SUPREME COURT OF

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 9946-47 of 2010

[Arising out ci final impugned judgrnent, order and decree dated 30.09.2010 passed by Hon'ble High Court of Judicature at Allahabad, Lucknow Bench. Lucknov in C).a.s, NO.4/1989 (Regular Suit NO.12 of 1961), O.O.S. NO.5/1989 (Regular Sult No.236 of 1989).]

IN THE MATTER OF:

Morammad Siddiq @ Hafiz Mohammad Siddiq — APPELLANT

Versus

Mahant Suresh Das & Ors. etc. etc. — RESPONDENTS

VOLUME -XXXV

CIVIL APPEAL PAPER-BOOK

WITH

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I.A. NO. , OF 2010
APPLICATION FOR SUBSTITUTION OF LEGAL HEIRS OF RESPONDENT NO.8 IN O.O.S. NO.4/1989 & RESPONDENT NO.10 IN O.O.S, NO.5/1989

&

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APPLICATION SEEKING PERMISSION TO FILE LENGTHY LIST OF DATES & EVENTS

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ADVOCATE FOR APPELLANT: ANIS SUHRAWARDY

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10866-67 OF 2010

IN THE IV1ATTER OF:	POSITION OF PARTIES Before High Court	Before this Honble Court
Other Original Suit No.4/1989 (Regular Suit No.12 1961)		
Mohd. Siddiq @ Hafiz Mohammad Siddiq S/o (Late) Haji Mohammad Ibrahim, Joint Secretary, Jamiat Ulama-i-Hind, *RIo* Lal Bagh, Moradabad Presently at 1, Bahadur Shah Zafar Marg, New Delhi - 11 00tJ1	Plaintif *No,2/1*	Appellant
Versus		
1. Mahant SureshDas, aged about 55 years, Chela of Sri Pararn Hans	Defendant *NO.2/1*	Respondent NO.1

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	Ram Chandra Das, *RIo* Digambar Akhara, City Ayodhya, District Falzabad		
2.	Nirmohi Akhara, situate in Mol-alla Ram Ghat City Ajochiya, District Faizabad, Through Mahant Rarneshwar Das Mahant Sarbclrakar, *RIo* Nirmohi Akhara Mahalia Ramghat, City Ajodhya District Faz.abad	Defendant NO.3	Respondent NO.2
3.	Mahant Raghunath Das Chela Mahant Dhararn Das, Mahant and Sarbarakar Nirmohi Akhara Mohalla Rarn Ghat, City Ajodhiya, District Faizabad.	Defendant NO.4	Respondent NO.3
4.	The State of U.P. through Chief Secretary to the Sate Govt.of U.P. (corrected under Court's order dated 30-()1-62)	Defendant NO.5	Respondent NO.4
5.	The Collector, Faizabad.	Defendant NO.6	Respondent NO.5
6.	The City Maqistrate, Faizabad.	Defendant NO.7	Respondent NO.6
7.	The Superintendent of Police Faizabad.	Defendant NO.8	Respondent NO.7
8.	B. Priya Dutt (Since Deceased)	Defendant	Respondent

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	Throuqh his Legal Heir Jyoti Pati Ram, aged 60 years	NO.9	NO.8
9.	President, All India Hindu Maha Sabha, Reacl Road New Delhi.	Defendant No. 10	Respondent NO.9
10.	President, Arya Maha Praceshik Sabha Baldan Bhawan, Shradhanand Bazar, Delhi	Defendant No. 11	Respondent NO.10
11.	President, All India Sanatan Dharm Sabha, Delhi.	Defe.ndant NO.12	Respondent NO.11
12.	Dhararn Das alleged Chela Saba Abhirarn Das. *Rio* Hanuman Garhi, Ayodhya, Faizabad.	Defendant NO.13/1	Respondent NO.12
13.	Pundrik Misra, aqe 33 years, S/o Raj Narain Misra *Rio* Balrarnpur Sara., Rakabganj, Faizbad	Defendant NO.14	Respondent NO.13
14.	Sri Ram Dayal Saran, Chela of late Ram Lakhan Saran, *Rio* Town Ayodhya, District Faizabad.	Defendant No,15	Respondent NO.14

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15.	Rarnesh Chandra Tripathi aged about 29 years, 8/0 Sri Parsh Rama Tripathi, *Rio* Akbarpur, Distt. Faizabad.	Defendant NO.17	Respondent NO.15
16.	MahantGanga Das aged about 45 years (Chela) Mahant Sarju Dass *RIo* Mandlr Ladle Prasad, City Ayodhya Faizabad.	Defendant NO.18	Respondent NO.16
17.	Sri Swami Govindacharya, Manas Martand Putra Balbhadar Urf Jhallu, *RIo* Makan No. 735, 736, 737 Katra AyodyaParqana Haveli Audh Tahsil arid Zila Faizabad.	Defendant NO.19	Respondent NO.17
18.	Madar Mohan Gupta Convener of Akhil Bhartiya Sri Rarn Janarn Bhoorni Punarudhar Sarniti, E-7/45 Bangia r.r Nagar, Bhopal.	Defendant NO.20	Respo.ndent N0.1 8
19.	Umesh Chandra Pandey, S/o Sri R.S. Pandey R/o Ranupalli, Aycdhya, District Faizabad.	Defendant NO.21	Respondent NO.19
20.	Umesh Chandra Pandey S/o Shri R.S'. Pandey *Rio*	Defendant NO.22	Respondent NO.20

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Ranupalli, Ayodhya, District
Faizabad (LJ.P.)

All Respondents are
Contestinq Respondents

21.	The Sunni Central Board of Waclfs U.P. L.ucknow, Moti Lal Bose Road, F).S. Kaiserbaqh, City Lucknow through Shah Ghyas Alam, Secretary	Plaintiff No.1	Respondent NO.21
22.	Haji Mohammad Ehtram Ali, aged about 7C) years, *8/0* Munshi Mohammad Ehtisham Ali, *Rio* Khayaliganj, P.S. Kaiserbagh City Lucknow (Deceased)	Plaintiff NO.3	Respondent No.22
23.	Ziauddin aged about 46 years, S/o Haji Shahalbuddin (deceased) *Rio* Mahalia Angoori Bagh, parqana Haveli Oudh, City and District Faizab.ad (U.P.)	Plaintiff NO.6/1	Respondent NO.23
24.	Misbahuddeen aqed about 39 years, 8/0 Ziauddin, *Rio* Mohalla Angoori Bagh, Awadh City Tahsil and District	Plaintiff NO.6/1/1	Respondent NO.24

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	Faizabad (U.P.)		
25.	Mohammad ashim aged about 40 years, 8/0 Karim Bux, R/oMohalla Kutya, Panji Tela, Ajodhiya Pargana Haveli Awadh, Distt. Faizabad (U.P.)	Plaintif No,7	Respondent No.25
26,	Maulana Mahfoozurahrnan aged about 5:2 years, S/o Late Maulana Vakiluddin, *Rio* Village Madarpur, Pargana and Tahsil Tanda, Faizabad (U,P,)	Plaintif NO.8/1	Respondent NO.26
27',	Mahmud Ahmad aged about 30 years *Sio* Ghulam Hasan, *Rio* Mohalla Rakabqanj, City Faizabad (U.P,,)	Plaintiff NO.9	Respondent No,2?
28.	Farooq *Sio* Sri Zahoor Ahmad, *Rio* Mohalla Naugazi Qabar, Ayodhya City, Ayodhya, Dist. Faizabad (U,P,)	Plaintiff NO.10/1	Respondent NO.28

Respondent Nos.21 to.28 are Proforma Respondents

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AND IN THE MATTER OF:

Other Original uit No.5 of 1 9

(Regular Suit ().236 of 1989)

Hafiz Mohd. Siddiqui, aged about 46 yea *Slo* Late Haji Mohd, Ibrahim, *Rlo* Lalbagh Moradabad. (3eneral Secretary, Jarnaitul Ulema Hind U.P. Jamait Buildinq B.N. verrr.a Road, Kutchery Road Lucknow.	Defendant Appellant No,26	

VERSUS

1.	Bhagwan Sri Ram Virajman at Sri Rarne Janam Bhumi, Ayodhya, also called Bhagwan Sri Rama LalaVirajman represented by next friend, Sri Triloki Nath Pandey aged about 65 years, *S/o* Late Askrut Pandey, *RIo* Karsewak Puram District Faizabad.	. Plaintiff No,1	Respondent No,1
2,.	Asthan Sri Rarna Janam Bhumi, Ayodhya, represented by next friend, Sri Triloki Nath Pandey" aged about 65 years,	Plaintiff NO.2	Respondent No.2

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	8/0 Late Askrut Pandey, *Rio* Karsewak Purarn District Faizabad.		
3.	Triloki Nath Pandey aged about 65 years, *Sic)* Late Sri Askrut Pandey, *RIo* Karsewak Puram District Faizabad.	Plaintiff NO.3	Respondent NO.3
			Respondents Nos.1 to 3 are Contesting Respondents
4.	Sri Rajendra Singh, adult, son of late Sri Gopal Singh visharad, at present residing at Gonda, care of the State Bank 'of India,Gonda Branch Gonda.	Defendant NO.1	Respondent NO.4
5.	Param Hans Mahant Ram Chandra Das of Digambar Akhara, Ayodhya.	Defendant NO.2	Respondent NO.5
6.	Mahant Suresh Das aged about 55 years Chela Late Mahant Param Rarnchandra Das	Defendant NO.2/1	Respondent NO.6
7.	Nirmohi Akhara Mohalla Ram Ghat, Ayodhya throuqh its	Defendant NO.3	Respondent NO.7

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	present MahantJaqannath Das, aged about 54 years, Chela of Vaishnav Das Nirmohi *RIo* Mohalla Ram Ghat Nirmohi Bazar Parqana Haveli Awadh, Ayodhya, District Faizabad.		
8.	Sunni Central Board of Waqfs U.P., throuqh its Chairman having its office at Mati Lal Bose Road, Lucknow.	Defendant NO.4	Respondent No.8
9.	Sri Mohammad Hashim, Adult, S/o Sri Karim E3ux *RIo* Mahalia Sutahti Ayodhya.	Defendant NO.5	Respondent NO.9
10.	Sri Mahmud Ahmad (Dead) Through his legal heir: Anwar Ahmad S/o (Late) Mahrnud Ahmad, *Rio* Mahalia Rakabganj, Faizabad.	Defendant NO.6	Respondent NO.10
11.	State of U.P. through the Secretary, Horne Department, Civil Secretariat , Lucknow.	Defendant NC).7	Respondent NO.11
12.	The Collector and District Magistrate, Faizabad.	Defendant NO.8	Respondent No.12

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13.	The City Magistrate, Faizabad.	Defendant NO.9	Respondent No.13
14.	The Senior Superintendent of Police, Faizabad.	Defendant NO.10	Respondent No.14
15.	The President, All India Hindu Mahasabha, New Delhi.	Defendant NO.11	Respondent No.15
16,	The President, All India Arya Samaj, Dewar) HaJl Delhi.	Defendant NO.12	Respondent NO.16
17.	The President, All India Sanatan Dharrna Sabha Delhi.	Defendant NO.13	Respondent No,17
18.	Sri Dharam Das adult, Chela Saba Abhiram lJas *Rio* Ham.man Garhi, Ayodhya.	Defendant No,14	Respondent No. 18
19.	Sri Pundarik Misra, Adult S/o Sri Raj NarainNlisra, Rio Baham Pur Sarai, Rakabganj, Faizabad.	Defendant No.15	Respondent NO.19
20,	Sri Ram Dayal Saran Adult, Chela Ram i.akhan Saran, *Rio* Rarncharit Manas Bhawan, Mohall Ramkot, Ayodhya.	Defendant NO.16	Respondent NO.20

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21.	Sri Ramesh Chandra Tripathi Adult, S/o Sri Parash Ram Tripathi, *Rio* village Bhagwan Patti, Parqana Minjhaura, Tahsil Akbarpur, District Faizabad.	Defendant NO.1?	Respondent No.21
22.	Sri Umesh Chandra Pandey Aduit S/o Sri Uma Shanker Pandey, Advocate, *Rlo* Ranopali, Ayodhya	Defendant NO.20	Respondent NO.22
23.	Sri Rama Janam Bhumi Nyas, a Trust havinq its office at Sankat Meehan Ashram, Sri Hanuman Mandir, Rama Krishan Puram, Sector VI, New Delhi, through Sri Ashok Singha!, Manalging Trustee.	Defendant NO.21	Respondent NO.23
24.	Shia Central Board of W2qfs, U.P. Lucknow, through its Chairman, 817 Indra Bhawan, Ashok Marg, Lucknow (U.P.)	Defendant NO.22	pondent No.
25.	Vakeeluddin (Dead) through his legal heir Maulana Mehfooz Rehman S/o Vakeeluddin aged about 60 years, *Rio* Madarpur Pargana and Tehsil Tanda District Faizabad	Defendant NO.27	Respondent NO.25

Respondent Nos.4 to 25 are Proforma Respondents

All Responde are ontesting Responden

AND IN THE **MATTER** OF:

AN APPEAL UNDEIR SECTION 96 OF CODE OF CIVIL PROCEDURE, 1908 IN TERMS OF ORDER OF THE HON'BLE HIGH CQIJRT DATED 30.09.2010 "ANNEXURE "A" AGAINST THE FINAL IMPUGNED JUDGMENT AND DECREE DATED 30.09.2010 PASSED BY HON'BLE HIGH COURT' OF. JUDICATURE AT ALLAHABAD, LUCKNOW

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BENCH IN O.O.S. NO.4/1989 (REGULAR sUI-r NO.12 OF 1961) AND O.O.S. NO.5/1989 REGULAR SUIT NO.236 OF 1989) READ WITH ARTICLE 136(1) OF THE CONSTITUTION' OF INDIA.

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA

AND HIS LC)RDSHIPS COMPANION JUDGES OF THE HON'BLE SLJPREME COURT OF INDIA

THE HUMBLE PETITION OF THE APPELLANT ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That the .Appellant prefers the present First Appeal for determination of all questions of facts as well as Law aqaiost the final impugned judgrnent and decree dated 30.08.2010 passed by Hon'ble High Court of judicature at Allahabad, l.ucknow Bench, Lucknow in O.O.S. NO.4/1989 (Regular Suit NO.12 of 1961) and O.O.S. NO.5/1989 (Reqular Suit NO.236 of 1989) in terms of a separate orders passed by the Hon'ble High Court annexed hereto and marked as Annexure A.

1(a) That the Appellant at the outset craves leave of this Hon'ble Court to refer and rely upon all such legal, factual or other submissions which may be brought before this Hon'ble Court in any subsequent petition concerning the issue by any of the litigating parties challenging the said impuqned judqment and Order passed by the High Court of judicature at Allahabad, Lucknow Bench, Lucknow presently impugnecl in this petition for the purposes of the present Appeal. The same shall be deemed to have been incorporated in the present Appeal.

1(b) That the subject rnatter of the present Appeal is the famous "Babri Masjid Ram Janam Bhumi issue". For the

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1(d) UH verily believes that fundamentalism has no place in Islam and as such has been striving ahead in the said direction by issuing Fatwas and has launched crusade, carnpaiqn and riots against fundarnental'sm which fact is a known fact, the same is not being repeated for the sake of brevity and to avoid repetition.

1(e) That Sheikhu!1 Hind Maulana Mehmood Hassan R.A. and Sheikhul Islarn Maulana Hussain Ahmad Madani R.A. were arrested by the then British rulers and vvere confined to jail on several occasions for launching vigorous freedom struggle when they refused to toe away the line of Britishers they' were lodged in a prison at Malta, an Island far away from the Indian Sub-Continent in the Mediterranean Sea near Italy. Their tirade continued from the Jail and another equally renowned scholar namely, Hazrat Mufti Kifayat Ullah joined the Jamiat Movement, in their endeavour to throw out the Britishers from the sacred soil of India. They vehemently deprecated the Britishers for adopting the policy of Divide and Rule and also their design to gener;ate "Two-Nation Theory" understanding the said game plan, they continued to work in unison with their Hindu brethren to achieve the objective of freedom and continued to disapprove the "Two-Nation Theory" but creation of Pakistan gained sufficlent momentum and

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became inevitable. After the death of Maulana Hussain Ahmad Madani R.A., the Leadership 6f the JUH was taken over by Maulana Fakhruddin Saheb & other eminent scholars including Ma·ulana Abul Kalarn Azad were the Mernoers of the "Working Committee" of the JUH which is a suprerne body as per the Constitution, and he had even presided OV8'r two of its Sessions in 1 1 and 1931 at Lahore and Karachi respectively.

1(f) That Maulana Abul Kalam Azad had also become the President of the Indian National Congress and remained with the Indian National Congress throughout his life, denouncing, ()n appropriate occasions, the "Two-Nation Theory", the movement for the partition of the country and creation of Pakistan. That JUH, apart from being a Socio-Religious Orqanization had also spread its wings to take over other activities apart from associating *itself* in the freedom struggle for overthrowing the British Government.

1(g) JUH has its own Constitution and having regard to the eminence, stature and scholarly character of all its" Presidents. The Constitution of JUH which was drawn up in 1919 continues to be followed in toto by all Members of theJUH till date. The Constitution has thus achieved its own sanctity and none ever thought of committing breach of the Constitution.

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1(h) That the Muslims in this country are not only a part and parcel of this Nation but have also duly contrioutec frorr tirne to time towards the development of this country and there will be no second opinion that the contribution which Muslims have given to this country is better than any other religion. The Muslims, all along, have stood not only for. the peace and prosperity of this country but also its development. From the history of this country the role of Muslims if taken out that will be a great disadvantage to this qreat country,

1(i) That it is respectfully submitted that after the partition whosoever wanted to go to the other side of the border went and who chose to live on this part of the border continues to live here irrespective of the caste, creed, religion, race, sex, etc. The leaders decided to give this nation a secular character, a democratic governance, a magnificent constitution which even after 60 years of independence continues to reign supreme so much so that India is considered to be the largest and healthiest democracies of the world for which we as Indians boast with pride. Recent developments after independence have been disturbinq which tried to shake these pillars unsuccessfully.

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1(j) The Appellant verily believes that even the partition of this country was a result of divide having been created between the hearts of two communities, It is submittec that the Muslims In India did not choose to leave their motherland "India" by choice and as are very sizable and have adopted this country as their own country to live with their brethren of different faith in unison. Though the Muslims treat India as their own country, but due to narrow approach of some religious fundamentalists who always have given wind to fire with a view to perpetrate communalism, thus giving rise to fundamentalism dividing the hearts and perpetuate hatred amongst the citizens which unfortunately should not have been allowed in a country which is morally and fundamentally secular for so many years. 'This secular character and fabric could not be destroyed though many attempts have been made. Yet, fundamentalist persons claim themselves to be the political leaders.

1(k) The copy of the speech of the then President of Jamiat Ulama-i-Hind dated 05.08,1985 and 27.02.1986 in capacity as a Member of Parliament Rajya Sabha are annexed herewith and marked as ANNEXURE **A-3** 8824 8821) and ANNEXURE **A-4** (Pages 8828 8835) respectively, In addition to the sarne the then President

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Maulana Sy'ed Asad MadaniMember of Parl-iament, Rajya Sabha had read his paper in conference held at London on 27.08.1990. The copy of the same for ready reference and kind perusal of this Hon'ble Court is annexed nere:c and marked as ___ _____ (9 8 6 88 and extract of speech in Parliarnent dated 19.07.91 is annexed as **ANNEXURE** A-6 (Pages 8

1(I) It is unfortunate that some organizations instead of participating in the progress of the countries and/or strengthening the secular fabric. The present petition canvasses such attempts.

2. **QUESTIONS** FOR DETERMINATION BY THIS HON'BLE COURT

That the aforesaid Civil Appeal interalia raises following important questions of law as well as facts which needs to be decided in the larger interest of the country, Constitution and public / citizens of India at large as follows:

(i) Whether the Hon'ble High Court while deciding the cases pertaining to Sabri Masjid has travelled beyond the pleadings of the parties because in none of tho suits there was any prayer for partition nor the suit by any of the parties was for partition therefore the Hon'ble Hiqh Court ought not to have decided the suit like a partition suit pertaining the land in question?

(ii) Whether the Hon'ble High Court while deciding the issue has fa-led to take into conspectus that undoubtedly he has

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held in one breadth has held that the structure in question was a mosque. In the compound of the some portion, the pooja havinq been permitted could not amount to change the status of the occupant as the owner from a mere licensee?

(iii) Whether the IHon'ble High Court while deciding the issue in question could have taken the support of the report of Archaeoloqical Survey of India which had no evidentiary value?

(iv) Whether the \Hon'ble High Court could have re-written a history while deliverinq the juoqment substituting its role from an adjudicatory body on law as that of a role of historians. The two certainly have different spheres and different fields rneaninq thereby the established history has to be applied in consonance with the facts contained therein?

(v) Whether the myth, belief or faith could be substituted by history for the purposes of application of law for the time being inforce?

(vi) Whether dismissal of a suit only on the ground of limitation without consideration of merit as provided under Section 3 of the Limitation Act would amount to dismissal of the suit or would be a rejection of plaint in consonance with .Order 7 Rule 11 CPC, clause (d), and as such in such a situation

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a fresh suit would lie as provided in Rule 13 of Order 7 C.P.C 1908,. Therefore if a suit is dismissed on account of limitation only norrnally word "dismissal" is used in the order, this would only be as such a rejection of a plaint?

(vii) Whether a Hindu deity is covered under Section '6 of the Limitation Act and property 'of Hindu deity can never be acquired by adverse possession. Section 6 of the Limitation Act conceives a minor, which is expected to attain majority and Hindu Deity never to attains majority therefore, whether Section 6 will not cover such a deity?

(viii) Whether in view of the fact that devotees of Lord Rama demolished the building during the pendency of their suit, therefore whether relief can be granted to such a plaintiff despite clause (i) of Section 41 of Specific Relief Act?

(ix) Whether plaintiff of suit No.5 itself having made application after 1993 acqu.sition that their suit and other suits have abated in view of the acquisition Ordinance and as such they could not be granted any *relief* in view of clause (g) of Seclion 41 of Specific Relief Act meaning thereby an acquisition is challenoed by A and it is supported by 8, and thereafter it is quashed whether 8 would be entitled to claim any benefit out of such acquisition being quashed?

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(x) 'Whetller Mahant Raghubar Das who filed a suit in the year 1885 clairnlnq to be the Mahant of Janam Asthar.. at some place's describlnq him in the very suit Mahant Nirmohi Akhara, therefore the sale [udqmen' is binding c)n all the persons claiming the very right in common to him?

(xi) vvhether for the purpose of attracting explanation 6 of Section 11 CiPC compliance of the provisions of Order 1 Rule 8, is necessary or both the provisions l.e. Section 11 explanation 6 and Order 1 Rule 8 CPC operates in different fields and one is not inter-dependent upon the other. In the site plan attached with the plaint specifically inner courtyard being described as mosque. Site-plan being stated to be part of the plaint, bearing signature of the plain.ff and the counsel, now whether for the said portior, any right could be claimed and Section 11 Explanadon 4 dief not bar saying "which might and ought to have boen made ground of defence or attack."?

(xii) Whether Order 2 Rule 2 CPC prevents taking such plea subsequently?

(xiii) vvhether *dismissal* of a suit with observation that there is no injury to the plaintiff that does not mean that plaintiff has got no right and by refusal of relief no right of plaintiff is affected?

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(xiv) Whether the Hiqh Court has failec to appreciate that if a person uses some portion inside a building such user being acquiesceo by the owner of the building, however whole buildinq being possessed by its owner with locks and keys, what shall be the status of such a person using such portion except a mere licensee? In no way that would amount chance in the status of the occupant as the owner and user of a mere licensee.

(xv) Whether the Hon'ble High Court while deciding the issue nO.1 in favour of the plaintiffs interalia holding that the demolished structure was a mosque therefore there was no necessity to dwell on other issues?

(xvi) Whether the Hon'ble High Court on the basis of belief and faith could have competently decided the issue in the wake of the fact that with respect to the structure prior to 6.12.1992 all supportive evidences were available with effect from year 1528 till 6,12,1992 whereas for the evidence prior to tne year 1528:-

(i) the religious text and scriptures have been taken into conspectus which according to the own admission by the High Court were not definite and conclusive.

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(ii) The historlcal text havinq been taken into conspectus which relate to medieval period thereto are conflicting as per the Hon'ble High Court.

(iii) The travelcque of various foreign terrorists have been taken into conspectus which are also as per the Hon'ble High Court were conflicting.

(lv) The Report of Archaeological SurVey of India which however, does not point specific nature and character of the ruins linking either to the temple or the Janarn Bhoomi.

(xvii) vvhether the Hori'ble High Court ought to have confined its enquiry whether there was any structure prior to its demolition if there was any structure then what was the nature of that structure, it was hardly immaterial as to who had brought up the structure? once having come to the definite conclusion respecting the nature of the structure the other things were hardly immaterial?

(xviii) Whether the Hon'ble High Court was justified to negate the claim of rhe Appellant on the ground that the ownership respecting the disputed structure could not be proved in as much as the nature of the structure of a reliqio..s nature is concerned the ownership of the same is hardly of any consequence. The ownership vests in the God, therefore

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'once the ownership respecting such structure, is of no consequence then the support from Islamic scriptures may be Ouran, H'adees, Fatwas could not have been roped in to deny and neqate the claim of the Appellants?

(xix) Whether it was open for the Hon'ble High Court to take into conspectus the circumstances and events prior to the year 1947 for the purposes of decision of the aforesaid case for the facts and reasons, admittedly India was under the Muqhal Rule and thereafter under the British Rule and in the year 1947 India acquired independence and it was decided to govern the country by a dernocratic process through the process of the rule of law and also after ceasing of the dominion status of the country it was decided to have an independent constitution meaning thereby, that the country was to be goVerned by provisions of the Constitution of India by different set of rules either adopted- or prornulqated thereafter from time to time. More especial'y in the light of the preamble the people of India had vowed and *committed* themselves as follows:

"\!\fE, THE PEOPLE [NDIA, having solemnly resolve,d to constitute India into a [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:

JUSTICE, social, economic and political;

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LIBERTY of thouqht, expression, belief, faith and worship;

EQUALITY of status and of opportunity:

and to promote among them all

FRATERNITY assuring the dignity of the individual and the [UNITY AND INTE:GRITY OF THE NATION];

IN OUR CONST'ITUENT ASSEMBLY this twenty-sixth day of November, 1949, do hereby ADOPT, .ENACT and GIVE TO OURSELVES THIS CONSTITUTION.

It is submitted that after promulgation and adoption of the Constltutlon on S" November 1952 India became a sovereiqn, socialist, democratic, republic.

(xx) Whether it was open to the Hon'ble High Court to take into conspectus such historical facts, evidence and circumstances into conspectus as evidence to reach to the conclusions which were not definite or 'direct and were inter-contradictory to each other more especially in the light of the fact that such evidence having been taken into conspectus by the Hon'ble High COLJrt were neither the custom, usage or the precedence, simply the same were based on belief and belief?

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(xxi) vvhether in law there was any p'ace of belief viz-a-viz the materials availab!e. existing proofs, records and evidences with respect to the nature and character of the structure?

