. I have also offered the
namaz-e-jumma and the panchwakti namaz too at this
mosque. There is a mosque in the compound of my own
house. In that mosque, the namaz-e-jumma was not used to
be offered before 1949. Before 1949, I used to offer namaz-
e-jumma at the Babri Masjid. At times, I have also
performed the panchwakti namaz at the Babri Masjid
regularly. The namaz-e-jumma was not used to be offered

in the mosque of our compound, but I used to offer other namaz there. In this mosque of ours, the panchwakti group namaz was not being held. In those days, Maulana Abdul Ghaffar Sahib was the Imam of the Babri Masjid. Mian Ismail was the Muazzim there. He used to reside in our campus. Other people also used to go to the Babri Masjid to offer namaz. Some of those, who are still alive are Mohd. Amir, Malhu, Nur Mohd., and some people from Faizabad also, whom I used to meet occasionally. The people from Shahjahanpur also used to come to this mosque. They used to come to offer namaz-e-jumma.

I have not offered namaz there after 22-23 December, 1949, because an idol had been placed there and the mosque had been closed for namaz.

The people whom I have named above and, of these, those residing in Ayodhya, used to offer namaz-e-jumma and the panchwakti namaz in this mosque occasionally. The place where Imam Sahib used to stand was arch-type, made in the wall. There was a platform, from where the Imam Sahib used to deliver his address. There was arrangement for ablution (vaju) in the mosque; pitchers full of water used to be kept there. Apart from these, there used to be small earthen jars for taking water out of the pitchers. For common namazis, the brown flooring had black stone borders to indicate rows, in the inner portion of the masjid. There was a urinal built in the mosque. There were stairs in the southern part of the mosque. Sometimes from the stairs and, at other times, from the ground close to the stairs, the azan used to be given.

(Cross-examination on behalf of Nirmohi Akhara by Shri Ranjit Lal Verma, Advocate)

I have got most of the education at my home itself, but I have done the hifz (committed the Quran to memory) of Quran at Gonda. I have not been to any school for formal education. I can read Hindi. I do not know English. I know Persian also, not much, but a little. I started my transport business around 1970-71. Initially, I started with one Ambassador car. I had plied a tempo also, but much later. That tempo was not in my name, but it was being plied under my supervision. The tempo ran between Nawabganj-Ayodhya and Chowk Faizabad. The car used to ply from the taxi stand; it was being driven by the driver. Most of the time, it used to run between Faizabad and Ayodhya. At times, it used to go to different places outside also. I was born and brought up in Ayodhya. I have been to almost all the mohallas in Ayodhya. Of course, it is right that Ayodhya is a famous pilgrim centre of the Hindus. Of course, there are thousands of temples in Ayodhya, but I cannot say with certainty whether they are five-six thousand or not. There are many maths and akharas in Ayodhya; I have only heard, but haven't seen them. Some of them are definitely in the temple style. There is a taxi stand also adjacent to the Ayodhya bus stand. There may be the Santoshi Akhara to the south of the bus stand; there may also be a board indicating the name of the akhara; but I have never paid any attention to that. This is also correct that there is Mohalla Khaki Akhara near Hanumangarhi, with a board indicating its name. Mohalla Vasudev Ghat is located somewhere near Ram Ghat. Mohalla Ram Ghat is to the east of Hanumangarhi. I do not know anything about the mohalla that is to the north of Ram Ghät. I have been to Ram Ghat, perhaps, only once or twice. Normally, I seldom go towards that side. I might have seen the Nirmohi Akhara in Ram Ghat, but I cannot say with certainty that that is the same place. It is right that there is no Muslim population to the east of the road which goes from Hanumangarhi to the

Saryu River. [Further added]. To the eastern side of the Hanumangarhi, there are houses of two persons. And perhaps, they live somewhere near the Jain temple and they are Muslims. I have seen the Jain temple from outside. I cannot say in which Mohalla the Jam Temple is situated. But it is in front of the Datun Kund, to the eastern side. I have never seen, nor do I know that the idols of Lord Ram are brought to the Datun Kund, and are taken around in boats in the Kund. I have not seen any Hanuman Kund near the Jain temple. I do not know the names of any of the members of those two Muslim families whose houses I have referred to above to be around the Jain temple. Maybe, one of them is a barber and the other a manihar (bangle-sellers). I know the Raiganj Mohalla. In that Mohalla, there is Muslim population to the west of the Police Chowki, and a mosque too. There may be five to ten Muslim houses. One of them is Chunnu Sahib. There are some other people too. To the south of Raiganj is the Kaniganj Mohalla. There also, live some Muslim families; but at this point of time, I cannot tell the name of any one of them. They are masons. [Then said.] One of them is Mehmood.

Amongst the mohallas that are situated to the east of the road that is between the Tedhi Bazaar crossing and the bus stand are Kutia Mohalla and Kajiana too. Both these are separate mohallas. There are about fifteen houses of Muslims in the Kajiana Mohalla. Of these, the house of Master Idris is on the roadside. To the east of this road, there will not be 15, but about 10 Muslim houses. Amongst them are Mohd. Ibrahim, Abdul Razak and Mohd. Kasim Niaria. There may be around 10-15 Muslim families in the Kutia Mohalla. One house in the Kutia Mohalla belongs to (Abdul Razak Sahib, Mohd. Hashim Ansari also lives there.

I have known Kasim for along times. He is older to me. I have always considered him to be elder to me. But I cannot say how much older he is than me. I cannot reply to the question whether Kasim knows me or not; only Kasim can answer it. Right from the beginning, Kasim used to run a cycle shop. I used to go to his shop off and on for getting my cycle repaired. We used to exchange pleasantries and, thus, we got acquainted with each other. Kasim also, had been in the transport business for the last 20 years as I was, but he is not in this business now. I know his brother, Hashim mian for a long time. He is connected with the Babri Masjid case and has been looking after this case since the very beginning. That is why I know him. It is difficult for me to recollect as to how many years back I first met Mr Kasim. Mr Hashim is much elder to me. But I cannot guess how older he is than me. I came to know about this case about 20-25 years back. This period may be more, as by that time the case had been stretched too far. I do not think that Hashim mian was a leader of the muslims in Ayodhya. I guess, that the boundary limits of the Ayodhya Nagarpalika end near the Saket Dairy. Ranopali mohalla is located to the east of the road leading from Tedhi bazaar to Saket Dairy. Ranopali is a mauza. I have had a very rare chance of visiting that place. Therefore, I cannot say whether there is any Muslim population or not, or, if there is any, then how many houses of Muslims are there.

Abdul Razaq is employed in some finance company, and he is son of mian Chhedi. I think he is of my age. I have known him from the beginning of my adolescence. To the west of the road leading from Tedhi bazaar to Hanumangarhi, mohalla Kajiana and mohalla Pajitola are located. I guess that there would be around 25 houses of Muslims on the western side of the road. Maybe there are

more houses than this. Tedhi Bazaar itself is a mohalla. Bahalia Tola, Kaithana, Babari Tola are all separate mohallas. But since they are all connected with Tedhi Bazaar, they are treated as a part of Tedhi Bazaar. Thus, all taken together, Muslim population of Tedhi Bazaar comprises of the two families of Haji Fayaq and Haji Pheku. There might be a few other Muslim families, apart from these two families, which I have not accounted for. Among them is Iqbal, etc. The name of the mohalla located between Dorahi Kuan and Tedhi Bazaar is Vashisht Kund Mohalla. My house is just touching the Parikrama Road. A chauraha leading from near my house, cuts across the road leading to the disputed place, and the other road, is of Katra Tedhi Bazar. The road leading to the east from my house goes to the disputed site. The chauraha mentioned by me above, is not known by any particular name. I have never heard the name of this chauraha as Brahma Kund Chauraha or Janamsthan Chauraha. I have been passing through this chauraha ever since my childhood. To the west- east corner of this chauraha, a big stone inscription exists which was not there earlier. Alongside it, there is a board of a Gurudwara also. I have been seeing this stone inscription for a long time. But its place has been shifted. Before this, the stone inscription was installed at a nearby place on this very chauraha. The place where this stone inscription exists, there is Mali Mandir on the other side of the road. I have been seeing the Mali Mandir since my childhood. There is a dome on the top of this Mandir, which is also known as Shikhar (top). There is a mosque in a dilapidated condition, known as Dorahi Kuan Masjid, which is located on the path leading from unnamed Chauraha to the south towards Tedhi Bazaar. From there, a path goes to the mosque and a street leads to the disputed site. You may call it a chauraha, but it was never known as such. Dorahi Kuan Masjid is located at a distance of about forty

steps from the small chauraha. I have seen people offering namaz in Dorahi Kuan Masjid, but it is difficult for me to recall that how many years back and when I last saw the namaz being offered in this masjid. But I remember that even after the incident of 22-23 December 1949, people had offered namaz at this place. But I do not remember as to how old I was at that time. I guess I was an adult then. There are some houses of Qureshis there whom I have seen offering namaz there. They are Chikwa people. Lala Qasab is one of them. I have never seen anyone else, apart from these people, offering namaz there. More or less, for the last 20-25 years, namaz has not been offered in this mosque of Dorahi Kuan. This mosque would be at a distance of about 100 steps from our house. But this is not visible because of the buildings and trees in between.

I cannot say who manages the Dorahi Kuan Mosque. Some portion of this mosque had fallen itself. It was not demolished by anyone. [Volunteer: that the remaining portion was demolished during the incident of December 6, 1992. When this mosque had fallen by itself, then some of its domes had fallen and some walls had got damaged. Because the mosque had fallen to some extent, and was in a dilapidated and deteriorated condition, and there being no arrangements for keeping it clean, and there being difficulties in its rebuilding, the worship had been stopped there. Till the time this mosque existed, no arrangements had been started to give azan through a loudspeaker. That is why, the azan used to be given orally, and whenever the azan was very loud, it was heard in our house also to some extent; and whenever it was low, then the azan was not audible to us. Apart from us, there are two or three other houses of Muslim families near our house in the Mohalla Dorahi Kuan. There also live two to four Muslim families in the Vashisht Kund Mohalla. The house of Maulvi Abdul

Ghaffar Sahib is also there. The Mohalla Katra is located to the east of the above-mentioned unnamed Chauraha. There would be, perhaps, ten to twenty houses of Muslims in Katra Mohalla. The famous Mohalla Suthati is situated in the east of Katra Mohalla in which there are about 25 Muslim houses. Exactly to the north of Suthati Mohalla is located the Mohalla Begampura. Anees-ur-Rehman does not have a house in that Mohalla. I am acquainted with him. He used to reside in the neighbourhood of Shri R.L. Verma, Advocate. I had seen him for quite a long period. But for quite some time past, I do not know where he has gone. Anees-ur-Rehman, about whom I am talking about, is the son of Maulavi Mohd. Hasan. This Maulvi Sahib has only one son. Maybe, my guess about the name of his son is wrong and his name could be Said-ur-Rehman. This son's age would be 42-43 years. Earlier, he used to teach in the Aligarh Muslim University, and these days he has gone to some Middle-East country.

To my knowledge there is one Mohalla Nala, which is also known as Mughalpura. It is located to the west of the road which leads from Asharfa Ghat to Gola Ghat Chauraha. I guess there are not only two but ten houses of Muslims in the Mughalpura Mohalla. To the east of the Mughalpura Mohalla, there comes Saidwada Mohalla before the river; I rarely go there. So, I cannot say whether there are any houses of Muslims, and if, at all, there are some, then how many. (Then himself stated) There are some houses of Muslims. To the east-north corner, the Sargat Dwara Mohalla is located. By Sargat Dwara Mohalla, I understand that place where Shah Ibrahim's mazaar is located. It is known as Adgada also. There is no house of Muslims there. From Adgada to the river, the populated area in the north, up to Naya Ghat in the east, is known as Sargat Dwar. To my knowledge, no Muslim lives there. I cannot say how

many houses of Muslims were there in Ayodhya, when I was young. Whatever I have stated about the Muslim population on the basis of Mohallas is, according to me, in relation to the present circumstances.

I guess that one becomes an adult at around 14 years of age. In my case, I guess, I could understand well, when I was ten years old. I am the only son of my parents, and I have two sisters. They are both younger to me. My father has expired. I can tell about the date of his death, but cannot tell about his age at the time of his death. One of my sisters had been married by then, but I cannot say how long before his death, this marriage took place. I won't also be able to tell about the age of my father at the time of this marriage. I guess, at the time of marriage, my sister was about seventeen years of age. But she could be a little younger than that.

I am married. I was married nearly thirty-five years ago. The marriage of my above-mentioned sister took place before my marriage, but I cannot say how long before my marriage, her marriage took place. It is also difficult for me to say how old I was at the time of my sister's marriage. At the time of my marriage, my age was between 22 and 24 years, I guess. My father died four to five years after my marriage. It is also difficult for me to say how much younger to me is my sister, of whose marriage I have mentioned above. When my father expired, I was not doing any work. I was already an adult and was 27 or 28 years of age. My father had cultivatable land, but I have none. He had some land in District Sultanpur. I am a resident of Kot Ram Chander and this Mohalla is known in the Revenue records as Chirag Delhi also.

In the Revenue Records, pertaining to Nazool, I found that this Mohalla is known as Chirag Delhi also. This record pertains to the period around 1902 A.D. I had seen this record 15-20 years ago in connection with the papers pertaining to my house. The place where my house is located is also known as Mauza Avadh Khas. Mauza Kot Ram Chander is up to the eastern wall of the Mali Mandir at the place already mentioned. I have never heard if Kot Ram Chander was ever known as Mauza Akbarpur or not.

My father was not a zamindar/landlord in Sultanpur, but he had some cultivatable land there. This was our ancestral property. Basically, our father was a resident of Sultanpur. I know farming. The landlord/zamindar of Kot Ram Chander, I think, was Achchhan Mian's father. I know that Achchhan Mian has been a Plaintiff in this case right from the very beginning. There may have been someone as headman (Lambardar), but I have no knowledge of this. Perhaps, Haji Pheku had some land in Kot Ram Chander. But I have no knowledge of the Landlordship of Fayaq Sahib.

In addition to the disputed mosque, there may be at least other fifty mosques in Ayodhya. Almost in all the residential areas where there are Muslim houses, there is essentially a mosque there. Tented mosques, without roofs are also included in this. Namaz is not offered in all of these mosques. In some of these mosques, namaz is offered, whereas in others it is not. But namaz is offered in almost all the mosques having roofs. It is not necessary that people of a mohalla offer namaz in the mosque of their mohalla only. They sometimes offer namaz in that mosque and sometimes, when they have time, they offer namaz in some other mosque too. As far as I can recall, the group namaz-e-jumma used to be offered in the Kewade Wali

Masjid, apart from the disputed masjid, and not in other mosques. In my knowledge, the Kewade Wali Masjid is located in Mohalla Naugaji. I do not know who got this mosque built. From its structural design, it seems to be 400 years' old. The length of this mosque from north to south and the breadth from the west to the east would be around 40-50 feet both sides. I have offered panchwakti namaz many times in this mosque. I cannot say as to how many times I have offered namaz in this mosque. I have never offered group namaz-e-jumma in this mosque. Either in this masjid or around this masjid, there may have been a Kevada tree because of which the masjid got the name of Kevada wali Masjid. This masjid has no domes, but it has some small minarets and a terrace too.

The namaz is offered under the roof and also in the compound outside, depending upon the number of people offering the namaz. This mosque does not have a permanent Pesh-Imam. Similarly, there is no permanent Muazzim also. There is a platform also built there. At the end of the compound, a well has been dug for the purpose of Vazu in the mosque. It is within the boundary wall. The flooring of the compound is pucca; cement and lime has been used in this.

About ten to twenty years after I became adult, I had offered namaz for the first time at the Kewade Wali Masjid. I had offered namaz-e-johar, which is offered in the afternoon, for the first time. I had offered namaz all alone. Hence, the question of the presence there of anybody from Ayodhya or Faizabad does not arise. Whenever I had the chance of offering namaz-e-magrib in this mosque, I had the coincidence of coming across one or two persons. There is a path and a bazaar. And so, any passer-by can

come and offer namaz. So, I cannot tell the names of those whom I had met there.

The namazes which have to be performed five times a day have their fixed times. It is correct that this Kevade Wali Masjid is the nearest to the Singarhaat of Ayodhya. I know Zâhur Ahmed, whose house is located to the west of this mosque. This is also correct that Hashim Mian's tailoring shop was also used to be opposite to his house, up to 1977. Neither Zahur Ahmed nor Hashim Mian had ever offered namaz with me at the Kevade Wali Masjid. I have seen an elderly man taking care of this mosque and he was known as Ustad Sahib. I have never seen Zahur Ahmed in connection with the management of this masjid. Zahur Ahmed has expired. He died more than 25 years ago. His son, Farooq, is alive. I have never offered namaz along with Farooq at the Kevade Wali Masjid. Farooq is elder to me. I have known Farooq for a long time. Probably, I know him since the time of his father, Zahur Saheb. Farooq Sahib used to pursue court cases pertaining to the upkeep of the graveyards. This is how began my meetings with him. There is an Anjuman Muhafiz Muqabir Wa Masajid (Committee for the Upkeep of Graveyards and Mosques), with which Farooq Sahib is associated. He used to help the Anjuman. I have also been associated with this Anjuman, but not now.

When I had got associated with the Anjuman for the first time, I would have been roughly of the age of 50 years. At that time, I had become the Sajjada Nashin of Khanqah Shah Muzaffar Udda sirrahur. I had become Sajjada Nashin in place of my father. The conferment of the post of Sajjada Nashin is not hereditary. Of course, if the family inheritor is an able person, he is definitely nominated for the purpose. My father had conferred this title of Sajjada Nashin on me during his lifetime itself. In this regard, a document had

also been written but it had not been registered, and the registration was also not necessary at that time. From the day this was put into writing, I became the Sajjada Nashin. This Khanqah is in front of our house, and is surrounded by four-walls. There is no roof over it. The mosque near our house is also there. That is a big compound, to the south of which is located this mosque. There is no mention of this Khanqah in any Government record, but it is definitely mentioned in our family-tree (shajra). This Khanqah has been in existence for the last 400-500 years. Before my father, my grandfather was the Sajjada Nashin of this Khanqah.

The mosque that is in our compound is built of lakhauri bricks. It is called Alamgiri and, as far as I can guess, it is 200 years old. There is no trustee of this mosque. This mosque does not get any grant from any source.

