

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10866-10867 OF 2010

IN THE MATTER OF:

MOHD. SADDIQ (D) THROUGH LRS.

...APPELLANT

VERSUS

MAHANT SURESH DAS & ORS. ETC.

...RESPONDENTS

STATEMENTS OF P.Ws

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PAPER BOOK

**VOLUME-LXIV
(PAGES 13126-13426)**

Running Volume-129

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**(KAMLENDRA MISHRA)
ADVOCATE FOR THE RESPONDENT/STATE OF UTTAR PRADESH**

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I N D E X

VOLUME-LXIV
(PAGES 13126-13317)

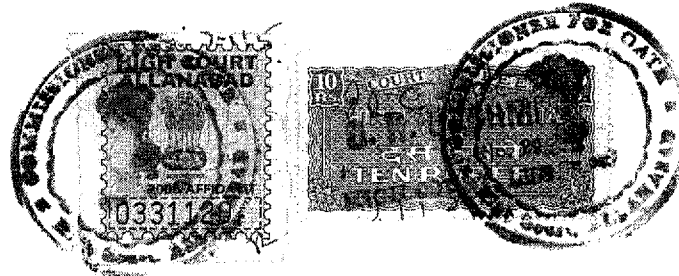
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PW 30

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

In Re:

O.O.S. No. 4 of 1989

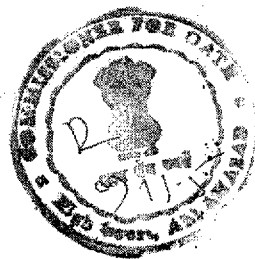
Sunni Central Board of Waqfs, U.P. and others

-----Plaintiffs

Versus

Gopal Singh Visharad (now dead) and others

-----Defendants

AFFIDAVIT OF DR. R.C. THAKRAN as Examination in chiefunder order 18 Rule 4 C.P.C.

Signature

I, Dr. R.C. Thakran, aged about 53 years, son of Shri Tek Chand, residing at C-29(29-31) Probyn Road, University of Delhi, Delhi-7, the deponent, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is presently working as a Professor in the Department of History, University of Delhi, Delhi. The deponent did his M.A. in

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Ancient History, Culture and Archaeology from Kurukshetra University, Kurukshetra in 1975 and his M.Phil in Archaeology from the Centre of Historical Studies, Jawaharlal Nehru University, New Delhi in 1981. The deponent did his Ph.D. in Archaeology from the Department of History, University of Delhi in 1993. The deponent is teaching Ancient History and Archaeology since 1977 in the University of Delhi. During the Masters Degree course the deponent attended excavations at the sites of Mirzapur and Raja Karan Ka Qila, Kurukshetra for two academic sessions in 1974-75 and the deponent is continuously involved in archaeological research since 1976.

2. That the deponent had observed the excavations at the disputed site of Ayodhya during the Excavation conducted by the Archaeological Survey of India under the orders of this Hon'ble court during March to August 2003.

3. That the report of the Archaeological Survey of India (ASI) submitted to this Hon'ble Court on 22nd August 2003, is an unprofessional document, full of gross omissions, one-sided presentations of evidence, clear falsifications and motivated inferences. It is full of internal contradictions and discrepancies as will be pointed out below. The ASI's only aim seems to be to so ignore and twist the evidence as to make it suit its "conclusions" tailored to support the fictions of interested parties about the previous existence of an alleged temple on the disputed site.

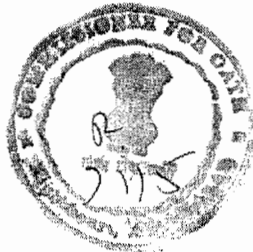


4. That the first and crucial gross omission in the ASI's Report is the total absence of any list in which the numbered layers in each trench are assigned to the specific Period as distinguished and numbered by the ASI itself. The only list available is for some trenches only in the Charts placed between pages 37-38. A list or Concordance of trench-layers in *all* trenches with Periods was essential to test whether the ASI has correctly assigned artefacts from certain trench layers

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to particular periods in its main Report. Where, as we shall see below, in connection with bones, Glazed Wares and terracotta pieces the finds can be traced to trench-layers that are expressly identified with certain Periods by the ASI in its above-mentioned charts, it can be shown that the ASI's assignment of layers to particular periods is often demonstrably wrong and made only with the object of tracing structural remains or artefacts there to an earlier time in order to bolster the wrong theory of a pre-mosque alleged Hindu temple.

5. That one decisive piece of evidence, which entirely negates the possibility of a temple, is that of animal bones. Bone fragments of large and medium size animals (cattle, sheep and goats) are a sure sign of animals being eaten or thrown away dead at the site, and, therefore, rule out a temple existing at the site at the time. In this respect directions were given by the Hon'ble High Court to the ASI to record "the number and size of bones and glazed wares". The Report in its "Summary of Results" admits that "animal bones have been recovered from various levels of different periods" (Report, p.270). But this is the sole reference the Report makes to them. Any serious archaeological report would have tabulated the bones, by periods, levels and trenches, and identified the species of the animals (which in bulk seem to be sheep and goats). There should, indeed, have been a chapter devoted to animal remains. But despite the statement in its "Summary", there is no word about the animal bones in the main text of the Report. This astonishing omission is patently due to the ASI's fear of the fatal implications held out by the animal bone evidence for its preconceived temple theory.



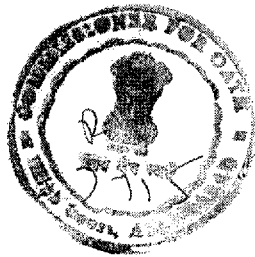
Now if we turn to the ASI's record of Finds in the Day-to-Day Register and Antiquities Register we find that in Trenches Nos.E-6 (Layer 4), E-7 (Layer 4), F-4/F-5 (layer 4) animal bones have been found well below Period VII-layers, i.e. to Period VI (Early Medieval –Pre-Sultanate) or still earlier, and in Trenches Nos.F-8, G-2, G-7, J-2/J-3, they are found in Layers assigned by ASI to Period VI itself. Thus bones have been found in what are allegedly central precincts of the

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alleged Rama temple allegedly built in 'Period VI'. The ASI says that a massive temple was built again in Period VII, but in Trenches Nos.E6, F8, G-2 and J-E/J-4 bones have been found in layers assigned to this very Period also in the same central precincts. The above data may be found in the Tables produced in Sunni Central Board of Waqfs (UP)'s 'Additional Objection', dated on 3-2-04.

The ASI perhaps knows that sacrificial animals' bones (if we are dealing here with a temple where animals were sacrificed, which, incidentally, has not been claimed for any Rama temple) cannot be represented by bone fragments, but need to be found at particular spots, practically whole and entire, which is not here at all the case in even a single instance.

6. That the glazed ware, often called "Muslim" glazed ware, constitutes an equally definite piece of evidence, which militates against the presence or construction of a temple, since such glazed ware was not at all used in temples. The ware is all-pervasive till much below the level of "Floor No.4", which floor is falsely ascribed in the Report to the "huge" structure of a temple allegedly built in the 11th-12th centuries. The Report tells us that the glazed ware sherds only "make their appearance" "in the last phase of the period VII" (p.270). Here we directly encounter the play with the names of periods. On page 270, Period VII is called "Medieval Sultanate", dated to 12th-16th century A.D. But on p.40 "Medieval-Sultanate" is the name used for Period VI, dated to 10th and 11th centuries. The Summary concedes (on page 270) that the glazed ware appears only in "the last phase of Period VII". In Chapter V, however, no mention is made of this "last phase" of Period VII: it is just stated that "the pottery of Medieval-Sultanate, Mughal and Late-and-Post Mughal period (Periods VII to IX)... indicates that there is not much difference in pottery wares and shapes" and that "the distinctive pottery of the periods is glazed ware" (p.108). The placing of the appearance of Glazed Ware in the "last phase" only of Period VII appears to be a



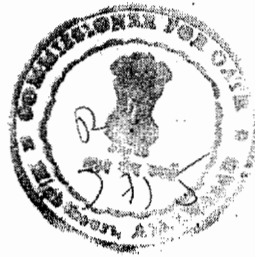
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last-minute invention in the Report (contrary to the findings in the main text) to keep its thesis of alleged "massive" temple, allegedly built in Period VII, clear of the "Muslims" Glazed-Ware by a sleight of hand, because otherwise it would militate against a temple being built in that period. All this gross manipulation has been possible because not a single item of glazed pottery is attributed to its trench and stratum in the select list of 21 items of glazed ware (out of hundreds of items actually obtained) on pages 109-111. Seeing the importance of glazed ware as a factor for elementary dating (pre- or post-Muslim habitation at the site), (and in view also of the Hon'ble High Court's orders about the need for recording of glazed ware, a tabulation of all recorded glazed-ware sherds according to trench and stratum was essential.) That this has been entirely disregarded shows that, owing to the glazed-ware evidence being totally incompatible with any temple construction activity in Periods VI and VII, the ASI has resorted to the most unprofessional act of ignoring and manipulating evidence.

7. That going by the Pottery Section of the Report (p. 108), not by its "Summary", the presence of Glazed Ware throughout Period VII (Medieval, 12th-16th centuries) rules out what is asserted on page 41, that a "column-based structure" — the alleged 50-pillar temple — was built in this period. How could Muslims have been using glazed ware inside a temple? Incidentally, the claim of a Delhi University archaeologist (Dr Nainjot Lahiri) defending the Report, that glazed ware was found at Multan and Tulamba (near Multan) before the 13th century, is hardly germane to the issue, since these were towns under Arab rule with Muslim settlements since 714 AD onwards, and so the use of glazed ware there is to be expected. The whole point is that glazed ware is an indicator of Muslim habitation, and is not found in medieval Hindu temples.

8. That the story of Glazed Tiles is very similar. These too are an index of Muslim habitation. Yet 2 Glazed Tiles are found in layers of Period VI



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which means that the layers are wrongly assigned and must be dated to Period VII (Sultanate period). There could be no remains of any alleged "huge temple" in these layers, then.

9. That when the ASI submitted its Day-to-Day and Antiquities Register for inspection it turned out that the ASI had concealed the fact in its Report that the layers of certain trenches it had been attributing to pre-Sultanate Period V cannot simply belong to it, because glazed tiles have been found in it; and the layers assigned to Period VI could not have belonged to a temple, as alleged, because both glazed ware and glazed tiles have been found in it. In this respect attention may be invited to the Tables submitted as Annexure I to the Additional Objection of the Sunni Waqf Board, dated 3-2-04.

10. That the ASI's Report is so lacking in integrity that it tries to achieve its object by manipulating nomenclature. In Chapter III, "Stratigraphy and Chronology" it has names for Periods VI and VII that are coolly altered in the other Chapters in order simply to transfer inconvenient material of Period VI to Period VII and thus make Period VI levels purely "Hindu". On pages 38-41, the nomenclature for Periods V, VI and VII is given as follows:

Period V: Post-Gupta-Rajput, 7th to 10th Century
Period VI: Medieval -Sultanate, 11th-12th Century
Period VII: Medieval, 12th-16th Century

Now let us turn to "Summary of Results" (pp.268-9). Here the nomenclature is altered as follows:-

Period V: Post-Gupta-Rajput. 7th-10th century AD
Period VI: Early medieval, 11th-12th century
Period VII: Medieval-Sultanate, 12th-16th century



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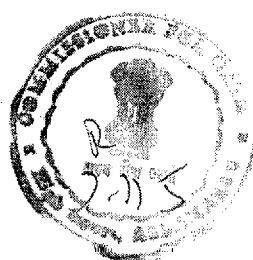
11. That this transference of "Medieval-Sultanate period" from Period VI to Period VII has the advantage of ignoring Islamic-period materials like Glazed ware or lime-mortar bonding by removing them arbitrarily from Period VI levels to those of Period VII so that their actual presence in those levels need not embarrass the ASI in its placing of the construction of an alleged "massive" or "huge" temple in Period VI. The device is nothing but a manipulation and the so-called single "correction" of nomenclature of Period VI, *after* the Report had been prepared, does not remove the confusion.

12. That this brings us to the way in which the entire stratigraphy has been fixed, and certain layers obviously of Islamic provenance pressed into pre-Muslim periods (Period VI and earlier) as shown in Annexure No.1, Table 2, attached to the objection of Mr Mohd. Hashim dated 8.10.2003. This kind of false stratigraphy has led to situations that are impossible in correctly stratified layers, namely, the presence of later materials in earlier strata. The presence of earlier materials in later or upper layers is possible, but not the reverse. (Obviously the entire stratigraphy has been falsified to invent a temple in "post-Gupta-Rajput" times.)



13. That while digging up the Babri Masjid site, the excavators found four floors, numbered, upper to lower, as Nos.1, 2, 3 and 4, Floor No.4 being the lowest and so the oldest. Floor No.3 is linked to the foundation walls of the Babri Masjid — what the ASI calls the "demolished" or "disputed structure" — built in 1528. Floor No.4 is described by the Report as "a floor of lime mixed with fine clay and brick crush", i.e. a typically Muslim style *surkhi* and lime floor. It is obviously the floor of an earlier Mosque / Eidgah and a *mihrah* and *taq* were also found in the associated foundation wall (not, of course, identified as such in the ASI's report). Such a floor, totally Muslim on "stylistic grounds" is turned by the ASI into an alleged temple floor, "over which a column-based structure was

built". (as asserted by A.S.I.). No single example is offered by the ASI of any temple of pre-Mughal times having such a lime-*surkhi* floor, though one would think that this is an essential requirement when a purely Muslim structure is sought by the ASI as a Hindu one. Once this arbitrary appropriation has occurred (page 41), we are then asked by the ASI's report to imagine a "Massive Structure Below the Disputed Structure", the massive structure being an alleged temple. It is supposed to have stood upon alleged 50 pillars, and by fanciful drawings (Figures 23, 23A and 23B) in the ASI's Report, it has been "reconstructed". [Though one may still feel that it was hardly "massive" when one compares Figure 23 (showing Babri Masjid before demolition) and Figure 23B (showing the reconstructed temple with 50 imaginary pillars!)] Now, according to the ASI's Report, this massive structure with "bases" of 46 of its alleged 50 pillars now allegedly exposed, was built in Period VII, the Period of the Delhi Sultans, Sharqi rulers and Lodi Sultans (1206-1526): This attribution of the Grand Temple, to the "Muslim" period is not by choice, but because of the presence of "Muslim" style materials and techniques all through. This, given their jaundiced view of medieval Indian history, must have been a bitter pill for the ASI's mentors to swallow; and, therefore, there has been all the more reason for them to imagine a still earlier structure assignable to an earlier time. Of this structure, however, only four alleged "pillar bases", with "foundations" attached to Floor 4, have been found; and it is astonishing that this should be sufficient to ascribe them to 10th -11th century and to assume that they all belong to one structure. That structure is proclaimed as "huge", extending nearly 50 metres that separate the alleged "pillar-bases" at the extremes. Four "pillar bases" can hardly have held such a long roof; and if any one tried it on them it is not surprising that the result was, as the ASI Report admits, "short-lived" (Report, p.269). (All of this seems a regular part of a propagandist archaeology rather than a report from a body called the Archaeological Survey of India.)

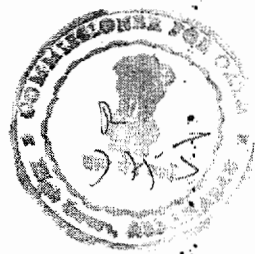


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14. That further the four alleged pillar bases dated to 11th-12th centuries are said "to belong to this level with a brick crush floor". This amounts

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to a totally unsubstantiated claim that *surkhi* was used in the region in Gahadavala times (11th-12th centuries). No examples of such use in Gahadavala times are offered. One would have thought that Sravasti (District Bahraich), from which the ASI team has produced a linga-centred Shavite "circular shrine" of the Gahadavala period for comparison with the so-called "circular shrine" at the Babri Masjid site, would be able to produce at least one example of either *surkhi* or lime mortar from the Gahadavala-period structures at Sravasti. But such has not at all been the case. One can see now why it had been necessary to call this period (Period V) "Medieval -Sultanate" (p.40) (by a later "correction" submitted to the Hon'ble Court, this has been changed to "Post-Gupta, Rajput"), though it is actually claimed to be pre-Sultanate, being dated 11th-12th century. By clubbing together the Gahadavalas with the Sultanate, the *surkhi* is sought to be explained away; but if so, the alleged "huge" structure too must come to a time after 1206, for the Delhi Sultanate was only established in that year. And so, to go by ASI's reasoning, the earlier allegedly "huge" temple too must have been built when the Sultans ruled!



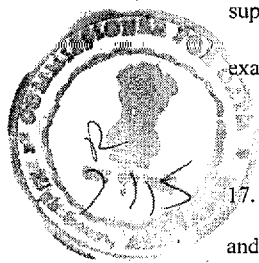
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15. That the way the ASI has distorted evidence to suit its "temple theory" is shown by its treatment of the *mihrab* (arched recess) and *taq* (niche) found in the western wall, which it turns into features of its imagined temple. On p. 68 of the ASI's Report are described two niches in the inner side of Wall 16 at an interval of 4.60 metres in trenches E6 and E7. These were 0.20 metre deep and 1 metre wide. A similar niche was found in Trench ZE2 in the northern area and these have been attributed to the first phase of construction of the so-called 'massive structure' associated with Wall 16. Such niches, along the inner face of a western wall, are again characteristic of Mosque / Eidgah construction. Moreover, the inner walls of the niche are also plastered (as in Plate 49) which indicates that the plaster was meant to be visible. A temple niche, if found, it would in any case have to be on the outer wall. In the first phase of construction,

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the supposed massive structure was confined to the thin wall found in Trenches ZE1-ZH1 in the north and E6-H5/H6 in the south (p. 41). How then does one explain the location of niches outside the floor area of the massive structure? This is typical of a mosque / eidgah, which has a long, wide north-south wall, with niches at intervals on its inner face and there may be a small covered area in the centre, which would have narrow demarcating walls. And the ASI is able to produce no example of similar recess and niche from any temple.

16. That since the entire basis of the supposed "huge" and "massive" temple-structures preceding the demolished mosque lies in the ASI's reliance upon its alleged "pillar bases" I beg now to consider what these really are and what they imply. In this respect One must first remember that what are said by the ASI to be pillar bases are in many cases only one or more calcrete stones resting upon brickbats, just heaped up, though ASI claims that mud-mortar was sometimes used. In many claimed "pillar bases" the calcrete stones are not found at all. As one can see from the descriptive table on pages 56-67 of the Report not a single one of these supposed "pillar bases" has been found in association with any pillar or even a fragment of it; and it has not been claimed that there are any marks or indentations or hollows on any of the calcrete stones to show that any pillar had rested on them. The ASI Report nowhere attempts to answer the questions (1) why brickbats and not bricks were used at the base, and (2) how mud-bonded brickbats could have possibly withstood the weight of roof-supporting pillars without themselves falling apart. It also offers not a single example of any medieval temple where pillars stood on such brick-bat bases.



17. That despite the claims of these "pillar bases" being in alignment and their being so shown in fancy drawings (Figures 23, 23A and 23B), the Report's claim that these bases are in alignment is not borne out by the actual

measurements and distances; and there is indeed much doubt whether the plan provided by ASI is drawn accurately at all, since there are enormous discrepancies between Fig.3A (the main plan) and the Table in Chapter IV on the one hand, and the Report's Appendix IV, on the other. Trench F7 has 4 alleged "pillar bases" in the former, for example: but only one in the latter!

18. That in fact the entire matter of the way the ASI has identified or created "pillar-bases" is a matter of serious concern. Complaints were also made to the Observers appointed by the High Court that the ASI was ignoring calccrete-topped brickbat heaps where these were not found in appropriate positions and selected only such brickbat heaps as were not too far-off from its imaginary grids, and there creating the alleged "bases" by clearing the rest of the floor of brickbats.

19. That the most astonishing thing that the ASI so casually brushes aside relates to the varying levels at which the so-called "pillar-bases" stand. Even if we go by the ASI's own descriptive table (pages 56-67), as many as seven of these alleged 50 "bases" are definitely above Floor 2, and one is in level with it. At least six rest on Floor 3, and one rests partly on Floor 3 and 4. Since at least Floors 1 to 3 are even recognised by the ASI to be floors of the Mosque, how come that so many pillars were erected after the Mosque had been built in order to sustain an alleged earlier temple structure! More, as many as nine alleged "pillar bases" are shown as cutting through Floor No.3. So, are we to understand that when the Mosque floor was laid out, the "pillar bases" were not floored over? It is thus clear that what we have are simply not "pillar bases" at all, but some kind of loosely-bonded brickbat deposits, which continued to be laid right from the time of Floor 4 to Floor 1.

20. That it may be added that even the table on pages 56-67 of the ASI's Report may not correctly represent the layers of the pillar bases, since its



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information on floors does not match that of the Report's Appendix IV which in several trenches does not attest to Floor No.4 at all, which the "pillar-bases" in many cases are supposed to have been sealed by, or to have cut through or stand on! For example, "pillar base 22" on pp.60-61 is indicated as resting on floor 4, but there is no Floor 4 shown as existing in Appendix IV of the Report in Trench F2 where this base supposedly stands. Similar other discrepancies are listed below:

Information in text of ASI's Report	Information in Appendix IV of Report
PB No.3: ZG2- F1.2 (p.56)	Only F1. 1 mentioned (p.8)
PB No.6: ZJ2-F1.2 (p.57)	F1. 1 mentioned (p.12)
PB No.8: ZG1-F1. 2 (p.58)	Only F1. 1 mentioned (p.8)
PB No.18: H1-F1. 4 (p.60)	No.F1.4 (p.11)
PB No.22: F2-F1. 4 (p.60-61)	No.F1.4 (p.6)
PB No.27: H5-F1. 4 (p.62)	3 successive floors. No.F1.4 (p.11)
PB No.28: F6-F1. 4 (p.62)	No.F1. 4 (p.7)
PB No.31: F6-F7-F1. 4 (p.63)	3 floors mentioned for F6 (p.7); Floors 1 and 1A for F7 (p.7).
PB No.32: F6/F7-F1. 4 (p.63)	3 floors mentioned for F6 (p.7); Floors 1 and 1A for F7 (p.7)
PB Nos.34, 35: F7-F1. 4 (p.64)	Only F1. 1 and 1A (p.7)
PB No.36: G7-F1. 4 (p.64)	No.F1. 4 (p.10).
PB No.37: F8-F1. 3 (p.65); no.F1. 3 beyond 6 series (p.63)	-
PB No.39: G8-F1. 4 (p.65)	3 successive floors (p.10)
PB No.45: G9-F1. 4 (p.66)	3 successive floors (p.10)
PB No.44: F9-F1. 4 (p.66)	2 floors mentioned (p.8)
PB No.46: H9-F1. 4 (p.66)	3 floors (p.12)
PB No.47: F10/F10-F1. 4 (p.66)	E10: F1. 1 mentioned (p.5); F10: 2 floors mentioned (p.8)
PB No.48: F10- F1. 4 (p.67)	2 floors mentioned (p.8)
PB No.49: G10 -F1. 4 (p.67)	2 floors mentioned (p.10)
PB No.49: G10/H10-F1. 4 (p.67)	2 floors each in G10 and H10 (pp.10, 12)
PB No.50: H10 -F1. 4 (p.67)	Floors mentioned (p.12)



Thapran

21. That the ASI should have surely looked about for other explanations of the heaps of brickbats before jumping to its "pillar base" theory. There is at least one clear and elegant explanation. When the *surkhi*-lime mortar

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bonded. Floor No.4 was being laid out over the mound sometime during the Sultanate period, its builders must have had to level the mound properly. The hollows and depressions then had to be filled by brickbats topped by calcrete stones (the latter often joined with lime mortar) to fill them and enable the floor to be laid. When in time Floor 4 went out of repair, its holes had similarly to be filled up in order to lay out Floor 3. And so again when Floor 3 decayed, similar deposits of brickbats had to be made to fill the holes in order to lay out Floor 2 (or, indeed, just to have a level surface). This explains why the so called "pillar bases" appear to "cut through" both Floors 3 and 4, at some places, while at others they "cut through" Floor 3 or Floor 4 only. They are mere deposits to fill up holes in the floors. Since such repairs were in time needed at various spots all over the floors, these brickbat deposits are widely dispersed. Had not the ASI been so struck by the necessity of finding pillars and "pillar bases" to please its masters, which had to be in some alignment, it could have found scattered over the ground not just fifty but perhaps over a hundred or more such deposits of brickbats. A real embarrassment of riches of "pillar bases", that is! Only they are, of course, not pillar bases at all.

22. That it may here be pointed out that when Mr. B.R. Mani the first leader of the ASI team at Ayodhya, excavated at Lal Kot, District of South New Delhi, he describes "pillar bases" of "Rajput style", about which he says:

"These pillar bases rest on stone pedestals and are 2.90 m. apart from each other. They might have supported some wooden canopy".

(*Indian Archaeology, 1992-93 - A Review*, official publication of ASI, New Delhi, 1997, p.9).

A true copy of the relevant extract of the said report of Mr. Mani is enclosed herewith as ANNEXURE No. 1 to this affidavit.

Mr Mani illustrates these four pillar bases in Plates VI and VII of the same publication. Each comprises a number of squarish stone slabs resting on each other with a larger stone slab at the bottom. Yet these were not thought by him to be strong enough to support anything more than "a wooden canopy". And yet at Ayodhya, single calcrete slabs resting on nothing more than brickbats are held by



Signature

the same Mr Mani and his team to have supported stone pillars bearing massive stone structures!

23. That having thus shown that there is no basis for the ASI's illusionary 50-pillared structure, it is still pertinent to ask why the ASI regards a pillared hall to have necessarily been a temple. In this respect the A.S.I. should have noticed such pillared structures of the Begampuri Mosque, the Kali Masjid and the Khirki Masjid, all built at Delhi by Khan Jahan Firozshahi in the 1380's AD the original photographs of which are printed in Tatsuro Yamamoto, Matsuo Ara and Tokifusa Tsokinowa, *Delhi: Architectural Remains of the Delhi Sultanate Period*, Tokyo, 1967, Vol.I, Plates 14b, 18c and 20c. It is astonishing that the ASI should have closed its eyes to such structures; but this is just another proof that its Report is a simple product of bias and partisanship.

24. That much is made in the ASI's Report of the "Circular Shrine" (Report, pages 70-71), again with fanciful figured interpretations of the existing debris (Figs.24 and 24A in the Report). Comparisons with circular Shaivite and Vaishnavite shrines (Fig.18) are made. The ASI had no thought, of course, of comparing it with circular walls and buildings of Muslim construction — a very suggestive omission. The surviving wall, even in ASI's own drawing makes only a quarter of circle, and such shapes are fairly popular in walls of Muslim construction. And then there are Muslim-built domed circular buildings, such as the 13th-century tomb of Sultan Ghari at Delhi, where the inner tomb chamber is circular (See *Ancient India*, official publication of ASI, 1947 volume, Pl. VIII). A true copy of the said Plate VIII is enclosed herewith as ANNEXURE No. 2 to this affidavit.



25. That even if we forget the curiously one-eyed nature of ASI's investigations, let us first consider the size of the alleged "shrine". Though there is no reason to complete the circle in the elliptical way as the ASI does, the circular

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shrine, given the scale of the Plan (Figure 17 in the Report), would have an internal diameter of just 160 cms. or barely 5½ feet! Such a small structure can hardly be a shrine. But it is, in fact, much smaller. The plan in Fig.17 of the Report shows not a circle (as one would have if the wall shown in Plates 59 and 60 are continued) but an ellipse, which it has to be in order to enclose the entire masonry floor. No "elliptic (Hindu) shrine" is, however, produced by ASI for comparison: the few that are shown are all circular. As Plate 59 makes clear the drawing in Fig.17 ignores a course of bricks which juts out to suggest a true circle, much shorter than the elliptic one: this would reduce the internal diameter to even less than 130 cms or just 4.3 feet! Finally, as admitted by the ASI itself, nothing has been found in the structure in the way of image or sacred piece that can justify it being called a "shrine".

26. That, indeed, if the ASI insists on its being a shrine, it is strange that it did not consider the relevance of a Buddhist *stupa* here. Attention is drawn to Plate XLV-A showing "exposed votive stupas" Sravasti, in the ASI's own *Indian Archaeology 1988-89 — a Review*, a true ^{copy} of which is enclosed herewith as ANNEXURE No3 to this affidavit. It is indicative of the ASI's bias that while it provided an example of an alleged circular Shaivite shrine from Sravasti, along with a photograph (Report's Plate 61), it totally overlooks the stupas found there. As shown above the small size of the so-called "circular shrine" at the Babri Masjid site precludes it from being a temple, and the stupa (which is not entered!) is the only possible candidate for it, if the structure has to be a pre-Muslim sacred structure. But the stupa is *not* a temple, let alone a Hindu temple.



Signature

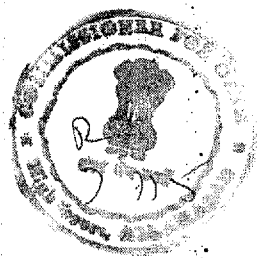
27. That the short report on Inscriptions on pages 204-06, one of which is in Nagari, and two are in Arabic show how casual and preconceived in its notions the ASI was. There is no argument given for dating it to the 11th century: its time range could be 7th-12th centuries; and if so it could be a Pala record of a Buddhist provenance — a piece of evidence negating the presence of a Hindu

temple. There is also no argument offered why the Arabic inscriptions can be dated to the 13th century with as much reason as to the 16th century.

28. That the ASI makes much use of terracotta figures. Yet its stratigraphy is found to be totally wrong. No later figurine or artefact can be found in an earlier layer, while the converse can, of course, be the case. Yet there are a number of cases where layers in different trenches assigned to early Periods by ASI in its table of terracotta objects (pages 219-243) contain items of later periods (as identified by ASI itself) in these early layers. These are evident from the chart given below showing, again, how the propensity to date certain layers early so as to support the ancient temple thesis has landed the ASI into impossible discrepancies. These discrepancies show that (a) the dating of the individual layers is wrong, and (b) the terracotta evidence thus does not support the presence of an alleged temple here built before the construction of the Babri Masjid:-

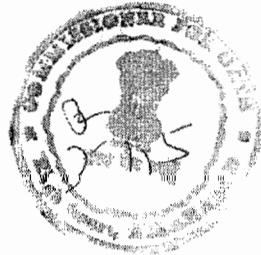
DISCREPANCIES IN STRATIGRAPHY IN RELATION TO TERRACOTTA FIGURINES
(Periods as defined by ASI's Report)

Artefact details	Discrepancies
S.No. 50, R.No. 1027. Part of human figurine. Mughal level. G5, layer 2, below Floor 2	Layer 2 below Floor 2 belongs to Medieval period. It is impossible for a Medieval period layer to have material from Mughal period which is later
S.No. 52, R.No. 393. Animal figurine. Late Medieval period. E8, layer 5	Layer 5 in E8 is Post Gupta (7 th -10 th centuries AD). It is impossible for late Medieval (Mughal) period material to be found in an earlier period
S.No. 67, R.No. 549. Animal figurine. Early Medieval. F9, layer 5	F9 layer 5 is post Gupta. It is impossible for Early Medieval period material to be found in post Gupta period which is earlier
S.No. 69, R.No. 594. Animal figurine. Medieval. E8, layer 5	E8 layer 5 is post Gupta. It is impossible for Medieval period material to be found in post Gupta period which is earlier
S.No. 71, R.No. 607. Animal figurine. Mughal. E8, layer 6	E8 layer 6 is post Gupta. It is impossible for Mughal period material to be found in post Gupta period which is earlier
S.No. 73, R.No. 628. Animal figurine. Mughal. E8, layer 6	E8 layer 6 is post Gupta. It is impossible for Mughal period material to be found in post Gupta period which is earlier
S.No. 76, R.No. 689. Animal figurine. Early Medieval. F8, layer 5	F8 layer 5 is post Gupta-Rajput. It is impossible for Early Medieval period material to be found in post Gupta period which is earlier
S.No. 84, R.No. 739. Animal figurine. Post-Gupta. E8, layer 8A	E8 layer 8A is Gupta level. It is impossible for post-Gupta period material to be found in Gupta period which is earlier



S.No. 85, R.No. 762. Animal figurine. Post-Gupta. E8, layer 9	E8 layer 9 is Gupta/Kushan level. It is impossible for post-Gupta period material to be found in Gupta/Kushan period which is earlier
S.No. 86, R.No. 767. Animal figurine. Post-Gupta. F8, layer 7	F8 layer 7 is Gupta level. It is impossible for post-Gupta period material to be found in Gupta period which is earlier
S.No. 90, R.No. 793. Animal figurine. Medieval. H4/H5, layer 4	H4/H5 layer 4 is Early Medieval. It is impossible for Medieval period material to be found in Early Medieval period which is earlier
S.No. 114, R.No. 1087. Animal figurine. Gupta. G7, layer 10	G7 layer 10 is Kushan. It is impossible for Gupta period material to be found in Kushan period which is earlier
S.No. 115, R.No. 1088. Animal figurine. Gupta. G7, layer 10	G7 layer 10 is Kushan. It is impossible for Gupta period material to be found in Kushan period which is earlier
S.No. 119, R.No. 1152. Animal figurine. Kushan. G7, layer 13	G7 layer 13 is Sunga. It is impossible for Kushan period material to be found in Sunga period which is earlier
S.No. 122, R.No. 1177. Bird figurine. Early Medieval. G8, layer 5	G8 layer 5 is post-Gupta-Rajput. It is impossible for Early Medieval period material to be found in post Gupta period which is earlier

29. That it may be mentioned that in the purely Muslim phase at Lalkot, South New Delhi District, excavated by Mr. B.R. Mani, the first team leader of the ASI at Ayodhya and joint author of its Report on Ayodhya, Mr Mani found "a large number of crude handmade terracotta human and animal figurines" (*Indian Archaeology, 1991-92 - A Review, page 15*). Thus it cannot be argued that the presence of such human and animal figurines suggests a non-Muslim or pre-Muslim association, let alone any affiliation with a temple.



30. That no Vaishnavite images have been found. All finds are stray ones or, as with the black schist pillar, visible within it when the Masjid had stood but not yet broken up by the Karsevaks and buried in the Masjid debris in 1992. Whatever little in stone has come out (as one decorated stone or inscribed slab-used in a wall), like stones with "foliage patterns, *amalaka*, *kapotapadi* door jamb with semi-circular pilaster, lotus motif" (Report, p.271), are in total very few, and all easily explicable as belonging to ruins elsewhere and brought for re-use during

the construction of the Babri Masjid or the earlier Mosque / Eidgah. Moreover, the lozenge design (Report. Plate 90) is probably Islamic (compare Plate 92, with Arabic inscription). The extremely short list that the ASI is able to compile of such doubtful temple-relics shows that they did not come from any alleged "massive" temple at the site, but brought randomly from different earlier ruins.

31. That it is most interesting that while these few stray finds are sought to justify the thesis of the presence of an alleged temple at this site, but when Dr B.R. Mani, the joint author of the ASI Report, found many more similar items in his excavations at Lalkot, South New Delhi district, his conclusions were quite different. He found, in his own words, "a stone *Varaha* figure, two stone *amalakas*, decorated pillar bases, and a number of other decorated architectural fragments reused in later structures or scattered on the mound or in the tank area of Anang Tal along with a huge part of another *amalaka* and pillar bases found in the eastern part of the tank" (*Indian Archaeology, 1991-92 - A Review*, official publication of ASI, New Delhi, 1996, p.12), Mr Mani nevertheless says that this site was *away from* "the temple-mosque complex" and contained the palace of Anang Pal (*ibid.*, p.9). Clearly, in taking the much smaller and slimmer list of doubtful artefacts at the Babri Masjid site as indicative of a temple, Mr Mani and his colleagues have now simply pursued a given brief. A true copy of the relevant extracts of this report of Dr. B.R. Mani is enclosed herewith as ANNEXURE No. 4 to this affidavit.



Sharon

32. That the bias and partisanship of the ASI's Report takes one's breath away. In almost everything the lack of elementary archaeological controls is manifest. The one-page carbon-date report, without any description of material, strata and comments by the laboratory, is meaningless, and open to much misuse. There has been no thermoluminescence (TL) dating of the pottery; nor any carbon-dating of the animal or human bones, although these are necessary for dating the remains themselves and the strata in which they are found, in order to

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test the ASI's own manipulated chronology. Indeed, no care has been exercised in its references to chronology, and Period I "Northern Black Polished Ware" has been pushed back to 1000 BC in the "Summary of Results" (page 268), when even in Chapter II of "Stratigraphy and Chronology", the earlier limit of the period is rightly placed at 6th century B.C. (page 38). The urge is obviously to provide the maximum antiquity to habitation at Ayodhya, however absurd the claim.

33. That quite obviously such claims as made by ASI in its Report and the demands of professional integrity cannot go together. What all well-wishers of Indian Archaeology have to consider is how, with a Report of the calibre we have examined, there can be any credibility left in the Archaeological Survey of India, an organisation that has had such a distinguished past. But now the good repute of the Archaeological Survey of India has also suffered an irremediable blow. (It has been shown up as partisan and subservient to its master's wishes. Its so-called "Conclusions" must be rejected *in toto*.)


Lucknow: Dated
November 7, 2005


(DEPONENT)

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge while the contents of paras 3 to 22, and 24 to 33 of the same, except the bracketted portions of paras 6, 12, 13 and 33, are true to my knowledge based on records and the contents of para 23 as well as those of the bracketted portions of paras 6, 12, 13 and 33 of this affidavit are believed by me to be true on the basis of information and advice etc. No part of it is false and nothing material has been concealed.

Lucknow: Dated
November 7, 2005


(DEPONENT)

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I identify the deponent who has signed above
in my presence and is personally known to me.

Najam Zafar
Advocate

Solemnly affirmed before me

on 7-11-2005 at 10:45 A.M./P.M.

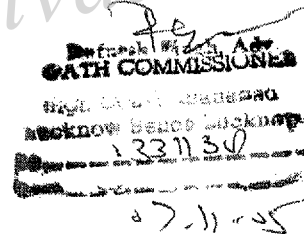
by Sri Dr. R.C. Thakran, the

deponent, who has been identified

by Sri *Najam Zafar*

Advocate, High Court, Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that he
understands the contents of this affidavit which have
been read over and explained to him.



Before : Commissioner Shri H.S. Dubey Additional District Judge/O.S.D. Hon'ble High Court of Judicature At Allahabad, Lucknow Bench, Lucknow.

(Commissioner appointed by Hon. Spl. Full Bench vide order dated 28-10-2005 passed in O.O.S. No. 4/89 Sunni Central Board of Waqf , U.P. & others Vs. Gopal Singh Visharad and others)

Sunni Central Board of Waqfs, U.P. and others ____ Plaintiff Gopal Singh Visharad and others _____ Defendants

O.O.S. No. 4/1989
(Regular suit No. 12/1961)

Dated 07.11.2005

P.W. - 30 Dr. R.C.

Thakran aged about 53 years taken on record.

(Cross examination of P.W. 30 Dr. R.C. Thakran, aged about 53 years son of Sri Tek Chand R/o C-29, Probin Road, Delhi University, Delhi - 7 by Sri Ranjeet Lal Verma, Advocate on behalf of Plaintiff Nirmohi Akhara in O.O.S. No. 3/89 begins)

Archaeological excavation site village Mirzapur, is situated in the west at about one K.M. from the Kurukshetra University stated in para -1 of my examination on oath. Raja Karna ka Qila and archaeological excavation site situated in village Mirzapur is at a distance of about one furlong from each other Revenue village of both is same. This excavation was done in the leadership of Prof. Udaiveer Singh who was head of department Ancient Indian History, Culture and Archaeology. This excavation was organised by the Archaeology deptt. of Kurukshetra University. It was started in 1974. I had participated in this excavation since 1974. at that time I was studying as a student of M.A. previous. At first the excavation was started in village Mirzapur and after one year the excavation was started in Raja Karan ka Qila. The excavation team was

formed by my Prof. Uday Veer Singhji. The archeology department of the university decides the place & time of excavation. The proposal of this decision is sent to Indian Archaeological department, after receiving their permission, the excavation work is started. Both of these sites were ancient settlements.

Raja Karan Ka Qila is not a protected movement but it is a preserved archaeological site. It is protected under Indian archaeological department and its name is entered in the records of this department. Since excavation work of the above site was started in 1974, therefore it is quite natural that permission of Indian archaeological department would have been taken prior to it since I was studying as a student of M.A. at that time, this is why I do not have particular information about the dates of this permission. Apart from Prof. Uday Veer Singh, who was team leader of the above excavation, the team had 25 or 27 more persons. The team had a deputy team leader also whose name was Prof. S.B. Singh. The nature of a particular excavation site is very much important for reaching the exact conclusion regarding any excavation. The excavation sites of village Mirzapur and Raja Karan ka Qila, which I have mentioned above, archaeologists were required in the very beginning, keeping in view the nature of the sites. As the excavation work continued and the archaeological remains were found during excavation, the requirement of other experts was also filled. Generally it is not necessary that all the experts should be present at the excavation site at one time. The report, which is submitted after the completion of excavation, is the work of whole team of that excavation. Himself said that if the composition of the excavation team is to be detailed, then it requires soil scientists, geologists, climatologists, paleo-botanists, paleontologists, anthropologists, hydrologists, chemists, crop scientists, photographers etc. besides archaeologists.

The above experts are necessary in a team of archaeologists who are well-acquainted with the method of excavation and materials obtained in the excavation. It would be incorrect to say that above experts site required only when excavation of a pre-historic site is undergoing, rather

fact is this that they are required here and there keeping in view the sensitivity of the time. There is a trench supervision for every trench in an excavation team and it is his responsibility to inspect the excavation, to record every material found during excavation and maintain a written record of his trench of excavation everyday. Duely identify the layers found during excavation and keep right maintenance of section. After the excavation work starts, only one trench is not required, rather many trenches are required to obtain the information about life style and daily routine of the man who was residing in that locality because the expansion of a locality is not in one line. Therefore, many trenches of such type are required to obtain information about that. The excavation is mainly of 2 types - vertical and horizontal. The length and width of any trench for vertical digging deepens on the height of that excavation sit from the ground level because the length and width of a trench changes according to height of the ground level . The minimum length and width of a trench can be decided but maximum length and width of that trench depends on the height of the site of that trench from ground level. This length would not be unlimited because the height of the site of that trench will also have a certain limit. Pegging is done in the trenches, i.e. peg or put up on all the corners of the trench. length and width of a vertical trench is determined according to height of the excavation site. This is on the technical basis and it has many other ground. The trench for a gentle digging has a minimum size of 5X5 metres. But if the height of excavation site is more, then the size of the trench changes in the same ratio. This is incorrect to say that standard size of a horizontal trench should be 10X10 metres according to archaeological principles. Rather, this size depends on the height of the excavation site. Himself said that if it is assumed that the height of the excavation site is 50 feet, then it shall be kept in mind definitely that proper light should be available by the time one reaches to the natural ground level. So the size of the trench can be expanded in the same ratio. The length of a trench of horizontal when the site of digging is at more height. If the excavation site is small then small trenches are made. But if it appears necessary after digging below during excavation, then 2 trenches can be combined together. If 4X4 metre trench is made then size of this trench would not be against the principles of excavation.

But generally, 5X5 metres trenches are made. The walk between 2 trenches is normally of 1 metre width. The number of sections shall be 4 in both trenches whether made by vertical digging or by horizontal digging. A little difficulty has been observed in deciding the period in the vertical digging and the period is decided tentatively in it. Where as, it is more easy to decide the period in horizontal digging. However, it is not the only basis of deciding period. The work of every member of a digging team has almost equal importance because no other member can perform a particular task which a particular member has to do. Thus, the work of every member has its importance. The work of draftsman begins before the digging. As the excavation work progresses, the work of draftsman expands. Videography is also done along with photography during excavation. The kind of videography depends on the possibilities of unnecessary activities during excavation. Videography is not done continuously but it is in stages. There may be possibility of unnecessary activities in the excavation between the period of 2 videographies but the chances are very bleak. If there is continuous videography then this possibility can be rooted out fully. At any excavation site, firstly the exploration work is done and it is being done by Archaeologists only. After the survey the Archaeologist decides the place of excavation. After exploration, the draftsman draws a chart of the place where the excavation work is to be done. the exact chart of the excavation site is drawn which is called contour Map.

The excavation in Kurukshetra district which I mentioned in my affidavit of chief cross examination, I took part in that excavation with the study purpose. I was present at that time when survey was made for digging of Raja Karan ka Qila. Pegging is not required at the time of survey. Pegging is done at that time when excavator wants to start the digging. Ten days after the survey of Raja Karan Ka Qila, it was decided to excavate it and the layout for excavation was prepared. trenches have also been decided during that period and pegging work was also done accordingly. Vertical system of digging was adopted in the Raja Karan Ka Qila. The length and width of trench was 7X7 meter. Two trenches were made there. These trenches were made at different points. At that time

there was no fort at the site of Raja Karan Ka Qila. There was only a mound (Tila) of about 20 feet height. I was not present on both the trenches during this excavation. Out of these trenches, one trench was made on top of the mound and other trench was made on the eastern end of the mound which was sloppy. I was on the upper trench of the mound which was main sight, Eastern end trench was about 5 feet below the main trench of the top. The upper trench was 7X7 metres. The trench supervision of that trench was Prof. S.P. Shukla. He was P.H.D. in archaeology. Shri Jgdish Chandra was the draftsman. There was no pottery assistant. The main trench was about 20 to 25 feet deep. I had not made my own notes about this trench but I can say what I have seen there. The digging in this trench was done upto the level of virgin soil, i.e., about 25 feet deep. Himself said that it is rule of digging to reach upto the natural soil or virgin soil and even after at least 1 metre below the natural soil. This is done as a rule because one can explore below 1 metre of the virgin soil that whether there was any settlement or remains of any human activities. It is necessary to do so. However, digging can be done even 1 metre below the natural soil. There is no restrictions as such. under archaeology, natural soil or virgin soil is called that soil which is made by nature and which has not even a least human activity. This natural soil is generally compact and undisturbed. Normally, it is not necessary to have water in such soil but despite some part of water exerts or found in it. There remains a possibility of parts of some trees/plants in such soil or mud because when it was inhabited for the first time by man, it was in natural condition.

Sample of natural soil must be taken. Natural soil is also called stryle soil or barron soil. In archaeology it means that no remains of human activity can be found in it. Stryle soil and natural soil can be called can be called at most same. Besides lack of human activities in this soil, it is made up of Raja Karan Ka Qila which was on the top of the mound. I do not remember at this moment that how many layers were in that trench. No report was prepared of this excavation at that time. No article was written about this excavation. I do not remember exact number of total trenches of excavation in Mirzapur village but as far as I recollect, it would have been

20 to 22. The deepest trench among these was of 8 feet because this excavation was done on low mound. Natural soil was not found in any trench in my presence. I was present there on the above 2 sites for about 3 months. I have not taken classes in these 3 months because department normally takes off the classes during such excavations. when the excavation starts, it continues regularly. I was present in both these excavations one and a half month each. I have joined the first excavation after about 7 months. Himself said that same was the position in the second excavation.

My subjects of study in B.A. were Hindi, English and Economics. In M.A., my subject was ancient Indian history, culture, archaeology.

On page 2 of Para 1 of affidavit of my main class examination, Ancient History is written whereas it should have been written Ancient Indian History.

Ancient History includes Indian vedic history also. It also compresses Indian culture. It has contribution of literature too. Archaeology is a branch of Ancient History department. It is difficult to say Archaeology as a branch of Indian History because Archaeology and Ancient History are independent Subjects.

Archaeological Survey of India was established in 1861 and since then it is being taught as an independent subject in either form in universities. I do not have the information that in which University of India Archaeology was taken as an independent subject for the first time. By culture, I mean the lifestyle of the people in any particular region on be named culture.

Question Whether culture is the name of refined
 mental activities business and expressions of
 the men which he found has an evidence?

Answer These substances are parts of Indian culture but there must be solid archaeological (direct and indirect) remains are available to prove it. It cannot be accepted as a historical fact on the grounds of here say.

Activities related with the livelihood of man is the basis of Indian culture. Among these activities, activities of production are mainly mentionable. To fulfill the requirement of good man was compelled to attract further actions. Among these activities, such actions are also included which are related with religion, literary creations and other similar activities.

Question Whether Sanatan Hindu Vedic Dharm is in the preview of Indian culture?

Answer It is certainly a part of it.

Question Whether Indian philosophy is in the preview of Indian culture or not?

Answer It is also an aspect of Indian culture.