(xxii) Whether the Hon'ble High Court *while* rendering the decision has departed from the rule of law which it was required to adhere to, the emotions, sentiments or the belief could not have governed or influenced to be taken into conspectus in as much as tho decision was concerned in the light of the fact that undoubtedly the structure which was standing was in existence admittedly for rllore than 453 years, therefore, the structure irrespective of its nature had cortainly acquired a historical significance, thus meaning thereby that it had come under the conspectus of the Archaeoloqical Survey of India. That if the same had come under the umbrella of the Archaeological Survey of India it was incumbent for all citizens and authorities to protect 1he same irrespective of any religion, race , caste, creed or sex vvithin the frame work of the Protected Monurr.ents Act read with the Indian Constitution?

(xxiii) Whether the Hon'ble High Court has failed to appreciate the principles of the Indian Waqf Act in as rnucl as the judgmer.t has followed on the premise that for a property to be a waqf the reqistration for which wasesse . The property admittedly was In existence much prior to the

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promulqation of Indian Waqf Act and the Hon'ble High Court has completely lost a sight of the fact th the property could have been a vvaqf by "user" also? It is submi.ted that the High Court while deciding application of defendants for rejecting of plaint has held in the year 1991 that it is imrnaterial whether the property is registered or not a waqf property, further it has held that it cannot be said that the suit by Wakf Board is not maintainable AIR 1991 ALL 89 paragraph 35 quoted as hereunder for ready reference,

"The flndlnq recorded by the learned Civil Judge merely says that no valid notification has been made in respect of the property in suit U/S. 6(1) of the Muslim vvaqfs Act. The Waqf Boards have been created under the Act for the purpose of protecting Waqf properties. A Waqf will not cease to be a Waqf and vvaqf property will not cease to be so merely because the W2qf or the property has not been valid'y notified u/S. 6(1) of the Act. The effect of notification u/S.(1) is that the character the institution and of the property becomes unassailable by the Muslims, Such unassaitab.lity does not attach to members of other communities. S.66 of the Act provides that in every suit 'or proceeding rolating to

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the title to Waqf property or a right of Mutawalli, the court shall issue notice to the Board at the cost of the party i.nstituting such suit or proceeding, The obvious purpose of issuing this notice is to give opportunity to the Waqf Board to place its version in respect of the title claimed to the property. If the Waqf Board has to be impleaded when a suit is filed by a stranger, we see no reason why the Waqf Board cannot maintain suit when it acquires knowledqe that Waqf property is under litigation before a Court of Law, In fact u/S. 19(2)(q) of the Waqfs Act the Board has been specifically authorized to institute suits and proceedings in a court of law relating to Waqfs. This p.ovlsion does not say that the proceedings can be taken only' in respect of Waqfs. This provision does not say that the proceedings can be taken only in respect of Waqfs which have been notified u/S.6(1), S.2(1) deals with the application of the Act and says that "Save as herein otherwise specifically stated, this Act shall apply to all wakfs. whether created before or after the commencement of this Act,..,.. and to all the wakfs which at the time of the coming into force of this Act were under the superintendence of the Sunni Central Board of the Shia Central Board

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constituted under the superintendence of the Sunni Central Board or the Shia Central Board constituted under the U.P. Muslim Wakfs Act, 1936 (U.P. Act XIII of 1936)". This provision also does not restrict the applicability of the Act to Waqfs notified u/S.6(1). Prior to the filing of the suit by the Waqf Board others had already filed suit in respect of the property in suit claiming the same to be a Hindu temple. Once the Waqf Board acquired knowledge of these suits it could in exercise of power available under S.1 2)(q) file the instant suit. We are accordingly of the opinion that on the basis of the finding recorded Linder issue No.1?' the present suit cannot be dismissed. Further, as already pointed out hereinabove, Waqf Board is not the only plaintiff in the suit. The Waqf Board is one of the plaintiffs. There are other Muslims who have claimed their right of prayers. in the structure in question which they describe as Mosque. Their right to maintain the suit is not affected by the finding recorded under issue No.1? The application is accordingly liable to be rejected.')

The perusal of the same therefore would go ,on to show that the law laid down by the High Court itself is final in

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between the parties and operate as a res-jucicata at a later stage of the same proceedings.

(xxiv) Whether the Hon'ble High Court has lost sight of the fact simply on tile basis of some materials alleged to have been recovered from underneath of the mosque the High Court. was not justified to form its views that the mple may hJ\/8 been demolished and a mosque thereafter was constructed. The Hon'ble High Court completely lost sight of the basic fact that there was no evidence of demolition of any such alleqed temple or the construction of the mosque on it. So far it is alleged that Mir Baqi was the employee of Emperor Babar from gathering' of the historical resources it has not been gathered that there was hardly any connection of Mir Baqi either with Emperor Babar or Emperor Aurangzeb?

(xxv) Whether at the outset 'the Hon'ble High Court ought not to have entertained the other suits since the controversy had already been finally decided after the judgment and order dated 18.03.1886' thus all the suits were barred by the principles of res-jucicata excepting the one i.e. suit 4/1989 filed by the Plaintiff?

(xxvi) Whether the courts below have failed to take into conspectus the correct provision of the Limitation Act applicable to the Appellant I.e, Section 23 of the Limitation

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'Act, 1908 for the facts and reasons the impugned structure was under the receivership of the receiver consequent upon the promulgation of the proceedings under Section 146 Cr.P.C. and the wrong having been committee is continuinq day by day. Moreover, therefore the Judgment delivered by one of the Presiding Judge(s) Hon'ble Mr. Justice S,U.Khan is liable to be sustained in favour of the Appellant herein. owever, the wrong committed by the Hindus is a corrttnuino wrong, therefore the provisions of Sectlor, 23 of the Limitation Act, 1908 would be applicable in the present case in hand, for the reasons the suit was for possesslon also. The Appellant sought further relief then a mere declaration, the relief of declaration was an ancillary relief and the suit should have been governed by act etc. governing the suit for a further relief for which the limitation prescribed is 12 years i.e. for suit of possession. Regarding the vvakf properties tt.e period of Limitation extended b':l Public Waqfs , of Limit8tion Act), 1 (Act No.29 of 1959)?

(xxvii) vvhether the Hon'ble High Court has failed to appreciate the conduct of the L.earned District Judge Faizabad while issuing an order dated 1st February 1986 purportedly in passing the orders for opening the locks of the disputed site of Ayodhya was certainly a pre-mediated decision

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w:lich has been found by one of the judges in his judgment that the procedure adopted by the Munsif to allow an appeal preferred by one Shri U.C. Pandey who had earlier filed an Application for opening the locks and on the said application Munsif had written that in absence of records of leading case he is unable to pass any order against the said Order of the Learned Munsiff he had filed an appeal since tne same was not an appellable order and as such appeal could not have been filed?

(xxviii) Whether the Hon'ble High Court has failed to take into conspectus the matter from the anqle that it was more likely that th8 civilization which was the bone of contentions wlas quite long than 3000-5000 years, Therefore, there was every likelihood that like other civilizations may it be Harappa, Mohan··Jo-Daro, Mesopotamia, Babylonia etc. was likely to have been buried in the soil due to various natural erosions like earthquakes, floods. volcanoes, etc. which on excavation of the sites rnight have been revealed and surfaced therefore there is every likelihood that the ruins which the Archaeological Survey of India might have gathered suggestions may have been meted out with the same fate more especially in the light of the fact that the civilization

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which beinq talked about more than 3()OO - 5000 years or more.

(xxix) Whether the Hcn'ble High Court in its judgment has failed to take into' note the solemn undertaking given to this Hon'ble Court that' in the event if they are allowed to perform the Karsewa no damage would be caused to the structure but in, complete and grave violation of the undertaking qiven to this Hon'ble Court, the fact remains that not only the structure was darnaqed but razed to the ground therefore the requirement of the law is that the law .takes into conspectus that event which event was in existence at the time of causing damage?

(xxx) Whether the Hon'ble High' Court while giving the decision has lost sight of the parameters laid down by this Hon'ble Court for its decision in Dr. M. Ismail Farooqui & Ors. Versus Union of India & Ors., (1994) 6 SCC 60?

(xxxi) Whether the Hon'ble High Court ought to have balanced the relevant material. evidences, respecting the mosque which were in the nature of a direct evidences in comparisons to nold a roaring enquiry respecting the evidences which' was shaky and not conclusive?

(xxxii) Whether it was wrongly observed by the learned Sudhir Agarwal, J. that Section 5 of Waqf Act, 1936 would have

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'no application qua rights of Hindus in general and plaintiffs of suit No.1 in particular and in this respect the law laid down in 1967 Rajasthan Page 1, 2006 (6) ADJ-331 and 1996 Supplement AWC189 has wrongly been relied upon and it was not appreciated that the same was against the law laid down by the Hon'ble Supreme Court in 1979 Supreme Court 289 and 1992 Supreme Court 1083 etc. (Page 1348 to 1359 of the Judgment of Hon'ble Sudhir Agarvval, J.)

(xxxiii) 'Whether the entire judgment of the Hon'ble High Court is liable tc be rejected on each and every aspect of it?

3. DECLARATIOIN IN TERMS OF RUI E 4(2):

The Appellant states that no other appeal or a petition for Special Leave to Appeal on the above-noted matter has been filed against the final impugned judgment and order dated 30.09.2010 passed by Hon'ble High Court of judicature at Ailahaoad, Lucknow Bench, Lucknow in O.O.S. No.1/1989 (Regular Suit *No.2/1950),* O.O.S. NO.4/1989 (REGULAR 'SUIT NO.12 ()F 1961) and O.O.S. NO.5/1989 (Regular Suit No.236 of 1989).

4. DECLARATION IN TERMS OF RULE 6:

The Annexure 'A', P-1 to P- produced along with the present Appeal ,are true copies of the pleadings

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/docurnents which formed the part of records of the case in the Court(s) below against whose order the present Appeal is sought for.

5. **GROUNDS** ,Of: APPEAL:

1. Because the Appellant respectfully submits that the core finding in the judgment as regards the alleged place of birth of Lord Shri Ram is based on the professed belief of Hindus and not on evidence,

2. Because the Hlqh Court failed to appreciate that adrnittocty there *v.* as Sabri Masjid constructed in 1528 A.D. wherein admittedly Muslims were offering prayers regularly till the idols were brought from the courtyard and installed there at the dead of night on 22nd _23rd December, 1949 and worship started thereafter. On these admitted facts, the proper relief to be granted was to restore the status quo ante prior to the 22nd December, 1949, but this has not been done.

3. Because it was nobody's case in the High Court that the Muslims, Hindus and Nirmohi Akhara were in joint possession of the disputed premises, much less that they were joint title holders. The claims of the three sets of plaintiffs were mutually exclusive in the sense each set of

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plaintiffs claimed the entire property as its own and no one sought a decree for partition of the property. The relief granted by the Hon'ble High Court is outside the scope of pleadings and prayers in the suits,

4. Because the High Court failed to appreciate that when the possession of the disputed premises was taken bythe police on 23rd December, 1949 itself and shortly thereafter it was attached under S, 145 and 146 of the Cr. Procedure Code by the fv1agistrate and handed over to the Receiver, which arrangement was continued by the Civil Courts after the suits were filed, there was no question of any bar of limitation for the suit filed by the Appellant herein alongwith Sunni Central VVaqf Board, U.P. and eight others.

5. Because the impugned judgment suffers from an apparent error on the face of the record ir as much as it treated Nirmohi Akhara as a party different frorn Hindus and allotted a separate 1/3rd share notwithstanding the evidence on record that this organisation of sadhus was only in possession of two small bits of land called Ram Chabutra measuring 39.6 sq. yards and Sita Ki Rasoi which is rnuch srnaller than the area covered by Ram

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Chabutra while the total area of the disputed premises is about 1500 sq. yards.

6. Because the suit No.5 of 1989 filed' by the deities through next friend ouqht to have been dismissed having regard to the fact that the deities never asserted their title to or possession over the disputed land after 1528 A.D, till 1989 for 461 years,,· It was by a strange logic that the High Court partly decreed suit No.5 in their favour.

7. Because the High Court failed to appreciate having regard to the nature and .dimensions of the issues affecting two major communities, it was not appropriate to dismiss suit No.4 of 1989 on technical grounds. The High Court ought to have decided the suit on merits.

8. Because the Appellant respectfully submits that suit No.4 of 1989 deserves to be decreed in terms of the prayers.

9. Because the present Appeals are confined to the findings rendered by the High Court and the orders and decrees passed aqainst the Appellant who is the Plaintiff No. 2/1 in suit No. 4 of 1989 and defendant No. 26 in suit No. 5 of 1989.

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10. Because the Hon'ble High Court has failed to appreciate that while decidino issue no.1 in Suit No.4 in favour of the Appellant interalia holding that the disputed and dernolished structure was a mosque and once having come to the conclusion that the demolished structure was a mosque then the other enquiries were wholly irrelevant.

11. Because the IHon'ble High Court while deciding the issue No.1-A in Suit No.4 has lost sight of the fact that undoubtedly the demolished structure was a mosque for which no enquiry was warranted as there were ample evidences available on the record which proved and establisr ad the same as a Mosque.

12. Because the Hon'ble High Court has wrongly decided issue No.1 (b), :6, 13, 14 and 27 the rt had not given a conclusive finding on the basis of materials extracted whether the place was the same place on which Lord Rama was born therefore the issue no.13, 14 has also been wrongly decided that the ascertainment of exact location whether Lord Rama was said to have taken birth. Admittedly Lord Rarna as per the own admission of the Respondents was the son of King Dashratha although no evidence respectino the period historical or otherwise

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excepting the d.ivine scriptures are available which could definitely SlJggest conclusively about the .events of that era. However, Lord Dashratha might have been a very powerful kirıg. Therefore the birth of Lord Rama would have definitely taken place at his fort. The signs of existence of a fort have not been found from the ruins having been found by the Archaeological Survey of India also it did hot unequivocally' suggest that there was a temple.

13. Because the Hon'ble High Court has wrongly decided the issue nO.27 for the facts and reasons that erection of Rarr Chabootra and Sita Rasoi have been constru much later tha ı the m o sqıɹe.

14. Because issue nO.1 SA would not rnake any difference whether the building existed on a nazul plot or not since the building was existing admittedly from the year 1528. It issubrn.tted that the mosque was built in the year 1528 AD and at that time nazul was not in existence. Nazu: came into existence after the mutiny of 1857. It is further submitted that the time when the mosque was built the king of that periocl used to be the owner of all that land in his kingdom. Theretore entry, if any, all nazul in the revenue and/or in the survey records for the purposes of adjudication of the' present case was of no use and as such irrelevant and baseless moreover the decided cases

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'on the subject (2007) Lucknow Civil Decisions Page 5'15 SC it has been categorically laid down by. this Hon'b!e Court that a title could not be decided by Survey Records alone. Further (2008) Lucknow Civil Decisior 225 SC it has been cateqorically held that a record of riot is not a document of title. Therefore the mosque in question was in existence since 1528, the Muslims had been in exclusive position whereof. It is further subm that the U.P. Sta and the Deputy Comrnissioner have also filed their respective written statement in OOS No.1/1989 in which they cateqorical.y admitted the existence of the mosque and could have also not denied the title of the mosque. The State rnanaqes the nazul land and the Deputy Commissioner is the ex-officio Nazul Officer but nowhere they have stated that the nazul was the owner of the land and the mosque itself was not the owner of the land.

15. Because the Hon'ble High Court ought not to have brushed aside issue no.B simply on the ground that the issue was an irrelevant issue against the Plaintiffs for the facts and reasons that if the nature of the property was that of a mosque than it was hardly material who was its cwner in absence of its ownership the property since for the benefit of the residence vestee in GOD and if it vested in GOD then it was a waqf by user and in absence of

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ascertainment **of its ownership** the property being mosque **in nature** did **vest with** GOD.

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17. Because the Hon'ble High Court ought to have decided the iS3L1e no.2 in Suit No.4 in favour of the Plaintiff for the fact arid reasons that the dispossession if any' was not throuqn the process of law. Any such illegal dispossession against the law always follows by restoration of possession in the spiritof rule of law.

18. Because the Hon'ble High Court has wroriqlv decided issue no.3 and has lost sight of Section 23 of the Limitation Act.

19. Because the Hon'ble High Court ought to have decided the issue no.5-A afresh without taking into conspecu.s the order of the Learned Civil Judge dated 21.04.1966. The provisions of Section 5(3) of U.P. Act No.13 of 1936 could not have been made applicable to the facts of the present case.

2(J. Because the Board under the Act has the powers to decide whether a particular property is a waqf or not as held by this Hon'ble Court in (2006) 10 sec 696. The Hon'ble High Court of judicature at Allahabad in its own judgment has held that the registration or non-reqistratior of a property wilJ make no difference on the status of a property being a waqf property. Therefore Hon'ble High Court decicinq the issue failed to taken into conspectus its own

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decision therefore the Hon'ble High Court was wrong in aoplication of U.P. Act No.13 of 1936 in as much as the facts of the present case were concerned.

21. Because if the Hon'ble High Court had decided the issue No.5E in favour of the Defendants of Suit NO.4 and issue no.7-A aqainst the Defendants and again issue no.7-B in favour of the Plaintiff then certainly the character of the property, was as that of Waqf.

/22 Because the Hon'ble High Court ought to have decided issue no.7-0 conclusively for the facts and reasons th Mahant Raghubar Das Plaintiff of Suit 1885 was the Mahant of the alleged temple situated at Ram Chabutra, he filed the case in the year 1885 in his capacity as Mahant. He was the manager of the alleged deity situated at Ram Chabutra therefore the deity is bound by all ex-omissions, admissions of its managers therefore in all probabilities the decision of the year 1885 case will operate against the Respondent No.1 as res-judicata and the members of estoppels and acquiescence will also be applicable to him therefore the admission of mahant was very relevant and as such for that purposes it should have been taken note by the High Court.

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23. Because' the issue nO.10 and 15 could not have been decided against the Muslims in general either on the basis of lir.uration or on the basis of the joinder of the parties,

24. Because the Hcn'bfe High Court while deciding issue no.11 could not have mixed the entire area of Ayodhya with the Central Dome of the structure interalia holding the same as the birth place of Lord Rama since both the parties had definitely admitted Ayodhya as Rarr .Jar-arr Bhumi but none of them had identified a specific place or an exact .ocation of the birth of Lord Rama neither the same could be pointed speciflcalty by any of the parties. Moreover on the basis of ASl Report the Central Dome of the site in question cannot be declared as birth place of Lord Rama. E3ecause no excavation was conducted by ASI in the Central Dome, where Rarn Idol is supposed to be placeo. However ASI has not declared the place as a Temple. No structure was indicated in the map showing structures under the Central Dome

* Comparatively if the structure of mosque at Ayodhya.

* Sabri Mosque existed as Nazul Plot No.583 Mahalia Kat Ram Chandra.

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birtrt of anyone was hardly material for the adjudication of the relevant more especially no issue was frarned on this point and no where a plea has been taken place that the land in question did belong or was owned by Lord Rama or King Dashrath.

25. Because the Hon'ble High Court has failed to appreciate that with respect to issue no.16 as ·'ong as the disputed structure was standing in the nature and shape of the mosque. The cause of action was running and continuing therefore the limitation aspect could not have been attributed to a structure which admittedly stood erected with effect from 1528 to 06.12.1 992.

26. Because while deciding issue nO.17 in Suit NO.4 the Hon'ble High Court has lost sight of the fact that there was no requirement of a valid notification for the property to be a waqf property by a user if that be so then certainly the property' had acquired the status of historical significance on account of its age and certainly a protected monurnen! and if it was a protected monument within the meaning of Archaeological Acts then the same was a national monument. The! protection of which was incumbent. Because for decidino issue nO.18 the Hon'ble High Court nas wrongly taken into conspectus the case of Ghulam Abbas 'versus State of U,P, & Ors. AIR 1981 SC 2199.

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Subsequent orders passed after tile aforesaid judgment have not been taken into conspectus by the High Court moreover the disputes as canvassed in the said case was a dispute between Shia and Sunni Muslim. Ultimately the ratio of the decision of Ghulam Abbas was on the same pattern as that of the decision of the year 1886 where both the communities were permitted to worship and in tbecase of Ghu'am Abbas the Hon'ble Supreme Court has adopted the same methodology by promoting both the communities of the same religion to discharge their rituals as and by way of purely an experimental measure.

27. Because the Hon'ble High Court has failed to appreciate that in law the belief and/or faith has no place and a party cannot be denied and deprived with the ownership against the weight of evidence.

28. Because the Hon'ble High Court ought to have taken into conspectus the description and a characterist'c of the property in question moreover there are various instances in the country where the mosque and a temple co-exists side by side and if this finding is taken into conspectus thousands of mosques which co-exist alongwith the temples will amount to lose its character as a mosque.

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29. Because the Hon'ble Hiqh Court has failed to decide the issue in a lcqical sense, the pillars inside or outside the building in question however, did no: contain any images of Hindu GOD and Goddesses,

30, Because the report of the historians of Ram Janam Bhumi - Sabri Masjid by four historians could not have been brushedasicle by the High Court simply on the ground that one of the historians SuraJ Shan had not signed the said report for that the majority of the signatories matter.

31. Because admittedly as per the report of Tulsidas has written Ramcharitamanas after fifty years of the erection of the mosque in 528 A.e. in which there is no wh.sper of any temple on the disputed site.

32. Because the Hon'ble High Court has gravely erred in holding the suit in favour of the deities maintainable on the premises the idol and land below the central dome as a deity. The High Court has completely ignored the fact that the idol was illegally placed in the mosque in the night of 22/23 December, 1949 and after demolition of the mosque it was placed wholly in contravention to the orders of the Hon'ble Supreme Court therefore by no stretch of imagination it could be suggested to be a legal entity then there was no reasons to dismiss the suit of the Plaintiffs for

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proper joinder of the parties the suit being one In a representative capacity could not have been decided against the Plaintiffs. Therefore the Hon'ble High Court has wrongly decided the issue no.21 against the Plaintiffs and in favour of the Defendants.

33. Because the Hon'ble High Court has failed to appreciate that no doubt Vvaq: Board was an instrumentality under Article 12 of the Constitution 'of India but the Hon'ble High Court has failed to appreciate the prime object of the Waqf Board. The object of the Waqf Board primarily was for protecting the interest of the Muslim Comrr.unitv of the country. The interest of the Muslim Community in the aforesaid suit was directly and Immediately involved. More especially the Hon'ble High Court has completely missed the representative capacity of the board on such issue for the facts and reasons the properties which are waqf properties in nature the protection of the same is the responsibility of the Waqf Board, since on one hand the property in question was asserted as a waqf property by user definitely the role of waqf will come into play. On the other hand the interest of the Muslim Community at large was directly and immediately linked therefore for the purposes of protection of such interest the waqf board was' necessary party to maintain the litigation. The Hon'ble

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High Court respectfully failed to appreciate the dual capacity of the waqf board to maintain the litigation on one grf)undin capacity as the custodian of the ,property secondly as a representative of Muslim Community of Incla. Further the Hon'ble High Court failed to appreciate that if a deity being treated as a minor could rnaintain the litigation throuqh next friend then certainly the waqfboarc a living institution could always maintain a pett.cn in its own independent right and capacity. Moreover the Hon'ble High Court seemsto have lost sight of the fact that Waqf Boards are created for better rnanaqemen' of Waqf Properties. The High Court has already rejected applications of Defendants in O.O.S,. No.4/1989 wherein they had chaillenged the rnaintainability of suit by Waqf Board. The law laid down by AIR 1991 ALLD 89 para 35 (ahead quoted in earlier paras) *is* quite clear. It is the duty of the Waqf Board to protect the property of the Waqf. The High Court has failed to appreciate that there was no contest against tbeState, since State itself admitted the property in question as a Mosque, the State being a formal party, therefore the Hon'ble High Court was wrong on the aspect also.

34. Because the Hon'ble High Court has failed to appreciate that the litigating parties in the litigation were private

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persons, the government being the custodian and as an Adrrinistrator had no interest. Therefore in view of the conflicting interest and for a decision respecting the nature and title of the property the waqf board was certainly entitled to maintain the litigation therefore the Han'ble High Court ought not to have brushed aside issue nO.23 and 24 in a most cursory and cryptic manner as has been' done while deciding the issue in question. It is submitted that the State of U.P. and the Deputy Commissioner have specifically admitted the structure as a mosque of the Muslims, therefore, there was no question of a canfict of interest.

35. Because the Hon'ble High Court while deciding the issue nO.25 and 26 has failed to appreciate that the demolition could not have altered the nature of the structure as a mosque for the' reasons as per the Islamic tenets even if the prayer has been offered on a piece of land 'and there is no structure meanino thereby that the Muslims continue to use such piece o: land the character and the nature of that piece of land frorn land to sky would be that of a mosque therefore the suit on this ground could not have been dismissed by sug'gesting that after demolltion the claim of the Plairriff did not survive. It is humbly submitted 'that the mosque was illegally demolished, however, the ruins still

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exrst. The foundation of the mosque is still intact. Tit'e would not extinguish by dernolishlnq the mosque. Therefore it was incumbent on the court to uphold, the rule of law and not to validate an illegal act. It is submitted that the mosque was in the custody of the court and the court failed to protect the properly and the court says that after demolitions there remains no stake of the Muslims. It is therofore most unfortunate and unjust on the part of the court to punish a person for the failure of the court.

36. Because the Hon'ble High Court has failed to appreciate the various irnpedirnents in the path and ways of the Muslim Communities i.e. hurdles in the nature of the proceedings Linder Article 146 Cr.P. . on account of deliberate apprehensions by the Hindu Community the prohibitory orders ernancpatlng for breach of peace had to be resisted to. Therefore the Hon'ble High Court has wrongly decided the issue more especially in the light of the fact that once the nature and character of the disputed structure was confirmed, therefore the Hon'ble High Court ought to have confined its enquiry to the structure alone which undisputably had a characteristic of mosque keeping in mind that if the structure would not have been demolished.

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Whether it was within the powers of the High Court to direct its demolition?

Undoubteclv the other enquiry which the Hon'ble High Court ought to have conducted was whether the structure was raised to the ground in a legal or an illeoal manner?

Whether the act of the demolition of the structurewas an act of vandalism?

If the demolition was illegal then certainly the felief was to returnall plaints if it was an Act of vandalism then that Act should not have been given the seal of approval. It should have been deprecated by all fc.ce command. Even otherwise the protection of the monument was warranted if not as a mosque but certainly as a national monument of a historical sioniticance therefore the tindinos of the Hon'ble Higll Court respecting issue no,25 and 26 suit nO.4 was wholly perverse all the more for the reasons it is respectfully submitted that the High Court has failed to lift the veil for the purposes of dispensing with complete justice in between the pa:iies ignoring the basic fact that the idol was kept illegally from the beginning in the mosque, the City Magistrate who was the employee of the State of 'J.P. attached the mosque. The pooja etc. were allotted to be continued although the U.P. State having

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specifically admitted that the disputed property was a mosque. It is further submitted that the Civil Judge promoted the illegal activities of unsocial elements by issuing temporary injunction in favour of persons who infact had indulged in illegal activity but it is astonishing to note that the Hon'ble High Court later has given a seal of approval in favour of such perpetrators of law meaninq thereby that all canons of justice kept aside and demolished by validating the act of vandalism in the garb of belief and faith which even otherwise had no legs to withstand a moments judicial scrutiny. The theory of beli and faith apparently on the face of it appears to be after thought it is also borne from the records. That they were offering the prayers at Ram Chabutra believing the same to be the birth place of Lord Rama.