It is possible that there are my affidavits in all the court cases that are going on pertaining to this temple and the mosque, that is, the Ram Janam Bhoomi-Babri Masjid. It is correct that I have been coming to the High Court in connection with this court case after the opening up of the lock. Till today, I had not stated about the existence of the above-mentioned Khanqah, and also about my being its Sajjada Nashin. But the reason for this was that no need was felt to mention about all this. People from far-off places visit this Khanqah. It is wrong to say that the story about this Khanqah has been planted with the intention to clear any misgiving about the people coming to this Khanqah from outside. This is also wrong to say that the story about the Khanqah has been concocted in order to find out a way to bring witnesses from outside Ayodhya and Faizabad. So far as I have seen, people from the districts of Behraich,

Gonda, Basti and Banaras also come here. Sometimes people from Bombay also used to come. Generally, people used to come in ones and twos, but on many occasions many people used to come together, because once a year there used to be a special programme held at our place. This programme is known as urs, which is held in the month of May every year and the date and the month is fixed. From the time it has been held under my supervision, it has always been held during the month of May. It is possible that, before me, it may have been celebrated according to the Hijri calendar. After I started understanding things, the urs has always been celebrated during the month of May. On the occasion of the urs, 500 to 1000 people gathered there. The 14th of May has been fixed as the date for this urs. Generally, people coming from outside also stay for a night, they sleep in the compound itself. Some of them go to the mosque also.

I learnt Quran at Gonda. There is a madarsa, Hanfia Furqania, where I got this education. Before I went to this madarsa, I had learnt elementary Urdu at my home from my parents. It is difficult for me to say how much time I took in learning Urdu, because learning is a continuous process. I have been learning Urdu till today. When I reached the madarsa at Gonda, by that time I had learnt enough of Urdu language to enable me to read, but I could not write Urdu properly. I had learnt to read Urdu till about a year and-a-half at my home and, thereafter, I had gone to the madarsa at Gonda. I studied at the madarsa at Gonda for about three years. I had learnt Urdu at my home in my growing days. I stayed in Gonda continuously for three years.

I have seen the Suthati Mohalla. There are three mosques there. So far as I have heard, these mosques are 200-250 years old. It is only a guess. They can be a little

more or less. It will be wrong to say that I have never visited any of these mosques. There is a small mosque right in the middle of the Mohalla where I had gone. So far as I remember, I went there for the first time when I was forty years old. This mosque should be around 300-400 yards from the disputed mosque. There is a mosque in the Suthati Mohalla in a dilapidated condition, and it has no roof. It is possible that the roof has fallen. It can also be possible that this had already been a tented mosque. Haji Abid Sahib of Suthati Mohalla is elder to me. Malhu alias Abdulla is also elder to me. Both of them are quite elderly; maybe they are around 85 years old. I have known these two gentlemen right from my growing days.

The distance of the disputed property from my house would be around one-and-a-half furlong. For going to the disputed property, one has to go from the above-mentioned unnamed Chauraha, via Hanumangarhi. If one wants to go to the disputed property from the Tedhi Bazaar, even then this is the main route. There are some pathways (pagdandi) also for those coming from Mohalla Kajiana. The distance of the disputed property from Kajiana Mohalla is around, one kilometer. The distance via Tedhi Bazar would be a little more. I had been to the disputed property via the pathway from Kajiana. There are high lands on both the sides of the pathways. That pathway does not close during the rainy season, because it is right in the middle and the water flows down from the sides to the west. This pathway branches out to join the Faizabad-Gorakhpur main road. The raised piece of land that is mentioned in the Government records as the Kuber Teela, is the mazaar of Hatti Shah, and the pathway runs from its eastern side. There are shrubs and bushes on this pathway, but there is no difficulty for those coming through this path. If there is no sunlight, and it is night, people who fear do not take this

way. The disputed property should be around 100- 150 steps from that eastern point of the Kuber Teela from where this pathway begins. I have heard that there is Lakshman Tekri to the east of this pathway, as mentioned in the Government documents.

Verified the statement after hearing.

Sd/-

Saiyad Akhlak Ahmad

18.2.1997

Typed by the Stenographer in the open court on being dictated by me. In continuation of this, for further cross examination on 19.2.97. Witness be present.

Sd/-

18.2.1997

(In continuation of Cross examination dated 18.2.97)

Cross examination on behalf of the Nirmohi Akhara by Shri Ranjit Lal Verma, Advocate on oath, begins...

The referred Lakshman Tekri is situated on a raised piece of land (teela). There is a pathway (pagdandi) in front of this and, to the west of that pathway; there is a building in a dilapidated condition. The one that I understand, probably, is not the Sumitra Mandir, because that is in the form of a very dilapidated wall in a very small place. I have been seeing this place in this condition right from my growing age. I cannot say for what purpose was this building being used, or what kind of building this was. I have started coming to the court off and on since the time this disputed building has been unlocked. But I cannot be called to be very active in this. I was present on the spot in 1990 when the Survey Commission deputed by the Court had visited the site. Apart from this date, I am not aware if video recording of the disputed property has been done on any other occasion. I have not taken part in that. If any photography or video recording was done on that date, then I was been certainly present on the site. The survey work continued for many days.

While going to the disputed site via Hanumangarhi from Unnamed Chauraha, there is another chauraha from where a pathway leads towards Suthati and another pathway leads towards the disputed property. There was pathway ('khadanja') there in the beginning; the pathway was bad in the beginning, but had improved afterwards. From around 1960, or, a little earlier, I find this pathway in an improved condition. To the east of that pathway are many temples. In the corner adjacent to this brick-made pathway there is a temple, the name of which I do not know

at this point of time. On having been reminded I now remember that the name of this temple is Sakshi Gopal Mandir. I feel there was no temple between the way that goes from the southern side of this temple and the disputed property. The disputed property had one main gate to its east. The distance from that main gate to the Sakshi Gopal Mandir should be about 60-70 steps. The main gate had no door. The main gate had a wall over it, but there was no extension of a balcony (chhajja) from it. Stones of black colour had been fixed to the corners of the wall. The black stone which was visible in the northern side of the wall had no inscription on it. On entering through the main gate, there was an open compound. It had no roof. The length of this compound from the north to the south was nearly 100 ft. It may be a little less or more. The width of the compound from the east to the west was about 30-35 ft. The flooring of this compound was made of limestone. To the south of this compound, there was a platform-shaped structure (chabootra). The height of this chabootra was three to three-and-a-quarter feet. It was a pucca chabootra. There were no stones fixed over it. Cement or limestone had been used on it. It is not possible for me to tell the measurements of this chabootra, because I had never measured it. There was a small open covering (chhappar) over this chabootra. This covering was supported by wooden poles. To my knowledge, there was no tented covering either over this structure or under it. There was no such thing built there. There were two or three window-typed fixtures in the structure, which were about three and-a-quarter feet high from the flooring; it can also be called its thickness. Since I had not measured the length and breadth of these windows, I cannot say about their size or whether their length and breadth were equal. This chabootra was visible even while standing in the middle of the main gate itself. This chabootra was at a distance of

15-20 feet from the main gate. Looking from that place, the length and the breadth of the windows appeared to be equal. The length and the breadth of these windows were such that a person could enter only by bending. Inside the windows, certainly there was some space in the chabootra. There was an idol kept there which was visible from outside. One may guess the depth of that space according to his will. But it is apparent that anyone entering it could also possibly sit there. I do not know what work was being carried out on the overhead structure (chhappar) of the chabootra. I have never seen anyone sitting or standing there. I had seen the southern side of that chabootra also. The outer wall of the main building, seen from the southern end of the chabootra, should have been at a distance of 20 ft. This wall would have been around ten feet or more higher than the level of the compound. This is correct that there was a very old 'Peepal' tree between the south-eastern corner of this chabootra and the above-mentioned boundary wall. I have not closely watched, but it is my guess that there was a small round shaped chabootra under the Peepal tree. Whatever I have stated about the chabootra, as far as my memory goes, is correct. I have seen it always like this.

On entering from the main gate, up to the built portion under the dome, there was a wall. This wall was built with bricks and stone pieces, and windows with iron grills in between. I cannot tell the size of those stones, whether their size was 1X1 sq.ft. or not. It is very difficult to give the number of those grills, but they were not many. I guess those grills would have been in six, seven or eight parts. As I said earlier, in my view, the north-south length of this wall would have been the same as that of the mosque. But the northern side could be a little less. I do not know whether this wall on the southern side meets the outer wall on the

southern side of this building. This middle wall had a door also in addition to the grills. There were two doors. These doors were made of iron. It was not an iron-sheet which had been used in the door, but there were iron rods which had been used in these doors. The width of these doors, according to me, should have been four to four-and-a-half feet, and the height should have been around seven feet. These doors had two planks each. For closing these planks, there was something like a latch there, which could be locked. To the best of my knowledge, I have never seen these doors ever locked. The outer wall to the north of this building is at a distance of about 20 feet from the place where in the north this wall-with-grills ends. At the end point in the north of this middle wall, there was also the outer westward wall. The wall ran towards the west. There was no gate in that wall. One or so grill was there. This westward middle wall joined the main building on the western side. The distance of this wall from the east to the west should have been 40 feet. There was empty space to the north of this wall, and there was a compound too. A pucca flooring made of limestone was also there. But there was no built structure. In a small place, there was a hearth (a chulha), a platter (chakla) and a roller pin (belana), which were visible. These three were made by raising the floor a bit. This raised space on the floor was not more than a height of one feet. This elevation was not 10x10 sq. ft. I think it would have been only up to 8x8 sq. ft. This elevation was made of limestone. The hearth, the platter and the roller pin were made of stone. The mention of these things was being heard over a long period of time, and I have also been seeing them from my early age. There was a gate to the north of this elevated portion. This gate would have been around 10-15 feet from the end point of this elevated portion. This northern gate had a door. There was also an arch over this gate. There was a leveled ground

towards the north at some distance outside this gate. This ground extended towards the north by about 10-12 feet. In front of this gate, there were stairs outside. But it is wrong to say that the ground was not leveled. The upper portion of this gate was visible from the road outside. I did not see any images of peacocks or lions installed on this gate. But there was something made on the gate. If I will be shown some photographs of that place, then I shall definitely try to recognize them and explain.

The above-mentioned no door remained mostly closed. I did not pay attention whether the door remained locked or not. The northern door was made of tin sheet. [At this stage, the able advocate drew the attention of the witness to a photograph, which is Paper No.154/9, and which has been prepared by Shri Bashir Ahmed, Local Commissioner. This photograph is contained in the file of Case No.1/89. After seeing the photograph, the witness stated:]. This photograph is of the above-mentioned northern door, which is made of tin sheet. From this photograph, it appears that there is a sign of some living thing. But I cannot say whether this sign is of a lion, a peacock or some other animal or bird. This has some form of a living thing. But I cannot say of which. This can be a form of some animal.

While entering through the main gate, there was a compound to the east. There were no stairs in the north-eastern corner of the compound, while coming inside through the main gate. After entering the main gate and standing in the middle of the gate, the distance up to the northern wall would be around 50-55 feet. The width of this compound up to the wall with grills would be 30-35 ft. I have never seen any structure in this compound right from my childhood. The height of the outer eastern wall also would have been more than 10 ft. To the west of this wall,

no tin shed or a covering structure alongside the wall was ever seen. The namaz was never offered in this compound, which is outside of the above-mentioned compound with the hearth, the platter and the roller pin, or the compound with the raised platform (chabootra) as already mentioned. This compound which comes after entering the main gate, always remained open and was never used. We have not seen that there was ever an overhead covering structure, or some sheds for living, or some bhandar, that is, store towards the west side of the outer wall of the northern compound. It is correct that on the north-eastern corner of this northern compound there was a very old Neem tree. There was no restriction for the visitors coming from the south or the east or the western side.

There was a raised/elevated structure (a pushta) outside this building to the west alongside the wall which was used by the people for passage. There was built a terrace also. This was two-and-a-half to three feet. This pathway was about four feet wide. Outside this building to its south, there was also some leveled land in the south-east corner and which was a slope also towards to the western corner. On all the four sides of this building, the ground was well-leveled and the people could pass easily.

There was a compound to the west of the wall-with-grills inside the building which has been mentioned above by me, and it had no roof over it. The width of this compound would be about 40 ft. As I have already mentioned, the length of the north- south side would have been same as that of the wall. To the west of this compound was the covered area of the actual mosque. This covered area was covered with three domes. There were three doors in the covered portion. Under the covered portion, there was flooring. There was a stone-flooring on

the inner compound. The floor of the area covered by the domes was also of stones. [Then said: From the floor of the inner compound, I was taking it to be the floor under the dome. Otherwise the floor of the inner compound was built with lime and the floor under the dome was that of stones]. As was the compound outside the grills made with lime, similarly the compound inside the grills was also made with lime. The floors of both of the inner and outer compounds were equal in size. In some portion under the dome, there were brown stones and, in the other, some marble stones were used. There were rows made in the inner compound. The rows were made with stones. There were black stones, some brown stones and at some places some white stones were also used. In the inner side where there were doors with arcs over them, the width of the walls would have been two-and-a-half by two-and-a-half meters. There were black stones fixed up to some distance on the corners of the walls. I guess the height of those stones would be less than six feet. In these doors, there were in total 12 pillars of black stones. There were no signs on these stones of any living things. I had seen these stones. When the Survey Commission had visited, I had seen it then too. I have been seeing these stones from my childhood and if I will be shown photographs of these stones, then I would try to identify them. [On this occasion, the able advocate drew the attention of the witness to the album containing coloured photographs prepared by the Department of Archaeology, Government of Uttar Pradesh. Having seen the photographs, the witness stated:] I have seen Photograph No.45. In this, the same black stone has been shown which was used in the building under dispute. In this, there is another stone used in front of the black stone, which I can see. The second copy of this photograph, which is an enlargement of this photograph, is Photograph No.44, in which there is written something and which can be read

also. On this is written 'Janam Bhoomi'. Photographs No.50, 52, 53 and 54 are about the same pillars, which are made with black stones and were installed at the site. In Photograph No.50, there is a utensil on which a flower is carved. In this photograph the place where a red sign has been shown, there exists no shape of any kind. In Photograph No.54, there is a utensil on which some flowers are carved. This can be called a 'kalash' or a flower vase. In Photograph No.52, it is almost the same position. It is wrong to say that there is a image or a shape of something on this. In Photograph No.53, only the upper portion has been shown, where flowers and petals are carved. All these four photographs show the same pillars, which existed at the site and about which I have made the statement.

Photograph No.105 is also of the same black stone at the site, but this is wrong to say that any image or shape of something is visible. Photograph No. 115 pertains to one of the same stones, but it is wrong to say that the shape or the form of any human image is visible on this. I can identify the photographs of the above-mentioned 'chabootras'. Photograph No.57 shows the same chabootra, which was in the disputed property. In this, two windows at the site are also seen in the lower portion. The wooden structure shown on this chabootra at this site came into existence after 1949, but it was not there before 1949. Photographs No.59 and 60 also show the same chabootra in which the trees are also the same, about which I have already stated.

Photographs No. 70, 71 and 72 show that chabootra of the disputed property where the platter, the roller pin, etc. had been made. In Photograph No.72, the elevation of the chabootra is in the same shape as we used to see this always. In this, the only addition is that of the stones.

The main gate of this building was to the east. I had seen the outer upper portion also. Photograph No.40 of this album indicates the outer portion of the main gate. There is a shape of something on this gate, but it cannot be called as that of a peacock. In Photograph No.202 of this album, I am also sitting.

[At this stage, the able advocate drew the attention of the witness to an album containing black and white photographs prepared by the Department of Archaeology of U.P. Having seen the photographs, the witness stated:]

I have seen Photograph No.34. I think that this photograph shows the northern side, and not the southern side, of the disputed building. To the southern side of the building, the level of the land was slopy. To the east of the main building, just after where the portion of dome ended, there was a staircase. The up and down way to this staircase was not from the main building and the outer compound, but from the inner compound. There was a boundary wall at a little distance to the south of the staircase. This little distance would have been within 10-12 ft. This portion of 10-12 ft. distance was a little elevated from the floor, and was in the shape of a chabootra, but there was no structure built over it. To reach this chabootra, one had to go through the inner compound. The wall of the entire compound was open and the space was used for Ablution (Vaju). I think, apart from this chabootra, there was no structure there. There was only a drain through which the water of the ablution used to flow. Near the staircase, which I have mentioned, there was a compound to its north, surrounded by the dome. The floor and the compound surrounded by the dome were the actual building of the mosque. Inside the mosque, only the floor was plain.

There was no other constructed structure apart from the construction of the mosque. The chabootra-like space to the south would have been 15- 20 ft. long. The height of this from the floor would about have 3 ft high. The tank was further from this chabootra to the east. This tank would have been at a distance of 5-10 ft. from the chabootra. At the time of photography, this tank did exist in a much deteriorated condition. This tank would have been 2-3 ft. wide with the same height and of the same length.

From the southern boundary wall, another wall used to lead towards the north, where this tank existed. This wall going to the north is not that wall which was built with grills in the actual part of the mosque. The northern wall, which I have mentioned, is the one, which goes to the end by turning round the portion where the place for ablution existed. Its height was less than 10 ft. This wall after going to the east used to meet the wall-with-grills. There were walls on three sides of the above-mentioned tank. I think, there was no wall on the fourth side, that is, to the west of the tank. I cannot say about the tank whether there was any drain to drain out the water to empty the tank or not, but there was a small drain for the ablution water to flow out, which I have already mentioned. [Badnas (small earthen jars for taking water from the tank) were kept near the tank for taking the water out of the tank]. The pitchers were also kept near the tank. I cannot say about the number of pitchers, but one or two pitchers of big size used to be there.

The tank could contain 200-250 litres of water, whereas the pitchers could contain 15-20 or 50 litres of water, or, maybe, more than that. There used to be enough badnas (earthen pots) of which I cannot give the number.

Their number should be within 100-200. These were made of clay.

There was a graveyard, after leaving some space, to the east of the disputed property. There were many graves in 100-150 yards area. To the east of these graves, there is also Manas Mandir Trust apart from the Sakshi Gopal Mandir, which is built on the graveyard itself. The graveyard mentioned by me was 100-150 yards in the east-west, whereas it was longer in the north-south side. In front of this mosque, there is a graveyard in the north-south side and also another one a little away from this to the south. The land of this graveyard can extend to the north, and towards the south, it had extended more. To the west of the graveyard was a portion of the mosque. In the east of this graveyard, first, there was the Manas Bhawan, and thereafter, the Amava Mandir. To the north of this land, the Sakshi Gopal Mandir is located. To the south of this is that small flat hilltop (teela) which I mentioned as Lakshman Tekri in my statement yesterday. In this four-sided area of land, apart from the graveyard, there are some agricultural fields and some empty land. To my knowledge, there is no constructed structure there. There may be some trees.