Question Whether Indian craftsmanship, architecture, style of house building and style of temple building is in the Indian culture?

Answer All of these are also important branches of Indian culture.

Question Whether language, education, language and script are also in the preview of Indian culture?

Answer There importance can also not be denied.

Question Whether ancient religious institutions of India also represent Indian culture?

Answer These were also subsidiary branches of Indian culture in the particular period.

Culture is not taught as an independent subject of study. Actually study of different aspects of culture is studied in different aspects of culture is studied in different papers.

Question Group of words Ancient History, Culture and Archaeology which you have written in para-1 of affidavit of your chief cross examination and whether you have studied any subject in M.A. classes of Indian religion, Indian philosophy, Indian Language (script) related with field of Culture?

Answer There were four subjects (papers) of study in M.A. first year. Study of Indian Philosophy was one subject among them. Similarly there were many subjects of study in M.A. Second year. Out of these 2 subjects were Indian Scriptures and Numismatics and they are even now, in which teaching was given regarding popular scripts in ancient period for study. Likewise, I another subject, Indian Art and Architecture (Art and Building Construction Art) was also taught in which Indian art and Indian Building construction Art was taught deeply. But this last subject was not a subject of my study. Similarly, Indian Proto History and Indian Pre History was also studied. I had got an opportunity to study about different aspects of Indian culture in these subjects.

Prof. Uday Veer Singh taught Proto History. Prof. Suraj Bhan taught Indian Pre History Prof. Mantosh Kumar chowdhary taught Indian Scriptures and Late Prof. Seelak Ram taught Indian Numismatics. Prof. Suraj Bhan has retired since last 10 years. Prof. Suraj Bhan is the same person whose statement has been recorded in this court.

The sources of Ancient History can be divided in 2 parts Archaeological and literary. Indian Ancient History and Ancient Indian History are different. When we call Ancient Indian History, it appear that it means that India was known by this name from ancient period whereas Indian Ancient History indicates that it is history of the people who lived in ancient period of this part of land which is present India. Rig Vedic literature is one basis for the study of a particular period of both the avow histories.

The interim report of excavation of Mirzapur mentioned in Para-1 of affidavit of my main cross examination was sent to ASI but any report of excavation of Raja Karan Ka Qila was not sent to ASI at that time.

Statement read and verified

(Thakran)

7/11/05

Above statement was typed in open court on my dictation. In this continuation put on 8/11/05 for further cross examination.

H.S. Dubey

Commissioner

7/11/05

**Before : Commissioner Shri H.S. Dubey Additional District
Judge/O.S.D. Hon'ble High Court of Judicature At Allahabad,
Lucknow Bench, Lucknow.**

(Commissioner appointed by Hon'ble Spl. Full Bench Vide order dated 28/10/2005 passed in O.O.S. No. 4/89 Sunni Central Board of Waqf U.P. and others Vs. Gopal Singh Vishard and others.)

Dated : 8/11/05

P.W. 30 Dr. R.C. Thakran

(P.W. 30 Dr. R.C. Thakran in continuation of earlier statement dated 7/11/05 being cross examined by Shri Tarun Jeet Verma, Advocate, for the Plaintiff Nirmohi Akhada in O.O.S. No. 3/89 stated on oath as under.)

I have participated in the excavations of village Mirzapur and Karan Ka Qila as a trainee (student). Normally, the name of only team leader is given in such typed of excavation, name of trainees is not mentioned in the report. In a general way if any report of excavation is sent to Indian Archaeological department, then it is accepted in the same day and it is published also. If integrity of the excavators is not doubtful, then the report of excavation shows transparency in that condition. I have not participated in any other excavation except village Mirzapur and Raja Karan ka Qila but I have seen for 2-4 days during many excavations.

Question Have you never worked as a team leader during any excavation in your experience till date?

Answer Generally a person is not independent for digging. Permissions of Indian Archaeological Department is to be taken before start of digging. A person on work as a leader in any excavation only after getting the permission. I have never got such an opportunity.

Question Whether your desire of being a team leader has been fulfilled or not?

Answer When I was engaged in my research work, many sites were discovered during survey by me, at that time it was my desire to excavate certain sites by putting trial trenches but obtaining permission from archaeology department is necessary for it and when letter of such intent was sent to archaeology department, no decision was taken by the department on my letter. Therefore, opportunity of working as an excavation leader remained unfulfilled.

Question Is any eligibility required for being a team leader?

Answer Certainly there is minimum eligibility required for such work. The excavator must have obtained post graduate degree in Archaeology and must have knowledge regarding excavation techniques under this eligibility. Besides, there must be some practical experience of excavation.

Question Had you not had such type of eligibilities due to which you could not become team leader?

Answer I had all the eligibilities for becoming a team leader but the right to give permission to anyone is vested in the India Archeological Department.

Question Is A.S.I. an independent department in itself or is it governed by any ministry?

Answer Indian Archaeological department is not an independent department in itself but it functions under ministry of culture.

Question Whether A.S.I. department conducts any independent examination for its appointments or its appointments are being made by the culture department?

Answer Generally, any particular examination is not conducted for appointments in this department but there is an interview for appointment on certain posts and this interview is conducted by the U.P.S.C.

This interview is conducted at the national level. People from abroad do not participate in it. only Indian nationals are eligible for it.

Question If any Indian has studied in a foreign country, can he apply for the above interview?

Answer All such candidates who have obtained their academic degrees from foreign Universities and are recognized by association of Indian Universities, then they are considered to be eligible candidates for such posts.

Question Whether interview for only 1 post for appointment in A.S.I. is conducted by U.P.S.C. or interview for other posts are also conducted by U.P.S.C.

Answer Probably appointments through interview by U.P.S.C. for all such important technical posts for archaeological work in archaeology department is made, but this process has been started in recent time. Prior to this, appointments of such type were made by higher officers of archaeology department.

Question whether appointments made in the above manner by A.S.I. have ever come in the preview of doubt?

Answer I have no information regarding this.

Question Is any other excavation in India conducted by A.S.I. other than Ayodhya, under preview of doubt?

Answer Whenever digging begins at any or many ancient sites by Indian Archaeological department, there are certain basic aims before it. After digging is completed, whenever any information is given by archaeology department or team leader of excavation regarding it and after obtaining the information, if any person, who has interest in such a subject, does not find the excavated information and its objects in line or there is a discrepancy in the analysis with a scientific view in the given information or such an information is given to fulfill particular vested interest, there was doubt on such excavations. I have information that there are many excavated sites by Indian Archaeology department where different archaeology department where different archaeologists expressed their doubts from time to time.

Question Why are you answering indirectly to the question?

Answer I am answering only what appears appropriate to me keeping in view the importance of the question.

I have worked in Mirzapur as trench supervision during my service period. I have stated yesterday that I have participated as trainee in Mirzapur but a trainee can also work as trench supervisor. When I has worked as trench supervisor, at that time I had worked as student.

Question Is there any difference or differentiation between work of trainee and trench supervisor?

Answer Work of trench supervisor is assigned to many people from the trainees but it is clear to understand the difference between a trench supervisor and a trainee supervisor or it can be differentiated.

Question I have asked you clearly about the difference of trainee and trench supervisor.

Answer I have already answered this question.

Question Whether prior permission from A.S.I. was taken before the excavation of Raja Karan Ka Qila in Kurukshetra?

Answer Of course the permission was taken because no excavation can be carried without such permission.

Question The report of excavation of Raja Karan Ka Qila (Kurukshetra) was not sent to A.S.I.. Why and what was the reason?

Answer I am not competent to give the reasons of this question because it was decided by the leader of excavators only.

Question Whether you have made any effort to know the reason of not sending the report to A.S.I. about excavation of Raja Karan Ka Qila?

Answer At that time I was studying as a student. Therefore, I never desired to know the reason and it was also beyond my work.

Question You have stated in third to fifth line on Page 2 in para 1 of affidavit of your main cross examination that you have completed your P.H.D. in archaeology in 1993. What was the subject of your research work?

Answer Subject of my research was Proto Historic Settlement patterns in Sonapat district of Haryana.

Question Have you any information or study on any particular fact in relation to History or Archaeology during your study period or your working period?

Answer The subject of my research and study was mainly archaeology or settlement patterns.

Question What do you mean by settlement patterns?

Answer The settlements on certain places for his living and livelihood in a particular region by the man in ancient period or later periods, are studied with reference to geographical conditions and technological developments of man in those settlements.

Question Was your study for any specific era or in reference of a specific period?

Answer Study of History is not related only to "afterwards" or "past", rather this study is about past, present, future all the periods. In such a situation though the period of my special study was Proto or Pre History and Historical period, but during this study the study regarding other periods is also necessary.

Question Whenever you answer you give the reasoning first and then give the answer why is it so?

Answer It is necessary to detail the background for understanding the answer correctly. That is why I do so.

Question You have told your name as R.C. Thakran. what is your caste?

Answer I feel that I am legally not bound to answer this question. Despite, I want to clear for satisfaction of the common man that one doesn't decide where one takes birth and this is why I was born in such a family which is related with Jatt Community.

Question How do you identify yourself ?

Answer Of Course I am present here as a man and I recognize myself as a common man.

Question Do you recognize yourself as a Hindu?

Answer I have clarified in my previous statement that one doesn't decide where one feels, that he/she is not also a man/woman but is a Jatt also and he/she has a religion also. But as I have grown up, I have felt it meaningless and this is why I find myself as a man only. I do not oppose any religion and I also have no relation with any.

Question My question was clear that do you recognize yourself as a Hindu but you have not clearly replied. Please give a straight answer?

Answer Through I have clearly replied in my above statement but even though I again repeat for the satisfaction of all related persons that I do not oppose any religion and I have no relation with anyone I do not have faith in any religions believes in which Hindu religion may also be included.

Question Just now you have stated today in your statement in Page No. 40 "I again repeat for the satisfaction of all related persons". Then are you giving your statement for the satisfaction of related persons?

Answer I have repeated my statement for the satisfaction of all persons present in the hon'ble court.

In today's statement of mine, "Jat" has been used. This word is not related with any particular religion.

I have visited Ayodhya once also before the excavation conducted by A.S.I. at the disputed site. Probably I went to Ayodhya in the year 1991.

Question When you went to Ayodhya in 1991, did you see the Ram Janam Bhoomi?

Answer I saw the disputed monument at that time.

Question Did you went inside the monument and saw it closely?

Answer I saw the monument from inside and outside at that time.

I don't have too much knowledge about architecture, but being a student of History and Archaeology, I have some idea. When I saw the disputed monument, from the architectural point of view it appeared to me like a mosque.

Question So can you differentiate between a temple and mosque?

Answer Most of the times it can be done by me. When I went to Ayodhya in 1991, the motive of my journey was to get first hand information about the disputed monument because this disputed monument was often discussed in academics and various other fields and I had no knowledge about its real complexion at that time I went to Ayodhya in 1991 for my knowledge and satisfaction. At that time I saw the disputed monument as closely and thoroughly as I could. I know for a fact that there was excavation in Ayodhya before it was excavated by A.S.I. in 2003. I don't know when did this excavation took place but I know that it was excavated by 2 important units related to archaeology. I have been very curious to know about the excavation before 2003 and at that time also I tried to know as much as I could. I found a lot about the excavation before 2003 but I would like to present a few points about that here. The excavations were done under the leadership of Ancient History Civilization and Archaeology department of Banaras Hindu University and Prg. B.B. Lal of A.S.I. In both these excavations it was found that in the beginning stage, the people who colonized this place were specialized in special type of clay-pottery which is also called gray wears. In the second stage, colonial remains from the Kush an period were found. In the later periods, some stage

like or podium like sites were found which were not related to the framework of any particular period by then excavator Prof. B.B. Lal. Both these excavations before 2003 were conducted by departments and units for different motives and observations. I got to know about the excavation conducted by Banaras Hindu University from the Ancient Indian History Department of that university while I got to know about excavation conducted by A.S.I. through the books published by them.

I studied the material published by A.S.I. about the excavations before 2003. Between 1970 to 1980, some archaeological sites related to Ramayan under a special scheme. I know about some excavations in North India that were conducted under this scheme, and by knowing I mean knowing about sites. But still the facts that I know cant be verified as proper information. So called Ramayan related sites were excavated under Prof. Brijwasi Lal, I know this for a fact. By so-called, I mean that none of the historians and archaeologists agree with the fact that any of these sites are related to the ramayana period. Prof B.B. Lal has conducted excavation at 14 sites in Ayodhya. I don't know about all the sites but some sites I know like Babri Masjid - Ram Janam Bhoomi site. I am not sure about the fact that when Prof. B.B. Lal conducted excavations in Ayodhya, he held a Post in A.S.I. or not. According to me he was a Professor in Jiwaji University, Gwalior at that time.

Learned cross - examiner took the attention of the witness towards the statement in previous page, "The excavations were done under leadership of Ancient History Civilization and Archaeology department of Banaras Hindu University and Prof. B.B. Lal of A.S.I.". After reading this, the said that this excavation by Prof. B.B. Lal were conducted under the schemes of A.S.I. only.

Question Do you agree with the statement given by you in the above highlighted part?

Answer I agree with the fact that this was a scheme of A.S.I. and A.S.I. gave the excavation job to Prof. B.B. Lal only, under this scheme. That is why this excavation was conducted by Prof. B.B. Lal on behalf of A.S.I. only. I agree with my above statement. A.S.I. did not give me the responsibility of this excavation, but to Prof. B.B. Lal as their representative.

Integrity of Prof. B.B. Lal can be doubted on the basis that how excavation was conducted at some historical sites in the name of historical creatures. This doubt was created on scientific and academic grounds because the Ramayana, which was the ground of this excavation, should have been analyzed through scientific methods. None of these analysis were conducted and without analyzing the reality of this book and the periods in its different stages, it was assumed true as a fundamental book.

According to me Ramayana is a creative work, which is also called an epic. In some states it is also considered a holy book, which means that it is not accepted in this form in all the states. In Delhi and rural parts of Haryana, only partial impact of Ramayana could be found. It wouldn't be right to say that there are less Hindus in Haryana and Delhi, that is why Ramayana has a partial impact there.

The truthfulness of achievements of excavations of Prof. A.K. Narayan were never doubted. I will not be able to tell the gist of report of Prof. A.K. Narayan's excavations. The memory which I have of the era that was mentioned in Prof. Narayan's report is very blur, which is that in the beginning stages, a colony of people using a special type of grey wear

was found. In the second stage remains Broun Kushan period were found. Not much information can be given about colony of people using special type of grey wear. But it on be said that this type of clay pottery was found during a specific period , which means that it was hebetated there before Kushan period can be found. a mixed type of ritual was found related to religion of people during kushan period from the coins of kushan warriors in which Kanishka is wearing achkan (knee length coat), long boots and has some kind of meterial to give Aahuti and his hands are positioned in such a way that he is giving Aahuti and there is a sign of a Yajna Vedi in front of Kanishka. From this position it on observed that 2 kinds of religious attributives. Because according to Indian rituals, shoes/boots are not worn while giving Aahuti in a Yajna.

In the above statement, the 2 religions that I have mentioned can be seen a mixture of Kushan and Indian Vedic rituals. The position of Kanishka that I saw was not seen in ayodhya but at various sites of Kushan periods, such coins were found I have seen such coins in mu_____ and books of coin experts as well. Kushan period is mainly considered to exist between 1st Century A.D. and 11nd Century A.D. I have no knowledge whether some baked bricks, Northern Black Polished Wear (N.B.P.W.) were found during Prof. A.K. Narayan's excavation in Ayodhya. Whatever was found in Prof. B.B. Lal's excavation, from historic point of view, I have already mentioned it in my statement today.

Learned examiner took the attaintion of the witness towards drawing no 39 and 40 on page no. 200 C-1 in a colour album, after watching the drawings the jury said that in drawing no. 39, he saw the mosque in the background, something dome-shaped, but it's not possible to come to conclusions by watching that, I cannot remember if a saw the northern gate of the disputed building when I went to Ayodhya in 1991. There are black stone pillars inside that

building. These black stones are called basalt rocks and they have a very special type of fragrance. I don't know if they are called test stones.

Learned examiner took the attention of the witness towards volume-2, plate no. 82 and 83 of the A.S.I. report. After seeing that the witness said that he could not tell if these pictures are of these black stones only. Because photography can turn black stone into white and white stone into black. Archaeology in itself is an impartial science. But there is no guarantee if the ones who are using this science are impartial or not. This also applies on the archaeological photography as well. When I got the opportunity to see the site in 1991 and when I saw those black stone pillars, at some places on the pillar there were drawings of flowers and petals. I did not see the drawings of animals or humans on that pillar. I cannot say for sure if the pillars that we see in plate no. 82 and 83 were there when I saw the building in 1991.

I saw the excavation that took place in March 2003 in Ayodhya and went on till August. I was at the excavation site 3 times but not once did I see the kind of pillars that we saw on plate no. 82 and 83.

Statement Read and Verified

(Thakran)

8/11/05

Above statement was typed in open court on my dictation. In this continuation put on 9/11/05 for further cross examination.

H.S.Dubey

Commissioner

8/11/05

Before : **Commissioner Shri H.S. Dubey Additional District Judge/O.S.D. Hon'ble High Court of Judicature At Allahabad, Lucknow Bench, Lucknow.**

(Commissioner appointed by Hon'ble Spl. Full Bench vide order dated 28/10/2005 passed in O.O.S. No. 4/89 Sunni Central Board of Waqf U.P. and others Vs Gopal Singh Visharad and others)

Dated 9/11/05

P.W. 30 Dr. R.C. Thakran

(P.W. 30 Dr R.C. Thakran in continuation of earlier statement dated 8/11/05 being cross examined by Shri Tarunjeet Verma, Advocate for the Plaintiff Nirmohi Akhara in O.O.S. No. 3/89 stated on oath as under.)

I firmly remember that I went to Ayodhya in March 2003. Excavation had just began at that time. I stayed till third week of March 2003. The second time, I came to Ayodhya in April 2003 and stayed there for 2nd and 3rd week of April. The third time I visited there in the first week of May 2003 and stayed there during excavation. After that I did not return back there till the end of excavation. While staying in Ayodhya, I used to see the excavation taking place at the disputed site. I was called there as an expert. I did not give any request or permission letter to anyone in relation to this. I came as an expert from the opposition's side. I don't remember the names of the people of opposition but amongst them, I know Mr. Jilani, advocate. When I used to go to the excavation site, I did not take any excavation tools with me because I had nothing to do with excavation. Besides me there were other experts present at the site too, also from opposition's side, I know some of them. Neither do I know exactly how many experts were there from the opposition's (Muslims) side, nor did I try to find out about that. Among those experts I know Dr. Supriya Verma, Dr. Jaya Menon, Prof. S.Z.H. Zafri and I also met them. I met one more expert but I do not remember the name at this moment. While talking about above 3 experts, I knew Prof. S.Z.H. Zafri from before and I

have also met him. But the other 2 experts, I only know them by name and had not met them before seeing them at the excavation site. When we used to go to the excavation site, we were queried and searched for by the security guards at not just one, but a few places. Leaders of the opposition (Muslim side) used to be there as well but they were not there each moment and day. From opposition, as I have said in my above statement, I refer to the Muslim side. We could not take any kind of luggage or bag to the excavation site. We only had our pen, pencil and writing pad with us. Whoever visited the site was properly verified and identified, for which purpose an officer was present there from the Government. Like the Muslim experts and leaders, Hindu experts and leaders were also used to be there.

Learned examiner took the attention of the witness to the main page of Volume 1 (text) of the A.S.I. report. Witness said that he saw the names of Hari Manjhi and B.R. Mani written there. Between them I know Shri B.R. Mani from before the excavation. I met Mr. Mani at the excavation that was conducted under his leadership at a historical site named Lalkot in New Delhi. I have not met Mr. Hari Manjhi before or during the excavation. In the above 'main page', its written with contribution from. Below that, amongst all the names I only knew Shri P.K. Trivedi, Shri C.B. Mishra and Shri Neeraj Sinha from before the excavation. I met them before the excavation.

Question Has the truthfulness of Shri B.P. Mani, Shri R.K. Mishra and Shri C.B. Mishra and Shri Neeraj Sinha ever been doubted before the excavation in Ayodhya in 2003?

Answer I don't know much about since when these above men have been working or the works that they are related to. Generally in Archaeological Excavations, there are many members in a team . That is why I cannot tell in how many excavations the

above gentlemen had been related to. But still I can say that there is no proof or anything at any place whatsoever that we can doubt their integrity. The way how there was excavation in 2003 in Ayodhya and how the excavation site was religiously disputed and the hon'ble high court had given orders, I do not know about such excavations.

Learned Examiner took the attention of the witness to Article 2 of the oath of his main examination. After reading it, the witness, after being questioned, said that he came to know about the orders of the Hon'ble Court over the excavation of disputed site through news – television and papers. The team was selected by the Direction of A.S.I. for excavation at disputed site. It was also selected by some cultural; ministry, about which I don't know much. But this archaeological department comes under this cultural ministry only. That is why there is a possibility that the team could have been selected by joint discussion of both these departments. According to me, most of the members of this team belonged to A.S.I. only. Head Office of A.S.I. is just one but it has many circle offices throughout the country.

For excavation at any site, excavators should be selected and formed as a team. But what kind of members and experts are selected, that has its own importance. When I was amongst the excavators at Mirzapur and Raja Kāran ka Qila, a team was selected for those excavations. I don't think there is any leader of an excavation team who knows about all the required information related to excavation material. Generally a help of experts related to examining of excavation is required. At any excavation site, before starting an excavation a number of factors and regulations are kept in mind and thought over and after that only it is decided how to conduct the excavation. And it is also decided whether to conduct excavation at any one point, at many points or on the whole site. At the disputed site in Ayodhya, excavation began in the Northern direction from J-3.

Question Trench J-3, opened at the excavation is considered a very important trench. Do you know about it?

Answer According to me all the trenches set up for excavation are important because both the presence and absence of evidence is generally important.

When I was present at the excavation site in Ayodhya, it was not possible to make your own personal note. But I prepared a note as much as humanly possible. I made my note according to the routine. But under those digging conditions, I could prepare a note only as much as humanly possible. Generally the members of the excavation, who had the job of supervision of excavation, took notes but those type of notes were not taken, the kind of which were needed under such conditions. By taking notes I mean, the remains that were found in the excavation, however degraded they are, must all be properly recorded and the summary of the recording must be there in the trench notebook so that wherever it is needed to be consulted it could be done. I know that a daily register was maintained by A.S.I. in which, in the evening time, whatever remains found through the excavation whole day were considered important by the excavators, were recorded. I have never seen in person, the book maintained by A.S.I. at the site. Generally, the 'site notebook' is used during excavation.

A 'site notebook' is maintained at mostly all the excavations that take place. It is important also to avoid any any kind of unwanted circumstances during excavation. My work experience at disputed site was very limited. I was only limited till observing the site. I was allowed to watch the excavation but I wasn't allowed to go inside the trench or interfere with the works of excavators outside the trench. I wasn't allowed to give any instructions to the excavators as well. Generally, the excavators neither took any advice from me nor discussed anything at the site. In the beginning days of excavation, we were neither told about our duties

and rights except for watching the excavation nor we were told by any of the groups or departments my limitations related to my work field. But after many days of work at the site I experienced that I could give important information to my side of people related to excavation and the people of our side can pass that information to the related officers. As a result, I did give out information to my side of people and whatever complaints I had related to excavation were used by excavators and they could overcome their faults.

Question should I think that whenever you do any work you do it without understanding your work field?

Answer That would not be fair of you to think because at the beginning of excavation, I was only allowed to make observations, that is what I was told about, and on the basis of that and under my limitations, I tried to do my work as attentively as possible.

Question Were you a part of the excavation site at Ayodhya out of your own curiosity or you were under any form of pressure from someone?

Answer There is no question of any kind of pressure on me for me to be a part of this excavation. Being a student of History and archaeology, in order to know more and more about Indian History and to enhance my knowledge and understanding about history, I took part in this excavation out of my own excitement.

Question Since you did not return to the site in Ayodhya after may and the excavation went on till August, so should I understand that your excitement related to this excavation had lowered?

Answer It wouldn't be right to say that my excitement was lowered or finished. I was always excited and will be but I had to return due to personal and family issues that went on for months so I could not come back. As far as talking about my excitement to know about what was happening and to get information, I tried as much as I could to my level to know about the excavation. But I could not get sufficient information being away from the site. Of course you cannot compare the information that you get from being at the site and reading in published articles to the information that you get by listening from other people's discussions and the word spread around. And under such situations you cannot rely on information that you have heard from other people and mark them as genuine facts. That is why I was limited to the first hand information after that.

Question For the time while you were there at the disputed site, were you also officiated at Delhi University?

Answer Yes I was properly officiated for that time. While I was in Ayodhya in March, April and May in 2003, I was granted leave and permission to leave the station from my department.

Question Were you inspired or encouraged by some one to become an expert?

Answer I was very excited to take part in excavation but I did not know of any ways to do so. In between the time, I was contacted by Shri Zafaryab Jilani on the phone and he wanted me to represent his side as an expert in this excavation and I accepted his offer with full enthusiasm.

Question So if you had been contacted by any Hindu site to represent them as an expert, would you have accepted their offer?

(Shri Zafaryab Jilani objected this question for being hypothetical and so this type of question should not be allowed.)

(The objection was answered by the learned examiner on the point that Mr. Thakran Mentioned his excitement and enthusiasm over the excavation at the site in Ayodhya, so it is a valid question.)

Answer Under normal circumstances, I would have accepted the offer of being an expert from either sides. But the circumstances under which the excavation was conducted were far from normal keeping in mind whatever was going on between both the communities over disputed framework before this excavation, and the incidents that took place in 1992, and also keeping in mind the rules of A.S.I. and the requirement of Archaeology, for me to accept the offer of any such group that do not abide by the above mentioned believes, would not have been possible. I could not have accepted an offer by such type of groups.

Statement read and verified
(Thakran)
9/11/05

Above Statement was typed in open court on my dictation. In this continuation put on 10/11/05 for further cross examination.

H.S. Dubey
Commissioner
9/11/05

Before : **Commissioner Shri H.S. Dubey Additional District Judge/O.S.D. Hon'ble High Court of Judicature At Allahabad, Lucknow Bench, Lucknow.**

(Commissioner appointed by Hon'ble special Full Branch Vide Order dated 28/10/05 passed in O.O.S. No. 4/89 Sunni Central Board of Waqf U.P. and others Vs Gopal Singh Visharad and others)

Dated 10/11/05

P.W. 30 Dr. Thakran

(P.W. 30 Dr. R.C. Thakran, in continuation of earlier statement dated 9/11/2005 being cross examined by Shri Ranjeet Lal Verma, advocate counsel for the plaintiff in O.O.S. No. 3/89 Nirmohi Akhara stated on oath as under):

'Pit' in the view of Archaeology means that any trench in the layers created by human or man or that period in the lifetime of ancient site is digged in the archaeological site of that ancient period that trench is called pit in the language of archaeology. Generally such type of pits are made by man or different activities of man.

Possibility of creation of pit on such ancient site is very bleak due to natural forces and particularly due geological disturbances but if there arises any kind of such situation, it can be easily identified during archaeological excavation. As far as size of such type of pit created by natural forces is concerned if depends on the density of the natural forces but such type of pit is generally not found in any particular shape created by natural forces. As I have stated above the size of pit may be of different types due to effect of natural

forces. Then himself said that such type of pits can easily be differentiated with the pits made by man.

Question Antiquities found in the deposits of the pit and other antiquities found in the same layer, whether the period of formation of the pit on the basis of similarities can be determined of the common antiquities in both?

Answer If it is accepted that the trench was created in the layer of a particular period and remains are present also of that layer and no remains of any other layer are in this pit the generally in this situation the period of creation of that layer may be associated with the period of that layer in which that pit was dug and remains of that period are also found in the pit then it mean that the period of that pit can be determined according to the period of that layer.

From the archaeological view, "dump" means that when man had lived on any ancient site or he was involved in other activity then the man used to put all his undesirable materials at a point as a heap according to his necessity and wit. This action at ancient sites can be observed in two forms. In the first form it may be assumed that the man had put all the undesirable matters in any nearby pit. In the second form it may be assumed that there was situation of any pit at the ancient site and only plain field is available at the ancient site instead of any pit then in that situation the undesirable matters may be collected or put on that plain field. Therefore the heap of such undesirable matters created by man is called "dump" in archaeology.

Question If any antiquities is found in the dump, can it be called antiquities?

Answer Whatever material available in such kind of dump is assumed as antiquities from the point of archaeology but this is another thing that the antiquities may be related with the activities of the man of period of that dump or it might have been that they had been put as a dump taken from some other place from the activities of man of that period.

Question Can there be such a dump which was made up demolition of any old monument?

Answer It has been found generally in archaeology that whenever any old building or monument got desolated in a natural way then material of it are found at the same surface in a deposit form at the surface where this building was situated. Such kind of desolated material created by natural forces are not assumed as dump.

Then himself said that if it is assumed that any very large monument fallen down due to effect of any natural force then it is clear that the debris will be found as a deposit at the site of the monument. Such typed of deposits are called deposits formed by destruction made by natural or human forces and it shall not be called dump. The materials and sculpture which are available in the debris of such desolation need to be studied and it is special responsibly of an archaeologist.

Question Can any archaeologist determine his historical findings in his observation which shall be on reasons and grounds if he finds such material?

Answer The available remains in such kind of devastated material are true and the person, who analyzes it, is independent what ever he analyzes and reaches on a certain conclusion, all its objects. He can present his opinion on the grounds of

his assessment. Then himself said that however it does not mean that the conclusion is finally true. Different archaeologists and historians may analyze the same material in different ways but only such analysis can be called unanimous which has been presented on the basis of scientific method of analysis.

Question If 95% of the above material have been analyzed and 5% material have been ignored, I mean to say have not analyzed, then can this analysis assumed as true?

Answer It is the responsibility of the archaeologist that he should analyze the available remains of a site in a particular period on the basis of all available methods of analysis of the remains of that particular period in complete. The analysis, which will be done on the basis of partial remains or ignoring the partial remains, can neither called in the interest of archaeology nor in the intellect to understand the history of human society such analysis will generally be called as partial.

Here my mean of bias is that at the time of archeological analysis all the available facts and method of analysis are not makes the ground and by doing so he is not discharging his subject matter, rather to fulfill some of his motive, the favourable residue is available in the collapse contents, are being used to fulfill his limited purpose. Such kind of attitude shall be called biased.

The motive of an Archeologist is to find the facts, its scientific analysis and to reach to close of the truth. It would be proper to say such analyst who favor of a scientific analysis, cannot be called biased.

Q. You have stated in your statement about having biased, is such biased is because of giving opinion keeping the interests in the any person or group of persons?

A. It is not so. It would not be proper to assume, because here any person or group of persons has no concern rather I think it biased as it has concern with the persons who are making the analysis of the archeological residue and the purpose for which this analysis is being made.

Q. Is streetograp has special significance in the excavation of trench?

Ans. Streetogrp definitely has most significance for the proper analysis of archeological excavation and excavated material.

Q. What is Stratification i.e. stratification of layer?

Ans. For determination of any of the layer in Archeology, nature and shape of the material specifically found in that layer and type of soil is include, this works as main ground for determining the layer

Whenever layer is identified during the excavation in the archeology then it is necessary to know that what is the structured of the soil of that layer and what is its colour, whether it is human made material or not, these things are specially taken care of. Although, above ground is important but despite that it is not clear from the layer that this layer of the residue of ancient age is different. To identify the same archaeologist should have to identify these layers separately according to the archeology rules. Thickness of the layers can be separated. There can be various reasons for separating the thickness.

Question. What is contemporary layer?

Answer. When any archeological site is excavated and during such excavation whatever the material is available from such layer, in case this material is also obtained from any other layers from other excavated sit, then such types of layers of different archeological site are generally called contemporary on the basis of equality of material.

The layers keeping similar articles from the various trenches in one archeological site is generally considered as contemporary layers. In case the level of the layers keeping similar residuals in the various trenches of one archeological site is high down then this layer is interconnected and required to be analyzed. In case upon analyzing if it is found that the residue found from the layers are similar then also theses layers can be called contemporary. Vol. said the level difference found in the various trenches of one archeological site, its basic reason is that at the time when this layer is being made at that time the site of freezing place of these layers is high and down. Such differences have the other layer that the intensity of human activity varies. Thirdly sometimes various articles are freeze in a layer. Therefore possibility of its thickness became more; therefore it is obvious to have difference in the level of layers.

Question. Upper layer is called ceiling layer, is it correct to say?

Answer. Ceiling layer can be seen in different references. The residue of the ancient human activities on any archeological site which are covered by a layer, it can be called ceiling layer. Similarly in case any pit is excavated by the human at any archeological site and

thereafter the layer covering the said pit is also called ceiling layer.

Similarly the layer covered to the residue as a dup at any archeological site then it is also given the name of Ceiling layer.

Similarly other some possibilities can also be ceiling layer.

Question. In reference to the layer in archeological, the levels are cut, the procedure of its cutting will be called ceiling cut-et in English in Archeological science or not, such below level will call cut-through or not?

Answer. In archeology, according to my knowledge, or according to archeological parlance, such type of term is not preventing. Although theses both the terms are related to English Language which according to my understanding its mean is as under - Whenever we used 'cut-et' term then its means is that the level of excavate for which we start excavation, it is called cut-et this point" or cut-et this place". Similarly the term of cut-through is, its means that during the excavation executor has through excavates the layers. In this manner it has been considered that in case any pit is excavated by the human at any archeological place, then in this regard above both the terms are used in the same reference.

Upon excavating the trench, layer of the streetograpy is marking from above to below whereas marking of the various cultural ages received from the excavation is made from below to above. In case layer 2 is established over layer 3 then it will be deemed that layer 2 was resisting on layer three.

Question. In which manner "free standing wall will be defined in archeological science?

Answer. I have not got the chance to get information in the subject of such type of special term nor do I have knowledge about this that in the archeological parlance such type of terms are in prevalent.

Question. In case during the excavation any such wall is found in which bricks holes are engage in the regular course, is this wall is called construction under the archeological science?

Answer. Yes, this wall will be called construction.

Ceramic wares are called pottery. Pottery can be divided into genres. These potteries are found in several shapes in the archeology. It would not be possible to discuss in detail about all types of ceramic shapes. But even though some shapes can be discussed here. In such shapes, jar, pot, dish, bowl, wash basin, tumbler, cups, lid, etc. are mainly found. But it does not mean that shape of these all utensils were found similar in all the eras. I would not tell about this that the cultural movement held in France its effect was put in the shape of the Pottery of India in 14th - 15th Centaury or not. Whatever the relations of France, Dutch, Greece, Holland, Portugal etc. countries established with various areas of in India due to the commercial activities, it has affected in the art of Indian pottery in any form. These effects are affected in the prevalent pottery art and can be seen in various forms.

Statement readover and affirmed.

Sd/-

10.11.2005

Typed on my dictation by the typist in open Court. In the same order be put up for further cross examination on 16.11.2005.

Sd/-

(Hari Shankar Dubey)

Commissioner

10.11.2005

BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District Judge/ Special Executive Officer, Hon High Court Allahabad, Lucknow Bench, Lucknow

(Appointed vide order dated 28.10.2005 by the Hon'ble Special Bench in other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors.

Vs. Gopal Singh Visharad & Ors.)

Dated 16.11.2005

PW-30 Dr. R.C. Thakran

(Cross examination of PW-30 Dr. R.C. Thakran in other original suit No.3/89, continued from 10.11.2005 by Shri Tarunjit Verma, Advocate on behalf of Plaintiff Nirmohi Akhara).

Third time I came to excavation place in Ayodhya in the year 2003. At that time from which date to which date I stayed there is not remember to me at that time. In the early of May 2003 I had come Ayodhya. Excavation work was completed in August 200, but actually when it was completed is not remember to me. Earlier I have stated in my statement that I did not went in the trenches. After the excavation A.S.I. has filed report and Court had granted permission to the parties to went to the trench and can inspect through their specialist, but I do not have knowledge that permission for photograph, section scraping and section touching was granted or not. I do not know that this permission was granted by the Court on the application of Sunni Central Board or not. In the early of May 2003 after visit to Ayodhya till date I did not went Ayodhya. After the early of May 2003, my curiosity to go Ayodhya and see tranches at excavation place was continued and still continues, but I could not get its chance. After the demolishing of disputed building permission was required to go at disputed place, but apart from this permission also due to the personal circumstances my visit to their could not be possible. I was not stopped by anyone to go to excavation place.

Generally no permission is required to go at any excavation site, but excavation of the disputed place has special significance and it was being done in a special circumstance, therefore prior to visit their permission was required. I do not have its knowledge that after the expiry of excavation permission was granted by the court to the parties, advocates to go at excavation site or not. In case I would have such knowledge then definitely by taking the time I would inspect the excavation place.

Question. My suggestion is that you without understanding anything decide in your own mind that whether it is right or not.

Answer. I, like other conscious people tried to understand on the basis of my own discretion and tried to give reply only after the due understanding. Therefore it would not be proper to say that without due understanding I tried to give arbitrary reply in my own manner.

In my aforesaid statement I have stated according to my knowledge that permission is required prior to visit at excavation site.

Question. In your today's statement you have mentioned the govt. permission for visiting at the excavation site at Ayodhya, whereas there is no any problem in visiting there and inspecting the excavation site and concerned party or its specialist can easily did such inspection, what you have to say in this regard?

Answer. In his regard I say that according to my information I know that prior to supervise the excavation site prior permission of the Court is required and on the basis of this information I gave reply in the above lines. I further want to repeat that I still had no knowledge to this fact that being a specialist I

am competent to inspect this site whenever I want or on Sunday.

Question. Is entire affidavit of your chief examination is made only on the basis of your information?

Answer. The information I have regarding the excavation of this site during the excavation, and the information of excavation obtained from the report filed by Indian Archeological Department, after reading the same I got the information and I have available the information about the technical and requirements of the archeology subject, on the basis of which I have prepared my affidavit.

Question. How many books have you read in relation to this disputed place (Ayodhya)?

Answer. In relation to the excavation site the information published I had read the same. In relation to only excavation subject and in the technical subjects I have read the analysis and I have its knowledge

Question. In relation to Ayodhya which historical book is not read by you?

Answer. In this regard in case I have been stated in relation to historical books, the I would give it correct answer because till it is not clarified that which books is deemed historic but the ld. counsel till then it is not possible to reply according to it.

Question. What do you understand by historic books.

Answer. Whatever is to be composed in on the subject of any era and from this composition various information is relation to that

period, such texts or such composition are generally given name of historic text. But for the study of history scientific analysis of the said information is very necessary. Till such analysis of such provided information is not made from the texts till then such information being received from such texts cannot be accepted as a historic material.

Question. Have you studied any historic book related the habitation of ancient era of Ayodhya, physical, historic, rajvansh and any historic book related to any dispute arose in relation to the Ayodhya or not?

Answer. Prior to reply to the question asked by the Ld. Arguing counsel, I have told that in case you discussed the book then probably I would be able to tell that which book is studied by me or not.

Question. Have you read any book concerning to Ayodhya or Ayodhya dispute?

Answer. Whatever the old compositions relating to Ayodhya, I have not read them. How the Ayodhya dispute starts in this regard I have not studied any special ancient book. But I got chance to read some books regarding Ayodhya dispute, excavation of Ayodhya and some material published regarding excavation of Ayodhya.

Question. You have stated in your statement dated 09.11.2005 that you are curious to know about the Ayodhya dispute. Despite of that curiosity you have not read any special book, and only reading the common and general book shows which of your curiosity?

Answer. First of all I would like to clarify that the material pertaining to excavation of Ayodhya cannot be kept in the category general material or writing and whatever the publication made in this regard is very important. I have read it. And so far as the question of my curiosity about the Ayodhya dispute is concerned, this curiosity cannot be ignored by saying or its importance cannot be less that I have not studied other ancient compositions regarding Ayodhya. My subject is archeology. The curiosity of archaeological information was equal to me and still has and for the fulfillment of this curiosity I studied the information of the excavation available or which information I can get for the study and thereafter made my own analysis. In relation to any such era of history we have available literary composition and also has archeology science, as such without the historic compositions it is impossible to depend on the information received tested on the logic. Especially about such archeological place which excavated material are available. Then special significance is given to the excavated material for the analysis. For the scientific study of such historic places literary compositions are not made the ground nor on the basis on these compositions archeological material is analyzed, whereas just contrary to the same archeology and archaeological materials are considered as ground to justify the authenticity of the literary compositions. When archeological residue available from the excavation is available then studies these residual is very important and hence I have also studied the archeological residual.

Question. In your today's statement you have mentioned that have not read any special book, rather read the published material., then the "special word" mentioned by you above, thereafter only common word is left, what do you say on this point?

Answer. I have used the "special word" on the question of historic book , where my mean was that in case there is point towards the special ancient composition the reply should be given in the same form and where common word is used, in common historic composition several published materials can be included. In my above reply special word is used by me in relation to the published information.

Question. What do you mean with ancient composition?

Answer. Two meanings of ancient compositions can be extracted i.e. It can be used in two manners. First meaning shall be used in view of the study of ancient subject, then its meaning shall be the same which the books of ancient era, or comparisons are composed, point out towards the same. Secondly according to you when is used it is used in the common parlance , then its means is understood the same which is prior to today or prior to one specific time , which is not too old, the composition composed point out towards the same. In both the views it has specific significance.

I do not remember the names of this book of the ancient composition , which has relation with Ayodhya.

Question. Is history is also used as a source in archeology?

Answer. Yes, history is included in the main sources. because in the archeology history relating the human life is being studied.

During the excavation when I was remained present at the excavation site, then I had seen that the relic excavated received from the excavation, their recording was made, but recording of all types of relic were not made.

Question. The relic received during the excavation in Ayodhya, whether their indexing (numbering) was made?

Answer. Yes, I do have knowledge to this fact that whatever the relic available during the excavation, and which are considered as important by the excavator, these relics were marking during the excavation.

Question: Above relic which marking is stated by you I, whether these marking was made at the dispute place in a big courtyard near in the east of make shift structure.?

Answer. Yes, I have knowledge that during the daylight excavation of the above place the relic (alleged important residue in view of the excavators), their marking and listing were not made there but made at some other place and thereafter such listing antiquity was being given to the present supervisors or other present persons prior to finishing everyday work by the excavators.

Question. Were you satisfied with this marking of the antiquity?

Answer. The manner this marking, recording and listing was made by the excavators, in his view only important antiquity were being marked and I am satisfy with the same, but the manner in which various materials were being ignored, I am not satisfied with the same.

Question. The ignorance of the antiquity stating by you, its number was low or very much?

Answer. First of all it would be proper to clarify here that what is my meant with antiquity. In my view all the things (materials) can be include in the category of antiquity or the antiquity which has concern with human activity and human efforts, as such whatever the information

was received from the archeological site in the form of relic, these recording, listing and preservation is necessary. On this ground there were certain articles which recording is neither made in the beginning nor marking, nor their listing is made and nor they were tried to be preserved. To analysis in view of the statistics in the archeology there is need to include these entire excavated relic, which has not been done during the excavation.

Question:- Can you tell about such important relic, which were found during the excavation, but executors have not made their marking and recording ?

Answer:- Yes, definitely I can tell recording, listing and analysis of which relics are not made as per need. In such materials mainly the bones found at the excavation site are not considered. Similarly the soil found in the form of various stratification, this soil is also ignored, which should not be done, because such soil which is neither similar to normal soil nor is useless for the study in view archeological view. Here the manner we wanted to study through excavation, this was only not concerned with the old building present at the site, and rather during this excavation actual purpose was to study the overall activities of all type of residents of all the eras and entire life be of the archeological site can be illustrated. The soil discussed by me above, this soil is a huge reflection of human activities, in which residue of certain types of plant and grain is available. In the normal circumstances these residue are not visible, therefore to identify them and to separate micro to micro residue, a special archeological method of the analysis of soil is used, which is not done here or is not properly done. As such it depends upon the analysts to give how many percentage of importance to this material.

Question - My question was very clear that during the excavation of 2003 which was done in Ayodhya, in your presence any such important relic is found, which marking was neither made by the excavators nor recording was made and listing was made and same was made useless and thrown then please tell the name of such relics?

Answer. I have given the answer in the aforesaid lines as per my understanding, but maybe it was not proper and hence I am again giving its answer. In the above lines I have discussed two important relics (bones and soil received from layer) this is its answer.

In the relics definitely soil is also taken, but this soil is the same in which human action is compounded or has been found. I had told to the people on whose behalf I was present as a expert at the excavation place that soil which is useful for the archeology is being ignored by the excavators.

Question. Was this fact came into your knowledge that any objection in relation to not recording the relic of soil in archeological view by the excavators, was filed or not?

Answer I have idea that on behalf of the concerned party this thing was reached upto the officials as a result of which analysis and recording work on the soil received from the excavation was starts, but excavators have only start this work (analysis) but there was another important action which has not been started. This action is to analysis the soil relieved from the excavation in two manners, in which by the analysis the soil is filtered with a fine sieve and according to second method this filtered soil is analyzed in the water according to flotation method. The purpose of both the methods is that the in the soil received during the excavation any such small to small relic giving information of the human

actions would not be gone. As a result of doing such actions, whatever the information received as a relics or their presence, this helps the overall human actions. The layers received in the archeological site, on the basis of this soil the place of origin of the soil can be imagine.

Question. Out of the two methods to analysis the soil received as a relics, which method is used by A.S.I.?

Answer. According to my information excavators have used the first method (which is also called method of filtration i.e. dry sieving).

Question. You have referred the soil as a relic, is this related to the special layer or this apply in for every layer?

Answer. At all the types of archeology site in the normal circumstances two types of soil deposit are available. In first soil deposit is found in the form of a layer, the residue founds they are result the action of natural powers. Generally such types of layer, The upper surface of the uninhabited archaeological site or whenever archeological site became uninhabited and remained in the same condition for a long time, because of such circumstances it found in frozen state. In such layers created from the natural actions present of relic is not found to give any due information of human actions. The second type of layers are constructed in which regular relic of the human action are found. In this manner the layers found at the archeological site created in the ancient time and the soil available in these layers, is important or the study of archeology of natural created and human creation.

Question. For the study of these relics of soil analysis of the soil was necessary for only one trench or all analysis of the soil taken from the excavated all trench was necessary?

Answer. Taking into consideration of archeological and historic significance of archeological site it was necessary that instead to analyze the layer of only one trench or soil all the layers soil, the soil received from all the trench would be analyzed.

Question. What quantity of soil is required for the study of these relics of soil?

Answer. It is not the question of analysis of the such part of the soil being received during such excavation, rather whatever the soil in whatever the quantity received during the excavation, it is necessary to analyze this entire soil.

Question. For study of such relic of the soil at the disputed place, much time can be wasted which is not possible in view of the judicial proceeding, in this regard what you have to say? Please tell.

Answer. Whatever the importance of excavation site in view of the Indian History, considering the same there was need of long time for the excavation of this place and hence for the proper analysis, I do not think it proper to frame a time limit for excavation for proper analysis within the limited time. In such excavation the possibility of spending the time is expressed, is not proper because during the excavation there is need to adopt all the methods and techniques, which are known at that time and for getting the detailed information about every aspect of the human actions through excavation, for which it is necessary to analysis the excavation beyond the time limit.

Question. Apart from the residue of bones and soil, what were the relic which are considered unnecessary by the ASI and did not studied and thrown the same or removed, please tell in this regard.

Answer. I would like to clarify here in this regard that one special type of glazed ware were also found during the excavation. Initially these glazed wares are not give any significance by the excavators, apart from the glazed wares proof of a special tile (glazed tile) is also found during the excavation. Although these both types of relics were important in view of the study of archeology site and are.

Question. You have stated above about the glazed wares or glazed tiles, in which period they would be concerned, please tell?

Answer. In the archeology whatever the relic are available (along with glazed wares and glazed tiles) these all relics were of special era or were prepared as a result of technical knowledge and it use prevalent in that era. As such this relics represents a special era and technical knowledge. According to my knowledge such type of technique was starts in the Arab Countries and at the time when contact of the Arabians was established with the India at that time start of such trend of glazed ware is considered to be starts, which means that since the 7th Century such new trend was started in India.

Question. The Arabians of 7th Century referred by you in your statement, is any historic proof is found for their dynasty?

Answer. The relation established between the people living in Indian continent and states of Indian continent with the Arabians, this was not limited upto any lineage of lineages, rather was more with the general public and the activities or action taken by them, their proof are found in history in any of the form.

Question. Today you have stated at page No. 73 line o 9 and 10 that “in the excavation of Ayodhya..... found” please mention the material published in it, which you got chance to read?