37. Because the Hon'ble High Court has wrongly decided the issue no.28, suit no. 4 for the facts and reasons, physical possession was not at al' important for the purposes of adjudication of the case in hand only the symbolic possession was required to be tested. If it was a mosque then whc was entitled for its possession whether the Muslim Community or a Hindu Community, In all probabilities the communities are entitled for possession of such places or structures of a religious nature on the

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ground of their respective religions, practiced, by them. Even otherwise 'practicing religion freely without any tear or favour even otherwise finds place as a fundamental right having been perfected by the Constitution of India therefore in view of the above the Suit No.4 was liable to be allowed in terms of the prayers contained therein.

NO.1

38. Because the Hon'ble High Court has wrongly decided issue no.1 on the basis of belief and worship. The law has to be applied as per the statute the belief has no place in the eyes of law.

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390 Because the Hon'ble High Court while deciding the issue no. 2 ought to have taken into conspectus how the idols were kept under the central dome within the inner court yard on the night of 22nd / 23rd December 1949. The act in itself was an act of vandalism and a criminal act for which the FIR was lod'ged and the proceedmqs under Section 146 Cr.P.C. were in progress therefore the Hon'ble High Court was not justified in suggesting that the idol existed in the inner courtyard under the dome prior to the date of filing the suit dated 16.01.1950 without addressing the aspect of the matter as to how and why the idols came. Whether the Act was an Act permissible under the law

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whether force was used. Whether *it* was resultant of a criminal action. If it was resultant of a criminal action with due respect the Hon'ble High Court by deciding the issue in affirmative could not have given a seal of approval to an action whicb even otherwise has ceer: found against the well settled principles of rule of law.

40. Because the Hon'ble Hlqh Court has erred while deciding issue no.3 and 4 interalia upholdlnq the rights of the Plaintiffs to worship or holding the place as a birth place of Lord Rama. The perusal of the judgment and order of the Hon'ble Higll Court would show and suggest that the Hon'ble High Court has not reached to a definite conclusion whether Lord Rama was born at the same place therefore the High Court was in errors to hold the place in question as birth place of Rama simply by putting an idol anywhere that too in an illegal manner and started worshipping of the same would impregnate serious disaster On the other hand in the event of cloud of doubt, no definite conclus.ons could have been reached therefore the Hon'ble High Court ought to have confined its enquiry on the basis of SLJch facts for which direct evidences and materials were available on record in comparison to such indefinite circumstantial evidences whose authenticity was in itself in doubt.

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41. Because Hon'ble High Court while deciding issue no.1, 2 and6 connectinq the same with issue no.1-A, 1-8, 1-88, 190, 19E and 19F of O.S. No.4/1989 the Appellant crave leave of this Hon'ble Court to refer and rely upon the reply given to these issues in the earlier paragraphs. Issue No.3, 4 and 7 connected wlth issue no.1-BC, 2,4, 10, 11, 12, 13, 14, 15, 19A, -19B, 19C, 27 and 28. The Appellant would crave leave of this Hon'ble Court to refer and rely upon the reply to these - issues in the corresponding grou-nds accordingly the issues 3, 4 and 7 are answered in view of the reply to the corresponding paragraph.

42. Because so far as issue no.9, 9-A, 9-8 and 9-C have been decided in connection with ISSLJ8 no.5A, 58, 5C and 50, 5E, 5F and 7B, 70 having been answered by the Appellant in the co.responomo grounds attacking the corresponding issues therefore the Appellant crave leave of this Hon'ble Court to refer and rely upon the same for the purposes of reply to the said paraqraph.

43. Because the existence of a property on a nazul plot would not however alter the nature, character or the status of the property. Moreover, the Nazul came *into* existence after the mutiny of 1857 and undisputedly the mosque was there JC1ng before 1857.

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44. Because the Hon'ble High Court failed to appreciate while deciding issue No.5-C and 0 certainly the earlier decision did operate as res-judicata therefore there was no necessity for the High Court to try the aforesaid suit the findings since in the earlier suit stood upheld up to the Second Appellate Court and the same undoubtedly was a precedence for future. Therefore the principles res-judicata and estoppels were squarely applicable to the facts.

45. Because the Hon'ble High Court has wrongly decided Issue nO.11 and 11-8 in favour of the Plaintiffs for ready reference the provisions of, Sectic)n 91 Pare quoted as hereunder:

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"Se'c.91 Public nuisances and other wrongful acts affecting the pub'ic (1) In the case of a public nuisance or other wrongful act affecting, or likely to affect, the public, a suit for a declaration and injunction or for such other relief as may be appropriate In the circurnstances of the case, may be instituted,-

(a) by the Advocate-General, or

(b) with the leave of the Court, by two or more persons, even though no special damage

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has been caused to such persons by reason of such public nuisance or other wrongful act.]

(2) Nothing in this section shall be deemed to l.mlt or otherwise affect any right of suit which may exist independently of its provisions."

The circumstances if exarnined did amount to a public nuisance and other wrongful act which everl otherwise was likely to effect the public at large since the structure was a religious monument if not a religious then certainly a monument of historical significance thus the monurr-ent could safely be termed as a national monument therefore any interference with the said monument amounted to cause a public nuisance and interference with the same and as such was wrongful act thus effecting or likely to effect the public, The peace and tranquility was likely to be seriously jeopardized on account of interference with the property in question even otherwise is a known fact to the nation that it was a mosque. Therefore the issue in view of this could not have been decided in favour of the Plaintiffs and aqainst the Defendants.

46. Because the Hon'ble High Court has wrongly decided the issue no. 15 the suit certainly was bad for the proper joinder

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'of Defendants. The suit should have been dismissed by the, Hon'ble High Court on this ground alone.

47, Because the Hon'ble High Court has failed to appreciate that the suit in question was barred by time for the facts and reasons the relief in this SLJit vias sought with respect to an event ..e. the birth of Lord Rama which was, infinite while deciding the issues the Hon'ble High Court should have treated the suit falling under the provisions of Section 35(a) C.P.C. therefore the Hon'ble High Court ought to have dismissed the Suit No, 1/1989 (Regular Suit N6.2/1950) titled Shri Gopal Singh Visharad Versus Zahoor Ahmad & Ors. in toto in the light of the above submissions in the grounds,

48. Because the Honorable High Court has gravely erred In coming to the conclusion that the Sunni Wakf Board had no control over the property in question for the fact and reasons it has gone to hold that property in question was a Shia property. In fact, the honourable High Court ought not to have come to this conclusion for the fact and reason is that the ownership of the prcperty in question was not at all ascertained at one breath the honorable High Court says that the Sunni Wakf Board could not prove the ownership with respect to the disputed structure neither Emperor Babar was instrurnental in constructing the mosque in

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question nor Mir Baqi, then how the Honorable High Court has reached to the conclusion that the mosque in question was a Shia or Sunni mosque. r the purposes of determination cf the question in hand it was not at all essential that whether the mosque in question was a Sunni or are Shia mosque. The' Honorable High Court should have stoppecl its enquiry once it had come to an irresistible conclusion that the structure in question was a mosque. That the demolished structure was undisputedly a mosque that is to say that the structure which was sought to be demolished \NaS undoubtedly In its characteristic, appearance and even otherwise was a mosque. Therefore, in all its probabilities the same was required to be restored as a mosque, More especially, the ascertainment as to which was the sect which was responsible for bringing up the structure.

The High Court has failed to appreciate that no Shia had laid any claim over the property although Shia Wakf Board and some other persons belonging to Shia cornrnunity were also the party to the case. The dispute respecting Shia ar.d Sunni nature had already been concluded and the other side had no locus-standi to challenge the same. It is submitted that the mosque was undisputedly used by the Sunni Muslims and as such they had been in

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possession till 22.12.1949. The Appellant has fail to appreciate that even if the prooerty was Shia Wakf then why the High Court had decreed the suit O.O.S. No.1/1989 and O.O.S. No.5/1989. Even otherwise, due to the age of the structure, the structure had attained a historical siqnlficance and even otherwise was a protected monument, the protection of which monument was incumbent or1 all concerned irrespective of the fact to which religion they belonged to. Therefore, the issue ought to have been decided by the honourable High Court in the Jig.ht of the above,

49. Because the Honorable High Court has gravely erred in deciding the issue against the plaintiffs for the fact and reasons the Mutawalli did not joih as a party the party before the Honorable High Court \vere only the worshippers. So! far as Mutawalli is concerned he is simply a caretaker who acts in the benefit of the beneficiaries, certainly the beneficiaries of the mosque were the worshippers, if the worshippers were before the Honorable Court therefore there was no lustiticetion at the end of the Honorable High Court to negate the claim of the plaintiffs that the worshippers were before the court and the Mutawa'li was not brought before the court as a party. When in fact the beneficiaries who were the worshippers

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had approached the Honorable High Court than there \NaS no question or the necessity of bringing Mutawalli before the court. It should not have' been treated by the Honorable High Court as one of the impediments before the Honourable High Court to negate the relief to the plaintiffs the relief of concerninq the possession of the mosque. The Honourable High Court has further failed to appreciate that the religious ptaces are for the benefit of the residents of ttle locality irrespective of their religion, race, caste or creec. Therefore the worshippers 'are the real beneficiaries who even otherwise were entitled to have the possession of the property in questlon: Even otherwise it is respectfully submitted that the Waqf Board ultimate powers to protect the waqf property and due discharqe of its duties, the board filed the suit.

. 50. Because OOS Number 3/1989 (Reqular/Nurnber 26/1959) the Honourable High Court having dismissed the aforesaid suit, though in the said suit the, plaintiffs had averred that their right has accrued since time immemorial as they were worshipping the deities, therefore the management of the temple may be handed over to them by the State Government. The Honourable High Court having dismissed the aforesaid suit then all the other relief in other suit had become redundant. Therefore, in view of the said

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decision by the High Court it was incumbent upon the High Court to hold that the structure was a mosque,

51. Because if the plaintiff in the aforesaid suit nao failed to prove their claim then in that circumstances the suit filed by the plaintiffs; in O.O.S, No,4/1989 having proved their cases the suit was liable to be allowed and decreed in terms of the prayers contained there in.

Suit Nurn r r. O. S. S Number 9
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52. Because the Hon'ble High Court has wrongly decided the issues by not holding the structu as a moscue. The Appellant for the purposes of reply to the aforesaid suit would humbly crave leave of this Honourable Court to refer and rely upon the reply given to issue number 1 (a), 1 B (b), t t. 19 (d), 19 (e) and 19 (f) in OOS number 4/1 989.

53. Because the Hon'ble High Court has wrongly decided the issue number 15, 16 and 24 without envisaging the impediments in the way of the Appellant to offer the prayer in the disputed structure. The Honourable High Court has failed to take into conspectus that the Muslim community was a law abidino community and had never chosen to take the law in their own hands by using any force for the purposes of offering prayers. The record before the

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Hon'ble High Court definitely suggested that whenever there were orders in operation for restraint the Muslim community always decided to obey and abide by the said orders. Firstly there were the proceedings under section 146 Cr.P.C in such circumstances the Appellant never violated the atcresald orders and continued to wait for the decision. Subsequently, there were orders directing maintenance of the status quo but however the Muslim community continued to wait for a comprehensive decision but the same could riot have been termed as if the Muslim community had abandoned their rights to offer the prayers. The Hon'ble High Court ought .to have appreciated that as long as the Appellants were claiming and craving for their legal remedies before the court of competent jurisdiction in that circumstances it could not have been suggested that the Appellants have waived or relinquished their rights, The period of limitation ought to have been subtracted so long the litigation was pending, However the Appellants crave leave of this honorable Court to refer and rely upon the reply given to the connected issu in suit NO.4 of 1989. Because the Hon'ble High Court has wrongly decided issue number 23 for the fact and reasons that the jUdgment in suit number' 61 /280 of 1985 did operate as a constructive res judicata aqainst the plaintiffs.

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54. Because the Honourable High Court has wrongly decided issue number 5 the property in question could not have been defined and described as a temple by any stretch of imaqination, therefore the Honourable High Court while deciding the said ISSLJ8 in favour of the plaintif and against the defendant lost sight of the fact that neither the property was properly identified in the suit plaint nor it was properly described in the plaint. The plaint was liable to be rejected on the sale ground of non-disclosure of correct facts.

55. Because the Hon'ble Hlqh Court could not have decidod issue no.? and 8 through the process of law in favour of the Plaintiff No.1 to 3 and against Defendants Nos,3 admittedly the aforesaid Plaintif as a *next* friend were" defending a deity interalia claiming the disputed site to be the birth place of that deity in a structure which supported by historical facts was a mosque whereas the birth of the deity at, that particu'ar place could not be conclusive proved by historical facts or direct evidence since available in this aspect of the matter. Wilen the clairr: of the Piaintiffs was Ill-founded then the representation also was liable" to be demolished on this ground alone with the suit similarly issue no.8 was also not sustainable in the eyes of law due to the criminality to the impugned action.

Because issue no.19 also was notsustainable in the suit in

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the light cf the above qrouncs and should have been dismissed for 110n joinder of the parties, There was no necessity fer allowinq the filing of Additional Written Statement by Defendant No.3.

57. Because the issue nO.20 has wrongly been decided by the Hon'ble High Court respecting the alleged trust or .creatior of the Niyas in view of the inherent illegality on the face of it more especially in-the liglIt of the above stated grounds.

58. Because the Hon'ble High Court ought to have taken into conspectus, the submission in paraqraph No.1, 11, 12, 21, 22, 27 of the written statement by Defendant No.1 and in paragraph 1 of the written statement of Defendant NO.5. The issue ShClUld have been decided in favour of the Defendants and against the Plain.iffs for the facts and reasons that every idol could not be treated as a deity, idol was sirnplya medium to symbolize deity. If this argument is taken into conspecti.s then there may be innumerable idols and idols could not have been treated as. a deity. A deity is a deity who ought to have been physical proved to have taken birth on the site in question beyond any doubt of reasonableness rather while placing the deity at an 'X' site, the site 'X' could not have been suggested to be the birth place of the concerned deity i.e. to say as cart could not oe placed before the horse meanina thereby it ..,

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·understandable tha: if it is proved at a place 'X' and event rnlqht have happened and for symbolizinq that event any statue, idol or any such thing should be placed but in Infinity placinq such instrument and thereafter suggesting it to be deity in absence of any conclusive proof simply on the basis of belief. Even otherwise the history of the belief is not so old may be the belief was finding a history of 150 to 200 years whereas the structure was brought on the site was more than a 450 years back immediately Ramchantrnanas having been written in the year 1550-1575 does not even whisper of the said site or suggests or point out there was ever the birth place on a 'X' place or existence of some temple which miqht have been razed to the ground in order to raise the construction of the mosque. Therefore the issue no.21 has wrongly been decided.

59. Becaus-e the Hon'ble High Court has failed to appreciate that the decree passed by earlier order dated 30.03.1946 in Suit No.29/1945 could not be binding since the earlier decree ir. this direction was already operative therefore the decree was a nullity. Therefore the issue should not have been decided in favour of the Plaintiff and against the Defendants.

60. Because the Hon'ble High Court ouaht not to h..

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entertained the aforesaid suit and would have allowed to proceed in view of dismissal of earlier suit No.5? / 1978.

,61. Because apart from their impediments the suit also suffered within the impediments as envisaged in Section 65 of the U.P. Muslim Waqf Act therefore the suit was liable to bel dismissed on this ground alone .as not rnamtamable for want of proper notices 3S envisaged under Section 65 of the U.P. Muslim Waqf Act, 1960. It is submitted that the decree in Suit Nc.29/1945 was passed in favour of Sunni Waqf Board therefore it cannot be suggested that the same was not binding.

62. Because the sult was barred by Section 34 of the Specific Relief Act and paragraph 42 of the Additional Written Staterrlent of Defendant No.3 and paragraph 4'7 of the written statement of Defendant NO.4 and paragraph 62 of written statement of Defendant No.5 should have been taken into conspectus by the Hon'ble High Court and the Hon'ble High Court should have decided issues against the Plaintiffs and ir) favour of the Defendants.

63. Because the Hon'ble High Court has wrongly decided the issue no. 3-A, 3-B, 3-C, 3-D & 4 for ths fact and reasons that it was an established fact that t)y breaking upon the locks, the idol for the first time was placed. The Idols on

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6.12.1992. were not only placed in violation of the court's .orcer directing maintenance of status quo but also was in violation to the undertaking given to this Hon'ble Court for which the Contempt action was initiated and this Hon'ble Court was gracious enough to direct conviction to the contemnors therein. Therefore the 015 could not have acquired the status of a deity as alleged by the Plaintiffs so far issue No.4 is concerned the same could not have been decided in favour of the plaintiffs because a history of 150 years could not be suggested or terrned as the urne immemorial.

64. Because the Hon'ble High Court has wrongly decided issue no.11 for the facts and reasons that the waqf can easily be termed as a waqf by its nature, character or a user. All the aforesaid characteristics were present undoubtedly the appearance of the structure was that of a mosque which the entire world has not only seen but has admitted the existence of the same.

65. Because the Hon'ble High Court has wrJngly entertained the suit by decidinq issue nO.13 in favour of the Plaintiff and against the Defendants. The suit ought not to have been entertained and should have been dismissed on the *sole* ground of limitation alone.

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66, Because the perusal of the above noted grounds will go on to show and s.uggest that none of the decisions and th'e Issues are either in consonance with the facts, circumstances. law, evidence, touching the issue directly.

\ 67, Becau..e the Hon'ble High Court COLJld not have conclusively decided the disputed structure being thedeity of Bhagwan Rain Janarn Sthan or place of birth of Rarna for the facts and reasons the faith or the belief has no rr.eaninq In the eyes of law, The law has to be applied strictly as it is,

68, BeC8lJSe the directions given vide direction no.z, 3, 4 could not have been given by the High Court if the Hon'ble High Court would have taken into conspectus the direct, evidence, materials on record in as much as the application of law.

69, Because the Hon'ble High Court ouoht n to have decid the suits as a partition suit by allotting 1 portion to all concerned.

70. Because the Hon'ble High Court 'has further failed to appreciate the apphcat.on of the judgment and order of this Hon'ble Court, Dr. Ismail Farooqui, to apply the same in its true scope and proper spirit.

71. Because the Hon'ble High Court failed to appreciate that

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only Suit No,4 of 1989 deserved to be allowed in terms of prayers contained therein and all the other sults were liable to be dismissed, therefore the Hon'ble High Court ought to have directed passing of the decree in respect of the claims and prayers contained in Suit No.4/1989,

72. Because the High Court has failed to appreciate tnat the Bab-i masjid 'was in existence since 1528 and entire Masjid was in possession of the Muslims and it was used for offering Narnaz. It seems that some dispute arose In between the Muslims and Hindus in the middle of nineteenth century and thereafter the Muslims allowed the Hindus to use south eastern" corner of the Masjid for Puja Archana and a iron railing was erected in the court yard of the Masjid and the court yard was divided in t\NO portions i.e. outer and inner court yard. The outer court yard was in possession of the Hindus and inner court yard and the constructed portion of the Masjid was in possession of the Muslims. The railing was in existence from before 18,85 i.e. when Faqhubar Das had filed case. The Musl.ms and Hindus must have divided the court yard either mutually or under forced settlement by local administration. If actually the central dome was the *actual* birth place of Ram as now alleged by the Hindus then the HindLJS would not have agreed to the said division of court yard and would not

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have constructed Ram Chabutra in south east corner of the outer court yard and dispute must be continuing but there is no cogent evidence that any dispute about inner court. yard and constructed portion of the Masjid was raised by the Hindus since the time of construction of railing up to the year 1949.

73. Because the High Court has failed to appreciate that the aforesaid circumstance shows that the division of court yard was under mutual settlement and due to it the Hindus did not raise any claim in respect of inner court yard and constructed portion of the Masjid for about 90-95 years ..e. from '1855 to 1949. If the division was forced by the local acministration ()r by the Muslims then there was nothing which orevented the Hindus from going to court immediately after the division and waiting for a century to lay claim. When' Ram Chabutra came into existence the deity of Ram was installed on the said Chabutra and Puja Archana was going on since the coming into the existence of Ram Chabutra up to 22/23 December, 1949 (as alleged]. Installation of deities on Ram Chabutra establish that temple came into existence and when there is temple then there must be a Shebaitl Mahant. 'In the aforesaid period of 90-9·5 years there must .be several ShebaiU Mahants cf the temple situated at Ram Chabutra but none

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laid any claim In respect of inner court yard and constructed portion of the Masjid. This circumstance is \/erj material but the High Court has not taken it into consideration. Is the said fact no: sufficient proof that the theory of birth place of Ram below the central dome was mairtly tissue of lies and concocted in the year 1949 and executed under the patronage of istrict rv1agis te Mr.Naiyyar? Mahant of the temple at Ram Chabutra Mahant Raghubar Das filed case in the year 1885 for permission to make construction upon the m Chabutra but he c.d not lay any claim about inner court yard and constructed portion of the masjid. If the Hindus were believing that the birth place of Ram is under central dome then why did the said Mahant not claim relief of possession in respect of inner court yard and constructed portion of the Masjid? The said Mahant admitted the existence of the Masjid towards vvest of the Ram Chabutra and did not say . that the constructed portion of the Masjid is disputed, Justice Sharma has referred to about the riot in 1934 at Ayodhya and has said that some portion of the Masjid was damagec by the Hindu rioters which means that the Hindus were claiming the Masjid as Janam Asthan. In this connection it is material to note that the riot in 1934 between the Hindus and Muslims arose due to cow

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slaughter and not about Janam Asthan. The rioters damaged' some portion of the Sabri masjid but it does not mean that they were claiming any right about the Masjid. In communal rlcts it is usual that the Hindu rioters targ Masjids. In 1992 after the demolition of Sabri Masjid the rioters had damaqed several Masjids at Ayodhya which were later on repaired at government expense. No Hindu has claimed any other Masjid which was demolished in 1992 hence the logic given by Justice Sharma is not tenable. He has tried to show that prior to 1949 also the Hindus were laying claim but there is not an iota of evidence to the effect that Hindus laid any claim prior to the year 1949.

74. Because the High Court has failed to appreciate that the 1885 case was filed by Mahant Raghubar Das clalminq to be the Mahant of temple at Ram Chabutra In the said case the said Mahan: had admitted existence of Masjid to the west of Ram Chabutra. There is no allegation in the saidcase that there is any cispute abou: the land beneath the Masj.d or about the inner court ya . The position of Mahantl Shebait of a temple is akin to manager. The Mahantl Shebait is manger of the idol. According to the case of Hindus the idol installed on Ram Chabutra is same idol which still exists and if the manager of the said idol or

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deity had mace any admissioo 'in the year 1885 then the idol is bound by the acts and omissions of its rnanger and as such the admission of the Mahant is very relevant and has great evidentiary value but the said admission has been very' cleverly sidetracked by the High Court by saying that the case was filed by Raghubar Das in his individual capacity and not as representative of Hindus of Ayodhya and Faizabad. The said Mahant may not be representative of Hindus but he was MahantiShebait of the temple at Ram Chabutra and *'Nas* manager/ representative of the idol and his. admission could not oe brushed aside. There is no case from .the side of Hindus that Raqhubar Das was not MahantiShebait.

75. Because the High Court has failed to appreciate that the court has not frarnec issues properly and correctly and it has framed issues which are not relevant for d rmination of title about land. Order XI\/ rule 1, C.P. , provides that issues shall be framed from material proposltior of fact or law, Issueno.22 of OOS No.5 of 1989 is not an issue of law or fact rather it is issue of belief and faith. This issue could not be determined in a title suit and it is absolutely irrelevant for deterrnination of title. Besides, several issues are framed in wronq manner placing burden of proof upon the Muslims,

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76. Because the High Court has failed to appreciate that the plaintiff Gopal Singh Visharad had filed suit in his individual capacity and he died during pendency of case and no substitution application was filed within time hence the case had abated but the court allowed belated substitution application,

77. Because dismissal of a suit only on the ground of limitation without consideration of merit as provided under Section 3 of the Limitation Act would certainly amount to dismissal of the suit and a rejection of plaint in consonance with Order 7 Rule 11 CPC, clause (d), and as such in such a situation a fresh suit would lie as provided in le 13 of Order 7 C.P.C 1908. Therefore if a suit is dismissed on account of limitation only normally word "dismissal" is used in the order, this would only be a rejection of a plaint,

78. Because a Hindu deity is covered under Section 6 of the Limitation Act and property of Hindu deity can never be acquired by adverse possession. Section 6 of the Limitation Act conceives a minor, which is expected to attain rnojority and Hindu Deity never attains majority therefore, Section 6 will not cover such a deity.

79. Because in view of the fact that devotees of Lord Rama demolished the building during the pendency of their suit,

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. therefore the relief could not have been granted to such a plaintiff in- view of clause" (l) of Section 41 of Specific Relief Act.

80. Because the Plaintiff of suit No.5 itself having made application after 1993 acquisition stating that their suit and other suits have abated in view of the acquisi.ior Ordinance and as such they could not be granted any relief in view of clause (g) of Section 41 of Specific Relief Act meaning thereby an acquisition is challenged by A and it is supported by B, and thereafter if it is quashed B would not be' entitled to claim any benefit out of such acquisition being quashed.

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81. Because Mahant Raghubar Das who filed a suit in the year 1885 inter-alia claiming himself to be the Mahant of Janam Asthan, at some places describing him in the very suit Mahant Nirrnohi Akhara, therefore the said judgment would be binding on alf such persons claiming the very right in common to him.

82. Because for the purpose of attracting lanation 6 of Section 11 CPC compliance of provisions of Order 1 Rule 8, is necessary' or both the provisions i.e. Section 11 explanation 6 and Order 1 Rule 8 CPC operates in different fields and one is not inter-dependent upon the

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other. In the site plan attached with the plaint specifically inner courtyard being described as mosquo. Site-plan being statec to be part of, the plaint bearing siqnature of the plaintiff and the counsel, for the said portion any right could be claimed and as such Section 11 Explanation 4 did not bar sayinq "which might and ought to have been made ground of defense or attack.".

83. Because Order 2 Rule 2 'CPC prevents taking of such plea subsequently.

84. Because dismissal of a suit with observation tha: there is no injury to the plaintiff that does not mean that plaintiff nas no right and by refusal of relief no right of plaintiff is affected.

85. Because the High Court has failed to appreciate that if a person uses some portion inside a building such user being acquiesced by the owner of the building, however whole building beinq possessed by its owner with locks and keys, certainly the status of such a rson using such portion would more than a rnere licensee.

That besides the challenge of the' impugned judgrnent and order on the above noted legal grounds it is humbly submitted that the judgment and order of the Hon'ble High Court of judicature at Allahabad, Lucknow Bench, Lucknow is based on surmises and conjectures on the following

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.amonqst other factual aspect not supported by the factual aspects, records and evidences.

Judgment by Hon'ble Mr. Justice S.U. Khan

86. Because the finding recorded thai since 1934 to 1949 only Friday, Prayers were being offered in the premises in dispute was against the evidence on record as it was fully established from the evidence on record that regular 5 times prayers were being offered in the buildino in dispute up to December, 1949. In this respect not only the evidence adduced by the Muslims has mostly beer: ignored but some of the statements made and documents filed by the Hindu parties admitting the aforesaid fact have also net taken! note of (Page 231 of the judgment of Hon'ble S.U. Khan, J.)