I have never heard of any well by the name of Sita koop. Outside this four-sided, chauhaddi, land, there is a well to its east. [Then said]. That well exists in this chauhaddi land itself, which is at a distance of 50 steps from the mosque. This well is pucca. I have seen this, Its depth should be around 50 ft. There was no platform built around this well. For drawing water out of the well, there is an iron pulley, which can also be called 'chakli'. But there was no stand for it there. If it has been brought these days, I cannot say. As far as I know, I have been seeing this condition right from the beginning.

There is a road touching the northern side of the disputed property. To the north of that road also, there is a graveyard, which is adjacent to the Ram Janam Sthan. I do not have any measurement of this graveyard. It could be 100-150 yards long. Or, it could be more or less than this too. Its width would be 100-150 yards. But this also can be more or less. There are many graves, some of which are un-cemented, and the others are not. These have never been counted

Since my coming to senses, in both these graveyards, which I have mentioned, no dead body has ever been buried. There was no graveyard to the west of the disputed building. It was empty Land, which was slanting, and this condition continued up to the Mali Mandir. To the south of the disputed property, there was a graveyard of Khwaja Hatti, where there are many graves. This place should be at a distance of 200-250 yards from the southern outer wall of the mosque. This area of 200-250 yards in the middle is a low-lying one and there is no structure there. This place is slanting. In this empty area, to the west, we have seen some farming. Otherwise, we have not seen the 'Bairagis' living there. Floriculture is taken up there by some gardeners of our mohalla. That farming is not done by the gardeners of the Mali Mandir; all the gardeners live in our mohalla only. Those flowers are sold by gardeners for the temple, and we also buy some of those flowers for our purposes, such as we use flowers to offer on graves. The gardeners of our mohalla are Ram Lakhan, Mahadev who live in our mohalla. There are other gardeners also living there.

It is impossible to say which month of the Hijri calendar it was when I offered my first namaz in the

disputed building, because it has been a long time since. I think it is difficult to say which season it was, but I guess it might have been the summer season. I do not know whether the zamindari rights have ended or not because I do not possess any land nor have I any zamindari. I know when we got freedom from the British rule. At the time of Independence, I was a grown-up and I understood everything. But at that point of time, I was still studying. I find it difficult to say which year of my three years of education was running during independence. I do remember offering of my namaz in this mosque after independence. I might have gone before that also, but I do not remember it well. So far as I remember, the first namaz that I offered in this mosque, after Independence, was namaz-e-magrib. But it is difficult to recall which season it was. The muazzim and the Imam of that mosque were also present amongst the people of Ayodhya in offering namaz at that time. Haji Abdul Ahad, Haji Fayaq Sahib and others from Ayodhya were also present. The approximate age of Haji Ahad Sahib would have been around 40 years. I have seen his younger brother, Haji Mehmood. I have known both these brothers from my childhood. I have been visiting their place in their happy and tragic moments. I guess that his ages this day would be 60-62 years. He is a little older than me, but I cannot tell his exact age, because they keep dying their hair. Abdul Ahad Sahib would be 20 years older than Haji Mehmood.

I guess I had gone to offer namaz in this mosque five or six days before 22-23 December, 1949. That was namaz-e-jumma. I think there were many people in the namaz that day. Their numbers could be 200 to 400, or, even 500. I had met Mian Hashim, his brother Qasim, Abdul Ahad, Farookh, Yasin and Hashmatullah Ansari in that namaz. I do not remember about Haji Mehmood. I did not see

advocate, Mohd. Yunus Siddiqui, there on that day. People from Ayodhya, Faizabad and from outside had also participated. We had heard there that there was some tension of same type in Ayodhya and provocative statements were being delivered from the Hindus side. Kirtan were being sung from a platform from the eastern side of the graveyard outside the mosque. Some speeches were being made but I do not know the names of those people who were doing this. It was a gathering of Hindus, but it was not that big. The sadhus and bairagis could be more in numbers there. But there were others also. I had heard that gathering and the kirtan had been going on for the last month or a month-and-a-half. I cannot say anything about the installation of the idol. But from the talks it appeared that some sort of disturbance was being apprehended. I had not heard anything about the demolition of the dome.

When I had gone to offer my namaz-e-magrib for the first time, I would have been probably 13 or 14 years of age. When I offered this last namaz-e-jumma in this mosque, my age was 14 years. After that day's namaz, I could not offer namaz in this mosque, because it was closed. The Deputy Commissioner or the Commissioner, whose name was Shri Nayyar, and the City Magistrate, whose name was Shri Gurudatt Singh, had, by issuing orders, got our namaz stopped by the Police. This order was issued after the night of 22nd -23rd December, 1949, and no namaz was allowed to be offered on 23rd December.

I have heard that some damage had been caused at the disputed place in 1934. That riot was between the Hindus and the Muslims, and it had spread from Faizabad to Ayodhya, and two or three Muslims had been killed in it. There is no doubt that the Muslim population had been

much less than that of the Hindus in Ayodhya. But it would be wrong to say that after the riots of 1934 the Muslims of Ayodhya would have been scared or terrorized. I came to know later on that, because of the riots of 1934, a fine was levied on the Hindus. It is wrong to say that the Muslims had stopped, because of fear, going towards this building and towards its road. There was tension after the incident of 22nd -23rd December, 1949, and the Police had stopped us from going beyond the chauraha. Therefore, we could not offer namaz-e-jumma on 23rd December, 1949 in this building. Up to the Benaam Chauraha, there was a large crowd; I had reached there along with other Muslims. I did not see Zahur Sahib there. There were many Muslims. It is difficult to say who were they and whether, amongst them, the son of Zahur Sahib was there or not. On the last night, the idol had been quietly and forcibly installed in the building. This was the sort of thing people were talking about there. This was done by using force against the Muazzim who was present in the mosque on that night. Shri Ismail Saheb was the Muazzim, and, to my knowledge, he was a resident of Zila Basti. His baggage used to be in my compound, and also in the mosque. I have not seen his family. He had himself told me about this use of force and this was also the talk of the town. His age, at that time, would have been between 65 to 70 years. After that, he had left Ayodhya for some place, but I would not be in a position to say, to which place he had gone.

I have heard -- but I am not sure because I have not signed anywhere -- that the portion of the mosque had been attached after this. In Mohalla Vashisht Kund, there was a mosque near the house of Maulvi Abdul Ghaffar Sahib. Before Ghaffar Sahib, the Imam of this mosque was his father. After his death, Ghaffar Sahib became the Imam. The mazaar is in our Khanqah.

It is not necessary for a hafiz to tell how many ayats are there in the Quran Sharif. The first letter of Quran Sharif is 'Alif' after this, it is 'laam'; then, 'leem'. Only a Mufti can tell the meanings of these, and I am not a Mufti, I am only a hafiz. The 'riqat' (one set of standing, genuflexion and prostration in prayers) of all kinds of prayers is not equal.

It is wrong to, say that my age is only 54 years, and that I have never offered namaz in this mosque, and also that I have never gone to this place. This is also wrong to say that I am tendering false evidence. This is also wrong to say that this property has always been in the possession of the Nirmohi Akhara.

Verified the statement after hearing .

Sd/-

Saiyad Akhlak Ahmad

19.2.97

[On behalf of the Nirmohi Akhara, by Shri Ranjit Lal Verma, Advocate, cross- examination concluded].

Typed by the stenographer in the open court on being dictated by us. For further cross-examination on 20.2.97.

Sd/-

19.2.1997

(In continuation of cross-examination dated 19.2.97)

(Cross examination on behalf of Plaintiff Suit No.5/89, and on behalf of Shri Devaki Nandan Aggarwal . Cross-examination by Shri Devaki Nañdan Aggarwal himself):

P.W.9 Shri Saiyad Akhlaq Ahmed, on oath, stated:

Question: Is your title of Sajjada Nashin like that of the Shankaracharya amongst the Hindus?

Answer: You can take it that it is more or less so.

I am a hafiz of the Holy Quran, and not an Aalim (learned person). It is not necessary to be an Aalim or a mufti for a Sajjada Nashin. My father was an old person, but he too was not an aalim. Being a hafiz, I read the Quran Sharif daily. I also do meditation and reading ('talavat'). I cannot say that in our religion, we pronounce 'alif', 'laam' and 'meem' in the same way as the Hindus pronounce 'OM'. I have never tried to find out the meanings of 'alif', 'laam' and 'meem' from a 'mufti' (Muslim counsel or jurist) or an 'Aalim'. It is possible that no one may be able to give meanings of alif', laam' and 'meem'. I cannot reply in this respect whether such thinking is proper or not.

Question: What are the conditions of making donations (waqf) for a mosque?

Answer: A person can Waqf his land for a mosque at his own free will, and he can do so verbally.

Any person declaring his land Waqf for a mosque should have full title to that land. This is not so that namaz be performed after an azan, and then the Waqf be treated as final. Many members of our family are residents of Ayodhya. Our earliest heirs also lived in Ayodhya. They had come from Medina Sharif. This we had heard from our elders. Every resident of Medina Sharif cannot be a Saiyad. One who is from amongst the descendents and from the dynasty of Prophet Mohammad is called the Saiyad. As we have heard from our elders, those people had come to

Ayodhya about 400 years ago. It is not so that where a Darvesh comes and lives, and if that place had not been very famous, then that place becomes hermitage (taqia). This is also wrong to say that when that Darvesh becomes famous, that place begins to be called a Khanqah. In fact, taqia, Khanqah, dargah become famous after the death of the person. A living person's residence cannot be called a taqia or a Khanqah. It cannot be known as Durgah also. A 'chaddar' also cannot be offered on every mazaar. Bowing at any mazaar cannot be called as 'sajada' it may be a sign of respect only. Darvesh and Sufis are the same. Both are inseparable. I cannot dare to call myself a darvesh or a sufi. It is not so that the sufies are mostly Shias.

I know Mahatma Gandhi. I had a chance to listen to his voice on radio. I have heard His voice on radio even now around the Independence Day. I heard two or three years ago also. I have never heard his direct broadcast on radio. Ishwar and Allah are both the names of the same power. Hindus call Him Ishwar, and we call him Allah. According to Islam, Hazrat Mohammad Sahib was the last prophet. There had been one lakh and 24 thousand prophets before him; but it is difficult to tell their names. Jesus Christ is also considered to be a prophet of God. Hazrat Musa is also considered to be a prophet. We do not recognise Mahatma Buddha as a prophet of God. We cannot recognise Sri Krishna also as a prophet. The Hindus believe that Lord Sri Ram was an incarnation of God and that he appeared in Ayodhya. But this is their belief, not mine. I hear that the Hindus believe that Ayodhya is the birth-place of Lord Ram. They consider Janam Bhoomi as the birth place of Lord Ram. I have not taken any details from my elders, but I have been hearing so.

I cannot tell about my date of birth exactly, but I have heard from my parents that I was born around 1937 A.D. According to the Hijri calendar also, I cannot tell about my date of birth. I cannot tell the date according to the Hijri calendar when I last offered my namaz-e-jumma in this mosque. I cannot tell in which month, according to the English calendar, the Id was celebrated in 1949, because it has been a very long time. I cannot tell whether or not the new month of the Hijri calendar had commenced on 22nd December, 1949. It is incorrect to say that I had mentioned in my statement about the incident of 22nd December, 1949 or about this date, on being prompted by someone. According to the Hijri calendar, it is the month of Shavval that is running now, the complete name of which is Shavvaal-ul-mukarrar. After this month will come the month of Zikkada. I cannot say whether this suggestion is correct that the month of Zikkada ended on 21st December, 1949 and that the month of Zilhiz had commenced.

It is wrong to say that I had started to pursue this case from 1986 on being told by Mohd. Hashim. [At this stage, Shri Devaki Nandan showed a pamphlet-type book, which was added to the file. Apparently, the name of this book was 'Babri Masjid ki Bazyabi' (The restoration of Babri Masjid) I have just now seen the pamphlet 'Babri Masjid ki Bazyabi'. This is said to have been published by Mohd. Hashim Ansari, but I have neither read this book nor can I say that this has been written by Mohd. Hashim or not.

This is correct that there has been formed the Babri Masjid Action Committee and that its temporary office was at the No.1 Muslim Musafirkhana at Taatshah. I am a Joint Convener of this Action Committee. Mohd. Yunus Siddiqui Sahib is the Chairman of the Action Committee. He is an advocate. It is learnt that he has presented himself as a

witness in this case. I had been talking to him on different aspects of this case. At one time, Shri Haji Mohaiyuddin Ahmed Siddiqui had been Vice-Chairman of this Action Committee. This Action Committee was formed after the lock of the masjid was opened. But I cannot tell at this time whether this was the first or the second week, or any other date of February, 1986. I have been interested in this case from much earlier. It is wrong to say that I got interested in this case after the locks were opened.

Because I am not a plaintiff in this case, as such, I cannot say that at the time the Shilanyas took place whether this case had been transferred to the High Court or not, or in which particular court this case was under consideration. I do not remember, but it could be that from the Babri Masjid Action Committee a petition, or, a memorandum might have been given about the Shilanyas to the Prime Minister. But I do not remember on what date or in which year this petition, or, this memorandum had been given. [At this stage, Shri Devaki Nandan drew the attention of the witness to a photocopy of an application typed in English, which will form part of this file from now]. I know very little English. As such, I cannot say that what is written in this application, which has been shown to me in the court. This is typed in English. At the end of the last page, the name of Shri Mohd. Yunus Siddiqi is written, which has been signed by someone, which I cannot recognise. It has been typed on the letterhead of the Babri Masjid Action Committee, as it appears from the photostat copy. The date, 3-11, on this can be read, but it is difficult to say whether the year written on it is 1987, or, 1989. It does not contain my signatures, which shows that it has not been written by me.

I know Hazrat Maulana Sajjaad Ahmed Khan Kashimi. He is Imam of Jama Masjid, Sarai Faizabad. I do not know whether there is an organisation named the Tehafiz Masjid Committee, Lucknow, or not.

[At this stage, Shri Devaki Nandan drew the attention of the witness to a pamphlet-type book, the name of which is "Ram Janam Bhoomi .Ya Babri Masjid -- Satya Katha Kya Hai?]. I have seen this pamphlet-type book, "Ram Janam Bhoomi Ya Babri Masjid Satya Kya Hai? in the court now. I had not seen this earlier. I did not read this book. I cannot say who has written this book. It is wrong to say that I have no personal knowledge about this case. It is also wrong to say that I have given concocted evidence at the instance of Mohd. Hashim or some other person.

It is correct that, on 4-5 November, 1989 announcements from our Babri Masjid Action Committee were made for closing shops and business centers in order to show our opposition to the Shilanyas, but such announcements are made many a time. [At this stage, Shri Devaki nandan drew the attention of the witness to a paper, which appeared to be a press release. Having seen that, the witness stated:] the paper shown, is a photocopy of a Press release which has been shown to have been written on a letter-head of the Babri Masjid Action Committee, on 3rd November, 1989. The name of Shri Mohd. Yunus Siddiqui, Chairmansahib is written on it but I cannot say whether it has been signed by him or not, and whether this Press release has been hand written by him or not. I have neither written it nor have I signed it.

[This document has been taken on the file]

There is also an organization named All India Muslim Majlis-i- Mushavarat. It existed in the year 1986 also. I have read in a newspaper that Shri Ahmed Ali Qashmi was its General Secretary in the year 1986. I know that this organisation had held a conference in Delhi on 22nd December, 1986. Some resolutions were passed in that conference. [At this stage, Shri Devaki Nandan Aggarwal drew the attention of the witness to a copy of the said resolution, which he has now presented). I have seen the copy of the resolution that has been shown to me. It is in English and duly typed. As I have already said, I have no knowledge of this language. Therefore, I cannot say that the resolution shown in this copy is the same, or, not, as the one which was passed in that conference. [This document was also taken on the file of the court]. I had participated in that conference. All the people had seconded whatever resolutions were passed there. I had also seconded it. It is another thing now that I do not remember whether these were signed by us or not. I do not remember now this also that, apart from the issue of the Babri Masjid, what other issues were included in that resolution. I cannot recall now whether in this resolution it was also decided whether or not the Republic Day celebrations should be boycotted, or, a march to Ayodhya be undertaken.

It is not appropriate to offer namaz on a land, the possession of which has been taken by force from the other person. Without the consent of the owner of the land, no masjid can be built by demolishing his cottage. Demolition of a temple is a very big thing. According to the Shariat, a mosque cannot be built by demolishing a temple.

According to my information, the disputed building had been constructed by Mir Baki. There was a stone inscription

in this regard. This stone was fixed near the pulpit (member) in the compound, which was in the inner portion. [The last two sentences were uttered by the witness himself]. It is wrong that I had never gone to the disputed building, or, that I am making wrong statements at the instance of someone else. When I had offered my last namaz-e-jumma in this mosque, at that time my age would have been 10-11 years, or, one, and, a half-year more. I had gone alone. My father was not present then.

It would be wrong to say that, at the time of my marriage, I would have been 20 years old. The reality is that the statement made by me earlier about my age being between 22 and 24 years was only a guess. Otherwise, my age at the time of my marriage would have been a little more. I cannot tell my exact age at the time of my marriage because I have no knowledge about the exact date, month and year of my birth. My birth is around 1937, as I have already stated. When I went to Gonda for education, my age had been around 8-9 years. I studied hifz for three years there. At Gonda, I did not stay with any private individual, but I stayed, in the madarsa itself. We used to have meals in the madarsa itself. I came back from Gonda after completing my education at the age of 11-12 years. At Gonda, I used to offer my namaz. But I had begun offering namaz even before going to Gonda. It was not necessary that, before going to Gonda, I had been offering namaz only at our own Khanqah in Ayodhya; rather, I used to offer namaz wherever I got the opportunity. I had seen my elders offering namaz and I had begun in the same way. I had started offering namaz from the age of 7-8 years.