Answer. I had discussed but the material relating to the excavation of Ayodhya, which I got chance to read, in which old Indian history of Banaras Hindu University and the residue found in the excavation by archeological department, I would like to discuss it. Similarly Pro. B.L. Lal has conduct the excavation at this place in the seventies of last contrary, I also got chance to read the its published editions, apart from this archeological department has conduct the excavation in the year 2003 and its report was produced, I also got chance to read the texts of the said report. Therefore whatever the material published is regarding the excavation of Ayodhya was available, I read same and tried to understand.

Question. You have stated in the part of your today’ statement at page No. 74 , that I also have studied the archeology relics. Which are these archeological relics which you read, please tell about the same?

Answer. It would not possible to give detailed statement here about all the relics, because there are several relics, but out of them name of some relics can be disclosed. In these relics I would like to include glazed wares (various ceramic wares), bricks, floors, alleged pillar bases, bones, wall, water tank, alleged shrine layers (stratification) etc.

Question In the statement given by you today at page 76, 8th and 9th line from above, “alleged important relics” please tell what were these alleged relics?

Answer. My meant to the alleged relics was that at that time in the view of the excavator of the archeological department whatever the relic were important for the excavation of this site.

Statement is read over and affirmed

Sd/-
16.11.2005

Typed on my dictation by the typist in open Court. In continuation be put up for further cross examination on 17.11.2005.

Sd/-
(Hari Shankar Dubey)
Commissioner
16.11.2005

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**BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District
Judge/ Special Executive Officer, Hon High Court Allahabad,
Lucknow Bench, Lucknow**

(Appointed vide order dated 28.10.2005 by the Hon'ble Special Bench in
other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors.
Vs. Gopal Singh Visharad & Ors.)

Dated 17.11.2005

PW-30 Dr. R.C. Thakran

(Cross examination of PW-30 Dr. R.C. Thakran in other original
suit No.3/89, continued from 16.11.2005 by Shri Tarunjit Verma,
Advocate on behalf of Plaintiff Nirmohi Akhara).

I have read the ASI Report. I do know that Hon'ble Court has
sought the report in relation to the disputed place from A.S.I. I do not
have knowledge in this regard that Hon'ble High Court has sought a
report with any particular purpose. Vol. which meant that all types
information received from entire method of excavation or violating the
relics report be given.

Ld. arguing counsel has drawn the attention of witnesses towards
Volume -1 of ASI Report (texts) at page No.9 four lines written below the
title "Objective and methodology", witness has seen it and said that I
have read this part of the report. Attention of witness drawn at page No.
272 of this report, second para first 7 lines and after reading the same
witness said that I have read these lines of the report.

Question. How many parts of human history related to archeology can
be done?

Answer. For study of human history in view of archeology, human
history can be divided in several parts. In which history (prehistory)
Proto- history, early historical period, historical, early Medieval period,
medieval period, late medieval period and modern era can be divided. I

have made this division on development chain of human history and which are being read, on the basis of the chain of development the entire Indian history period is divided in the above parts.

Question. On which basis you made the division of medieval period?

Answer. For the division of any period its development is the main ground. Similarly in the medieval period also there are its own grounds, in these grounds main ground is that in this period introduction of a particular type of economic development is seen. According to this economic ground the method of the agriculture production, in which important effect of some particular persons of society is found. Its mean in brief is that agriculture production is done according to a method and accordingly development procedure of the society is understood.

Question. There was a particular method of agriculture production in the medieval and this was continue from which period to which period?

Answer. In the medieval agriculture production work was done according to the provision of feudalism and so far as the question of its period of its custom is concerned, in this regard it can be said that generally this was found to be started in early medieval period and it has been seen effective till the beginning of modern period. But it does not meant that after the beginning of the modern Indian period this custom was ended completely.

Question. In view of the Indian History the feudal custom stated by you remained exists from which period to which period?

Answer. Broadly his custom started in 7th Century AD and effective in the middle of 18th Century.

It would not be proper to say that in the archeology view of the archeology Physical division of human history is made in the stone age, bronze age and iron age, because significance of the archeological study is for the study of human history and not only for study of human life in above three periods. It is true to say that archaeological studies are done by keeping humans in the center.

Question. I say that for the information of the unknown of the past of the human, it is necessary to have systematic study of the cultures of this period and country, in this regard what you have to say?

Answer. After listening his question I could understand that Ld. Arguing counsel wanted to know about the significance of archeological study about the period of the human culture in which regard we do not have available written sources and secondly wanted to know about the significance of the archeology of the period, in which regard we have available written sources. In this regard my understanding is that in both of them if we want to study of any of the period, study of archeological keeps important role and while studying archeological in case information of written sources is available about the cultural period, then also the material received from the archeological study is considered to be more significance and therefore on the basis of the residues available from the archeological study the mention found in the written sources they are perused. It is not appropriate to consider that archeology should be studied for the fulfillment and satisfaction considering the literature information as leading.

I am not saying that for archeological study it is necessary to have a written material. During the survey the material (archeological residue) available from the layer or archeological residue available from

excavation Archeologist can be studied in its own manner and furnish in writing according to his own understanding. In case any written information is not available in relation to the relics then also Archeologist can study it.

Question. How many parts of humanized antiquity can be divided?

Answer. Humanized antiquity can be connected with human activities. As a result of human activities the antiquity available from the activities, these residues are considered as a antiquities. So far as the question of division of humanized antiquity is concerned, in this regard my own classification is not based on one or two ground rather the antiquity created from human activities can be divided into various parts. This division is depends on the material received from the excavation. Yes. Humanized antiquity can be divided as movable and immovable antiquities in the economic views. To understand the movable antiquity we should know that the relics can easily transferred-shift or transport easily from one place to another place, they can be seen as a movable antiquity. Example of the movable antiquity is utensils, ornaments, agricultural equipment etc.

The glazed wares found during the excavation, on the basis of study of these glazed wares, we get impression about the life-style of the person living in that place and in particular period.

Question. Because of the commercial activities in case any antiquity came from some other country to a certain country then this antiquity will fragmented the culture of that time?

Answer. During the excavation at any excavation pace, whatever the relics are available in which glazed wares are also included, these relics

can also come through any commercial activities or had come, this thing cannot be ruled out, but at the time when attempt is made to know and understand the reason of these relics reaching at the excavation site, then definitely there is need to know about all these relics., which are found there as a proof of commercial activities. In case apart from the glazed wares subsidiary residual to clarify the commercial activities are not available then in that event possibilities of reaching such glazed wares in the large quantity at the above place through commercial activities is reduced. The residuals in the form of glazed ware having relation with foreign are received at the excavation place, definitely from these residuals I do not understand any reason for any fragmented of the culture of that place at that time, but I do understand that the new type of glazed wares which are in prevalence, they are pointed out a new type of cultural system or method.

Residual brought by the foreign invaders and Sporadic residuals which are left behind and duly found during the excavation at the archeological site regularly in a particular period, here is need to understand both the types of above residuals and definitely there is need to see their effect on the cultural residual of the residual of the certain tie at that place, because affect of both the types of residuals will be seen spritely in during the analysis.

Question. Whether because of the sporadic residuals left behind by the foreign invaders, the original form of the Indian culture of that time will end?

Answer. I do not think so that by leaving the sporadic cultural residuals by the foreign invaders original culture of any place will changed But in case the residuals related to the foreigners are found

continuously then definitely it cannot be ruled out that they have influenced the culture of that place.

In the Indian culture clothes and ornaments are found in various types in certain period but continuity is never found in it, because they point out the changes and continuity in the human activities and the changes come this is not as a incident father as a part of continuous development.

Question. In India, the style of wearing ornaments of Arya and Anaryaas and their wear were different, in this regard what have you to say?

Answer. In relation to above social communities, I do not have available any cogent archeological material, on the bass of which I can say that such persons and such community persons were Arya or person of such community were Anarya. Therefore the question of their wearing from me does not seek logical.

What is the meaning of logic, I do not know. Further said here meaning of logic was clear and I think it was not required to ask again. It is correct to say that the ancient period poetry, drama and novels of the India i.e. in the literature of Kalidas and Vatsyana, detailed description of the wearing of the Indian people and their culture and ornaments is received. It is can be possible that in this literature details of Aray and Anarya are also found. Kalidas were in Gupta era. Vatsayan were also his contemporary.

Question - In the literature of above Kalidas and Vatsaya, dancer is shown carrying bedi, kanchuki and the saree tied in navel, in this regard what you have to say?

Answer. I do not have knowledge in this regard that Indian dancer is shown in this form or not, but such pictures are found in the literature composition in time to time.

I do not have knowledge in this regard that in the above literature such type of clothing is mentioned or not. So far as the question of such engraving on the such clothing f archeological residuals is concerned , in this regard I can say that it is not necessary that same to same clothes are shown in the pictured, but various types of dresses area shown in the antiquity through engraving on the clothes in time to time. I did not visit Khujrao and hence I cannot tell that such type of engrave is also found in the decoration of temples or not. I also not went Gola Math, Satna.

When I went first time in Ayodhya then I saw their picture of dancer on the pole of black vaslat and male with the above detail, is not remembering to me. The excavation was conducted by Prof. B.B. Lal at Ayodhya in 70th century, in this century, I do not have knowledge about the picture of dancer and male. I heard name of Shri K.v. Sundrajan Ex. Joint Director General, Indian Archeology Department. I do not knowledge about the report of Sundarajan Sahab about Ayodhya. I am not remembering that any report of K.V. Sundrajan, is in relation to excavation of Ayodhya or not.

So far as the question of leaving the antiquity by the foreign passengers is concerned, in this regard I say that such passengers can took limited articles with them during travel. And residual of such type of limited article can be left at that places where these passengers have travelled during their visit. But instead of finding such type of material in the excavation, it is very negligible. So far question of showing the dancer

and ornate man in the picture is concerned, then it is not impossible that I have seen such type of certain pictures at various places. To see such types of pictures certain books regarding archeology are available, but here I can saw in a book titled 'Rise of Civilize' sun in India and Pakistan', and which has been written by Alichin sahib. Publication of this book was made probably in the year 1984. Composition of this book is based with the material received from the excavation site of Indus Valley civilization by the excavators. Therefore so far as above pictures are concerned , this book is considered authentic. This archeologist is of England and retired as a Archeologist from Cambridge University. To determine the period of Archeological material main basis is layer but in addition to the same Pure scientific method of dating of material received from the layers is available.

Question - Whether in these available material, economic, political, religious, intellectual , social, literary achievements are also included?

Answer. In reference to question I am not able to understand the part of "these achievements".

Question. Pro historic edge is after the development of writing or earlier era?

Answer. This era is the beginning era of knowledge of writing art.

Beginning of writing art, in reference to the history is related to Indus Valley civilization. This is true that script of Indus Valley Civilization could not be successfully studied despite of several efforts. Script of Indus valley is tried to read by several scholars. Apart from the scholars some common men have also tired to read it. In the scholars you can use the name of asko Par La and in the common people Hari

Singh of Bhiwani District of Haryana and Transport officer of Bihar Shri Om Prakash can be named.

Question. For the archeological knowledge conclusion of the common persons and the recording made by them is assessed or not?

Answer. Several times important information on the several issues of archeology receives from the common persons and in such condition this information is also considered useful, but it is not necessary to accept such persons as knower of the archeological science.

Question. Whether making the basis of information given by such persons, it is justify consider the conclusion taken by a Archeologist on the basis of such information or voluntary?

Answer. Upon analyzing of any antiquity by a common man and upon reaching a particular conclusion, it is necessary for the archeologist to know that the analysis made by the such person is based on the scientific method or not and in case this seems to be proper view of the scientific analysis then it can be accepted otherwise not. Here it is not concern to accept the voluntarily or conclusion of the archeologists , rather to come to the conclusion the method being followed is need to be look.

Pre historic period is known as beginning of the information of writing art. In India knowledge of script of writing art is connected to the era of Indus Valley Civilization., but it could not be read till date and hence in the India second script (Brahma script) is found, which successful study has been done. As such Brahma script shall be called first script, which has been studied. I got the chance to study Brahma script during my second year of MA. Thereafter I did not read brahma

script. And hence at present it is not possible for me to properly read the Brahma script. When I was studying I had no knowledge that in the Brahma Script any other script i.e. Chinese and Greece script has no effect and thereafter also I did not try to know in this regard.

Last para of para 5 of page 3 of my chief examination, which has been given in this para in which second line trench E 6 and E7 is mentioned, this trench is situate in the south corner of makeshift structure. Trench wall No. 16 and 17 is in this trench E-6 and E-7 or go through it. In this regard I would not tell at present. Trench F4/F5 is situated near the makeshift structure. Beginning of excavation of Trench F3 and F4 was made in my presence. These trenches were excavated upto one ft or 2 ft., but initial excavation of these trench were start in my presence. I have mentioned in page No.3, laste para third line of my affidavit, in front of F4/F5 (layer No.4) which I mentioned after seeing ASI report. After study of ASI report, I would tell that above layer 4 is dump or not. In this reference para in fifth line trench No. G2 is mentioned. This trench is in the north east of makeshift structure towards sita ki rasoi, in which upper part as excavated in my presence.

Statement readover and affirmed.

Sd/-
17.11.2005

Typed on my dictation by the typist in open Court. In the same order be put up for further cross examination on 18.11.2005.

Sd/-
(Hari Shankar Dubey)
Commissioner
17.11.2005

**BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District
Judge/ Special Executive Officer, Hon High Court Allahabad,
Lucknow Bench, Lucknow**

(Appointed vide order dated 28.10.2005 by the Hon'ble Special Bench in
other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors.
Vs. Gopal Singh Visharad & Ors.)

Dated 18.11.2005

PW-30 Dr. R.C. Thakran

(Cross examination of PW-30 Dr. R.C. Thakran in other original
suit No.3/89, continued from 17.11.2005 by Shri Tarunjit Verma,
Advocate on behalf of Plaintiff Nirmohi Akhara).

Question. Whether proof of colony or habitation in continue position is
found in Ayodhya after the Kushan era.

Answer. During the excavation in Ayodhya the residue found in the
form of level configuration, on the basis of these residue it cannot be said
that after the kushan era there is continue habitation at this place.

Question. You did not give answer to my question. My question was
whether after the kushan era or thereafter there was continue habitation
in the entire Ayodhya?

Answer. According to my knowledge excavation work is not done in the
entire Ayodhya and hence in this position it would not be possible to say
that in the entire place of the Ayodhya there was continue habitation
after the Kushan era.

Question. the excavation done by the Pro. A.K. Narayan and Prof. B.B.
Lal and A.S.I at the dispute place in 2003 and on the basis of your own
study, can you tell that after the kushan era there was continue
habitation in Ayodhya or not?

Answer. In this regard the analysis done by me and the analysis done by me with the information received from the above excavation, on the basis of it cannot be said that there was continue habitation after the Kushan era at the excavation site.

Question. Then after the kushan era, the gap of habitation in Ayodhya, after how many long time habitation was restart there?

Answer. In this regard I say that till after any colony became inhabitable in any of particular era layer formation is being done by the natural powers and till exact information about this thickness of layer is not available till then it will not be possible for me to tell about the gap of that era.

Question. Can you tell on the basis of your study that after the kushan era, from when habitation of Ayodhya was continued?

Answer. At present I would not tell in this regard.

The excavation of the disputed place at Ayodhya conducted by Indian Archeology Department in the year 2003, on the basis of this excavation the report of excavation was given, according to which primary basti was start at this place in Kushan era.

After this excavation the report given by Indian Archeology Department on the basis of which it can be said that relic of living of human in 20th Century are found in the top step. The residue relating to 20th century found in the excavation at excavated place, I would not tell its exact date but I would like to point out that the upper floor is (which is related to 20th century) in which print of some bricks prepare and used in this century are found, in which twentieth century was mentioned, but I do not have knowledge of this mentioned AD. In the disputed place

of Ayodhya of 2003, on the excavation of top layer, the print of bricks are referred by me, in which information of any dynasty is not available. Upon studying these bricks information of the dynasty cannot be got, but can know about their era.

Question. In reference to Ayodhya bricks was start in which era or dynasty?

Answer. Broadly according to my knowledge bricks was start in Kushan era at this place.

Question. In the year 2003 during the excavation conducted by the ASI at disputed place, when you were present, then did you closely observed the manner and work of the excavator or not?

Answer. During the excavation of Ayodhya in the year 2003 the work being done by the excavators, we used to observe the same. So far as intensive study is concerned, then it can be said only when I went to the trench and has right to examine every acts regarding the excavation.

Question. Then upon going to trench only the study of modalities of the excavators and intensive study of their work can be done?

Answer. It is not possible to do intensive study of the activities of the excavators without going to Trench.

Question - Were you satisfied with the work of the excavators in the excavation work by the ASI at the disputed place?

Answer. I was not satisfied with each of the work of excavators.

Question - Which were the works of excavators which were not according to the principle of archeological science?

Answer. Although I have already given answer to this question , but this question is asked again and I think it fit to give its reply. Excavators were not doing study, proper recording and preservation of some of the antiquity in which bones, glazed ware, glazed tiles and soil received from the layers includes. I was not satisfied form such types of actions.

Question - My question was that the method of excavation in which what important methods were not used by the ASI in the excavation?

Answer - According to my knowledge at when excavation was being done by the excavators of the Indian Archeological Department, then I found some drawbacks related to the excavation method were seen. As an example I would like to tell that the square construction found below the Ram Chabutra, its around was excavated, which was not proper. Because some part of the trench attached with the structure of construction is left for establishment the relation of this construction with the layers of the trench through various manner, so that it is easy to establish its relation with the construction.

Apart from this, during the excavation some more flaws have been seen in which the coordination in the excavated layers is made in the various trenches by the excavators, which has not been done. In this manner during the excavation of layers in various trenches , the antiquity were received they are comparatively not studied nor they are produced. During the excavation when any sterile or natural layer is received between one age to another age, then its thick and extension (in other trenches) is required to be determined which has not been done. (Vol. apart from this there are other things there is no need to go in their detail).

Question - Whatever the trenches were excavated at the excavation site, similarity was required in the layers received from the same?

Answer - In such type of excavation it is not necessary that layer No.1 of each trench is contemporaneous. But even though on the basis of comparative study of the excavated antiquity the information available with the various trenches, on the basis of which it is required to be decide that any one layer of any of the trench is similar to other layer of any other trenches or not.

Question - above impractical method adopted by the ASI during the excavation. Had you any objection in this regard?

Answer - During the excavation there was possibility of the information of adopting impractical methods and this only came at the same time when report regarding excavation was filed.

It was not natural for me to ignore such impractical method adopted by the ASI. I had knowledge that parties have filed objection about the works done by the ASI during the excavation, which was sent to the concerned officials through proper channel., but so far as question of immediate comparative study of the archeological materials received from the layers from various trenches, it was not possible there.

Ld. arguing counsel has drawn his attention towards page No.2 para 3 of his chief examination in which the word mentioned in the third line "unprofessional document", and asked that what does the witness meant for same? Witness said that I meant to it is that when excavation is done at any place then recording of the antiquity is made on the basis of layers and its depth. After completion of the excavation work whatever the excavated material is available, relation of this available material is

established with the material found in the first layer with the material similarly received in the layers of second trench. Then these residue are classified in the periods and as a result of which all the antiquity are studied in the layers and period and a detailed report is being filed. Indian Archeological Department has not done in the report of Excavation of 20003. Such hope to submit such type of report is made from the archeologist of the Indian Archeological Department and hence I feel this document unprofessional.

Question - Is because of the above drawbacks told by you by the ASI, the report filed by the ASI became unprofessional?

Answer - Yes. The drawbacks pointed out by me , they were basis. It is related to the fundamental methods of archeology. Since this report shows the loopholes in the methods and hence I am considering it unprofessional.

Question - In case your above stated drawbacks are revised then the report filed by the ASI became the professional document?

Answer - Yes. Whatever the flaws are seen in the report, in case they are removed and the antiquity are analyzed afresh on the basis of fundamental methods then definitely authenticity of this report will be increased.

So far as considering on these hostilities is concerned, this can be decide by the Hon'ble Court.

Question - Such types of flaws referred by you in the ASI report, if at present these flaws can be removed or not, or in this regard please tell on the basis of your experience?

Answer - I would like to reiterate that officially right to take decision to remove these flaws is with the Hon'ble Court. But so far as being student of a archeology, personally the academic thing is to keep right context on the above excavated antiquity is concern, I can do it at my own.

Ld. arguing counsel has drawn the attention of witnesses towards ASI Report Volume 1 (texts) page 37-A (tentative per iodization of the disputed site at Ayodhya). Witness has seen it and said that in the last column of this chart period has been mentioned.

Question - The period mentioned in the chart given in the last column of the page 37a of the above report, do you agree with it?

Answer - I am not agreed with this per iodization.

In this table on the basis of per iodization the chronology is shown I am not agree with this entire chronology, rather the errors understanding by me in this table they are as under:-

In the title of the table first word is 'tentative' which indicates towards uncertainty. As a result of excavation of such type of disputed place, whatever the table is produced, there should not be any scope of doubt in this table. Therefore producer of report himself is not appears to be convinced with this periodization.

Secondly, in this table whatever the tranches are installed for the excavation and in which excavation is made, these all the tranches area not found mentioned here.

(At this stage Ld. arguing counsel has said that I have not asked the witnesses about the flaws in the period written in the last column of the above tables, rather I asked that he is agreed with which chronology

given in the column. Therefore witness be asked question on this first issue).

Question. In which chronology given in the chart given in the last column of the page 37A of the above report part 1 of ASI , you agreed?

Answer. The chronology given in this column, in which I agree with the following names of the periodization.

I agreed to 1. oldest period NVPW Shungkal (second chronology) Kushan period, (third period), Gupta period (fourth period).

I am not agree with the periodization of the Gupta period.

Question. The periods from which you are not agreed, what is the basis of study of being dissatisfaction.

Answer. After the Gupta period, in the table the classification of the period has been shown, this period is not appearing to be according to my knowledge, because which has been called here Post Gupta- Rajpukal, actually it is the part of early medieval period. Thirdly, where division of the medieval period is stated, actually in this regard it is not clear to them who prepared the table that to which they are calling medieval period, and it is beyond my understanding. Fourthly in this table where Mugal period is named, actually this is a part of medieval period. Fifthly according to this division of period the late- and post Mugal period is named, in this regard it is not clarifying that late and post mugal is kept in the medieval period and reporter wanted to see whether it has any meaning here according to him, is not clarifying to me. According to this table thereafter nothing is stated about giving any period, (which is called modern period).

Ld arguing counsel has drawn the attention of witnesses towards page No. 40 of above report, second para, line written below period-V, word group of second line "period from seventh to tenth century AD, and asked in which the period of post-gupta- rajput level is given, witness is agree with it or not. Witness said that I am not agreed with this naming and so far the period of seventh to tenth century is concerned, there is no possibility to have two views in it, because there is the period between seventh to tenth century.

Question - Do you agree with above period -V (post gupta- rajput level name) or not?

Answer - I am not agreed with this naming.

Ld arguing counsel had drawn the attention of witness towards the period mentioned at page No.40 of the above report title period -VI (Medieval - Sultanate name) below fourth and fifth line, and asked that in the above period -VI, which period is mentioned. Witness said that I am not agree with the above period, in which h time of 11th and 12th century is prescribed.

Question. According to you what should be the period of level of medieval sultariate ?

Answer. Sultanate period, according to my knowledge starts after the last stage of 12th century and thereafter continue till the beginning of Mugal State.

Question. In page 41 of the above report, in second para, medieval period is stated to be start from in the end of 12th contrary and till the end of 16th Century, do you agree?

Answer. I am not agree with this period.

Question - Then according to you medieval period should be I which period?

Answer. This start in the end of 12th Century and continue till the early of 16th Century and the name of the medieval period given here, this is not proper. Although medieval period is the part of above period, but this period was the sultanate period.

(in relation to the above reply, Ld counsel for the Plaintiff in other original suit No. 5/89, has drawn the attention of commissioner that witness is not giving reply to the question first and telling what he wants, whereas he should first give answer to the question).

Statement readover and affirmed.

Sd/-

18.11.2005

Cross examination by the advocate on behalf of Plaintiff Nirmohi Akhara, in original suit No.3/89, could not be complete and is continue.

Sd/-

(Hari Shankar Dubey)

Commissioner

18.11.2005

**Before Hon'ble Special Full Bench Hon'ble High Court Allahabad,
Lucknow Bench, Lucknow**

Dated 13.2.2006

PW-30 Dr. R.C. Thakran

(Cross examination of PW-30 Dr. R.C. Thakran in other original suit No.3/89, continued from 18.11.2005 by Shri Ranjit Lal Verma, advocate, Advocate on behalf of plaintiff Nirmohi Akhara.

Entire Report of the excavation of Anang Taal is not printed anywhere, but Annual review relating to this report is printed and I also read the same. During the excavation of Anang Taal I had gone twice to see it. Anang Taal has big importance in the medieval history and hence in the earlier medieval History excavation was made there for the purpose to know the lifestyle of the Palaces and art of building construction etc. Lalkot and Anang Lal are close to each other. At the time of excavation of Anang Taal it was not plane, rather was up and down i.e somewhere was up and somewhere was down. It is correct that the site named as Anang Taal this is related to King Anang Taal. King Anang Pal, was in Chauhan Rajput Dynasty. Capital in Delhi was changed several times and due to this reason Anang Taal was excavated so that information could be obtained. At this stage Ld. arguing counsel has drawn the attention of witness towards Annexure 20/2 of the affidavit towards sixth paragraph second line, north black Polish ware, and asked that this northern black polished ware are mainly found in the north part of India? Witness has read and replied that mainly they are found in the North part of India. Third line of this para is read by the witness and said that it not necessary that northern black polished ware are found everywhere over the natural land, but at this place i.e. in the excavation of Manner, this northern black polished are were found over the natural land. It would not be correct to say that northern black polished are oldest. Vol. art of making utensils is related to the

development human life and this art was started much prior to the northern black polished ware in the Mesolithic period and Mesolithic period can be kept in India broadly around twenty thousand BC. Whereas beginning period of the northern black polished ware is considered 600 BC. It is not completely correct to say that whatever the sequence of call is calculated after the northern black polished ware period, this is made on the basis of dynasty. Vol. North black polished ware is beginning of 600 BC and its use was continue till first century of B.C. and in this period on the one hand we are seeing the prevalence of glazed wares and on the hand after the attack of Sikander , on important Dynasty (Maurya Dynasty) is found. For giving the name of cultural time scale there are several measure. At the time when we had no written sources then mainly identification of the pottery were considered a measure of naming. But after receiving the written information , because of having knowledge of definite date, time , along with the pottery written information were also considered as bases of the determination of cultural time scale. After the NBP period we can assume Shung period, but I am completely agree with this view, but it can be deemed. Vol. Morya Dynasty was end in 185 B.C. but at that time prevalence of NBPW is also found.

After the shung, Kannav and Kushan period come and after the Kushan period broadly Gupta period come. Gupta period was end in the end of 600 B.C . After Gupta period generally beginning of early medieval period is considered. Earlier medieval period is start from 600 A.D. and till the establishment of Delhi Sultanate this period is continued. Delhi Sultanate was established in the year 1206 AD and hence form 600 AD to 1206 AD early medieval period is known. From 600 AD to 1200 AD, several dynasty remained in Delhi Mainly Garhwal, Chauhan, Gujar

Prihar, Chalukya etc. remained in Delhi State and Delhi. Vol. Area of Chalukya was not around in Delhi and it was in North Maharashtra. It is correct that above four progeny were called himself Rajput. It is correct that in case any historian are addressed any special area with Rajput Period of early medieval period then he can do it, but in the broad form of history this period is known as early medieval period. Vol. in this period no one has a broad state, which could take over this entire area. In this period there were various small states. In view of the study of history it is necessary to study the small states, but to study the activities of this historic development of this entire period, large standard and criteria is required.

At this stage Ld. Arguing counsel has drawn the attention of witness towards annexure page 20/9 of affidavit and asked in which garhwal word is related to any dynasty or not? Reading the same witness said that Garhwal Dynasty were the ruler of Kannauj. I cannot say that vanaras or Ayodhya was come under the Kannauj State or not. Since at that time borders of the states were not stable and hence it is not possible to tell that in Garhwal Dynasty, Banaras and Ayodhya was in the Kannauj State or not. In the 11th Century Rulers of Garhwal were in State Kannauj.

Kaushabi is at the distance of 52 km from South-west of Allahabad which was capital of Kaushal State. Witness has read Annexure-1 page 20/3, second para first three line of affidavit and said that broadly agree in the facts written in it. Medieval period is a broad period in itself which starts in 600 AD and continue till 1707 and in this entire period there are several sub period such as 600 to 1200 is called early medieval period. And 1206 to 1526 is called Sultanate period and 1526 to 1707 is called Mugal period.

Question. In the ASI report filed by Mr. Mani, the word of Early medieval Sultanate period is used by him in relation to the excavation of dispute premises, is this realize the earlier medieval period by you?

Answer. No.

It is correct to say that in case word sultanate is remove from the earlier medieval sultanate then earlier medieval period will be rightly sensed. In the Indian archeology history muslim period word is not used, but British historian have tried to prove the medieval period of Indian History as Muslim period and they considered its ground that in this period muslim rulers have ruled in India. This ground of division of period is not justified in any manner because in this period British has ruled on India and on the same ground they have not said it Christian period rather named it modern period. James Mill has named this period as Muslim period. James Mill has kept the Sultanate period and Mugal period under the Muslim period i.e. in the Muslim period he considered the it sub period. at this stage Ld. Arguing counsel has asked the witness for the use of word Pre Muslim period in the s second and third line of page 12 of the affidavit; and asked that this pre Muslim period is used by you? Witness ha read and replied that this word is used by me in specific reference that this reference is pointed out to the fact that at that time excavators are seen to transferee the excavated material from one period to another period or they tried to undesirable material.

I cannot tell that development of any of the style of architectural art is made by the Sultanate Dynasty. It is not correct that basic style of the India is adopted by them. I am not agreed with this fact that paintings or artifacts are not made in any of the utensil or under this rule there was restriction on it, because in the middle period these type of special pottery are used which are known as glaze ware pottery. It is

also not completely true that in the Sultanate period only Indian craft are used, rather foreign ports are also used. In the above period in construction local craft or foreign style both are mixed. It is not correct to consider that foreign style is used only for the foreigners came for the business. It is correct to say that Greece has business relation with the India prior to the Sultanate period and in this connection wine was come from the Greece . Utensils relating to the wine which are sent in the polished utensils sometimes they has picture and generally these utensils were supplied to the west and east shores of India. In the initial period the excavation work is done in the archeological place in north India, the utensils found in it were not glazed utensil, rather were polished black glazed colour utensil. My meant from glazed is a special make paste is applied on the utensils. In the excavation of Takshshila (Pakistan) of 1935 the potteries are found , according to my knowledge it was NBPW but I cannot tell that it is called glazed or not. It is not complete truth that In the Sultanate period Kings have constructed their Palace and Mosque by demolishing the temples of Hindu and Janies. It is not complete truth that in the sultanate period often rather it is construction of temple or mosque, courtyard were lefts and in which columns were made. Since I have never studied the temple and mosque and hence I cannot tell that in the construction how many percentage of temple, Mosque , courtyards were left in how may percentage not left. John Marshal has after the study take the conclusion that in these days in the construction of temple or Mosque there was similarity in leaving the courtyard and in the courtyard columns were made in a line. But according to me John Marshal has not prepared any such list of temple of mosque and according to my knowledge he has not made detailed study of temple and mosque. This is not full truth that due to this

similarity winners have demolished the temples and made done and easily constructed the mosque. Vol. said Michael Vegetal had prepared list of such temple and mosque, in which changes were made and my view is that on the basis of archeology in case after the construction changes are made then such changes can easily identified. Thus it necessary to detailed study prior to identifying any temple, mosque . According to my knowledge Michael Vegetal has printed two articles in the magazine named Front Line in which changed temples and mosque are mentioned in detailed. I cannot tell the actual date of writing of these articles, but so far as I remembered they are published in the recent years i.e. after 1992. I have not seen the pillar bases related photograph mentioned in para No.3 page 20/5 of my affidavit. Vol. I do not remember that I had seen the photographs or not. I am agree with the facts written in the report that stone of the pillar bases were standing on the pedestals. In the ASI Report available with me there is no any evidence against this extract that during the excavation of Lalkot the found pedestals were found in the excavation of Rajkot style. During the excavation of Ayodhya I had seen entire pillar bases, in which pedestal stone are not anywhere. Only towards Sita rasoi stone are found over some pillar bases, which are different from pedestal.

The pillar base is mentioned in Lalkot, Delhi, and the alleged pillar bases are found in relation to the Ayodhy, their cultural period can be considered one. In the excavation of Ayodhya stone salve is not in all the alleged all the pillar bases. There is no stone on most of the alleged pillar bases, the stones are found, they are made from calcium and carbonate, which are weak. Such stones are called Calcrete stone. I have seen Volume 2 (Plates), Plate No. 42, 45, and 46 of ASI Report., in these plates slabs of cansite stones is seen. In plate No. 45 pillar base is on half floor.

As it appears from seen that they are not called pedestal stone, i.e. In case upon excavation a full layer of the stones is found then it called pedestal stone. Till I remained in the excavation place of Ayodhya, the pillar bases found, excavation was not made below it. I have read several objections filed against the ASI Report., but I cannot tell that I read all the objections. Vol. but I do not know how many objections are filed against the report. I have read the objections filed by Sunni Waqf Board and Mohd. Hashin against the ASI Report, I also read the ASI Report. I do not know that in these both the objections this thing has been objected that where the pillar bases were excavated, this pillar base should not be dismantled. I do not remember that at the time of excavation on behalf of Sunni Waqf Board or Mohd. Hashim have given any objection against the photo plate No. 43, 45 and 46 or not. Till I remained in the excavation place, I do not remember that any such objection is given in relation to the pillar base or not. I am not remembering that till the filing of affidavit I was know the fact or not that Sunni Waqf Board or Mohd Hashim has filed any objection while excavation in relation to the pillar bases at the spot or not. The pillar bases shown in plate no 46 is seen as much it is in round shape. This bricks is in regular course. This is not in bricks, bricks are in bats, to make the same strong use of any kind of strong mortar are not seen. In this pillar base to add the piece of bricks soil mortar was used. Till I remained at the excavation place, it is not so that ASI officials have made the pillar base, in case later they did anything then I do not have knowledge. In case ideography is made continuously in the trench then it is not possible to make pillar base. But in case any archeologists is interest specifically then pillar base can be made because every person is not remain present in every trench, rather one supervisor is remain in

one trench and some labours in the help of excavation. It is correct that in the excavation of Ayodhya as per the order of Courts in the presence of parties and their nominees any labour of any member of the ASI team can visit in the excavation area. At the time of excavation supervisor appointed by the Court was remained present. I am not agree to the fact that in one time excavation was done in 3-4 trenches, because when I was there, I have seen excavation together in 8-10-1 trenches. At the time of excavation two tree experts –nominees of the Muslim party were remained with me. Such expert nominees were with me in which I can tell name of some. Out of them one was dr. Supriya Verma and 2-3 research scholar Nikhat, and two-one days Dr. Rizvi and one day one research scholar of Bengal was with me, whose name is not remember to me. At the time of excavation in the parties Mohd. Hashim and Hazi Mahmood was remained present at the excavation site Apart from them the local advocates, whose names is not remember to me, also remain there. At the time of excavation Shri Jillani Shri Mushtaq Ahmad and Shri Irfan Sahab advocate visit there sometimes. It was not so that two video camera, two stilt photographer and two draughtsman remained present in every trench on the day of excavation. At the time of excavation in the evening whoever the artifacts found in the register, their entry was made **along with the receipts of artifacts trench and its deep and details of artifacts. Entry in the register was made in the presence of two supervisors appointed by the court. In the register signatures of these supervisors and experts were made. I have also signed in the above daily register.

It is correct that at the time of archeological excavation the artifacts found, they has big contribution in the creation of history, subject to that it has been done with the scientific method. I am not

saying that the artifacts are found they are analyzed with scientific method. Apart from this prior to the analysis recording of all the things should be made through scientific method. At the time of excavation at disputed place common scientific method, which made layer than layer, is not done according to it. Apart from this the structural residual found during the excavation, they are not excavation from one or two side, so that relation of the structure be established with the structure and it could be decide that above structure is start in which period and end in which period and in case any changes are made since the beginning till end then when it were made its could be identified, As the structure are found in the trench of Ram Chabutra, they are not continued in one section rather entire has been excavated.

According to me, in ASI Report Volume 2 (plates) the chabutra is shown, this is structure. This chabutra is stand on floor. Floor is left as it is. Section is exists in the floor. Upto this stage there is no any error. In the plate No.16 of this volume the section is shown, this is towards the east and is facing towards the west. Section which is cut is rightly cut, but on the basis of this section relation of Ram Chabutra cannot be set with this section, till then in the archeological view its relation cannot be established and therefore in relation to the archeology its significance became lower. Vol. here place where section is prepared, this is not the proper place. This section should have been shown in that place where it direction connection could be established with Ram Chabutra. In the ASI report relation of this section is not established in the time scale of section. I consider the Ram Chabutra as important structural evidence. In plate No. 17 two side section over the Ram Chabutra are seen made from cal-crete. In the right side of section of this chabutra where scale is standing, there floors are shown through clipping.

Question. Where in plate No.17 the section are shown in four floors, in structural formation of these four i.e. construction of these four floors were made in one period or in one time?

Answer. According to me the material and technique is used in making these four floors, is similar, but despite that on this basis of which it cannot be said definitely that their construction period is similar, because below it also similar type of floor, similar type of material, similar technique is used. Therefore their period can be same and can also be different.

It is correct that after the excavation of archeologist should have adopt all the scientific method and should express his last view, but since in relation to the plate No. 17 entire procedure has not been applied and hence it cannot be said definitely that period of these structure is same or not. Floor 5 is of surkhi, which is made platform, from seen at spot it appears that it has been made from a article like cement. But till it is not tested, till it cannot be said t hat it is made from cement or from other thing. It cannot be said sure that the plaster was on the chabutra, in which silicon sand is used or not. This thing can be said after seeing the scratching in the laboratory. Thickness of the upper part of chabutra of Plate No.16 would be around 5 to 6 inch. In the plate where scale is kept, there should be floor No.6. In this plate above floor went towards east, thereafter stairs is made and below this one person is sitting Floor No.6 is cut in L shape and its below floor is seen from cut part. Material of the below floor of Floor No. 6 is seen separately. In Ayodhya I had no permission to go inside in the trench in the excavation and hence I did not study any trench by entering in the trench. Whatever is studied by me is from outside. I have seen all the trench in casual manner. I do have knowledge to this fact that by the order of Court all

the parties were taking their respective experts in the trench after the excavation and permitted to study of other things. The team went in the trench according to the above order, I was not part of this team. In plate No. 12 the chowk of the bricks are made in the floors, such bricks are used in several periods, and hence it cannot be said that the bricks shown in this plate is of which period. First time these types of bricks were used in Kushan period in India. Use of these types of bricks is said to be used in kushan period in early medieval period, then it would not be improper. In this plate the platform of door is seen in the east side, there was a way to visit there. According to me square/rectangle brick floor can also be corridor and also can be open space and can also be fully covered space.

In plate No. 67 in floor No.3 square brick floor is seen. On this floor in the middle a shape of pitcher is made, but it appears that this shape is made by cutting the floor. This shape is not made in this period, whereas floor is made, but I cannot said that this shape is made in which period, but definitely from seeing its left side it is clear that this shape is made later by scratching to the bricks. Similarly the line is made in the middle, is made later. In this shape the bricks are made, they are of terracotta. For the study of excavated residuals cultural composition can be same consider basis.

Statement readover and affirmed
Sd/-
13.2.2006

Typed on my dictation by the typist in open Court. In the same order be put up for further cross examination on 14.02.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
13.02.2006

**Before Hon'ble Special Full Bench Hon'ble High Court Allahabad,
Lucknow Bench, Lucknow**

Dated 13.2.2006

PW-30 Dr. R.C. Thakran

(Cross examination of PW-30 Dr. R.C. Thakran in other original suit No.3/89, continued from 18.11.2005 by Shri Ranjit Lal Verma, advocate, Advocate on behalf of plaintiff Nirmohi Akhara.

In para 6 of my Affidavit speaks of the Muslim glazed ware. It is so termed because this glazed ware came to India only along with Muslims. It is not true to say that the art of making pottery originated only from India, that is to say, it is an art only of India. The art of making utensils which began in India, is not oldest. Before it the art of making utensils had begun in other countries. I do not have any knowledge enabling me to say that the art of making utensils had begun in India before Arabian countries. In India the people having relation to Islam religion were first came in the 712 AD as a invaders from Sindh states at the when invaders came then along with them traders, religions, masonries, courtier, scholar also came. Which scholar came I would not tell their names/ Mohammad Bin Kasim had attacked on Sindh in 712 AD, he had fought with King Dahir and after the loot he was returned. After the above attack continuously similar attacks were made and affect of their attack was increased in year to year in the north Indian sub continental But proof of these attacks is not famous in the manner in which manner some attacks are famous. Therefore generally general public feels that some specific attacks were happened. Mohammad Bin Kasim was the first Muslim person who had attacked in the north part of India. He did not come to Delhi and also not come Mathura.

In north India first time Muslim Rulers have established their state in the middle of 12th Century. 1191-92 war was held between

Prithvi Raj Chauhan and Mohammad Gauri and during this in 1194 war was held with Ruler of Kannauj Jachand and as such Mohd Gauri has appointed his representative Qutubddin Iqbal in the new won States and from there the term of ruling the Muslims on North India starts. During this procedure of the living of Muslim rulers in India is starts. I am not agree with that in India craft art was starts in the Magadh and Kausha . Mohanjodaro and Harappa culture place are located at the distance of 640 kilometer from each other and otherwise it is 400 mile. There was no two culture of Mohanjodaro and Harappa rather they were to important centre of one culture and in these two colony one type of two special potteries were excessively. These utensils were called black and red ware. Painted from the above culture printed gray ware pottery has no relation neither on the basis of period nor on technical basis.

Question- you have used Muslim Glazed ware word in para No.6, this is not seen in any of the book of history in which Athar European, or Authentic Book of India?

Answer. It is not fair to say.

I have referred to glazed tiles in the second line of para-8 to my Affidavit. These are tiles of a particular type and are made with a particular technique. The prevalence of this technique in India began with the advent of the Muslims. Tiles were not 'Khapda' (earthen tiles); rather, they are made of baked earth and are glazed with a particular technique. If the tiles are only baked but not glazed they will only be called terracotta tiles.

Along with the report the document is filed by the ASI I have seen it, but apart from this in case any sketch etc. is prepared by the draughtsman of the archeological department then I have not seen it, i.e.

along with this ASI Report the document of photocopy are annexed, I have seen it, I have not seen videography.

Question - What things are come in the principle of archeological proper document?

Answer. Although I have already replied this question, but it would be possible and proper to repeat here. At the time when excavation of archeological site is began, after begun the excavation the development of excavation is done from upper layer to down layer and the archeological material is received along with the same, these material are recording according to the archeological method. After the recording its photography is also made in archeological view. In this manner excavated entire article is arranged potteries wise according to the layers and the antiquity are received name of these layers, place of recovery and deep and period, are marked and they are closed in a special box and kept in the stock room.

Similarly during the excavation of various layers the soil is received, this soil is filtered with the dry wetting and wet sieving method. Its purpose is that any fragmented material or prague particle should not be ignored in the soil. At the time when such recording is made thereafter according to time scale and sequence this material is analyzed.

Witness has seen the sketch seen on page 42 A of ASI Report Volume N.1 and said that it is not necessary that isometric view is so. Result of the isometric view is not based on imagination, rather is based on antiquity. In this isometric view the two to four floors are shown, or are calculated, they are correct. But the manner four floors are tried to show here is not proper.

In ASI Report Volume No.1 Page 42 A, figure No. 23, in front of magnate extended terrace is the same place which is shown from square bricks in trench K4 K-5. Picture 23A Volume 1 floor 4 (A) in upper two lines the shown alleged pillar bases is not at the spot over the floor-3< north wise in the same alignment i.e. pillar bases are not in sequence in two lines. I have seen a pillar base in the boundary wall made inside the canopy made at the disputed place, in a trench F-3 and F4. Again said that above trenches F3 and F4 are not inside the Ramlala Canopy boundary, rather is outside. I do not remember that in the boundary of the canopy made over the Ramlala any trench is excavated or not. As per my idea in entire excavated area, floor-1, floor-2, floor-3 and floor-3 around 20 to 30 pillar base seen lying in the excavation. Being a student of archeology I can tell that separate floor represents the separate period and it can be said by seeing the above four pillar bases found in the above four floors that there would be light temporary structure of various periods in it. Now I do not remember that in the year 1991 when I had inspected the disputed structure, then picture made on page 42A in picture 23 what was the distance from the west line of pillar base to the west wall of disputed structure. Because at that time pillar bases were not in knowledge . Therefore question of measuring the above distance does not arise.

In para No.15 of my affidavit the wall is referred, this is shown in ASI Report Volume 2 Plate No.25. This wall number is 16 and this is shown in trench No E-8. This wall is made in rada-dar-rada and size of its bricks are different and pieces of the brick are used more. From seeing this wall its appears to me that in it whole brick is used less and pieces are used more. In this wall one decorated stone is shown and another are non decorated. I cannot tell that in ASI Report Volume No.2,

in Plate No.26 same wall is shown or not which are shown in plate No.25. because in plate No.26 in the right side one vertical V-V line, one decorated piece of stone is shown, which is not seen in plate No.25.

The wall is made in plate No.51, in which radde are made., but these bricks are of different size and hence it appears that piece of bricks are used. The decorated stone are fixed on Plate No.25 and Plate No.51 they are in separate form i.e. both are separate slab. The bricks are used to make the wall made on Plate No.27 and plate No.28, they are not only different from the bricks used in the wall of plate No.25 and plate No.51, but the material is used for making them, they are also different. Lime is used for making the wall of plate No.27 and 28 whereas it is not clear from plate no. 25 and 51 that which material is used in it, but from seeing it appears that soil mortar is used in it. In plate No. 27 and plate No.28 and Plate No. 25 and plate No. 51 pucca bricks have been used, their size are different. Circular shrine which is used by me in para 14 of my sworn statement, I have not seen it personally, rather I gave statement on seeing in photo. In this regard I have read ASI report. From this circular shrine the wall No.16 is toward west side, but shrine is at what distance I cannot tell. Plate No.60 is the same circular shrine, which is mentioned by me in para No.14 of my affidavit. Shrine's roundness seems to me to be crescent. In this crescent size bricks racks are seen. After leaving below part of this crescent size four-five racks are regular. Vol. two bricks one small and one big is between the upper racks different for the equal of making. Similarly the bricks put in this racks is also cut and disturbed. In plate No.59, the wall in which one stone slave is installed, this crescent are meted below the bricks, but also meet with the crescent part. Another part of this wall is not

appearing to be as ending edge because the wall racks are fixe in it, they are installed in above and are came out towards outside.

Against the ASI Report dated 22.8.2003 filed in the leading case No. 4/1989, the objection filed by the Nirmohi Akhara Defendant n.3, CM No. 143 (O) 2003 Annexure 27 is the photo of same circular shrine, which has been mentioned by me above. In Annexure 28 to these objections a cutting is seen, but this cannot be same chute. The whole is seen in this photo, this is not by putting the brick rather is made by cutting the bricks. I have not seen this whole at spot. I am giving this statement on the basis of photo.

On such type of pedestal, to offer the water on Shivji or drainage of water is towards north wise or not, is not known to m.

I have seen the wall No.16 in same size on visiting the spot, which size is excavated at that time. This wall is in north-south. Last time I went at excavation place prior to May 20003 in the middle of two weeks. I have see that in the North of wall from last corner to east, another wall goes. Thus at the south corner the wall is turned towards the east. The observations given in the site note book No. 30 page No. 12 prepared by the ASI in relation to excavation, I am not agree with the same. The structure found during the excavation in which the material was used, it was again used, Vol. it is also possibilities that the material being used in the building is not used, rather the material taken from outside is also used.

The artifacts found in the excavation of Shravasiti, in this regard it is assumed that they are of in the period of Garhwal rulers. It is correct that in Garhwal period, dry lime was start using in construction.