87. Because it has wrongly been obse by the Learned Judge that since after the construction of the Mosque, Hindus started treatinq / believing the site thereof as the exact birth place ot Lord Rama, and it has also been wronqly observecl that it had come in the oral evidence of some Muslims that Hindus believed that the most precise place of birth of Lord Rama was the place beneath the central dome of the Mosque (Pages 243/ of the judgment of Hon'ble S.U. Khan, J.).

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88. 'Because the finding of learned S.U. Khan, J. that Muslinls have not b\sen able to prove that the land belonged to Bsbur under whose alleged orders the Mosque was constructed. This finding is also incorrect and appears to have been recorded by ignoring the evidence adduced by the Muslim s'de 'duly supported by the historical evidences in the books which did amply prove that since the vacant land be'onqed to the king during the entire Moghal period and as such the land of the Mosque could not have been suggasted to have conclusively proved to be the land of any temple, there was no justification for recording such a finding (Page 251 of the judgment of Hon'ble S.U. Khan, J.).

89. Because the finding recorded by learned S.U. Khan J. that both the parties were / are joint title holders in possession of the premises in dispute is also perverse and illegal as the evidence on record fully established that plaintiffs alone were the title holders and in possession of the entire premises forrninc part of the .dispute (Page 255 of the judgment of Hon'ble S.U. Khan, J,)

90. Because it has, also wrongly been observed by learned S.U, Khan J. that in the year 1949 there was no place for Wazu or that the facility for Wazu was discontinued sometimes after '1885 while the evidence on record

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'including the photograph taken by Sri Bashir Ahmad Khan, Advocate (Vakeel Commissioner) fully established that there was specific enmarked place for Wazu. etc. on .Southern side Chabutra of the Mosque (Page 257 of the judqment of Hon'ble S,U, Khan, J.).

91, Because the 'eamed S.U, Khan, J. wronqly failed rccecide the question of perfection of rights on the basis of Adverse Possession of tIle Muslims on the ground of alleged joint possession since before 1855 (Page 260 of the judgment of Hon'ble S,U, Khan, J.)

92. Because the findirlg recorded by learned S.U,. Khan, J. that all the 3 parties (Muslims, Hindus and Nirmohi Akhara) were entitled toa declaration of joint title and possession to the extent of *1/3rd* share each was based on presumptions and conjectures and not on substantive evidence adduced in the case which lead to the only inference that Muslims alone were entitled for declaration and possession (Page 275 of the judgment of HonJble S.U. Khan, J.)

93. Because the observation of learned S.U. Khan, J, about the allotment of share of different portions to the Muslims, Hindus and Nlrmohi Akhara was also patently illegal and against the weight of evidence and based on no cogent material available on record as there was no admissible

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'evidence of the possession of Hindus on any portion of the inner part of the building in dispute up to 22.12.1949 and even in the outer courtyard of the building Nirmchi Akhara was in possession of only 17)(21 feet area cf Ram Chabutra and about 10 x 12 feet area of Sita Rasai (Page 275 of the .Judqrnent of Hon'ble S.U. Khan, J.)

94. Because the learned S.U. Khan, J. wrongly observed that Tiffenthaler had noted the existence of Ram Chabutra at the time of his visit to the area in questlon between 1766 to 1771 AD and the finding that Chabutra must have been there since before the visit of Tiffenthaler is against the evidence on record. The said Johseph Tiffenthaler had referrea to only 'Vedi' and not to 'Ram Chabutra' as was existing in 1885. It was therefore totally incorrect to say that the said Chabutra and Sita Rasoi had come into existence before the visit of Joseph Tiffenthaler (Page 249 upon 250 of the judqrnent of Hon'ble S.U. Khan, J.)

95. Because the learned S.U. Khan, J. wrongly held that the judgment of the suit of 1885 did not decide anything substantially. It was also wrongly observed by him that ultimately in the, final iudqment (of 1885 suit) only status quo was maintained. It was also wrongly observed that the' court had simply refused to decide the controversy in the suit of 1885 while the fact is that in the Suit of 1885 the

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courts had given reasoned orders in their juoqrnen:s of 1885 and 1886 (Page 191 of thejudqrnent of Hon'ble S.U, Khan, J.)

96. Because it nas also wrongly held by the learned S.U. Khan, J. that nothlnq was decided in the suit of 1885 and hence main part of Section 11 P.C. as well as Explanation 1V and Explanation VI of the said section 11 C,P.C. were no! applicable to the instant case. (Pages 191 / 192 of the juclgment of Hon'ble S.U. Khan, J.)

JUDGMENT 13'(HON'B MR. JU CE SUDHiR AGGARWAL

97. Because the finding of the learned Sudhir Agarwal, J. that the property engaging attention of the High Court in O.O.S, No.1 of 1989 w'as not involved in suit No.61/80 of 1885 was based upon the misconception that since the suit of 1885 was not filed in respect of building of the Mosque, it was not involved in the su't of 1885. In this respect the learned Judge failed to appreciate that it was mainly on account of the existence of the Mosque that the suit of 1885 was dismissed (Page 1158 / para 860 of the Judgment of Hon'ble Sudhir Aggarwal, J.).

98. That issue No.5(b) and 5(c) of O.O.S. NO.1 of 1989 were also wrongly decided by the learned Sudhir Agarwal, J.

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'and it was also wrongly observed by hirn that no material or evidence' had been placed on record to support the contention that Mahant Raghubar Das had filed the suit on behalf of other Mahants and Hindus of Ayodhya and in this respect the pleadings. evidence and judgments of the suit of 1885 were not correctly appreciated, It was also wrongly observed by the learned Judge that the assertion about knowledqe of Hindus in general and their interest in the subject matter was very vague, uncertain and unreliable in law (Paqes 1162 / 1163/1164 - paras 868 and 870 of the Judgrnent of Hon'ble Sudhir Agarwal, J.).

99. Because it has also wrongly been observed by the learned Sudhir Agarwal, J. that since it could not be said that the suit of 1885 was filed on behalf of the whole body of persons having faith in Ram Chabutra and as such issue No.7 (a) of O.O.S. No.4 of 1989 was wrongly decided (See page 1165 of the Judgment of Hon'ble Sudhir Agarwal, J.).

100. Because while dealing with issue No.7(d) of O.O.S. No.4 of 1989 it has also wrongly observed by the learned Sudhir Agarwal J. that neither there was any admission nor any indication in the pleadings and [udqrnents of the courts reqardinq the suit of 1885 to show that Mahant Raghubar Das at any point of time had admitted the title of Muslims on the disputed Mosque. In this respect the plaint man

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.and the Arneen Comrnissioner map etc. were also not correctly appreciated (Page 1166 of the Judgment of Hon'ble Sudhir Agarwal, J.).

101. Because the learned Sudhir Agarwal, J. wronqly observed that it can not be said that the issues engaged in the presents suits 'vvere directly and substantially involved in the earlier suit of 1885 (See page 1225 of the Judgment of Hon'ble Sudhir Agarwal J.).

102. Because it was also wrongly obse.ved by the learned Sudhir Agarwal, J. that there remained virtually no decision or finding on the issue pertaining to ownership of suit property in the suit of 1885 and therefore the plea of resjudicata or estoppels will have no application here at (Page 1243 of the Judgment of Hon'ble Sudhir Agarvval, J.).

103. Because the learned Sudhir Agarwal, J. wrongly held that the necessary indicia's to attract plea of resjudlcata were wanting and hence issue pertaining to resjudicata and estoppel would not be attracted in O.O.S. No.1 and 5 of 1989 (Paqe *123i'* of the Judgment of Hon'ble Sudhir Agarwal, J.).

104. Because while dealing with the question of applicability of the plea of resjuclcata in public interest litigation learned

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Sudhir Agarwal, J. wrongly has observed that the cases referred on pages 1245 to 1250 nave no applicatcn to the facts of the cases in hand (Page 1250 of the Judgment of Hon'ble Sudhir Agarwal, J,)

105,. Because the learned Sudhir Aga l, J, failed to appreciate the rneanmq of the words "rnioht and ouqht" used in explanation IV to Section 11 .p.e. in its correct perspective and in this respect it was wrongly observed by him that the C8\SeS referred by the plaintiff's counsel did not lend support to attract the plea of resjudicata (Pages 1251/1256 of the Judgment of Hon'ble Sljdhir Agarwal, J.)

106, Because the learned Sudhir Agarwal, J. wrongly held that the admissions made by the plaintiff of the suit of 1885 as well as observations made by the courts in the suit of 1885 / Appeals of 1886 were not binding on the parties and the submissions made in this respect were extremely far fetched and too remote to be accepted and applied in the case in hand (Page 1284 of the .Iudqment of Hon'ble Sudhir Agarwal, J.)

107. Because the finding dated 21.4.1966 given by the Civil Judge Faizabadon issues No.17, 5(a) and 5(c) were also not lnac.ordance with law "and the same were liable to be

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·set aside (Paces 1286 - 1298 of the Judgment of Hon'ble Sudhir Agarwal, J.)

108. Because the finding recorded by the learned Sudhir Agarwal J. on Issue No.9(8) of a,o,s. NO.1 of 1989 and on Issue No.5(a) of O.O,S. NO.4 of 1989 was also not in accordance with law (Page 1299 of the Judgmen.t of Hon'ble Sudhir Agarwal, J.)

109. Because the learned Sudhir Agarwal J. wrongly observed that "even the counsel for the Waqf Board do not claim that till Issue No.17 was decided by the Civil Court JlJdge except of the notification dated 26-2-1944, there. was any procedure or method followed by the Sunni Waqf Board to enlist or register the concerned waqf in the Register of the Waqf Board" and it was also wrongly observed that neither it was pleaded nor there was any material on record to substantiate the same. In this respect the pleadings made by the Waqf Board were rnis-appreciated and the documents pertaining to the record of the Waqf Board concerning the said waqf were also not appreciated (Page 1166 of the Judqrnent of Hon'ble Sudhir Agarwal, J.)

110. Because it was also wrongly observed by the learned Sudhir Agarwal, J, that the pleadings with respect to registration of the waqf in question in the register

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maintained ,u/s 30 of the Waqf Act had no relevance and in this respect it was not appreciated that there being no denial of the said registration, there was also hardly any occasion or necessity to brirlg on record other documents, including the order of the Waqf Board etc. regardirlg the registration of the said waqf and it was also wrongly observed that the pleas taken in this respect in the Written Statement of the Board were wholly baseless and not attracted ill these matters (Page 1167 of the Judgment of Hon'ble Sudhir Agarwal, J.).

111. Because flndinq recorded by the learned Sudhir Agarwal, J. on Issue No.5(e) of O.O.S. No.4· of 1989 is quite vague and not in accordance with law as it was settled law that no evidence of express dedication is required if implied dedication coulo be inferred by the long user of the property for the reliqious and pious purposes like the Mosque in question in the instant case (Page 1364 and 1368 / 1369 of the Judgment of Hon'ble Sudhir Agarwal, J.)

'112, Because the finding recorded by learned Sudhir Agarwal, J. on Issue No.t8 or O.O.S. No.4 of 1989 was also not in accordance with law (Page 1377 of the Judgment of Hon'ble Sudhir Agarwal, J.)

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113. Because the learned Sudhir Agarwal, J. wrongly held that the Waqf Act, 1936 did not apply to non-Muslims (Page 1380 of the .ludqment of Hon'ble Sudhir Agarwal, J.)

114. Because the observations made by the learned Sudhir Agarwal, J. about the averments or Babur Nama (in paraqrr.ph 1317 on page *1460* of his Judgrnent) were neither complete nor correct.

115. Because the learr-ed Sudhir Agarvval J. has not properly appreciated the wordings of inscriptions of Babri Masjid and in this respect observations made regarding the book titled as "The Sharqi Architecture of .Jaurpur" by A. Fuhrer and about the article of Maulvi Mohd. Ashraf Hussain published in "Epiqraphia Indica Arabic and Persian supplement 1964 – 1965." were incorrect (Page 1461 - 1464 of the Judgrnent of Hon'ble Sudhir Agarwal, J.).

116. Because the learned Sudhir Agarwal, J. failed to appreciate that virtually all the parties, except defendant No,20 elf O.O.S. No, 4 of 1989, had contended that the buildlnq in dispute was constructed in 1528 AD and all the Historian witnesses produced before the court had supported the same stand of the parties and all the books of History and Gazetteers up to 1960 (except the book of Fuhrer) had glven the period of ccnstructlon of Sabri

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Masjid as 1528 AD and as such there was no justification for the learned judge to have raised any suspicico about the genuineness of the inscriptions in question as well as about the period of construction of the building in dispute and the comments made in this respect against the witnesses of the Muslims side were totally unwarranted, incorrect and unjustified and the same depicted a kind of biased approach aqainst the said witnesses of Muslims side (See paces 1468 to 1.525 of the Judgment of Hon'tle Sudhir Agarwal, J.).

117. Because it is surprising that the learned Sudhir Agarwal, J, had castigated and passed extremely uncharitable remarks aqainst some of the expert witnesses of History / Archaeoloqy produced by Muslims while no such comments were made against the so called expert witnesses produced by the Hindu side stating about the same period of construction of the disputed building and giving much more self contradictory statements (Pages 1538 to 1551 of the Judgment of Hon'ble Sudhir Agarv/al,

118. Because the learned Sudhir Agarwal, J. failed to appreciate that the inscriptions in question do not appear to have been correctly and fully quoted by Fuhrer in his

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book, relied upon by the learned Judge (Page 1583 to 1588 of the Judqment of Hon'ble Sudhir Agarwal, J,)

119. Because tile learned Sudhir Agarwal, J. failed to appreciate that the inscriptions in question do not appear to have beerl correctly and fully quoted by A Fuhrer in his book relied upon by the learned Judges (Pages 1583 to 1588 of the Judgment of Hon'b!e Sudhir Agarwal, J.)

120. Because the learned Sudhir Agarwal, J. mis-appreciated about the contents of the Gazetteer of Thornton also reqardinq the .nscription in question (See page 1564 of the Judgment of Hon'ble Sudhir Agarwal, J.)

121. Because the learned Sudhir Aigarwal, J. failed to appreciate that there was absolutely no pleadings much less evidence of any expert who might have expressed any doubt or expressed any suspicion about the alleged forgery of the lnscriptions in question and it was not at all appreciated that no parties had made any suggestion about the likelihood of the inscriptions having been affixed at any ti-ne between 1528 and 1889 AD when the same were published in! the book of Fuhrer and in this respect it was wronqly observed that the same were subsequently implanted and it is also incorrect to say that the correct reading of the said inscriptions could in any way show that

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the said bLlilding was not constructed in 1528 AD (Page 1461 of the Judgment of Hon'ble Sudhir Agarwal, J.)

122. Because the perusal of the judgment w(Juld reveal the inability of the court to separate the main mosque building from tbe outer courtyard Ram Chabutra and Sita Rasa! over which the Hindus are said to have perfected their, right by adverse possession, possession cannot constitute a valld ground for dismissing the entire suit as time barred. Both portion may clearly be identifiable and the court itself has referred to oral evidence for identifying the Ram Chabutra & Sita Rasai and as such it could not dismiss the suit in its entirety on the ground that Ram Chabutra & Sita Rasoi could not be segregated or separated from the mosque.

123. Because on the other hand has dismissed the wnole suit beyond limitation, not on the ground of court's inability to separate outer courtyard containino m Chabutra and Sita Rasoi from the mosque. But on the ground that the suit having not been filed within limitation, it has to be dismissed as time barred.

124. Because the Hon'ble High Court could not have taken into conspectus for the purposes of taking shelter that it provides a *suit* can be filed only by registered waqf and not by' unregistered waqf,

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The Civil Judge while deciding the preliminary issue In 1966 had held that "Waqf Babri" was not properly registered with the U.P. Sunni Central Board of Waqf under U.P. Act No.13 OF 1936. Thisfindinp remained off the record without being aqitated at that stage byin any court

In 1995 parliament passed the Muslim Waqf Act, 1995 "Central Act" in which the specific provision made in Section 87 that the suit on behalf of an unregistered waqf cannot be filed. It further provides that if any suit had already been filed and was pending, it would not proceed further.

Therefore takinq advantage of the said provisor: one of the Hon'ble Judge (D.V. Sharma) has held that the suit filed by the Sunni Central Board of Wakf has to be dismissed on this ground also.

The [ucqrnent therefore is erroneous for the facts and reasons that in 1961 when the suit was filed there was no such prohibition that a suit filed by unregistered waqf cannot be filed. The Mosque being a public waqf was under the supervisory control of the Sunni Central Board of W.aqf constituted under U.P. Muslim Waqf Act No.13 of 1936 and as such the Board had a right to file a suit for declaration and for recovery of possession on behalf of the

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Mosque. This was a substantive right which was utilized by the Board in instituting the suit in question It is settled law that the person cannot be deprived of his substen.ive right by subsequent legislation particularly if such legislation is procedural in nature. Retrospectivity cannot be givell to a legislation to deprive a person of the rights vested in him.

125. Because the Hon'ble High Court fell in serious errors while giving directions No.1, it is submitted that simp.y on the basis of faith and belief the Judgment and decree coulc not nave proceedec since the law does no: recognize the "faith" or "belief" for the purposes of a determination cf the issues between the two or more litigating parties. Be that as it may, moreover while taking into conspectus the Hon'ble High Court has miserably failed to appreciate that the belief which was portrayed and canvassed before the court could not be suggested to be an "inherent belief", for the reasons that an inherent belief is a befiefwhich passes from one generation to the other generation in continuity that is to say that on the basis of belief nobody can deny the existence of Aycdnaya nor on the basis of belief the existence of Lord Rarna as the king Ayodhaya or he being the son of King Dasaratha, but however the belief respecting the birth place of Lord Rarna cannot be

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suggested to be an inherent belief simply for the reason that some individuals or the group of individuals had rnade to believe that a certain place is a place ot Lord Rama, which belief was neither supported by history, evidence or other relevant materials on record. It is further submitted that even the said belief is not as old in comparison to the belief of the existence of Ayodhya or Lord Rama or the King Dasratha on the other hand the said belief finds a history of only 100 to 150 years when ce in vestee interest started pointinq out that a oarticular place is the birthplace of Lord Rama. The Hon'b:e High Court has failed to appreciate the motives behmd the aforesaid suqqestions by vested interests for political reasons or otherwise. For instance a movement lately in the 80s and 90s was generclted by dividing the country on communal lines by a political party under the leadership of a political leader giving rise toa dispute popularly known as "Babri Masjid Ram Janmabhoomi" by suggesting that there existed a temple allegedly on a place where Lord Rama had taken the birth the said temple was demolished at the insistence of Emperor Babur and after demolishing the said temple a mosque was constructed which is popu.arly known as Sabri Masjid and therefore on this slogan the sad political party made it to believe to thousands and

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lakhs of such innocent persons that the place in question was in fact Rama Janrnabhoomi where the Babri Masjid stcoc so much fire was generated which gave rise to a series of communal divide in between Hindus and Muslims. vvhereas the contention of Muslims with respect of existences of a Mosque was really supported by history where the local Muslims were regularly offering crayers five times incluciing the Friday prayers and there was no quesrlcn the alleged temple having been demolished and a mosque on that spot being erected. Therefore, the said belief by no stretch of imagination could be suggested to be an inherent belief for the fact and reasons that the history is the witness how the people are swayed and roped in into a false propaganda on the basis of false or imaginary sloqans. How this aspect of the matter could be a possibility has been well explained and has been taken into conspectus by none other but by "William Shakespeare" in his famous play "Julius Caesar" on the burial of Julius Caesar while portraying the role of Brutus the famous speech by Mark Antony changes the entire scenario and complexion, thus demolishing the role of Brutus by suggesting that Brutus was responsible for the killing of. Julius Caesar in the most brutal manner in fact Brutus had no role in the killing of Julius Caesar. Mark

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Antony while delivering his speech on the funeral Julius Caesar makes an emotional speech to' the effect. Friends, Romans and countrymen I come to bury Caesar not to praise .iim that after demonstrating the wounds of .Julius Caesai attributing all such wounds having been inflicted by Brutus or his men as a result and consequence the public which was praisinq Brutus turned hostile and became enlrnical towards Brutus. Similarly by the slogan of the Ram Janmabhoomi the secular republic of India was divided on communal lines s.mtly to sort our political agenda of a particular party on the basis of which agenda the said party \NaS able to win the elections and carne to power also. But since the secular ethos and traditions of the country were quite strong, therefore it could not rnanaqe to mustier support for all times to come and remain in power. That is to say that belief aoain and th too by a political party for achieving its nefarious ends by portraying an imaginary belief could not have been ken into conspectus by the Hon'ble High Court for the purposes of adjudication or cfetermination of an issue which even otherwise was a non-existent issue. It is submitted that this kind of a fractured belief could not have been taken into conspectus by the Honble High Court for the purposes of treating it as an inherent belief for the purposes of

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adjudication of a matter which even otherwise was of a very sensitive nature and would have a far reaching and wide ranging consequences. More especially when the world was watching one of finest secular democracies and the impartiality of an impartial Justice Delivery System coherent with the rule of law.

6. MAIN PRAYE:R:

In the premises aforesaid) it is therefore, rnost respectfully prayed that this Hon'ble Court rnay be gracious enough to:

a) Admit this Appeal against the impugned final Judgments and Prelirninary Decrees dated 30,09.2010 passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in O.O,S, NO.4/1989 (Regular Suit NO.12 of 1961) and ().O.S. NO.5/1989 (Reg ular Suit No.236 1989), and allow the same after notice: and

b) Pass such order and/or further order(s) as this Hon'ble Court may deem fit and proper in the light of the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, APPELLANT AS IN DUTY BOUND SHALL EVER PRAY,

DRAWN & FILED BY:

ANts SUHRAWARDY
Advocate for the Appellant

Drawn on : 08.10.201 10
Filed on : 15.11.201 ()
New Delhi

Settled by:
Mr. P.P. Rao
Senior Advocate

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Inputs by

(i) Mr. Ravi Kiran Jain
Senior Advocate

(ii) Mr. M.A. Kazmi.
Senior Advocate
Forrner Advocate
General, State of U.P.

(iii) Mr. M.A.. Qadeer
Senior Advocate

(iv) Mr. Altaf H. Naik,
Senior Advocate
Former Advocate
General, State of J&K

Assisted by

(i) Mr. Rakesh Kansal, Adv.
(ii) Mrs, Shamama Anis, Adv.
(iii) Mr. S. Mehdi Imam, Adv.
(iv) Mr. Mohd. Mansoor, Adv.
(v) Mr. Anees Siddiqui, Adv.
Faizabad
(vi) Mr, Purshottam S.T., Adv.
(vii) Ms. Apeksha Sharan, Adv.
(viii) Mr. Utsav ,Sidhu, Adv.'I, "
(ix) Mr. Tabrez Ahmad, Adv.
(x) Mr. Mujtaba Hussain, Adv.
(xi) Mr. Parvez Dabas, Adv.
(xii) Mr. Afzal Ahmad, Adv.
(xiii) Mr. Atif Suhrawardy, Adv.
(xiv) Ms. Manis, Adv.
(xv) Mr. Ali Sa r Farooqui,

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IN THE SUPREME COURT F INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. _____ of 2010

IN THE MATTER IOF:
Mohammad Siddicl @ Hafiz Mohammad Siddiq APPELLANT

Versus

Mahant Suresh Das & Ors. etc. etc. RESPONDENTS

CERTIFICATE

Certified that the 'present Civil Appeal is confined only to the pleadings before the Court(s)/Tribunal(s) below whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds have been taken therein or relied upon in the Civil Appeal.

Further certified that the copies of the documents/ Annexures attached to the present Civil Appeal are necessarv to satisfy the questions of law raised in the Appeal or to make out grolJnds urged in the Civil Appeal for consideration of this Hon'ble Court. This Certificate is giverl' on the basis of the instructions giverl by the Appellant whose affidavit is filed in support of the present Civil Appeal.

NIS UH R
Advocate for the ppellant

Dated: 15.11.2010
Place: New Delhi

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IN E SUPREME URT OF INDI
CIVILAPPE J RISDIC TIOiN
CIVIL APPEAL No. of 2010

IN THE MATTER OF:
Mohammad Siddiq @ Hafiz Mohammad Siddiq APPELLANT

Versus

Mahant Suresh Das & Ors. etc. etc. RESPONDENTS

AFFIDAVIT

I, Mohammad Siddiq @ Hafiz Mohammad Siddiq 8/0 La;e Haji Mohammad Ibrahim, aged about: years, *Rio* Lal Bagh, Moradabad (U.P.) presently posted as General Secretary, Jam.at Ularna-i-Hlnd, 1, Bahadur Shah Zafar Marg, New Delhi-11 0002 do hereby solemnly affirm and declare as under:

1. That I am Appellant in the above noted matter as such am fully conversant with the facts ofthe case, hence am competent to swear this, Affidavit.

2. That the contents of accompanying Civil Appeal alongwith I:As. have been drafted by my counsel and explained to me in vernacular. I have fully understood the contents whereof. I say that the statements of facts as stated in the List of Dates ['B' to '] as well as in the Civil Appeal [Para Nos,1-6, pqs. ___to J are true and correct lon the basis of records available with my office. Nothing material has been concealed therefrom nor any part of it is false.

3. That the legal subrniss.ons are further true per the legal advice received and believed to be true and correct.

4. That Annexures are true typed/photocopies of their respective originals.

DEP NENT

VERIFICATIOtJ:

Verified at New Delhi on this is" day of November, 2010 and say that the contents of above noted *affidavit* are true and correct and say that nothlnq material has been concealed therefrom nor any part of it is false.