In 1954, Hashim Sahib had tried to offer namaz at the Babri Masjid, along with 100 boys. These boys wanted to go there in the form of a procession. I had gone with them

up to the chauraha, but did not accompany them after that. The Police had not apprehended Hashim Sahib or his companions in our presence. The Police was not allowing anybody to go beyond the chauraha. Everybody was being stopped there. I had not seen the Police using Lathi charge on the people. I had come back of my own. I had not offered myself for arrest. I heard that action had been taken under section 145 of the Cr.P.C., but I had not been a party to it; that is why, I do not have much knowledge about that. I cannot say whether Anees-ur-rehman was the plaintiff in that case or not. It is wrong to say that being of a young age I did not have much knowledge of the case. As I have mentioned, I could not gather information about that case because I was not a plaintiff in that case. I do not know who was the plaintiff in that case. Neither do I know who was the plaintiff from the Muslims side, nor as to who was the plaintiff from the Hindus' side.

I know Haji Mahboob who has appeared in this case as a witness. I also know the witness, Farooq Ahmed. Similarly, I also know the witness, Mohd. Yasin Sahib. But I am not familiar with Hafiz Abdul Rehman Sahib. I also know Hashmatullah Ansari Sahib, who has appeared as a witness. In the same way, I also know the witness, Abdul Aziz. Of these people, I have offered namaz along with Hashim Sahib, Farooq Sahib, Mohd. Yasin Sahib at the disputed mosque. Sometimes, I have offered namaz with Haji Mahboob Sahib also.

I have offered mostly the namaz-e-jumma along with these people,. and this I have done after 1947. But I cannot tell the correct dates and months of offering such namazes. I cannot say whether in the list of witnesses my name was entered for the first time in 1991 or before that year, and if it was entered after that, what was the reason for that, I do

not know. I never had any talk with Mohd. Hashim or any other plaintiff about whether my name should be included in list of witnesses or not. I neither led the Babri Masjid Action Committee before 1986, nor after that. However, I have been associated with this movement. I did not express any desire to the plaintiffs to get my name included in the list of witnesses. In this regard, I had no talk with Mushtaq Siddiqui, advocate. I cannot say how my name got included in the list of witnesses. I have not seen the 1966 list of witnesses of this case, which has been stated to have been admitted in the Faizabad court. Therefore, I cannot say whether my name was included in that, or, not. I have come to the court to tender my evidence as a mark of respect towards the court summons. In this connection, I have not read any notice or advertisement of the court in any newspaper. I did not receive any money, along with the summons, on account of my conveyance charges and meals. [Volunteer: that by God's grace, I can bear such expenses and that, had it given, I would not have taken it]. It is clear that it was my religious duty and I had come to tender my evidence because of my religion. I have come to tender my evidence in order to get back the Babri Masjid. But this is wrong to say that I tender false evidence despite my said ignorance. It is also wrong to say that the namaz was never offered in the disputed building or that this was never used as a mosque. This is also wrong to say that this building was in the possession of the Hindus, or, that their worship had been continuing from the beginning.

[On behalf of the plaintiffs of suit No.5/89, the cross examination by Shri Devaki Nandan concluded].

[Cross examination on behalf of Shri Dharam Das by Shri Ved Prakash, advocate].

When I received the court summons, I had made up my mind to give my evidence. I did not have any detailed talk with anyone about this before I got the summons. When I received summons about the Babri Masjid, it was clear that I had to give evidence concerning this only. I had beforehand knowledge about this dispute. In this connection, I had not studied petitioner's cases or the respondents' cases. I had not studied the written-proofs filed by the Waqf Board in the court. No other person had read the documents, petition cases or respondents' cases before me. Those persons, who have already tendered their evidence in this case, I had no talks with them. I have read the statements given by these witnesses, which were published in newspapers. I have read Urdu newspapers in which such issues have been published. The name of the newspaper is 'Kaumi Awaz'. I have read only this newspaper. I have read about these matters off and on. I do not buy this newspaper. I read about this subject matter the last time two and two and-a-half months back. It is wrong to say that I have no interest in this case. But this should be borne in mind that I am not a respondent or a pursuer in this case, but I am a witness. There has been no talk between me and the respondents of this case in connection with giving evidence. No respondent has ever told me that I have to tender evidence in this case. This is correct that I had come to tender evidence because this is a religious matter and that I have some attachment with this.

This is correct that it is imperative for a true Muslim to believe in God, His Book, the Quran Sharif, given by Him, and the Prophet Mohammad. This is correct that a Muslim does not accept idol worship. I have heard that some Hindus worship 'sakaar' (God in a form) and others worship 'nirakar' (abstract form of God). I do not have much

knowledge. Maybe, the Hindu worshipers of 'sakaar', worship flowers, petals, trees, animals and birds. Maybe, they worship rivers and waterfalls. Maybe, they worship the sea, the sun, the moon, the nakshatras, the air, the water, the fire, and the stones. Maybe, they worship the earth too. All this can happen. The Hindus may also be worshipping the platter, the roller pin, the bells, the hearth and idols of gods. Maybe, the Hindus also worship the birth-places of their gods and goddesses, or, of their saints and mahatmas. If they do so, it is their privilege. They also display the pictures of the above-mentioned things in their homes and it can be possible. It may be possible that they carve such pictures on stones, on walls, or, make idols of some metal. A Muslim worships only one God who has created the whole universe. A Muslim does not worship the above-mentioned things because these have been created by God Himself. It is a sin for a Muslim to make these things and also keep them in house or in mosque. According to my information, it is a sin and it is also forbidden (haraam). But it is not correct to say that wherever such things exist, the namaz cannot be offered in any case there. What happens is that either that thing is covered with some sheet or that is turned over. In this very situation, I myself have offered namaz in Lucknow. Once, many of us were detained at the Police Station a little further from the Charbagh. There is a temple on one side of the Police Station, and ignoring that, we had offered namaz in a respectful manner in front of that place. And for doing so, our Hindu brothers themselves had persuaded us. It was an open ground, where this temple had been built.

It is correct that the Quran Sharif does not permit us to interfere in the religious affairs of any other religion, or, in their way of living, subject to the condition that religious matter is reasonable. Many Muslim kings have got temples

built in India. This is also correct that, after that, they had handed over those temples to the Hindus where the Hindus carried out their worship in their own ways. I cannot say that those kings had offered namaz in those temples or not. But I feel that they could offer namaz. This is another matter that they handed over those temples to the Hindus so that they could carry on their worship there.

The Quran Sharif does not mention which of the Muslims would be Sunnis, Shias or of some other classes. These classes came into existence after the completion of the Quran. It is difficult for me to say who created these classes and on what grounds. The Quran Sharif mentions the procedure for offering Namaz. The question of thinking about any modification in that by any one does not arise. The lines (sharein) of the kuran is Hadees. [The witness himself stated]. This is correct that there is some variation, to some extent, in the procedures for offering namaz by Shias and Sunnis. I cannot say that these methods have been set by humans, little different from the procedures laid down in the Quran Sharif. But I know that if it is so, then it would not be justifiable. Whatever has been uttered by Hazrat Mohammad saheb Himself about Quran Sharif, is Hadees. Whatever he has said during his normal life, that too is Hadees. Whatever was spoken by Mohammad Sahib, the Sahabis (the companions) around Him compiled that. These orders are that of Mohammad Sahib, but the writers are others, who later arranged and compiled them. Hadees have been written by many people.

I am a resident of Ayodhya, and I know that Hindus have different temples for different gods. All the mosques are sacred. There is no difference in them. Every type of namaz can be offered in all the mosques. The Quran Sharif says that the namaz should be offered at a pious (Pak)

place. It came later in the Hadees that the Jamati namaz-e-jumma, or, the namaz-e-jumma in group, be offered in a central mosque in a city. Those who wrote Hadees afterwards, they cannot be given the status of Hazrat Mohammad; they too were humans who arranged Hadees after Mohammad Sahib. [He himself said that Hazrat Mohammad Himself came as a human being].

Verified the statement after hearing

Sd/-

Saiyad Akhlak Ahmad

20.2.1997

Typed by the stenographer in the open court on being dictated by me. In continuation for further cross-examination on 21.2.97. Witness be present.

Sd/-

20.2.1997

Date 21.2.97

(In continuation of 20.2.97)

(Cross Examination on behalf of Shri Dhararn Das by Shri Ved Prakash, Advocate, in continuation of 20.2.97), The witness stated, on oath:

According to the Islamic calendar, the moon holds much importance. But this is not necessary that the sign of the moon be shown on the domes and minarets of mosques. The temples too have domes. This is correct that they fix something made of different metals viz, gold, silver, brass or iron on the domes. In some, they make tridents (Trishuls) also. I have not seen any sign of the sun on any temple. But I have definitely seen signs of trident on them. I have also seen the sign of Om' on temples. As far as I have seen the mosques, which have domes, there, at the top of the domes, some portion is protruded upwards with the mud (earth) as a sign. It is at the pleasure of the builder of the mosque to make that portion either with gold, silver or with any other metal. But, it is not necessary to fix the sign of moon on this. I guess that there is no difference between the buildings of mosques and temples, when seen from outside; A difference could be noted in a case or two, where one notices a sign of trident, etc.; then it is clear, at once, that it is a temple and not a mosque. If there is a sign of moon, then it can be made out that either the building is that of a mosque, or , a dome of some ancestor. But the sign of moon to be there is not necessary. I have seen the Teele Wali Mosque of Lucknow, which is very old and high. I never thought that whether there was a sign of moon on it, or, not. I have seen the Jama Masjid at Delhi. I cannot say whether the sign of moon is displayed there or not. The minarets have been constructed there. The minarets have also been constructed in the Teele Wali Mosque at

Lucknow. It is not necessary that in all the famous mosques in India there should be minarets and the sign of moon on domes. I cannot say whether minarets may or may not be built in temples, but it is not compulsory to have a dome or a minaret in mosques. A common man may think differently, but I am giving my own view.

The disputed property was a four-walled structure. A Bhawan had been built in the inner portion. Some of the four-walled portion was dilapidated from one side; similarly, some portion of the Bhawan too was dilapidated from one side. I had seen this dilapidated portion in 1990. Some bricks had fallen in the portion in between the middle dome of the Bhawan and its adjacent dome towards the south of that. There were no bricks at the site, but it was evident from their placement from where these had fallen. I did not count them. - These had come out of an area of two-three meters approximately. The outer wall was also broken from the southern side. It was damaged at a very small area, 1-2 ft. only. I cannot tell where the bricks that had fallen gone, because the ground was slanting and low. This was an old building; so, some damage in small a measure could be noticed at other places also. But it could not be particularly noticed. This matter, pertaining to 1990, is of that time when the photographs of that place were being taken, and I was also present there [At this stage, the able advocate drew the attention of the witness to an album containing coloured photographs prepared by the Department of Archaeology, U.P. Government]. I have seen the album containing the photographs. In Photograph No.16, although some one has put some eye-marks on this, actually this is the elevated portion, that is, the pushta of the wall of the mosque, which is always there on all four sides of the building. This (elevation/pushta) existed on all the four sides of this building also. Maybe, this did not exist there at

the time of taking the photographs in 1990, or, maybe, it may have been there at some places. This is wrong to say that this could be a picture of a pig, or, an idol of a pig. Rest, it is up to one's own will whether one wants to call this shape of a 'varah' and worship it, believing it to be a god. I do not find the sign of a foot or mouth in this photograph. In this (Photograph) I do not see the picture or an idol (murti) of an animal.

Photograph No.15, has also the same thing, or, the same shape, which was in Photograph No.16. I have the same answer in respect of Photograph No.14 also. In Photograph No.13, it is the same portion, which has so far been shown to me. Something is written in Photograph No.13, which looks like 'saavadhan'. There is something written in Urdu and English, which is not prominent; so I cannot say whether it is 'khatra' or 'danger'. In Photographs No.14, 15 and 16, this writing is not visible, because the photographs have been taken from different angles. In Photographs No.39 and 40, there are signs of animate objects. Both these photographs pertain to the gate at the disputed site. I think this animate object could be a fish.

Photographs No.56, 57 and 59 and 60 pertain to the same property, but situation depicted in these photographs was not there up to 1949. In them, some of the things were there up to 1949 and some of them were not there. The chabootra (platform) shown in Photograph No.57 has been shown somewhat higher than what it was in 1949. Up to 1949, there was some recess in wall ('taaq') made in it. I had found these 'taaq's' in 1990 in the shape of windows. The things shown in Photographs No.59 and 60 were not there in 1949. But in 1990, these were there at the site. There was an open structure over this platform (chabootra) shown in photograph No. 57 in 1949. I never said that

Thakurji was installed there under this chabootra. Photograph No.61 shows the inner portion of the mosque, which is a part of the compound, but articles placed there were not there in 1949. In Photograph No.66, the same platform has been shown. This is the backside of the platform, which I have already mentioned. Its shape has also been changed after 1949. Earlier, no stones, etc. had been fixed there.

Photographs No.71, 72 also pertain to a portion of this property, but changes have been made in this too after 1949. There is no such sign in Photographs No.146 and 147, on the basis of which it could be said that this is the trunk of an elephant, or, its mouth, or, its neck. Whatever is seen is only a painting. But this is correct that both these photographs pertain to the disputed site.

[At this stage, the able advocate drew the attention of the witness to an album containing black and white photographs prepared by the Department of Archaeology, U.P. Government]

Photographs No.9 and 10 pertain to the elevated portion (chabootra) outside the mosque. I do not see the shape of any animal in these photographs. This is wrong to say that in these photographs there is the shape of a pig, or, that its mouth or, its belly, or its legs have been shown. This is also wrong to say that I am, knowingly, concealing this fact. Photograph No.20 is also of that place. This pertains to the northern gate of this building, or which the shape of some animate object is made, and I think that this could be the shape of a fish. Photographs No.33 and 34 are of the disputed property. [He himself said that the objects shown in this were not there up to 1949]. There were only the building, the grill, the wall and the floor up to 1949,

shown in this photograph. There was nothing else. Photograph No.38 is also of this property only, but there was only the chabootra, the platform, up to 1949. All the objects shown in this have been placed after 1949. Up to that period, this chabootra was made with limestone. Afterwards, this has been made with stones etc. and the tin shed over it has also been placed afterwards.

It is possible that I might have told someone about the changed circumstances from 1949 to 1990, but in case I have not told this, then the reason for this is that I did not consider it necessary. When these photographs were taken at that time, apart from myself, some advocates viz. Jilani Sahib, Mannan Sahib, Mushtaq Siddiqui Sahib and one or two other persons from Lucknow, were also present. As far as I remember, there was no one from the plaintiffs' side and, of these, if there was someone, I do not remember. I cannot say if some pursuer from the plaintiffs was present at the site at that time. I had not gone to the site in the capacity of the pursuer on behalf of the plaintiffs. At that time, some mention was made that some changes had been made after 1949, but no talk in detail was held with the advocates. As far as I remember, I did not lodge any complaint with any officer or authority about these changes. If I had made any complaint, I do not remember. In reality, I did not have any position to lodge such a complaint. I am definitely an office-bearer of the Babri Masjid Action Committee. I have taken part in handling correspondence sometimes and sometimes I did not handle any such work.

To suggest that a Muslim, merely because of their stubbornness, takes the position that this building is a mosque is too much of an injustice. This suggestion is wrong also. It is wrong to say that the disputed site cannot be a mosque according to the principles of Islam. It is also

wrong to say that no Muslim had ever offered namaz there. This is wrong to say that, according to the principles of Islam, namaz could not have been offered there. This is wrong to say; rather it is totally wrong, that a few Muslims, to create a political issue, have started calling this site a mosque. This is also wrong to say that this structure had always been a temple of the Hindus, or, that this had been their sacred place. [He himself said that this had always been a mosque].

[Cross examination on behalf of Shri Dharam Das by Shri Ved Prakash concluded].

[Cross Examination on behalf of Shri Umesh Pandey by Shri Vireshwar Dwivedi, Advocate begins].

I have not studied Urdu in any madarsa. But this is wrong to say that I did not study Arabic from any madarsa. I studied Arabic in a madarsa at Gonda. This madarsa is Madarsa Hanifia Furqania, in Gonda, where I studied Quran Sharif. In this very madarsa, I began to study Arabic, and reached its height also. I received education in Arabic for three years in all.

Question: What were the different standards of examinations held during the period of three years of your education in Arabic in Madarsa Hanifia Furqania?

Answer: Hifz has only one standard from the study of Arabic; I mean the hifz of Quran. Apart from this, I took no other education in Arabic. Hifz means to memorise all the 'ayats' of Quran by heart, one may, if so desires,, could call it cramming. We had our teachers. One of them was Khan Jama Khan. Many teachers had taught us to memorise Quran, that is, taught us Hifz. I have

tried to learn the meanings of ayats sometimes, but I cannot claim that I achieved success in this. I had tried to make this effort on my own. I did not attend any 'paathshala' (school) ever for learning Hindi. I can read and learn capital letters of English. But otherwise, I do not know English. I did not attend any school for learning English.

I am Sajjada Nashin of Khanqah Saiyad Shah Muzaffar Kuddasirru. Sajjada means 'to sit'. So far as I know, Nashin is that place or seat where one sits.

I have been a Sajjada Nashin for the last 30-35 years. My father had passed on the title of Sajjada Nashin to me, considering me capable of it, in his lifetime itself. Khanqah is the place where there are mazaars of old religious personalities, or, living places of such old and wise religious persons or their Dargah can also be called. Aastana, durgah or Khanqah, are all different names of the same thing. In our Khanqah, there are many mazaars. All these mazaars are of our family only. Some of them can be of the children too; because all these are of the same family, hence, these mazaars can be of persons of any age. Urs is called ceremony which is celebrated in the memory of the birthday of some great old man, or, on the day of the death of such a person. In our Khanqah, the Urs of old ancestors is celebrated. It cannot happen with any one, nor has it happened with us, that the date of birth or the date of death of all the ancestors fall on one and the same day. This Khanqah is built on our family graveyard, but because of the entries of our family tree (shajrah) in the records, this is accepted as Khanqah and is given respect. In accordance with our family-tree, our family is the descendent of Saiyad Shah Muzaffar Quddassirru and

this Khanqah is in his grand memory. I do not remember his date of birth, I do not also know it. I do not remember even the date of his death. [Volunteer: that this does not make any difference in the celebration of his Urs]. In case, the date of birth and the date of death are not known, then the Urs can be celebrated on any. day. The date for this Urs was fixed by me.

Question: Is this the right of a Sajjada Nashin to fix a date like this?