I have seen idgah and mosque. In the west of idgah I have seen a wall. I have seen takhen in the wall of idgah, but I did not count it. I have also seen takhen in the west wall of Mosque, but I do not remember its number. I have not read anywhere about the structure of mosque or idgah. I have not read Quran. I not tell that there is only one Takkh in the west wall of mosque or more. I have seen temple, there is grabhgrah in the temple, in which Bhagwan are seated. Around the grabhgrah, orbiter around the temple is not done. It is not necessary that in all the temple there is place for priest or there is room for the food of God or kitchen. There can be courtyard around the four side of temple. There are Takhe in the wall of temple and also not. It is not necessary to have takh. I have seen such temple, where food of God is not made even once. In my view there are two temple where food is not cooked i.e. food of god is not offer. In both the temples of my village one is of Shiv Ji temple and another is of Malde Ji Mandir. When I went Ayodhya at excavation place in the month of May , then I have not seen three stoves I trench No.3, rather I have seen one stove in the upper surface. I have seen this stove. I cannot say that this upper surface was one feet deep or not, but this stove was very close to surface.

The stove made in plate No.3 volume 2 of ASI report, is the same stove, which I had seen. In relation to the Idgah the detailed knowledge that kanati mosque or mosque is of which kind, in this regard I got detailed knowledge from my associate Dr R.P Rana Dr Sayyed Zahir Hussain Jafri, who is in the history department of Delhi University. They did not told that wall of No.16 is Idgah wall. I myself interpret this wall as wall of Idgah. I have not read the article written by Prof. Irfan Habib of Aligarh University in relation to wall No.16 of the excavation site stated

to be the wall of Idgah . I do not know in relation to interpreting this wall as wall of Idgdah any article is written or not.

I have seen Bodh stup. It is not necessary that Bodh Stupa will be full rounding in every time. Boddh Stupa are also of this kind in which people cannot go and also in big, in which people can go. I have not seen any Bodh Stupa in Ayodhya.

In para 3 of my affidavit I have used the words interested for ASI, in para no. 25 one idea, in para no partisan, bias, the reason behind it is that in time to time the manner the officers of the ASI have not inspire from the archeology, and on the basis of personal faith, made the appropriation at the time of excavation and at the time of making report.

Ld. arguing counsel has drawn the attention of witness towards the word written in para 33 "Subservient to his master's wishes, and asked who is this master, witness replied that my meant to the master word is the Central Govt. at that time and at that time just prior to the excavation Central Govt. has removed the Director General of the Archeological Department (IAS Officer), whose name is not remembering to me, a and appointed another IAS Officer as Director General. In the Archeological Department only archeologist should be appointed in the post of Director General, which is not being done in the last many years. It is correct that report of excavation is based on a team work, but the leader of the team work, is guide the members of the team. It is the liability of the team leader in any excavation that he should guide his team. It is not necessary that team leader should keep information on every subject of archeology. It is incorrect to say that I am overwhelmed from the word Muslim and hence came to tell totally untruth and it is

also incorrect that I am came to tell untruth. Vol today I came to court to discharge my obligation on my subject.

(Cross examination in the other original suit No. 3/89 on behalf of Nirmohi Akhara, by Shri Ranjit Lal Verma, Advocate is closed.

Statement readover and affirmed.

Sd/-
14.2.2006

Typed on my dictation by the stenographer in open Court. In the same order be put up for further cross examination on 27.02.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
14.02.2006

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**Before Hon'ble Special Full Bench Hon'ble High Court Allahabad,
Lucknow Bench, Lucknow**

Dated 27.2.2006

PW-30 Dr. R.C. Thakran

(Cross examination of PW-30 Dr. R.C. Thakran in other original suit No.4/89, continued from 14.02.2006 by Shri Vireshwar Dwivedi, advocate, on behalf of Defendant no17 and Defendant No.22 Shri Umesh Candra Pandey.

My full name is Ramchander Thakran. My permanent resident is Delhi-39. Thakran is a community. According to Hindu character culture, Thakran came under the community of Jaat.

To get degree in Master of Philosophy in Archeology I have researched in the last stage of Indus Valley Civilization (The sequel cultural to the Harappan Civilization in the Greater Indus Valley). Duration of my research was started in the 18th Century AD and spread in the 12th Century AD. Indus Valley Civilization is begun in proto historic period i.e beginning of this period was in the third millennium of BC. I got degree of PhD in the year 1993. Full form of PhD is Doctor of Philosophy. The subject of my research is Settlement pattern in Sonapat District Haryana. During my study MA course was of two years and each year has classes from July to May i.e. academic session was runs. First academic session of my MA study was July 1973 to May 1974 and second was July 1974 to May 1975.

During my MA study I had attended some excavation projects. As a student I was member of the excavation team. Team leader and other workers were my professor and teachers and in this connection I went Mirzapur and Quila of Raja Karan Singh for excavation. Work of Mirzapur excavation was done in the village named Mirzapur. Quila of

Raja Karan is also in Village Mirzapur. These both places are situated in the Kurukshetra District of Haryana.

I did excavation work of Mirzapur and Quila of Raja Karan, two places from November year 1973 till February 1974. Excavation work of the quila of Raja Karan was began in November 1974 and continue till February 75. In the end of para 1 of my affidavit the two sections are referred, my meant to it is 1973-74 and 1974-75. In para 1 of my affidavit I cannot tell the reason of not writing year 1973 because there is no such reason. I am not agree with this suggestion that I have written my affidavit in casual manner and filed. During the excavation at disputed site I remained there for one week from 11 March 2003 and then in the last week of March , I came again and this time I remained at the spot for one week. Third time I came in the end of April and remained till first week of May. Thereafter I did not went at disputed place. In these three times I had inspected excavation work. It is correct that during the excavation at disputed place, when I went there and when I came back I had to sign.

I myself never did any excavation in any field. Manly archeology can be divided in archeology and table archeology. It would be incorrect to say that am not field archeologist. Despite that I never did any excavation independently in field archeology. I consider myself as field archeologist, because I did work of field archeologist. In this case I studied the objection filed on behalf of plaintiffs against ASI report. This objection was sent to me by Shri Jafaryab Jilani for study I was not told by Jafaryab Jilani that I have to give evidence in support of this objection. It was also not asked that when I was called then I shall give evidence. I received first summon for evidence from court, and not tell by anyone.

Question. Whether at that time it was written in the summon that you have to give evidence in relation to objection of Plaintiff?

Answer. I do not member if such was written.

Since in the respect of Court I had come and hence when I received order of court I reached there on the prescribed date. Prior to going there I had prepared my affidavit in Delhi. I did not take help of any advocate in preparing my affidavit. Prior to come in this case I nether gave evidence in any case nor appeared before Court nor give my affidavit. I have not studied book in relation to giving affidavit i.e. what will be the form of affidavit, to know same, I have not read any book. I had given copy my affidavit to Shri Jillani. He prepared its format and filed. Witness has seen the word verification at page No. 19 and said I know the meaning of verification its meaning is to confirm. In my verification clause my meant to etc. is apart from the information and advice, personal experience i.e. whatever is seen during the excavation, is included. According the circumstances I think it fit to disclose the information and source of advise in the affidavit.

In the affidavit whatever the facts and figure writtnein clause 6 12, 13 and 33, I have not given any information of opinion to the facts written in para No. 23, rather I written the same as per my knowledge and experience.

Question - In case you have written para 5, 12, 13 and 33 as per your experience and knowledge and para 23 as per your own knowledge and experience then how you have written in the verification clause that on the basis of received information and advice you written bracket portion and para No.23 that above facts is based on the received information and advice?

Answer. I have written it because information is not received only from any specific person, rather it is also receive from the published material and the material which can be the available sources, got from the same. So far as advice etc. is concerned, my meant to this is that the information got, to correct analysis of the information the discussion is requested with the concerned expert of the subject and after the discussion the facts emerges and the originally could come in the mind analyzer.

It is not fair to say that I deliberately not wanted to expose the name of informer and consultant. No such advice was given to me by anyone that I should not expose the name of informer or consultant. It is incorrect to say that I have filed my entire affidavit in a casual manner.

I do not believe on Ishwar, Khuda or God. I did not take oath of God prior to giving statement. While giving the affidavit the oath is taken, this I have taken for the humanity and constitution of Country.

I do have knowledge to this fact that in the various excavation works the recording of receiving bones were made. In such example Swaroop Sarai Nahar Rai (Uttar Pradesh) Damdama (Uttar Pradesh), Mahadaha (Uttar Pradesh) etc. Above all the places are in Jaunpur, Pratapgarh and Allahabad. I have read the report regarding excavation work in the above places. Concerned reports were printed. These all reports were published by the Cultural and Archeological department of the Indian History of Allahabad University. The magazine above reports were published, I do not remember their names. These reports were published in the decades of 1980 or 90. Recently one book is published, in which above report of above three places is referred. I do not remember writer and publisher of above book. It is incorrect to say that I

casually read the above book, rather I have made intensive study of that book.

Often at the time of reading of any book I tried to remember the name of writer, publisher and printer, but I do not remember name and publisher of above book. I remember the year of above book and according to my knowledge this was published in the year 2005. Such excavation work done in the disputed property or its adjacent property prior to 1989, I have its knowledge. According to my knowledge prof. B.B. Lal had conduct a excavation and part of the above excavation were published in the magazine named Indian Archeology – A review, which were published in several years. Similarly Ancient Indian History, Culture and Archeological Department of the Banaras Hindu University had conduct excavation, but I have not seen the part of report of the above excavation, which I had seen in this department. I have not read entire report regarding above excavation work nor entire report is published rather its part are read by me. These parts were written by the excavators. These all parts were found to read by me in the library of Delhi University and history library of Jawahar Lal Nehru University. To get the detailed information about the above parts I studied the same. After studying in detail about the above parts I have established my opinion and taken conclusion.

Question - Do I understand that reading the parts of reports of the excavation you are ensured your opinion and conclusion?

Answer. Whatever the opinion and information received about the etc. after studying the same I establish my view.

It is not correct that according to above after reading the parts of the excavation work I establish my final opinion, rather it is correct that

till proper excavated information is not available in the form of publication or available then on the basis of the available material it dependent to make the opinion. In case in any circumstances it is necessary to give opinion or establish then whatever the available material, on the basis of which it is proper to give opinion. I did think this work proper. Since I have not done any excavation work and hence question of writing the report of excavation work does not arise. After reading concerned parts of the excavation works working as a analyzer I have analyzed. I have not work as a commentator or critic. The works I have analyzed, its related report is published by me. I have printed my analyzing in the books of Social Science Proving, Social Scientist, Punjab History Congress, Indian History Congress, Archeology Sins Independents, Region and Archeology magazines . In the above magazine none of the magazine is published in Delhi University and Jawahar Lal Nehru University. I can tell the name of writer, publisher and editor of the above magazine. , who are Pro. R.L. Shukla, Pro. K.M. Shrimali, Pro. Ramakrishna Chatterjee, Prof. V. Ramakrsihna, Dr. R.P. Rana, Dr. Vishwajit Pati. Publication of these books was made after the year 2000, it is not correct to say, rather Indian History Congress is published from the year 1935. Similarly rest books are publishing since long time, detail of which parts is given by me above, its publication is being made prior to year 2000., in this regard my article were published after the year 1989. At that time I was busy in teaching work at Delhi University. Delhi University is affiliating university under which affiliated colleges come. At that time was doing teaching in Swami Shardananad College. I, have been work as lecturer, Senior Lecturer and Reader in that college. There is post of reader in the affiliated colleges of Delhi University.

In the excavation of Sarai Nahar, Damdama and Mahadaha, bones were found. Recording of these bones were also made. I had seen this recording. About these bones whatever the various articles published about bones, I have read it. This publication is made partly. I did not go Allahabad University to read excavation report of these places. To preserve the bones found during the excavation chemical methods are used by the archeologist. Is not totally correct that archeology means only science of the old things. In English word Arche means old. Logy is made from logs, which mean Science. In any of the science method to work is given. Vol. said that but this study is not permanent. Sir Marnier wheeler has explained in its book Archeology from the earth that whatever the things received during the excavation, their systematic proper recording is necessary.

Question - Is Sir Marnier Wheeler has written in his book referring the bones about the recording and preservation?

Answer. Sir Marnier Wheeler has clearly written that whatever the antiquity found during the excavation it necessary to have their proper recording , In this antiquity all types of residue are included, in which bones are also included.

Question - Bones found in the excavation are antiquity, what is the procedure to determine in archeology?

Answer. To say the antiquity the main grounds is that human hard work and activities should be related to it.

There are two types of bones hard and soft. It is correct that some bones of a animal can be soft and some bones of the same animal can be hard. It is correct that bones are of dead animals. In archeology to know

the age of bones and species of animal several methods are used. Richard Medo has in his several articles mentioned the methods to know the age of bones and its related species of animal. I have read the articles of Richard Medo. I do not remember name of this book, in which this article was published.

Question. Do you know this method which is given by Richard Medo for knowing the age of bone and species of animals?

Answer. I do not remember all the methods.

Bones are of which animals such as pig, dog, fox, goat or human child, to know it there are arts. While using these arts paleontologist decide such bone is of which animal.

Paleontology means zoology. this is special branch, under which bones of the animals are studied. I have not read in my student life in relation to paleontology. Later also I have not read any book in relation to Paleontology, but I have read the articles about the bones concerning to the various excavation. Richard Med, which is mentioned by me above, in his articles I have read about this art.

The animals are called zoology and pura animals are called paleology. I have read about Paleology, but it is not my specific subject.

Question. While verifying of your affidavit in relation to para 6 you have written that para 3 to 22, 24 to 33 all are based on subject or fact records and true to my knowledge, it is correct? But in the verification you have not mentioned the record?

Answer. It is correct that I have not mentioned these records nor I think it necessary to mentioned, because during the excavation when I

was there, the bones were found, which has cut mars, and bones were of several types (thick, thin, soft, hard etc.) and after seeing them it can be said that these bones are of above animals.

Verification of my affidavit which is at page 19, its wording is also writing by me. I have not read any law book in relation to the affidavit. Since I have seen affidavit earlier in which there is verification clause in the affidavit. Therefore I also have written the verification. Prior to writing same I did not think it necessary to read any law book. Nor I took advise from the advocate.

Question. Was after the writing of subject of verification of your affidavit, you had given it to the very advocate who identified it and asked him whether it is correct or not?

Answer. I have already stated that I have prepared my affidavit an entire text was shown to the advocate so that he should look that its presentation is correct or not, which specific aspect is also its part.

Texts of my affidavit was shown by me to Shri Jafaryab Jillani. My advocate, which I mentioned above, is not meant to my personal advocate, rather the party on which behalf I came to give evidence. It is incorrect to say that at this stage I am telling lie. Since I did not think it necessary and hence have not mentioned the article and writers, which I have referred above, in my affidavit.

I did MA in Hindi Medium. In the end of para 33 of affidavit, the things written in bracket "must" is written by me myself and this word is not written by my advocate. Shri Jafaryab Jillani, Advocate had told that this affidavit is correct and sign on the same. I do not know that only facts are given in the affidavit and prayer is not made. There is difference

between the words "must be" "should be" "deserves to be". "Must be" appears to be mandatory rather it is written to give inferences, "should be" is also to give inferences. By writing "deserves to be" language become some soft.. Therefore to give inferences I used word "must be".

" in toto" is used for cancelling the entire reports. In toto means with totality.

Question. Do I understand that the ASI report filed in this case, after reading the same you reach to the opinion and conclusion that it does not any truth even one percent?

Answer. The purpose for which archeology science is used for excavation at the disputed place, considering the same I am saying that this report should be dismissed completely, it does not have any truth.

Statement readover and affirmed.

Sd/-
14.2.2006

Typed on my dictation by the stenographer in open Court. In the same order be put up for further cross examination on 28.02.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
27.02.2006

**Before Hon'ble Special Full Bench Hon'ble High Court Allahabad,
Lucknow Bench, Lucknow**

Dated 28.2.2006

PW-30 Dr. R.C. Thakran

(Cross examination of PW-30 Dr. R.C. Thakran in other original suit No.4/89, continued from 27.02.2006 by Shri Vireshwar Dwivedi, advocate, on behalf of Defendant no17 and Defendant No.22 Shri Umesh Candra Pandey)

I would not tell the exact meaning of Mandir. Meaning of English word shrine is worship place. I have not read any such article in which it has been said that in the name of the various God and Goddess of various temple, Hanuman Ji Ka Mandir, Hanumanji Ka Mandir, Ramji Ka Mandir, Rajmji Ka mandir, is called. It is correct that on this subject I did not try to earn the knowledge. Vol. I did not think it necessary. There is a presiding deity i.e. main deity in any temple and also not. Presiding deity is called to Head deity. It is correct to say that identification of any temple is made in the name of its presiding deity. Hindus are worshipping various God and Goddess and consider them deity. It would not be proper to say that every time temple will be called Avas Vrah or Avas Sthal or Avas Bhavan. Vol. Avas grah of Deity is also called Avas Grah it is not necessary.

Question - Is it correct that considering the situation of spot, what is where meaning of the temple has been told?

Answer. After inspection the situation in case it found that such God or Goddess is established there, according to same this place shall be called the specific place.

It is correct that in most of the temples apart from the presiding deity there is idol of other Goddess which the worshippers worship. It is

correct that the idol of the presiding Deity biggest and rest God and Goddess is comparatively small, where worshipers are worship at the same proportionate. It is correct that the temple in which other idols are also placed apart from the presiding deity, they are called subsidiary shrines. Subsidiary means 'assistant'. It is correct that Hindu religions texts and scriptures discloses that Hanuman Ji was the sevak of Rama. I do not know that the temple in which Hanuman Ji is the presiding deity, their idol of Lord Rama remain small, but followers are worship. It is not correct to say that theoretically I did not visit an temple. There are two temple in my village, and one temple presiding deity is Lord Shiva and in second Dada Maldaeva. I went several time in that temples in my childhood. Apart from this I also went other temples, such as Helebit and baloor Mandir of Karnataka. In these both the temple presiding deity is Shiv Ji and Nandi Ji. I have seen in these both the temples subsidiary shrines. I read shrilingam word and also heard. The temples I visit, there I did not heard Shrilingam. I do not know the constitution of Shrilingam nor I think it necessary to know. It is correct that under the Hindu religion in Tridev, Brahma Vishnu and Mahesha come. Brahma is considered the creator i.e. creator and generator. Similarly Vishnu is operator, guardian or operator. Similarly Shiv is called destroyer. It is correct that there is presumption in the Hindu religion that Bhagwan Vishnu are incarnated in time to time and came on earth. It is also correct that according to imagination and emotion of the society Lord Raa had incarnated as Vishnu. Various people of Hindu society are considered Maryada Purshottam, but several people not considered.

Question - It is not so overwhelmed to the same spirit your parents named you Ramchandra?

(On this question Shri Jilani, Advocate for Plaintiff, has objected and said that asking such question is totally irrelevant and asking the name retain by his father from the witness is improper and hence I request that court should not grant such permission to ask such type of question).

(after the consideration court has accepted the objection)

The temple in which I had seen idol of Shivji, there I have not seen idol of Srilingam. I have seen Shrilingam. Shape of Srilingam is round and tapering on above. The excavation I participated , in which nothing is seen to found full form of the Shrilingam is found from above and below of the land i.e. I have not seen Shrilingam in the excavation.

Question - It is understood that you have not seen entire Shrilingam i.e. upper part of land and below part of land till date nor read in this regard?

Answer - I have seen Shrilingam established over the land, and on the basis of which I got chance several time to read. Below part of land of Shrilangam is neither I seen nor read.

I have not seen the bodh Stupa. There is way to enter in the stupa and also not. It is incorrect to say that follower of various period of Bodh, are makes way to enter inside and some time not make, but actual position is that as and when development was made, (technical development and financial development) accordingly as per the changes requirements nature of the bodh stupa, in their size, shape is also changed. I do not have knowledge to this fact that Bodh are also take bath to their Stupa as per their tradition or not. As a history I never require to know nor I tried to know. Vol. it not necessary for a historian

to study the entire aspect of a subject together . I do not know Shrilangam is bath with water and milk and this work is being done by the priest and the followers. To exist the milk and water a pit part is made around the Srilangam, and thereafter it connected with a small drainage so that milk will be come out systematically. Vol. but around the Srilangam the upper circle and its connected drainage is made in special shape and method. I do not have knowledge that followers are taking the milk and water come out from these drainage made around the srilangam, as offering and move forward or not. But it is not possible. It is correct that it is not happened in the stupa of Bodh.

Question - Do you consider the above difference between eh Bodh Stupa and architecture of Srilangam as significance or not?

Answer - Definitely such difference has sign fiancé and I also consider it significance.

Question - Whether in this manner above difference is noted in the painted circular shrine mentioned in the report given by ASI ?

Answer. Yes I noted. Vol. the type of circle and its connected drainage is made systemically around the Srilangam, such type of any relic is not fond to see me in the picture nor in texts.

I do not know that in archeology what is meant "isometric view. In ASI report Volume 1, at Page No. 70A below figure no. 17, in the picture right side a think drainage is seen to me. It is correct to say that according to this figure 17 this drain goes towards south side. It is also correct to say that such drain goes towards the north side is not present in the Bodh Stupa. In Archeology the wording named "birds eye view" is not used, but it depends of the specific persons that for his facility and

language knowledge he used any such wording. I could not tell the meaning of above wording.

It is correct to say that In ASI Report Volume No.2 plate No. 60 in the left side one arrow sign is made. In this plate one thin drain is seen. I do not know in this plate which is shown like this, it meant I s towards the north direction. According to the picture given in this plate it appears that the same view from west is written in which site, may be this side is west side and according to which the direction in which such sign is making, this appears to be north side. Apart from shrine of Srilingam I have seen the drain coming out from towards the north of the Shrine. In my view there is a small shrine of similar type, in which the drainage of water is north and south direction. This shrine is called Mata Ka Mandir. In our village this Mandir is called Sheetla Mata Ka Mandir.

I do not understand myself as specialists of art of establishment of the temple. On this subject the some pictures which I have been seeing, on the basis of which being a archeologist I am giving my statement.

Question - Is it understood due to this reason you are not giving your statement as specialist of architecture art of the temple?

Answer. It would be correct to say that the statement I am giving here is here is not giving being the specialist of architecture art, rather am giving as a archeologist.

I am giving statement as a specialist of all the arts of archeology. Beside the archeology, separate art and architecture have two art, which knowledge is not necessary for the archeologists. It is correct to say for the investigation of archeology excavation work is being done. Whatever the excavation works participated by me in my student life, in which

investigation of the archeology was done. At that time excavation team leader was my Guru Prof. Udaivir Singh. It is incorrect to say that I am also specialist in the excavation work in investigation of archeology.

The work of getting specialist in the exploration of excavation was start in the year 1973-74 as a student and thereafter till date it is continuing. I got the degree of specialist from the Kurukshetra University in the year 1975 after my passing post graduation.

Question - In the degree of Master of Arts did you also received any degree of specialist of any special art?

Answer. At that time I got degree of archeological specialist in Indian Pre History, Indian Proto History, Indian Archeology, monetary science and logography.

Above all the subjects are paper of specialization of MA Second year. It cannot be said that I am specialist in all the above subject, because in the subsequent period I had studied the archeology and made my subject as study and research.

Concordance means to establish equality in various aspects and parts. At the time of excavation the excavation made in the various trenches, this is made layer to layer i.e. layerwise. And after completing the excavation there is need to establish the relation between all the layers found in all the trenches and this requirement is called concordance. To establish the concordance there are principles which are called principles of concordance? Vol. said that in archeology this is well known principle and given in book principles of concordance. This principles are given in the beginning of a book, the book in which it was given name of this book is Archeology Form the', its writer is Sir

Martimer Wheeler. Publication of this book was made in 1948 to 1950. At that time information of ground penetrating radar system (GPRS) were not available. According to me, knowledge of this system was not in whole world. Ground Penetrating Radar System is made available in the last two decades. I have read book written by Wheeler. I do know that which things are mandatory in the principles of concordance. In this things excavation should be done according to the layers. There should be proper recording for every material found in these layers and identification and demarcation of layers should be made through method. Apart from this I do not know that any other principle is written in book or not. In the subject of Indus Valley Civilization information was received first time in the year 1920 and 1921-22. I know Sir John Marshal. Since there are several persons by the name of Pit and hence till his complete name is not available till then I cannot tell that about which Pit I have been asking. I have heard about Stuart Pit. Stuart Pit and Stuart Pigat had worked in the ancient culture. Sir John Marshal has also searched on the subject of ancient culture in India and gave his report. It is not proper to say that the report given in relation to the Indus Valley Civilization by John Marshal is valid. Otherwise Prof. Ratnagar and Pro. Nayanjot Lahri have also questioned on the report of John Marshal. It is not correct that at the time of excavation of Indus Valley Civilization, John Sir Marshal was present every time. It is correct that at the time of excavation John Marshal was the team leader. I do know that Shri Rammagar and Pro. Nayanjot Lahri went several places in relation to Indus Valley Civilization. Swarin Ratnagar is going at the places of Indus Valley Civilization from the last 30 years and Prof. Nayanjot Lahri from the last 10 years. It is correct to say that I did not read the report given by Pro. shareen Ratnagar and Prof. Nayan Jot Lahri

against John Marshal. Several books of Sareen Ratnagar is in relation to Indus Valley Civilization, which I have read in which were dissenting him with John Marhsal. His first book Encounter with the wet – the Wasterli Trade. I read this book in the year 1984-1985. Second book “The Great Harappan Tradition & its decline” which I read in 1995-96. His third book was “understanding Harappa” which came in 2000. Book of Prof. Nayajo Lahri ‘ The Archeology of Trade Roots” was printed in 19992-93 and his second book “Finding Harappan Cities” was printed in 2005. In the year 1981 I got M.Phil Degree on study on the subject of The sequel to the Harrppan Civilization in the Greater Indus Valley”.

Question . At the time of excavation at the disputed place bones of pig or piglets were found or not?

Answer. This question can be answered after the scientific examination of the bones found.

In para No.5, 11th line of my affidavit the sentence “ which in bulk seems to be ship and got”, this is my own view, and it has archeological reason. In this regard no one has given advise to me nor gave information. It is my own conclusion. Vol. I deal such type of archeological antiquity. I have no deal on the subject of bone of pig, because in the old history first time got sheep and goat these two animals are reared by the human and for the fulfillment of needs these two animals are used in a large scale, which proof is found during the excavation of various places. Caw calf and bull rearing began in Neolithic period. In relation to the Indian subcontinent oldest residue of their rearing are found since the time 7000 as per the latest information. In the my study of period of history there is lack of rearing of pig and hence I cannot say that when rearing of pig is began. I do know that in Hindu

shastr Barah (pig) is also incarnation. In the ancient India deer was also hunted.

I do know that habitation is also called basasat. This is not complete truth. Habitation is made at one place in time to time and are also ends.

Statement readover and affirmed.

Sd/-
28.2.2006

Typed on my dictation by the stenographer in open Court. In the same order be put up for further cross examination on 1.03.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
28.02.2006

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**Before Hon'ble Special Full Bench Hon'ble High Court Allahabad,
Lucknow Bench, Lucknow**

Dated 1.3.2006

PW-30 Dr. R.C. Thakran

(Cross examination of PW-30 Dr. R.C. Thakran in other original suit No.4/89, continued from 28.02.2006 on behalf of Defendant No. 17 and Defendant No.22 by Shri Umesh Chander Pandey and Vireshwar Dwivedi, Advocates).

I do understand the meaning of 'Basasat', it means Habitation. In our local language in Hayrana Basasat word is often used. It is incorrect to say that I have used the word 'Basasat' in casual manner in this court. In our side the meaning of 'basasat' is not enjoy or happy.

Architecture is called the base of any building which is made as a platform of that building. Below part of base can be call pedestal or lower foundation. When any building is constructed then low bunt bricks, property burnt bricks and over burnt bricks are used. Vol. above bricks are used as per requirement. It is correct that property brunt bricks are comparatively smooth, but generally they are not smooth. It is not universal truth that more mortar is used in curved bricks in comparison to the properly burnt bricks, but there is its possibility. It is correct that for construction by curved bricks , there are gaps between them. it would not be complete truth that due to increasing of gap between them more mortar should be put to fill them. This is depend to the plan, requirement and financial position of the person using these bricks. It is correct that the people whose financial position is well they believed in making strong or more floors instead of single floor and they used more mixture in the foundation.

Question - According to the load and weight of any proposed building its foundation is made strong, is it correct to say or wrong?

Answer. Foundation should be laid considering the proposed floors of any building foundation but alleged proposed floors are not clear every time.

Proposed means with proposed. The foundation found at the disputed premises, I have seen it some parts. Pieces of brick is called brick bates. It is correct that in case brick bates are used in the construction then possibilities of gaps and widens increased. This is not complete truth that due to these reasons bricks bates and over turn burn bricks are more used in the foundation, so that more mortar is used and foundation be made strong. Vol. bricks bates are generally used in these circumstances in the foundation., when financial condition of the people is not to us the good bricks and so far as the question of increasing of strengthening by using of more burned bricks is concerned, it is not correct because such type of more burned bricks are less catch the mixtures and mortar. It is correct that more burned bricks are ceiling restricted. Vol. because such bricks cannot catch the mixture used in the masonry for long time. Generally over burnt bricks are used in financial weakness because these bricks are cheap. It is incorrect to say that I am deliberately giving false statement on this subject. It is not true that such types of bricks are used according to construction art perpetually till date. When financial condition was weak then to construct the house I had used the over burnt bricks because they were cheap and when my financial condition became sound then I used good bricks and more mixture. Second house was constructed by me about 8-10 years ago.

Question - In the architecture of archeology how many buildings are seen by you in which smooth bricks are used in foundation.

Answer. I have not seen earlier excavation of such type of architecture by the archeologist. Therefore I am not saying that at which architecture sample such has been used.

It is incorrect to say that I am deliberately giving false statement in this regard. It is correct that in the building construction somewhere entire wall is made in the foundation and somewhere, as required, pillars are made.

In India, lime surkhi is used in the construction of building since 8th century, which is considered a part of medieval period. According to my information prior to 8th century lime mortar was not used in the building construction. At that time i.e. prior to 8th Century clay mortar was used in the construction of building. Clay means various types of soil, in which alluvial i.e. soil made by river, alleviant soil i.e. soil made by sand bring by air. Clay soil i.e. black soil i.e. smooth soil, lome soil i.e. domat soil, yellow clay soil i.e. yellow smooth soil, black cotton soil, letrite soil i.e. concrete soil. Silty soil i.e. fine sand soil is included.

It is correct to say that in some soil, the adhesiveness or adhesiveness is very high. This quality is called Argellagious. In the building construction using of such soil in the foundation is considered to be appropriate, is not necessary, because it depends on the availability of such soil. It is also not necessary that at the time of construction of proposed building house constructor are ordered such soil from far flang. It is correct to say that the place from where such soil will taken or excavated there pit shall be made.

Question. In case in the process of making more than one house, more soil is excavated from the around area and put in the foundation and big pit will be made there?

Answer - It depends on the thing that what the number of houses to be constructed.

It is not necessary that in case more people are habituated in a place, there will be more pits, because number of the pits and their size can be big in case soil is extracted from one place and around and house are made from the soil. It is correct to say that after the rain in case people of colony want use the place of pit for other purpose or there are convenience to maintain the pit, the pits are filled. This procedure of filling the pit is not called dumping rather is called filling. It is not complete truth that to fill such pits outside debris is taken and filled. It is incorrect to say that in this processing of filling pits in case debris or other material is used, then it is called dumping. It is incorrect to say that in the procedure of filling in case debris or any other material is used then it is called dumping. Dumping word is used in archeology. In my view meaning of dumping is that in case debris or other material is collected from one place to other place as a heap, then it is called dumping such heap i.e. dumping can be made in the surface of land and not in any pit. During the excavation of the disputed place I have not seen sign of any dumping, rather only seen mark of filling. In the marks of filling, piece of soil and bricks and other small things were. Bones piece were also include in this debris, but I do not remember, but there is its possibilities that in these filling marks small piece were also included. In such marks I have also seen small piece of terracotta. In such filling material piece of idol of stones were not recovered. Now I do not

remember properly that during the excavation cyst (Black basalt stone) piece or black stone (Kasoti) were found or not.

I do not understand amalak. I did heard that Amalak remains in the temple. I never tried to know that what is amalak. Therefore I cannot tell that in the form of Amalk any piece was found in the excavation or not. the place where filled soil was found from the excavation place, it was of several types, in which sand soil, ash mixed soil and around mixed soil was found.

During the excavation at disputed place the filling soil was found, as per my view is found over the residue of Kushan period. It would be difficult to tell exact period of this filling. This would can be of Kushan period or just thereafter i.e. First Century BC too Third Century.

I have not read magazine "History Today" published by Indian History & Cultural Society nor I heard its name. I don't remember that I ever heard name of historian Shri R. Nath. I heard name of Janab Irfan Haseeb. I also heard name of Shri H.C. Bhardwaj Ji.

From document 296 C-1/5 to 296 C-1/9 article written by Shri H.C. Bhardwaj is shown in History Today magazine. I am not agree with this view of HC Bhardwaj that lime mortar was issued prior to 5000 years ago.

I did not read that during the Harappa Civilization, lime mortar was using. Vol . during the Harappa Civilization one specific type of binding material, which is generally called Gypsum, was used, is read by me. Shri H C Bhardwaj is metallurgist and not the chemistry scientist. The scholar mentioned by NC Bhardwaj in his above articles, in their list, is given in the end. In this list the mentioned J. Marshal, A Kaningham,

MC Joshi, Wheeler, were archeologist. In this list Altekar were not the archeologist.

Question - This point i.e. are you agree with the view of the above archeologist given in relation to the period of use of the lime mortar in India?

Answer. Above archeologist who are the chemistry scientist, have stated the use of binding material In Sindhu Kaal, which is called gypsum.

In Indian subcontinent Neolithic period is start about 7000 BC and end till 1000 BC in reference to various areas. The period of Harappa Civilization is divided in three parts. First period is start from 2700 BC to 2500 BC, second period is 2500 BC to 1800 BC and third period 1800 BC to 1200 BC. In Harappa Gypsum was used in the second period. Lime mortar was not used in that period. Harappa is situated in West Punjab at the bank of Ravi River. Any of the part of Harappa is not come in Rajasthan State. I heard the Kalibangan situated in Hanumangarh district of Rajasthan. I know this place, I have also seen this place. this place is come in the extension area of Harappa.

Statement readover and affirmed.

Sd/-
01.3.2006

Typed on my dictation by the stenographer in open Court. In the same order be put up for further cross examination on 2.03.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
01.03.2006

**Before Hon'ble Special Full Bench Hon'ble High Court Allahabad,
Lucknow Bench, Lucknow**

Dated : 2.3.2006

PW-30 Dr. R.C. Thakran

(Cross examination of PW-30 Dr. R.C. Thakran in other original suit No.4/89, continued from 01.03.2006 on behalf of Defendant No. 17 and Defendant No.22 by Shri Umesh Chander Pandey and Vireshwar Dwivedi, Advocates).

I did not read word channel word in archeology. I know parnala. It is correct that parnala is made for drainage of water or liquid substance. It is correct that there is a parnala on the back of every srilangam, but I cannot tell that it is called "pranal" in Sanskrit. By studying of Indian archeology we need words of sanskrit.

I do not have information to this fact that one place of archeological excavation is 'Mansar' which is in District Mannsar. I did not heard name of Mansar. . I heard name of the magazine named Indian Archeology a review". I do not know this magazine is published by Directorate General of Archeological Survey of India. I read it generally and not seen it, therefore I would not tell that in the 2004 edition review regarding 1998-99 is published or not. I do not have knowledge to this fact that in Mansar back of srilingam was towards east side. It is proper to say that I read only that book which I suited. It is incorrect to say that I am giving my statement being prejudiced. Till date I went several Temple of Shiv Ji, but what was the condition of Srilingam in those temples, is not remember to me. Vol. I have seen several temples of Srilingam, but I never pay any attention towards the situation of parnala. It would not be proper to say that being a archeologist I did not think it important to consider the direction of Parnala. Vol. this was never the subject of my research and hence I do not examine all the

these aspect carefully. It is incorrect to say that since it was not the subject of my research and hence I did not think proper to now the same. Vol. generally one person pay attention towards his subject of research. Under Indian Archeology in the culture temples are also includes. In the research of my M.Phil culture was also included. Vol. Culture is a wide subject in which around all the activities of human life are included and it is correct that in these activities religion, lifestyle, residence and building construction are included.

Question - You had no interest in the culture Hindu religious custom and activities, and hence you did not studied it?

Answer During the study period of your MA First year, Indian Culture philosophy was a subject of my study. In this period as per the requirements of my subject what the study was necessary, I studied all these aspects, but subsequent period the subject of my research was made a special period of archeology, and therefore I did not pay more attention towards this side in the subsequent period. I my M.Phil I had researched Indus Valley and Harrapan Culture. It is not complete truth that in Harapan Culture "aadi shakati" i.e. "Mart shakti" was worshiped. Vol. On this subject there are serious differences ideological differences in the scholars. N this subject I believe that every scholar submit his view according to his understanding. According to my view it is not proper to consider that in case Shakti or Mart Shakti was worshiped.

Ld arguing counsel has drawn the attention of witness towards paper No. 296 C-1/5 (Lime Mortar - plaster, surkhi in ancient India , article written by HC Bhardwaj), and asked in this article it is written that in all the old buildings made in every corner of India, Lime Plaster and Plaster and Surkhi were used, witness has seen this article and

replied I had replied this question yesterday. It is written in this article that gypsum and lime mortar is used at various places and various periods. It is written in Paper no 296 C-1/6 and 296C-1/7 that from Patna to Delhi, in between Lucknow, Varanasi, Ghazipur, and Allahabad are includes, Lime mortar is used in the construction. Vol. the manner writer has without any examination freely used the gypsum, vituman, lime and gypsum, lime mortar, etc. word, this is not based on scientific examination. I have not got any specialty in relation to scientific examination of mortar , and I never did any such test examination. I do not know what is gypsum , but it is a chemical element. I have not done any scientific examination of the gypsum. I heard name of Sankoliya Sahab. Sankoliya Sahab was a great archeologist. I am expressing my ideological difference with the view of these scholars because in the archeological history there is a dispute on this subject and I am acquaintance with this dispute. Till such type of chemical element are not analyzed through scientific chemical methods till then it is not proper to reach to this conclusion.

According to my knowledge use of lime mortar is not based on any scientific examination. I cannot tell the difference between Lime Mortar and clay Mortar. Generally it is correct to say that in lime mortar there is need off chemical analysis and not in clay mortar. My information in relation to the above is based on general knowledge. I got information after reading parts of various articles. In the present circumstances I am not giving my statement being specialist on the basis of above information.

I got the knowledge of floors made on the buildings, after seeing various buildings and study. I have not seen the floors of Bodh Temples, but I have seen floor of in the Chittaurgarh Quila and Jain Mandir. I

have also seen the floors of Gurudwara. I have also seen the floors of Mosque and in this manner also seen the floor of temples. But I have not studied any of the building in which above temple, mosque, gurdwara are included. Being an archeologist I would not tell that in the various building in which above temple, mosque, gurdwara are included, in the style of these floors which style is used. I have seen the floors found during the excavation from disputed place. Since I had no right to go close to the floors found at the spot and hence did not studied these floors closely.

Attention of the witness is drawn towards para 19 of his affidavit the word written as "We" and witness said that "we" is pleural and 'I' is singular. This is my affidavit and in which any other deponent is included rather I used "We" for myself. It is not true that in para 19 of my affidavit I have written all the things suffers from prejudice. Vol. whatever is seen by me at disputed place and read in the ASI report in this regard I have written in it.

Question - Was being a specialist, you had knowledge of 'Muslim style materiel and technique all through" and this fact which you have given in para 13 page 8 of your affidavit.

Answer. I have knowledge to the above things which I have referred in para No.13 of my affidavit.

My knowledge on this subject is relating to the architecture art and also connected with other things. In other things glazed-ware, glazed tiles and concerned materials is included. I have studied all these things. My knowledge is not only based on contents of the articles, rather is based on my own experience. It would not complete truth to say that I am not specialist of above referred materials and tiles. I cannot tell 100

percentage of my entire knowledge but I can say that I have special knowledge to above, which is based on my study. On this subject I have not read any specific book. I did not studied it in any science laboratory, but I have knowledge on the basis of my experience and knowledge.

Hindu- style materials and techniques which are used in the buildings, or building construction style is used, am not aware with the same, but I know with Hindu materials.

I do not remember that excavator Shri A.K. Nareyan got two coins of Dev Kings during the excavation. I also not remember that during the excavation of disputed place Shri B.B. Lal excavators received the soil coin of Vasudeva or not.

I heard the name of historian 'Hens Bekar', but his name is not Hens bekar but is Hans Bekar. I do not remember that Hans Bekar was historian or not. I do not remember that he had written any book on any subject or not.

I heard name of Prof. Devid Farle. I heard name of his book "The Mith of Aryyan in Region of India". I do not know that Prof. David Farle is director in any American institute or not. It is correct that Prof. Devid Farle has written the above book in relation to the History and archeology. I did not read this book, but I have knowledge about the contents and subject of above book. No one has told me about the contents and subject to above book, despite that I have knowledge.

I do not remember property that at page 17 of my affidavit in para 30 the 'Kapotpadi' word is used its spelling is correct or not. I do not know any word 'Palli' In the ancient Indian history. I do not know the word 'Amalāk', but I read about it. In para 30 of my affidavit I mentioned

that apart from amalaak and kapotpadi the things are found, they were less in number and were not in symmetrically. Lotus motif is called the mark of flower of lotus. At page 17 of the affidavit last line of para 3, word 'explicit able' is used, it means clear (explicit). 'Probably' word means possibly.

During the excavation of disputed palace in May 2003 I came to know that there was mosque/idgah below the disputed place. During the excavation from seeing the wall and ASI Report I appears to me that Babri Mosque or earlier the material was again used in making the mosque/idgah, was brought from around . I do not have knowledge that prior to my giving affidavit any article of Irfan Habib Shaba came to the effect that earlier there was Idgah below the mosque at disputed place.

Lozenge word is used at page No. 18 para 30, its means shape of geometrical deign, it is used in the painting of building construction for shape of decoration. I do not know that Lozenge i.e is name of an fruit or not.

Question - Opinion of how many experts i.e. specialists is read or seen by you who is based on probability?

Answer. I have read compositions of several such historian and archeologist, who are using such types of word in their article.

I have read book of Alchins Aalchins 'The Rise of Civilization in India and Pakistan' and book of Prof Shiri Ratnakar 'The Great Harappan Tradition and it s decline" in which such terminology is used. In these both the books writers have expressed their view on the basis of probability and also given findings.

Question - If it is said that probability is based on conjuncture and findings are based on facts, then is it correct to say or not?

Answer – According to me it is not correct.

The things are written in para 30 of my affidavit, these are written on the basis of what I have seen during the excavation and on the basis of ASI report and the objection, criticism against the said report.

I heard the name of fruit gooseberry. The upper shape of the temple are not the shape of gooseberry rather the rounding shapes are made, upon which top has the peak. Vol. shape of the cane mode i.e.e shape like ghat shape mode. Cane is also called Bent. I do not have knowledge that how many years of century ago cane is began using for making modha. I have not seen construction of amalak or above shape of mode in the Mosque. I do not know ghat is also called vase or not. Vol. ghat is called utensil. I heard the word 'kalash', but I do not know its meaning. Ghat can also be called pitcher. It is correct that in Hindu religion in any activity ghat has special significance and used. But today I cannot say therefore picture of vase is used in the temple., because I did not find picture of case in all the places of Hindu temple. It is correct that in some temples picture of vase is used, but did found in some. It is correct that picture of vase is found in Vaishnav temple. It is correct that temple of Lora Ram are considered Vaishnav temple. It is incorrect that maliciously and suffer from prejudice I tried to prove the mosque where excavation was done in the disputed place.

Statement readover and affirmed.

Sd/-
02.3.2006

Typed on my dictation by the stenographer in open Court. Cross examination by Shri Vireshwar Dwivedi, Advocate is continue.

Sd/-
(Hari Shankar Dubey)
Commissioner
02.03.2006

**BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District
Judge/ Special Executive Officer, Hon High Court Allahabad,
Lucknow Bench, Lucknow**

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in
other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors.
Vs. Gopal Singh Visharad & Ors.)

Dated 27.06.2006

PW-30 Dr. R.C. Thakran

(Cross examination of PW-30 Dr. R.C. Thakran, continued from
02.03.2006 by Shri Vireshwar Dwivedi, Advocate on behalf of Defendant
No.17 in other original suit No.4/89)

Ld arguing counsel has drawn the attention of witness towards
para 33 of the chief examination (page 19) towards the last four lines of
the verification clause and asked that in relation to these facts who had
given advice to the witness? Witness said that in this regard I have not
given any advice of information by anyone. I got information from report
of excavation. Mutual consultation in this regard made by me with my
associates, but in this regard I had not taken advice of anyone. It is
incorrect to say that in above para 33 in the bracket portion of the
verification clause of affidavit, whatever is stated by me is not correct. I
have not taken any advice about the last para of the above bracket
portion nor in this regard I got any information. On the basis of report I
have expressed my view. Contents of para 33 bracket portion is true to
my knowledge.

Question - Then about the last sentence of bracket portion of para 33 of
the affidavit, you have not written that verification is as per your
knowledge.

Answer. I have stated the verification of affidavit according to my
knowledge.

The reason writing about the verification is that in the legal matters I do not have technical issues. On the basis of understanding of my subject I have written these facts.

Ld. arguing counsel has drawn the attention of witness towards para 30 (page 17 and 18) of the affidavit and asked the witness that what is meant from 'Vaishnavite images'. Witness said that my meant to it that idols of Vishnu is related to its incarnation. Vishnu is name of a God and Vaisnav is called followers .

My meant with 'Stone with floes pattern' is that on these stones designs of floor and lives are carved. I would not tell clearly about the amalak. My meant with Kapot padi Dor Jam is with the decorated stones with the wall. Similarly my meant with Lotus Mofiq is the article painted of lotus mark. I do not the meaning of word Kapot Padi. I have seen Kapot padi Dor Jam at various places, but I would not tell the counting of these places this time. I would not tell the name of any place, where I had seen kapot padi dor jam. About 1- 1 ½ years prior to the excavation made at the disputed place, I had seen Kapot Padi Dore Jam at other places. In the excavation of Ayodhya I have seen Kapot Padi Dor Jam with semi circular plaster, is not remember to me. My meant to the pilaster with the structure such in built with pillar on wall. In the excavation of Ayodhya , so far as I remember, stone of foliage pattern was seen outside the excavation place and one stone which was of foliage pattern I saw it installed in the wall of west side. I have seen liege pattern stone more at the excavation place, then I do not remember in this regard. At the excavation place how many amalak are seen by me I cannot tell. I have been told in my earlier statement that what is Amalak. In this regard I do not know. In para 30 (page 17) of my affidavit, second line from above, I have written the word are in total very few, my mean to

it that some similar articles were received. My mean to very view is very less. The content of para 30 " and all easily explicable construction of the Babri Masjid, is that the manner some articles were found scattered at the excavation site, from which it can be concluded that these are not in see to and taken from other place as a debris. In the construction of how many mosque Amalak, Kapot padi and Lotus motif is seen, it can be said when mosque are demolishes and such excavation is made at this place. I cannot say in the construction of how many mosque Amalak, Kapot padi and lotus motif is used. Vol. for which there is need to survey the certain mosque. I cannot tell that in how many mosque I have seen amalak, kapot padi and lotus motif. In this regard the reason of my not telling that it possible to tell on when I survey the certain mosque in this view. I have not seen above three things installed in any of the mosque. I do not have much knowledge about the architecture of the mosque, but I do have knowledge in this regard. Whatever the information I received in this regard is after reading the survey reports of Archeological survey of India and time and when I got chance to see the mosque time to time. At present I would not tell about the year when annual report of ASI is published, but in the publication of every year something is published about the Delhi and its around mosques. I would not tell that the annual report of the ASI in ediion of 1996-97, 1997-98, 1998-99, published about the architecture of the mosque or not. Vol. I have given reference of such types in the my affidavit. In this reference I have written that in this report about which mosque of Delhi and around are printed. Ld. arguing counsel has said to witness to see the affidavit of his chief examination and tell that at which place written about the annual report of the ASI? Witness has read the affidavit and tell that at page No.13 para 22 of my affidavit such facts are

given. In this regard para 23 page 14 of my affidavit is also mentioned. In para 23 of my affidavit any report of ASI is not mentioned, rather an drawn the attention towards a important publication. In above para 23 how should the mosque be made, is not mentioned, but it is mentioned in it that in Delhi such pillars are made in the mosque. In above para 23 the size of pillar and shape is not mentioned. The book mentioned by me in para 23 , its writer is of Japan. This book is written about the architecture of Sultanate period. This book is mentioned at page No.23 of my affidavit, this is not the publication of Government of any country. It would not be proper to say that in para 22 of my affidavit there is no any discussion about the architecture of Mosque because pillar bases are discussed in this para, this is related to the architecture of Mosque. The pillars are made in the mosque, pillar bases are required for the same. In above para 22 discussion is made about the pillar bases and the manner of the super structure found at the lace named Lal Kot above the pillars, this has also been discussed here.