E NENT

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ANNEXURE A-

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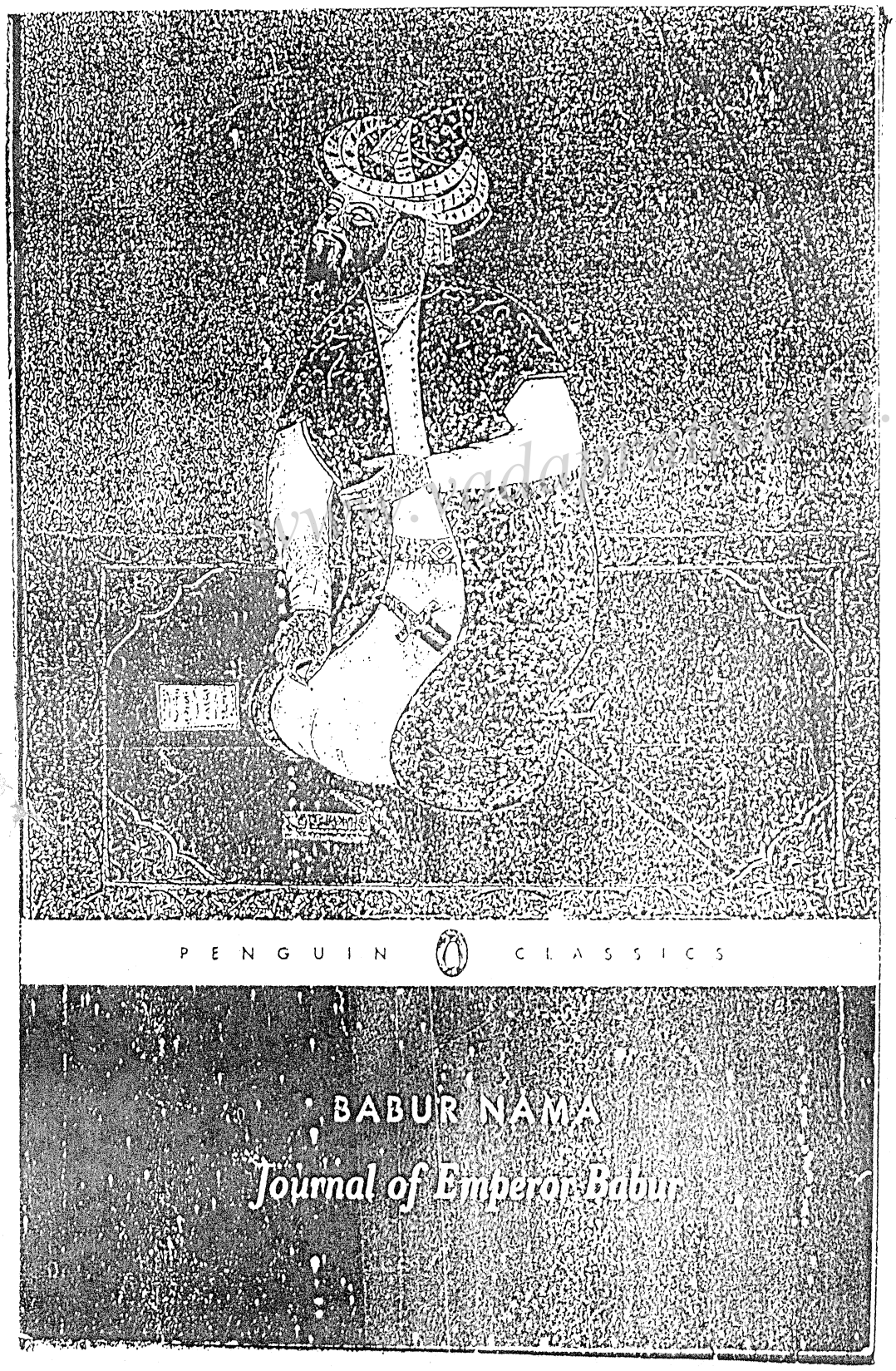

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Hindustan [India arid akistan]

AH 932- jurnada Awal AH' 3

18 'October AD 152 5 August AD *1530*

My Fifth Expedition into Hindus

(17 November) On Friday, the Sun bei in the sign of the Archer, we set out for Hindustan. \YJe disrnoun d at the meadow to the west of the Baran River,

'(18-21 November) Next we dismounted at Badam Chashrna where we ate maajun.

(22 Noven1ber) \YJhen .we had dismounted at Barik Ab, the younger brethren of NourEeg brought gold sovereigns and silver tankas to' the value of 20,000 shahrukhis [Iridian rupees 10,000; £1,000; US$ 500], sent from the Lahore treasury by Khwaja Hussein. We dispatched the greater part of this money to 1vlullah Ahmad, one of the chieftains of Balkh, for the benefit of the town.

(24 November) After our dismounting at Gandamak, I had a violent defluxion. By God's mercy, it passed off easily.

(25 November) We dismounted at the Bagh-e Wafa (Garden of Loyalty) near Adinapur. \YJe waited there for Humayun and the army frorn Badakhshan, This garden was most beautifully placed. During our short stay there, most people drank on drinking days [of Saturday, Sunday, Tuesday and Wednesday] and took their morning drink on non-drinking days [of Thursday, Friday and Monday]. There were parties for maajun,

I wrote harsh letters to Hurnayun, reprimanding him severely

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due to his longdelay beyond the time fixed for him to join Inc, [I-Tis original date of arrival was 10 Muharram, he arrived a 1110nth 'ate; he was delayed because of the difficulty -of transporting his army's cquiprnenr.]

(3 December) After my morningdrink, Hurnayun arrived, I spoke very severely to him. Khwaja Kalan also arrived today, coming up from Ghazni. We rnarched that evening and dismounted in a new garden near Khwaja Rustarn.

(6 December) We boarded a raft and started drinking as we travelled to Qush Gurnbaz. We disembarked and joined the camp,

(8 December) Atdawn we landed at YadaBir where, as the day progressed, our soldiers started, arriving.

There were .everal verse-makers on the raft, such as Shaikh Abdul Wajd, Mullah Ali Jan, Tardi Beg Khaksar and others. In this company was quoted the following couplet of Muhammad Salih.[1]

(Persian) With you) an arch coquette, as a sweetheart, what can a man do?
With someone other than you, what can a man do?

I said, 'Compose on these lines.' Those given to versifying did so. As jokes were always being made at the expense of Mullah Ali Jan, this couplet came offhand into my head:

(Persian) With someone so puzzled as you, what can a man do?
, · , · ·· · ·· · · , · · · · ·· · · · · · , , , , , · · .. whar a can 'man do?

Before this, from time to time, whatever came into my head, good or bad, grave or in jest, used to be strung into verse and written down, however empty and harsh the verse might be. But while I was composing *Mubin*, this thought pierced through my dull wits and made way into rnv troubled heart: 'A pity it will be if the

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tongue which has treasure of utterances so lofty as these are, wastes itself again on low words; sad will it be if again vile imaginings find way into the mind that has made exposition of these sublime realities." That is from the Quran on which *Mubin* is based. Since then I had refrained from satirical and jesting verse, But now (inebriated by wine in jolly company] my earlier resolution went totally out of my mind and memory) and I composed that fatuous couplet on Mullah Ali Jan.

A-few days later in Peshawar, when I had fever and defluxion, followed by cough, and I began to spit blood each time I coughed, I knew whence my reproof came, I knew which act of mine had brought this affliction on me.

'Whoever shall violate his oath, will violate it to the hurt of his own soul: but whoever shall perform that which he hath covenanted with God, to that man surely will He give great reward' [Quran, chapter 48, verse 10),

(Turkish) What should I do with you, my slippery tongue?
You make me ashamed, with my head hung.
Good once as your words were [in *Mubin*], you've now made this verse
Jesting, empty, obscene, have followed a lie.
If you say, 'By Him, will I not?' by keeping this vow,
You better turn your rein from this field of lie.

'Oh Lord! We have dealt unjustly with our own souls', if You forgive us not, and be not merciful unto us, we shall surely be of those who perish' (Quran, chapter 7, verse 22).

Taking anew the place of the penitent pleading for pardon, I gave my mind rest from 'unlawful occupation. I broke my pen. Made by that divine court, such reproof of sinful slaves is for their fervency. Happy are the highest and the slave when such reproof brings warning and its profitable fruit.

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Marching on that evening, we dismounted at Ali Masjid,

The camp fires made a wonderful illumination there at night. Assuredly it was because of this that there had always been drinking there, and was so now.

(9-10 December) We dismounted near Peshawar. Next morning we rode to Karg Khana (Rhino House). We crossed theSiyah Ab (Black River) in front of Pesha war and formed Our hunting circle looking downstream. After a while, a person brought word that there was a rhino in a jungle near Peshawar and that people had been stationed in the vicinity, We rode off loose rein, to the place, formed a ring round the jungle, made a noise, and brought the rhino out. He began running across the plain, Hurnayun, and those who came with him frorn that side of Transoxia na, h.id never seen a rhino before, and were much entertained. He was pursued for two miles. Many arrows were shot at him. We hunted him down without him charging a man or horse. Two more were killed. I had often wondered how a rhino and an elephant would behave if brought face to face, This time one rhino carne out right irr front of some elephants the mahouts were bringing along. He did not face the elephants when the mahouts drove them towards him, but went off in a different direction,

Ferrying the Indus

On the day we -vere in Peshawar several of the begs and the household guard were appointed, with paymasters anJ financial officers) six or seven being put in command, to take charge of the boats at the Nee! Ab crossing to make a list of all who were with the army) name by name, and to count them up. That evening I had fever and nasal discharge, which led on to cough, and every time I coughed, I spat blood. Anxiety was great but, by God's mercy, it passed off in two or three days..

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(11 December) We dismounted on the Kabul River.

News came that Daulat Khan Lodi and Apaq Ghazi Khan, having collected an army of 20,000 to 30,000, had taken Kala Nour, and intended to march on Lahore. At' once Moumin Ali the commissary was sent galloping to say, 'We are advancing march by march [day by day]; do not fight till we arrive.'

(14 December) After two night halts we reached the Indus on Thursday 28 Safar, and dismounted on its bank.

(16 December) On Saturday, 1 Rabia Awal, we crossed the Indus, then River Harru, and dismounted on the bank of the river. The begs and paymasters who had been put in charge of the boats reported that the number of those who had come with the army, great and small, good and bad, retainer and non-retainer, was 12,000.

My Eastward March

The rainfall had beer somewhat scant in the plains, but seemed to have been good in the cultivated lands along the hill-skirts. Due to this we took the road for Sialkot along the hill-skirts.

Near Parhala on tile Suhan River we came upon the bed of a mountain stream, the waters of which were standing in pools. Those pools were all frozen over, The ice was nor very thick, as thick as the hand maybe. Such ice is unusual in Hindusran.

(22 December) After the sixth march from the Indus, we dismounted on a stream in the camping ground of a Kakar clan below Balanath Yogi's Hill which connects with the Koh Jud.

(23 December) Araq was drunk today. Mullah Muhammad Parghari told many stories; never had he been so talkative. Mullah Shams himself was very riotous: once he began, he did not finish until night.

The slaves and servants,' good and bad, who had gone out for provisions, went farther than the corn fields and heedlessly

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scattered over jungle and plain, hill and rupturedground .. Owing to this, a few were captured [by the local tribes].

(24 December) We crossed the Bihat River at a ford below the jhelum River and dismounted there,

(25 December) Sayyid Tufan and Sayyid Lachin were sent galloping off, each with a pair of horses, to say in Lahore, 'Do not join battle; rnce. us at Sialkot or Pasrur.' It was in everyone's mouth that Apaq Ghazi Khan had collected 30,000 to 40,000 men, and that Daulat Khan, old as he was, had girt two swords to his waist, and that they were both resolved to fight. I thought, 'The proverb says rnar ten frier.ds are better than nine. Do not make a mistake. When the Lahore begs have joined you, fight 'there and then!'

(26-27 December) Next we dismounted on the bank of the Chinab River, As Buhlulpur was in the domain of Buhlul Lodi, we left the road to visit it. Its fort is situated above a deep ravine on the bank of the Chinab, It pleased us much. From Buhlulpur we went to our camp by boat.

(29 December) We dismounted at Sialkot. If one goes into Hindustan, tne Juts and Gujurs always pour down in countless hordes from hill and plain for loot in bullock and buffalo. These ill-omened peoples are senseless oppressors! Previously their deeds did not concern us because the territory was an enemy's, But they did'the same senseless deeds after we had captured it. When we reached Sialkor, they swooped on the poor and needy folk who were coming out of the town to our camp, and stripped them bare, I had the witless brigands apprehended, and orderec a few of them to be cut to pieces,

From Sialkot, we also rushed Nour Beg's brother Shaham to our begs in Lahore to say, 'Make sure where the enemy is, Find out from some well-informed person where he may be encountered, and send us word.

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Failure of A/am Khan

Ala Uddin Alam Khan rushed *off* by double marches.

On reaching Lahore, he insisted to our begs, <You reinforce me, the Padshah said so. March along with me. Let us get Apaq Ghazi Khan to join us, and march on to 'Deihl and Agra.' They said, 'The roy..l orders to us were, "If at any time GhaziKhan has sent his younger brother Hajji Khan with his son to our Court) join him-or do so if he has sent them by way of pledge to you in Lahare. If he has done neither, do not join him." You' yourself only yesterday fought him and lethim beat you! Trusting to what will you join him now? Besides all this, it is not to your advantage to join him!' Having said this, they refused to help Alam Khan.

He did ncr accept their views, and sent hisson Sher Khan to talk to Daulat Khan Lodi and Ghazi Khan. Then they all met. Alam Khan took with him Dilawar Khan who, following his escape from Ibrahim Lodi's jail, had returned to Lahore. He also took with him Mahmoud Khan Afghan whom I had given a territory in the Lahore district.

Their plan was this. Daular Khan along with Ghazi Kha n was to draw all the begs posted in Hindusranro himself. Indeed he was to take everything on the western side of Delhi while Alain Khan, reinforced by Dilawar Khan and Hajji Khan, was to capture Delhi and Agra. Ismail jilwani and other commanders met Ala m Khan. All then left straight for Delhi. Near Indri came a lso Suleiman Shaikhzada. Their total touched 30,000 to 40,000 men.

Tbey laid siege on Delhi, but could neither take it by assault nor damage the garrison. \X/hen Ibrahim Lodi heard of their assembly, he put his army ro horseto fight them. When they heard of his approach, they left in advance to confront him.

Their strategy was like this. 'If we attack by daylight, the Afghans will not defect to us for the sake of their reputations

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with one another. But if we attack, at night when one man cannot see anocher, each man will obey his own orders.'

Twice they started at sunset from a distance of twelve miles. Unable to bring matters to a crunch, they neither advanced nor retreated, but just sat on horseback for two or three watches. The third time they mounted an attack when just one watch of the night remained. They set fire from every end.

Ibrahim Lodi did not srir.himself until the shoot of dawn from where he was with a few of his own Sahu Khail family within his own enclosure. Meanwhile, Alain Khan's soldiers busied themselves with plunder and pillage.

Seeing the slightness of their adversaries, Ibrahim Lodils soldiers advanced in a small force with one elephant. Unable to make a stand) Alam Khan's party fled.

He crossed over into the Mian-du Ab [between the two rivers, Ganges and Jam.ina], and then crossed back again when he reached the Panipat area. He', was deserted by his closest allies, He was also deserted, just before the battle, by part of his own army, He and Hajji Khan entered the Gingutu Fort, one of rhe strongholds in the range lying between the valley and the plain, called Sawaliks.

There our Afghan and Hazara troops besieged them, and had almost taken that strong fort when night fell. Those inside were thinking of escape but could not do so because of the press of horses at the Gate. Alarn Khan, unable to escape on horse, exited on foot in the darkness. After a lakh of difficulties, joi Ghazi Khan, who had fled into the hills. But he was not received with even a little friendliness from Ghazi Khan. So he came and waited on me at the foot of the valley near Pehlur,

My Continued Eastward March

(30 December] We dismounted at Parsrur, As the enemy's camp seemed to be on the Lahore side of the Ravi River, we sent forward our scouts under Bujka for news.

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Near the third watch of the night they brought word thar, on hearing of us, the enemy had fled.

(31 December) We reached Kala Nour in the afternoon, and dismounted there.

(1 january AD 1526) On the road people gave us reliable news of Ghazi Khan and other fugitives. So we dispatched, flying after those escapees, our commanders, most of them being newly promoted begs.

They *we:«* ordered to overtake and capture the fugitives, failing which they were to keep watch around Malot to prevent those inside fror.i exiting. Ghazi Khan was to be the main object of this watch,

(2-3 January) We crossed the Beas River opposite Kanwahin [now in Batala, India) and dismounted. We marched to the foot of the valley of Malot Fort where Daulat Khan was. The begs who had arrived before us, and also those who were already in Hindustan, were ordered to dismount in such a way as to besiege the place tightly, Ismail Khan, a grandson of Daulat Khan, came out of Malot to meet me. He took back from me a promise which blended kindness with menace.

(5 January) I shiftedmy camp forward to within a mile of the fort, went to examine the place, posted the right and wings and the centre, then returned to the camp.

Daulat Khan sent a message that Ghazi Khan had fled to the hills and that, if his own. misdeeds were pardoned, he would take service with me and surrender Malot. Khwaja Mir ran was sent to banish fear from his heart and escort him out,

He came **along** with his son Ali Khan, I had ordered that the two swords he had girt to his waist to fight me, should be hung from his neck. What a rustic blockhead! With the situation as it was, he was still prerentiousl When he was pressed forward a little, I ordered the swords to be removed from his neck. When we saw each other, he hesitated to kneel. I ordered my men to pull his leg and make him kneel,

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Then I had him seated in front of me, and ordered a person well acquainted with Hindustani to interpret my words to him. I said, 'I called you Father, I showed you more honour and respect than you could have asked. You and your sons I saved from poverty among the Baluchi tribes. Your family and your harem I freed from. Ibrahim's prison house. Three crore (i.e. 300 lakhs) tankas'I gave you for the lands of your father Tatar Khan. What harm have I done you that you should hang a sword on either side, lead out an army, attack our lands, and create strife and trouble?' Dumbfounded, the old man muttered a few words but gave no coherent answer, Nor indeed such a reply could be given to words so indisputable. He was ordered to remain with Khwaja. Mir Miran,

(6 January) I went myself to safeguard the exit of the families and harems from the fort, dismounting on a high ground opposite the Gate.

(7 January) Early next morning six high-ranking begs were ordered to enter the fort and take possession of all the goods, Since there was much disturbance at the Gate, I shot a few arrows as a way of punishment.

(8 January) I inspected the fort. I went into Ghazi Khan's library. Some of the precious objects I found in it, I gave to Hurnayun and some I sent to Karnran in Qandahar. There were many books of scholarly content, I spenc the night in the fort, and returned to the camp next morning,

(9 January) It had been in our thoughts that Ghazi Khan was in. the fort. But, as a man lacking any sense of honour, he had fled to the hills, abandoning his father, brothers and sisters in Malot,

See that man without honour who never
The face of good luck shall behold;

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Bodily comfort he chose for himself,
In hardship he left wife and child cold.?

(10 January) We marched towards the hills to which Ghazi Khan had fled. Malot was placed into the hands of Muhamnad Ali Jang jang, Daulat Khan Lodi and other chieftains were handed over to Kitra Beg who was to take them to the Bhira Fortin the Malot region a-id keep guard over them, But Daulat Khan died when the party reached Sultanpur.

Khwaja Kalan had loaded several camels with Ghazni wines. A party w2s held in his quarters overlooking the and whole camp, some drinking araq, others wine. So it was a mixed parry,

After crossing a low hill of the grazing grounds of Malot we entered a valley, Through it ran a 'stream of Hindusran. Along its sides were many villages. It was said to be the province of the jaswals, the maternal uncles of Dilawar Khan.

The valley was enclosed, with meadows' along its river, rice cultivated here and there, a stream flowing along its bottom, the valley's width two to four miles, even six miles in some places, with villages on the skirts of its hillocks, Where there were no villages, there were peacocks, monkeys, and many fowls which, except that they were mostly of one colour, were exactly like house fowls.

Several forts stood on the hills of this vale. One on the north-east, called Kutiola, had sides of seventy to eighty yards of sheer fall, The width of the place where the drawbridge was constructed was about ten to eleven yards. Across it they had constructed a bridge of two tall trees over which horses and herds were transported,

This was one of the local forts *Ghazi* Khan had reinforced. So he might well have been inside, Our warriors attacked it and

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had nearly captured it when night fell. So they abandoned this difficult task and moved on,

My March Against Ibrahim Lodi

After dispatching my light troops against Ghazi n, I put my foot in thestirrup of resolution, set my hand on the rein Or trust, in God, and movid forward against Sultan Ibrahim, son of Sultan Sikaridar, son of Euhlul Lodi Afghan, in possession of whose throne at that time were the Delhi capital and the dominions of Hindusran, and whose standing crrny wasone lakh--100,000— strong and whose own elephants and whose begs' elephants were about '1,000.

'The light troops we had sent' out fron: Malot captured Hurur, Kahlur and all the hill forts of the region, and rerurrie.l after 'plundering a little.

Also on his way was Alam Khan Lodi-on foot, ruined, stripped bare. We sent some begs to accord him an honourable reception, and sent him horses too. And he stayed in that region,

After we left thejaswan Valley for Rupar, it rained very heavily. It became so cold that many starving and naked Hindusranis died.

We camped at Karal opposite Sirhind. Next we dismounted on the bank of the Banur River,

One river in Hindustan they call Kakar [now Ghaggar]. Going up the Ghaggar, we came to where a stream issued from a broad valley, which had very pleasant places, healthy and convenient, I ordered a Char Bagh to be made at the mouth of the broad valley of this triburaiy which merged into the Ghaggar.

At thiscamp news came that Ibrahim, Lodi was on the western side of Delhi and had moved on from that station. We sent Kitta Beg in the direction of Ibrahim's camp to gather news.

(25 February) Marchingfrorn Arnbala, we dismounted by the side of a lake. Kirra Beg rejoined us.

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1 appointed Humayun to confront Hamid Khan Lodi, a military collector of Ibrahim Lodi. For this 1 put all of the right wing under him: Khwaja Kalan, Sultan Muhammad Duldai, Wali Khazanchi and some of the begs posted in Hindustan, namely, Hindu Beg, Abdul Aziz and Muhammad Ali JangJang, and also some from the household guard and the warriors of the centre, Shah Mansour Barlas, KittaBeg and Muhibb Ali.

(26 February) At dawn Hurnayun rode out against Harnid Khan Lodi. After some distance he sent 100 to 150 warrior scouts ahead. They went close up to their advers-ities and began fighting them. When after a few encounters, the huge mass of Humayun's troops appeared in the rear, their foes fled. Humayun's men unhorsed 100 to 200, cut off the heads of a half of them and took the other half prisoner along with seven or eight elephants.

(5 March) Humayun returned to the camp, bringing with him 100 prisoners and seven or eight elephants. Usrad Ali Quli and the matchlock .nen were ordered to shoot all the prisoners by way of example. This was Humayun's first experience of battle. It was an excellent ornenl

We marched to Shahabad, After dispatching a news collector to Ibrahim Lodi's camp, we stayed for a few days at that camp.

Our Winning Encounter

(13 March) The Sun entered the Sign of the Ram.

News kept corning from Ibrahim Lodi's camp: 'He is coming, marching two miles' or 'four miles', 'stopping in each camp two days', or 'three days'. We on our part left Shahabad, and halting for two nights, reached the bank of the Jun [now Jamuna River, and camped opposite Sarsawa, From there we sent Haidar Quli to gather news of the enemy camp,

After crossing the Iarnuna, I visited Sarsawa, and ate rnaajun there. Sarsawa was not a bad place! When Tardi Beg Khaksar

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praised it, I said, 'Let it be yours!' -jusr because he praised it, Sarsawa was given to him!

r had a platform built on a boat, and used it to go for excursions on theIarnuna. After we had made two marches along its bank, Haidar Quli brought news that Ibrahim Lodi had dispatched Daud Khan Lodi and his elder brother Hatirn Khan Lodi across theJamuna into the Mian-du Ab (Between the Ganges and Jamuna) with 5,000 to 6,000 troops arid that they were camped six ro seven miles from his own.

(lApril) To fight the forces of DaudKhan and Hatirn Khan we dispatched all of the left wing as well as Kitta Beg of the centre. They crossed the water at the Midday Prayer, and between the Aiternoon and the Sunset Prayers got themselves ready at the other bank.

(2 April) At dawnthey encountered their foes. They tried to show as ifthey were advancing in some sort of battle formation. But our soldiers clashed with them at once, overpowered them, and put them to flight, chasing them and unhorsing them until they were opposite Ibrahim Lodi's own camp. Hatim Khan was one of those who were unhorsed. Our men produced him before me. They also brought prisoners and six or seven elephants, As a warning, most of the prisoners wererna de to reach their death doom.

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My Preparations (or the Battle

While we were advancing ir; an array of right, left and centre, the army was numbered. It did not add up to the estimate [of 12,000].

At our next camp it was ordered that every man in the army should collecr carts" each one according to his circumstances. Seven hundred carts [baggage carts of the army and others procured

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on thespot] were brought in, The order given to Ustad Ali QuJi was that these carts should be joined together in Ottoman fashion, but using ropes of raw hide instead of chains, and that between every two carts five or six rnantlets should be fixed, behind which the matchlock men were to stand to fire.[3]

To allow collection of all appliances, we stayed five or six days in that camp. When everything was ready, all the begs with such warriors as had experience in miliraryaffairs were summoned to a General Council. There we reached a consensus that Panipat had crowded houses and suburbs. It would be on one side of us. Ourother sides must be protected by carts and manrlers behind which our infantry and matchlock men would stand, With so much settled, ve marched forward, halted one night on the way, and reached Panipat on Thursday, 12. April,

On our right was the town of Panipat with its suburbs; in front of us were the carts and rnantlers we had prepared; on our left and elsewhere wereditch and branch. distances of an arrow's flight [about fifty yards] charging 'spaces left for 100 to 200 horsemen.

Some in our army were very anxious and full of fear. Nothing recommends anxiety and fear, Why? Because what God has fixed in eternity car.not be changed. But though this was so, it was no reproach to be afraid and anxious, Why? Because those thus anxious and afraid were there wirh a few months' journey between them an.' their homes, and our battle was with a foreign tribe and .peoplc. No one knew their language, nor did they know ours:

A wandering band, with mind asunder;
In the grip of a tribe which is a blur.

People estimated our opposing army at 100,000 men. Ibrahim Lodi's elephants and those of his commanders were said to be

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about 1,000. In his hands was the treasure of two forebears, his father Sikandar Lodi and his grandfather Buhlul Lodi. In Hindustan, when work such as this had to be done, it was customary to payout money to hired retainers who were known as irregular levy. If it had occurred to Ibrahim Lodi to do this, he might have had another lakh or two 1100,000 or 200,000] of troops. God brought it right! Ibrahim could neither satisfy his warriors nor share out his treasure. How should he satisfy his warriors when he was ruled by avarice and had an insatiable craving to pile coin on coin? He was an unproven general.

Our Preliminary Encounteis

During the seven or ,eight days we camped in Panip.u, small bands of our men used to go close up to Ibrahim Lodi's camp, rain arrows down on his massed troops, cut off and bring in heads. Still he made no move, nor did his troops sally out.

At length, we acted on the advice of several Hindustani well-wishers and sent out 4,000 or 5,000 men to deliver a night attack on his camp, the leaders of it being Mahdi Khwaja, Muhammad Sultan Mirza, Adil Sultan, Khusrau Kukuldash, Shah Mir Hussein, Junaid Barlas Abdul Aziz, Master of the Horse, Muhammad Ali lang jang. Qutluq Qadarn, Wali Khazanchi and Muhibb Ali. It being dark, they were unable to act together well and, having scattered, could achieve nothing on arrival, They stayed near Ibrahim Locli's camp till dawn, when the kettledrums sounded and his troops came out in array with elephants. Though our men did not do their work, they got off safe and sound. Not one of them was killed, though they were in touch with such a mass of foes.

On hearing of this affair, I sent off Hurnayun and his troops to go two or three miles to meet them) and followed him myself with the rest of the army in battle array.The party of the night

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attack joined him and came back with him, The enemy making no further advance, we returned to the camp and dismounted, That night a false alarm rose at the camp. For about half an hour (one ghari] there were an uproar and call to arms. But the disturbance died down after a while,

The Battle of Panipat

(20 April/8 Raab) News came at dawt: rhat the enemy was advancing in fighting array. We at once donned armour, armed and mounted.

Our right wing was led by Hurnayun, Khwaja Kalan, Sultan Muhammad Duldai, Hindu Beg and Wali Khazanchi. Cur left wing was led by Muhammad Sultan Mirza, Mahdi Khwaja, Adil Sultan, Shah Mir Hussein, Junaid Barlas and Qutluq Qadarn. The right hand of the centre 'NUS commanded by Chin Tirnur Sultan, Muhammadi Kukuldash, Yunus Ali, Dervish Muhammad Sarban and Mullah Abdullah Kitabdar, And the left of the centre was led by Ali Khalifa Barlas, Tardi Beg, Ahmadi Parwanchi, Muhibb Ali and Mirza Beg Tarkhan. In the vanguard were Khusrau Kukuldash, Muhammad Ali JangJang and Abdul Aziz.