Answer: Sajjada Nashin does have this right, because most of the rites of Urs are performed with the participation of followers of Sajjada Nashin. So, the common people can also fix the date in consultation with the Sajjada Nashin. Our father did not celebrate Urs on any date. I had celebrated the first Urs in 1964-1965. This Khanqah is more than 100 yards long, and should be 60 to 70 yards wide. This is in the shape of a compound (ahata). Some area from the outer side has also been included in it. There is no covered building in it. There are some one hundred pucca graves, of persons from our families, besides, some of them might have got dilapidated; and the number of these graves might be more, or, perhaps, less. I have many disciples. There are disciples of our khanqah also. They are in many States and in many districts. At the time of Urs, among them some 400-500 people do attend the Urs. Sometimes, they can be more or less also. In addition to them, the local people also participate. They can be up to 50-100 people, and sometimes more than that.

It is wrong to say that the disciples coming from outside are allowed to sleep in this very graveyard at night. It is also wrong to say that I allow the followers coming from outside to stay in the compound of the Khanqah. I have already told that our family graveyard is in the compound of this very Khanqah I give these people some pieces of advice to follow the path of righteousness and piety. There is also a programme of speeches. Ulemmas coming from outside also deliver speeches. If someone asks me, then I give amulets also. But I do not know what is 'ganda'. I also give them some water duly sanctified by me (by blowing my breath into it). All these actions, viz., giving good advice, amulets, duly sanctified water to my disciples/followers are done by me as the Sajjada Nashin of the Khanqah. It is totally wrong to say that I cheat the people, or, that I do not understand even the meanings of Sajjada Nashin.

From the English word 'compound', I mean 'ahaata'. In regard to the transport business which I was doing, I meant only to earn my livelihood by plying any four-wheeled vehicle. Transport means either to ply four-wheeled vehicles or to drive them by oneself. I had first of all used an Ambassador car as a taxi. This was used for carrying passengers to and fro. This is evident that the passengers were carried by charging money I consider that the use of a bus and a truck is also included in this. By transport business I mean plying of vehicles on hire, whether the vehicle is a big one, or, a small one. There was some stoppage in this business for some time. Otherwise, it is continuing till today. The Ambassador car taken by me in the very beginning was registered as a taxi bearing Taxi No.UPX-1950. But this vehicle is not with me now. This was registered in my name only. There was some stoppage nowadays also in my business. My vehicle, a bus, is out of

work these days. This vehicle is a mini bus. This is also registered in my name vide Regn. No.UPX-3645. I have had no business for the last about one year.

The agricultural land which we had for agriculture in Sultanpur, has been sold. I had started my transport business only by selling that land. These days, the source of my income is the presents given to me by my disciples. Those people come and give me something or the other. They call me at their homes also. This can be understood that the financial help rendered to me by my disciples is the only source of my income these days. When I was in the transport business, I did not take up the responsibility of taking care of other people's vehicles. This is wrong to say that some tempos registered in the name of other people were running under my supervision. [He himself said]. The accounts pertaining to one tempo belonging to the son of my maternal uncle, which although was not running under my supervision, were being presented to me. I gave a similar statement on 18.2.97 in this very court. There may be some change in wordings, but as far as I understand, both the statements are one and the same, and there is no difference in them. The statement given today is correct, as also the statement given on 18.2.97. Both the statements have the same meaning.

Question: In the statement given by you on the 18th you had stated, "The tempo was not in my name. It used to ply under my supervision". And today you have stated, "The tempo did not run under my supervision, but only the accounts used to be given to me". Which of these two statements of yours is correct?

Answer: This difference is in the words only. Handling of accounts is also supervision.

The mosque in our compound (ahaata) is called Alamgiri Masjid because this was written in our family documents as such and we had been hearing it from our ancestors too. [He himself said that an entry to this effect also exists in the records pertaining to Nazul]. My father had told me why this mosque was called the Alamgiri Masjid. I do not remember whether my father had shown me any paper or any document or not. But I had definitely such a document with me. I had read a small paper which was part of history and which had its importance from the historical point of view, and it bore a stamp on it. This paper was written in Urdunised Persian. I had studied Persian in the same madarsa in Gonda. I used to study Persian in my spare time along with hifz. Maulana Abdulsamad Qasami was my teacher from whom I had studied Persian. I studied Persian for three years.

Verified the statement after hearing

Sd/-

Saiyad Akhlak Ahmad

21.2.97.

Typed by the stenographer in the open court on being dictated by us. In continuation of this for further Cross Examination on 25.2.97. Witness be present.

Sd/-

21.2.97

Dated, the 25.2.97

[In continuation of date 21.2.97].

P.W.No.9 Statement of Saiyad Akhlaq Ahmed Cross-examination by Shri Vireshwar Dwivedi Advocate in continuation of 21.2.97 on oath begins:-

We are descendents of Prophet Mohammad. Our ancestors had come from Medina. I have already mentioned his name. He was Saiyad Shah Muzaffar Quddassirru. He had come here 400-450 years back. It is difficult to tell the date of his death. My house is in Mauza Avadh Khas. I got the documents regarding my house verified from the office of the Nazul. I had got the verification done 20-25 years back from today. During that verification, I came to know that our mosque was known as the Alamgiri Masjid. [Volunteer, "I otherwise knew this fact before this verification]. This mosque was not entered as personal property of anyone. It is apparent that this is not entered in our name in the records. From those records, I came to know that the ownership of our Khanqah was in the name of my parents. From the parents, I mean my father, then, my father's father, and in that sequence (backwards) our earlier ancestors. I tried to get these entries corrected after the death of my father. There ensued a case also in relation to this matter. This is how these entries were corrected within two-four years after the death of my father. I think that those entries stand corrected as of today. To my knowledge, I am not making any wrong statement about this. I do not remember whether or not I had seen the records in respect of other mauzas at the time when I got verified the records pertaining to our house, the Khanqah and the mosque. Apart from the Mauza Avadh Khas, I had seen the records pertaining to the graveyards of other mauzas also in the records of the Nazool. This process had been

continuing for 4-5 years before the verification of the records of the house. This particular verification pertained to the verification of entries relating to graveyards only. I had seen the records of Mauza Ranopalli relating to the graveyard in the records of Nazool. I can tell the names of rest of the mohallas. I do not remember the names of mauzas. I have no other house in any other mauza except my house in Mauza Avadh Khas. By house, I mean a residential house. This will not be correct to say that I am making a wrong statement. In my earlier statement, I had correctly stated that I am a resident of Mohalla Kot Ramchander. This also is correct that my house is in Mauza Avadh Khas. [He himself said that his house was situated at such a place where Mauza Kot Ram Chander and Mauza Avadh Khas met. As such, any name could be given to that place. Some people call it Mauza Kot Ramchander and others call it Mauza Avadh Khas]. Whatever I have been able to understand about my house from the records of the Nazul, I have stated only that in the court. This is wrong to suggest that in order to cover a wrong statement made by me earlier, I am making another wrong statement.

The court commission had visited the site twice. I was present at the time of the second visit of the commission, but I cannot say about the first one. Maybe, I might have been present there, or, I might not have gone there. When photography was carried out by the Commission, I was present there; my photograph too was taken. The commission's work continued for the whole day. I had been there for the whole time. The Commission started its work at around 12 in the noon and had ended it before the sunset. I saw that only photography was being carried out. Some people were doing work relating to land. They were taking a view of the land to find out as to what was there on the different sides of that land. The first Commission had

taken measurements of the land. They were carrying out measurements of the land around the mosque. I do not remember any other commission besides these. May be, some other commission had been there. This is wrong to say that I had gone at that time just with the intention that my photograph might be taken and I become a religious hero, or, that I had no other aim to go there at that time. I had offered last namaz-e-jumma in the disputed building on the jumma before 22nd -23rd December, 1949. After that, I did not offer any namaz till 22nd December, 1949. There was no particular reason for this; it was so that I just did not get an opportunity to do it. Since an idol had been placed there after 22nd -23rd December, 1949, and nobody was allowed to go there for saying prayers, I did not offer any namaz there. This is wrong to say that after 22nd -23rd December, 1949, I had gone there for the first time only on that day when the Commission had carried out the work relating to photography. I had been going there in-between this period also. No photography of the site had been carried out after 22nd -23rd December, 1949. This photography has been carried out in 1990. I had been to this building only once after 22nd -23rd December, 1949. This was only when photography was carried out. As far as I remember, the tussle (Mutraja) and the dispute of this mosque, came to my notice in 1947 for the first time. This would be wrong to say that I am lying about this. I have heard the translation of the case in which I am tendering my evidence, but I do not remember it. The Waqf board is the plaintiff in this case. I must have read the names of respondents, but, at present, I do not remember them. As far as I understand, the plaintiff in this case is the Waqf Board only, and none else. I had never followed this litigation with full force. I had been coming to the court off and on. I began coming to the court in order to pursue this case since 1986. Since the litigation of this case started

here, I had begun coming in this court. This is evident that the lock had been removed in 1986. I knew this even before 1986 that the litigation about the mosque was going on.

I had been taking interest in this case even before the Babri Masjid Action Committee Was formed and I was appointed its office bearer. This Action Committee was formed in the year 1986. It is wrong to say that my interest in this case is with the intention of earning some political benefit. [Volunteer: that it was his humanitarian duty and religious interest]. This action Committee was formed for the purpose of fighting the Babri Masjid case and, thereby, to get the mosque back. The Committee formed in Faizabad, was at the district level. This is correct that the Muslims gathered there and formed a committee in their meeting at the district level and elected the office bearers, in which I was also elected. This is also correct that the order of unlocking the mosque was issued in the first week of February, 1986. After the issuance of this order, I got interested in it and, to the extent it was possible, I began to pursue this case, because the Muslims had been excessively ill-treated by opening of the lock. The arrest about which I have mentioned was when I was made to sit in the Police Station near Chaarbagh; that arrest was in connection with the movement in relation to this very mosque, and, probably, this movement had begun in 1986 or after that. This is the only incident of arrest. I cannot tell the date of my arrest. Otherwise, I remember everything. When I don't remember the date, how could I be expected to recall the month? So far as the year is concerned, it could be 1986 or the year after that. We people, who Were approximately 10-20 thousand, were going from Darul Shafa to the Vidhan Sabha side, raising slogans for the restoration of the Babri Masjid, then the Police had

arrested us. All the people in this procession had been arrested.

In 1954, when Mr. Hashim was going along with the procession towards the Babri Mosque to offer namaz, I had accompanied him up to the Benaam Chauraha, and no further. I did not accompany him, but I had gone by himself. I could not join that procession because the Police were stopping us. I did not stop for fear of being arrested, but the reason was that the Police did not allow us to go. There were some other 2-4 persons who were also not allowed to go. Those who had been arrested were those who had come from different routes. It is possible that some of the people going from the Benaam Chauraha side might have been arrested, but they would have been arrested before my reaching there. I was young at that time and did have the sentiments to offer myself for arrest, but the Police was not allowing us to go there. I did not see the Police physically beating anyone in my presence. So, this is wrong to say that I did not offer myself for arrest for fear of being beaten. This is wrong to say that I am playing politics of convenience.

There was built a place for ablution (Vaju) and urination in the disputed mosque to its south. The place for ablution was at a distance of 10-15 feet approximately. The urinal was also built there. The urinal was to the west of the place of ablution. There was only a wall between them, which would have been two-and-a-half to three feet in height. To the west of this urinal there was an outer wall to the west of the mosque, and there was no other wall in-between. The urinal had sufficient space only for one person, and not for many persons at a time. This urinal was in a quadrilateral shape in 4-5 sq. ft. area. To its east was a place for ablution, which must have been 10-12 ft. in

length from the east to the west. The width of the place for ablution was approximately 15-20 ft. from the north to the south. This could be up to 4-6 feet more in width. The eastern part of this place of ablution ended at the north-eastern wall. This wall used to meet the wall of the eastern part of the inner compound, which could be called the wall-with-grill, about which I have already stated.

The well about which I have mentioned was outside the disputed mosque in the east-southern corner, outside the eastern outer wall. Its distance was 40-50 steps. You can, for your own convenience, convert this into feet. My estimate was in steps only. I have never considered closely as to how many feet are there in a step. A step can measure about one yard long, or it could be more or less than this. It depends upon the person taking the step. I have never watched my step closely, whether it is one foot long or four feet long.

There were walls to the south, the west and the east of the pond, which I have mentioned. These walls were 10 ft. high at some places and, at some other places, these were higher than this. The capacity of this pond was about 200-250 litres of water, or, maybe more than this. This pond was located to the east of the place for ablution. I guess the direction may be other than the east. There was a 10 ft. high wall between the pond and the place of ablution. Whenever I used to go for offering prayers, I used to take water from the earthen jars, because in the last days this pond was not use-worthy. By last days, I mean the period between 1947 to 1949. When I first went to offer my prayers, this pond was use worthy; but I had taken water from the earthen jar itself. This pond was in a damaged condition because of lack of proper maintenance. So, the water did not stay in it.' Therefore, the earthen jars

were used. It is possible that this pond had been demolished by someone. This is wrong to say that since no prayers were offered there, it had worn-out and rendered useless by itself. This is correct that the wall of the pond had been damaged and broken totally from one side and nobody had got it repaired. I have already stated that the water used to be kept in the jars earlier also. The length of this pond would have been around 3-4 feet. It can be a little less than this. Its width also would have been almost the same, or, it could be less than that. The earthen jars were mostly used to be kept to the west-north of this pond. A jar would have been 3 feet high. I cannot guess the diameter of the jar. Its circumference would have been around 3-4 feet. Not 10-20, but two to three jars might have been there. The height of the east-south walls would be more than 10 feet. I did not pay attention whether there was any door in the eastern wall, that is, to the south of the outer eastern wall of the mosque. But there was no door in the outer southern wall. The outer eastern wall of the mosque had only one gate, which was called the main gate. I had been seeing these eastern and southern walls right from my childhood. My father also used to tell me like this. He used to mention about this mosque being hundreds of years old. He did not mention about the walls. It is obvious that when he mentioned the mosque, the walls were also included in it.

I cannot say that the well that I have mentioned above exists today or not; and, even if it is there, whether it has water in it or not. I had seen it only during the period 1947-1949. When we had seen it during 1947-1949, it had water in it. This well would have been around 50 feet deep. This well did not have a rim over it. There was a pulley-typed cogged wheel set on the boundary wall which was above the ground level, on which a rope used to be placed and,

thereby, water used to be drawn out from the well. The boundary wall of the well was about 3 ft. high from the ground.

The Muazzim, Ismail, used to stay with us off and on; otherwise he stayed in the mosque itself. He had no special attachment with our family, but he simply used to come to stay with us, but never took meals with us. He used to cook his meals himself in our compound. In the mosque, he used to stay in the portion to the right side of the gate on entrance. Maybe, there was some structure for dwelling purposes, but at this moment, nothing comes to my mind as to what that could have been. Whether there was any thatched shed or not on the right side of the gate on entrance, I never paid attention to know this. He did not have a family. I, therefore, do not know much about him. Because there used to be kept some utensils on the right side on entrance of the gate, from that only I guessed where he would have been staying in the mosque. These utensils used to be meant for cooking and eating purpose. When he used to be in our house, he did not take these utensils there, but there he had another set of these utensils. The age of Mr. Ismail would have been 65-70 years, when I saw him between 1947 and 1949. He was neither very fat nor very lean and larik. He had normal health. In the normal conversation, his voice was neither very loudish, nor very dim or low. He was neither of a tall stature nor was he dwarfish. This is not correct to suggest that I am making an inaccurate statement.

The Imaam, Mr. Ghaffar was tall in stature but lean and lank. He was somewhat older than Mr. Ismail in age. He would have been nearly 70 years of age between 1947 to 1949. Mr. Ismail belonged to the Basti district. Mr. Ghaffar was an inhabitant of Ayodhya itself, and he belonged to the Mohalla Vishisht Kund. After the night of

22-23 December, 1949, there has been no trace of Mr. Ismail, and where he has gone. But Mr. Ghaffar remained there itself and did not disappear. After this incident, Mr. Ghaffar remained at home without any job. All his sons were grown up and they had their own businesses and lived with Maulvi Sahib. I think Maulvi Gaffar Saheb did not use to do any other job than that of Imam.

I had also seen the outer portion of the eastern outer wall of this mosque closely. I had not seen any pictures, paintings, idols of any animals, birds or any living creature on that wall. There was a main gate in this eastern wall. On that gate too, there were no picture or painting of any animals or birds, or any living creature, idols or images, but there was some writing on the arch of the gate in a circular design, which had been smeared with lime, and so it could not be read. But this was in Arabic. On entrance from the main gate, while going to the main building, there used to be a wall with-grill; there was no writing or pictures or idols, etc. of any animals, birds or any other living creature on the outer or the inner portion of this wall. In 1990, after the incident of 1949, when I had gone there at the time of the Commission and the photography, I saw no structural changes. The only difference was that brown stones had been fixed matching the colour of the gate, which had not been there up till 1949. Apart from this, there was no change in the state of affairs. It was just as heretofore. I did not see any shape or image or any picture on this gate. This is wrong to say that I am concealing something. That photograph, according to which, I had told about some images, pertained to the northern gate, or, there could have been some mistake or oversight on my part in understanding this. I do not deny that I had stated that the photograph pertained to the eastern main gate. But that

statement of mine was due to some misunderstanding on my part or not being able to make my point

There were no images, paintings or pictures of any kind on any side of the eastern wall of the inner main building of the mosque. There were no pictures, paintings or images of any kind on the doors and gates, or on the portions of the arcs. As far as the eyes could reach, there were no pictures of any kind to be seen up to the roof, but some writings could be seen. The writings were illegible, but perhaps, it was written in Persian language. It was not in running hand. Actually, the writing was at such a height that it could not be read clearly. There were some more verses also written there. These verses were written to the side of the raised platform meant for preaching in the main mosque. These were written in Persian. For quite a long time, I remembered all the couplets, but at this time I know only two. These were, at least, eight lines, that is, four couplets. I do not know the name of the poet. As such, I cannot say as to who had written them. These couplets were neither religious, nor were they composed by Sufi saints. One of the couplets contained an order for building a mosque and in the same couplet the mosque was praised also. I liked all the four couplets, but, at this time, I do not remember them. I remember, only one. These couplets were at the height of one foot to one and-a-half feet from the ground.