In MA Part I, I have studied about the Indian Culture and Philosophy, in which archeology was not read as a subject directly, but the material regarding archeology was being studied.

In M.Phil archeology was the special subject of my study. In relation to getting degree of M.Phil thesis have to be submit. In M.Phil the subject of my thesis was "Sequel culture to the Harappan Civilization in the Greater Indus Valley. Harrapan culture and thereafter period are studied on the basis of archeology, because for their study no material is available. Thus this subject is purely based on the archeology. I have stated this in my statement but thereafter the subject of my research is made a specific period' my statement is correct. The period which has been mentioned this is from old age to earlier historical period. In the

view of history this specific period was in the view of my study, which has various sub period. In my above statement the party referred by me, my meant to it is various parties have made archeological study., but I have adopted some specific parties in my study. My meant to the party that in view of my MA Final year study, there were four subject in a group and there were several groups. In view of the specialization the group choose by me was related to archeology, Numismatology, and Archives and thereafter also subject of my study remain only one part which was related to archeology. During my M.Phil I move forward for the study of Archeology. Study of archeology is done by me from the old age to the early historical period.

In my statement of 2.3.2006 at page No.165, I have mentioned HC Bhardwaj and Sankliya Sahab. I have stated about my ideological differences with these two scholars at above page. My ideological difference with Sankaliya Sahab w is on the point that he is not the knower of Chemistry, and was a archeologist. Similarly my ideological difference with HC Bhardwa was due to the same reason that he was not the knower of chemistry and they have not made any analysis of gypsum in any laboratory.

Question. The articles mentioned by you in page 165 of your statement, on these issues are you agree with the views of any archeologist or Chemist.

Answer - I do not have knowledge about the chemistry that since the ancient time till modern time, the material used in time to time for construction, which has been studied by anyone in laboratory. I myself do not know what is gypsum. I have not made scientific examination in this regard, because I am not competent to do the same. I have not made

analysis of Lime mortar . I broadly can say the differences between lime mortar and clay mortar. On 2.3.2006 I have given statement at page No. 166 that I cannot tell the differences of chemical analysis of lime mortar and clay mortar. In this regard my today's given statement and statement given on 2.3.2006 both are correct. It is incorrect to say that at this point I am giving false statement. I have not got any specialty in relation to Mortar. I do know that at present I am giving my statement as a specialist.

I went the temples of Hindu, Bodh temple and Jain temples and I also went Gurudwara. I also got chance to go Church. I also went to Mosque I do not have knowledge to the fact that in temples, mosque and gurdwara Jain and Bodh temples there are several types of floors or not I did not try to know about the types of above floors and hence I do not have knowledge about same.

Ld. Arguing counsel has drawn the attention of witness towards para 13 (page 7) of his chief examination and asked that what is the meaning of sentence in this para blow second line at page No. 7 , "A floor totally Muslim on stylistic grounds". Witness said that my meant to it is that such technique and such material for making the floor is used by the Muslims. It is correct that in the pre mogul period floor of lime surkhi was not seen in the temples and this was used in the Muslim structure. It would not be proper to say that as a specialist I do not have any knowledge on this subject. In this regard I got special knowledge from teacher. From the Indus Valley civilization till subsequent period the construction is made and the material is used as a result of its study I got this knowledge. It Is not correct to s say that I am ignoring to give reply on above issue. In this regard I got knowledge from the material published in books and magazine. It is not possible to tell about the

publication year of these books and magazine, but broadly I can tell the name of books and magazines, which I have read. " Writer of Rise of Civilization in India or Pakistan is R.R.alchin, writer of "Understanding Harappa. 9s shareen Ratnakar and Purattw Main and environment Indian Archeology a review etc; can be included. Above book of Dr. Shreen Ratnakar was published probably in 1998 or 2000. Puratatwa is a annual magazine. I would not tell in which year of puratawa I had read in this regard, because something has been published on these subjects several times. Men and Environment book is also annual, in which articles are used to published in time to time. Indian Archeological a Review , is a research magazine published by archeology department and in which several times of reports are used to published. Whatever the articles I read in these magazines, I would not tell name of their writers at present.

Question - In Bodh, Jain and Hindu temples lime surkhi was not used in Mughal period, in this regard from where you got the knowledge?

Answer. I got knowledge in this regard from the publication made by the researchers in the above research magazine in time to time.

I would not be correct to say that I am not agree with the view of H C Bhardwaj. In relation to not agree with the view of H.C Bhardwa, the reason has already been explained by me that the analysis of the HC Bhardwaj is not reliable, because he is neither the chemist nor he analyzed the material found from various places in the laboratory nor the view placed by him is according to the historic information.

Question - Do you know name of any chemist , who gave the view that floor of lime surkhi are only used in the mosque.

Answer - I do not know name of any chemist who said that lime Surkhi is used in the Mughal period only in the mosque, But generally the knowledge of the admitted science development is on the basis of which I said that use of lime surkhi is used by the followers of Islam religion.

Muslim Ruler were in the pre Mughal period. In India use of lime surkhi is considered from seventy- eighth BC. It specially considered in the 8th Century. Certain historians believes that specific material and technique is begun in this period. In these historians name of Pro. Haribans, Pro. Satish Chand, Pro. Irfan Habib are notable. I heard the name of R.S. Sharma. In this regard what is the view of R.S. Sharma, I do not have its knowledge. It is not correct that I am not telling deliberately in this regard.

Question - Since the 8th Century till end of 5th Century like surkhi is used in the temple in India or not?

Answer. In this period lime sukrhi was used for constructing of the floors of all the temple or not in this regard I do not have knowledge. Because I did not studied temple of this period in this view. It is incorrect to say that I have much love with Mosque and not with temple.

Statement readover and affirmed.

Sd/-
27.6.2006

Typed on my dictation by the stenographer in open Court. In the same order be put up for further cross examination on 28.06.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
27.06.2006

**BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District
Judge/ Special Executive Officer, Hon High Court Allahabad,
Lucknow Bench, Lucknow**

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in
other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors.
Vs. Gopal Singh Visharad & Ors.)

Dated 28.06.2006

PW-30 Dr. R.C. Thakran

(Cross examination of PW-30 Dr. R.C. Thakran, continued from
02.03.2006 by Shri Vireshwar Dwivedi, Advocate on behalf of Defendant
No.17 in other original suit No.4/89)

What is the architecture in Hindu Vaishnav Mandir, I do not have knowledge. Architecture of the Hindu Vaishnav Mandir were not similar since the beginning till date and changes have been made in it time to time. What was the architecture of the Hindu Vaishnav temple in 12th Century, I would not tell today. At present what is the architecture of Vaishnav Mandir, I cannot tell. In the mandir grahgrah is after the canopy in temple. It has been surrounded with prtdhikshana Path. Canopy is called the part like porch in the grabhgrah. In the temple prior to canopy there is a open platform and prior to that there are stairs but it is not necessary to have similar in everywhere. In Indian culture and philosophy I have read In while dong MA previous, at that time I did not studied in detailed about the construction style of architecture. Some part of the temple is called Antral or not is not known to me. There is any place named Jagmohan in the temple, I do not know. I do not have knowledge that the place in front of the grabh grah situated in the mandir, is called Antral or Jagmohan or not. I do not have knowledge that in front of the grabhgrah and its back there are mandap or not. When Mandir are made then broadly I know that worship is made This workshop is made for the place where temple is to be constructed. I do not have knowledge to this fact that when temple is constructed prior to

that ghost etc. are worshiped or not or offering are made to them or not. I do not have knowledge that such type of worship is arranged annually in the temple or not.

I did not heard the name of 'Vastupad Vinyas' I do not heard the name of Sacred Diagram' in English. I do not have knowledge that at the time of worship of above bhutpret-pishach is blood and meat is offered or not. I got chance to go South India several times. At that time I had seen the temples there. I did not visit the area of Tirupati Balaji. I have not heard any area in the name of GudiMalam in Adhra Pradesh. In the above area I have not seen any specific Shiv Temple which is famous in throughout the world and I do not get chance to go there. in the temples of South I went Helebid, Belur and Mysore. During this period I had gone Jain Mandir to see Shravan Vega Gola. I never went Rameshwaram in South. The above temples of South which I have stated to be seen are Shiv Mandirs. I have heard the name of Mahasthan Mandir of Bangladesh. Excavation was also made their which was done by Dr. Nizamuddin Ahmed. Vol. excavation was happened there but I don't know who were excavaters. I don't know this mandir of Bangladesh is on mound or not. what was found in this excavation of Mahasthan is not in my knowledge. I don't know the fact that in the excavation of Mahasthan of Bangladesh, Pillar, pillar bases, bones and carving stones were found, I don't know Islamic things were found in the excavation of this place or not because I have already stated that I do not have any details regarding this excavation. I never heard that the excavation held in Mahasthan is famous in archaeological view in throughout the world. I heard name of Shri Jagatpati Joshi. He was director general in ESI some people believes that he was a good archeologists. I do not think Shri. Jagatpati Joshi was a good archaeologist. I am archaeologist or not this can be decided by

other archaeologists or historians. I heard name of A.K Sharma. He was also archaeologists in Archaeological Departments. He made several excavation but at present he is excavating in Shivpur Jharkhand or not. I don't have its knowledge. I did not heard name of RD Trivedi who is civil engineer. I do not have knowledge that R D Trivedi are known to be specialist of style and construction of Indian temples or not. I heard name of a Naga Swami of South. At which place of South it is situated is not my knowledge I also do not ha knowledge that he is known as specialist of any department of history or not. I do not have knowledge that h is working as a professor in archaeological department of any university. The person who was in the post of director in ESI, his name is Naga Raja Rao. Earlier he was residing in Mysore. I do not have knowledge that where he lives. Ancient history department is not in JNU. Any such education such as archaeology or anthropology is independently not in this university. Ancient Indian History is come in centre for historical studies in JNU. Its chair person is professor Mridula Mukherjee. Professor Suraj Bhan is grea archaeologists and excavator. I do not have knowledge that he had start class 3 service in Indian Survey Department or not. apart from the temple or village I went several temples of south India. In the temples of South India I went to the famous South temple of Jammu but I am not remembering in name of this temple. I have visited Jammu university and during this time I went to see above temple. To which god or goddesss was that temple I could know after seeing the same but at present I am not remembering the name of that god or goddess. It is not correct in this view that name of god or goddess of our temple is not important and hence I forget their name. I have already clarified that I do not have faith in god or deity. I

also not believe in allah or khuda. I have general knowledge about the architecture of mosque.

Question- being a specialist do have knowledge of architecture and style of mosque or not ?

Answer- being a archaeological specialists I present here and have already stated in my statement that art of building construction is separate act to which I not get any intensive study as a specialist.

In Hindu religion whether vigrah of movable and immovable property is happened or not is not in my knowledge because I am listeneing these words first time in reference to Hindu Religion. I do have knowledge about mosque and idgah. What is the difference between mosque and idgah I cannot tell this difference but I heard about these differences

Question- Do you come here to give evidence on hearsay or not?

Answer- in which reference hearsay things are useful, in this regard definitely information or view can be placed.

I definitely heard about the difference between mosque and idgah but I have not studied about it. It is correct to say n relation to mosque and idgah I have filed my sworn statement. I do not have any special knowledge about this art.

Question- Can you tell after seeing the wall of idgah of foundation of mosque that which s the wall of idgah and of mosque, what do you say in this regard?

Answer- it is not possible for me to tell the difference by only seeing wall of foundation.

The statement given by me in my affidavit of chief examination is give on being a specialist. It is incorrect to say that being interested in Sunni Central Board I have given my above statement. It is incorrect to say that I am interested with Sunni central Waqf Board. I have not seen the procedure of making wall of foundation of a mosque to the wall of other mosque apart from dispute place of Ayodhya. Vol. till date such type of excavation is not happened anywhere. I have already stated that I don't have knowledge about the differences in construction of mosque and idgah.

I have seen taksh or nishesh in temple. The idol or established in the takh of the temple. When any follower moves on the pradakshina padd of temple then he bow down his head on the idle lying in the temple. In the wall behind the presiding deity of any temple, the takh is on the front side in which idol is placed. Takh remained present in the presiding deity and behind the temple. I do not have knowledge. It is incorrect to say I am giving false statement at this point.

I have not heard name of Ujjvani Mahakaal Mandir. I do not have knowledge that this mandir was demolished by Aurangzeb or not. Marathas have repossessed this temple or not I also do not have its knowledge. I do not have knowledge that this Mahakaal Mandir of Ujjain is of which god or goddess. It can be assumed that I do not have specific knowledge about the temples. GPR survey was conducted at the disputed place prior to excavation. In this regard report has been read by me. In the GPR reports certain anomalies have been mentioned. I do not remember how many anomalies are mentioned in this report. I did not try to locate that at which place these anomalies are located at the disputed places. In my view these anomalies not have any special significance in this reference.

Question. Knowing very well you did not noted anywhere that where Anomalies are found?

Answer. It is correct to say that I did not think it proper to note the places of these anomalies.

I can tell that at which directions these anomalies are pointing out, it was towards any solid subject and nor towards any specific structure.

Question - Can you tell that where presence of Anomalies were mentioned in the GRP Report, in these place anomalies were found or not?

Answer. it is not proper to say. I believe that whereby the GPR technique gesture is towards the anomalies, there some solid substance were received.

Question - when you did not know about the places of anomalies pointed out in the GRP report, then on which basis you are saying that solid substances were found there in the excavation.

Answer. The basis of my saying is that this technique is very modern technique, from which help such anomalies pointed out towards the solid substance.

It is incorrect to say that I am giving false statement on the point.

I do not have knowledge about this that in the excavation of various temples animal bones are found or not. In the report of excavation of temples I read that animals bones are found. In relation to such temples there was no any dispute about any idgah and mosque. In the excavation of such temple where animal bones were found, I do not try to know that why were the animal bones were found. It is not proper to say that I have given false statement in the interest of Plaintiff.

In the excavation there is a thing named periodization. In the report of excavation periodization is mentioned. In the report of

excavation important thing regarding the period is that sequence of time is goes from below to above. secondly in every time scale there are some important marks, on the basis of which one period is classified separate with the other period. The vivid study of the material received from the excavation is made on the basis of analysis, stratification and development sequence. Thereafter such type of period is divided and in periodization name of the period is also has. In case period is dynastic then it has been mentioned, but in every period it is not necessary to have dynastic period. basis of periodization is development, which has relation with a specific period. This period cannot be divided on the basis of century. Different period can be divided by identifying in the development stages. In the periodization shung period or kushan period is also mentioned. The periodization is also divided on the basis of century. In the kalkram it has been given separate name such pre-history , pro history, early historical period, historical period, early medieval period, medieval modern period.

Question - Which archeology is in between of which and which century, it has been mentioned in the determination of period?

Answer. Generally there is no such division of archeology.

In the dynamic period Shung, Kushan, Gupta and Gupta period come. In post gupta period, Raj put period has been included. Thereafter period is called Sultanate period. After the Sultanate period Mugal period is come. After mugal period, Uttar Mugal Period come. After Uttar Mugal Period modern call, which is also called British period come.

Mugal Dynasty is generally considered from 1525 to 1707. Mugal Dynasty is began by Babar. It is not correct that I am giving false statement at this point. Babar came in India in the year 1525. It is not correct that Babar came in 1526. When Babar came India first time, he

came in Punjab area. I do not have knowledge to this fact that when Babar came India then Afghanistan was also the part of India or not. I do not have solid information to this fact that when Babar fought with the people then in which manner he fought and when he fought with Hindus then he fought as a Jihad or not. Ibrahim Lodhi, who had war with Babar, was Sultan. He was of Lodhi Dynasty. He as of Sharqi dynasty, I do not have its knowledge. Sultanate of Sharqi Dynasty were ruling in a part of North India at that time. Jaunpur was also include in this part, but Faizabad was included in it or not I do not have its knowledge. In the year 1528 who was the ruler of Ayodhya Faizabad, is not in my knowledge. In Jaunpur the ruler of Shukri was, I do not know is name. I heard name of Sikandar Lodhi. He was ruling Delhi and around areas. Area of ruling of Ibrahim Lodhi and Sikandar Lodhi was separate. I have not read Babarnama. I do not know that Babarnama is the diary written by Babar.

Question. In India the period of 11th and 12th Century is known in the name of which dynasty.

Answer. During period there were several rulers of different dynasty in various areas. Ruling of one dynasty was not in India. I would not mentioned all the dynasty here.

It is not correct to say that ruling of Gupta Dynasty was in entire India. Gupta period is also come in the historic periodization.

In north India ruling of Garhwal Dynasty was in the modern Uttar Pradesh and its surrounding area. His capital was Kannauj. Sultanate period was remained. The period Just prior to the sultanate period is called Rajput period. Sultanate period is remained from 1525 – 1526. Rajput period was prior to Sultanate period. its ruling was around 300-350 years ago. I do not have knowledge to this fact that his ruling was in

Ayodhya was not. Ruler of the Garhwal dynasty would have made several temples, but I do not have any solid information about this. It is not correct to say that in his regard I am giving false information deliberately. In this regard I have no knowledge that kings of Garhwal dynasty have made temple in Ayodhya and also renovate the temples. Construction of temple were began in Gupta dynasty, but in this period any temple was made in Ayodhya or not, I do not have any knowledge. I also not have knowledge to the fact that any temple is made in the Mugal period in Ayodhya or not. I do have knowledge about Hanuman temple of Ayodhya. Who has constructed this temple is not in my knowledge. I do not have knowledge that Aurangzeb has demolished any temple in Ayodhya or not. disputed building is the mosque made by Babar. I do not have knowledge that Babar came to Ayodhya to see construction of this mosque or not. In this regard that Babar has built the mosque in Ayodhya, I have read in newspaper. As a historian I believe that newspapers and magazines are the source of knowledge. Vol. the historic information received from these sources is authentic or not, it is decide by the historian after study and analysis. This information received from newspaper and magazine is not verified by me from any book. But in this regard the article about the dispute published in the monogram, I did not try to know the same. In these monographs I have not verified the authenticity. Vol. it has already been verified by the historian. In this regard book of any historian is not read by me. In during the excavation when I remained in Faizabad, I have not seen any temple, but I have seen a temple which was in the bank of temple. Nam of this temple or the God or Goddess established in it is not known to me. I did not seen any mosque or tomb in Ayodhya.

Question. You have not worked as director in any excavation?

Answer. it is correct.

Question - The excavation done by you in Mirzapur and quila of Raja karan Singh, when it report was published.

Answer - yes in relation to these excavation partly was published in relation to the annual progress report.

Final report of the excavation is not published yet.. I have not done any excavation of any temple or mosque. It is not correct to say that in relation to the excavation of mosque I cannot be called field archeologist.

Question - Then is it understood that in such excavation without going to the filed you should be consider as field archeologist ?

Answer - It is not necessary for the field archeologist to participate in each excavation. It is necessary for the field archeologist to get training of excavation, manner of recording the excavated material, classification of the material, study and analysis.

Ruling period of Sikandar Lodhi and Ibrahim Lodhi was separate. It would be incorrect to say that in Panipat War when war was held between Babar and Ibrahim Lodhi, then Sikandar Lodhi had helped Babar as a ruler in this war. I would not tell what was the period of ruling of Ibrahim Lodhi. And what was the ruling period of Sikandar Lodhi. But ruling of Sikandar Lodhi was prior and ruling of Ibrahim Lodhi was later. How many year difference was between both the ruling period I cannot tell. In the above statement Sharki Sultan is came what is the meant of Sharki is not known to me.

I have seen bodh stupa. I have seen bodh stupa of Sanchi. I have also seen Bodh stupa in Kolhua, vaishali. I can tell shape and construction of these stupa.

I know Chaityagrah. Chaityagrah is a Bodh Temple, which is made by cut the mountain.

Question. Stupa is solid and or halo?

Answer. changes have been made in the stupa in time to time.

Earlier it was solid and later it start halo, but since when and which period it was began I do not know. There is no any door in this stupa.

The stupa I have seen they were solid. There were other construction around these stupa. This construction is made for the decoration.

Question - On the basis of the above knowledge have you written first two lines in para 25 (page 15) in affidavit of your chief examination.

Answer. It is correct to say.

Time to time I used to read other books and research magazines. I would not tell name of other books. Research magazine, in which regard I have read, I would not tell right reference about the same, but I can tell name of these magazine.

Statement readover and affirmed.

Sd/-

28.6.2006

Typed on my dictation by the stenographer in open Court. In the same order be put up for further cross examination on 03.07.2006

Sd/-

(Hari Shankar Dubey)

Commissioner

28.06.2006

BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District Judge/ Special Executive Officer, Hon High Court Allahabad, Lucknow Bench, Lucknow

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors. Vs. Gopal Singh Visharad & Ors.)

Dated 03.07.2006

PW-30 Dr. R.C. Thakran

(In continuation to 28.06.2006, Cross examination of PW-30 Dr. R.C. Thakran, in other suit original suit No. 4/89 on behalf of the Defendant No. 17 was to be conduct by Shri Vireshwar Dwivedi, Advocate, but he said that he do not want to cross examine on behalf of this witness and hence cross examination on behalf of the Defendant No.16 by Shri Vireshwar Dwivedi, Advocate is closed).

(Now in other original suit No.4/89, cross examination of PW-30 R.C. Thakran, on behalf of Defendant No. 13/1, by Shri Rakesh Pandey, is began.

'Early medieval period and 'sultanate period' are different. Earlier medieval period began from 7th century AD and till the beginning of Sultanate period, which is 1206. Sultanate period is end in 1525-1526. Medieval period began from 13th century and believed to be in the middle of 18th century. There is no any period of medieval period. It would not be correct to say that medieval period was from 11th Century till the middle of 12th century.

I have stated in para 2 and third line of my affidavit of chief examination that ASI report is unprofessional.

Question - People of every religion and every state were in the ASI team i.e. experience people of various subjects of the archeology. Then the

word used by you unprofessional in your affidavit, it is used by you as a team member or for some specific persons?

Answer. So far as constitution of team of ASI is concerned, in this regard I have already expressed my view, in which it was told that the team formed by the ASI for the excavation of disputed place, this team has lack of specialist and so far as unprofessional of this team is concerned, my meant to this is that the manner in which ignorance is committed in this report is not expected from a professional archeologist.

Word unprofessional is used by me for the report of ASI. This word is used by me for the approach of team. Since ASI team members have prepared the report of ASI and hence I stated unprofessional for all the members of team.

Question - you have stated in para No.1 of the affidavit of chief examination that you did MA in ancient history and archeological subject, there were several such subject in the archeology, which is not studied by you and there were specialists of such subject in the ASI team, but you have also used unprofessional word in relation to their work?

Answer - It is correct that I have not studied all the subject in my study period, but it does not meant that in the subsequent period also a after studying the excavation report I cannot express my view and so far as the specialist of the ASI are concerned, in case they discharge their subject religion then while writing the report they did not found the same then after reading their report I am competent to say pointing out their errors that report is unprofessional document.

Question - I say that you have used the word unprofessional about the activities of ASI or not. You did not reply this question, please tell?

Answer. I have already given reply to this question, but despite that I would like to clarify that the specialists of the ASI who have filed this report, after examining this report, I definitely can say that this is unprofessional work of these people.

Question - In which manner you say that all the members of ASI, in regard to them you have said unprofessional?

Answer - In case all the members of the team of ASI were include in preparing the report then this statement is correct.

Question - Is there anything in the ASI Report, to prepare the same all the members of ASI have not cooperated ?

Answer. Who members have helped in writing the report of ASI, and who of noncooperation, I am not in position to say, but the name of the members who are connected with various chapter, in their relation I have stated my things.

Question - You have stated in para 2 of your affidavit that during the period March 2003 to August 2003 you remain present at the excavation site Ayodhya, during your remaining at excavation site, had you made any complaint against the unprofessional conduct of any member of A.S.I team?

Answer According to my right I had reached my things to the concerned officers through my advocate.

I was not aware that I was competent myself to raise any objection against the conduct of members of ASI Team. I had not made any

complaint through against the team of ASI for their unprofessional conduct, rather mentioned about the modus operandi of the ASI team.

I was representing Babri Masjid at the excavation place. It is not correct that I had to place my part of Babri Masjid at the excavation place or oppose the Defendant. My purpose was only the excavation should be run according to the rules of excavation.

Question - You do not know that on behalf of which party you were present at the disputed place?

Answer - I have already stated in my statement. I already stated that I was present at the excavation place on behalf of the Babri Masjid.

It is not correct that I have filed objection on behalf of the Babri Masjid considering their interest. My purpose was to conduct the excavation as per the rules of archaeology. After the excavation according to the same rule excavated material should be studied and thereafter same is analyzed through scientific method and lastly which is the actuality emerges. It is not correct that rules of excavation are not prescribed. Rules of the excavation are prescribed. It would be improper to say that archeology is rule less subject.

Ld. arguing counsel has drawn the attention of the witness towards para 3 of his affidavit of chief examination, fourth line content "it is full of internal contradiction". Which rules of excavation are prescribed in which regard, in this regard I have already stated in detailed. I have used the word internal contradiction in para 3 of my affidavit of chief examination in reference to the entire report of ASI because this report is full of such type of contradiction and these contradiction I have already been discusses. In para 3 of affidavit I have stated the internal

contradiction, this is related to the para 4 and thereafter paras. The internal contradiction of the ASI report referred by me in the affidavit of chief examination, apart from them also there are various facts which comes under internal contradiction. Since I was not writing any report and hence in my affidavit I have mentioned the same contradictions which are possible given in para of affidavit of my chief examination. It is not correct that whatever is stated on behalf of the Babri Masjid, it is possible to give the same facts. It is not correct to say that the internal contradiction said to me by the parties of Babri Masjid, same are mentioned by me in the affidavit of chief examination.

Question - The reference of the internal contradiction, which are not mentioned you in the affidavit of chief examination, was it not probable to mentioned?

Answer. My meant with the word probable is that I am replying pointing out towards the loopholes in the excavation report. In case order is given to me by the Hon'ble court expose all the loopholes of the report and submit a report then definitely I would be competent to expose such loopholes.

I myself has prepared the affidavit of chief examination and this fact has already been stated by me. I remained in the excavation site as a witness and before the Hon'ble court my name is given as a witness on behalf of Masjid party, therefore I have prepared this document for placing my part. I was contacted by the Jilani Sahab Advocate to give evidence. Jilani sahib, advocate definitely has no knowledge on the subject of archeology and hence on the basis of my knowledge of archeology, I prepared my statement of chief examination.

Despite of not having knowledge of archeology to Jillani Sahab, I have filed objection through him because I know that that we can only reach our objection through him to the officers.

Ld. arguing counsel has drawn the attention of witness towards para 5 of his affidavit of chief examination and after reading this para at page 3 and 4 of affidavit, said that in case during the excavation bones are found at the spot then this point out towards several possibilities. In these possibilities these bones can also be of human and also of animals. Bones of human is found in some special reference, which possibilities is not seen here. Therefore it is more possible that they are bones of animals. Presence of the bones of animals at the big part after excavation site point outs towards that the people living there were eating animals.

Question - My question was that bones are found at any place during the excavation, then in which regard they are point out?

Answer - Finding of bones at the excavation place is pointed out that bones can also be of human being and also of animals.

Question - In case bones are found at any excavation place and according to your given answer any report is prepared on this basis that they can be the bones of animals and also of human?

Answer - I have replied this question in reply to aforesaid question, but so far as reply to this question is, in this regard I would like to say that only by presence of the bones any report cannot be written. For writing a report it is necessary to have the scientific analysis of the bones found at the excavation place, which is not done in this report.

Question - From the scientific analysis of the bones information of which thing is receive?

Answer. From scientific analysis of the bones it can be determined that such bones are of human or animals. In case these bones are of animals then it try to see that which of the animals these bones are belong and what was the age of the animal. How bones of these animals brought there, whether these bones are cut or burned etc.etc are analyzed.

It can be revealed from the scientific analysis that to whom it is and the animal is pet or wild. This animal is tubi bones or aamni bones. Apart from the excavation place I have not participated in any such excavation in which bones are found and which analysis has been done and thereafter report is filed, but being a archeology student I got chance to study the part and entire reports of several excavation places.

Question - Tell the name of such excavation place, where during the excavation bones are found and are analyzed and on the basis of which any conclusion was given on bones in the excavation report?

Answer - In these places broadly Sarai Nahar Rai, Mahadaya, Chopani Mando and Chiranh.

I would not tell that the bones found during the excavation at the above four places, which report was received in the analysis of the above bones, but broadly In the Indian Archeology A receive , publication is being made in time to time on this subject. After study of excavation report of bones of above four places it was told that in these bones the bones of wild animal is more and these animals were used for eating by the human. Apart from the above two facts, there would be mention of various facts on which I am not position to discuss. It is not correct that I do not have knowledge to these fact and hence in this regard I have expressed inability to disclose these facts. I can tell this but it will be make my statement very long. The manner in which bones are ignored in

the ASI report, on which our report is important. In which other all the objections are included. I am not saying that it knows from the chemical analysis of the bones that these bones are of animals or anyone else, rather by the chemical analysis of the bones various facts are revealed, in this regard I have already stated above.

Question - By finding the bones of human or animal at any excavation place what is its archeological significance in your view?

Answer. In case bones of human or animal are found at any place during excavation, in this reference it has different significance and in case bones of animals are found in the excavation then it is broadly clear the people were using the animals for fulfilling food requirement. In case discussion is made that bones of human are found then it needs to be seen that the bones are found buried in the debris or scattered in the house and way or bones of the human are buried as per rules. In this regard as and when the reference changes in this manner hostilities of other conclusions increased.

In the excavation of Ayodhya several human skeletons were received, but I cannot tell their numbers. In my presence also in 2-3 grabs such skeletons were received. These skeletons were received at which level, is not remembered to me. These skeletons were in the south-west side of the excavation site. There is no any illusion that skeletons were received from the tombs. I am not remembering that at what depth from the road these skeletons were found. I had seen skeletons at the excavation place three years ago from today. It is incorrect to say that I have weak memory that cannot remember the things happened three years back, but such evidence is found in the excavation that in case its detailed description is asked then it is not possible to tell on humanity ground. It is correct to

say that while preparing my affidavit of chief examination, there were several things in my mind, because while preparing such statement it is necessary to have practical experience of the ASI report and other evidence. I have written in para 5 of my affidavit of chief examination "bone fragmented of large and medium sizeat the site at the time", this is not written by me on the scientific analysis of the bones but only written on the basis of my experience by seeing the bones. It is correct that only seeing the bones it can be concluded that these bones are of human or of animals. To resolve this problem of bones, it was necessary for the ASI to conduct scientific analysis. It is correct to say that to resolve the problem, on the basis of my experience, I gave my conclusion about the bone. The bones received from the disputed place, it was necessary to analysis the same in their reference, this positions can be different in relation to any other place.

Question - The bones found from the disputed place during the excavation, in reference to these bones scientific analysis was necessary or not?

Answer - Scientific analysis was very necessary for the writer of ASI report.

Scientific analysis of the bones found from the dispute place at the time of excavation was necessary for the ASI report because this place was the subject of dispute between two community. Therefore the materials were found their scientific analysis was necessary considering the significance of this place. By way of scientific analysis of the bones information could be obtained that the bones received from there were used for the consume of meat of animals for the human being or a for any specific occasion meat of the animal was being used. It is incorrect to

say that there could be any scientific analysis from which it could be reveal that bones are used for which occasion. Definitely I am not the scientist of scientific analysis of the bones.

Question - You do not have knowledge of any chemical process or scientific analysis, on the basis of which it can be said that bones are used in which circumstances and on which occasions?

Answer. It would be proper to say that I am not chemical scientist ,butt being student of archeology the method of the analysis is known to me, and as a result to use the same above question can be answered.

Question - Whether the animals are killed to eat them or they are killed for any other purpose, what would be the different of killing in both types, and what changes will come in the bones?

Answer - Animals were slaughtered for both the purpose , it has different identification in the archeology and the bones can also be seen on the basis of difference of archeological analysis.

So far as the condition of slaughter of animal or animals on special occasion, in which specific types of animals area slaughtered, such slaughter is made at a specific place and in such situation found of their bones can be related for a specific Place, but in case animals are slaughtered for fulfillment of day to day food needs then there is more possibilities to bones of different types of animals and similarly the people living in that place and around their bones are continue found. The animals which are slaughtered food, they can be pet or wild also. This information can be gathered through bones that how many times of animals and how many times of species of wild animals were present and they were used for food. Apart from the above they were used for food.

Apart from above I am not remembering any other thing at present. There can be differences of purpose for cutting of animals. A archeologist can see by seeing the bones that which animal is killed by halal and which is killed by jhatka. This time the information is available on the basis of which it can be said that by killing the animals by jhatka or halaal can be identify by the bone of neck that which method is used. But in the ancient period , still the method of slaughter of the animal is prevalent ,and the purpose for which animals were slaughter, it is not necessary that earlier also it was happened. While cutting animal two methods are important, in one animal is cut off with shock and in other he is cut slowly. These two main methods to slaughter the animals would be in the ancient period. It may be possible that these methods are not the named which are prevalence at present. In the archeological view it is also important that by which objects animal has been cut and attack of this object and in the technical view, in case it is very developed then by its help by one attack one part of the animal can be cut, otherwise not. It revealed that animal has been slaughter by the object and in this reference utility of the weapon is considerable. In case weapon are received in the excavation then it correct but in case weapon are not found then it is necessary to now that which object has been used for slaughter the animal and what the level of development of technique of making the weapon in that period, I cannot believe that the order of the court of excavation of the disputed place, in this reference it was not necessary to know that the bones are received at excavation site, its related animal was killed by which weapon because order of excavation of the Hon'ble Court and direction of excavation was given to the Indian Archeological Department, and therefore archeologists of the archeological department had responsibility to know all these things. I do

not have knowledge what order were given by the Court in relation to excavation the disputed site and what information can could be got from the excavation of that place. In this order it was mentioned to consider all these things. According to my information the order of the Hon'ble Court that the disputed place and on which the report of GPR survey, in this report there was point towards anomalies and on the basis of which direction was given to excavate this place. It was also to decide that the claim made in regard to these anomalies at which extent are proper. I have not read such directions, but I told these things according to my information. I heard about the court order, I did not read court order. In ASI Report which language of the Court is rightly used , is not remembering me at present. The discussion made on the basis of which I told that what is stated in the court order. It is nowhere written in the court order that which facts should not be consider in the excavation. What was the actual guideline of the High Court in regard to the excavation, I did not read. I have already stated in my statement that in case human bones are received from the excavation site, then in which reference possibilities of their found is remain. In case below the debris at the excavation site human bones or Skelton is found inside the house then it's one meaning is that and in case human Skelton is found in street or public place then it has a reference. In case human is properly buried then it has a reference and in case human Skelton is buried together in 3-4 numbers then it has different reference and in case human Skelton is buried together in separate tombs and I then its reference has other meaning. The Skelton received at the disputed place, they were in tombs and seeing them it the possibilities can be expressed that some important person of persons living there was buried there and so far as their reference is concerned then only seeing one or two bones

in tombs it cannot be said that any grave yard was living there. In this regard that by committing murder some persons were buried there or not such can be tell after examining by scientific method. So far as such possibilities are concern, it cannot be ruled out.

Statement readover and affirmed.

Sd/-

03.7.2006

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 04.07.2006.

Sd/-

(Hari Shankar Dubey)
Commissioner
3.7.2006

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**BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District
Judge/ Special Executive Officer, Hon High Court Allahabad,
Lucknow Bench, Lucknow**

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in
other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors.
Vs. Gopal Singh Visharad & Ors.)

Dated 4.07.2006

PW-30 Dr. R.C. Thakran

(In continuation of 03.07.2006 Cross examination of PW-30 Dr.
R.C. Thakran, continued by Shri Rakesh Pandey, Advocate on behalf of
Defendant No.13/1 in other original suit No.4/89).

In case there was any structure at any place and upon excavation
of that place bones are received then mutual relation between these
bones and structure can be established. During the excavation it needs
to see that at which level and reference bones are receiving from this
structure. To know the structure of these bones it is necessary that
excavators should know the deposit of the structure is being excavated
this is normal deposit or not. In case it is normal deposit then during
excavation bones are found over the floor or in the strips over the floor.
As such this is strong possibilities that the person using the bones has
relation with the that structure. Definitely to establish the nature of the
structure bones are importance. Such types of several reports are
received in the archeology, n the basis of the bones the nature of
structure is stated, by only finding the bones nature of structure is
stated in reference to the bones. In relation to make of structure it
cannot be said. It is only be said upon say only after seeing the relic of
structure. From seeing the bones it cannot be said that what would be
the shape of structure. Seeing the bones the food habits of their people
living there and their activities can be disclosed. Apart from this on the
basis of bones, apart from the food habits and activities, various other
things can be disclosed, but definitely it cannot be said about the shape

of the structure. It is correct to say that to know the structural activities at the disputed place, bones has no significance. In any natural layers there are possibilities to found bones and human artifacts. Where it is found during the excavation that residue of continuous activities of human are present, as such layer is called human created layer. As I have stated earlier that in some natural layers also there are possibility to found some standard relic and in case such relic are found at the natural stage then it can be said that this human created relic natural powers activities and symbol of isolated human activities. Definitely the disputed building was at the disputed place it was not made at the virgin land. As I have stated above that the place where disputed building was made, at the place of the building construction activities were start in the Kushan period and continue in the subsequent period in any form. My meant from subsequent period is Gupta period, early medieval period, Sultanate period and Mugal period. I am not saying that the construction or building was in the disputed place, they were demolished, because during the excavation and earlier no relic of demolish of earlier structure are found.

Question- You have stated in your statement that after the kushan period there were structural activities at the disputed place, on the basis of which relic you have stated in this regard?

Answer- During the excavation the relic received regarding the building construction, in which brick, wall, floor, tiles relics are found, on the basis of I have stated in this regard. It is correct to say that the relic regarding the construction are found in the excavation.

I would not tell this time that during the excavation of the disputed place in which layers where bones were received. I have only

stated in my statement that due to the human activities some artifacts can be found in natural layers. I never said about the upper layers and other layers. Everything cannot be denied fully. Due to the human activities artifacts or bones can also be found in other layers apart from natural layer, but it is required to know in this regard his is talked about which layers. There is specific reasons to find the layers in any layer, and in the archeological view it is the important technical point. Materials of below can come in the upper layer, but it is impossible to meet the materials of upper layers systematically in the below layers. But such types of material cannot be considered as integral part of the below layers. This can be seen as inclusion as a result of the human activities.

By the rat hole activities also some small thick things can come in the below layers, but in this situation it is necessary to the excavator to identify. It is correct to say that in Hindu religion the people worshipping the power are giving sacrifice of sheep, goat etc. I do not know about sacrifice of other animal. It is not in my knowledge a that various monk are taking Samadhi under the land or not. I never read nor heard in this heard nor have seen happening so.

Ld. arguing counsel has drawn the attention towards para 6 of the affidavit and asked following question.

Question - You have mentioned glazed ware and muslim glazed ware in this para. Is any difference such glazed wares ?

Answer. In this reference I have used word glazed wares and muslim glazed wares my meaning to it is with the glazed ware of Muslim period. Muslim glazed ware is used because development of technique of such types of glazed wares was originated by the followers of Islam religion in Arab countries and as a result of which in the India as and when

interaction of followers of this religion are increased, in this manner use of such wares is also increases.

Muslim followers have originated the technique of glazed wares and also using by them. In India such type of glazed wares began in 8th Century. The technique of glazing present in Kushan Period, this technique and technique of glazed wares developed in 8th century had difference. I do not have knowledge to this fact that at the time of Mohanjodro technique of glazing was developed in India or not. Glazed wares were in Kushan period, but the technique of making the same was different from the technique of glazed ware 8th century.

Question - Then can it be said about the technique of glazing that in developing of this technique people of Arab Countries had main contribution, rather it was already prevalent in India?

Answer. It can be said that in India knowledge of technique of glazing in India was in Kushan period, but after the development of this technique there is no any systematic continuation and as such it cannot be said that originally when this technique was developed in India and on the basis of this information it was further developed by the Arabians.

It can be possible that in the Arab Countries glazing art was prevalent prior to beginning of Islam religion. I do not have its knowledge the glazed ware discussed by me in my affidavit, its development was made by the followers of Islam religion. It would not be proper to say that glazed wares and glazed potteries was started in India after the beginning of the Islam by the followers of all religion and especially it was used and adopted in the temples. It is incorrect to say that glazed wares and glazed potteries were used by people of every class in India. Still the excavation are made in the areas of India, in which according to my knowledge

potteries is being used in Hindu temples nor used by the common Hindu men. Apart from the disputed place, in any of the excavation such potteries are not seen in the Hindu temple or Hindu colony.

Question - You are particularly angry with Hindu temples and Hindu word and you have allergy from Hindu temples, and hence in every answer you are using Hindu temples and used temples in reply to every question. My question was only that whether in the excavation of any other place, you have seen such potteries or not. what do you say in this regard.

Question. It not correct to say that I have allergy form Hindu religion and deliberately I used Hindu religion and Hindu mandir in the middle. I try to give reply in keeping into mind the reference of the question.

I have not seen use of any potteries in any other excavation. In the Sindh State , there are some place of the early medieval period, where publication is available to found such potteries and in order to same I got the information that first time such potteries are used in India by the followers of Islam religion . I do not have knowledge that since the beginning till date glazed wares or potteries are used by the people.

Kulamba is in Sindh Basti and there is a Mosque, at this place potteries were used in the Islamic period. In the earlier period proof of using this potteries are not stated and hence it is considered that followers of Islam religion have used such pottery first time in this area i.e. Sindh area. Around all the Historian and archaeologists believes that this pottery are originated and used by the followers of Islam religion. General the continuation of technical development in history, according to which also it believes that glazed pottery is originated and used by the followers of Islam religion I have not got knowledge of technical

development of glazed pottery rather through the history I got knowledge that development of technique of making pottery is made by the followers of Islam religion Arabians. Who had developed this technique, I have its knowledge but I do not have knowledge that in which manner this technique was developed. I do not have knowledge that in the beginning glazed was made in India or was exported from any other country. I heard name of Parsi brown. I never read about this view of Brown that initially glazed wares came from Parsia, but there can be possibilities of this fact that such type of pottery was start from Parasia and came to this country. Since marks of use of glazed pottery are received in the mosque and muslim colony and hence on the basis of which I believe that glazed potteries were used by Muslim opinionates. I have stated in my statement that during the excavation of Kulamba etc. such type of potteries were found therefore apart from the Kulamba also in the excavation of other places glazed potteries were found. I have not participated in these excavation, but I have read about its reports. Apart from the report of Kulamba, I have also read in his regard report of excavation of other places, but this report is related to excavation of which places, I am not remerging the names at present. Along with it I have not read any such report of excavation in which it is told that apart from the followers of muslim religion, and apart from their places these potteries were used by the other people of other period.

Question - You cannot tell about any such report in which it is written that glazed potteries are not used by any other class of people apart from Muslim opinionate.

Answer. I do not have knowledge about any such report.

I know that who has published the report of Kulamba excavation. Report of excavation of Kulamba etc. places is published by the organization named South Asian Archeology. I do not remember who have conducted this excavation. I do not know in which year this report was published. So far as I remember this report is published n between 1979 to 1985. At present entire detail of this report is not remember to me. It is incorrect to say that in this report nothing is written about glazed ware. It is also incorrect that the conclusion taking by me on the basis of this report, such type of any conclusion is itself not in this report. I do not know that in the excavation of Kulamba glazed wares were received from the layers of early medieval. I would not tell that in which layers this potteries were found. It is mentioned in the report of kulamba that glazed potteries were found in sequential layers. In case it is not found in sequential layers, then it would be clearly mentioned in this report. I do not know about trading network of glazed ware and trading centre and trading roots. In the glazed wares any special colour is not used, in which several colours are used. I would not tell that there was any such colour or not which is not used in the glazed potteries. I do not know that glazed tiles are used in the fort of Gwalior or not. I do not have knowledge that in this period glazed tiles are used in various temples. So far as I read in this regard, I have never seen using glazed tiles, glazed wares in the temples. The glazed wares are found in the disputed site they were mostly in small pieces. It is clear that with the help of small pieces of different kind shape and size of these glazed wares ac cannot be ensured. I have already stated that in which layers glazed wares were received from the disputed place. I do not have its knowledge at present. During the excavation I have seen glazed ware in the upper

layer at disputed place, I have also seen in below layers, but I do not remember the number of these layers.

Ld arguing counsel has drawn the attention of witnesses towards Volume 1 page 164 to 172 of ASI Report, in these pages glazed tiles, fragmented are in which trench and layer, its detail has been given. In this reference ld. arguing counsel has drawn the attention of witnesses towards volume 2 page No.99 to 102 of ASI report and witness told that in Volume 2 of ASI report out of the glazed tiles some photographs are given. According to me it would be appropriate to tell the articles seen in above plate No.99 to 102, as glazed object.

Surkhi, lime is found to be used in India in early medieval period. At present I would not tell about any structure of the early medieval period in which surkhi lime is used. Surkhi is not used in Kushan period. In India Lime is used first time in Indus Valley Civilization in construction. Lime is used in India for making plaster and floor in the Saidhav period, Harappa period and Saindhav period is one. Use of surkhi and lime is used first time in India in medieval period. I have stated in my above statement. Surkhi lime was not used in Gupta period. I heard name of HC Bhardwaj. He is metal specialist. He is not known as recognized historian or archeologist. For the archeologist it is necessary to have training in archeology. Thereafter it is necessary to indulge in archeology research. I heard name of Rasharan Sharan Sharma. He is historian but not Archeologist. It is not necessary to that every member of the archeology should be archeologist, because it is proper to have specialist of various subject in the team.

Ld. arguing counsel has drawn the attention of witness towards the book written by Shri Ram Sharan Sharma, published by

implementation Directorate, Delhi University "Prambhi Bharat Ka Arthik yewam Samajik Itihas, which extract has been filed before the Court as document No. 293 -1/1 to 1/4, the facts written in page No. 212 third para. Witness has read and said that the reference in which No. 98, 99 and 100 is mentioned by Ramsharan Shar,a, which seeing this I would not express my view in reference to the facts written in this para. The reference quoted by Sharma Ji, this is not the view of Sharma Ji, he has referred statement of anyone in the above para.

Question - Is it possible to give false reference the person having personality like Prof. Ram Sharan Sharma?

Answer - The reference given by Sharmaji without seeing it I cannot say that he has given right reference not or.

In case any person expressed his view with the challenge, then it is different, but in case any person is taking reference of the fact written by another historian or archeologist then it is other thing.

Statement readover and affirmed.

Sd/-
04.7.2006

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 05.07.2006.

Sd/-

(Hari Shankar Dubey)
Commissioner
4.7.2006

BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District Judge/ Special Executive Officer, Hon High Court Allahabad, Lucknow Bench, Lucknow

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors. Vs. Gopal Singh Visharad & Ors.)

Dated 5.07.2006

PW-30 Dr. R.C. Thakran

(In continuation of 04.07.2006 Cross examination of ++R.C. Thakran, continued by Shri Rakesh Pandey, Advocate on behalf of Defendant No.13/1 in other original suit No.4/89).

In any of the period of Indian History is not called Islamic Period. I have used word Islamic period in one place of my affidavit. My meant to it is that in this period glazed tiles, glazed potteries are used. It is not correct to say that in history there is no any significance of the nomination of periodization. In my affidavit I have not used the word Islamic period in the reference of history and archeology rather some special fact which are discussed above, in this regard I have made. I have used this word for Islamic prevalence. I told that these things are of Islamic prevalence. I have told that the things are of Islamic prevalence, without telling them Islamic we cannot say clearly. My gesture was towards its and not the period division of the history. I have already stated about the Islamic and Islamic period. When period word is used in the archeology then it shows any specific period. I have filed my affidavit being a archeologist.

Question - Being a archeologists can you said any period or write which is never believed or write in the history. In this regard what do you say?

Answer. My gesture is towards the period in which period follower of Islam religion were ruling.