For the turning party at the point of the right wing, we posted WaH Qizil and Malik Qasirn along with their Mughals. For the turning party at the point of the leftwing, we arrayed Qara Quzi, Abul Muhammad and Tingri Birdi MughaL Once the enemy got near, these two parties were to attack hIS rear, one from the right, the other from the left.

When the dark n .ass of the enemy first came in sight, he seemed to incline rewards our right. Abdul Aziz, the reserve at the vanguard, was sent to reinforce the right. From the time that Sultan Ibrahim Lodi's blackness first appeared, he moved swiftly until he saw the dark mass of our men, when his men pulled up.

Our orders were for the turning parties to wheel from right

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and left to the enemy's rear, to discharge arrows and to engage in the fight; and for the right and left wings to advance and join battle with him, The turning parties wheeled round and began to rain arrows down. Mahdi Khwaja was the first of the left to engage. He faced a force having an elephant with it. His men's flights of arrows forced it to retire.

To reinforce the left I sent Ahmadi Parwanchi and also Tardi Beg and Muhibb Ali. On the right also there was some stubborn fighting. Orders were given for Muhammadi Kukuldash, Shah Mansour Barlas, Yunus Ali and Abdullah Kirabdar to engage those facing them in front of the centre. From that same position Usrad Ali Quli made good discharge of field cannon shots, For his part, Mustafa Rurni made excellent discharge of cannon shots fronl the left hand of the centre.

Having surrounded the enemy, our right, iefr, centre and the turning parties rained arrows on him and fought ungrudgingly. He made one or two small charges on our right and left, But, facing our men's arrows, the enemy fell'back on his own centre. His right and left wings were pressed so hard rogetner that they could neither. move forward against us nor push open an exit for their' Light,

When the incitement to battle had come, the Sun was spear. high. Until midday, fighting had been in full force. Noon passed. The foe was crushed in defeat, our friends rejoicing and festive. By God's mercy and kindness, this difficult battle was made easy for us! In a single half-day that armed mass was laid flat upon the earth.

Five or six thousand men were killed in one place close to Ibrahim Lodi, Our estimate of the other dead, lying allover the field, was 15,000 to 16,000. But it came to be known in Agra from the statements of Hindustanis that 40,000 to 50,000 died in that battle.

The, foe defeated; pursuit and unhorsing of fugitives begun,

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Our men brought in commanders of all ranks and the begs they had captured, Their mahouts made offering of herd after herd of elephants."

Ibrahim was thought to have fled. Therefore, while pursuing the enemy, we ordered two of our warriors to lead a swift pursuit to Agra and catch him.

It was the Afternoon Prayer when Ali Khalifa Barlas's younger brother-in-law Tahir Tibri, who had found Ibrahim Lodi's body in a heap of the dead, brought in his head.'

That day we appointed Humayun to ride fast and light to Agra with Khwaja Kalan, Muhammadi Kukuldash, Shah Mansour Barlas, Yunus Ali) Abdullah Kirabdar and Wali Khazanchi to get the place into their hands and to mount guard over the treasures.

We ordered Mahdi Khwaja along with Muhammad Sultan Mirza, Adil Sultan, Sultan Junaid Barlas and Qutluq Qadam to leave their baggage, make a sudden incursion on Delhi, and keep warch on the treasuries,

Occupation of Delhi and Agra

(21 April) We marched next day and when we had gone two miles, dismounted for the sake of the horses on a bank of the Jamuna.

(24 April) On Tuesday, 12 Rajab, after we had halted on two nights and had circumambulated the tornb of Shaikh Nizarn Uddin Auliya , we dismounted on a bank of the Jamuna opposite Delhi. That night we made an excursion into the fort of Delhi and spent the night there.

(25 April) I circumambulated the tomb of ja Qutb Uddin [a native ef Osh in Fergana] and visited the tombs and residences of Sultan Ghiyas Uddin Balban and Sultan Ala Uddin Khilji and his minaret, the Qurb Minar, and his tanks called Hnuz Shamsi and Hauz Khas-·and the tombs and gardens of

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Sultan Buhlul Lodi and Sultan Sikandar Lodi. Having done this, we dismounted at the camp, and there drank araq.

We bestowed the Military Collectorate of Delhi on Wali Qizil, made Des: Beg the finance minister of the Delhi district, sealed the treasuries, and made them over to their charge.

(26 April) We dismounted on a bank of the jarnuna opposite Tughlaqabad.

(27 April) On Friday.Mallah Mahmoud Farabi and Shaikh Zain Khawafi went with a few others into Delhi for the Congregational Prayer, read the qutba (i.e. declaration of the legitimacy of the new ruler) in my name at the Congregational Mosque, Jam-e Masjid, distributed a portion of the treasury money to the poor and needy, and returned to the camp.

(28 April) Leaving that camping ground we advanced march by march to Agra.

(4 May) We dismounted at a mansion of Suleiman Farmuli in a suburb of Agra, But as the place was far from the fort,we moved on the following day to jalal Khan jighat's house.

On Hurnayun's arrival at Agra ahead of us, the garrison had made false pretexts [about surrender]. He had noticed the lack of discipline 3I.long his troops, and said, 'A long hand may be laid on the Treasury [i.e. the Treasury may be looted]!' That was why he had sat down to watch roads out of Agra until our arrival.

My Observations on Various Aspects of Hindusian

On Irrigation

The greater part of the Hindustani country is flat. Many though its towns .ind cultivated lands are, it nowhere has running waters. Rivers .md, in some places, stagnant waters are its irrigation channels. Even where" as for some towns, it is practicable to convey water by digging channels this is not done. For not doing

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it there may be several reasons) one being that water is not at all a necessity in cultivating crop and orchards. Autumn crops grow by the downpour of the rain themselves; and strange it is that, spring crops grow even when no rain falls. To young trees water is made to flow by means of buckets or a wheel [used to lift water from awe!!]. They are given water constantly during two or three years; after which they need no more. Some vegetables are watered constantly.

In Lahore, Dibalpur and those parts, people water by means of a wheel. 1 hey make two circles of ropes long enough to suit the depth of the well, fix strips of wood between them, and on these fasten pitchers. The ropes with the wood and attached pitchers are put over the well-wheel. At one end of the wheel axle a second wheel, is fixed, and close to it another on an upright axle. This last wheel the bullock turns. Its teeth catch in the teeth of the second, and thus the wheel with the pitchers is turned. A trough is set where the water empties from the pitchers a from this the water is conveyed everywhere.

If1 Agra, Chandwar, Biyana and those parts, in, people water with a bucket. This is a laborious and filthy the edge of the well they set up a fork of wood, having a roller adjusted between the forks, tie a rope to a large bucket, put the rope over, the roller, and tie its other end to the bullock. One person must drive the bullock, another must empty the bucket. Every time the bullock turns after having drawn the bucket out of the well, that rope lies on the bullock-track, in the pollution of urine and dung, before it descends again into the well. To some crops needing water, men and women carry it by repeated effort in pitchers.

On Settlements

The towns and country of Hindustan are greatly wanting in charm. Its towns and lands are all of one sort. are no

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walls to the orchards, and most places are on a level plain. Under the monsoon rains the banks of some of its rivers and streams are worn into deep channels, difficult and troublesome to pass through anywhere. In many parts of the plains thorny jungle grows, behind the good defence of which the people of the *parganas* (i.e. provinces or territories). become stubbornly rebellious and pay no taxes.

Except for the rivers and occasional stagnant waters, there is little running water. So much so towns a countries subsist on the water of wells or on collects in tanks Juring the rains.

In Hindustan, hamlets and villages, towns indeed, get depopulated and set up in a moment! If the people of a large town, one inhabited for years even, flee from it, they do it in such a way that not a sign or trace of them remains in a day or two, On the other hand, if they fix their eyes on a place ir, which to settle, they need not dig water courses or construct darns because their crops are all rain-grown) and as the population of Hindusran is unlimited, it swarms in. They ma a tank or dig a well. They need not build houses or set up walls: *khas*-grass (*Andropogon muricatumi* abounds, wood is unlimited, huts are made, ar.d straightway there is a village ora town!

Fauna-s-Iviammals

The elephant, which Hindustanis call *hathi,* is one of the wild animals peculiar to Hindustan, It inhabits the western borders of the Kalpi country, and becomes rr.ore numerous in its wild state the further east one goes in Kalpi, From this tract it is that captured elephants are brought. In Karrah and Manlkpur elephant catching is the work of thirty or forty villages,6

People account to the government the elephants they capture

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The e.epl.ant is an immense animal and' sagacious, If people speak to it, it understands. If they comma anything from it, it does it. Its value is according to its size: it is sold by size—the larger it is, the higher its price. On some islands an elephant is rumoured to be as tall as ten *qari* [a Persian measure, twenty-four to thirrv-six inches], or rwenry to thirty feet, but in this tract it is not seen above four or five [ten feer]. It eats and drinks entirely with its trunk. If it loses the trunk, it cannot live. It has two great teeth (tusks) in its upper jaw) one on each side of its trunk. By setting these against walls and trees, it brings them down; with theseit fights and does whatever hard tasks fall to it. People call these teeth ivory. They are highly valued by Hindusranis, The elephant has no skin hair [like a goat]. It is much relied on by Hindustanis, accompanying every troop of their armies. It has some useful qualities: it crosses great rivers with ease, carrying a mass of baggage, and three or foir have gone dragging without trouble the cart of a special piece of artillery it takes four or five hundred men to haul. But its stomach is large. One elephant eats the corn of two strings of camels) or ten to fourteen camels.

The rhinoceros is another, This also is a large animal, equal in bulk to perhaps three buffaloes. The opinion current in those countries north of the Hindu Kush Mountains, that it can lift an elephant on its horn, seems mistaken. It has a single horn on its nose) about half a qari long. Out of one large horn were made a drinking vessel at,J a dice box) leaving over [the thickness of] three or four hands) each finger representing about one inch, a hand's thickness if about the same as a finger's width. Its hide is very thick. An arrow shot from a stiff bow, drawn with full strength right up to the arrnoit, if it pierces at all) might penetrate four inches. From the sides of its fore and hind legs) folds hang which from a distance look like housings thrown over it. It resembles the horse more than it does any other animal. As the horse has a

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small stomach, so has the rhinoceros, *t*\s in the horse a piece of bonegrows in place of knuckles, so one grows in the rhinoceros As in the horse's hand there is marrow, so there is .n the rhinoceros, It is more ferocious than the elephant and cannot be made obedient and submissive. There are masses of it in the Peshawar and Hasht Nagar jur.gles, so roo between the Indus River and the jungles of the Bhira country, Masses there are also to be found on the banks on the Saru River in Hindustan. Some were killed in these jungles in our moves on Hindusran. It strikes powerfully with its horn. Many men and horses have been horned in those hunts, In one of them the horse of a warrior named Maqscud . was tossed a spear's-length, for which reason the man was nicknamed the rhino's aim.

The monkey is another. A Hindustani calls it *bandar.Of* this too there are many kinds, one being what people take to those countries north of the Hindu KushMountains. The jugglers teach them tricks, This kind is in the mountains of Nour Dara, in the hill- skirts ofSafid Koh (White Hills) neighbouring the Khyber Pass, and from there downwards all through Hindusrari, It is not found higher up. Its hair is yellow) its face white, and i.s tail not very long, Another kind) not found in Bajaur, Sawad and those parts, is much larger than the one taken to those countries north of tl.e Hindu Kush Mountains. Its tail is very long, its hair whitish, . its face quite black. It is in the mountains and jungles of Hindus ran. They call this monkey *langur,* Yet another kind is disri ishcd, quire black in hair, face arid limbs,

Fauna-Birds

The peacock is one. It is a beautifully coloured and splendid bird, Its forn. is not equal to its colouring and beauty. Its body ma y be as large as the crane's but it is not so tall. On the head of both cock and hen are twenty to thirty feathers rising some two or

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three inches high. Thehen has neither colour nor beauty. The head of the cock has an iridescent collar; and its neck is of a beautiful blue. Below the neck, its' back is painted in yellow, parrot-green, blue and violet colours. The flower-eyes on its back are much smaller, Below the back as far as the tail-tips are larger flower-eyes painted in the same colours, The tail of some peacocks grows to the length of a man's extended arms [about six feet]. It has asrnall tail under its flowered feathers, like the tail of other birds. This ordinary tail .and its wings are red. It is found in Bajaur and Sawad and below them. It is not found in Kunar and Laghman orany place a!.ove them. Its flight is feebler than the pheasant's. It cannot do more than make one or two short flights. On account of its weak flight, it frequents the hills or jungles, which is curious, since jackalsabound in these jungles.

What damage might these jackals not do to birds that trail from jungle to jungle, tails as long as a man's stretch! Hindustariis call the peacock *mort* Its flesh is lawful food, according to the doctrine of Imam Abu Hanila [of Sunni Islam], It is like that of the partridge and not unsavoury, but is eaten with instinctive aversion in the way camel flesh is.

The parrot is another. This also is in Bajaur and countries lower down, It comes into Nangarhar and Laghrnan in the heats when mulberries ripen. It is not there at other times. It is of many, many kinds. One sort is that which people carry into those countries north of the Hindu Kush Mountains, They make it speak words. Another sort is smaller.This also they make speak words. They call it the jung:e parrot. It is numerous in Bajaur, Sawad and that neighbourhood, so much so that 5,000 or 6,000 fly ill One flock.

Between it and the one named first, the difference is in bulk', In colouring they are just one and the same. Another sort is still smaller than the jungle parrot. Its head is quite red, the top of irs wings is also red; the tip of its tail for two hands' thickness is

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lustrous. The head of some parrots of this kind is iridescent. It does not become a talker. People call it the Kashmiri parrot.

Another sort is rather smaller than the jungle parrot. Its beak is black; round its neck is a wide black collar; its wings are red. It is an excellent learner of words. We used to think that whatever a parrot or a mynah might say of words people had taught it, it could not speak of any matter out of its own head.

At this juncture one of my immediate servants) Abdul Qasim Jalair, reported a singular thing to me. A parror of this sort whose cage must have been covered up, said, 'Uncover r.iy face; I am stifling.' And another time when palanquin-bearers sat down to take breath, this parrot, presumably on hearing wayfarers pass by, said; 'Men are going past, are you not going on?' Let credit rest with the narrator, but nevertheless, so long as a person has not heard with his own ears, he may not believe!

Another kind is of a beautiful full red. It has other colours also, but, as nothing is distinctly remembered about them, no description is made. It is a very beautiful bird, both in colour and form. People are understood to make this also speak wcrds, Its defect is a most unpleasant, sharp voice, like the drawing cf broken china on a copper plate.

Fruits

Mango *(anba* in Persian) is one of the fruits peculiar to Hindustan. Hindustanis pronounce the 'b' in its name as though no vowel followed it (i.e. anb in Sanskrit). This being awkward to utter, some people call the fruit as Khwaja Arnir Khusrau Kukuldash, poet, does:

Our fairling, the beautifier of *bustan* (orchard),
The fairest fruit of Hindusran, .

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Mangoes, when good, are very good, Bur of the many that are eaten, few are first rate. They are usually plucked unripe and ripened in the house. Unripe, they make excellent condiments, are good also preserved in syrup. Taking it altogether, the mango is the best fruit of Hindusran, Some so praise it as to give it preference over all fruits except the musk melon, but such praise outrnarches it. It resembles the peach. It ripens in the rains. It is eaten in two ways: one is to squeeze it to a pulp, make a hole in it, and suck our the juice; the other is to peel and eat it like the peach. Its tree grows very large and has a leaf somewhat resembling the peach tree's.

Banana (Sanskrit, *kela)* is another. Its tree is not very tall. Indeed it-is not tall enough to becalled a tree, since it is something between a grass and a tree. Its leaf is a little like that of the *aman qara* (i.e, peace under shade), but grows about two yards long and nearly one yard broad. Out of the middle of its leaves rises, heart-like, a bud which resembles a sheep's heart. As each petal of this bud expands, there grows at its base a row of six or seven flowers which become the plantains. These flowers become visible with the lengthening of the henrt-like shoot and the opening of the petals of the bud. The tree is understood to flower once only. [It bears no second crop unless it is cut down to the sturnp.) The fruit has two pleasant qualities: it peels easily arid it has neither stone nor fibre. It is rather longer and thinner than the aubergine. It is not very sweet. The Bengal banana is, however, said to be very sweet. The banana is a very good-looking tree, its very broad leaves of beautiful green having an excellent appearance.

Seasons of the Year

Whereas there are four seasons in other countries, there are three In Hindustan: four months are summer; four are the rains; and

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four are winter. The beginning of their months is from the welcome of the crescent moon. Every three years they add a rnoutb to the year, If one had been added to the rainy season, the next is added, three years later, to the winter months, the next, in the same way, to the hot months, This is their mode of intercalation. *Chait, BaisaklJ,Jeth* and *Asarh* are the hot months, corresponding with the Fish (Ram, Bull and Twins); *Sau/an, Bhaadon, Kuar,* and *Kartil:* are the rainy months, corresponding with the Crab (Lion, Virgin and Balance); *Aghan, Pus, Magh* and *Pbalgun* are the cold months, corresponding wi.h the Scorpion (Archer, Capricorn, and Bucket or Aquarius).

The people of Hindustan, having thus divided the year into three seasons of four months each, divide each of those seasons by taking Irorn each, the two months of the force of the heat, rains and cold. Of the hot months the last two—Jeth and Asarh- are the force of the heat, Of the rainy months, the first two- Sawan and Bhaadon--are the force of the rains. Of the cold season, the middle tw\o-Pus and Magh—are the force of the cold. By this classification there are six seasons in Hindustan, the sextuple division.

Days of the Week

To the days also they have given names: *Sanicbar* is Saturday; *Ravivar* is Sunday; *Somuar* is Monday; *Mangalvar* is Tuesday: *Budbiuar* is \'7ednesday; *Brahisp atiuar* is Thursday; *Shukrvar* is Friday.

Divisions of Tirie and Weight

As in our countries what is known as *kicha gunduz* (a day-and-night rnoveme.u. is divided into twenty-four pans, each called an hour, and the hour is divided into sixty parts, each *called* a

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minute so that a day and a night consist of 1,440 minutes. The people of Hindustan divide the night and .day into sixty parts, each called a ghari [in Sanskrit]. One ghari isrwenry-four minutes,

They also divide the night into four and the day into four, calling each part a *pahr* (watch). A watch and watchman had been known to us in the countries north of the Hindu Kush Mountains, but without these particulars. Agreeing with the division into watches, a body of *gharialis* (t.rne-keepers) is chosen and appointed in all towns of Hindusran. The gharialis cast a broad brass plate, perhaps as large as a tray and about two hands thick. This they call a *gbarial* (clock) and hang up in a high place.

Also they have a vessel perforated at the bottom like an hour cup and filling in one ghari. The gharialis put this into water and wait till it fills, For example, they will put the perforated cup into water at the start of the day. When it fills the first time, they strike the gong once 'with their mallets; when it fills a second time, they strike rwice-e-and so on till the end of the watch. They announce the end of a watch by several rapid blows of their mallets. After these blows they pause-Then they srrike once, if the first day watch has ended, rwice if the second watch has ended, three times if the third, and four times *if* the fourth. After the fourth day watch, when the night watches begin, they go through them .n the same way.

It was the rule to beat the sign of a watch only when the watch ended, with thesigns of the gharis struck in between, That way the sleepers chancing to wake in the night and hear the sound of a third or fourth ghari, would not know whether it was of the second or third night watch.

To avoid the confusion I ordered that at night or on a cloudy day, the sign of the watch should be struck not before that of the ghari but after. For example, after striking the third ghari of the first night watch, the gharialis were to pause, and then strike the sign of the watch, in order to make it known that this third

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ghari was of the first night watch, This system did very well. Anyone happening to wake in the night and hear the gong knew what ghari of which watch of the night it 'was,

Again, they divide the ghari into sixty parts, each part being. called a *bipal,* the time it takes to shut and open an eyelid. Sixty bipals equal one *pal;* sixty pals equal one ghari (twenty-four minutes); and sixty gharis or eight pahars equal one day and night. By this measure, one night-and-day consists of 3,600 pals.

The people of Hindustan have also well-arranged measures of weight: eight *ratis* equal one *masha;* four ruashas equal one *taanl:* or thirty-two ratis: five mashas equal one *misbqal* or forty ratis; twelve rnashas equal one *tola* or ninety-six ratis; fourteen roles equal one *ser* [or two British pounds]; and forty sers equal one rnaund *imanban* or *man)-[or* eighty British pounds].

The following is everywhere fixed: forty ser ual one ruanban: twelve manbans equal one *mani,* and 100 rnanis equal one *minasa,*

Pear.s and jewels they weigh by the *taanh,*

Modes of Counting

The people of Hindustan have also an excellent mode of reckoning: 100,000 they call a lakh, 100 lakhs, one crore; 100 crores, one *arb;* 100 arbs, one *karb,* 100 karbs, one *nil;* 100 nils, one *padam,* and 100 padarns, one *saang.*

The fixing of such high reckonings as these is proof of the great amount of wealth in Hindusran.

Hindu Inhabitants

Most of the inhabitants of Hindusran are unbelievers. They call an unbeliever a Hindu.[7] Most Hindus believe in transmigration of souls. All artisans, wage-earners and officials are Hindus. In our countries dwellers in the wilds (i.e. nomads) get tribal names. Here the settled people of the cultivated lands and villages get

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tribal (i.e. caste) names, Every artisan in Hindusran follows (he trade that has come down to him from forefather to forefather.

Defects of Hindustan

Hindusran is a country of few charms. Its people have no good looks; of social intercourse, paying and receiving visits there is none; of genius and capacity none; of manners none; in handicraft and work, there is no form or symmetry, method or quality. There are no good horses, no good dogs, no grapes, musk melons or Iirst.. rate fruits, no iceor coldwater, no good bread or cooked food in the bazaars; no hamams, no colleges, no candles, torches or candlesticks,

In place of candle and torch they have a great dirty gang they call lamp-men (*diwati*), who in the left handhold a smallish wooden tripod to one corner of which a thing like the top of a candlestick is fixed, having a wick in it about as thick as the thumb. In the right hand they hold a gourd, through a narrow slit made in which, oil is let trickle in a thin thread when the wick needs it. Great people keep a hundred or two of these lamp-men. This is the Hindustani substitute for lamps and candlesticks! If their rulers and begs have work at night needing candles, these dirty lamp-men bring these lamps, go close up and there they stand.

ExcerJt their large riv.rs and their lakes which flow in ravines or hollows, there are no waters. There are no running waters in their gardens or re.ridences. These residences have no charm, air, regularity or symmetry.

Peasants aric people of low status gc about naked. They tie on a thing called *iangotaoi* lungi (the Persian word for a cloth between two loins], a decency clout which hangs two spans below the navel. From the tie of this pendant decency clout, another clout is passed between the thighs and rnade fast behind [called dhoti]. Women also tie on a cloth, a half of which goes around the waist while the other is thrown over the head [sari].

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Advantages of Hindustan

Pleasant things of Hindustan are that it is a large country and has masses of gold and silver. Its air in the rainy season is very line. Sometimes it rains ten, fifteen or twenty times a day, Torrents pour down all at once and rivers flow where no water had been. While it rains and through the rains, the air is remarkably fine, not to be surpassed for healthiness and cha.rn. The fault is that the air becomes very soft and damp, After going through the rains in Hindusran, a bow and arrow of the countries north of the Hindu Kush cannot be drawn even, It is ruined. Not only the bow, everything is affected-armour, books) cloth, and utensils. Even a house does not last long.

Not only in.the rains but also in the cold and the hot seasons, rhe airs are excellent. At these times, however, the north-west wind constantly gets laden with dust and earth. It gets up in great strength every year in the heats, under the Bull and Twins when the rains arc near-so strong and carrying so much dust that there' is no seeing one another, People call this wind Darkener of the Sky (Hindi, *andhi).* The weather is hoc under the Bull and Twins, hut not intolerably so, not so hot as in Balkh and Qanda har and not for half so long,

Another good thing in Hindusran is that it has innumerable and endless workmen of every kind. There is a fixed casre [jari] for every sort of work and for everything, which has done that work from father to son till now, Mullah Sharaf, writing in the *Zafar Nama* (joumal of Victory) about the building of Emir Timur Beg's Stone Mosque, lays stress on the fact that on it 200 stone-cutters worked, from Azerbaijan, Fars, Hindustan and other countries. But 630 men worked daily on my buildings in Agra and of Agra stone-cutters only while 1,491 stone-cutters worked daily on my buildings in Agra, Sikri [now Farehpur Sikri], Bayana, Dulpur, Gwalior and Aligarh, Ill the same way there are numberless artisans and workmen of every sort in Hindustun,

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Revenues of Hindustan

The revenue of the countries now held by me [AH 935/AD 1528) from Bhira to Bihar is fifty-two crorc rankas *{S20* million], as will be known in detail! from the following summary. Eight or nine crores of this is from the provinces of local begs and kings, who, as obedient from old, receive allowance and maintenance.

Provinces:	Amount
Trans-Satlaj [Bhira, Lahore, Sialkot, erc.]	3 crores, 33 lakhs, 15,989 rankas
Sirhind	1 crore, 29 lakhs, 31,985 tankas
Hissar-Feroza	1 crore, 30 lakhs, 75,1 tankas
Delhi and Between Ganges and Jamuna	3 crores, 69"lakhs, 50,254 rankas
Mewar	1 crore, 69 lakhs 81,000" rankas
Gwalior	2 crores, 23 lakhs, 57,430 rankas
Kalpi and Seodha	2crores, 28 lakhs, 55,850 rankas
Kanuj	1 crore, 36 lakhs, 63,358 tankas
Lucknow and Baxar	1 crore, 39 lakhs, 82,433 tankas
Oudh and Bahraj	1 crore, 171akhs, 1,369 tankas
Jaunpur	4 crores, 88,333 tankas
Bihar	4 crores, 5 lakhs, 60,000 tankas
Champaran	1 crore, 90 lakhs, 86,060 tankas
'fribute from Ratanbhur	20 lakhs, rankas

Gardens and Cther Public Pleasures

One of the great defects of Hindusran being irs lack *of* running waters, it kept coming to my mind that waters should be made

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to flow by means of wheels erected wherever I might settle down, and also that grounds should be laid aut in an orderly and symmetrical way. Witll this object in view, wecrossed thejamuna River to look at garden grounds a few days after entering Agra. Those grounds were so bad and unattractive that we traversed them with a hundred disgusts and repulsions. $0 ugly and displeasing were they that the idea of making a Char Bagh (Four Gardens) in them passed from my mind, but needs must, as there was no other land near Agra, that same ground was taken in hand a few days later.

The beginning was made with the large well from which water comes for the harnam, and also with the piece of ground where the tamarind trees, and the octagonal tank now are. that came the large tank with its enclosure; after that the tank and *talatr* [raised on pillars and open in front, this structure served as an audience hall in front of the antechamber of the residence]; after that the private house with its garden and various dwellings; after that the harnarn. Then, in disorderly Hindus-an, ors of garden were seen laid out with order and syrnrnetry, with suitable borders and parterres in every corner, and in every border rose and narcissus in perfect arrangement.