I had my first marriage about 8-10 years before my second marriage. Up till now, have been married twice. Because of some differences with my first wife, we had been separated and divorced. After that, I had my second marriage. My age at the time of my first marriage was about 20 years. I do not remember the date of my marriage and it is apparent that I do not also remember the calendar year

of this marriage. When I became Sajjada Nashin, I remember the calendar year. It was approximately around 1955-56. The announcement of my becoming the Sajjada Nashin was properly made at that time. Before this also, I was the Sajjada Nashin, but proper announcement had not been made for that. A proper announcement is not necessary for becoming a Sajjada Nashin. In my case, there was no such need for an announcement regarding my becoming a Sajjada Nashin. But the mention had been made in front of my religious disciples. This announcement was made after my second marriage. This is incorrect to say that I had unreasonably harassed and ill-treated my first wife, or, that I had thrown her out of my house, or, that I had divorced her in a wrong way, or, that the announcement about my becoming Sajjada Nashin had been postponed for some time because of this.

I am the only male issue of my parents. It is wrong to say that I have been appointed as Sajjada Nashin by my father due to some compulsions.

As far as I can remember, I had divorced my first wife within three to four years of my marriage. I do not remember the year in which I had divorced her. I do not remember now even the year of my second marriage also.

Question: You do not remember the dates of your marriage and divorce because you consider these occurrences as ordinary matter.

Answer: Some people keep a record of these matters. But I do not do any such thing. Those people who celebrate their marriages and births, they would be keeping such records. We have no such custom. My father died in 1964. The incident of my arrest in 1954, the incident of the night of 22-

23 December, 1949, the incident of the unlocking of the door of the mosque in 1986, and the passing away of my father in 1964, all these had importance; therefore, I remember them all. Otherwise, I have not recorded them anywhere.

I have known Mr. Farooq for the last 25-30 years; maybe, more than that. I had known his father, Mr. Zahoor, also for the same period. There could be some minor difference in this. I cannot guess in which year, or how many years back, had Mr. Farooq's father, that is, Zahoor Sahib, had died. I did not have a chance to go to their house, but I have seen their house. I think they had their residences at two places, one in Kajiana Mohalla and the other in that bazaar where there is the Municipal Corporation's office, which is, probably, called the Babu Bazaar.

I also know Mr. Mohd. Hashim for a long period. I mean, I have been seeing him for the last forty years. By forty years, I mean, that there may be two to four years less than this. Mr. Hashim belongs to Mohalla Kutiya. I did not know about his profession when I first saw him. I came to know nearly thirty years back that his profession was that of tailoring. I have not seen him doing this work now. I guess he has not been doing this tailoring work for the last 10-12 years. This period could be somewhat more or less. He had his shop in the bazaar near the Post Office. That bazaar was Sinhar Haat. The distance between the Sinhar Haat and the Babu Bazaar would be around 300 yards. This shop of Mr. Hashim and the shop of Mr. Farooq were opposite to each other. But Mr. Hashim's shop and Mr. Farooq's house are not facing each other. I had been to the shops of both, Mr. Hashim and Mr. Farooq. But I have had no sittings with them.

I know Mr. Fayake too. I used to go the shops of these people for shopping, but it is not so that I considered it below my dignity, being the Sajjada Nashin, to visit them. None of the three of them ever mentioned to me about my being a guide or a pursuer of this law suit. Nobody had told me that all the three of them, or, one of them, had been taking a leading role in pursuing of this law suit. In any case, I am myself looking after this case. These law suits have been speeded up since 1986, and I have been seeing these people taking a leading role in pursuing these cases right from 1986 itself. Mr. Fayak has expired. He expired some 20 years ago, but I cannot tell the date, the month and the year of his death. After his death, I have not seen him taking a leading role in this case.

I know Haji Mehmoob. He is very fond of hair-dye and uses it too. But I do not use it; I am not fond of it. According to me, one should not use hair-dye. It is a bad thing.

Verified the statement after hearing .

Sd/-

Saiyad Akhlak Ahmad

25.2.97

Type by the stenographer in the open court as dictated by us . In continuation, this for further cross- examination on 26.2.97. Witness be present

Sd/-

25.2.97

Dated the 26.2.97

[In continuation of date 25.2.97]

PW No 9 Saiyad Akhlak Ahmed's statement, on oath, on 26.2.97, by Shri Virbshwar Dwivedi, advocate begins:

So far as I know, the Anjuman Muhafiz Maqabir and Masajid had been established for quite a long time, because I have been associated with this for the last about 14 years. This is another matter that I have had no connection with this for the last six years. I do not get much time. Therefore, I do not keep in touch with it. Before this, I used to have enough time. When I first came into contact with this society, it had no President. When I joined, the people elected me its President. When I dissociated myself with this society, probably, nobody was officially elected in writing. Otherwise also, when I separated myself, I did not know whether someone was elected as the President or not. As far as my personal information goes, my name still continues as the President of this society in the records. The aims and objects of this Anjuman are the protection of graveyards and mosques. During my tenure as the President, 2, 4 or 6 graves must have been got repaired. One grave was in Mohalla Kajiana which is located behind the saw-mill of Maulvi Ghafoor Sahib. The second grave (mazaar) of Shah Fatehulla Shah Rehmatulla Aleh is in Mohalla Katra. The third one is located in front of the house of Mr. Irshad Ali in Mohalla Gudyana. The fourth is in Mohalla Suttehatti. Like this, there are many others. I have told about those, which I remember. I remember that two mosques were also got repaired.

The expenditure on repairs of the tomb and the graves, was borne by the Anjuman. The people had donated this money voluntarily which was spent by the Anjuman. The

Anjuman maintained the accounts showing receipts and expenditure in a proper register. This amount was not such that its audit and inspection should have been carried out. No audit used to be got done. There used to be members also in the Anjuman. During my presidentship, Mr. Asif used to be the Secretary. Because this was a social service, hence, no such thing happened that the members of this society would have the guts to demand the accounts regarding receipts and expenditure from the President and the Secretary. During my tenure, the Anjuman was a registered body. It was registered with the Societies' office in Faizabad. This is in my knowledge that our Secretary had handed over the list of members and also the accounts pertaining to the receipts and payments in the office of that society. These accounts used to be kept without any audit or inspection. When I got associated with this Anjuman, it had already been continuing as a registered body. Before me, the office of this society used to be at Lucknow. But, during my tenure, when this office shifted to Faizabad, our Secretary got the society registered in Faizabad. So far as I know, it is wrong to suggest that there was no office of the registration of societies in Faizabad during my presidentship. When I severed all my connections with the Anjuman at that time, all the records had already been with Mr. Asif. But I did not hand over the charge of the presidentship to anyone. I had withdrawn from this society without handing over the charge of the presidentship of the Anjuman to anyone. This would be wrong to say that the members of the Anjuman might have doubted my intentions or integrity or that they were not satisfied with the accounts pertaining to receipts and expenditure or, having been disturbed with this kind of behaviour towards me, I was compelled to withdraw from the Anjuman.

Mr. Farooq was associated with this Anjuman also, and at his personal level, he used to look after the upkeep and the maintenance of some graveyards. Before the formation of this Anjuman, Mr. Farooq had connection with some of the graveyards in which he was interested, and he continued taking care of their upkeep also. He joined the Anjuman also. In my estimation, before Mr. Farooq, his father, Mr. Zahoor, also used to handle this work. On the basis of my personal knowledge I am making this guess. Mr. Zahur definitely used to look after the Naugaji Graveyard. This graveyard was not outside the jurisdiction of our Anjuman. So far as I know, our Anjuman had not carried any construction work in this graveyard. As far as I remember, we had not carried out any plastering and mud-washing work there. Because I am not a Muslim jurist (Multi), or, a learned person (alim), therefore, I cannot tell whether namaz used to be offered or not before Hazur, the Prophet, attained the prophethood.

Question : Do you have some information about this matter at your personal level?

Answer: It is not necessary that every person should have knowledge about this thing. This is the job of a Muslim counsel (Multi) or a learned man (Alim), and I am not one of them.

I knew for how long the period of the revelation of Quran Sharif to Hazur Sahib (Prophet Mohd.) had continued, but I cannot tell this at this time.

This is totally wrong to say that I am not a hafiz, or, that I have become a Sajjada Nashin falsely. This is also wrong to say that I have never been the President of the Anjuman Muhafiz Maqabir and Masajid. This is also wrong to say that I have joined all such organisations with a political interest and from where I can get some monetary

help. This is wrong to say that I have made some wrong statement.

[On behalf of Shri Umesh Chander Pandey, examination by Shri Vireshwar Dwivedi concluded].

[On behalf of Paramhans Ramchander Das, examination begins by Shri Madan Mohan Pandey, advocate].

The Hindus and Muslims have good, amiable, friendly relations with each other in Ayodhya and Faizabad. On the occasion of Holi, Diwali and Id they go to meet each other. At least, I have had no occasion to witness any wrangling, or, a quarrel, between them. If, at all, there had been one, it would have been very ordinary incident, which does not deserve a mention. I have always been meeting the Hindus. I know about the temples, but in respect of the Akharas I have been briefed up with the knowledge during the course of the cross-examination. This information has been made available by Shri Verma, Advocate of the Nirmohi Akhara regarding a particular Akhara. But I will not be able to make a distinction between a temple and an Akhara by merely seeing them. I understand that the Akharas are in the shape of temples. I have seen Paramhans Ram Chander Das and I have also heard his name. I have known him for the last twenty years. This period could be a little more or less. I do not know whether he had fought the election from the Kot Ram Chander for the membership of the municipality or not. I know Haji Abdul Ahad. I do not remember whether he had also fought election for membership of the Municipality from our Mohalla. I do not have any information whether Paramhans Ram Chander Das defeated Haji Ahad Sahib in this election.

I have heard the name of Gurudatt Singh. I cannot say whether he had been the chairman of the Municipal Committee or not. I do not have any such information whether Gurudatt Singh and Rajasahib had fought election for the Municipal Committee from our area. After the time I was able to understand things, municipal elections had been held once or twice. I casted my vote, but I do not remember as to when these elections were held. I have no idea whether these were held before, or, after 1990. I think there have been municipal elections between 1947 and 1990. Once a boy named Umesh Chander had fought the municipal election from our Mohalla. I do not know whenever elections of municipaly held, Paramhans Ramcharider Das had won the municipal election from Mauza Kot Ramchander every time.

My house is located at Parikrama Road in Faizabad. Every year, in Ayodhya, two separate parikramas take place. One of these is 14-kosi Parikrama and the other is the 5-Kosi Parikrama. This is correct that lakhs of Hindus participate barefooted in them. Along with the locals, many people from other parts of the country also join.

Ram Navami festival is also held in Ayodhya. Lakhs of pilgrims come to Ayodhya and celebrate the birthday of Bhagwan Shri Ram. The temples are got decorated. In month of Sawan, Jhhoola Mela (swings fair) is also held. This is also a great festival. The Hindus come in lakhs from outside. Apart from this, many Hindu pilgrims from outside keep coming every day to this place of pilgrimage. This is correct that they come here because of their faith. But having come here, they bathe in the Suryu river, perform their worship and do many other things which we have no knowledge thereof.

There are two rivers, namely, Saryu and Ghagara in Ayodhya. In reality, this is only one river, but it has two names. There was a time when the Saryu River used to flow near our house, but nowadays it is at quite a distance. Kaushalya Ghat is not in front of my house. There is no ghat there. I have passed through the bridge and the ghats of the Saryu River: There are many ghats on the banks of the Saryu River and I have heard the names of some of them, for example, Lakshman Ghat, Gola Ghat, Naya Ghat, etc. This is possible that these ghats have been named after the names of the gods and the goddesses of the Hindus. But one of the ghats has been named as the Naya Ghat, and I do not think that this is the name of some Hindu god or goddess. I have heard the names of the Vishisht Kund, Sita Kund, Hanuman Kund and Vibhishan Kund in Ayodhya. I have heard many other names also.

I know about the litigation regarding the disputed property. But since I am not a party in this case, I cannot tell the Khasra number, or, the area, or, the Nazool number or the Kishtwar number of the disputed property in this case. I can tell about the four- sided boundary (chauhaddi) of the building built on the disputed land. I also know that, apart from this building, there is still other land, which is also disputed. I cannot tell with certainty the length, or, the breadth, or, the four-sided boundary. of the land, that is, chauhaddi. Apart from this building, the disputed land is in the southern and the eastern corner. There is some in the east and the north also.

After the uproar on the 6 December, 1992, I was provided with a security guard, who is not there nowadays. But this security guard had not been provided to me for the reason that I was following this case. Otherwise, this is correct that besides me, security guards had also been

provided to Mr. Hashim and Mr. Mehboob. My security guard had not been there for many years. But I cannot say about Mr. Hashim and Mr. Mehboob whether their security guards have been withdrawn by the Government some 15-20 days back. In the incident of the 6 December, 1992, a crowd of 10- 20 thousand people had burnt down my house, the mosque and the Khanqah. The Government forces had helped me to come out of my house with great difficulty and provided me with a security guard since there was an apprehension of a danger to my life.

I know Shri Shakil-ul-Rehman, who is an advocate. To my knowledge, he is not an office-bearer of the Babri Masjid Action Committee. It is possible that he has connections with some political party, or, he is the Secretary of the Janata Dal unit of some district. It is possible that he, in his capacity as my advocate, may have objected to the withdrawal of my security guard by the Government, and he may have insisted, keeping in view my following-up of this case, for the restoration of my security. The Babri Masjid Action Committee, after its formation, had started legal action for taking back the mosque, as also for its protection. They started movements, started sit-down (Dharana) strikes and offered arrests. I think the Action Committee did not file a law suit.

I have also heard the name of the Babri Masjid Coordination Committee. I know about it, but I am not associated with it. The Babri Masjid Action Committee does have some relation with it. I understand, if the Babri Masjid Action Committee takes a decision, it is accepted by the Coordination Committee also. And similarly, if the Coordination Committee takes a decision, the Babri Masjid Action Committee also accepts it. Wherever there is a difference of opinion between the two, they sit together,

talk it out and remove the differences. I do not remember whether the Coordination Committee has filed any case in order to seek legal remedy or not.

There is a mention in the Quran Sharif about what is forbidden, or, what is religiously sanctioned, for the followers of Islam. It's elucidation is given in Hadees. One who does not believe in the things written in the Quran Sharif, and does not follow the guidance given in the Quran Sharif, can still be a Muslim, but not a true Muslim. One who leads his life sincerely, truthfully and honestly is a true Muslim. One who does not do so, is a sinner. When one is called a 'kafir', the word 'Musalmaan' cannot be attached to him. In the common parlance, a 'kafir' is one who objects other than God, and accept them as God. The Quran Sharif does not prohibit any honest work to be carried out by an Imam. He can follow any profession honestly. But he cannot engage himself in any unlawful business.

Question: Does Islam and the Quran Sharif ordain that those who do not abide by the teachings of Islam should be killed and punished?

Answer: This is absolutely wrong.

Apart from the mosque which is in our compound and which is called as the Alamgiri Masjid, there is one other mosque in Ayodhya of the same name. That mosque is in Sargatdwaar on the bank of the river. Of course, that place cannot be called Lakshman Ghat, but, in any case, that is Sargatdwaar. At present, there is one minaret in the Alamgiri mosque of Sargatdwaar, whereas there are two minarets in the mosque of our compound. [Volunteer: that the minarets of their mosque had been built in 1950 There is no Muslim population around the mosque, which is located in Sargatdwaar. Namaz is not offered in that

mosque. That mosque is in a dilapidated condition. I think, not for the last fifty years, but for many more years, that mosque has been in a dilapidated condition. The thought of calling them as Alamgiri mosques is that these mosques were either got built by Aurangzeb or were built on his orders.

The mosque of our compound is eight and half meters long from the north to the south. It is about 40 feet wide from the east to the west. I think about 300-400 people can offer prayers here. Apart from this, there is space outside where also people can offer their prayers in a standing position. Namaz is offered in this mosque. Even these days also namaz is offered there, and if people gather, the namaz-e-jumma in group is also offered. After 1950, namaz-e-jumma is being offered there. Even on normal days, if there is a gathering, group namaz is also offered here. Five-times Azan is called and five times namaz is offered. The name of our mosque, which is located in our compound, is entered in this very name in the revenue records and I have seen it myself. I have seen the records of the Nazool. I cannot tell how much of its area has been entered there. I cannot tell its Nazool No. now. When I had this entry or record inspected, I had taken a copy of it. Our name was not entered in the column pertaining to "possession"(malkiyat). I cannot say whether the 'possession' had been entered in anybody's name or not, but the entry pertaining to the mosque was there. The existence of this mosque is shown in the records of the Nazool in Mauza Kot Ramchander.

I have also seen the records about the Alamgiri mosque located at Swargdwaar. I can neither tell its Nazool number, nor the area. The entry made there is, "One

dilapidated heirless mosque". The word 'alamgiri' is also mentioned there.

I had seen the records pertaining to these two alamgiri mosques in around 1980. It can also be after 1980. The offering of namaz-e-jumma was not forbidden in the mosque of our compound even before the year 1950. This is another matter that the namaz-e jumma was not being offered there. Therefore, there was no opportunity to hold the namaz-e-jumma before 1950, because no Friday had occurred during that period. By 1950, I mean the period before 1949. The panchwakti namaz and the Jumme ki namaz- can be offered, in every mosque if required. It is correct that no special mosque is built for namaz-e-jumma. It is wrong to say that there used to be namaz-e.-jumma in the mosque of our compound before 1950.

To my knowledge, there is no other alamgiri mosque other than the above-mentioned two mosques. It is correct that there are Hindu temples around the disputed Babri Masjid. I know some of those temples that have been there before my childhood. But it is wrong to say that there is no Muslim population around it. But if the word 'around' means adjoining, then there was definitely no Muslim population. The distance between the disputed property and the Lucknow-Gorakhpur Road, via HanumanGarhi, is not about 2 kms.; of course, it can be more than one kilometre. It is correct that there are old Hindu temples on both sides of this road or the pathway which extend up to the Lucknow-Gorakhpur Road. In between this, there is no Muslim population along the road.

There is a road to the north of the disputed property and, to the north of that, is the Janmasthan or other Hindu temples. We have not seen any temple named Sita Rasoi.

Yes, there is an old temple known as the Kanak Bhawan, but that is in a corner. I do not know whether the Sita Rasoi temple is the same as the one, which I call the Janmasthan.

There was a graveyard to the south of the disputed property. The Gokul Bhawan temple is not to the south of this graveyard; but, of course, it is located to its west-south corner. A little further to its west, is the Vishisht Kund temple, which has been built now. I have been seeing this temple for the last 10-15 years. Earlier, the Vishisht Kund was there. Before that, there was a kund, which had staircases. But to our knowledge, there was no building there. To suggest that there was no Muslim population to the west of the disputed property up to Tedhi Bazaar is wrong.