It is incorrect that taking the side of Babri Masjid, I moved so forward that have mentioned the period in the affidavit which was never remained in the history. In history alleged period of alleged Islamic rulers began in 1206 and considered upto 18th Century. Here my mean from alleged is that in the medieval this part is also understand in the name of Islamic Period. Various historians are called this period as Islamic period. I would not tell name of any such famous historian of his book, who or in his book Islamic period word is used. It is incorrect that any of the historians has not used Islamic period in his book. In History on the basis of dynasty period are determined, I consider it as correct, but historians have determined the period on the basis of dynasty. Early medieval period and post Gupta period both are overlapping at some extent. Upto some extent there is similarity in both the period.

Question - In case any of the Historian has to sow any of the fact written the medieval period as Gupta period then is he made mistake in this regard?

Answer - Yes. Definitely this would be improper in view of the history.

It is incorrect to say that it is improper to use Islamic period by me because by calling the Gupta period as Islamic Period I am trying to proof any other thing.

Question - You have stated period from 1206 to 18th Century as medieval period, in which Gulam dynasty, Mughal period, post Mughal period and other dynasty and period are included. You have mixed several period and stated one period and you also stated that there are similarity in earlier medieval period and Gupta Period, in the reply given just preceding question you the thing you have stated on which basis you will justify the same?

Answer. In my statement I have not stated anywhere that Gupta period and Medieval period are similar. This fact was stated by me about post Gupta period and early medieval period.

Question - According to you earlier medieval period and Post Gupta period are showed one period ?

Answer - In this regard I have already clarified in my above statement. I want to reiterate this thing that there are enough similarity in these periods.

In case any historian shows the early medieval period by writing only post gupta period then it would be wrong in view of the history and specifically in the present reference. In this regard it would be error that writer is not giving significance to the development sequence and is giving significance to the dynasties. History cannot be said only inclusion of limited activities of the Dynasty rather it is a wide subject.

Question - Whether in the history on the basis of any specific community or community or any specific class or specific religion, any period can be determined ?

Answer - Various historian are naming the division of history on this ground but it is not considered correct in the scientific view.

Question . Do I understand from your above reply that the word used by you 'Islamic Period is not proper?

Answer. It is not correct to say that in this reference I have written so pointing out the special prevalence of the development sequence.

Question - Did you use the word Islamic Period in relation to the development of this period?

Answer - I used it keeping in mind the development sequence of this period in reference to the special prevalence.

Question - Whether to show any special prevalence instead to write the period established in the history on the basis of the prevalence any special period is named?

Answer - On these ground I did not try to fabricate any new period. I have only pointed out to show special types of prevalence in the special period, hut it cannot be named a special period.

During excavation to locate any object special method is used in the archeology. According to this method first of all the level from the sea level is used for the excavation place and after deicide the same when excavation is made then during the excavation if any archeological object is found, then to decide its correct location three dimension method is used. According to which the trench in which this object is found, from two corner of trench of this object (which are already fixed), length width of both the corner of these object, and thereafter where this objection is present, height from the sea level, and its deep is measured in from benchmark and same is property recorded. so that in future any the person (historian or archeologist) wanted to know the location of object then on the basis of record it can be located.

The antiquity is found in the pits, to determine its period the layer in which pit is kept, is required to be seen by connected. In case at the trench or excavation place number of pit is more than ne then according to its number it can be known. For the excavation the layout of the trench is taken, it has a method and according to same it has been made.

It is incorrect to say that the reports in which regard I have mentioned , in which any of the report bone is not made the ground and not given any conclusion about the human history and culture. It is incorrect to say that I have not read such type of report., it is incorrect to

say that the reports referred by me in my above statement, I cannot tell its reference. Excavation of Mohanjadaro and Memoirs of Archeological Survey of India No. 34 of M.G. Majumdar is important, which I have read. This report was published in of 1940 decade.

Question - In these reports only food habits is discussed and not the history and culture is determined on the basis of bones, what do you say in this regard ?

Answer. It is incorrect to say that because food habits is a part of human culture and in the human history all types of activities are included and therefore in the view of history and culture bones keeps their special significance. We cannot ignore this fact according to our wishes.

Mohan Jodaro civilization is much prior to the Islam religion. We do not have any such solid proof on the basis of which it can be said that this is related to the Arya culture. It is not correct to say that in the excavation of Mohan Jodaro anything related to Hindu religion is not recovered. Since human life is began by eating meat and hence it can be said that prior to coming of Islam various parts were prevalence in the non-vegetarian culture. Eating meat cannot be connected to any class to any special religion, because it cannot be said that only the people of any special religion or class were non-vegetarian. It can be said that in the followers of any religion changes prevalence of eating eat is more according to the time and some has less.

In trivedic period the work of animal husbandry was made in which mainly cow, sheep and goats had important. Veda and Purana are tells about the Indian Hindu culture. In relation to such purana it would not be correct to tell more because since the time of Vedah Hindu word was not used. Hindu word has connected with eh Hindu religion.

This is not regard with 'way of living'. It is possible that Dr. Radha Krishan has written that Hindu is not a religion but is 'away of living'. Dr. Radhakrishnan are consider a good scholar of philosophy. Whatever is written by Dr. Radha Krishnana about the Hindu, firstly I have not read, and secondly in this regard it can be their personal opinion. I do not believe in it. In this regard I do not have clear information how that the word Hindu was created. According to my knowledge 'Hindu' word is not used in Veda. Vedic people were only Vedic and they were not Hindu, because at that time Hindu word was not used. In Vedas word 'Arya' was use, the word 'arya' came in Vedah this is concern with Vedic people. Arya word is used for the people living in Aryavratt, is as mentioned. It is mentioned in Vedas that the people of gaur varna are Arya.

Question - Was only people of Gaur varna was the Arya and they had no relation with any special area?

Answer - On the region base of the Vedic arya, it is stated about the aryvratt.

According to my knowledge Arya were found on only in Vedic period. There is no mention about their existence prior to Vedic period. In the context of Arya I cannot say that the people living in Aryabrat were arya of gaur varna. In this regard I cannot say that at present Arya are present or not. I am not in position to say that Arya have been finished or they are mixed with other classes. Definition of Aryavrat is different.

Question According to physical area which is the area of Aryavrat in India.

Answer - According to Rigveda Sept Sindha Pradesh is stated as Aryabrat.

Question - Other scholars have read the veda purana and after reading their view, on the basis of their view are you giving your statement?

Answer The studies made by the other scholars after reading the same the things I feel justified on the basis of which I gave my statement.

Vedas are four. May be it is written in the other purana that in the Hindu civilization there was prevalence of using meat -fish in the Hindu culture

Question - In Hindu culture the prevalence of eating meat- fish was not prohibited and people are eating it since Vedic period, what do you say in this regard?

Answer - It is correct that the people having concern to Hindu community are eating meat and I never denied it. But in the modern era, the alleged enforcer and guardian of the Hindu religion are saying that neither Arya were eating meat and Hindu are their progenies and they are also not eat meat.

In case in the excavation of any specific place bones of goat and sheep are found then this fact can be connected to the food habits of people living there. Because in Hindu religion there are several such priest and common followers, who even eating the meat that think it bad to call its name. In this regard this argument is important that who people were living in this place or who people were saying and what was their relation with which community. In this regard there is required to get more information, depth research, analysis and study and it would necessary to know that in this specific period which community of people were living there.

Question -At any specific land in the 12th, 13th and 14th Century , or to know in any of the specific period which class of people were living in large quantity, what criteria will adopt and on which ground calculation is made.

Answer - The lifestyle of the people living in any of the place, and to get the information of their community relation, whatever the archeological and culture material could be available, after their study it can be disclosed.

It cannot be possible that archeological and culture both the sources are not available and community of people are living there. It is possible that the people living there in the community their cultural source is not available.

Statement readover and affirmed.

Sd/-
05.7.2006

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 06.07.2006.

Sd/-

(Hari Shankar Dubey)
Commissioner
6.7.2006

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**BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District
Judge/ Special Executive Officer, Hon High Court Allahabad,
Lucknow Bench, Lucknow**

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in
other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors.
Vs. Gopal Singh Visharad & Ors.)

Dated 6.07.2006

PW-30 Dr. R.C. Thakran

(In continuation of 04.07.2006 Cross examination of PW-30 Dr. R.C. Thakran, continued by Shri Rakesh Pandey, Advocate on behalf of Defendant No.13/1 in other original suit No.4/89).

In the excavation of Harappa any such conclusion was not taken that culture of Arayan was there ever. The culture relieved in the excavation of Harappa this was culture of this country and not came from any foreign country. In the excavation of Harappa any relic are regarding the Vedic culture, are not received. In the excavation of Harappa some such animal Figurine were received in which bull are, who are worshipped in Hindu in the modern period. It cannot be said that in the excavation of Mohan Jodaro some such human figurine were received which are worshipped by the Hindu people as deity. I have already told this fact that bull like animal are worshipped in the Hindus in any form. Some plant are also worships in Hindu such Pipar and tulsi.

Question: The people of follower of only Hindu are worships animals and plants, any other religion or follower of any view are not, what do you say in this regard?

Answer. It is difficult to tell me that in the world apart from the Hindu religion in which religion animals or plants are worshipped.

In the jatak stories of Both religion there is mention to worship of the animals and plants and in Bodh religion and Jain religion animals are given specific importance but other religion in word or views such type of worship is done or not, I do not have its knowledge. About the

origin of the Bodh religion it would not be proper to say that their development is made only by the idol worship. In the beginning of Bodh religion there was no such provision of worship. In the historic period of the development of Bodh religion, there are various stages it is correct to say that in the beginning or original bodh religion there was no place of worship. It is not proper to say that in any of the literature of Bodh religion idol worship is not mentioned. In the literature related to Mahayan shakha of the Bodh religion such types of mentions are found. In this literature the stages from the earlier birth of the Mahatma Budh and worship of the idol of Bodhsatyon is mentioned. In the Jatak stories animals, plants and stupa are worshiped. It is not possible to say that origin of the bodh religion is from Hindu religion. I do not have knowledge that in the Constitution of India Bodh religion is considered under Hindu religion or not. The facts stated by me is stated in the historic view. It is not correct to say the history view that origin of bodh religion and Jain religion is made from Hindu religion and they both are the integral part of Hindu religion.

We got information that first arrival of the Muslim people in the area of Hindu culture is from 8th century. The below valley of Sindhu river is it is known in the name of Sindh Pradesh. In this state first time arrival of Islamic attackers are seen.

Question - The early invaders were, their purpose was not to get victory rather their purpose was to loot what do you say in this regard?

(On this question Shri Abdul Mannan, Advocate has objected that this is wrong question, and permission to ask it should not be granted.

(Above objection is replied by Ld Arguing counsel that no mistake is stated in the asked objection and to waste the time this objection has been raised).

It is not seems to be possible to made loot without winning.

Question - In the beginning the earlier invades were,, their motive was loot, and not to establish the state, what do you say in this regard?

Answer - It we see that initial invaders have made attack and got won and looted and then returned back, but we cannot say that in India motive of these primary invaders was to commit loot because it may be possible to establish the state and the circumstances were not favourable for them.

Mohammad Bin Kasim was in early invaders, who did not established any state there and only after the loot he returned back. It is possible that Mohammad Bin Kasim has caused any damage to the temple at the place named Deval. It is not possible to tell me this time that how big this temple was. I have only information that by this attack he damaged the temple, but I do not have an concrete information. Such information is received from the history that Somath Nath temple was attacked, but it is difficult to tell me that how big this temple was and how much damage is caused to that temple. It is incorrect to say that since I have not seen the pages of history and I do not have knowledge of the facts of history and therefore I am not giving answer to question. I only expressed possibility of causing damage to temples. I this incorrect to say that I do not have knowledge of facts of history and hence I expressed only possibility of damaging the temples, because Prof. Romila Thapar did commodious research on this issue which publication was made in 2004-2005 in a book which title is "Somnath- Many Voices". In this book whatever the sources available in relation the history of this place, after studying the same it is stated that the manner in which imagine and publicity of Somnath temple is made today, in this manner

any relic of mandir nor on this subject any concrete information is receiving. Excavation is done or not in Somnath Mandir is not in my knowledge.

Question. You have told in your reply that relic are not found in Somnath temple, was any excavation was done in Somnath Temple?

Answer - In such temples relics are not found only through excavation rather also found in the surface of land and cultural and historic source are also the written material in this regard.

Question - You have stated in your answer that seeing such temples this type information about the relics can be get itself and in this answer what is the meaning of "this type".

Answer. here I tried to tell that in the archeology information can be obtained about the presence of archeological sources through survey and excavation. These relics can be in the form of akshun and can also be in the form of ruins. Here the meaning of word "this type" was that in case temple is akshun or in the form of ruin the with the help of archeology by the above method its information can be obtained. Thus my purpose was that the structure of the temple is discussed here, same structure (rather it is in the form of distracted or in the form of fragmented) information can be obtained through archeological method.

Question - Here I was wanted to know that we temple was broken or not and temple was attacked or not?

(On the above question Shri Abdu Mannan , Advocate and Shri Jafaryab Jillani, Advocate has objected that these all questions of Somnath Temple are totally irrelevant and are being asked with only a view to waste the time of Court. Therefore, permission to ask such question should not be granted).

(Reply to the above objection is given by Ld. Arguing counsel that this is the question of history and is related to the dispute, because it found in the history a that Muslim rulers have broken the temples and after insulting tried to made their mosque and this fact is vested in this dispute, therefore objection is unnecessary).

Answer - In this regard I do not have any desire to insult any temple or religious place of any community in this regard. And hence I cannot think in this regard, not I came here to do so. So far as the temple of Somnath his period of is concerned, till date in view of the history and archeology, it could not be proved that this mandir was the Somnath Mandir in that period and hence it is not possible to say me cogently that Somnath temple was attacked at that time and was demolished.

There is full possibility of this fact that earlier the Somnath temple is discussed, there was any temple around the same and still has,, this was any other temple in the previous period.

Question - So the former temple of Somnath was demolished and the temple standing at new place is made?

Answer. I do not have any concrete proof in this regard.

My meant to say is that still research could not be done that this structure is the structure of Somnath temple. As I read in the history that Somnath Mandir was attacked. The read by me is based on some facts of history.

I believe that Romila Thapar is a established historian. Romila Thapar has read a book 'Bharat ka Itihas'. Romila Thapar would have revered this temple of Somnath in this book. I read this book. It is possible that Romila Thapar has written in this boom that there was huge money in Somnath temple about which has discuss in far and wide. It is possible that Romila Thapar has written in her book that

because of the huge money in this temple and inspired with the religious sentiment this temple was attacked. It is possible that Romila Thapar has written that such views are found in the hardcore follower of Islam. On the basis of experience of my life I am telling this. It is possible that it is written by Romila Thapar that this fact was continue in the Hindu people for decades. It is true that Pro. Romila Thapar is the a known historian in the word and the facts written by her , my intention is not deny the same. because I have already stated in my statement that on the subject of attack on Somnath temple I read and the facts written by her in this period, when her this book was published, at that time the information was available to her , n the basis of which she has written. Knowledge of the history is not permanent and definite, s and when information received form from the research , in this manner new facts came into light. This fact is proved from the book written by Romila Thapar which is discussed by me above.

Question - "the facts stated by the Romila Thapar in her first book 'Bharat ka itiyas' (publication year 1993) in reference to the Somnath Temple. These facts are still exists and she has not made any changes in her view till date?

Answer - This book of Promila Thapar was punished much time ago and thereafter it was translated in Hindi and after some time, I do not know about any revised version of this book. Therefore the book written by her first time its discussion is made here. Therefore there is no question to change of her view no it can be said that she is still stands on these facts. Her recent book which I discussed above in which it is more became clear.

Question - According to you the new facts stated by the Romila Thapar about the Somnath temple, what they are?

Answer. In my above statement I have drawn these facts, but despite that I would like to reiterate that Prof. Romila Thapar has mentioned in her book tile Somnath-many voices" in relation to the temple of Somnat.

Romila Thapar has said that in this period any temple which we are discussing, its identification in concrete form is difficult as such it is not possible to say about its demolition.

Question - Romila Thapar has neither stated any demolition of Temple of Somnath earlier nor later she said about the demolition of this temple, what do you say in this regard?

Answer - I do not have knowledge earlier what she had said,. Later she said that Somnath Temple was not identified.

Issue of identification of Somnath temple is definitely a issue in view of the history.

Question - Any of the historian has not made any issue in relation to the identification of Somnath Temple, since you are inspired with the anti-temple sentiment and first time you are deliberately raising this issue?

Answer - Earlier also I have clarified several times that neither I am anti Hindu nor I do I protest any religion nor I have any affection with any special religion. Therefore it is not proper to say that inspire from the ante- Hindu sentiment I am raising issue of identification of Somnath temple first time.

An Act has been made by the Govt. of India in relation to Somnath Temple, I do have its knowledge Name of the act or its detail is not known to me. I do not know in which this Act was made. I do not know after making this Act Somnath Temple was reconstructed or prior to this Act.

Question - At the time when Somnath Temple was reconstructed, and at the time when this Act was passed, at that time any society, community or any Historian has not raised any question about the identification of Somnath temple nor made it as issue. In this regard what you have to say?

Answer - At that time it would not be important for constructing the temple that temple should made at that place, where it was earlier or made its around place. Rather probably in view of the nation and considering the sentiments of the public it would be necessary to reconstruction of the Somnath temple. But in view of the history and especially the manner argument is made over the disputed place, need to know the same increase.

I have idea that at that time with the assistance of the Central Govt. Somnath temple was reconstructed. There can be possibilities to this fact that new temple of Somnath is made at another place because there is a basic difference in the renovation and reconstruction. According to my historic information Somnath temple is reconstructed. It is incorrect to say that I do not have knowledge of history and Somnath Mandir is not reconstructed but is renovated because there is no such historical proof that the structure you are saying renovation same Somnath was during the attack on Somnath temple.

Question - According to you at the time of attack on Somnath temple, it was demolished or not?

Answer. - I have already stated that there is possibilities to cause damages in Somnath temple., but I do not have any concrete evidence that in this period this was the structure of Somnath temple it has been demolished.

Question - You do not have any historic information on the basis of which you can say that Somnath temple was demolished or not?

Answer. In the history there is lack of historic and archeological facts, due to which it cannot be said that what was happened actually.

I have not made myself any archeological survey or excavation about Somnath Temple. In this regard the historic and archeological survey conducted around the area, on the basis of which I am saying this things. It is correct that that the facts of demolishing the Somnath temple and the information composed by the creators of that period would not be available and hence it is not possible to say anything about this authentically. I will not say that Prof. Romila Thapar has written about this in her boo without any knowledge. I have read new facts written by her.

I heard name of ishwari Prasad. His book "History of Muslim Rules in India" was read by me some time in graduate level. Dr. Ishwari Prasad was the famous historian or not, I am not in position to say anything, but it is correct that he was the known historian of his time. Any of the historian or creator wrote whatever on any specific time, it does not meant that the things written by him is ends with his period. It is not correct that all the facts written by him became infructuous with his period and it is also not correct that his all the things are universal truth and always remained truth, because any f the historian or writer written on the basis of what the information made available to him in this period and limit of the information is not limited with any specific time. These facts are often applied to all the historian. It is also applied to me. My every things cannot be universal.

Question - Dr. Ishwari Prasad has written in above book that Mahmood Ghaznavi entered in the Somnath temple and he broken the idol in

several pieces, but he has not written that temple was demolished . What do you say in this regard?

(On the above question Shri Abdul Mannan and Shri Jararyab Jillani , Advocates have objected that this book or any of its extract is not filed, therefore it is not possible to ask the question about the contents of this book and permission of asking such question should not be granted)
 Answer - In this regard I say that any of the historian has full right to say his things after analyzing the available sources on his view, but any other student of history is free for this that he should get the information about the source in relation to the alleged statement.

I heard name of Prof. Mohd Habib. I do not have knowledge that Prof. Mohd Habib has written any book " SutanMahmmmod of Gajni or not. I am not agree with this view that by breaking the temples by earlier muslim , Islam was more promoted.

Question - Was in the ancient India most of the money was kept in the temple and whether due to this reason Muslim invaders used to attack on the temples?

Answer - This is not proper to believe that at the time when attacks of followers of Islam religion start in India this was ancient period and it is also not proper that in India centre for the wealth was in the temple.

It is not correct to say that in ancient India most of the properties were lying in the temples in the form of diamond jewellery.

Question - Prf.Habib sahib has expressed such type of view in his book that at that time valuable articles were centralized in the Hindu Temples and various historians such as Romila Thapar has also written in his book. Are you agree with this thing?

(On the above question Shri Abdul Mannan Advocate and Jafaryab Jillani Advocate has objected that above book or extracts are not filed

before the Court. Therefore it is not possible to ask question about their content nor permission of asking such question should be granted).

(Above objection is replied by the Ld. Arguing counsel that he has asked the question about the views of the Historian, which is regarding a fact, in this regard witness can express his view).

Answer - Prof. Habib has right to express his view being a person and historian , cannot denied this fact. S far as the contents stated in his view is concerned, in this regard I am not agree that in this period most of the wealth India was centralized in Temples. So far as the question of view of Prof. Romila Thapar is concerned, I do not know what wealth she has stated to be centralized in the temples.

Question - In India first time when Muslim rulers have tried t establish Muslim State and by whom?

(On the above question shri Andul Mannan , Advocate and Shri Jafaryab Jillani Advocate has objected that asking such questions is totally irrelevant and earlier also question has been asked from the witness on 5.7.2006 at page No. 229-330, therefore on these grounds permission to ask such question should not be granted).

(Above objection is replied by the Ld. Arguing Counsel that witness is continuously saying that Islamic articles were received, Islamic word is using again and again and in this reference it is necessary to know that at which time Muslim rulers have tried to establish the state in India so that it could be reveal that in which year and which period Muslim opinionates came in this area and when they starts using of these things, this question is not answered).

Answer - My believes that in India Muslim invaders have attempted since the beginning to establish their state but first time after the

winning movement of Mohammad Gauri in 1206 AD since the beginning of Slave dynasty, beginning of Islamic state is considered.

It is correct to say that this was the policy of the Muslim rulers that till the culture of the people living in the area of India remained with the religion they will remain protestor and then it will be difficult to establish Islamic State in India. . it is not correct to say that it was the continuous efforts of muslim rulers that Indian culture and religion should not be grow. It is not proper to say that on the basis of religion most of the muslim rulers have tried to prosecute the Hindus. This p fact is partly true that Muslim rulers have broken the temples and statue of Hindus, but it would not be proper to say that as per rule all have done so. It can be said about Aurangzeb that sometimes he did so, but under one policy he did so everywhere, it is not proper to say. Where the Aurangzeb has damaged the temples, I cannot say. Since in this regard proof are available, on the basis of which I am saying that Aurangzeb has done so under a policy, in this regard I have already stated.

Question - You will say Babar as a invader, ruler or only a winner ?

(Above question is objected by Shri Jafaryab Jillani, advocate that asking this question at this stage is irrelevant and in this regard question has already been asked. Therefore permission to ask such questions should not be granted).

(above objection is replied by Ld. Arguing counsel that Babar was a foreigner and entire dispute is in the name of this foreigner, and hence it is proper to ask this question about Babar).

Answer - Three nouns are satisfies about the Babar, because being ruler Babar came as a invader and he got the winning and established his dynasty and also ruled as a ruler.

Ruler can also be invader.

Question - Do you believe Babar s foreign ruler or not?

Answer - At the time when Babar came in India as an invader, he was foreign invader but after getting success in his wining movement he established his dynasty in India and ruled there prepare a atmosphere as a result of which the subsequent ruler of this dynasty have ruled there being a citizen.

Period of rule of Babar was from 1526 to 1530 AD. I do not have its knowledge that Babar has also established his state in Avadh but in a big region of India he prior to Avadh his state was spread. I do not have knowledge that Babar ever came Avadh in this area or not. In this regard I have already stated. I do not have knowledge that in the ruling of Aurangzeb State of Mughal was spread in a very big region, in which Avadh also come, in comparison to state of Babar. I got this information though sources during study and in the study period I did study in this regard and in this regard the meetings and conferences being held in time to time about the history, by participating in the same, the research report filed by the various researchers, also got from listing the same. I have never read that Aurangzeb has broken any temple in Ayodhya. I also not heard that Aurangzeb has made any mosque in Ayodhya. I not remember whether I read that Aurangzeb has broken the temple at Kashi or not. But I heard about a religious place at Kashi that mosque and temple are together there.

Ld arguing counsel has drawn the attention of witness towards para 1 of his affidavit of chief examination and witness said that in this part I have stated about my qualification. In para 1 , last four line of my affidavit I have given details that during my study I participated in excavation. I have already stated in my statement that when I start working as a teacher and thereafter I participated in the excavation done

in Kalu and Kalayat two places. I was called in these excavation. Part annual report of these two excavation has been published in Indian Archeology- a review". My name is not mentioned in this report because I was not the member of official team. In both the excavations I have not participated as a observer or excavator I was called for getting information of giving my assessment. At that time also and still I am passing with the procedure of learning, because any of the person is learning in his whole life. I have stated several times in my statement that I did not made any excavation work independently and therefore question of writing the report does not arise. Apart from the excavation done at disputed place my reaction has been published about other excavation in any of the form and in All India Radio also I have participated with two Ex. Director General of the Survey of India, Shri Jagatpati Joshi and Shri M.C Joshi, as an expert. And in the laste 25 years my several searches are published on the various disputed issues in various magazines in the conferences of history and archeology. It is incorrect to say that I create disputes by my articles , rather the disputes created by other people and consequently the sadness spread, in this reference on the basis of historic and archeological issues I tried to reduce the misunderstanding and sadness. It not correct to say that in this regard I have not written in my affidavit because my these act has no recognition at any stage. Vol. my any article is not need of any false acceptance or identification. For taking participation in any excavation or for independent excavation sanction from any institution (Indian Archeological Department) is necessary, which is made available for special people. In this regard I have already stated.

Statement readover and affirmed.

Sd/-

06.7.2006

13332

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 07.07.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
6.7.2006

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**BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District
Judge/ Special Executive Officer, Hon High Court Allahabad,
Lucknow Bench, Lucknow**

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in
other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors.
Vs. Gopal Singh Visharad & Ors.)

Dated 7.7.2006

PW-30 Dr. R.C. Thakaran

(In continuation of 06.07.2006 Cross examination of R.C. Thakaran,
continued by Shri Rakesh Pandey, Advocate on behalf of Defendant
No.13/1 in other original suit No.4/89).

It happened in the archeology that article of any archeologists should not give unnecessary importance. It is evident that in case any article is given unnecessary importance then it came in the category of false acceptance. Archeologists do so. I am also a archeologist. It is incorrect to say that since sometimes unnecessary importance is given to the articles in archeology and false sanction is given, therefore under the said presumption I have filed my false affidavit. Such type of several examples are receives in the archeology. Where unimportant article is given unnecessary importance or any important article is not given believes according to it, but in which case so is done I do not know in detail. It is incorrect to say that I do not want to go into detail because such type of any work is not done by any archeologist. It is also incorrect that I do not know any such archeologist nor do I know any such of his written article. It is not complete truth that only experienced people are permitted by the ASI for excavation. It is not complete truth that who are not experienced and qualified, they are not called by the ASI for excavation. Apart from the ASI there are other various institutions , who does excavation works. It is not necessary that every time experienced and qualified people are appointed for this work. It is incorrect to say that in the excavation of Sinoli the chance of inspection given to me, in

which I have not given any of my opinion but it is correct that I had not participated in it. It is incorrect that I do not have practical experience of excavation After the inspection of excavation of Sinoli several journalists have contacted me to know my view and the significance of the material received from the excavation. It is incorrect to say that to show my experiences I am telling that journalists had approached me about the excavation of Sinoli. Upon asking in the above statement that I do not have practical knowledge of archeology and hence I was not called in relation to any archeological excavation, replying it, in Sinoli excavation the manner in which I was called , there was it in discussion. So far as my archeological experience is concerned, in this regard I have already stated in detailed.

Question - You are considering your qualification on the basis to approaching the journalists instead of your qualification, in reply to my question , that you do not have practical knowledge of exc., you replied that journalists had approached me to know my views in Sinoli. What do you say in this regard?

Answer - It is not correct to say that the journalists had contacted me to know my view on the subject of excavation place at Sinoli, it is based on my archeological – practical knowledge, I have told this fact in reference to asking that that I was called for the inspection of the excavation at Sinoli, thereafter no one has try to know my views and I have not expressed my view. Excavators had called me at this place of excavation being a student of the archeology, which is proof if this fact that I have my own experience in relation to the archeology and I am known for the same.

Question - You have said in your reply that I was called at the excavation place of Sinoli being a student and in the same form I went there, then in case you are also a student and in the process of learning and you are not understood yourself as an expert. In this regard what do you say?

Answer - I am archeologist, but despite that the continuation of gaining the knowledge about the archeology is continue for whole life and in this form I believes myself as archeologist student.

Since there is no end of learning and hence I consider myself as student of archeology.

Question - You are not considering that you have full knowledge of archeology, in this regard what do you say?

Answer - This thing can be understand in two forms, firstly - man who is connected with the archeology, he should have basic knowledge of technique and survey and excavation and secondly- there are several unknown archeological place regarding archeology and the antiquity are hide therein, in this regard the research works are being made in the time to time and the information got, he learns very much from the same and hence it is an ongoing process.

In the above excavation at Sinoli, I went one month from now, in this regard my any article or expert opinion is not published. Apart from the above I have already stated in my statement about my previous experience. It is incorrect to say that by only calling at the excavation site I am stating myself as experienced archeologist.

I have seen floor at disputed site. During the excavation I have seen four floors at the disputed place. According to me period of fourth

floor is medieval period. Third floor is also of medieval period. similarly floor-two is also of medieval period, but floor one is not in this period. Floor one is of modern period. In fourth floor for making the floor a special type of good soil and brick power is used which is called lime surkhi. Apart from the above things in this floor any other things is used or not , this can be tell after the chemical analysis. I am not remembering that for making the fourth floor bricks bats was used or not. So far as I remember brick jalley was used for making the third floor. I do not have knowledge to this fact that for making this floor apart from brick jalley, brick bates is also used or not. Since I was present there and but I was not present at every time nor it is necessary that every seen, things is remember to me every time. I am not remembering that bricks bates was used in making above floor-two or not.

In the excavation of disputed place some terracotta Human and animal figurine received. I do not have knowledge that in Islam religion animal or figurine is worshipped or not and such type of antiquity are not for worship.

Ld. arguing counsel has drawn the attention of witness towards ASI report volume No.2 Plate No. 49, 59 and 55. Wittiness has seen the plates and said that plate No. 50 and 55 are seen in floor No. 1 and floor No.2. From seeing these plates it is clear that there was successive structural activities. From seeing this plate it cannot be said that what is the distance from floor No.2 to floor No.3. This time I would not tell that what is the distance between Floor No.1 to floor No.2

Question - Were you present at the spot and at the time of excavation according to you what was the distance from floor No.2 to floor No.3

Answer. At present I would not tell in this regard

It is clear that I do not remember in this regard.

Question - The things you do not remember in this regard you cannot tell nor write?

Answer. It is not so the facts I have written these all facts I would remember and in case I would not remember, it does not mean that I should not write.

Since floor No.3 and floor 4 is not in the above plats and hence seeing this plates distance between these plats cannot be tell. Seeing the plate No. 55 I cannot tell that Floor No.3 is exists or not, because they are not seen in this plate. In this regard I cannot tell on my experience. The wall is seen on the left side of plate No.55, in which plaster is applied. Floor No. 32 and 3 cannot be equit from floor no.1. Floor No. 2 and 3 are not identical Contemporaneous.

Question. Whether floor No. 2 and 2 are Contemporaneous floor.

Answer. Both floors are not identical Contemporaneous.

Question. In your reply you have used the word identical , what do you meant from it?

Answer. My meant to it that both the floors cannot be made in similar time.

Similar position is of floor no 2 and 4.

Statement readover and affirmed.

Sd/-

07.7.2006

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 10.07.2006.

Sd/-

(Hari Shankar Dubey)
Commissioner
7.7.2006

**BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District
Judge/ Special Executive Officer, Hon High Court Allahabad,
Lucknow Bench, Lucknow**

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in
other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors.
Vs. Gopal Singh Visharad & Ors.)

Dated 17.7.2006

PW-30 Dr. R.C. Thakran

(In continuation of 07.07.2006 Cross examination of R.C. Thakran,
continued by Shri Rakesh Pandey, Advocate on behalf of Defendant
No.13/1 in other original suit No.4/89).

Ld. arguing counsel has draw the attention of witness is drawn
towards plate No. 50 and 55 of Volume 2 of ASI Report. Witness has seen
these two plates and said on questioning that it can be said after seeing
these plates that floor No.2 and 3 are of the disputed floor or not because
in these plates floor No.2 and 3 have been seen. The condition of the
floors is seen by me at the disputed lace according to which floor No. 2
and 3 can be connected with the disputed building and similarly floor
No.1 can also be connected with the structure of disputed building. Floor
no 1 and 3 were not contemporaneous. I do not feel that floor No.2 is the
floor of any previous structure or not. Floor No.1 and 2 are
Contemporaneous or not I have already clarified this fact.

Question - floor No.1 and 2 were of same period or not.

Answer Floor No.1 is of modern period and floor no2. Is of the period
of disputed structure.

What would be the length of disputed structure I do not have its
knowledge. Broadly it can be said that in the North from Sita Rasoi to
Souoth and East and West the think wall is, beyond it this goes in
length, but its I cannot tell its definite measure. I can tell this distance
from idea. I cannot tell its width by idea.

Question - the wall of the disputed structure in west side, what is its height?

Answer - I do not remember exactly

When disputed building was made, I had seen it and later during the excavation I had gone at the disputed place. I will not say the structure of the disputed building as massive structure, but it was strong and reasonably big.

Question - How long and wide was the disputed building?

Answer. There were three domes in disputed building but I did not measure its length-width, I cannot tell its length-width by idea.

Question - According to you the pillars were prior to demolish, after demolishing the disputed structure because nothing could know about their foundation and it cannot be said that because of the foundation was not found and hence there were no pillars?

Answer - In this reference it is not proper to say that after demolishing the disputed structure, if the pillars bases used in the disputed structure are not found there then the use of pillars were there, because after demolishing the disputed structure the manner in which unauthorized excavation was made there in which there were every possibility to remove the pillar bases.

Anadhikrit means unauthorized, and my meant to from the said excavation which was done just after the demolishing the disputed structure. The unauthorized excavation stated by me in the above statement, in which I have stated about the demolisher of the structure, I have not used the word unauthorized about the excavation done by ASI.

At the time when structure was demolished at that time the demolisher have arbitrarily excavated there and the basis of thing is that every day in the national news papers, new published about the claim of the person excavating there. the exactors had claimed through newspaper that they have found such things.

Question - My question is that in case at the spot foundation of the disputed building or its pillars was made and it was damaged then was according to you is there any possibilities that evidence of pillars are destroyed ?

Answer- At the time when disputed building was demolished, at that time disputed place was disturbed and due to which there is every possibility from the said disputed structure the concerned residuals, in which pillar bases and foundation is also included, are destroyed.

The place where these evidence would be destroyed , the evidence already present there would also be destroyed.

Question - Is there any possibilities that due to the above excavation at the spot or loss which is detailed by you, information about the disputed place and various pillar bases of the disputed structure could not be obtained?

Answer. I have stated in my statement about various pillar. I have said that some pillars are in the disputed structure and after the demolishing of the disputed structure, the manner in which by the unauthorized excavation damage is caused to the disputed place, in which there is possibility that the pillar were their bases would also be damaged.

Question - In the newspapers the news published about demolishing of the disputed building, was in these newspapers also published that foundation of the disputed building is excavated?

(On this question Ld. counsel Shri Jafaryab Jilani, Advocate has objected that Ld arguing counsel is asking totally irrelevant question and is wasting the time of the Court. Therefore permission of asking such question should not be granted).

(Above objection is replied by Ld. Arguing counsel that in case question is irrelevant according to statement of the Ld. objector Counsel then it shows itself that witness has given irrelevant answer, because this question is coming from the answer of witness).

Answer - Thee excavation done by the persons who did such type of demolition, to prove their things they placed evidence and claim. They never tells that such relics are found in such type of excavation. Therefore they will never point out that how much and which type of damage they caused to the disputed place.

In this regard I have read the newspaper, in which news of excavation the foundation was published. It is incorrect to say that I am giving false statement. I have nowhere stated in my statement that I had read in the newspaper that " foundation was excavated". I have expressed possibilities about excavating the foundation, because after falling the disputed building the damage is caused to the disputed place, on the basis of which I expressed the possibility. It is not proper to say that I am giving answer to the questions only on the basis of possibilities.

Question- You have stated in page 270-271 of the statement that the claims of the excavators of the foundation published in the newspaper are the source of information of above statement. Claims of the demolishers came in the newspaper and I had read in this regard.

Further you have stated at page No. 271 that excavators were claiming through news papers that such things are received in the excavation and now you are saying in this regard you have not received information from the newspaper and in this regard you are guessing, then which of your thing consider to be correct?

Answer - I have nowhere stated in my above statement that above excavator have excavated the foundation and in this regard I have read. I have only read in the newspaper about the things of excavation. I heard in news and on the basis of which I guessed that in case in such type of excavation foundation of the place of pillar bases is excavated then there is possibility to destroy the bases and foundation.

Question - You have stated on the basis of possibilities that pillar base and foundation are also damaged but you do not have any proof to this fact, what do you say in this regard?

Answer - I have not said that such foundation or pillar bases are destroyed. I only expressed possibilities that in case such excavation is done in the disputed place then foundation there is possibilities of destroy of foundation and pillar bases.

Question - After demolishing the disputed building, at the time of excavation the condition seen by you of disputed place, on the basis of this position what you will tell on the basis of your possibilities that foundation and pillar bases were excavated or not? this question is regarding earlier foundation and the pillar bases, which you had seen prior to falling of structure. What do you have to say in this regard?

(On above question Shri Jafaryab Jillani, Advocate has objected that above question is vague and missed and hence it would be proper to ask it by the Court in several separate parts).

In the light of above objection Ld. arguing counsel has requested to ask separate question in this regard, accordingly Ld counsel has asked following question:-

Answer - Prior to falling the disputed building, the pillars of the building you had seen, base or foundation of these pillars were seen by you during the excavation or not?

Answer - The pillars I had seen prior to the excavation in the disputed structure, I have not seen their bases and foundation during the excavation.

Question - In case you have not seen the base of pillars or foundation then are you reach to the conclusion based on your possibility that excavators have damaged the foundation of pillar bases?

Answer - Disputed structure which is big in north part, is not excavated, therefore this thing is not applied in it. Some excavation was done in south part, on the basis of which there is no proof that pillar bases or foundation was destroyed.

Question - The pillars you have seen prior to demolishing of disputed building, they were without base or foundation?

Answer - In this regard I cannot say that how was their foundation and bases, because the pillars I have seen attached with the structure, by looking the same it feels that load of structure is not in these pillars.

Question - Whether there was any pillar attached with the fourth pillar, which foundation is found at the disputed place in case such pillar bases were attached with the fourth floor then what was their number ?

Answer - There were no such type of pillar base.

It was claimed in the ASI report that there were some pillar bases on the fourth floor. What number of these pillar bases is told by the ASI, is not remember. In this regard I have read the report.

Question - You may see the report and tell that where it is written in the ASI report that how many pillar bases were attached in the fourth floor?

(On this question Shri Jafaryab Jilani, Advocate has objected that now it is 2:25 and today's proceeding will close at 3.00 hrs due to reference and hence reading of the report at this time will mean that today further question cannot be asked and hence this question which is totally irrelevant and in this regard there is no any dispute, is totally improper and is being asked only to waste the time of Court).

(Reply to the above objection is given by Ld. arguing counsel that question cannot be asked binding with the time. Witness has himself stated that he has read about this in the ASI Report and the facts written in the ASI report, they are systemically and hence it is not the difficult task to tell after seeing the report. By raising such objection suggestion is being given to the witness not to give its answer and give it rigmarole reply.

Answer - In this regard it is written in Volume -1 pag 54 para 3 of the ASI Report that "the foundation were circular and somewhere sand stone chips were used get the design height and level" In above part ASI has written that how many pillar bases were attached with the floor.

Question - In the above part of ASI Report it is written that "most of the resting over fourth floor" was in this part 'resting over floor' resting over means with attached?

Answer - yes resting over is meant with attached.

ASI has told about the pillar bases, which were attached with fourth floor, its definite number can be tell?

Answer - It is not written in the above paragraph that how many pillar bases is talking the ASI..

Question- Resting over means that some things is located over some thing, but it does not meant that both the things are attached, what do you have to say in this regard?

Answer - Having one thing over the other thing is shows its attached with each other.

Ld. arguing counsel has drawn the attention of witness towards the part 'Of this structure only for floor have been found" on page 8 of the affidavit (till end of 20th line), and asked that it has been told in this para that four pillar bases were so, which foundation was attached with the pillars. In this para on which bases four number is written, whereas witness has told that such numner of pillar bases cannot be told from the pillar basewas, Abov ehte abov part is written in this ASI report at volume No. 54 para 4.

Statement readover and affirmed.

Sd/-
17.7.2006

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 18.07.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
6.7.2006

**BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District
Judge/ Special Executive Officer, Hon High Court Allahabad,
Lucknow Bench, Lucknow**

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in
other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors.
Vs. Gopal Singh Visharad & Ors.)

Dated 18.7.2006

PW-30 Dr. R.C. Thakaran

(In continuation of 17.07.2006 Cross examination of R.C.
Thakaran, continued by Shri Rakesh Pandey, Advocate on behalf of
Defendant No.13/1 in other original suit No.4/89).

I heard about Garhwal Dynasty. State of Garhwal Dynasty is in
the north area of North India. I am not remmeberin that In 11th Century
Raja Chander Dev, was the ruler of Garhwal Dynasty or nor I do not have
its knowledge. State of Govind Chander is in most of the state of Uttar
Pradesh, but his state was in Bihar state or not. I is not in my knowledge
that King of the Garhwal Dynasty was Anang Pal was not. It can be
possible that Kings of Garhwal Dynasty have temple at several places,
but I do not have knowledge in this regard. Although I have referred
Garhwal Dynasty in my affidavit, but I do not have much knowledge
about this dynasty. I do not know that ruler of Garhwal Dynasty also had
ruled in Ahyodya area or not.

Ld. Arguing counsel has drawn the attention of witness towards
ASI Report Volume No. 2 plate No.33 Witness has seen and said that I
am not remembering that the stone seen in this plate was found at the
excavation place during excavation or not. It is not correct to say that the
things received at the excavation place, I did not saw them with
attention. It is incorrect to say that since I was present at the excavation
site on behalf of the Babri masjd and hence I did not saw these things.
Something is written in Devnagri script on the stone seen on plate No.
137. I do not have knowledge that what is the difference between Nagri

script and Devnagri script. I know Devnagri Script, because it is Hindi script.

Question - Hindi arise from the Devnagri script or when Hindi from Devnagri script was originated?

Answer. Script is a medium to express any language. I cannot say Hindi is originated from Devnagri script.

Whatever is written on the stone seen on plate No. 137 I can read it a while. On this broken stone ' p l, n word are seen. On the basis of this plate I canto say that what was written in this stone, and which name, place or period is pointing out it. I am not able to read it that on this ston Anangpal is written in nagri script or not.

Question - In case any such stone is received from the excavation place on which name of ruler of any special dynasty is written than what conclusion will be taken in the archeological view and whether it will be state about the said ruler that be is related to that said dynasty, in which dynasty he as the king?

Answer - On the one hand there is no any significance in the archeology to assume such type of things, an secondly in case systemically some things are received during the excavation, than it has significance at this level and period. In this regard third thing is that so that as the assumption of receiving of record of any king is concerned, in this reference important of the archeology will only clear when the period of that king has been made at various places during the excavation and at these stages, information regarding the concerned material is available. Only by excavation of a place and finding of entire of incomplete record position is not become clear.

I have read the ASI report, but in this report what is written about this stone is not remembering to me this time. It is incorrect to say that in case any article is received concerning to the Hindu rulers then I do not remember in this regard not try to remember the same.

Question - In case prior to the excavation archeological deposit was disturbed as you told in your yesterdays statement that foundation was excavated unauthorizedly, then is there any possibilities that in this condition due to this disturbance any article of the early period is received at the later period?

Answer - I had clarified in my statement that I had only pointed out possibilities to destroy the things in manner in the unauthorized excavation and in relation to this question I would like to clarify that in such excavation at any of the archeological place, the material of below level or antiquity are possible to reach at the upper levels.

I had told in my yesterdays statement that I do not remember that what was the number of pillars of black basalt attached with the disputed building but it is sure that the pillars were in the building, they were of black basalt. This black basalt pillars were there as a form of decorative pieces. These were not fixed in the position of load wearing.

Question - The three arch in the disputed building, whether in front of them in the right and left corner these black stone were attached. These stones were attached in the three arch or only attached in the middle arch.

Answer. I am not clearly remembering that these pillars were attached in the front of the three arch or not. Probably they were

attached in the middle arch. This were attached in the middle dome in the side of front arch.

Question - Whether they were towards the main door of the front side of this middle arch?

Answer - This pillars were at the entrance door of middle dome and below the arch which was n the door, attached in the front side.

Its length would be 6 ft. I have seen decorative stone attached in the mosque. But I have not seen the black colour decorative stone pillar in any mosque. Vol. I have seen in some mosques and I am giving statement in relation to the same. I have not heard about any mosque in which black colour decorated stones are used.

I do have some knowledge about the construction art of idol and temple. Architecture and idol art is not my subject. Hence I am not claiming having detailed knowledge of the same, nor it is necessary that the specific subjects are for the study of ancient history and archeology, every person is versed with same. In Sindhu Civilization art of making idol is not developed, but the art of carving the stone had been developed in this period. I would not tell about this exactly that on which date the decorated stones are start using in the temples. So far as period is concerned, we can say that it began in he medieval period.

Ld. arguing counsel has drawn the attention of the witness towards ASI report Volume 2 plate No. 83, in which on black stones carved vase is seen clearly. In page No. 82 of this report, I have seen a picture like pot, on which red colour is applied. Around the vase sprig and flowers leaf are made. Plate No. 83 is seen in two stages. In the below part of plate No. 83, some shapes are seen, but wrist and claw

shapes are seen, but nothing can be said concretely. It is true that in Hindu religion vase has important place at some occasions. It is also be correct that in Hindu religion vase is shown on some occasions as auspicious symbol. Vol but it does not meant that it has prevalence in Hindu religion only, because three days ago I have surveyed some mosque, domes and dargh of Delhi, in which one Lal Gumbad is situated in Malviya Nagar, New Delhi. In the dargah of this Lal Gumbad also the mosque is made in which, pot-sprig picture is used.

Question - Three days before today you were wondering without any reason in Delhi as you had to search ghat-pallav in a Mosque and you only wanted to know construction style of mosque. In this manner you did not try to know the other construction apart from mosque and hence did not got information about the construction style of the other religion especially temple of Hindu religion. What do you have to say in this regard?

Answer - So far as justification is concerned, justification is hide in this question and I tried to see the ghat-pallav in the mosque, it is not the wondering nor this is due to affection or protest against any specific religion. I did so because There are some dean in Hinduism who claim that only Hindu religion has heritage in the painting of ghat-palllav. My mean to say was this about the painting of ghat-pallave in the mosque of Delhi.

The mosque of Lal Gumbad, at Malviya Nagar, I have seen this is prior to the Sultanate period. I had not gone there for official visit rather went for archeological survey. I went their voluntarily. It is not so that I voluntarily conduct survey of the mosque and dargah. It is incorrect to say that I used to search antiquity of archeology in the Mosque and

dargah. It is not complete truth that I am wondering in the mosque and dargah to collect the evidence for Babri Mosque.

Question - Did you try to know about the worship method of Hindu religion style that what is the importance of vase and which presumptions it show?

Answer - I have already stated in my aforesaid statement that what is the importance of vase, and flower leaves in the Hindu Religion, since vase is considered auspicious and due to this presumption it is used in Hindu religion.

Question - Why the vase is considered auspicious and what is presumption behind it considering auspicious, do you know in this regard, because you have no interest to know about Hindu religion and hence you only did survey on the basis of Muslim religion. What do you have to say in this regard?

Answer - It is not correct to say that I only interested to in the concerns of Islam religion and does not keep information about the Hindu religion.