Historical Narrative Resumed

I arrived in Agra on 11 May 1526.

The Kohinour diamond

r*Background: The ancestors* o(*Bihramajit had ruled in Gioalior (or* 120 *years. The territory was taken (rom him by Sikandai Led! in* AD 1518. *It passed on to Sultan Ibrahim. Lodi.* J

In Sultan Ibrahim Lodi's defeat, the Raja of Gwalior Bikramajit [a Tunur Rajput Hindu] had gone to h-l]. His children and family ..'1

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were in Agra at the time of Ibrahim Lodi's defeat. When Humayun reached Agra, they must have been planning to flee, but his postlngs of men to watch the roads ·prevented this, and guard was kept over them.

Humayun did not let them go. They made him a voluntary offering of a, mass of jewels and valuables amongst which was the famous diamond which Ala Uddin Khilji must have brought (from southern Hindustan, called Deccan, of which Ala Uddin was the first Muslim invader]. The reputation of the diamond, later to be called Kohinoor [Mountain of Light], was that every appraiser had estimated its value at two-and-a-half days' food for the whole world. Apparently it weighed eight mishqals or 320 ratis [one rat: = eight grains of rice = sixty-four mustard seeds 512 poppy seeds], Humayun offered the famous diamond to me when I arrived at Agra. I just gave it back to him.

Distribution of Treasure in }\gra

(13 May) On Saturday, 30 Rajab, the examination and distribution of the treasure were begun. To Hurr.ayan we gave seventy lakhs (seven million) from the Treasury and, over and above this, we bestowed on him a treasure house without ascertaining its content.

To some begs, ten lakhs were given; to others) eight, seven or six lakhs. Suitable money gifts were bestowed from the Treasury on the whole army, to everytribe there was-·Afghan) Hazara, Arab, Baluch etc.-to each accordingto irs position. Every trader and student, indeed every man who had come with the army, took ample portion and share of bounteous gift and largesse.

To those not with the army went a mass of treasure in gift ancllargesse-for instance, seventeen lakhs (1.7 million) co Karman [Babur's younger son}; fifteen lakhs to Muhammad ZJman Mirza, while to Askari, Hind-a! and indeed to the whole train of relations and younger children went masses of red and white

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(i.e. gold and silver coins), jewels and slaves, some of them being Sultan Ibrahim Lodi's dancing girls. Many gifts went to the begs and soldiers from the north of the Hindu Kush .Mountains. Valuable gifts were sent to various relatives in Samarkand, Khurasan, Kashgarand Iraq [western Iran]. To holy men belonging to Samarkand and Khurasan went offerings vowed to God; so too to Mecca and Medina. We gave one shahrukhi for every soul in the country of Kabul and the valley side of Varsak in Badakhshan, man and woman, bonded and free, of age or non-age.

Popular Disaffection Caused by My Arrival

On our first coming to Agra, there was remarkable dislike and hostility between its people and mine, the local peasantry and soldiers running away in fear of our men. Except Delhi and Agra, every fortified town strengthened its defences against us. None of them submitted to us or was in obedience to us.

Dissatisfaction Among My Begs

It was the hot season when we came to Agra, All the local people had run away in terror. Neither grain for ourselves nor corn for our horses was to be had. The villages, out of hostility and hatred to us, had taken to thieving and highway robbery. There was no movement along the roads. There had been no chance since the treasure was distributed to send men in strength into the provinces and elsewhere. Moreover the year was a very hot one. Violent pestilential winds struck people down in heaps together; masses began to die.

On these accounts the greater part of the begs and best warriors became unwilling to stay in Hindustan, and set their faces for leaving it. It is no reproach to old and experienced begs if they speak of such matters. Even if they do so, I have enough

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sense and reason to understand what is honest and what is mutinous in their representations, to distinguish between loss and gain. But as I had seen my task falling rot. lly on me when I had decided on it, what value was there in their stressing that things should be d'one differently? What recommends the expression of distasteful opinions by men of little status? Here is a curious thing.

This last time of our riding out from Kabul, a few men of littlestatus had just been made begs. What I expected from them was chat if 1 went through [ire and water and emerged intact, they would have gone in with me unhesitatingly and come out with me, anc that wherever I went, they would be at my side- not that they would speak against my resolute purpose, not that they would turr, back from any task or affair on which after counselling and consenting, we had resolved) so long as that counsel was not discarded. Badly as these new begs behaved, Ahmadi Parwanchi and 'WaH Khazanchi behaved still worse.

Khwaja Kalan [myclose aide, son of Khwaja Ubaid Ullah Ahrari, my father's confidant] had done well in the march out from Kabul, in Ibrahim Lcdi's defeat and until Agra was occupied. He had spoken bold words and shown ambitious views, But a few days after the capture of Agra, his views changed. one keen for departure at any price was Khwaja Kala n.[8]

When I knew of this fickleness among my people, I summoned all the begs and took counsel. I said, 'There is no supremacy and grip on the world without means and resources. Without lands and retainers, sovereignty and command are impossible. the labours of several years, by encountering hardship, by long by hUrling myself and the army into battle, and by deadly slaughter, through God's grace, we beat these masses of foes in order that we might take their vast lands. And now what force compels us, what necessity has arisen that we should, without cause) abandon ccuntries taken at such risk of life? Was .r for us

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to remain in Kabul, the sport of harsh poverty? Henceforth, let no well-wisher of mine speak of such things: But let not those turn back from going who, weak in persistence, have set their faces to depart!' By these words, which recalled just and reasonable views to their minds, I made them, willy-nilly, quit their fears,

As Khwaja Kalan had no heart to stay in Hindusran, matters were settled in this way. As he had many retainers, he was to convOY the gifts, and, as there were few men in Kabul and Ghazni, was to keep these places guarded and supplied wirh food. I bestowed on him Ghazni and Gardcz, gave him also the Hindustani province of Ghuram [now in Patiala, India], worth three or four lakhs. It was settled [or Khwaja Mir Miran also to go to Kabul; (he gifts were put into his immediate charge, under the cust\odyof Mullah Hassan, the banker, and Naukar Hindu.

Loathing Hindustan, Khwaja Kalan, when on his way, had the following couplet inscribed on the wall of his residence in Delhi:

If safe and sound I cross (River 1 Sind,
Blacken my face before I wish for Hinri,

. It was impolite of him to compose and write up this partly jesting verse while I still stayed in Hindusran. If his departure caused me one vexation, such a jest doubled it. I composed the following off-hand verse, wrote it down and sent it to him:

Give a hundred thanks to Babur, the generous Pardoner
Has given you Sind and many a kingdom here;
li you have not the strength for their heat,
If you say 'Let me feel the cold,' Ghazni is rhere.?

It was a few' days after the Eid al Firr that a large parry was held in the pilbred porch of the domed building standing in the middle

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of Sultan Ibrahim Lodi's private apartments, At this party there were bestowed on Hurnayan a square shawl of gold, a sword belt, a horse with saddle rnounred in gold [as a mark of rank and distinction]; on Chin Timur Sultan, Mahdi Khwa.a and Muhammad Sultan Mirza square shawls of gold, sword belts and dagger belts; and ro the chiefs and warriors, to each according to his rank, were given sword belts, dagger belts, and dresses of honour, in all to the number specified below: rwo horses with saddles, two jewelled sword belts, twenty-five jewelled swords, On the day of tl·is party it rained amazingly, rain falling thirteen times, As outside places had been assigned to a good many people, they were drowned out.

News of the Transoxianian Region

This year Ubaid Ullah Khan led an army out of Bukhara against Merv. In the citadel of Merv were perhaps ten to fifteen peasants whom he overcame and killed. Then hnving settled the revenues of Merv in forty to fifty days, he went on to Sarakhs. In SJr rkhs were some thirty to forry Red-heads, who did not surrender, and shut the Care. The peasantry however scattered them) and opened the Gate to Ubaid Ullah Khan. On entering the place) he killed the Red-heads. Sarakhs taken, he went against Tus and Mashhad in Khurasan. The inhabitants of Mashhad, being helpless, let him in. He besieged Tus for eight months) took possession of it on terms did not honour those terms, and killed every mar. of name and made their women captive.

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Casting of a lviortar

(22 October) Usrad Ali Quli had been ordered to cast a large mortar for use against Bayaria and other forts which had not yet subInitted. When all the furnaces and materials were ready, he sent a person to me and, on Monday the 15th of the month, we went to see the mortar cast. Round the mortar mould he had had eight furnaces made in which were the molten materials. From below each furnace a channel went direct to the mould When IJe opened the furnace holes on our arrival, the molten metal poured like water through all these channels into the mould But before the mould was full, the flow stopped from one furnace after another. Ustad Ali Quli must have made sorne miscalculation either as to the furnaces or the materials.

He felt distressed. He was for throwing himself into the mould of molten metal, butwe comforted him, put a robe of honour en him, snd so brought him out of his shame. The mould was left a day *or* two to cool, When it was opened, Usrad Ali Quli with great delight sent a message to say, 'The stone-chamber [because stones were used as missiles to be fired by this cannon) is without defect; to ca.t the explosives compartment is easy.'! He got the stone.chamber out land told a body of men to add fittings while he busied himself with casting the explosives compartment.

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Titles in Hindustan

In Hiridustan they give permanent titles to highly favoured commanders) one such 'being Azm Hurnayun (Grand Power), another Kl.an-e jahan (Khan of the World), and another Kha n-c Khanan (Khan of Khans). The title of Fath Khan Sarwani's father was Azm Hurnayunbur I set this aside beea use, on account of Hurnayun rmy eldest son), it was not seemly for any person to bear it and lgave Fath Khan Sarwani the title of Khan-e jahan.

(14 November) Awnings were set up in the Four Gardens a: the edge of the large tank beyond the tamarind trees, and an entertainment was prepared there. We invited Fath Khan Sa rwa nj to a wine party" gave him wine) bestowed on him a turban and head-to. Ioor of my own wearing, uplifted his head with kindness ar.d allowed him to go to his own districts. It was arranged for his son Ma'irr.oud tel remain always in waiting.

/vitempt to *Poison .Me*

(21 December) A strange event occurred which was detailed in a letter written to [my wife] Mahirn :n Kabul [and brought by her to India in AH 935). That letter is inserted here just as it was, and is as rollows:

'The details of themomentous event of.Friday 16 Rabia *AwaV* 21 Decernb er AD 1526 are as follows: Ibrahim Lodi's mother, an ill-omened woman, heard that I ate things from the hands of Hindl.lstanis-the thing being that three or four months earlier, as I had nor seen Hindustani dishes, I had ordered Ibrahim's cooks to be broughr and, out of fifty or sixty, I had kept four. On hearing this) she summoned from Ettawa a food taster, Ahmad. Having gor him [ro the place where she lived near Agra when bur occupied the ciry], she gave a *tala* [a seventh of a pound] of poison wrapped in a square of paper-as has been mentioned, at more

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than rwo mishqals, a tola is the weight of a silver rupee-inro the hanc of a slave-woman who was to give it to him.

'Thar poison Ahmad gave to the Hindustani cooks in our kitchen, promising them four provinces if they would get it somehow inco the food. Following the first slave woman, thar. ill-omened old woman Ibrahim Lodi's mother sent a second slave woman to see if the first did or did not give the poisonshe had sent to Ahmad. Well was it that Ahmad put the poison not inro the cooking pot but on a dish! He did not put it into the pot because I had strictly ordered the tasters to compel any Hindustanis who were present while food was cooking in the pots, to taste thlat food. (Before food was dished out, it was tasted from the pot by the cook and a subordinate taster, and next by the Head Taster.] Our graceless tasters were neglectful when the food was being dished up. Thin slices of bread were put on a porcelain dish; on these less than half of the pipcr packe: of poison was sprinkled, and over this buttered frirrers were laid. It would have been bad if the poison had been strewn on the fritters or thrown into the pot. In his confusion, the man threw the larger half of the poison into the fireplace.

'On Friday, late after the Afternoon Prayer, when the cooked meats were set out, I ate a good deal of a dish of hare and also much fried carrot, took a few mouthfuls of the poisoned Hindustani food without noticing any unpleasant flavour, took also a mouthful or two of dried meat. Then I felt sick. Assome dried meat eaten on the previous day had had an unpleasant taste, I thought roy nausea was due to the dried meat.

'Again and again my heart rose. After two or three rimes I was nearly vomiting on the table cloth. last I saw it would not do, got up, retched every moment way to (he water room, and on reaching it vomited more. I vomited after food, used not to do so indeed whil; drinking. I became

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suspicious, I had the cooks put in ward and ordered some of the vomit given to a dog and the dog to be watched, 1t was somewhat out of sorts near the firs: watch of the next day. Its belly was swollen, and however much people threw stones at it and turned it over, it did not get up. In' that stare it remained till midday. It then got up. It did not die. One or two of the warriors who had also eaten of that dish, vomited a good deal next day. One was in a very bad state. In the end we all survived. (Persian) "An evil arrived but happily passed on!" God gave me new birth: I am corning from that other world. I am born today of my mother. I was sick, now I live. Through God, today I know the worth of-lifel

'1 ordered Paymaster Sultan Muhammad rowatch the cook. When he was taken to be tortured, he reinted the above particulars one after another.

'Monday being Court day, I ordered the begs and notables, comma'nders and ministers to be present and that (hose two rnen and two slave women should be brought and questioned. They related the particulars 0'£ the affair. That taster! had cut into pieces, the cook skinned alive. I had one of those slave women thrown under an elephant, the other shot with a matchlock. The old Ibrahim Lodi's rnother I had kept under guarJ. She will meet her doom, the captive of her own act.

'On Saturcay I drank a bowl of milk, on Sunday araq in which starnped-clay [each piece impressed with a igious stamp] was dissolved, On Monday I drank milk in \vhich were dissolved stamped-clay and, as an antidote, a strong laxative, As on the first day, Saturday, something very dark like parched bile was voided,

'Thanks be t) God! No harm has been done. Till now I had not known so well how sweet a thing life' can seem! As the line has it) "He who has *been* near to death knows the worth of life."

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,I get all. upset whenever the dreadful occurrence comes back to my mind. It must have been God's favour that gave me life anew, With what words can I thank Him?

'Although the terror of the occurrence was too great for words, I have written all that happened, with detail and circumstance, because i said to myself, "Don't let their hearts be kept in anxiety!" Thanks be to God! There rnay be other *clays* yet to see! All has passed off well and for good. Have no fear or anxiety in your minds.'

This was written on Tuesday 20 Rabia Awal, I being.rhen in the Char Bagh, Agra.

When we were free from the anxiety of these occurrences, the above letter was written and sent to Kabul.

As this great crime had raised its head through that ill-omened old woman, Ibrahim Lcdi's mother, she was handed over to Yunus Al}, After taking her money and goods, slaves and slave' women from her, he turned her over for careful watch to Abdul Rahim Shaghawal. Her grandson, Ibrahim's son, had been cared for with much respect and delicacy, but as the attempt on my life had been made definitely by that family, it did not seem advisable to keep him in Agra. He was joined therefore to Mullah Sarsan--who had come from Kamran [then in Qandahar] on important business-s-and was started off with Mullah Sarsan to go to Kamran on 3 January AD 1527.

Trial Test of the Large Mortar

(10 February) I went to see Usrad Ali Quli discharge stones from that large mortar of his in casting which the stone-chamber was without defect and which he had completed afterwards by casting the explosives compartment. It was discharged at the Afternoon Prayer. The throw of the stone was 1,600 paces. A gift was made to All Quli of a sword-belt, robe of honour, and horse,

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My Mrarch Against Rana Sangha

(11 February/9 jurnada Awal) We left Agra and dismounted in the countryside where we remained for a few days to assemble our army, News reached us that due to Rajpu: Rana Sangha's speedy advance with all his troops our scouts were unable eirher to enter our Bayana Fort or convey ir.rcrrnation to the commanders there. So the Bayana garrison rna de a rash sa] ly rnuc h too far. The foe swooped on our troops and put them to rout.

Either out of their own fear or intent to scare others, Qisrn.ui Mirza, Shah Mansour Barlas and others from yana praised and ext()lledthe valour and fer()city of Rajput troops.

(16 February) Marching out of the Agra countryside, we dismounted where the wells had been dug earlier. News came tl.at the enemy had got nearer and nearer. We donned our armour and covered our horses with theirs. We took up our arms and marched out at gallop. We covered two miles, The enemy must have moved aside.

For the sake of water, we dismounted by the side of a large lake f 0 ur front was defe nded by carts held roget her by chains, thespace between two carts being seven or eight yards. Mustafa RU1Ui had the carts made in the Ottoman way, excellent carts, very strong and suitable. As Ustad Ali Quli was jealous of him, Mustafa was posted to the right) in front of HUTI1ayun. Where the cart did not extend, Khurasani and Hindustani spade-men and miners were ordered to dig a ditch.

Owing to the Rajput Rana Sangha's rapid advance, the fighting prowess in Bayana, and the praise of the Rajputs made by Shah Mansour, Qismari Mirza and the rest from Bayana, soldiers in my army showed sign of lack of heart. On the top of this came the defeat of Abdul Aziz [by Rajput Rana Sangha of Mewar at Bayana]. In order to heal ten our men) and give an appearance of strength to the army, the camp was defended and enclosed

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where there were no carts by stretching ropes of raw hide on wooden tripods set seven or eight yards apart. It took twenty or rwenry-five days before these appliances and materials were fully ready, [Negotiations went on during the interval, having for cheir object the fixing of a frontier between Rana Sangha and Babur.]

Just at this time there arrived from Kabul Qasirn Hussein Sultan, and with him Ahmad Yusuf, Qawwarn Urdu Shah and also several single friends of mine, counting up to 500 men. Muhammad Sharif) the astrologer of ill omen, carne with thcrn too, so did Baba Dost the water rer who, having gone to Kabulfor wine, had loaded three strings of camels [about twenty camels] with Ghazni w.nes.

At a time 'such as this, when, as has been mentioned, the army was anxious and afraid by reason of past occurrences and vicissitudes, wild words and opinions, this Muhammad Sharif, though he had not a helpful word to say to me, kept insisting to all he met, 'Mars is in the west in these days; who comes.into the fight from this (east) side will be defeated.' Timid people who questioned him became more shattered in heart. \Y/e gave no ear to his wild words, made no change in our operations, but got ready in earnest for the fight.

(24 February) Shaikh Jamal was sent to collect all availubie quiver-wearers from Between-the-two-Waters (Ganges and Jamuna) and from Delhi, so that with this force he might overrun and plunder the Mewar villages, leaving nothing undone which could awaken the enemy's anxiety for that side. Mullah Tark 1\1i, then on his way from Kabul, was ordered to join Shaikh jarnal and to neglect nothing of plunder in Mewar. Orders to the same purpose were given also to Maghfuk, the finance minister. They went. They overran and raided a few villages in lonely corners. They took some prisoners; but their passage did not arouse much anxiety in, the enemy!

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My Renunciation of Wine

(25 February) When I went out riding, I reflected; as I rode, that the wish to cease from sin had been always in my mind, and that my forbidden acts had set a lasting stain upon my heart. I said, 'Oh, my soul!'

(Persian) How long will you draw savour from sin?
Repentance is not without savour, it is akin.

(Turkish) Through years how many has sin defiled you?
How much of peace has transgression given you?
How much have your passions enslaved you?
How much of your life has been depraved?

With the Ghazi's resolve since now you have marched,
You have looked your death in the face!
The one who resolves to hold fast to the death,
You know he attains a sublime grace,
That far he removes himself from all things banned,
That all his offences he will shed.
With my own gain before me, I vowed to abide by the religious line,
Give up my transgressions like the drinking of wine.

The flagons and cups of silver and gold, the vessels of abundance,
I had them all broken up at once.

The fragments of the gold and silver vessels were shared out to deserving persons and to dervishes. The first to agree in renouncing wine was Muhammad Ali Asas, the night watchman. He had already agreed also about leaving his beard unshaved until he

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had returned victorious against the Rajputs. That night and next day some 300 begs arid persons of the household, soldiers and others, renounced wine, What wine we had with us was poured on the ground. What Baba Dosr had brought from Kabul was ordered salted to make vinegar, At the place where the wine was poured upon the ground, a well was ordered to be dug, built up with stone and having an almshouse beside it. [It would be finished by Muharram AH 935/September AD 1528.J At the time, I went to Sikri from Dulpur on rny way back frorn visiting Gwalior.

My Remissicn'o] a Due

I had v()wed aIready thar. ifIgained victory over Rana Sangha, I would remit customs duty to all Muslims. Of this vow Dervish Muha nrnad Sarba n and Shaikh Zain Kha waf reminded me at tl.e tim: I renounced wir.e: I said, 'You do well to remind me,' The customs duty was remitted to all Muslim,; of the dominions I held.?

I sent for the clerks, and ordered them io wrire for their newsletters concerning the two important acts that had been done. Shaikh Zain Khawafi wrote the decree with his own elegance, and his fine letter was sent to all my dominions. It is as follows:

ROYAL DIECLARATlON ANNC)LJNCrNG MY FlENUNCIATION OF \Y/INE

(Arabic) *Let us praise the Merciful One, iol.o loves the penitent and who loves the cleansers of themselves; and let thanks be rendered to the Gracious One who absolves His debtors, and forgives those who seek forgiveness. Blessingsbe on Muhammad, the Lord of Creatures, on the Holy family, on the pure Companions-and* on the mirrors of the glorious congregation, to wit, the Masters of Wisdom who are treasure-houses of the

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pearls of purity and who bear the impress of the sparkling jewels of this purport--that the nature of man is prone to evil, and that the abandonment of sinful appetites is only feasible by Divine aid and the help that comes from on high. '*Surely the soul of man is prone unto evil.*' (Quran, Chapter 12, verse 53)-(and again) '*That is the bounty* c(*God; He gives it unto iohomsoevei He will, and God is ofbounty abounding.*' (Quran, Chapter 57, verseZl .)

Our motive for these remarks and for repeating these statements is that, by reason of human frailty, of the customs of kings and of the great.tall of us, from the Shah to the solider, in the heyday of our youth, have transgressed and done what we ought not to have done. After some days of sorrow and repentance, we abandoned evil practices one by one, and the gates of retrogressir-n became closed. But the renunciation of wine, the greatesr and most indispensable of renunciations, remained under a veil in che chamber of deedspledged to appear in due season, and did not show its countenance until the glorious hour when we had put on the garb of the holy warrior and had encamped with the army of Islarn against the Rajputs, On this occasion I received a s-erer inspiration and heard an infallible voice say, '*Is not time that the hearts of those who believe should be humbled to the Remembrance of God and the Truth which he has sent down?*' (Quran, Chapter 57, verse 15.) Thereupon we set ourselves to extirpate ine things of wickedness, and we earnestly knocked at the gates of repentance. The Guide of Help assisted us according to the saying *'·Whoever knocks and re-knocks to him the door will be opened'*. And an order was given that with the jihad there should begin the still greater jihad which has to be waged agalllst sensuality. In short, we declared with sincerity that we would subjugate our passions, and I engraved on the tablet of my hear:, *'I repent to Thee, I am the [irst* o(*the believers.'* (Quran, Chapter 7, verse 140.) And I made public the resolution to abstain

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from wine, which had been hidden in the treasury of my breast. The victorious servants, in accordance with the illustrious order, dashed upon the earth of contempt and destruction the flagons and the cups, and the other utensils in gold arid silver, which in their number and their brilliance were like stars of the firmament, They dashed them in pieces. They distributed the fragments among the poor and needy, By the blessing of this acceptable repentance, many of the courtiers, by virtue of the saying *'Men follow the religion ojtbeir kings'*, embraced abstinence at the same assemblage, and entirely renounced the use of wine. Up till now crowds of our subiects hourly attain this auspicious happiness. I hope that in accordance with the saying, '*He who incites to good deeds has the same reward as he who does them';* the benefit of this action wil] react on the royal fortune and increase it daily by victories.

After carrying out this design, a universal decree was issued that in the imperial dominions-May God protect them from every danger and calamiry-e-no one shall partake of strong drink, or engage in its manufacture nor sell it nor buy it or possess it, nor convey it or fetch it.

In thanks for these great victories over self, and as a thanksgiving for God's acceptance of repentance and sorrow, the ocean of the royal munificence became unsettled, and those .waves cf kindness, which are the cause of the civilization of the world and of the glory of the sons of Adam, were displayed, and throughout all the territories the tax on uslirns was abolished.-though its yield was more than the dreams of avarice, and though it had been established and maintained by former rulers-for it is a practice outside of the edicts of the Prince of Apostles (Muhammad). So a decree was passed that in no ciry, town) road, ferry, pass, or port, should the tax be levied or exacted. No alteration whatsoever of this order is permitted. '*Then if any man changes it after hearing it, the sin shall rest upon those who chanve it* ' (Ouran. Chaorer 2. verse 177.)

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The proper course (*sabilullah,* correct path of Allah) for all who shelter uncler the shade of the royal benevolence, whether they be Turk, Tajik, Arab, Hindustani, or Persian, peasants or soldiers, of every nation or tribe of the sons of Adam, is to strengthen themselves. by the tenet of religion, and to be full of hope and prayer for the dynast, which is linked with eternity, and to adhere to these ordinances, and not in any way to transgress them. It behoves: all to act according to this decree; they are to accept it as authentic when it comes attested by the Sigrl Mantlal.[3]

Written by order of the Exalted One-May his excellence lastfor ever! On24 Jumada Awal, AH 933/26 February AD 1527.

Alarm in My Clamp

At length after I had inquired about my people's lack of heart and had seen their slackness, a plan occurred to me. I summoned all the begs and warriors and said to them:

Begs and warriors!
Whoever comes into the world will die, a beggar or shah;
What lasts and lives will be Allah.
He who has taken his first breath,
Will at last drink the cup of death.
Better thanlife with a bad name
Is death with. a gC10d 'one.

'God the Most High has allotted to us such happiness and has created for us SUCII good fortune that \ve die as martyrs, \vc kill as avengers of His cause. Therefore each of you must take oath Upon His Holy Wiord that he wii] not think of turning his face frorn *this* foe, or withdraw from this deadly encounter so long as there is life in his body.' All those present, beg and retainer, great and small, took the Holy Book joyfully into their hands and made vow and compact to this purport. The plan was perfect;

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it worked admirably for those near and afar, for seers and hearers, for friend and foe.

The Battle o] Kanwa with Rana Sangha

(17 March/l.3 jurnada Thani) We had the carts placed in front of us, and rode miles, arrayed in right, left and cenrrc, arid dismounted on a selected ground near the village of Kanwa, a dependency of Bayana, four miles from the enemy,

When a few tents were erected) news came to us of the enemy's appearance fronted by elephants. Instantly mounting, I ordered every soldier to his post, and posted matchlock men and cannoneers along the line of carts which were chained to one another in front of us.

In the centre were Chin Timur Sultan, Dost Khawand, Yunus Ali, Shah Mansour Barlas, Dervish Muhammad Sarban, Abdullah Kirabdarand Dost Beg, Lord of the Gate. On the left of the centre were Ala Uddin Alarn Khan Lodi, Shaikh Zain Khs wafi, Muhibb Ali) Tardi Beg and Mir Hussein.