I did not see the kind of animate object that was fixed on the northern gate of the disputed property, in any other mosque in Ayodhya, Faizabad or at any other place. Apart from this property, I did not see the signs of the platter, the roller pin and the hearth in any mosque at any place. Similarly, I have not seen the signs of the feet anywhere in any mosque. We have not seen such type of six-feet high 12 polls of black colour in any other, mosque, which we have seen in this property.

I came to know about the riots of 1934 from others. My elders and other people used to mention about this. The Hindus had attacked the Muslims in 1934, in Ayodhya. I did not hear that the Hindus had attacked all the Muslims of Ayodhya. The attack had been in some areas only. The Mohallas which were attacked, were probably Suttehatti and Kothighat. Mohalla Kothighat is just touching the disputed mosque. Since, there were no Muslims living in the Mohalla, wherein the disputed property existed, the

question of attack by Hindus on that Mohalla did not arise. Our Mohalla is called Kothighat and Durahi Kuan also. We have heard that our house was also attacked. But no money was received from the Government by our family in this regard. This is wrong to say that the Muslim had attacked the Hindus in 1934, or, that the Muslims had tried to take forcible possession of the disputed property. The Babri Masjid is much older than the Alamgiri Masjid. The distance of the two mosques from our house would be around 100—150 yards. It is wrong to say that the prayers never offered in the disputed mosque. This is also wrong to say that the Alamgiri Masjid had been built for offering the prayers. I have no knowledge whether Mir Baqi was a Shia or a Sunni. I did not think it necessary to try to find out about it. I read in the history that this mosque had been built on orders from Babar. My knowledge of history is limited to the inscription in the Babri Masjid, because this was written on it; otherwise, I have not studied any history book. I have only heard that this was got built by Mir Baqi on orders of Babar.

I am acquainted with the Faizabad city, to some extent. I have seen the Tat Shah Masjid, Chowk ki Masjid, which is also called the Hasan Raza Masjid, Saral ki Masjid, Kanghi Gall Wall Masjid, and many other mosques in Faizabad. Perhaps, I have seen the Moti Masjid also. All these mosques mentioned above have minarets. All these mosques had been constructed by common people. It is possible, that any of these mosques may have stone inscriptions on them indicating the name of the builder, but I have not seen any such inscription. The Hasan Raza masjid belongs to the Shias. But the Tat Shah Masjid is not of the Shia's but of the Sunnis. The Moti Masjid is of the Shias, probably. The rest of the mosques are of the Sunnis. This is correct that the trustee and the Imam of a Shia

mosque is a Shiaite. This is also correct that the Imam and the trustee of a Sunni Mosque is a Sunni. Generally, the Shias offer their Namaj in a Shia mosque and the Sunnis in a Sunni mosque. I have seen the Shias saying their prayers in the guidance of Sunni Imam, but I do not know whether the Sunnis say their prayers in the guidance of a Shia Imam or not. This is wrong to say that I do not want to answer this question knowingly, or, that I am concealing some fact about this. I have had no opportunity to offer prayers in the guidance of a Shia Imam. There could be a variation in the method of offering the prayers by the Shias and Sunnis. But this is wrong to say that because of this reason only, the Shias do not offer their prayers in the guidance of the Sunni Imam and the Sunnis do not offer their prayers in the guidance of a Shia Imam.

I have seen the Shias offering their prayers. I am conversant with their method of offering the prayers. Every Sunni does not do Rafaidayen (raise hands while saying prayers). At the time of saying prayers, Rafaidayen is not a must for Muslim. I have seen the Shias raising their hands while saying prayers. But I have not counted how many times they do so. But this is correct that they do it more than once. It is not correct to say that the prayer is said in a group so that there is no mistake in saying the prayers. [He himself said the only reason for saying the prayers in a group, is that there is a greater reward. The word 'baraawafuaat is wrong. The correct word is baaraharbiulavvalsharif'. We celebrate it. I observe Muharram also. When I was free in the beginning, I had recited Quran Sharif in the area of my followers. I have not gone to recite the Quran in any mosque for the last 45 years. This period is according to my guess only. When I used to go to recite the Quran, if someone offered me some present, I used to accept it, because the present should be

accepted. The people used to offer me money and clothes of their free will, which I accepted.

I cannot say whether there are Quran Conners, (Hafiz) amongst Shias also or not. [Then said] I think they are there. These Quran Conners (Hafiz) recite Quran in the mosques in the month of Ramzan. This is not at all possible that the entire Quran could be recited at home before the religious disciples. Only an ayat (verse) or a soorah (about a chapter in the Quran) could be read out. All my religious followers are from India and not from outside. This is wrong to say that a raid had been conducted at my house some time ago. The reality is that there had been no raid in my house at all. When there has been no raid conducted in my house, then to suggest that the raid was conducted at my house because I used to harbour the Pakistanis in my house is wrong.

The affairs of the disputed property after unlocking in February 1986 used to be managed by the Government up to the 6 of December, 1992. I do not know whether the management of the property was being looked after by the Official Receiver during this period. At the time of the visit of the Survey Commission and the photography in 1990, when we went to this property, this was being managed by the Government. I have heard that the Government had acquired the graveyard area to the south and the east of this property in 1991, and given to the Vishwa Hindu Parishad and the Nyas. [Again said] I am not sure if this was the same land or the land just adjacent to it. I think that the Vishwa Hindu Parishad, having thus secured land from the Government, have built some buildings along with the Nyas people. I cannot say whether Paramhans Ram Chander Das has any link with the Nyas or not. I have no knowledge whether I, or, the Babari Masjid Action

Committee had taken any legal action against this kind of construction by the Nyas, or not.

This is correct that, according to Islam, it is wrong to build a mosque after demolishing a temple. If there is any such mosque, then it would be a sin to offer namaz in that mosque. The question of building a mosque on a land, the possession of which has been taken by force, does not arise. The Hindus can have any belief in any place; it is their belief; but I do not think that they worship this and believe that it is the birth place of Bhagwan Shri Ram. This is correct that, after the opening up of the lock, lakhs of Hindu come here for 'darshan', worship and prayers. This is wrong to say that the namaz has never been offered at this place after 1934. [He himself said that namaz had been offered there up to 22-23 December, 1949]. This is wrong to say that I have never been to the disputed place. This is wrong to say that the disputed place had always been in the possession of the Hindus, and that I am giving a wrong statement.

[On behalf of Paramhans Ram Chander Das, examination by Shri Madanmohan Pandey concluded]

Verified the statement after hearing.

Sd/-

Saiyad Akhlak Ahmad

26.2.1997

Typed by the stenographer in the open court as dictated by us .In continuation , this for further cross- examination on 27.2.1997 .Witness be present

Sd/-

26.2.97

Dated 27.2.97

[In continuation of date 26.2.97]

P.W. 9 -- Cross-examination of Shri S. Akhlak Ahmed, on behalf of Hindu Mahasabha and on behalf of Shri Ramesh Chander Trip by Shri Hari Shankar, advocate, on oath, begins:

One who recites Kalma (the word of God or the Islamic creed) and has faith in it, is a Muslim. A Muslim has no class or creed. The religion of a Muslim is Islam. I do not know who is called a Turk. I have heard this word from the advocate today itself. Some of the kings who came to India from outside are called the Mughals. I have heard the name of Babar. Babar was Muslim and a Mughal too. I do not consider that he was a Turk, because this word is new to me.

Every Muslim should offer namaz. It is compulsory for him to do so. Going to a mosque brings extra reward. Therefore, it is better for him to go there. A mosque can be built on such a land, which has been bequeathed by its owner to the Waqf Board, whether any building has been built there or not. It is illegal to build a mosque on a land without the consent of its owner. No Muslim can do this. I know only this much Arabic that I can read Quran properly. That is written in the Arabic. I cannot comprehend the meanings of the Quran. If the translation is there, then I can read and comprehend it.

I have not read Quran Sharif along with its translation. According to the Shareh, it is not necessary for any particular thing to be there in a mosque, except the purity of heart and cleanliness. The Shariat denotes Islamic law, and whatever Prophet Mohammad has uttered. His instructions are written in Hadees. Shariat means Islamic

law, which has been ordained in Quran and Hadees. Hadees is that which Prophet Mohammad has uttered. There are many books of Hadees. Whatever is written in those Hadees is law for us and we must abide by that. There are many books of Hadees and whatever is written there, is law for us. The names of those books are Bukhari-sharif, Imam Bukhari Rehmatullah, Muslim Sharif, Imam-Mustim Rehmatullah, Muta, Imam Abu Mohd. and others. I have told the names of only those books which are prominently known. There can be many others books apart from these, about which I do not know. I will not be able to tell in which year these were written. But I guess these books may have been written some 1200 years back, or may be a little earlier or a little later than this. But it is obvious that all these have been written after the Prophet, Hazrat Mohd. All these books have been written in Arabic. It is possible that all these books have been written outside India. I have not read any of these books. But it is not correct to suggest that I have no knowledge of Hadees. To know the 'prominent features of Islam, it is not necessary to read Hadees. Of course, it is decided that a mosque should be facing the west, and the namaz should also be offered facing the Kaba Sharif, that is, the west. But there is no guideline about the shape and the design of the mosque. This is Allah's word and written in Quran. Therefore, a mosque should face only the Kaba Sharif, and the namaz should also be offered facing that direction. This is written in the fifteenth Paara of Quran Sharif. It is written in the beginning of that para. The general public can entrust the responsibility of the upkeep and the maintenance of the mosque to anybody. By 'general public' I mean the common Muslims. A mosque can be given monetary help from the Government exchequer, but, in my personal view, no such help should be taken. It is nowhere written in Quran that a mosque should be built with contributions from the general

public. The issue whether a mosque can be built with the money received from a sinner, can only be decided after ascertaining the fact that the person is a sinner or not, and it is only God who can decide whether that person has committed any sin or not. But it is correct to say that if some person's income is illegally earned, then that money should not be used in the mosque. It is correct that nobody can go beyond what has been written in Quran. This is correct, in my view, that it has not been written in Quran that any money can be taken from the Government for the construction of mosque.

Before offering any namaj the body and mind of a person should be pure. This includes ablution also. The main thing is purity of mind and body. Whatever I have replied includes everything pertaining to the offering of namaz, and there is nothing else except this. If a person offering namaz has time, then he should offer panchwakti-namaz in-group because there is extra reward for offering namaz in-group. The second paara of Quran and the Sooreh Baqr contains the methods of offering namaz. No picture is displayed in a mosque. But even if there is a picture inside, even then it is still a mosque. Even if there are idols or pictures of any men or gods or goddesses in a mosque, then this will not affect the status, the respectability and the dignity of a mosque. If there are idols of Hindu gods and goddesses, even then namaz can be offered in a corner by putting a curtain on them and it will be considered a namaz.

What to talk of demolition of a temple, a mosque cannot be built by the demolition of even a thatched house of an ordinary person. Till today, it has not come to my notice that any Muslim king has built a mosque by demolishing a temple.

I have been to Delhi. I have seen the Jame Masjid there. I think I have gone to Qutab Minar also. I have not seen any writing or any stone inscription there indicating that the Qutab Minar had been built by demolishing 27 Jain and Hindu temples, or, that it has been built by using their debris. I have not read any such writing in the Jame Masjid also. If, at all, there is any such writing, then it is obvious that the writing is wrong. I do not have much knowledge about the Somnath temple. I cannot say if any Muslim king had demolished that.

The biggest mosque of a city is called the Jame Masjid. Jame Masjid and Jumma Masjid are not two different things. It is wrong to suggest and say, if a mosque is built by demolishing a temple or changing its shape or it has been given a shap (Jamana) of a masjid, then that mosque should be known as the Jame Masjid. The Babri Masjid was a mosque, a Jame Masjid., a Jumma Masjid, and the Babri Masjid too. It is wrong to say that a mosque cannot be identified with the name of a person.. The disputed mosque was located in Mauza Kot Ramchander, which is connected to Mohalla Dorahi Kuan. Probably, I will not be able to tell the meaning of the word 'kot'. That area is known by the name of Kot Ramchander. I cannot tell on which particular Khasra number the disputed property was. There was a graveyard a little away from the outer wall to the east, the south and the north of this property. And, to the west, there was some vacant slanting as well as even land. Its main gate was towards the east. On way to that place, there was a graveyard.

[The advocate drew the attention of the witness to the Naksha Nazri Paper No.2/16-k, enclosed with the law suit]. I do not understand this Naksha Nazri. Before asking

question, this map should be explained to me. This property had 14 black pillars. Apart from these 14 black pillars, if those, on which the building stood, are also taken into account as pillars, then there were many pillars. The black pillars were made of stone. Looking at stones, it was not possible for me to guess their life; nor is it possible now. There were some flowers and leaves carved on these pillars. I have not seen any pictures of gods and goddesses on these. There was something written in Arabic, in a circular design, on both sides of the arc on top of the outer main gate of this building. But it is not known what was written there. It might be somebody's name. It might be Allah's name, or, it might be an 'ayat' in Arabic. Except this, I have not seen anything either written or engraved on any stone on the main gate. Of course, there was certainly a design of some animate object made on the upper side of the main gate of this building. I understand that the shape was that of a fish. I did not see any chabootra on entrance on the outer side of the main gate of this building. Neither did I see it on the left, nor on the right. I had visited this building for the last time about 6-7 years ago when photography was being carried out. And before that, after 1947, I had been to that place many times. I had gone to this building for the first time after 1947. I was about 10-11 years old at that time. I have been to this building many times; but I do not remember how many times.

According to my knowledge, this building had been locked after the incident of 1949. As per my information, that lock had been put on entry gate with grill in the inner portion of the mosque. This lock was opened in the year 1986. This is correct that after the opening up of the lock, worship by Hindus had started.

According to my knowledge, before December 6, 1992, only one attack on this building had taken place, which was in 1934. The ordinary Muslim had certainly felt pained on the opening up of the lock. The Babri Masjid Action Committee had been formed only after this. Before the opening up of the lock in 1986, a law suit had already been going on behalf of the Waqf Board for taking back this property, but no committee had been formed. First and foremost, the Babri Masjid Action Committee was formed at the State level, which was in Lucknow. And I had been appointed the Joint Convenor of its Faizabad branch. Amongst the important members and office-bearers of the Babri Masjid Action Committee are Sarvashri Mannaan, Jillani Sahib and Mushtaq Siddiqui who is the advocate also on behalf of the Plaintiffs in this case. I consider them only as my leader and the office-bearer of that committee. I do not have anything to do with politics. But I have heard that in the beginning Shri Shababuddin and Mohd. Azam Khan were associated with this Committee. Shri Shahabuddin was a Member of Parliament and Shri Azam Khan was the Minister of Revenue in the Government of Uttar Pradesh. This is correct that the Babri Masjid Action Committee has an interest in fighting this case. Rather, this is its responsibility too. But no donation is collected to meet the expenditure of this case. Whenever needed, 2-4 people collect the money amongst themselves and run the affairs.

I do not remember whether, in 1991 -92, people from the Babri Masjid Action Committee had any talks with the Prime Minister of India regarding a compromise.

I know the Hijri calendar; It is published every year. Muslims do most things according to the Hijri Calendar. I do not know which year of the Hijri calendar it was in 1949.

I cannot tell in which year of the Hijri calendar was I born. I cannot tell the year of the Hijri calendar pertaining to important happenings of my life. It is also not very necessary to remember it. I do not believe that, a mosque is damaged or demolished, a Muslim should either wait for a Maulvi's, or, a Mulla's fatwa for further action, or, do as they say. Any Mufti can issue a statement as he thinks fit, but I do not believe any Mufti would have issued such a fatwa. I have not come across any fatwa issued by any Maulvi, Mulla or Mufti after the incident of 1949, to take back this mosque. Perhaps, no procession was organised against this incident by Muslims. It is possible that after this incident in 1961, up to the filing of this case, action had been taken by Muslims for the restoration of the mosque, and against this incident. But I do not have any knowledge of this. I am not pursuing this case. I come some times. When the Commission had visited the site in 1990, I had gone there on behalf of the Muslims. Even before that, when the commission had visited the site in connection with the measurements, I had participated in it. Since very short notice had been given, whatever was known was told to the commission.

[At this stage, the able advocate drew the attention of the witness to the album of coloured photographs prepared by the Department of Archaeology, Uttar Pradesh].

Photograph No.104 pertains to the site. Photograph No.105 also pertains to the site. Photograph No.106 also pertains to the site. Similarly, Photographs No.107 and 108 also pertain to the site. Photographs No. 109 to 114 also pertain to the site. The same is the case with Photographs No.115 and 116. Photographs No.118, 119 and 120 also pertain to the site. Photographs No.117 and 121 to 126 also show the site. 127, 128, 129, 136, 137, 138 also show the

same site. Photographs No.139 to 144 also show the site of the same property, which is under litigation. Photographs No.145 to 168 also the site of the same property. Photographs No.176 to 200 also show the site of the property under litigation. Photograph No.202, which had been taken at the time of the inspection, also show my presence.

[At this stage, the able advocate drew the attention of the witness to the album containing black and white photographs prepared by the Department of Archaeology, Uttar Pradesh].

Photograph No.27 is correct according to the site. The same is the case of Photograph No.31. Photograph No.31 shows the same situation that prevailed in 1990. The position, that is shown in Photograph No.33, prevailed in 1990. [Volunteer: that this situation was not there before 1949]. Photographs No.55, 56 also pertain to the site. The same is the case with Photographs 57 to 60. Photographs No.61 to 66 also show the site of the same property. Photographs No.71 to 76 also pertain to the same site. Photographs No.81 and 82 also correctly show the site in accordance with the situation in 1990. [He himself stated that this situation was not there before 1949]. Photographs No.87, 89 and 90 also pertain to the site. Same is the case of Photographs No.91, 95, 96 and 97, which show the site. Photographs No.99 to 106 show the site of the same property.

The practice of calling azan through loudspeakers started from the time when the loudspeaker had been invented. Its need was felt. It is not wrong to call azan without the loudspeaker. Azan can be called without it. If there is no loudspeaker, then, mostly, the eastern and the

southern part of a mosque is used for calling azan. At some places, this spot is fixed by making a staircase exactly to the east. The length of this staircase, its width, the number of stairs, and its height depend on the requirement and convenience. At some places, this place has been made in the shape of a terrace.

No loudspeaker for calling azan had been installed in the disputed property.