The presumption behind the vase considered to be auspicious is that vase is a utensil in which any of the substance , especially liquid, is stored safely and in the liquid water has special significance. Water is considered amrit for life and it has special significance, so far as flower and leafs are concerned it also point out towards the life and is proof of the fact that life should be flourish like a vine.

Ld. arguing counsel has drawn the attention of witness towards ASI Report volume 2 Plate No. 33 and asked following question :-

Question - The shape of like coconut is seen over plate No.8?

Answer - The thing lying over the vase is coconut or not, it depends upon the mentality and believes of every person. He can see it like a coconut and also as a kali.

I have been coconut, but in plate no 83 identical coconut like thing is not seen, may be it possible that the thing lying over the vase is pointed out towards coconut. I have seen some thin like shape of coconut over the vase at plot No. 83. It is possible that it is used in the Hindu religion for worship. It is possible that in Hindu religion rice or over coconut is kept over the vase for at the time of worship.

Question - You said that water is kept safe n the vase and water is the base of life then is water cannot be kept safe in any other utensil apart from vase?

Answer- Water can be kept safe in any of the utensil, but in this reference this thing is that when art of making utensil is start in human life then in this period people have developed this technique to safe the liquid substance like water in such utensil and as a result of development of this technique a big change came in the human life and as a result of this changes utensil is given specific importance and as and when art of making utensil is developed with the time, size and type of the utensil are as changed and in continuation to this development this is also an aspect of development.

Answer - The reason you have stated behind the considering of vase as auspicious in the Hindu Religion, in which main reason is that vase is the first utensil developed by the human and in vase water and liquid substance are kept safe. Apart from this to consider the vase auspicious

do you do not have knowledge of other believes and custom of Hindu religion. What do you say in this regard?

Answer. There is no any permanent unit in Hindu religion, it has changes in time to time and the period of these changes several believes has been added. I do not know about which believes is pointed out.

Question - You have told that there are several believes in Hindu religion, the things stated by you in above statement , are these also the believes of Hindu religion, apart from any of the believes is in your knowledge or not. please tell?

Answer - The believes discussed by me in my aforesaid statement this is basic believe and in the subsequent period the certain other believes are added, in case out theses believes anyone is asked me I detailed then I would reply in detailed.

In Hindu religion, Laxmi is called Dhan ki devi, Hindu people are worship the Laxmi as dhan ki devi. In this regard it is not the question of my believe or not believe. I do not have knowledge that in Hindu religion vase, ghat-pallav is worshipped, in which Laxmi is kept as any symbol.

Question - The rice is kept over the vase, it is used as a symbol of which thing, do you have knowledge about it?

Answer - I know that the grains of rice kept over the vase they are important. I see them as a sign of start of permanent life of the human leaving the nomad, and beginning of production of food. Earlier in the nomad human has no arrangement of fulfillment of the food and hence there was no existence of any happiness and relax in his life. Human has crossed the nomad condition and start the life in the production of food. Along with the same human has start the permanent life and happiness

came in his life. Grain (like rice is a grains). Human has produce grain and along with it it shows his relation with happy life.

I do not have knowledge that the coconut over the vase is kept as a symbol of adorable god or not. I can tell importance of coconut. There can be various ways for analysis of these type of things and can be different in the event of different persons. But the scientific analysis is as under that in India the first culture devolved in the semi draught areas and the plant found in these area, in which important tree is of coconut., which is proved very useful for the human, and in India also due to this reason it is considered important in religion.

It is incorrect to say that since I do not have knowledge about the believes and customs of the Hindu religion and hence I am replying these questions on the basis of my guessing.

Question - The mosque of Delhi n which you stated to be seen recently, in which part of this mosque is seen by you?

Answer. I have seen entire part of mosque.

Question - What did you go looking for in the mosque ?

Answer - I went to see size, type and nature.

Question - Were you doing any research about the mosque, in which regard you went to see the mosque?

Answer - In this regard I am not busy in any research. I did not go there for any research purpose.

I also went in the inner part of the mosque.

Question - Is any such kitabi is prohibited to enter into the mosque ?

(On this question Shri Abdul Manna, Advocate, Shri Jafaryab Jillani, Advocate has objected that asking this question totally irrelevant and it has no concern with the evidence of this witness and the word 'kitabī' is used, it is also relevant).

(Above objection is replied by the Ld. Arguing Counsel that along the literate witness is also knower of history and Isla and he used to visit the Mosque and Dargah and this fact is disclosed by himself and hence saying that witness would not know the meaning of these words is the insult of witness, in view of the answer given by the witness this question is fully relevant).

Answer - Since I am not verse with the word 'Kitabi' and hence it is not possible me to give answer of this question.

Question - Have you ever read or heard the word "kitabī" in the context of Islam religion.

Answer - I never heard this word prior today nor read.

Question - In the mosque entry of those people is prohibited or not who are not follower of Islam view or believer of other religion?

(On this question Shri Abdul Mannan , Advocate and Shri Jafaryab Jillani, Advocate has objected that witness is neither produced here as expert of Islam religion nor regarding enter in the mosque witness has any concern to give evidence and hence this question is totally irrelevant and is being asked just to waste the time of court).

Above objection is replied by the Ld. arguing counsel that witness has himself stated that he wondered in the mosque and dargah and see evidence, and on the basis of the evidence he has stated in his evidence

that what he found in the mosque and hence to test the credibility of the witness asking of this question is necessary).

Answer - It is correct that I have not studied rules of the Islam religion and surely I do not know that the person having concern with non Muslim can enter in the mosque or not, but I got chance to go Mosque several times and no one has stopped me. The mosque of Delhi which I had discussed, out of which some mosque are discussed by me in my statement, I went to see them and the mosque I went to see, as per the rule of Survey of India Department, they are included in protected monument and there is no any restriction to visit there.

Question - In the above reply you have mentioned the discussion made in the affidavit, then you had already discussed and later went to inspect. Do I understand that you write first and verify it later?

Answer - I have say so to keep my answer small. I had idea that such type of question will be asked. I would like to clarify here that it is not proper to say that without seeing or reading I have made such discussion in my affidavit. I have written so on the basis of book "Architecture of Delhi and Japani writer, and publication of the Indian Archeology Department, 'Indian Archeology - a review" and for which I went to these buildings to see. The mosque and dargah of Delhi I went to see, they are declared protected monument by ASI and declaration to this aspect of department is also mentioned.

Question - Are you the only such archeologists of India who have formed ghat-pallav in the mosque?

Answer - I have stated in my above statement that I do not have knowledge to this fact that which scholars and archeologists have

discussed ghat-pallav. Its mean that it has been discussed and also cannot be done I am not claiming that I am not such first archeologist, who has stated this fact. Whatever is painted there any person having interest and scholar can visit and see there.

I had never this ghat-palav in the mosque and seen it only at disputed place and now above place of Delhi. I had read any where about this , I do not remember. It is not correct to say that my memory power is not good. Being the archeologist I never tried to know in this regard that where the black stones are found in India.

Question - Whether it is not necessary for any archeologist to know about any article that where this article was used and where from this article was taken and in which area it was found and which type of people were used it?

Answer - the stone (black basalt) discussed by me in my aforesaid statement, this is special type of stone and due to some natural powers and special effect this stone made. In India this stone is found at various places, but at present I would not tell the name of all places. S far as any stone or any other natural resources is used by the human, according to the technique and needs it is used.

It is incorrect to say that not to give correct answer and hence I am telling exaggerated reply. It is also correct that I am not giving correct answer to the questions. It is incorrect to say that I have not given the correct reply because the question I understand accordingly I gave the reply .

Question - Where the question is specific there you are giving general answer and where the general question is asked there you gave specific

and rigmarole answer, as you did in reply to preceding question. What you say I this regard.

Answer It is incorrect to say.

Black basalt stone is found in Dakhan, In this regard I do have knowledge that how the black stones are manufactured.

Question - Black Basalt stone are carved of directly taken from the mine?

Answer - Black Basalt stone are not manufactured by the human rather made by the natural powers and where such type of natural powers are working at these places such stone is found natural over the land of beneath the land.

The dargah is in the Lal Gumbad of Delhi, in the various mosques there is a mosque which is near the main gate of dargah I had seen the ghat-pallav in the top of wall of mosque. I went there at 11.00 a.m. and I did not saw anyone there offering namaz. So far as I remember that being the protected monument namaz would not be offered there.. I had see also tomb in the dargah. I have clearly stated in my today's statement that type of ghat pallav, back stone at the dusted place in the main door I have seen, such type of ghat pallav is not seen by me in any other mosque It is possible that ghat pallav are made in the main door.

Question - In your above reply you have used , possible word, do you have no knowledge about it.

Answer - I have used possible word because such has been using and as rule it has been so or not. I would like to clarify here that the temple

at the various places are constructed, in which regional and local grounds such difference is found in reference to the construction art.

It is correct to say that after the 11th Century ghat pallav was made in the main gate of all the temples. It is possible that after 11th century in some areas in the construction of temple such method was used.

It is correct to say that Mathura is a main centre of the sculpture. In the sculpture of Mathura Yaksh, Yakshvi are made, but I cannot say surely that in this period flower leaves are also painted through this art. This type of art was mainly Indian.

There can be some similarity in the sculpture of Gandhar style Mathura style. But mainly both centre of different arts. It is possible that after the development of sculpture of Mathura style, in the temple of Hindu religion he carved flower and leaves were used on the stones. Decorated stones are used in the building, temples and religious places, mainly for the decoration purpose.

Statement read over and affirmed.

Sd/-
18.7.2006

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 19.07.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
18.7.2006

BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District Judge/ Special Executive Officer, Hon High Court Allahabad, Lucknow Bench, Lucknow

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors. Vs. Gopal Singh Visharad & Ors.)

Dated 19.7.2006

PW-30 Dr. R.C. Thakran

(In continuation of 18.07.2006 Cross examination of R.C. Thakran, continued by Shri Rakesh Pandey, Advocate on behalf of Defendant No.13/1 in other original suit No.4/89).

Question - Whether decorated stone were used in the construction of building and temple of Hindu?

Answer. It is not proper to say that decorated stones are only used in the building and temple of Hindus.

Hindu people are also according to their financial capacity and needs used such type of decorated stones in construction of building.

Question - At the time of Kautilya, Kala Prasad vinyas of the city, and purvinas Kala was used. do you know about the construction arts of the time of Kautilya.

(On the above question shri Abdul Mannan Advocate and Shri Jafaryan Jillani Advocate, has objected that that this question is totally irrelevant and in this case it has no relevance with the evidence of witness and this question is being asked is only to waste the time of court and witness, therefore permission to ask such question should not be granted.

(Above objection is replied by arguing counsel that raising such objection witness is giving suggestion that he should not give the clear and give rigmarole answer. Ld objector forgot that in the report off ASI decorative stones of the various period are mentioned, and in this regard

there is objection of the parties, then saying asking such question to the witness as irrelevant itself will be irrelevant).

Answer – I am not understanding this question, that which Nagar of Raj Prasad and Pur Vinyas are being referred. In case it is clarified then probably it will be easy for me to give its reply.

Question - Do I understand that at the time of Kautilya the in relation to the building construction the archeological evidence and relic are available at which place, its knowledge is not to you?

(On this question also Shri Abdul Mannan Advocate and Jafaryab Jilani Advocate has repeated the same objection which is made in the above question).

(Ld. Arguing counsel has also gave the same reply which is given in relation to the objection of above question, apart from this he said that by raising repeated objection time of the occur is being wasted).

Answer - It is not proper to say that I do not have knowledge about in the relics of the above period but prior to replying the question it is necessary to know for me that in reference which Raj Prasad and building vinays this question is being asked.

Question. I have not made question about the any specific place of the building construction of the time of Kautilya, rather asked that at that time in the building construction and style of city construction two style Prasad Vinyas and Pur Vinyas was prevalence or not?

Answer - In the time of Kautilya such type of construction style would be prevalence in any of the places, and in the above question gesture is made towards the antiquity, therefore tell me if I have been asked about

the antiquity of such place or their style, then probably it would be good for me to give correct answer.

Question - Being a historian do you know about the nagar construction style of the time of Kautlya or not?

Answer - I know about this. I know about the Ruler of the Kautlya Chandra Gupta Maurya of Patliputr and Raja Prasad and their introduction is made from the relics found in the excavation of Kamal mound., in which literature of Raja Prasad and from archeological evidence it is clear that wooden pole have been used for making the raja Prasad.

Question - At the time of Kautliya , in the construction of building the stone columns are used , what do you have to say in this regard?

Answer - In this period of Kautliya common man was not using such type of stone column in the construction of their building. It is far to use the stone column, but pucca brick was also not available for the common man to construct his house. and so far as Raja Prasad is concerned, in this regard I have already staed.

Question - In your statement you have used word Raja Prasad, was this a special style of building construction at the time of Kautliya?

Answer - There was no any style of building construction

Question - At the time of kautliya there were such building which were on the column of building and picture were painted in these columns. What do you have to say in this regard.

Answer - I do not have any knowledge about any such archeological relics.

Patanjali shastri was the knower and composer of grammar. I do not have knowledge that he in his composition discussed about any building construction art of any period.

Question - Magasthene has mentioned in his articles about the building arts of Chandragupta or not?

Answer. Original artifices of Magasthene are not available with us but in the articles of the subsequent historian and scholars, these articles are discussed and completion of these articles are made in the subsequent period in the book named 'Indica' in which palace of Patliputra of Chandragupta Murya is discussed. He pointed out towards construction of wooden column. It is not proper to say that he has not mentioned the wooden.

Question - In Gupta period sculpture has three centre, can you tell which were these centres?

Answer - These centres were Gandhar, Mathura and Amrawati.

Question - Amarwaati was not in the three main centre of sculpture in Gupta Period. This art was developed from 150 BC to 450 BC. What do you have to say in this regard?

Answer - I do not have knowledge in this regard.

Question - You also have no knowledge that in which period Amrawati Sculpture was developed

Answer. I have stated in my aforesaid statement that Amrawati art was began in second century BC but I do not have knowledge of any such art of Amrawati, which began in 150 BC and continue till 450 BC.

Amrawari sculpture is start form the place named Amrawati of Andhra Pradesh.

Question - when the Building style of making the column on the stones was start?

Answer - According to me we see is beginning in any form in the Indus Valley Civilization.

Question - After the Indus valley civilization whether above technique was used continuously in the building construction?

Answer - it is not necessary . My meant from it is not necessary is that continuity of such experience will remain in the history, it is not necessary.

Question - My specific question was that after using in the Indus Valley Civilization , in the construction of building column of stones was used or not?

Answer - stone columns are used in the building construction in the history in time to time but it cannot be said that it was continued.

Question - Is use of decorated stone by any special community or any ruler is not made in any place where it was seen or apart from the decorative purpose it use by any other manner that it is used on the part of the building which is inside, please tell in this regard?

Answer - Generally in the construction of building decorative pieces are used at the place where is either for the enjoyment of person living there or at the place where by see it the building constructor get mental happiness and in the specific circumstances in relation to the building construction it is used in the foundation of building decorative pieces is used when relic of the old ruins are collect and necessary to fulfill the building construction.

Ld. arguing counsel has drawn the attention the witness towards ASI Report Volume No. 2 plate No.25, a and this plate is showed to the witness and asked the following question:-

Question -Below this plate a decorative stone is used in the foundation, have you see it?

Answer. Decorative piece of this stone is used in the foundation of wall is seen.

Q - When the brunt bricks are start using in the building construction.

Ans - In India burnt bricks are used in the building construction from Indus Valley Civilization.

Q. In above plate 25 and 26 it is seen that apart from the stones brick are used, is can there be any possibilities that this is the part of any other building.

Ans. Here there is possibilities of both the things that these bricks are used afresh as a new bricks or removed from the demolished houses and used. In this regard concretely can said only then when period of this wall or period of building are excavation and intensive study is made.

Q- whether in Hindu culture Makar is considered as vehicle of Ganga and it was given religious recognition?

Answer. It is correct to say.

Above plate No. 22 and 23 of Volume 2 of the report is seen and witness is asked and he replied that I cannot give an name to the fragmented decorative part seen in plate No. 22. In plate No. 23 same broken decorative stone piece is seen which is more clear in comparison to plate No.22, but by seeing it is not possible for me to give it any name. I am not in position to connect these declarative pieces and identify the same.

Q. whether such type of painted pieces are used in the mosque or Islamic structure ?

Ans. I can give its concrete answer only when the religious and general building made in this period are surveyed, but this possibility cannot be ruled out that such type of decorated stones are used in the building of the followers of various religions. Without such survey I cannot claimed by seeing the plates that they were being used in the specific buildings.

I am not looking ghat pallave connecting with any religion.

Q. The things stated by you above, and about the ghat pallave you have stated in reply to the question, was given in the reply of my question that ghat pallav are made by

the Hindus, and you have stated this fact at your own mind. My question was that ghat pallav are made in the main door of the Hindu temples to show the auspicious. But you inspired from the spirit of mosque deliberate placed the false facts so that you could justify the mosque, you are not giving your reply honestly, what do you have to say in this regard?

(On above question Shri Abdul Mannan Advocate, and shri Jafaryab Jillani Advocate has objected that it is very misleading question and it does not reveal what question is being asked from the witness, therefore court itself should tell the brief or meaning of the question and in the question the allegation levelled against the witness, this is totally baseless and unfortunate).

(Above objection is replied by the Ld. counsel that the question is asked from the witness he did not give its answer and tell the things of his mind and create confusion. In case my yesterday's question and the reply are seen then it will be clear that such type of objection is baseless).

Ans. I am giving my reply honestly and I am not influenced from any of the party by saying so. I have the discretion of archeology and history on the basis of which I have given my statement and I have ghat pallav and its religious significance is not stated from my mind and upon asking only stated that I have also seen the use of ghat gallab in the structure regarding the Islam religion and in which there is no any wrong. This fact can be proved by inspecting that place.

Q. In Islam idol worship, worship of shapes, worship of plant is prohibited or Islam gives its permission?

(On above question Shri Abdul Manna, Advocate has objected that permission to ask such question should not be given because court has directed not to ask question in this regard)

(Above question is replied by the Ld counsel that I do not have knowledge of any such order, in case there is any such order then on behalf of the objector the question regarding the Hindu deities would not be asked in the cross examination and question by the name of Hindu God and Goddess would not be asked, then it is proves that there is no such order_.

Ans - According to my knowledge there is no place of worship of idol in Islam religion. So far as worship of flower leafs and plants is concerned in this regard I have no knowledge I would like to say that in the building regarding Islam religion I have seen flower, leaves, geometries and other shapes in view of the beautification.

I have seen flower, leafs, geometrical design and ghat shapes in the mosque, dargah carved on the stones.

Q. The things you have stated to be seen in the mosque, you would have seen it in outer part, and not in inner part, in his regard what do you have to say?

Ans. The designs discussed by me, I have seen it both the side of mosque.

Q. Have you seen the plants, human and animals shaes in the inner and outer both parts of moseque?

Ans. I have discussed in my statement about flower, leafs, ghat, pallave, ghat and geometry shapes, which I have seen.

Q. In Hindu religion animals, plans and tree are also seen with religious sentiments, and they are worshiped with the religious spirits. Ghat pallav is the integral part of the worship and is a part of Hindu custom, these all things are used in the temple, is it correct or false?

Answer. It is correct.

Q. In case any things like ghat pallav is found in the mosque then you will call it Islamic or not?

Ans. I have already given answer to this question and in this regard I told that such kind of shapes are used for decoration and hence this method of declaration can be adopted by any person.

Q. According to you these shapes are made in the mosque and namaz is also offered in that place, then according to you namaz can be offered at this place where shapes or idol are carved, what do you say in this regard?

Answer. I do not have knowledge in this regard where such type of shapes are printed and there namaz can also be offered or not.

In this regard whatever is my knowledge on the basis of which I have replied in this regard. I am not the knower of Islam.

Q. In my above question that ghat palav or plants shapes are the part of Hindu religion because they are worshiped and similarly in case shapes are found in the mosque and shapes are carved then according to the Islam religion it will be considered Islamic or not?

Answer - the shapes are used in the Hindu religion for religious purpose, it has significance in Hindu religion, but along with there is no any prohibitory order from the Hindu religion that other religious cannot use such type of shapes and this belief is only indication of fascist.

Q. You have just said that this is not prohibitory for any religion and people of other religion can also use it for painting, despite you have used fascist word. You have used fascist word deliberately with intention to insult the Hindu religion because you know that there is no any liberal religion bigger than Hindu religion and in Hindu religion there is no any provision of such restriction. You are not replying the questions and using derogatory words, what do you have to say in this regard?

(On the above question Shri Jafaryab Jilaani has objected that this is totally irrelevant and also being asked from the witness baselessly with intention to insult and humiliating, therefore permission for asking such question should not be granted.

(On above objection Ld. Arguing counsel replied that the allegation leveled in the objection is false)

Ans. I do not have any intention to insult Hindu religion or any other religion. I cannot even think about this. In my above reply where I have said that there is no any prohibitory from Hindu religion that other religious cannot use shapes of these painting from which it is clear that it has respect in Hindu religion inspect of disrespect. The word fascist used by me my purpose to it was some people of Hindu religion who are tried to make narrow their believes that whatever they have seen , listen or read is universal truth and other person are bound to obey the same. Such type of tone or attitude pointed forwards fascism.

Q. In your above statement you have used word some people, this is tolaally baseless, this can be your thinking what do you have to say in this regard?

Ans. It cannot be my thinking, whatever is pointing repeatedly that such articles or shapes are the heritage of Hindu religion, it point out towards the same.

Q. In the excavation of the disputed place at Ayodhya the terracotta of human and animal figurine, in which some are of some God and Goddess and believes in Hindu religion, are you say it as Islamic origin or not, because according to you in Hindu religion there is no any provision that people of any other religion cannot worship it, What do you have to say in this regard?

Ans. I do not have knowledge that the human and other shapes found at the excavation place are represented to which God and Godess and I never stated in my statement that for the worship of such type of Hindu God and Goddess other religious are not permitted. So far as their Islamic Origin is concerned I can say it only in reference to the things

found at from excavation place and since in reference to this question specific is not ask and hence I am unable to tell on the subject or origin.

Ld. Arguing counsel has drawn the attention of witness towards ASI Report Volume 2 page 127 and asked that was in this plate, figurine like elephant is not seen? Witness said yes it is the figurine of elephant. It is correct to say that Ganesh of trunk elephant is worshipped in Hindu religion .

Q. Elephant is worshipped as a Ganesha or not?

Ans. Head and trunk of the elephant is considered as a Ganesh and Hindu religious are worshipped elephant, but along with it elephant has not only importance in Hindu religion but along with elephant also has importance place in Bodh Religion

Statement readover and affirmed.

Sd/-
19.7.2006

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 20.07.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
19.7.2006

BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District Judge/ Special Executive Officer, Hon High Court Allahabad, Lucknow Bench, Lucknow

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors. Vs. Gopal Singh Visharad & Ors.)

Dated 20.7.2006

PW-30 Dr. R.C. Thakran

(In continuation of 19.07.2006 Cross examination of R.C. Thakran, continued by Shri Rakesh Pandey, Advocate on behalf of Defendant No.13/1 in other original suit No.4/89).

Ld. arguing counsel has drawn the attention of witness towards ASI Report volume 2 Plate No. 129 and 130 and asked the following question:-

Q. Whether the follower of the Hindu religion are Nag as Nag Devta and worshiped it?

Ans. Nowadays Hindu religious are worshiped Nag Deva, but in the ancient period Nag was worshiped by the Mathur and its around local people, who are called Nag vanshi and in Rigveda it has been mentioned to be seen with disdain view.

Q. Where you have read that Mathura and its round people were Nagvashi?

Answer. I read this thin in the book published by Govt. of India in Art & Architecture of India and record of Samudragupta published in Allahabad.

In relation to the prashisht ptr of Alahahabad of Samudgra Gupta and his winning movement rulers of Nagvanshi are mentioned. I would not tell the name of rulers of this dynasty, but is found in the above prashsti ptr. According got me in the history of ancient India there is a dynasty named Nag vansh.

Q. Can you tell about the ruling period of alleged rulers of Navgansh?

Ans Broadly state of rulers of this dynasty is found inany form from second century AD to fourth Century AD.

Q. You are considering the people of the Nag and Nagvansh as one, because my question is with Nag creature and not by any dynasty?

Ans. I am considering Nag creature and Nagvansh both separate. In relation to the tradition of worship of Nag Deva I have only said that in the modern era religious of Hindu religion are worshiped this creature named Nag and its beginning was made in ancient India in the aforesaid period.

I have already clarified in my above reply that Nag is worshiped in the North India in Second Century AD. It is possible that Laxaman Ji is called incarnation of Shesh Nag. It is also believe in Hindus that earth is rests on the fun of Sheshnag.

Q. Is this is a believes that earth is rests on the fun of Sheshnag since the ancient period?

Ans. I do not believe that in Hindu religion earth is rests on the fun of sheshnag since the ancient period and in the archeology there is no any concrete proof to this fact.

Q. I did not ask above question to know your believes rather to get the information that you are knowing the believes of Hindu religion or not, I had asked in this regard. It does not have question of your belief, what do you have to say in this regard?

Ans. Nowadays there is such believes in Hindus that since the ancient period earth is rests on the fun of sheshnag. But there is no concrete historic of archeological proof of this believe.

Q. Religion is a thing of believe or is based on the evidence?

Ans. Religion, faith is based on the believe and evidence.

Q. You said that religion is based on faith and belief, you tell about any such religion which you can say is based on evidence.

(On the above question Shri Abdu Mannan, Advocate has objected that there are fifties of religion in the world, in which Ld. arguing is asking about which religion it is not clear, therefore permission of asking such question should not be granted).

(In reply to the above question Ld. arguing counsel has said that witness has told that religion is based on the, then such question should not be asked from the witness, because it he is a scholar historian, on the basis of knowledge of evidence he gave above reply, apart from this on the basis of evidence accepted the religion. Objection is only to waste the time)..

Ans. In India there are various up gradation of the bodh religion, Jain religion and Brahmin religion which evidence are available in archeology and historic and along with it faith and belief are important in the Hindu religion

Q. In case there is any evidence of any religion and faith and belief is separated then according to you it will not be called religion?

Ans. It depends upon the people who have faith and believe on this religion, but in history and archeology view in the test of faith and belief there is need historic and archeological fact and in case religion or beliefs of the religion are parted in historic view than it cannot be done only on the basis of faith and belief.

Q. You have stated about the Brahmin religion in your above statement, religion of Brahmin religion, kashtriya religion etec. Name are not found India, nor it has any archeological evidence, on which basis you have stated the Brahmin religion?

Ans. I I have discussed Brahmin religion in the above reply but did not give any statement about kshtriya religion, so far as Brahmin religion is not exists in India is concerned, it not true its historic facts are available.

Q. when and where Brahmin religion was origin?

Ans. In India on the basis of Rigveda we got the information and thereafter other Vedas we got information from Brahmins, upnishads about the vedic religious faith and beliefs and thereafter in the ancient history there is a period in which Brahmin religion is developed and this religion is known in ancient history as Brahmin religion.

Q. You have stated in your statement 2-4 days ago that you do not have knowledge about veda, upnishada and purana nor you did studied it, is it correct?

Ans. I had stated in my statement that I did not studied Veda, Upnishada and other concerned literature but also said that other historian are studied this material and thereafter the books written by them I have read it, therefore it would not be proper to say that I do not have any information about it.

Q. None of the historian has said that in Rigveda Brahmin religion is mentioned ?

Ans. It is correct that any of the historian has not claimed that in Rigveda Brahmin religion is mentioned and I also have not said anything in that manner in my statement.

Q. You have stated in your statement about the manner of development of Brahmin religion, in which period it is related?

Ans. It has relation with uttar vedic period in Indian History. My meant form Uttar vedic period is for the aforesaid period which broadly considered 1000 BC to sixth and fifth AD.

Q. There is caste system in Hindu religion which is continuing traditionally since the beginning , what do you have to say in this regard?

Ans. It is correct to say that in India caste system is continuing since the beginning.

Q. Is Brahmin, kshatriya etc are the part of a caste system and is not separate religion?

Ans. Brahmin, kshatriya, etc. are the part of vedic varna system and not the caste or religion.

It would be correct to say upto a extent that Hindu religion is developed from the Brahmin religion, then it would be more appropriate.

Q. According to you prior to the origin of Hindu religion Brahmini was origin.

Ans. it would be proper to say.

Q. is Brahmin religion is prior to veda, purana?

Ans. Brahmin religion is developed in Uttar Vedic and hence it cannot be said that this is of Rigveda period, Brhamin religion was not in rigveda period.

Q. You are considered the veda, purana and upnishada as part of Hindu religion or not?

Ans. Veda, are the introductory of vedic culture and in purana detailed information about the development of Brahmin religions is found and in the subsequent period various puran became the part of Hindu religion.

Q. I had asked that veda, puran and upnishada are structure of Hindu religion or not?

Ans. As I have clearly said in my aforesaid reply that veda are part of the vedic culture and not the Hindu culture and also I have told that puran is part of the Hindu religion. Vedic Kaleen literature in which upnishad are also included are the part of Brahmin religion.

Vedic culture is vedic culture and not the part of Hindu culture. I know about vedic culture.

Q. According to the vedic culture, idol worship, yagya, havan were performed or not and varay system was present or not.

Ans. There was no place for idol worship in the vedic culture In this culture yagya has specific important and varna system was also in this culture.

Q. In Vedas Laxmi dhanwantri, Kamdhenu etc. deity are referred or not?

Ans. I have parted vedic culture I two parts in my aforesaid statement, one is rigveda priod and another is uttar rivgeda period. So far as rigveda period culture is concerned I cannot concrete say on this subject that it has mentioned in the Uttar Vedic period or not. For clarification I would like to say here that period of the four veda and culture are known from vedic culture and this vedic culture is on the basis of rigveda and uttar Vedas, can be seen in different forms on the basis of development and changes and therefore whenever such questions are asked but the vedic culture then it became necessary to see it keeping in different parts and then statement be made.

Q. You do not have any knowledge of Veda nor you read article of any historian, and because of your non knowledge you are not giving the correct answer and are giving rigmarole reply and did not give reply to the question.

It is not property to say whatever the questions asked I have replied in the scientific study of the historic, archeological material.

Q. My question was straight that Laxmi, Dhanwatri and Kamdhenu etc deity are mentioned in the Vedas or not. By not giving answer to this question you are saying about any scientific basis.

(On this question Shri M.A. Siddique Advocate has objected that in the reply of witness the answer of the Ld. arguing counsel is clearly comes. Arguing counsel should see the said reply)

(reply to the above objection is given by the Ld. Arguing counsel that after reading the bove question in case Ld. objector counsel clarify in yes or no then I will take back the question asked in this regard).

Ans. I have given clear reply of above question in the above statement.

Q. I have asked you that in veda above God and Goddess are mentioned or not? its reply is not given by you, please tkll because such a big answer are vague.

Ans. In the above statement I have given clear answer where I said that it has no discussion in the Rigveda and where it has in the Uttar Vedic kalenlitrer or not, in this regard I cannot said concretely. May be there would be discussion on this subject in the puran.

Ld arguing counsel has drawn the attention of witness towards ASI Report volume No.2 plate no 129 and asked is in this plate No. 129 shape of head of Nag is seen? Witness said that this question is replied by me in the morning statement where I told it photograph of nag fan made from brunt soil. In Hindu religion bull is worshipped and we worshipped the bull as it has useful in the agriculture.

In the above report attention of witness is drawn towards plate No. 59 and asked following question.

Q. In this plate the circular structure is seen did you see or not?

Ans. I have not seen it at the spot.

I heard about this structure and also read. Earlier also I have seen its photograph. Plate No.60 of the above report is shown and ld. arguing counsel has asked the following question:-

Q. Circular structure, is situated at some distance fro central part of the disputed structure?

Ans. probably this is at some distance from this structure.

Entrance of this circular structure is in which side, this cannot be tell on seeing the plate No. 59 and 60. Vol. seeing this incomplete structure it is impossible to say about it.

Ld. arguing counsel has further drawn the attention of witness towards plate No. 59, 60 and 61 and asked following question –

Q. After seeing the structure seen in above three plates can you tell that there was successive structural activities or not?

Answer. It is not possible for me to tell this after seeing the above plates.

Q. In plate No.59, 60 and 63 is brick wall intact is clearly seen?

Ans. The wall seen in these plates in this regard it can be said that it is intact.

In plate No.60 three side, in plate No. 59 one side and in plate No. 63 two wall portion are seen.

Q. You have seen plate No. 50, 60 and 63, on basis of its look can you tell that the walls are around the structure or no this wall is towards which side of structure?

Ans. I have already stated about the walls seen in plate No. 59 and 60 that and I have also stated about plate No. 63, but any part of circular structure is not seen that in which side this wall is from the structure .

Q. You have not seen this place nor inspected then you are giving your views about this place on basis of others statement?

Ans. During the excavation when this structure was found thereafter I have not seen at this place, so far as my statement in this regard is concerned, it is not only on the basis of hearsay things rather the report of archeology and excavation , on the basis of its study I have said.

Q. In this regard whatever you state is on the basis of above report, you do not have any personal knowledge in this regard. What do you have to say?

Answer. I have already told that the structure came out from the above place which I have not seen personally and in this regard my opinion is after reading the report, and in this regard I have already clarified in my above statement.

Q. The party engaged to you this party has engaged you to criticize the ASI Report and hence you despite of information, investigation and research filed the objection with intention to criticize and making false statement.

Answer. It is not proper to say.

Question - Did you read ASI Report that there are four side walls around the circular structure.

Answer. I do not remember.

Seeing the report whatever will be the actual position I will tell you. According to me structure seen in page no. 59, 60, would be related to Gupta period. In plate no 59 he level of E-8 F-8 is put over the wall, this wall is of which period it is not possible to tell me by seeing this plate. It can only be said when excavation place is inspected. Which number is given by ASI on this wall, I would not tell by seeing this plate.

Ld. arguing counsel has drawn the attention of witness towards ASI report volume 1 feature 3-A (page 48) and asked the following question –

Q. You may see the feagure and tell that where is the circular structure, and what I asked above on wall what number is put by ASI on this?

Answer - Seeing this figure it is not possible to tell me that where is this structure and which is its around wall because I the figure neither period wise is seen anything nor trench wise is seen nor layer wise is seen and the symbols given in index they are also not clear.

Q. The criticize of ASI report is made is without looking the report, and only with intention to criticized but you neither think it need to read the ASI report nor try to understand nor made any study in this regard. What do you have to say in this regard?

Ans. It is not proper to say.

Q. You are not able to tell about the walls around the circular structure, and hence it will be understood that you never got information about it what do you say in this regard?

Ans. It is not proper to say?

Q. In case you got information about this then tell where there was wall around the circular structure or not?

Ans. I have already given reply to this question.

Q. The grounds on which you have criticized the report based on these grounds can you tell that around the circular structure there was wall or not?

Ans. In reply to this question I have told that whatever is written about the structure its basis is ASI report, and around it has wall or not I would tell about it after reading the report.

Q. Is it means that you without reading the report criticized it ?

Ans. It is not proper to say because I have stated in above lines that after reading the report I have written about this structure.

Q. Whatever you read for criticizing the report and the knowledge earned for criticizing and on the basis of the said knowledge I want answer to the question?

(on above question Shri Jafaryab Jillani Advocate has objected that arguing counsel is asking one question repeatedly and only to waste the time such question are asked which new reply is not possible. Because its reply has already been given by the witness several times).

(Above objection is replied by the Ld counsel that by raising such question it is pointing out that in the same manner give answer in yes or no because some time witness said that after reading the report he will answer and some time said that I have read the report and reply the question in yes and no rather giving rigmarole answer which does not have mean. Hence I have to ask the question repeatedly.

Ans. In this regard I have already clarified that I have read the report and on the basis of which I have written about the structure. But at present I would not tell that how many walls were around the structure and hence upon ask I told that I can tell after reading.

Q. In this place was important then why you did not think it proper to research and study this place, in this regard what you will say?

Ans. It is not proper to say.

I have studied the report and also made analysis.

Q. I am not telling about research of ASI report, I want to know about the research and study of the specific place. please tell?

Ans. For the research of any excavated place always it is not necessary and possible to visit at the above place. For which on the basis of excavated report also work has been taken but despite that this place and its excavation is very important for me. It would be better to go at that place and study but in this regard why I could not go there, I have already clarified in my statement. I do not have knowledge that after the excavation I was right to go there without any permission and hence I did not went there.

Statement readover and affirmed.

Sd/-

20.7.2006

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 21.07.2006.

Sd/-

(Hari Shankar Dubey)

Commissioner

20.7.2006

**BEFORE: Commissioner Shri Hari Shankar Dubey, Addl. District
Judge/ Special Executive Officer, Hon High Court Allahabad,
Lucknow Bench, Lucknow**

(Appointed vide order dated 17.05.2006 by the Hon'ble Special Bench in
other Original Suit No. 4/89 Sunni Central Board of Waqf U.P. & Ors.
Vs. Gopal Singh Visharad & Ors.)

Dated 21.7.2006

PW-30 Dr. R.C. Thakran

(In continuation of 20.07.2006 Cross examination of R.C. Thakran,
continued by Shri Rakesh Pandey, Advocate on behalf of Defendant
No.13/1 in other original suit No.4/89).

Ld arguing counsel has drawn the attention of witness towards ASI Report
Volume 2 plate No. 59 and 60 and asked the following question :-

Q. Is wall is seen at the side of this circular structure in plate No. 59 and 60, is of the
same period in which period circular structure is?

Ans. It is possible that circular structure and wall would be of one period. Circular
structure and wall is possible to have of Gupta period.

Q. Seeing the above plates can you tell that at this place after the gupta period there
was any structural activitie?

Ans. Seeing these plates it is difficult to tell me about this that thereafter any structural
activities was done at that place.

Q. The place is seen in page No.59 and 60, in this regard you had discussion with
other people, was other people had told you or not that after the gupta period any
structural activity was done in said place or not?

Ans. I do not remember at present.

I have already stated in my statement that in the GPR survey whatever the
anomalies are told I do not remember their number.

Ld. arguing counsel has draw the attention of witness towards page no 37A and
37B and asked the following question.

Question - Seeing the trench 'G-7 G-3, tell that at the disputed place gupta period – post gupta period and kushan period's relics are received or not?

Ans. To show the cultural deposit at page 37A the table is made and its title is tentative periodization of the disputed site at Ayodhya' seeing the same it can be said that in trench No.7 there are deposits of Gupta and post Gupta period whereas in trench No.3 relics of these both periods are show and also seeing the figure it can be said that trench no 8, layer no 9, 10, 11, 12 are shows the deposit of Kushan period and similarly trench no 3 layer 7 and 8 are shown the cultural deposit of kushan period.

Q. Seeing the figure 19 can y ou tell that where the eastern wall of disputed structure is seen ?

Ans. Seeing this figure I can tell that where eastern wall is seen in it. It has been shown in between F7 and G7. Seeing the figure No. 19 I can tell that where F7 is written on the trench below it floor No. 1,2 and 3 is written. In east side was can consider floor No.2 and in floor F7 to floor 2 is seen in continuity then its ahead east wall of the disputed building, which is shown in this figure and this wall is not shown start from floor No.1 and shown in the middle.

Ld counsel has drawn the attention of witness towards ASI report Volume 1 Figure 5 (page 52A) and asked following question.

Question - Whether seeing the figure No.5 can you tell that foundation wall of the disputed building is shown where in this figure.

Ans Seeing this figure it can be said that foundation wall of the disputed building is shown in trench No.9.

Q. The observation made by you at the excavation place and the information we got according to which is the foundation wall of disputed building?

Ans. According to me foundation wall of the disputed place goes from north to south and is in west side and is enough wide. Bricks and brick bates are used in it.

According to me foundation wall of the disputed place is in west part north side to south. In figure 5 this wall tech No. Z E-1 E-1 probably Trench No. E-4, E7 and E9 and some part is shown in trench E-10. Have used probable word for trench ZE-1. Further said that as I have stated above probable word is used by me for Trench E-4.

Q. In the above figure 5 which is in south chamber wall, structure wall and above floor no;2 and 3.

Ans. It is not clear from this question that what reply is to give by me.

Q. The south wall is seen this is pressed below floor No.2 and 3 or is its over.

Ans. The trench No. E-8 southern wall of disputed structure is written, it is not clear that along with it floor no.2;and 3 I also not clear as such it is not possible for me to say that it is over or below.

Ld arguing counsel has further drawn the attention of witness towards ASI Report Volume 1 figure 4A (pag 48A) and figure 2B (51A) and asked the following question:-

Q. See these figure and tell which is southern wall?

Ans. Seeing the figure No. 2B it cannot be said which is southern wall because in this figure there is no symbol shown for wall, but by guess it can be said that trench No. F9 and F10 of this figure is written in its middle east side some thing structure is sown, this can be south wall and seeing the figure 3A if it compassioned to figure 3B then it can be said that the wall no 9 is seen in figure 3 A this can be above wall of figure 3B.

Q. See the figure 3a and tell the number of foundation wall.

Foundation wall trench E9, E7, E 1 and ZE 1 etc. trenches on the basis of Figure 3-A is seen by seeing in magnifying glass. In future 5, foundation wall is seen in Trench Z E-1, E-7, E8,E-9 and E-10 (some below part) and in this regard I have already stated.

According to Figure 5 in this foundation wall stones are used and over which brick are used and some where over the bricks stones like figure are seen. Part of foundation wall where Trench E8 and E9 is written in figure 5, between these two trenches situated. In figure 5 the bikr part is in between trench E8 and E9 this is part of foundation wall. Seeing this wall it is not possible to say because its over part of wall is seen. Over this the part of this wall according to figure 5, a part of the wall is seen., which is full possibilities of this fact that over the foundation the brick wall it ahead is used as a foundation.

Q. You see the trench 7 and tell that whether this bik wall was entire foundation wall or was part of structure wall, in this regard floor 3 is shown in the trench (this question is asked in reference to figure 5).

(On this question Shri Jafaryab Jillani Advocate has objected that since identification of the wall is made form number and asking about only brick wall is not identifying any marks. Hence this question is vague and court should clarify the same).

(Above objection is replied by the arguing counsel that when witness is seen figure 3 and 3A an asked the number of wall and he shown the mark on this figure No.5, and hence it is not necessary to tell again and again).

Ans. In this trench the floor No.3 is shown, it appears that plaster of this floor is adjacent something to this wall due to which it proves that brick wall floor-3 is the part of structure wall.

Statement readover and affirmed.

Sd/-
21.7.2006

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 24.07.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
21.7.2006

**BEFORE: Special Bench Hon'ble High Court, Allahabad,
Lucknow, Division Bench, Lucknow**

Dated 24.7.2006

PW-30 Dr. R.C. Thakran

(In continuation of 21.07.2006 Cross examination of R.C. Thakran, continued by Shri Rakesh Pandey, Advocate on behalf of Defendant No.13/1 in other original suit No.4/89).

According to my knowledge any there were no pillar bases regarding wall 16. So far as I remember in reference to wall 16 there was no pillar base. I have not read ASI report in which they tried to show pillar bases in the east of wall 16. In the west of above wall I do not have any knowledge that there are any pillar bases I not remembering well that in ASI report how many lines of pillar bases is shown. I only remember that around 50 pillar bases are shown by ASI. I can only tell that total how many pillar bases are fully exposed by ASI. But in the north side where Sita Rasoi is stated there some pillar bases are clearly seen. These seen pillar bases are seen in the north-west of pillar wall 16. It is not correct to say that toward sita rasoi this pillar base are in north rather it were in east side. Apart for above north-east side pillar bases at the disputed site is not clear nor there is concrete proof to have the same. ASI report Volume No.1 page No.55 para 3 first line in which 17 pillars bases are referred, is meant that wall 16 is in the east side of these pillar bases going towards north south. It is not correct to say that ASI has seen all the pillar bases in floor 2. Some were on floor 4 and some were on 3 some were cutting 3 and 4 are seen. It is incorrect to say that ASI has shown 56 pillar bases out of 50 in floor No.2. Since the pillar bases shown by ASI is not consider by me and hence I cannot give answer to this question that how many pillar bases were in the floor. it is incorrect to say that my opinion is also about all pillars bases are brick is correct. It is incorrect to say that any building cannot be stand on the pillar bases.

Cross examination by Shri Rakesh Pandey, Advocate in other original suit No. 4/89, for Defendant No. 13/1 is closed .

(Cross examination in other original suit No.4/89 by Shri Madan Mohan Pandey, Advocate on behalf of Defendant No.2/1 Mahant Suresh Das is began)

X X X X X X X

Prior to the excavation I had seen the excavation site. In the year 1990 when I had seen the disputed building first time at disputed place, at that time, at that time Prof. Surajbhan and Prof. D.N.Jhan was accompanied me. Thereafter during the excavation I went at the disputed place. Definitely first time when I went to see the disputed structure and its study, then I already had knowledge about the deputed building. I have not made any research about the disputed building, but study on this subject is started in the year 1990. I would not be telling surety that period of which rulers is connected with Ayodhya. But in the historic view I can tell that broadly this whose ruling was at this state. Broadly I can tell about the history of Gupta period and thereafter period that disputed place and Ayodhya under which rulers. Gupta period is start in 320 Century and continue till 600 Century. I do not have knowledge to the fact that in Gupta period who was the ruler of Ayodhya and remained till when. So far as my knowledge is in Gupta period any local ruler was not in this area rather was the state of Guptas. I do have knowledge that in the 10th Century Ayodhya was under which ruler. I cannot tell that in 11th, 12th and 13th Century Ayodhya was under which local ruler.

I heard the name of Garhwal Dynasty. I have little knowledge about Garhwal Dynasty. In this regard I cannot rule out the possibilities that Ayodhya was under the Garhwal rulers. I do not have knowledge to this fact that rule of Garhwal Dynasty was form when to when in Ayodhya. In this regard I did not attempt to get information that till when Garhwal ruler have ruled in Ayodhya nor such effort is made by me in 1990 when first time I went at disputed place to study the subject matter, because it is the matter of research. The Ruler named Jaichander was in Garhwals. I do not have knowledge that ruler of the Garhwal Dynasty have renovate some temples in Ayodhya.

I have not written any report about the excavation. In para 1 of the affidavit I have referred three excavation (mirzapur, Raj Kran Ka Kila and Kurukshetra), but report of these excavation is not published till date. Part report of this excavation is published in AIR. I could not reply this fact that why the report of excavation work is not published till date, because I was not the leader of the excavation team. Apart from the Ganga Yamuna, Doyab, sinoli I have not did any excavation work nor attended. Pro history period is ensured which began in early village settlements and continue till around second century BC. Broadly I agree with this fact that pro history period is of between the history and pre history. Definitely Ayodhya is a historical site. It is not proper to say that I have not done research work in the historic site. The above three excavation work I stated to be connected, these are not historical site rather are proto historical site.

I was present at the excavation place since the day of start of excavation. In total I remained 20 days in the excavation site, as I have stated several times. Disputed place was in the shape of mound. which was neither rough nor plane. Level of mound was different in the entire four sites, such as in north side road which goes from east to west, its level was 10-12 ft height. The road goes from east was 2-3 ft more height and west side land would be 15-20 ft height. I have seen the contour map shown at the disputed place by the ASI. At this time I cannot say that contour map is correct as per site. Seeing the Map of ASI report Volume 1, page 13 figures 2 it is not clear that this is correct as per the map. Counter map page 13A, figure 1 is seems to be correct as per site. In my view in the contour map level is 99 mtr below and makeshift structure is at the height of 108 meter.

Witness has seen the figure 1 page 13A, ASI Report Volume 1 and said in which makeshift structure and Sita Kup and Pond is shown around at one height. I do not remember this time that Pond was or not. In this figure sheshavar temple is shown below figure 1, which I have not seen at the spot. It is correct to say that at the time of excavation I have shown my contour map. The place seen in line ABCDE is limited rather is towards west of AF Line and north of FE Line and East is also observed. I would not tell here clearly that etc. Work was done around the cement concrete floor show in this contour map figure 1 or not. seeing this figure I got idea that excavation work is limited to the line shown in ABCDE or are also done outside. Figure 1 (high from contour map structure to sita rasoi is about 10 ft). My this guess is based on the fact that in this figure road is shown 108 ft. and then 107 and 108 and then Sita Rasoi is stated to be at 108 meter. This goes from sea level to Benchmark and surveyor has fixed this point and on the basis of this contour map are made. According to my guess measurement shown on figure 1 is correct. It is correct that prior to excavation of any site survey is conducted and map is prepared and on the basis of this map excavation work is continue. After reading the ASI report I got the information about GPR Survey report. During the excavation I had some information about GPR report. The GPR report shown to me at time of excavation, it has the information of anomalies, which was found in GPR. According to my information during the excavation some anomalies found in the GPR were confirmed.

Seeing the ASI report Volume No.1 figure 2 I cannot tell that excavation work was done at which long and wide area. It is correct that in figure 2 where anomalies were found they are shown. It is correct to say that GPR is the scientific method of inspection of any of the place. I

cannot tell by seeing figures 2 that in excavation , GPR survey any anomalies were confirmed. In anomalies each solid such as structure, stone ices, walls, pillar bases etc. are included. I do have knowledge that GPR survey was done upto which deep. GPR survey can go upto any deep subject to its instrument and resolution is powerful. On the basis of GPR survey it is difficult to reach at any conclusion. GPR survey is used first time for the excavation of disputed place in India. For the excavation of any archeological place us, I do not have knowledge of use of any GPR survey. In archeology prior to the excavation survey i.e. escalation is necessary. Through this escalation it necessary to have survey of the area where excavation is to be took place. But I do have knowledge that where it was done first. It is not proper to say that prior to the any excavation work emanative survey or GPR survey or use of scientific method is done so that in the excavation place has been destroyed. In my view use of magnetic method is made prior to the excavation so that the actual history importance of the archeological site, in this regard information is obtained prior to the excavation. Generally prior to the excavation generally survey is done so that some information could be got in relation to the archeological property of this area. It is not necessary to say that prior to excavation such survey is done so that exercise of the excavation will not be waste.

It is correct that in the archeological excavation periodization has important work. In excavation number of layers is made from below to above. There is no any definite ground that periodization be made with three types. On the basis of century during the excavation periodization is not the main ground. It is not correct that in archeological study periodization is made on the basis of ruler period. In the periodization one layer is made a ground. I have already stated that on the basis of

layer on the basis of shape of layer periodization is conduct. It is valid in archeology. These are two main ground of periodization. Apart from this there is no any other ground of periodization. ASI has in his report made the ground somewhere to century, somewhere dynasty and some where layers. I did not feel that in the periodization ASI has made the three ground and conduct periodization.

In ASI report volume 1 page 38, in period 1 basis of periodization is consider century. In period 2 also similar century is considered as ground. Similarly period 3 and period 4 at pag 39 also century is considered as ground. In period 6, 7 and 8 which are mentioned at pag e No. 40 also century is considered as basis. It is correct that ASI has shown the century as basis of periodization, but the manner they have nominated the period 1, 2, 3, 5, 4, 5, 6 and 7, I am not agree with them. In ASI report period 1 is stated to be from sixth century to third century BC, I am not agreeing with this conclusion. In my vie NBPW period should be prior to sixth Century BC to firs century BC. It is correct that to determine the period apart from the century layer is also make ground, In my view the period 2 determined by the ASI also should come under period 1. Because in this period prevalence of NBPW was continued.

In history there is no any period of Shung period. In history Shung period is mentioned, but shugn period cannot be considered as ground to determine the shung period. In case any period is calculated only on the basis of Shung period then it cannot give reorganization. Shung period can be considered a part of a culture period, but independently it cannot be said historic period. because in NBPW period which began from 6th Century and continue till First Century BC. In which Maurya, Shung and several dynasty has ruling. The cultural grounds of these all was also remain in NBPW. In my view Shung Dynasty period is began from 185

BC and continue till 132 BC. Prior to Shung period state of Maurya dynasty was also there in this period.

Maurya Dynasty has historic recognition. Maurya period is also a part of cultural period. Period of Maurya Dynasty begin from 325 BC and continue till 185 BC. The period of period 2 is shown by the ASI in its report , state of Shung Dynasty was also during this period. It is correct that in determining the period -2 ASI has consider the layer as ground, but this ground is false, because the article found in this layer, it was earlier period, and hence it should be consider period-1. It has been placed as a kushan period. Its time began from first century to third century. This period is around correct and the nomination is made it can be consider correct upto some extent. Kushan period is also a part of cultural period, but ground of determining of this period cannot be accepted. Generally I am agree with the determine of period-3 by the ASI. The layers mentioned by the ASI in period 1, 2 and 3, their thickness is not studied by me. Since I had no right to go to trench and hence I do not know about the their structure. In the excavation of the trench regarding the period 1, 2, 3, mentioned in the ASI report , I was present. But all the layers of this period is not excavated in my presence. Now it is in my knowledge but was not at the time of excavation that the specialist of the parties were permitted by the court to go to trench and study the layer. I know that on the basis of above permission of Court, Prof. Suraj Bhan, Prof. G Mandla, Pro. Shrine Ratnakar, went in the trenches for inspection the trenches are excavation place. I had no talk with them about the stud of the trench by them. It is not correct to say that since I myself have not inspected the trenches and also not made any talk with the above said people, hence I do not have prper knowledge about the texture, fitness, composition of the layer. In the report of ASI, the period

is given about period -4, I agree with it, but not agree with the naming by them as Gupta period, this period is determined on the basis of a dynasty and not on the basis of Cultural characteristics and this period is a cultural period. In my view nomination of this period should be on the basis of historic period. In my view and in the view of history, historic period began from 3rd century and continue till 7th Century BC. From Archeological and historic view ancient historic period can be divided into following periods. In the archeological view a period of Indian history is classified as prehistory, Proto- history, early historical period. In view of the history I did not think that periodization on the basis of dynasty is correct. It is correct that in archeology periodization can be consider correct on the basis of things found during this period. ASI has stated the thing about period, I am agreeing with the same, but not agree for its naming. In my view its name should be medieval. In ASI report whatever is written about period 7 and naming , is correct. In my view the period 7 written by ASI it should come in period 6. In my view medieval start from 13th Century and continue till the end of 12th Century and medieval start form 13th century and continue till end of 17th Century. In my view and in archeological view it is proper to conduct periodization on the basis of Rajput period, Sultanate period or Mugal period. It is correct that in the historic view rule of the Rajput was in this period which period was main begun from 8th century and continue till 12th century. Broadly it would be correct to say that the manner in which historian are determined the period, on this basis archeologists are also determined the period. It is correct that in relation to the naming of period there is no one view of historian. But generally above periodization is considered. On the basis of rulers periodization can be different at different area, in on cultural ground the period is determined, which has similarity. It cannot be said

that the periodization conduct on the basis of century will be similar in all places. Because sequence of development is not similar at every place. It is correct that the layers texture found in the section during the excavation, it can come some differences at the time of excavation but there is no chances to come changes in its appearance and compositions. It is correct that due to above reasons at the time of excavation observation of the supervisor of trench is important. In the ASI report the trench 7 mentioned in period no 7 and G7 was available during the primary excavation

Statement readover and affirmed.
Sd/-
7.8.2006

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 8.8.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
7.8.2006

**BEFORE: SPECIAL FULL BENCH, HON'BLE HIGH COURT,
ALLAHABAD, LUCKNOW DIVISION BENCH, LUCKNOW**

Dated: 08.08.2006

P.W.-30 Dr. R.C. THAKRAN

(In continuation of 07.08.2006 Cross examination of R.C. Thakran, continued by Madan Mohan Pandey , Advocate on behalf of Defendant No.2.1 in other original suit No.4/89).

The periodization which has been done according to layers, that is correct, but not correct as per naming and nor naming based on lineage is fair. There are mainly two methods for date of periodization:

1. Relative Method
2. Scientific Method

Relative periodization is based on comparative analysis one based on Stratigraphy and second based on cultural things. Absolute and scientific methods are same. This method is also called as chronometric. Carbon dating method and thermoluminescence method, dedrochronology dating method etc. Saying this is not correct for ever that absolute dating or scientific method will be absolute correct. Saying this is not correct that periodization of scientific method is always correct. Periodization by stratification is not cent per cent crucial. Periodization done by both the methods and comparative analysis by both the methods can be considered approximately correct, but not absolutely conclusive. Saying this is wrong that in archaeology, periodization done by scientific method would be conclusive because with these methods which naming is done that is based on analysis of samples, taken from excavation, in laboratory and be careful at the time of taking, correct marking of samples, and samples affected by natural forces is essential. Analysis done by above method will be considered only that condition, when number of samples would be more and more

and out of which more than half of the samples bear same conclusion. Samples taken from different levels will give different conclusion.

Q. From your above reply, will it be considered that for absolute dating, by taking samples from one layer and based on those analysis if more than half conclusions are same, then it will be considered absolute dating?

Ans. Yes, certainly if more than half of the samples bear same conclusion, then we can accept that the conclusive age of that layer.

If taking one sample from one layer and analyze it scientifically, then its conclusive periodization will come only when things collected from that only layer that is date of relative method or age will match.

Certainly, I considered stratigraphy as main scientific base for periodization. Saying this is correct that is considered the relative dating. Saying this is correct is that stratigraphy concept has been taken from geophysics from archaeology. Saying this is correct that in stratigraphy, relative dating of layers is also considered as scientific base. Saying this is correct that to determine the age of layers based on the comparative analysis done by scientific method and activities found in layer. If in any layer, any inscription is found then this will also be considered conclusive evidence for dating. Inscriptions are considered base in record evidence.

Q. If there is no date disturb in carbon dating, then you will approve that carbon dating?

Ans. Saying this is not correct.

They have got done carbon dating in excavation by ASI, I but cannot say that which all or how much samples are there and what are those dates. I do not remember that aforesaid samples got from which layer and which tranches. There is no mention of this in ASI report.

Saying this is correct that there is mention of computation of age of these carbon dating in the chapter of stratigraphy. There has been mention of carbon dating related samples ASI report, in relation to those I have studies. I did not consider correct the mention of dating base in stratigraphy chapter, because which periodization has been done by ASI that is not fair. Saying this is correct that age calculation which done on the basis of centuries, that are done on the basis of carbon dating. I am agreed with the age calculation done by ASI on the basis of centuries.

Q. Whether you are aware that ASI in its report has done different layers ages calculation in century in which result of carbon dating has been taken as base?

Ans. Probably this correct, but my belief is that only dating received based on carbon dating, age categorization cannot be considered as correct.

Saying this is correct that in ASI report Volume-1, Appendix-1 which date is given, no date disturb in that because there is no mention of layer and tranche number Appendix-1, therefore I do not agree with conclusion based on dating carbon, because result of this carbon dating has been calculated based on depth and no significance of depth independently in this type of analysis. According to me no carbon dating i.e. C-14 of plaster of wall could be done. I believe that no C-14 could be done of any part of any structure but if wood used in structure and wood is found in structure then C-14 is done. Any sample found in layers which is related to structure or its part, carbon dating could not done. According to me, carbon dating can be done only of charcoal and not of soil. I do not remember that on disputed land, in my presence, any sample was found or not during excavation. Saying this is correct that in day-today register, entry of samples taken for carbon dating is made on

above register, with this other activities was also entered. So long as I remembered trench number of sample receipt, the same was use to write in day to day register, but received from which layer, I do not remember its writing, probably no entry of layer was made because excavation was done trench wise and not layer wise. I did not do verification of samples of tranche book from entries made in day to day register. I have not verified samples mentioned in Appendix-1 with site note book and day to day register entries. Saying this is wrong that in the absence of this verification, I am not able to give my opinion in respect of carbon dating.

Saying this is wrong that I have given wrong statement in perversion in respect of age calculation. This is also wrong that in respect of age calculation I have no practical experience and for this reason I have made wrong statement. Witness, after seeing figure-3 ASI Volume-1 report, stated that this drawing were of wall found at the place of excavation and structure etc. After seeing this figure -3A, I can say the details of some wall and structure our of wall and structure found at disputed site. Witness after seeing ASI report figure -3A told that ASI has shown 28 walls at the place of excavation in this figure. Like this, in this figure 10 structures and 50 pillar bases have been shown. Witness after seeing figure 3A, told that in which indicated Wall No.16, 9, 17 and 5 only disputed building's wall. There would be more wall in these, may be of disputed structure, but till now what I have identified, examining this figure all four these walls seems to be of disputed structure. After examining ASI report and figure 3-A, I could not tell that how much total walls of disputed structure were there which were found in excavation. From figure -3A to the extent possible, I can say that which walls related to disputed structure. In Figure-3 A East side Wall No.1, 2, 3, wall adjoined to east wall of disputed structure probably this was part of east

wall. Witness told after seen Wall No.4 in Figure 3 that I could not tell this wall was of disputed structure or whether any earlier structure. I from Figure 3-A, wall No.6, 7, 8 could not tell that these walls related to disputed structure or wall of structure prior to any building. I from Figure 3-A wall No.10, 11, 12, 13 and 14 could not tell that these walls related to disputed structure or not. Like this I in figure 3A, wall No.15 could not tell that these walls is of disputed structures or not I do not remember that ASI in its report except in figure 3-A, in respect of walls found from excavation given any diagram or not. I after read AAI report and after self observation, how much walls of disputed structure found in the excavation, no information about the numbers. I have read ASI report, but I did not found it necessary to know the number of walls. I after seeing figure 3A and based on report could not tell that in which total 28 walls have been shown, in those how much contemporaneous. I have studied about the walls but did not count that how much walls are contemporaneous. In Figure -3A, 28 walls shown out of which some are contemporaneous but which walls are of contemporary in which age, then I could not tell in this regard. Wall not 5, 9, 16 and 17 shown in figure-3 A are contemporary. In remaining walls some walls can be contemporary and some can be different of ages. In ASI report volume-1, Figure -3B, walls have been shown in different colour according to ages. Witness after seeing figure 3-B told that from these shown walls, some walls I can tell by numbers. In figure 3-B, wall no.-13, 16, 9, 17, 1, 2, 3 I can identify. Figure 3 B, wall no.5 is not clear, so I am not able to identify from figure. Witness told after green colour in 3B Trench No. E-3, E-4, F-3, F-4, E-2, F-2 that this is related to wall no5 or not I could not tell. Figure 3-B. After seeing ASI report volume-1, witness told that I could not tell that Wall No.16, 17 and 9 are contemporary or not. Then told

that in this figure, by seeing the walls it seems that these walls are contemporaneous. According to me, during excavation found wall No.9, 16 and 17 are contemporary. Witness in Figure 3-B, Figure 6,7 and 8 which are shown, seeing this told that its periodization according to me are not correct. Saying this is not fair that wall no.16 and 17 are of disputed structure or not. This is wrong that Wall No.16 and 9 are not contemporary. I cannot say that Wall No.16, 17, 9 and 5 which are wall of disputed structure, those are made in year 1528 or not. Wall no.16 would have been made in 2-3 stages. In my opinion Wall No.16, 17, 9 and 5 would have been constructed between first part of 13th Century and 16th Century in different stages. In my opinion disputed structure was built in year 1528 approx. I cannot say that construction of wall No.5 done with disputed structure or before that. Because full excavation work of disputed structure was not made before me therefore I only from report or my study, could not be able to tell that Wall No.5 when was constructed. From my view Wall No.9 and 16 are contemporary. I could not tell construction year of these. Wall No. 17 seems to be contemporary of wall no. 16. I have no information that surface of wall no.16, wall no.17 is constructed. Since I am not able to remember therefore I could not tell that Wall No.17 constructed before Wall No.16 or not. I have not done any study about the age of construction of wall no.1 to wall no.28. Therefore I cannot tell construction year of these walls. The floor of disputed structure is same which in ASI report mentioned as floor no.1. I after seeing photograph can told that which walls are found out of which wall is of above floor no.1 and which is under the floor no.1. I without seeing photograph and without inspecting the site that which walls is above of floor no.1 and which walls of under floor no.1 which walls connected with floor no.1, these from my point of view was the walls of

disputed structure. Walls connected with Floor No.2 also walls of disputed structure. Floor no.3 and floor no.4 connected walls are prior to the time of disputed structure. ASI in its report may be given such diagram in which floor and its connected walls can be identified. ASI report volume-1 Figure No.23-A Floor 1,2,3, 4 and 4-A that is four floor clearly visible but all walls which are mentioned in report this is not clear. In same report, figure 23, isometric view of disputed structure has been shown. In my opinion in figure-23 which condition of disputed structure has been shown that is correct. But in this figure Floor No.3 and Floor No.1 B in which colour shown that is confusing. Therefore, this can be misleading.

According to ASI Report Volume-1 figure 3A, wall no.16 and wall no.17 are parallel to each other. Without scale I am not able to tell what is the length of these walls. I have seen some parts of these walls at site. Width of these two walls are same. Both of these walls width approx a quarter of two meter to two meter. I do not remember that wall no.5 and wall no.16 and 17 are independent or not but in ASI report figure 3-A wall No.5 shown separate from 16 and 17. While seeing Figure 3-A and 3-B this cannot be told that wall no.5 and wall no.16 was resting or not. But on inspection of site, can be told in this respect. ASI Report Volume-1, figure 3-A and 3-B, it seems that wall no.18A and 18 B connected with wall no.16. Like this wall no.18 C also connected with wall no.16. After seeing Figure 3A and 3 B it cannot be said that wall no.18A, 18-B, and 18-C and 16 were walls of same structure or not. Excavation done before me, on that basis I could not give my opinion. This is wrong that I did not consider important wall no.18A, 18B and 18C. I have examined the report but I do not remember all the facts written in the book. Likewise I am not in a position to give my opinion. In

ASI report volume-2, plate no.22, seeing the wall shown, I could not tell that which is this wall number. May be this wall no.5. Wall shown in Plat No.22 is looking as a decorated stone piece in wall foundation. This report's plat no.23 which stone decorated is seen that is plat no.22 piece enlarge photo. This is known as makarpranal. I do not have information that these types of markarpranal used in only Hindu temple or not. I have not seen this type of decorated stone in Islamic building. After seeing this report plate no. 24, it is not possible to tell that which walls are showing. From the aforesaid report's plate photo, I cannot tell that in which wall no.5,6 and 16 visible or not. In this plate where scale is put near that plaster in wall, that seems to be wall No.16. The wall showing above this wall maybe that wall no.5. Wall not 16 in which bricks are fixed is seeing upto second side. This is the same wall which I have stated is in three courses. In the aforesaid report wall not 16 is showing in plate no.25. In the foundation of this wall, stone and curved stone are fixed. The construction of this wall, in this plate, seems to be made in three course. In first 10 radde wall, second course four radde wall height and in third, two radde wall's height is showing. Saying this is not possible that how much interval would be there in all the three courses wall. Stated self that which bricks are fixed and which types fixed, base on that this can be said that there would be no long interval in the construction of three courses. Which stones are fixed in the foundation of wall that seems to be reused. Saying this is not correct that in this plate which carved stone is showing, that would be used in only Hindu Temple. These types of stone also used in Islamic structure. I can not say that which stone in the last of carved stone that is kapot palli or not. I do not know about kapot palli. This is correct that the aforesaid report's plate no. 26, the down part of wall 16 is showing. Self stated that in plate

no.26 showing decorated piece and below that's stone standing a piece in front of that, in which horizontal line is there, there is nothing showing any piece in plate no.25, while plate no. 26 is the enlarge photo of lower part of plate no.25.

In plate no. 29 of this report showing wall is may be of wall no.26. In which bricks wall where plaster is appearing, that wall no.16 and adjoining right side wall, which wall is that I cannot say. Seeing this plate, certainly I could not say that wall no.16 and 18D is appearing or not. In wall no.16 showing in this plate, a carved piece is also appearing on the upper side. Wall not.16 is part of any structure where plaster is appearing in many places. In view wall not 16 is also appearing plate no.33. In this plate, at two places scale is put, in which upper scale related wall no.16. Plaster is appearing in the lower of Wall not 16 in this plate no.33. In Plate No.34, wall no.16 is appearing, beside this another wall is which can not be said after seeing plate. May be wall not 16 adjoining wall is wall no.16 which was wall of disputed structure. Self stated that wall adjoining to wall no.16 that is certainly part of wall no.16 structure because plaster is showing in wall no.16 and that plaster is showing another wall adjoining to wall no.16 in the shape of floor. According to this plate place, wall no.16 is related to floor no.3.

In Plate No.41 the wall in which plaster is appearing is wall no.16. But I cannot say certainly that formation appearing at the upper is part of wall no.5 or not. Formation showing upper side of Wall no.16 bears possibility of floor of disputed structure. This formation which seems to be floor of disputed structure that is resting at wall no.16. I cannot say that aforesaid formation above the wall no.16, the width of wall not 16 is more than that.

Two walls certainly showing in plate no.50 but I cannot say by seeing this plate that this is wall no.16 and 17 is or not. The right side

wall of this plate related to which floor I cannot say because floor no.1 and 2 is shown in this and this wall is not related to floor no.1 and 2. Self stated in this floor 1 and 2 which section are shown that are not showing properly. There is wall not 16 in plate no.51 but second wall which is in the right that is wall no.17 or not I cannot say. ASI has given any photograph of wall no.17 or not in these plates, I cannot say. I have not seen wall no.17 on occasion. Therefore, I cannot in this regard. I do not think that wall not 17 is very old than wall no. 16.

I saw wall no. 16 during excavation, but did not see after excavation completed. In the aforesaid report two walls appearing in plate no.55, in which one is wall No.16 but I cannot say number of second. In this plate wall no. 16 is same in which lower part is appeared seems to be plastered.

In plate no.62, there is full photograph upper to lower part of wall no. 16. After seeing this photograph I can say that wall no.16 is adjoined to floor no.1, 2 and 3.

I cannot say that Wall No.1 to wall no.15 were the wall of disputed structure or not. It is not correct that wall no.16 and 17 were not walls of disputed structure. It is not correct that wall no. 16 to wall no.28 were constructed between 10th and 11th century. This is not correct that stones fixed in wall no.16 and 17 were used in only Hindu temples. This is not correct that by using these decorated stone piece proves that this wall is of Hindu Structure. This is wrong that I do not have any knowledge of field archeology, I am giving wrong statement for any specific reason.

(Witness PW-30 before Dr. R.C. Thakran and other Main Dispute No.4/89 in Defendant No.2/1, Sh. Madan Mohan Pandey, Advocate concluded)

Sd/-
8.8.2006

Dictated by me and typed by Steno in Open Court. Dispute be presented on 10.8.2006.

Sd/-
8.8.2006

**BEFORE SPECIAL FULL BENCH, HIGH COURT, ALLAHABAD,
LUCKNOW DIVISION BENCH, LUCKNOW**

Dated: 10.08.2006

PW – 30 Dr. R.C. Thakran

(In continuation of 8.08.2006 Cross examination of R.C. Thakran, continued by Sushree Ranjana Agnihotri, Advocate on behalf of Defendant No.20 in other original suit No.4/89).

I know Dr. Suraj Bhan I am his pupil. It is wrong that came here to give my statement under pressure of Dr. Suraj Bhan. I know about household potteries. I gained knowledge about this from archeological books and from excavation. Besides I have studied many AIR (Indian archeology a review) published reports. However, late Mugal period potteries related specific study has not been done in archeology department but yet it can be said the late mugal period household potteries was of red wares. Pre-mugal period since not certain and clear therefore it is difficult to state about pre-Mugal potteries. But just before Mugal era which can be said early medieval or sultanate era, red ware or glazed wares were found. Early medieval and sultanate era is considered between 8th Century to early 16th century. Plain potteries were started in Neolithic era that is approx 7000 (BC). This is correct that from that time plain variety potteries that is without decoration were started to make. From the excavation of disputed structure many mrudbhand plain red ware related were found. Period -2 potteries which is found that is called ceramics.

In India use of pot stated in 2nd Century (BC) in any form. This is wrong that concave and flattish base pot are speciality of Kushan era. I am not in a position to state that in Kushan era miniature pot was used in dawat form therefore I cannot say about the base shape of dawat, but generally form of any miniature pot was plain.

It is considered that in Shung Era use of pot started. Cylindrical neck potteries uses started in Harappa era and like this cylindrical neck with expending potteries use started in Harappa age. Stated that any cylindrical neck potteries shoulder would be expending. Potteries sunflower decoration were started in Kushan era. In this flower potteries four types of techniques used (1) engraved insized (2) stamped (3) embossing (4) decoration method colours. I do not know about the tri-ratna symbol made on potteries.

ASI report volume 2 plate 69, design showing in the lower side of cylindrical pot that is not tri-ratna symbol. This pot is of Kushan era and this type of decoration picture were used in Kushan era had been used earlier. I do not know that tri-ratna symbol is of which shape.

Till today when I read report of ASI, I do not remember I read about tri-ratna symbol or not.

Ring based potteries uses stated in Hadappa era. I have not done any such excavation in which cylindrical flower decorated pottery or tri-ratna symbol pottery was found in excavation. It is wrong that I do not have knowledge of potteries. I in my affidavit have stated on record about my knowledge of potteries. This knowledge I have stated from last 27 years I am attached with archeological survey and base on that my knowledge is based. It is not correct that my knowledge would not based practical experience but I have done survey of archeological of Sindhu Valley sabhyata era to medieval era for the last 27 years and based on that experience I have practical knowledge of potteries. This fact is in my knowledge that porcelain wares were found from the disputed site at the time of excavation. I certainly do not state the era of porcelain wares found in excavation. In this excavation celadon wares also found. Since I do not have much knowledge about celadon potteries therefore I could

not say difference of these types of potteries. I did not saw the porcelain wares and celadon potteries found at the disputed site. It is not correct that since potteries archeological significance was less therefore I have not seen these but reality is that that excavation site in my presence porcelain and celadon wares were not found and in my absence it was found. Therefore I did not find opportunity to examine these potteries. In India when the trend of making curd from milk started I do not know because there is no archeological evidence of this in my knowledge I have seen curd pot and handi. Generally I those pots in which curd is made having flat shape. It is correct that flat base pots were found in excavation. It is possible that according to Sanatan Dharma curd is used to give bath to Shaligram. But in my view use of curd has been more important in people's food. It is not correct that finding of curd pot in any temple or disputed site indicates that pot was used to prepare panchamrut. Glazed ware knowledge I have gained from published book of archeological and my 27 years survey of archeological. In survey excavation is not included. I cannot say that blue glazed were used in Hadappa era in India but in my opinion in Hadappa era some glazed potteries use was started. Based on my experience I can say that green colour glazed potteries use started in Kushan era. Blue colour glazed ware trend started in Kushan era, I did not have this knowledge.

I have knowledge of glazed tiles. I heard about Chinese traveler Huweng Sang. I have read many travelers stores and their published experience in which Huwen Sang is included. I do not remember that Huweng Sang in his travel described or not about use of coloured glazed tiles in the North Indian roof.

I did not heard about the existence of Budhha Shrine near Dal Jheel. I can say based on my experience that Saryu River flowing in

disputed site in Ayodhya situated in west. However, I did not see Saryu River. Since I have not seen situation of Saryu River in Ayodhya so it is difficult to state for me that the river in which side flown from disputed site. However, in view assumption, it would be in East side. I do not know in which mohalla disputed land is situated.

When I saw disputed structure at the place of occurrence then I observed that in the wall of that lime plaster and bricks on floor, stone and use of stone in dome by using lime plaster. It is correct that disputed structure is made of three domes. Three faces is or not, I do not have knowledge. I do not have knowledge about that in India in which era making of three domes mosque started. Stated that three dome architecture design in India developed slowly and it is evident from the three dome building at disputed site that in that era three dome method developed fully. I cannot say that three dome mosque technique came from Afghanistan. I do not remember where have seen three dome mosque earlier. I have seen many mosques but did not examine domes therefore could not tell where I have seen three dome mosques. I have not studied this fact that what is the architectural design of domes. I have heard Dhaulpur in Rajasthan. Since I have not ever seen mosque made in Dhaulpur. Therefore I cannot say that three dome mosque made by Babar is still existed there or not. I have seen three dome mosque besides Ayodhya, but where I have seen I do not remember. I have not seen six-angle symbol at the main gate i.e. Singh Dwar of the disputed site.

I have read epigraphy and I have knowledge of that also. This is correct that to know history epigraphy has an important role. I can read inscription but could not read this time because before reading out script has to be revised because I have studied epigraphy long ago. This is

correct that one inscription in Devnagari during excavation at disputed site. I during excavation, when this was embedded inside the trench, then I saw only but did not opportunity to read it after excavated fully. Possibly, this inscription found from Trench J-3. The depth of Trench J-3 was so deep. I could not state this time that this inspection found in how much depth in J-3 trench. I could not say from assumption that this was found one or two or five meter depth. In which time this was found in trench, I saw it from upper side of trench and it was told that this was in reverse position. On this witness was shown plate no.137 volume-2 of ASI report, seeing this witness told that in this plate the word on stone P L D N are appearing clearly and in the left side of this inscription which alphabet is appearing and its after seeing its freshness it seems that it was made by scratching.

Q. What the basis in archeology to prove the Authenticity of the religious sanctity of religious sign?

Ans. First of all religiousness of the sign found at the excavation is to determined and thereafter in case such sign are found in the context of any specific religion or contest during the excavation then religiousness and sanctity of such types of marks can be established with archeological view.

Q. To establish the religiousness of the religious sign support of any religious texts is taken or not?

Ans. Along with the archeology religious texts are also important for such type of analysis. In case such religious marks which are mentioned in the literature and are received during the systematic excavation in the religious reference then it can be held that in the texts which religious texts is discussed this is important in the religious views.

At this stage Ld Arguing counsel has drawn the attention of witness towards the sixth line of the Shrirammcharitmanas created by Tuslidars, at page no 117, doha 140 below sixth line, which is seen by the witness and replied that in this line sign of Srivats is mentioned. It is correct that Ramcharitmanas is a religious and literary texts. I have not read Vishnu Sahasranamawali. Therefore I would not tell that in which Srivats sign is mentioned or not. ASI has mentioned the 'Garudhwaj' sign in its report. On the occasion of marriage in the invitation card at the top one stanza is almost written which I read and in this stanza Garudhwaj is mentioned, at present I do not remember the stanza.

I also visit the temples in the dawn. I heard that when God is awoken in the dawn, 'Utishith govbindam, utishith kamalkatam, utishisht, garudhwaj, mangal Kuru, is called, but I never seen writing or telling utishisht bharte.

Attention of the witness drawn towards paper No. 261 C-1/2 page 13th stanza first line which is read by the witness and said that in it "Srivats' word is used and below this stanza meaning is written that whose Srivats sign has in whose chest. It is possible that the religious marks used by the ASI in its report in detail has been found in the religious texts but beginning of such type of marks was the religious beliefs and to know its relation it is necessary to study the archeological relics which are found in the beginning of life. Then it would be clear that these were relate the general activities of the human and related to the religious beliefs.

Witness has seen plate No. 81 and said that ASI has said these piece of stone as amalak stone in its report. I do not have knowledge that

in Agnipuran and Rudra yamal texts, significance of amalak is detailed. This amalak is not only related to Hindu because in Bodh religion also such type of Aamalak is used. Budhisht are followers of Bodh religion and not of Islam religion. It is not correct to say that Bodh religion is a part of Hindu religion.

It is not correct to say that the articles found at disputed place during the excavation they shows that temple was there and not mosque.

It is correct that in the sources of history literature, tradition, epigraphy, Numismatic, Farman Nisan and Sanad etc. come. Vol. without examining their authenticity the received information cannot be used as source of the history.

It is correct to say that to know the correct result of any excavation place it is necessary to know that historical significance of this place. Prior to the exca. It is necessary to know historic importance. It is correct that to know historic importance scientific study of the concerned literature and tradition is necessary. Prior to reach at excavation place I have not made scientific study of the prevalent tradition. I have only studied the archeological literature and have not studied any other literature.

Verification of para 5 of the affidavit is made by me on the basis of ASI Report and table made by the Sunni Central Board in relation to the ASI report. It is correct to say that in my affidavit this para is taken on the basis of the additional statement made by Supriya Verma and Jaya menan. I have not read any literature composed for Ayodhya.

I heard name of Aswamehg Yagya. I know what is Aswamegha Yagya. In Aswameghya Ygaya any ruler or other States are left their

hours to held their dependency and the state in which it passed without any interruption, it is deemed that king of this area has accepted the dependency of the king who left the hours. It is not correct to say that every time this house is left . and on returning at the same place it was sacrificed. There is no archeological proof of this fact the horse left for the Aswamegh Yagya was to be sacrificed. It is correct that sacrists of such horse is found in the religious texts. In my view there is no any archeological proof after scarifying the horse his bones were buried. I do not have knowledge that in Treta Yug any such Aswamegh Yagya was organize by Sri Rama or not.

I did not heard the name of Rudryamal tantr granth I do not have knowledge that in the tantric activities bones are used or not. Study of the bones are called peletology and Juokriyology. It is incorrect that I do not know about the study of bones. So far as Astiology is concerned in which a specific condition of the bones is studied, whereas pentiology is the subject of study of bones. During the archeology excavation some time bones are found and some time not found. It is not the common thing to found that bones.

In the excavation of the Karn Quila of Haryana I had not found bones. This excavation was run for about three weeks. I was present around during entire excavation. Article about this excavation was published, in which bones are not mentioned. Bones of dog can be strong and thick in comparison to sheep or goat and in case one s of goat and sheep has cut mark then also bones of these animals are identified. The bones found at the excavation place, I had identified them. I these bones o I had seen the bones of sheep and goat at present I do not remember the measure of bone, but some bones were one inch and some were 1 ½ inch. I cannot tell how many bones were of sheep and how many of

goats. I did not count a nor I was permitted to count. I do not know form which trench these bones were found. I cannot tell on which dates these bones were found.

Q. You are neither the expert of bones nor you got any special study on the subject of bones, and you deliberately telling lie at this stage?

Ans. I am not expert, but I have studied bones, and hence it is not correct to say that I do not have knowledge in this regard and I am deliberate telling lie.

I never eat meat. I never cut any animal. I have not seen canine cut mark on the bones. I have not see the cut mark from the vegetable knife. The cut marks seen by me on the bones this was of gadhasa. There are several types of gadhasa. And I can tell after inspecting the bones. Since I had no permission to examine the bones and hence I could not examine the bones.

In India meat of sheep, goat, cow, bull, dog, pig, buffalo and hen are eaten. The meet is being eaten nowadays in the north India, in which sheep, goat, hen and pig is included. In north India meat of donkey, horse, bull, cow, camel etc. animals is not eaten. I cannot say that bones of pig is found at the disputed place or not. decomposition of bones is depending on this that in which condition this bone was. At the time of excavation most of the bones were not decomposed.

I know what is shankh, I know that Shankh is made by the natural powers in waster. I do not know that the sound of Shankh I destroyed the bacteria. I do not have knowledge that in the ear disease also doctors advised to blow the shankh on ear. I do not know that shankh is blows in the temples. It is not correct to say that the place

where Shakh is found it would be either temple or the house of such person who is religious belief.

Makeup material such as shankh, glass, brass copper lakh bangles and bichia used in foot by the women.

Q. In case above makeup material is found at any place then definitely it can be said that woman were visiting that place, in this regard what do you have to say?

Ans. Above things can definitely be said, when the reference of the found material is known and in this regard analysis is made.

To establish at any archeological place that there would be a temple, it is necessary to see that any relic regarding the structure of temple are present there or any there are any evidence of layout of temple, the temple of God or Goddess was there, its related statue or identification marks are if found in that place in systematic manner then it can be said that there was temple at that place.

I do not have any study of authentic book in relation to the architecture of Mosque. I heard name of Parsi Brown. He was the scholar of architecture. He also wrote on Indian architecture and he also wrote book on Medieval history. I have not read his book Indian Architecture (Islamic period). It is correct that I have not read any book in the architecture of mosque and affidavit is given by me on the basis of my personal experience.

Q. In your affidavit you have said declining the existence of temple, this is also stated by you on the basis of your personal experience. Is it correct.

Ans. The opinion expressed by me in this regard in my affidavit, this view is on the basis of my analysis of the excavated article and my personal experience.

I do have knowledge of Numismatic. For the knowledge of history coins have big importance. It is correct to say that by the study of coin the person or ruler who had issued the coin, in case on the coin his entire dress and picture is mentioned, then about the dress of the said person and in case any religious mark is mentioned, or any date of article is written then information can be obtained about this period.

But to know the information in this regard number of coins and its references are important.

The coins are recovered at the excavation place, these coins are not seen by me at excavation place. Later also I did not got chance to see the coins.

I do have knowledge of Maharabon. In this regard I read the books and article published by ASI. I have not read any specific book in relation to the architecture.>

Statement readover and affirmed.

Sd/-
10.8.2006

Typed on my dictation by the stenographer in open Court. In continuation put up for further cross examination on 11.8.2006.

Sd/-
(Hari Shankar Dubey)
Commissioner
10.8.2006

**BEFORE: SPECIAL FULL BENCH, HON'BLE HIGH COURT,
ALLAHABAD, LUCKNOW DIVISION BENCH, LUCKNOW**

Dated: 11.08.2006

P.W.-30 Dr. R.C. THAKRAN

(In continuation of 10.08.2006 Cross examination of R.C. Thakran, continued by Sushree Rranjan Agnihogtri, Advocate on behalf of Defendant No.20 in other original suit No.4/89).

Since Lime Surkhiih was used by the Muslim came form Arab and hence Lime surkhi is also called Muslim style surkhi. I got this knowledge from architectural material and historic book. In the verification clause of my affidavit para 13 in which Muslim Style Surkhi is mentioned,, is verify on the basis of the two kind of records, Historic literature and architectural material. My above opinion of Surkhi is established on the basis of historic literature. In musli style surkhi lime urkhi and special technique of building construction was starts in this period. Muslims had adopted a special type of construction style. In which Muslim style surkhi was used. I have not read any such book in which in the foundation of Muslim Building decorated stone is used to strengthened the building. I know that after the excavation ASI has in its report referred dozens of site plan, dozens of chart, table and sanctions. A measurement is being given in every site plan on the basis of which length and width is calculated. In the view of historic and archeological, Ayodhya is the main part of the Indian Culture. But I cannot say that Ayodhya shows the entire couture of throughout India. It is possible that Ayodya has a place in vedic knowledge and ancient recognition, Shastriya Sangeet and worship method. It is incorrect to say that capita of the ruler of Gupta period was Ayodhya. It is possible that in entire medieval period Ayodhya was unbeaten. I did not read in any historic

book that Aydhya was the birthplace of Maryada Purshottam Bhagwan Rama But I heard. I have not read Madhya Kaleen Bharat Ka itihās, written by Romila Thapar. I had read much earlier the book Bharat Ka Itiyas written by Prof. Satish Chandra. It is possible that in these books it is written that Maryada Purshottam Bhagwan Ram was born to Raja Dashrath and Bhagwan Rama has chose the exile as per the order of his parents. Again, said I heard this first time that Romila Thapar has written any book on Medieval history.

Q. What is the architectural design of Shia mosque, Sunni Mosque, Idgah, Karba,a and Makbara?

Ans. there is a big wall in the west side of Idgah and wall has mehrab and taak. Along with the west wall sometimes there is north and east walls.

Mosque is in the Dragah, Makbara, and some tiems tombs also. In the mosque sometimes only west wall along with mehrab and taak and sometimes has west wall and dome is made on this wall. I never read any book in this regard. But seen the books. I do not have any concrete information that normally what is the height of taak from the land, but I can say by idea tha tit is around 3 ft.

Q. The designs are made in Muslim buildings such as Imambara, Masjid, karbala etc. in which mainly shapes carrying geometrical are present.

Ans. it is not complete truth that apart from he geometrical design, floral design are also found in the above building.

Q. Often the design found in the Mosque Karbala they are formal and mechanical design in which there is lack of any real feelings. In this regard what you have to say?

Ans. I do not have any knowledge about Karbala and Imamwara. But I have seen the floral and geometrical design on the mosque.

It is incorrect to say that I only went once in the mosque i.e. Babri mosque. I never went I any other mosque of Ayodhya. It is incorrect to say that I am making false statement. It is incorrect that I have not read any book on architecture nor have knowledge of architecture of mosque. It is incorrect to say that I have closed my conscious and gave evidence in this case and it is also incorrect that against my conscious I have declined the existence of Shriram Mandir in Ayodhya. I definitely came to give evidence taking leave from Delhi University.

(cross examination of witness PW-30 Dr. R.C. Thakran on oath, in other original suit No. 4/89, on behalf of Defendant No. 20 by Sushree Ranjana Agnihotri Advocate is closed.)

(Cross examination on oath f Witness PW-30 by Shri Ajay Kumar Pandey, Advocate, for the Defendant plaintiffs in suit No.5/89 is began)

X X X X X X

I do not know Chandershala Analkaran. I heard the name of Kuber. It is considered god of Wealth). I heard name of krishan Shri Vishnj, Parshuram, Balram. Balrami was the elder brother of Krishan, as is said. Shri Vishnu are considered to be God of Vaishnav religion. Parshura Ji considered as Purohit, but I do not know that whose Purhot was he. I do not have knowledge that Parshuram was the incarnation of Vishnu. I heard name of Uma Maheshwar. He is worshipped. I heard name of Nandi. Photo of Nandi is in the temple of Shivji. I have not seen above photo in any mosque. Above idol remains in temples. I do not know about Bijora. I would not know about Kirtimukh, because I had

read in this regard. Jatajutshrmu Much Yukt are in the temple. But I could not understand the meaning of last word Kurch.

Probably, I know Padam. I know Archeological importance of Padam that at any archeological place in case its relics are or found in the form of figurine, then seeing them it can be say that such type of plant and atmosphere was and human were considered it important. I do not know what is the meaning of Peeth. I know Pedestal. Lotus Pedestal means seat of lotus. It possible that any lotus pedestal is called padam peeth. Padampeeth is the seat of God Vishnu. I have not read charanyukt Padameeth. In case any foot is made in the padampeeth then it can be assume that it is the sign related to Bagwan Vishnu. Padameeth should be in temple. I do not know Devgana. I also not know Shalbanjika.

I do not know Yaksh, when I was standing at the disputed structure then I had seen their idol of Yaksh or not. In the ASI report probably Yaksh is referred. I do not remember that ASI has written in his report that Yaksh idol was on the column of Kale kasoti. I have not seen temple of Golaghat Mehar. I had name of Shri Krishadev Ji. I do know that he has issued a book in which he gave picture of temple of archeological significance. I have not seen this book. Since my subject is archeology and not Iconography and architecture therefore I did not think it fit to see. Iconography and architecture cannot given authentic opinion on every subject. At the time of excavation of several archeological place idol of Martdevi which are generally in terracotta kaly, are found outside the temple. These are found in the residence. Probably Mart Devi was worshiped at the residence. What is Maladhari Vidhaydhar I cannot say. What is Kirtimukhpadamalankranyuktivitan, I cannot say. I do know door. I also know column. But I have not heard

the word Panchsakhadwarstambh. It is correct that brass bell remains in the temple. I never see any brass bell in the mosque, nor heard nor listen. I do not know Norrthbedibandh . Ballari word is in the temple, I do not know. It is incorrect to say that since above thing is not in my knowledge and hence I cannot established my opinion that there was temple in the disputed place or not.

It is incorrect to say that my statement start coming at the dispute place since 1990. I heard name of People Democracy newspaper. My statement in relation to the disputed place is not published in the paper in 1989-90. At present it is not possible to tell that when my statement is published in People democracy. In the year 2003 my statement would be published, but I cannot tell the months. I is correct to say that in 2003 my statement was published in Sahara samay about the disputed place. My statement is in relation to excavation. I have stated in my statement that no relic of temple are found at the time of excavation at the disputed place. It is correct that I have given my statement during living there. I wanted to attend the excavation at the disputed place and its chance got by me, I did not visit there by any order. I had knowledge about the excavation order of the Court. But I had no knowledge that any statement was restricted over the excavation.

Weapon were also made from the bones. But I do not know that form bones makes things bangles , comb are also made. But it is true that from the bone of elephant these all things are made. I do have knowledge that carving and polish is made on the bones but do not have knowledge that polish is applied. In case any thing made from bone is found from the excavation place then it come in the definition of antiquities. Article made form bones are generally different from normal bones. It is possible that in the excavation at disputed place other

weapon made from bone and make up article are also found. It is possible that carving and polished bones are also found. At present it is not possible for me to say that several trench of above article and several layers are found.

Use of clay tiles is recent i.e. After 18th century. I do not have knowledge that clay tiles were used in the Kushan period. I do not have knowledge that it has religious value. Its religious value is related to the Buddhist religion. I do not know that what is done in the votive tank. I do know that it has religious value and is related to the Buddhist religion, but how it is used is not in my knowledge. I do not know that that it is incorrect to say that I am deliberately stating that it has no concern with Hindu religion. I do not know that votive tank is used in the Hindu religion at the time of vrat anusthan by religious. In Hindu temple ghee and Deepak are burnt in front of the idol. Deepak can be made by any metal such as brass, soil and stone. Votives are made from raw soil. It is possible that during the excavation at disputed place terracotta stone are found in various layers. So far as I remember farsh is made from the mixed material. Floor Q2 and 3 is made from lime surkhi. It is correct that floor No.1, 2 and 3 are how many deep and wide due to the above reasons from the pillar base and wall it cannot be revealed from the survey. In case pit of any floor is filled with bricks then it can be filled with bricks in regular courses. To fill such type of pits this material will be used which is used for the building construction. Some times after filling the pits they are covered with the stones and also not. After filling such type of pits the persons present at that place if feels that level of the above place is change and require to make new floor in that event new floor is made on these pits filled with bricks. For the excavation several type of knife, ait and several types of kuda, brush, are used. These objects are used by the excavator as the requirement of excavation site. How many excavation can be made in one trench it is depend on their circumstances. I do not have knowledge that at the disputed place 25 cm to 45 cm. excavation can be made in one day. I remained at the excavation place for around one month and have seen the excavation. Excavation was going on various trenches together and I was not permitted to go into the trench and hence I do not know how much excavation was made in one day> without going to trench how

excavation is done in none day can be said by idea. But I am not in position to say anything. It is incorrect to say that at this point I am giving false statement. It is incorrect to say that due to insistance I am giving statement that mosque was at the disputed place and mandir was not. It is correct that I am not a civil Engineer but it incorrect to say that I do not have knowledge of epigraphy nusmetics architecture archeology etc. it is incorrect to say that that I am not archeologists and it is correct to say that in my leadership till date any excavation of the archeology is not happened. It is not correct to say that I do not have any knowledge of field archeology.

(Sworn cross examination of the witness PW-30 I suit No.5/89 on behalf of the plaintiffs by Shri Ajay Kumar Pandye, Advocate, is closed)

Shri D.P Gupta has adopted the cross examination done by Shri Ajay Kumar Pandey, on behalf of the Plaintiff in suit No. 1/89).

Cross examination on behalf of all the defendants and parties is closed. Witness is discharged.

Statement readover and affirmed.

Sd/-

11.8.2006

Typed on my dictation by the stenographer in open Court.

Sd/-

(Hari Shankar Dubey)

Commissioner

11.8.2006

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10866-10867 OF 2010

IN THE MATTER OF:

MOHD. SADDIQ (D) THROUGH LRS.

...APPELLANT

VERSUS

MAHANT SURESH DAS & ORS. ETC.

...RESPONDENTS

AN APPLICATION FOR EXEMPTION FROM FILING OFFICIAL

TRANSLATION OF STATEMENT OF PW-30

TO

THE HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE
PETITIONERS ABOVE-NAMED;

MOST RESPECTFULLY SHEWETH:

1. That, the Respondent State Govt. of Uttar Pradesh is filing the instant application for exemption from filing official translation..
2. That the Petitioner has filed the true translation of Statement of PW 30 which is in Hindi language and the same is translated English by the competent translator.
3. That the present Application is being filed bonafide in the interest of justice.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may
be pleased to:-

- a. exempt the Respondent State Of U.P. from filing the official translation of Statement of PW 30 in the aforesaid Civil Appeals; and
- b. pass such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE RESPONDENT AS IN
DUTY BOUND SHALL EVER PRAY

Filed by:

[KAMLENDRA
MISHRA]

Advocate for the Petitioners

New Delhi

Filed on: .03.2018

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

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...APPELLANT

VERSUS

MAHANT SURESH DAS & ORS. ETC.

...RESPONDENTS

AFFIDAVIT

I, Ashok Kumar Singh, S/O. Sri Virendra Singh, aged about 50 years,
OSD, Home Department UP Government Lucknow, presently at New Delhi
do hereby solemnly affirm and declare as under:-

1. That I am the petitioner in the above mentioned matter and am well conversant with the facts and circumstances of the case.
2. That the contents of the accompanying applications and I understood the same and state that the averments made therein are true and correct to the best of my knowledge and belief..
3. That the annexures annexed to the petition are true and correct copies of their respective originals.

DEPONENT

VERIFICATION:

Verified at New Delhi on this the day of March, 2018 that the contents of the above affidavit are true and correct to the best of my knowledge and belief.

DEPONENT

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