No Police raid had been conducted at my house six or seven years ago. It is wrong to say that a raid had been conducted in my house by Police. It is also wrong to say that a raid had been conducted because I had given unlawful shelter to some Pakistani citizens, or, because there was some transmitter installed in my house. This is also wrong to say that we used to talk to somebody in Pakistan through this transmitter. This is also wrong to say that some news item about this raid had been published in newspapers of Ayodhya and Faizabad.

At the time of the Independence in 1947, the country was partitioned and Pakistan was formed. But I do not believe that all the Muslims had felt happy on the formation of Pakistan. It can be somebody's viewpoint that Pakistan had been formed for Muslims and India for Hindus; but this is not my view. I do not believe that the country had been partitioned on the basis of religion. It is wrong to say that, at the time of the partition of 1947, my parents had migrated to Pakistan along with the whole family, including me. This is also wrong to say that I am tendering false evidence on being prompted by Pakistan, or, some other foreign agency, or, under their pressure. This is also wrong to say that I am giving evidence with the intention of spreading sectarian and religious differences. This is also

wrong to say that the property under litigation had belonged to the Hindus all along, or, that it had never been in the possession of the Muslims. This is also wrong to say that I have never offered namaz in this building. It is not that I am giving evidence because of my association with the Babri Masjid Action Committee, or, merely because of my being a well-wisher of the Muslims. This is also wrong to say that there had been a temple on the disputed site, or, that a mosque had been built after demolishing it.

[Cross-examination on behalf of the Hindu Mahasabha and Shri Ramesh Chander Tripathi, by Shri H. S. Jam, advocate, concluded].

[Cross-examination on behalf of Shri Rajendra Singh, son of Shri Gopal Singh Visharad, who are plaintiffs in Suit No.1/89, by Shri P.L. Mishra].

XXX XXX XXX XXX

My father was also a Sajjada Nashin. He was an eminent personality. He had status, and he commanded respect, in both the Hindu and the Muslim community. Every Muslim of Dorahi Kuan and of the five-six Mohaflas of the surrounding, had known him.

The disputed property is not only located in Kot Ramchander, but it is also shown in the Kot Ramchander in the revenue records. The permanent settlement of lands (bandobast), the papers of which I saw, was, perhaps, the first such settlement. But I cannot tell the Permanent Settlement (bandobasti) number allotted to the property under litigation. The property under litigation has been mentioned as the Babri Masjid in that Bandobast. But I cannot tell its entry number or the Khasra number. I can't

tell even about its area. I cannot say with certainty whether I have seen the second Bandobast. Till today, I have not tried to find out the Bandobasti number of this place and the property, nor did I think it necessary to do. so, because I am not a plaintiff. The Sakshi Gopal Mandir is located to the east, and a little to the northern corner, of the disputed property. The Manas Bhawan is located in the east further to the Sakshi Gopal Mandir. The main gate of the disputed property would have been at a distance of about 60-70 yards from the Sakshi Gopal Mandir. starting from the Sakshi Gopal Mandir, if someone travel to the brick path (Khadanja), and walked towards the main gate, he would be facing the south a little after that he would have to walk towards the west. There was no construction either on the left or the right, while coming from the Sakshi Gopal Mandir towards the main gate, during the period 1940 to 1950. This pavement was a little uneven; but it cannot be indicated now where it was high and where it was low. It is possible that there might have been a 10-12 feet north-south pavement, to the east of the Sakshi Gopal Mandir and to the west of the Manas Bhawan. This pavement was not there earlier. I did not have a chance to go to the end of this pavement. I think this road could be 40-50 yards long, or, a little less or more than that. I did not notice the well, which is said to be alongside the pavement in the southern corner of the Manas Bhawan. I do not think that this was the only well and no other well between the disputed property and the Manas Trust Bhawan. I had seen only one well in the south-eastern corner of the disputed building, which I have already mentioned in my statement, and that was in the graveyard land. I cannot tell the Khasra number of the land which I mention as the graveyard land. In those days, the distance between that well and the Manas Bhawan would have been around 30-40 yards; these days, the distance has been reduced, because the building of the

Manas Bhawan has extended to the south on the graveyard land.

The distance of this well from the disputed building, even at that time, was 60-70 yards, and it is the same today. To my knowledge, there has been only this one well in this roughly 100 yard space between the disputed building and the Manas Bhawan; neither was there any other well, nor is it now.

When we went to this building in connection with the Commission's work in 1990, we had seen, to its east-southern side on the graveyard, big pictures kept on a sort of a platform which had been built, and which could be rectangular, or, even circular in shape. The shilanyas took place in 1989 on the graveyard land. But I cannot tell its khasra number or its identification. That place was to the east of the disputed property and it was at a distance of around 40 yards; but it could also be within 30 yards. The distance of Manas Bhawan from that place would also have been the same, viz., 30-40 yards. I do not know which one is the Sumitra Bhawan; therefore, I cannot say whether it was to the south of the disputed building or not. I did not see any building to the south of the disputed building. There was a road to the north of the disputed building leading to the Hanuman Garhi-Dorahi Kuan. To the north of this road, straight from this building, there is the Janmasthan Temple touching this very road. There are some Sikhs living behind our house, who keep on visiting this Janmasthan Mandir. So, I got this information, firstly, from them and also from the stone-writings in the Janmasthan Mandir. This is correct to say that in addition to 'janmasthan', something else is also written thereon, but it does not strike in my mind what else is written. I cannot say with certainty whether 'Mandir Janmasthan Sita Rasoi' is written on that (stone). We have always heard about it by the name 'janmasthan'. It is possible that the others in

Ayodhya and the people coming from outside, may be knowing it by the name of Mandir Janmasthan Sita Rasoi'. I know the name of the Mahant (Hindu monk) of that temple, but it has slipped out of my mind at this moment. I cannot say that his name was Mahant Harihardas. The name of the Sardar sahib, who gave me this information, is Mahant Narain Singh, and his son had also told me this. The age of the mahant sahib, as it is commonly heard, is more than 100 years. I had gone to his place; mahantji was talking to his sons. From their discussion, I came to learn that this place was known as the Janmasthan. I did not have any direct talks with the mahant sahib or his sons. Neither was there any occasion to do it, nor any reason.

The well, which I have already mentioned above, should be at a distance of nearly 25 yards from the place of Shilanyas. It can be 2-4 yards less or more than this also. I have never heard that the Hindus living around that well know this well by the name of Sitakooop.

There never used to be any cultivation of flowers to the south of the disputed building. The cultivation of flowers was being undertaken towards the western side. But I did not see any plants of Sweet Basil (tulsi) there.

On entrance into the disputed property, the constructed area in the west would have been within 100 feet approximately, whereas its width from the east to west would have been around 20 feet. Leaving around 20 feet area from the outer southern wall of this property begins the southern construction of this building. There was built a staircase in that 20 feet area. I cannot give the exact estimate of the area covered by that staircase. A little away from that place, in an empty space, a urinal had been built. That place had been a little south-east to the building. I guess that the empty space in the south, away from the staircase, would have been around 10-12 feet. If one had to

go to the west, one could not go from the inner side of the building.

There was some space left in the outer wall in the northern side of this The wall-with-grill in the northern side was almost touching this building. There was a door in the wall-with- grill. This is correct that the inner compound was that space which was in the .middle of the main Bhawan towards the west and the south of the wall-with-grill, meaning, towards the north, and to the east, of the constructed building. The northern door of this wall-with-grill used to open in that portion of the outer compound from where one could go out of this property from the northern gate in the outer wall. This door in the wall-with-grill in the north used to be opened very rarely. I guess, its size was so big that two persons could pass through it at the same time. Its height was nearly about 7 feet. Its width might have been around three and-a-half feet. There was an iron door Whenever I went there, I had seen it When locks were put in 1949, even then, this door was there. After that, when I went to the site in 1990, at that time also, this door had existed; When photography was carried out, at that time also this door had been in existence But I cannot say whether it was captured in the video film or not.

Verified the statement after hearing

Sd/-

Saiyad Akhlak Ahmad

27.2.97

Typed by the stenographer in the open court as dictated by .
In continuation, this for further cross-examination on
28.2.97. Witness be present.

Sd/-

27.2.97

Dated 28.2.97.

(In continuation of 27.2.97)

P.W.9 Saiyed Akhlaq Ahmed, cross-examination by Shri P.L. Mishra on oath, begins:

I cannot say with certainty as to when the second Bandobast had taken place. But, I guess, it was conducted, probably, during 1965 and 1968. I never heard that the road leading to Dorahi Kuan, via Hanuman Garhi, was only up to the Sakshi Gopal mandir, earlier. The level of land of the temple, which I have mentioned by the name of Janmasthan, had been a little lower than the level of land of the disputed property., I cannot say how much difference in the height and the depth in the levels of lands of both the disputed building and the Janmasthan, will be noticed by a man while standing in the middle of these two buildings. There is a little ascent, if you want to go to Janmasthan from the Sakshi Gopal Mandir. From the Sakshi Gopal Mandir, if one goes to Janmasthan, by the road leading to Suttehatti, one will, first, come across the Post Office, just attached to the Janmasthan temple. And the height of the Post Office from the road leading towards this Suttehatti Mohalla, will be around eight feet. I never paid any attention as to what would be the distance of the main gate of this temple from the Post office, or, at what height from the Post Office would that main gate be. While walking on the left, from the Sakshi Gopal Mandir, comes the disputed building and, on the right, comes the Janmasthan Mandir. But it is wrong to say that one will have to cover a similar height in reaching one's destination from both these ways. In fact, there was a difference in the ground level of both the disputed building and the Janmasthan Mandir. But I cannot say whether this difference was of one foot or two feet; it may have been a little less or a little more. This is correct that the backyard of the Janmasthan is on the same slope of the disputed

building, which is towards the west. Since Janmasthan is an active temple, it is obvious that the performance of religious rights, offerings, worship, blowing of conches and beating of gongs must be taking place. There is one other temple beside the temple which is mentioned by me as the Janmasthan Mandir and which is suggested to be the Sita Rasoi by the advocate sahib. But I cannot say whether that temple is of Faqirey Ram or not. In the city from, which I come, one normally hears the chiming of bells, the sounds of gongs and so on from different temples. But I cannot say which particular sound is coming from which particular temple. Therefore, it is difficult for me to say that the blowing of conches and the beating of gongs were taking place in the said temple of Faqirey Ram. There can be one other temple to the east of this temple, but I cannot tell its name. A little further from that is a road, and the distance of the Kanak Bhawan from that road would be roughly around 150 yards. Kanak Bhawan is also a temple. And there are many temples on both sides of the road between the Sakshi Gopal Mandir and the Kanak Bhawan. This is correct that there are many temples in and around the north and the east of the disputed building. Some temples, which are less in number, are to its west also. But in the south, the temples start at quite a distance after walking. These temples towards the south are in the south-western corner of the disputed building. In the south, there are no temples up to quite a distance, whereas there is the Muslim population, there is a graveyard and there are tombs also. This is the western portion of Mohalla Kajiana This mohalla is on the southern side of the acquired land, and out of that land Some portion of land of the mohalla, which is in the south-eastern corner, is also included in the acquired land. Firstly, towards the west of the acquired land comes my mohalla, Dorahi Kuan, and in the west-southern corner

comes one mohalla, Haata, joining with that, is this western portion of Kajiana.

The mohalla in which Murau people live, I think, is called Kajiana. It lies straight to the south of Ramkot. This also lies in the south of the property under litigation. There is a mosque in the north, adjacent to the place where Murau people live, and there is also the Muslim population. That mosque is known as the mosque of Mohd. Hanif Sahib. The place where this mosque is located is also known as Kajiana. And it can also be called the rear western part of the Paanjitola. The disputed property was at a distance of about 500 yards from there. But that can be a little more also. There is a road coming from Dorahi Kuan, via Tedhi Bazaar. If you are coming from Tedhi Bazaar, via Dorahi Kuan, then this mosque will fall on the eastern side. The acquired land passes just by the side of this mosque; it is adjacent to it. This mosque is to the south of the acquired land. At present, there is vacant land between the southern border and the western border of the acquired land and the disputed building. [Then said], I now recall that some portion of the place where the Murau people live, and the mosque of Mohd. Hanif, are also, probably, included in the acquired land. I do not know whether these days pipes have been fixed there or not, by which the acquired land has been blockaded. Therefore, I cannot say whether the acquired land of those people, and this mosque, have been blockaded and encircled by pipes or not, and whether or not it is included in the acquired land encircled by pipes. In any case, a few days ago, people from that area had come and told me about their difficulties and inconveniences in coming and going from that area, because their land has been encircled.

I cannot say whether this entire land was one consolidated plot, and it had only one plot number according to the first Bandobast, or, whether they were separate plots. I have not seen all the records pertaining to the first Bandobast. With that point of view, I have not verified the existence or the non-existence of the road. I do not know whether this road was built for the first time in 1937.

[At this stage, the able advocate drew the attention of the witness to the album containing the black and white photographs prepared by the Department of Archaeology, Uttar Pradesh].

Photograph No.47 shows the outer portion in the south of the covered area of the disputed building, whereas Photograph No. 53 shows the northern side of that same building. Photograph No.54 also shows the northern side. The wall-with-grills located in the east and the north of the constructed building has also been shown in Photograph No.54. The door with grills in the northern wall is not visible in this photograph. That door used to be to the west of both the grills, It used to remain mostly closed. I never used that door. To the north of that door, was the floor with the platter, the hearth and the roller pin. It is wrong to say that there was no door in the northern portion of the wall with grills. This is also wrong to say that I had never gone into this building. This is also wrong to say that because of my having said that I have not been there, I have no knowledge about the affairs going on there.

There were two doors in the wall-with-grills that was towards the east. One of the northern gates with grills used to be almost in front, on entrance from the main gate into the disputed building. And the second used to be a little

further to the north. This was at a distance of about 30 feet towards the north from the first gate with grills. Those touchstones, which have been mentioned in my statement, were fixed in the gate. Some of these were fixed in the outer gate, and some of them were fixed in the gates of the inner building. There were three gates in the inner building. Twelve stones had been fixed in the inner portion. These were fixed in all the three gates. Four touchstones each had been fixed on each of the gate. These stones were fixed in the inner portion of the gates, but they were also there in the middle portion of the outer gate. In photograph No 53, which I have just seen, no stone is visible having been fixed there. But the reason for this is that this photograph pertains to the outer portion, while the stones were fixed in the inner portion. On the inner side of those gates facing the western wall, two stones each had been fixed. Like this, four stones each were fixed on each pole. The position was similar in respect to both the gates on the eastern and the southern side, that is their poles were fixed to the side of the western wall. The middle gate had more poles fixed to it; it had two stones in the western part, and two stones in the outer portion, that is, the eastern portion. Four stones had been used on the middle gate, out of which two stones used to be on the outer side of the eastern gate and the other two stones were facing the western wall. In my estimation, it is wrong to say that there was no stone either on the outer side or in the inner side of the northern gate. Similarly, it is also wrong to say that there was no pole on the outer side and the inner side of the southern gate. I have seen Photograph No.48 in the black and white album. This shows the upper portion of the middle gate. On both sides of this gate, one pole each, that is, one touchstone is fixed. I think this is wrong to say that three stones each were fixed on both sides of this gate. This is also wrong to say that three stones each on both sides of the inner

portion of this gate fall in front of the western wall of this gate. This is wrong to say that I have never been to the disputed building or that I had no knowledge about the stones fixed there.

The idols had been placed in the inner portion of the mosque on the night of 22-23 December, 1949. I had seen the photographs after 1949, which showed that these idols had been kept on the pulpit. No such photograph is available in the records of this court. After 1949, I had gone into this building for the first time when the Commission had visited the site for carrying out the photography. At that time, these idols were placed to the east of the middle arc, besides the pulpit. This was the place where the Imam used to have the namaz offered by people. I have never seen the above-mentioned poles after 1990. I have not gone there at that time which is stated to be the time when the going of people there in the Ram Katha Kunj in connection with the inspection is mentioned. I have not gone till today to the place where these things were kept. I did not see the photographs of stones, which were said to have been found at the site (have heard that the Hindus believe this portion in the middle to be the janmasthan of Bhagwan Ram, and also the sanctorum (garbhagriha), but this belief of their's is wrong.

I do not know Gopal Singh Visharad I also do not know Rajender Singh who is said to be his son I do not know Gopal Singh or his son, Rajender Singh till today. I have neither seen any person of this type and I have never heard their names. I do not remember. [Then said], I do not know whether a survey of the disputed property was carried out by the Archaeological Survey of India during 1975-1980, or, not. cannot say whether any excavation had been caused to be carried out in its western part or not.

There are shrines and mausoleums (durgahs) in Ayodhya. I can tell the names of 2-4 out of them. They are: Durgah Hazrat Shah Ibrahim Shah, Rehmatulla Aleh, Durgah Naugaji, Durgah Shah Oyaes, Durgah Hazratsheesh, Durgah Shahfatehlutlah and our khanqah, Saiyed Shah Mujaffar. There are many other shrines apart from these which have no covered domes on them. Shah brahim's Durgah is in Mohalla Sargdwaar, which is also known as Mohalla Adgada. Our own Khanqah is in Mohalla Ramkot. There is no such difference in the khanqah and durgah, which could be mentioned. It is wrong to say that there should be a mazaar in a durgah, but there is no mazaar in the khanqah. [He himself said that neither a khanqah nor a durgah can be without a mazaar].

Perhaps, there was a madarsa in the above-mentioned Durgah Shah Oyaes, that is, in the Kajiana Mohalla There was one Bengali named Shah Alam Since. I did not study there, I do not know the names of the students of that place I cannot tell anybody's name.

It is totally wrong to suggest that any monetary help had come from abroad, through me, after the incident of 6th December, 1992. This is also wrong to say that some money might come from some corners of our country, through me. Some can work at the place of burnt houses had been carried out, after this incident under my supervision. There was a committee to look after the money received from whatever sources and of whatever amount. The expenditure was born by the committee people. No money had either been received through me, or spent by me. It is possible that people may have accused me of misappropriation of some money, but I can say this with

certainty that all those allegations are unfounded, concocted, and that there is no truth in them, whatsoever.

It is wrong to say that I had never been to the disputed site, or, that namaz had never been offered there, or, that no mosque had ever existed there. It is also wrong to say that this place had always been in the possession of the Hindus, or, that there had been some temple, or, that worship was being carried out there.

Verified the statement after hearing

Sd/-

Saiyad Akhlak Ahmad

28.2.97

[Cross-examination on behalf of all parties concluded .]

Typed by the stenographer as dictated by us in the open court . Witness is discharge.

Sd/-

28.2.97