'fh e right wing was led by Hurnayun. On his left were Ahrnad Yusuf Aughlaqchi, Khusrau Kukuldash, Wali Khazanchi, Abdul Shakur, and Muharnrnadi Kukuldash. On Hurnayun's right wing were Hindustani commanders Dilawar Khan Lcdi, Malik Dad Karriui and Shaikh Abul Farh Guran.

In the left wing were MahJi Khwaja, d Sultan Mirza; Adil Sultan, Abdul Aziz, Master of the Muhammad Ali Jang Jang; Qutluq Qadarn Qarawal (i.e. scout); Shah Hussein Mughal; and Jan Muhammad Beg Araka.

Sultan Muhammad Bakhshi was my Chief of Staff, who received and executed royal orders through adjutants and messengers to the sultans and commanders.

On watch two [between 9 and I O'a.m.] began our battle with Rajpur Rana Sangha's men. Fighting began on the right and left

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wings, The left wing of the enemyadvanced against our right wing.

Chin Timur Sultan, obeying our orders went to reinforce the left flank. Together they forced back the Rajputs almost to the rear of their centre.

Mustafa Rum: had his post in the centre [of the right wing] where Hurnayun was posed. Mustafa Rumi had the carts brought forward and broke the ranks of the foe with matchlock and culverin. Obeying our orders, Hussein Sultan and Ahmad Yusuf and Qawam Beg hastened with their help. As band band of enemy troops vied with one another to help their men, so we in turn rushed out men under the commands of rlindubeg, Yunus Ali, Shah' Mansour Barlas, Abdullah Kirabdar, and Dost Beg.

The enemy's right wing made repeated and desperate attack on our left wing, but each time it was made to turn back. Then Moumin Ataka and Rustarn Tu-kman went to the rear of the enemy, 1'0 help them we sent the forces of Khwaja Mahmoud and Ali Ataka.

As the battle draggedon, we issuedan order that the speeia I royal corps standing behind the carts should go out on the right and the left of the centre, leaving the matchlock men's post in between, and join battle on both sides.They emerged from behind the cans. The marvel of the age) Usrad Ali Quli, who with his Own appurtenances stood in front of the centre, performed deeds of valour, discharging stones of massive size.

Just then I gave an order that the carts of the centre should advance. I then led the charge against the foe. On witnessing this event, our troops swooped on the enemy from all sides. The right and left of our army rolled back the left and right of the foe ill One mass upon their centre.

The ranks of the enemy scattered. Many fell dead) others fled to tbe desert. Those who were killed included Rawal Uday Singh) commanders of 12,000 horsemen, Bhupat Rca, Manik Chand Chauhan, Dilpat Rao and Karam Singh. Rana Sangha escaped.

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(20 March) After halting on two nights) we reached Bayana. Countless bodies of the foes, who died during their flight, lay on the road as far as Bayana, even Alwar,

(29 March) Today a letter of victory was written by Shaikh Zain Khawaf to be sent to Kabul.

Historical Narrative Resumed

(13 April) On our march back to Agra *we* came withir: four miles of Alwar, I went to see the fort and spent the night t

(21 April) After leaving Alwar *we* rode ten miles and dismounted on the bank 10£ the Manas River,

Excursions and Return to Agra

Praise had been heard of the Firuzpur Spring [called Firuzpur JhirkaJ and of the great Kutila Lake: Leaving the camp on that same ground, I rode out on 14 April both tovisit these places and to set Hurnayun on his way" After visiting Firuzpur and its spring on that same day, rnaajun was eaten. In the valleywhere the spring rises, oleanders were in bloom. The place is nor without charm but is overpraised. I ordered a reservoir of hewn stone, ten by ten yards, to be made where the water widened, spent the night in that valley, and the next day visited the Kutil-i Lake. It is surrounded by mountain skirts. It is said the Manas River falls into it. The lake isso 1arget hat from its one side the other side is not seen well. In the middle of it is elevated ground. At its sides are many small boats, by going off in which the villagers living near it are said to escape fre m any tumult or disturbance. Even on our .uriva] a few peoile went in the boats to the middle of the lake.

On our way bnck from the lake, we dismounted at Hurnayun's camp. There we rested and ate food, and after having put robes

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of honour on him and his hegs, bade him farewell at the ning Prayer, and rode on. We slept for a whih ar some place on the road, at shoot of day passed through the provi.ice of Khari, again . slept a liule, and arlength got .c our camp

Going on frorn that place [Sunkar], we halted one night, and then dismounted at a spring situated on rhc bill of a mountain between Eusawar [now Eharnrpur] andChaus.i [aka, Chausarh]. There awnings were set up and we cornrniu cd the sin of eat ing maajun. When rhe army had passed by this spring, rdi Beg Khaksar prrised it, Otherwise we would have come and seen it froru our horseback and passed on. It is a perfect spring. In Hindustan, where there are never artificial water courses, people seek out the springs themselves. The rare springs that are found, come oozing drop by drop out of the ground, not bubbling up like springs of those trans.. Hindu Kush or rrans-Indus lands. From this spring comes water. It bubbles up on the hill.. skirt. Meadows lie round it, The scene is very beautiful. I ordered an octagoria I reservoir of hewn stone made above it [to contain the spring]. While we were at the border of the spring, under the soothing influence of maajun, Tardi Beg) contending for its surpassing beavry, said again and again) 'Since I am celebrating the beaurv of the place, anarne ought to be settled for it.' Abdullah said, 'Ir must be called the Royal Spring approved of by Tardi Beg.' This remark caused much laughter.

Misconduct of Humayun

Meantime, news came that Hu.nayun had gone mro Delhi, opened several treasure-houses and, without our permission, had taken possession of their contents, 1had never looked for such a thing from hiin. It grieved me very much. I Wrote and sent off to him very sever . reproaches.

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Lines Addressed to Deserting Friends

A little fragment I had composed to suit the state of those who had left during the past year; I now addressed it to Mullah Ali Khan and sent it to him by Tardi Beg, It is as follows:

You who have gone from this country of Hind,
Aware of its woe and its pain,
With a desire for Kabul's fine air on your brain,
You went hot foot forth out of Hind.
The pleasure you searched you will have found there
With sociable ease-and charm 'and delight;
As *Tor* us, God be thanked, we still are alive here,
Despite much pain and unending blight.

The Ramadan Feast

Ramadan was spent this year wirh ablution and special prayers in rl.e Bagh-e Hasht Bihisht (Garden of Eight Paradises). Since my eleventh year I had not-kept the Ramadan Feast Iorrwo successive years in the same place. Last year 1had kept it in Agra. This year, saying to myself, 'Don't break t rule!' I Went on the last day of the month to keep it in Sikri [now Fatehpur Sikri]. Tents were set up on a stone platform-made on north-east side of the Eagh-e Fath (Victory Garden) which is now being laid out at Sikri, and in them the Eid al Fitr was held.

Playing Cards

The night we left Agra Mir Ali the arrnourer was sent to Shah Hassan Arghun in Tatta [in Sind] to take him playing cards he much liked and had asked Ior,"

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My Illness and a Tou

(3 August) I fell ill. The illness lasted seventeen days.

(24 August) We set out to visit Dulpur. That night I slept at a place halrway, reached Sikandar's dam at dawn, and dismounted there.

At the end of the hill below the darn the rock is of building stone. I had Usrad Shah Muhammad, the stone.curter, brought to me, and gave him an order that if u house could be cut all in one piece in that rock, it was to be done, but that if the rock were too low for a residence, it was to be levelled and have a reservoir, all in one piece, cut out of it.

From Dulpur we went on to visit Bari. Next morning [26 August) I rode over the hills lying between Bari and the Charnba 1 River in order to view the river. This done, I went back to Bari. In these hills we saw the ebony tree, the fruit of which people CJll *tindu,* It is said that there are white ebony trees also and that most ebony trees in these hills are of this kind. On leaving Bari we went to Sik.ri. We reached Agra on 28 August.

Religious and Metrical Exercises

(28 Augusr) I fell ill again. My illness lasted nine days

I started on a recitation exercise when one is made to read forty-one times [a section of the Quran] with the aim of remedying one's illness. In those days I divided the following couplet or mine into 504 measures:

Shall I tell of her eye or her !::row, her fire or her speech?
Shall I tell of her hair or her waist, of her stature or her cheek?

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My Visits to: Keel and Sambal

(27 Septe mber) We dismo unted at K0e, [n0w AIigarh]· Hurnayun had left Dervish Ali and Yusuf Ali in Sarnbal [now Sarnbhal]. They crossed the river, fought Qurb Khan Sarwani and a party of rajas, beat rhe.n well arid killed a massof men. They sent a few heads and an elephant into Aligarh while we were there,

(30 September) Ridi ng on from that place, we dismuu nted at Atrauli [north-west Of Aligarh],

(1-4 October) We crossed the Ganges and spent the night in the villages ofSambhal district, Then we dismounted at Sambhal and stayed there for two days.

(5 October) We dismounted at Sikaridara [in the Aligarh district] at the house of Rawui Sarwar.i who placed food before us and served us. When we rode out at dawn, I made some excuse to leave the rest behind and galloped off alone to w.rhin two mi'es of Agra, where they overtook me. At the Midday Prayer we reached Agra.

My Illness and Recovery

(12 October-? November) I had fever .md ague. This returntd again and again during the next twemyiive or twenty-six days.

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I drank efficacious medicine and at last relief came. I suffered much from thirst: and lack of sleep.

While I was ill, I composed a quatrain or two. Here is one of them:

Fever grows strong in my body by day,
Sleep quits my eyes as night gains;
Like my pain and my patience together weigh,
For a while one waxes the other wanes,

(Novernoer 24) Ustad Ali Quli discharged a stone from a large mortar. The stone went far but the mortar broke in pieces, one of which, knockingdown a party of men, killed eight.

(1 December) I rode out to Sikri. The octagonal platform I had ordered to be constructed in the middle of the lake was ready. \Yje \vcnt o vcr by boat, had an awning set uP o nit and opted for .naajun.

Conquest c] Chandiri

(9-12 December) With the intention of attacking Chandiri I rode out six miles and dismounted in jalisir,

After staying there two days for the soldiers to equip and array, we marched on 12 December and dismounted at Anwar [now Unwara], I left Unwara by boat, and disembarked beyond Chandwar [twenty-five miles east of Agra],

(23 December) We carnpedat the Kanar ferry passage in Kalpi district.

(26 December) I crossed the river, But there was delay four Or five days on one bank or the other before the army got across. On those days we went more than once on board a boat arid ate maajun. The junction of the Charnbal River is rnir ce to four miles above the Kanar ferry passage

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(12January) I put Chin Timur Sultan at the head of 6,000 to 7,000 men and sent them in advance against Chandiri With hirn w enr Baqi Ming Bashi, Tardi Beg Khaksar, Ashiq Bakawal, the food-taster, and a Hindustani beg called Shaikh Abul Farb Gur.m.

(17 January) We dismounted near Kajwar, It is an enclosed place, having low hills around it. A dam had been built-between hills to its south-east, creating a lake perhaps eleven miles in circumference. It encloses Kajwa r on three sides. To the norrh-west of Kajwar is dry ground, where issituated its Gate. On the lake there are a great many small boats able to hold three or four persons. The locals use them if they have to flee,

(18 January) In Kajwar we appointed overseers and a mass of workmen to level the road and cut down jungle so that the carts and the [sole] mortar could pass along it easily. Between Kajwar and Chandiri the country was sylvan,

(19 January) After leaving Kajwar we passed the Bhuranpur River [a tributary of the Berwa River] and camped within six miles of Chandiri.

The citadel of Cnandiri stood on a hill. Below it were the town and the outer fort, Below thern was a level road suitable for carts.'

(21 january) We dismounted beside Governor Bahjar Khan's water tank on top of the dam,

(22]anuary) Riding out at dawn, we assigned post after post around the walled town to the centre, and and left wings. For his stone discharge) Ustad Al: Quli d that d no fall [so as to stand above his target], and workmen were told to raise a place for the mortar to rest on. and whole army was ordered to get ready mantlets and ladders for capturing a fort.

Previously Chandir: belonged to the sultans of Mandu, When Sultan Nasir Uddin KhilJ! [ruler of Malwa, AH 906–AH 916]died, one of his sons) Muhammad Shah, seized Chandiri and placed

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it under Sultan Sikandar Lodi's protection. In return Sikandar Lodi reinfcrced him, Muhammad Shah survived Sikandar Lodi and died in .b.ahirn Lodi's time, leaving behind a very young son Ahmad Shah. Ibrahim Lodi drove out Ahmad Shah and replaced him with a commander of his own.

When Rajput Rana Sangha led an army against Ibrahim Lodi, and Lodi's begs turned against him ar Dulpur, Chandiri fell into Rana Sangha's hands. He gave it to Mindni Rae, a Rajput who now commanded a force of 4,000 to 5,000.

As there was friendship between Mindni Rao and Araish Khan, the latter 'vas sent along with Shaikh Abul Farh Guran to speak roMindn: Rao nicely and promise Sharnsabad in exchange for Chandiri, But no agreement was reached, It was unknown whether Mindni Rao distrusted what was conveyed to him or he was buoyed up bythe delusion about the strength of his fort.

(28 January) At dawn we marched from Bahia t Khan's tank ro assault Chandiri. We dismounted at the side of t middle tank near the fort. The enemy must have strengthened cl 1 while posting men in twos and threes in the curer fort for the of prudence. That night our soldiers went up frorn all around the fort. Those few in the outer fort did not fight; they fled into the citadel.

(29 January) At dawn we ordered our men to arm, go to their posts, provoke fights, and attack each from his place when I rode out with drum and standard.

I went to watch Usrad Ali Quli's stone discharge. Nothing Was achieved by it because his ground had no fall and because the fort walls, being made entirely of scone, were extremely strong.

That the. citadel of Chandiri stood on a hill has been said already. Down cne side of this hill ran a double-walled road to Water. This was the cne place for attack. It had been assigned as the post of our right and left wings and the royal corps of the centre. Though our assault was mounted from every side, it was

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here that the greatest force was applied. Our warriors did not retreat, however much our foes threw down stones and flung fire onthem.

At length Shahim Beg, the centurion) climbed where the *du-tahi* (i.e. water thief) wall touched the wall of the outer fort. Our warriors swarmed up in otl-er places. The du-rahi was seized. Not even as much as this did the foes fight in the citadel, When our men swarmed up, they fled in haste [from the ramparts to other places in the fort].

In a little while, though, they emerged again, quite naked, and renewed the battle. They put many of our soldiers to night, forcing tl.ern to. fly over the ramparts, Some they cutdown and killed,

Why our enemies had so suddenly acted like this wasthat they had taken the resolve of those who had abandoned the place as lost, They put all their ladies and beauties to death [by fire], and then, ready to die, came out naked to battle.

Our men attacked them, from the walls forcing 200 to 300 of them into Mindni Rae's house. There they killed one another in this way: one man taking a stand with his sword while the rest stretched out their necks for his strike.

By God's grace, this renowned fort was caprured in one astronomical hour without hard fighting and without drum and standard (signalling my direct participation in the battle]. A pillar of the enemy heads was ordered robe set up on a hill north-west of Chandiri.

A chronogram of this victory was written in rhe words of *Path Dar al Harb* (Conquest of The Realm of War).

Chandiri was 180 miles to the south of Agra. Irs altitude of the Pole Star was 25', It was situated in a rather good territory abounding in water, Its citadel on a hill had inside a water tank cut out of solid rock, There was another larye tank at the end ofthcdu-tahi. All houses ill Chandiri, whether of high or low inhabitants) were built of stone. Those of chieftains were

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laboriously carved while those nf the lower classes were not. Houseswere 'covered with stone slabs instead of with earthen tiles. Therewas a river called Berwa about six miles Irom Chandiri. Its water was noted in Hindusran as excellent and pleasantly potable. In its bed lay piece after piece of sloping rock fit for making houses.

Chandiri was given to Ahmad Shah Khilji, a grandson of Sultan Nasir Uddin Khilji [a Turk]. Fifty lakh tankas from it were paid direct to the royal treasury. .Mullah Apaq was entrusted with its military collectorship and left to reinforce Ahmad Shah Khilji with 2,000 to 3,000 Turks and Hiudustanis,

A Bridge Built over the Ganges

(27 February) We dismounted on the western bank of the Ganges. Some of the warriors went up and down the river and scized boars, bringing in thirty to forty, large and small, to help construct a bridge. Mir Muhammad the rafrsman was sent to find a place convenient for building a bridge and to collect requisite materials for it. He came back approving off a suitable place cbovr two miles below the camp.

Energetic overseers were appointed. Ustad Ali Quli placed the mortar for his stone discharge near where the bridge was to be built and showed skill in discharging it. Mustafa Rumi had the culverin carts crossed over to an island below the site for the bridge, and from that island started a culverin discharge. Excellent matchlock fire was made from a protected refuge raisce above the bridge.

In the days before the bridge was finished, Ustad Ali Quli performed weil in stone discharge, firing on the first day eight Stones, on the second sixteen, and continuing equally well for the next few days. There had been another, larger mortar which burst after discharging one stone, The matchlock men ma a

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mass of discharges, bringing down many men and horses. They also shot slave workmen and passing men and horses.

(11 March) With the bridge being almost finished) we marched to its head. Our Afghan foes (on the other sidcol the river) must have ridiculed the slowness in the bridge building.

(12 March, Thursday) The bridge being ready, a small body of foot soldiers crossed over. A fight followed.

Encounter with the Afghans

(T3 March) The royal corps) and the right and left wings of the centre crossed the river cn foot. The whole army of Afghans—armed, mounted, and those having elephants with them--attacked us.

They put to flight our soldiers of rhe left wing. But our centre, consisting of the royal corps and the right hand, stood firm, fought, and forced the enemy to retreat. Fighting went on until the Afternoon Prayer. That night all those who had gone across to fight 'were ordered to return. If more of our soldiers had gone over on Friday-s-Sarurday's eve-most of the enemy would probably have fallen into our hand.

Last year we marched out of Sikri to fight Rana Sangha on Tuesday, the New Year's Day [when the Sun enters Aries], and crushed that rebel on Saturday. This year we rnarchcd: o crush these Afghan rebels on Wednesday, New Year's Day. It \vould be one of singular things, it we beat them on Sunday. So thinking, we did not make rhe rest of the army cross the Ganges. The enemy did not come to fight on Saturday, but srocr arrayed a long way off.

(15 March) At aawn the army was ordered to cross. At the beat of the drum news came from our scouts that the enemy had fled. I ordered Chin Tirnur Sultan to lead his army in pursuit of the fleeing foes.

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Later I crossed the Ganges. The camels were ordered to be taken ever at a passage spotted downstream. \Y/e dismounted on the bank of a lake within two miles of Bang.irmawu. These ordered to pursue the Afghans were not doing well. They had dismounted at Bangarrnawu and were scarnpcrin; *off* at the Midday Praye..

(21 March/New Year's Day according to the Persian calendar) I visited Lakhr.au [now Lucknow], crossed the Gomati River and dismounted. I bathed in the Gornati. My right ear felt obstructed because of -vaergettinginto itor the effeet of the weather and for a few clays there was much pain.

(28 March) We stayed for a few days on tha: ground near Oudh to settle the affairs-of the Oudh province People praised the land lying along the Sird.i [now Sarju] River fifteen miles north of Oudh, saying it was good hunting ground. Mir Muhammad tlleraftsman was sent. Hereturncd after looking at the crossings over the Gogra (now Ghaghara] and Sarju Rivers.

(2 April) I rode out to hunt.

[*Here the loss ofpages in the Turkish version causes a narrative gap [rom* 12 *[umada Thani* AH 934 *to* 3 *Muharram* AH *935/2 April to* 17 *September* AD 1528.]

There is no reliable account auailable (or these months.

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My Visit to Guialior

(20 September) With the intention of visiting Cwalior, I crossed the jarnuna River at the Afternoon Pra went into the Agra Fort to bid farewell to Fakhr Jahan Begum and Khadijn Sultan Begum, my paternal aunts, who were to depart for Kabul in a few days, and got to horse,

(21 September) We rested and ate our meals at noon on the bank of the Gambhir River, and rode on shortly after the Midday Prayer. On the road we ate powders mixed with the flour of parched grain, meant toraise our spirits but found them very distasteful,

Near the Afternoon Prayer wedismounted two miles \vest of Dhulpur at a site where I had ordered the building of a house and a garden.

That place'was at the end of a promontory of solid reo stone. I had ordered rhe promontory dressed down to the ground level and that if there still remained a sufficient height, then a house was to be cut out in it-if not, it was to be levelied and a tank cut out at its top.

As it was not found to be high enough for a house, Usrad Shah Muhammad the stone-curter was ordered to level it and cut out an octagonal, roofed rank. North of this tank the ground is thick with trees-e-mangces, *[amun* (*Eugenia iambotana:* and

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others, Among them I had ordered the construction of a well, ten yards by ten yards, with its water collecting in the aforementioned tar.k. It was almost ready.

To the north of this tank was the darn built across valley by Sultan Sikandar Lodi, Around it houses had built, and above it rain waters gathered into a great lake. 0 nthe east of this lake was a garden, I ordered a seat and four-pillared platform to be cut out in the solid rock on that same side, and a mosque built on the western side.

(24 September) We crossed the Charnbal River and made the Midday Prayer on its bank. Then we passed the Kawari River and dismounted, The river being high due to rain, we crossed it by boar. and had the horses swim over.

(25 September) At the Evening Prayer we dismounted two miles north of Gwalior in a Char Bagh [Four Gardens] we had ordered to be built last year.

(26 Septemher) We visited the low hills to then or.h of Gwalior, entered the Forr through the gate called Harhi Pul, adjoining Man Singh's buildings, and dismounted at those buildings of Raja Bikrarnajit [r, AD 1516-26, killed at Panipat], where Rahim Dad had settled himself.

Tonght I chose to take opium because of my earache. Another reason was the lustre of rhe moan,

(27 September) Opiurn sickness gave me much discomfort next day, I vomited a great deal.

Nonetheless, I visited the buildings of Man Singh and Bikrarnaj.r. made entirely of hewn stone, in heavy and unsyrnmerr.ca hloCkS, however. Of all rhe buildings of the Rajas, Man Singh's [t AD 1486-1516] was the best and highest.I: was more elaborate!v worked on its eastern face than on the others. Thi; face was lortv to fifty yards high, and was entirely of hewn stone, whi.encd with p.asrer, In pans it is four storeys high; the lower two were very dark; we went through them with candles,

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On every side of this building -wete fjve cupolas havi ng betwe .n each two of them a smaller-one, square. after the fashion of Hindustan. On the larger ones were fastened sheets of gilded work, the semblance of banana trees shown by green tiles. In a bastion of the eastern front was the Hathi *Pll1-hathi* being what these people call an elephant, while *pul* means a gate or bridge, A sculpted image of an elephant with two drivers (raja and mahout) stood at the exit of this gate. It was exactly like an elephant, so the gate was called Hath: Pul. A window in the lowest storey of the four-storey building was pointed towards this elephant and gave ı close view of it. The cupolas which had been mentioned above were themselves the topmost stage of the building; the sining rooms were on.the second storey. They were rather airless places although pains had been taken to construct them.

The buildings of Man Singh's son Bikramajit were in a central position on the north side of the fort. The son's buildings did not match the father's. He had constructed a great dome, very dark but growing lighter if one stayed under it for a while. Under the dome was a smaller building into which no light came from any side. When Rahim Dad settled down in Blkran1ajit's buildings. he madearather small hall on top of rhis dome, A road was rna.ie from Bikrarnajits buildings to his father's in such a way that nothing was seen of it from the outside and nothing was known of it frorn the mside-e-quire an enclosed road.

After visiting these buildings, we rode to a college Rahim Dad had built by the side of a large rank. There we enjoyed a flower garden he had laid out and went late to where the camp was in the Char Bagh.

He had planted a large number of flowers in his garden, many being beautiful. red oleanders. In these places the oleander flower was oeach coloured. But those in Gwalior were a beautiful deep red. I took some of them to Agra and had them planted in my gardens there. To the south of the garden was a large lake where

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rain water gathered. To the west of it was a lofry idol house [called Telingana Mandir] next to which Sultan Shih.ib Uddin Alrarnsh had built a Friday mosque. This was a very tall building, the. highest in the fort. It could be spotted from the Dhulpur Hill [thirty miles away]. Rahim Dad had made a wooden platform in his garden, and po-rches at the gates, which, after the Hindustani fashion, were rather low and shapeless.

Tbe Uriuah Va/ley

(28 September) At the Midday Prayer we rode out to visit places in' Gwalior we hadnor seen yet. We saw the building called Badalgar which was part of Man Singh's fort. Then we went through the Hathi Pul and across the fort to a place called Urwah, which was a valley bottom on its western side.

Though Urwah was outside the fort wall runni along the top of the h.ll, it had two stages of a highwall at its mouth. The loftier of the tw ; was some thirty or ferry yards high. At each end it joineo the wall of the fort. The second wall, being lower and shorter rhan the first, curved in and joined the middle part of the first.

This curve of the wall 'would have been made for a water-thief. Within it was a stepped well in which water was reached by ten or fifteen steps.

Above the Gate, leading from the valley to this walled well, the name of Sultan Shihab Uddin Altamsh was inscribed, with the date AH 630/AD 1233. Below this outer wall and outside the Iort there was a large lake. From it water went to the water-thief. There were two other lakes inside Urwah whose wa rer was preferred by those who lived in the fan.

Three sides of Urwah were solid rock, not the red rock of Bayana but one paler in colour. On these sides people had sculpted 1001 statues, large and small, one large statue on the south side

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being perhaps twenty yards tall. These idols were shown quite naked without any covering on their private parts (these being the idolsof the Digambara seer among jains].

Along the sides of the rwo Urwah lakes rwenry or thirty wells had been dug. Their water was used to vegctabics, flowers and trees. Urwah was not a bad place. ' ! ordered them destroyed. [However, t idols were its defect. were not broken up by Babur's agents: they were mutilated. the jains restored their heads witheo loured plaster,]

Going out ofUrwah into the fort again, we enjoyed the window of the Sulrani Pul which must have been closed through the earlier times until now, and went to Rahim Dad's flower garden at the Sunset Prayer, dismounted there and slept.

We rode from the flovcr garden to visit the idol houses of Cwalior, Some were two and some three storeys high) each storey rather low in the old fashion. On their stone plinths were sculpted images, Some idol houses, college fashion, had a portico, large high cupolas and theological college like cells, each topped by a slender stone cupola. In the lower cells idols were carved in the rock.

After enjoying the sight of these buildings we left the fort by the south Gate, made an excursion to (he south, and then wen: north to the Char Bagh that Rahim Dad had laid out opposite the Hathi Pul. He had prepared a feast of cooked meat for us arid, after setting excellent food before us, made an offering of plenty of goods and coins worth four lakhs, From this Char Bagh I rode to my own Char Bagh.

(30 September) I went to see a waterfall twelve miles south-east of Gwalior,

Close to the Midday Prayer we reached a fall where water was corning down a slope twenty cubits high. Below the fall there was a large lake, Above it the water carne flowing through solid rock, There was solid rock also belov. the rall.

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A lake formed wherever the water fell. On the banks of the water lay piece after piece of rock as if for seats. We sat down above the fall and ate maajun, went upstream to visit its source, returned, got out of the boat on a higher ground, and stayed while musicians played and reciters recited.

The ebony tree was pointed out to those who had not seen it before. We went down the hill and, between the Sunset and Evening Prayers, rode away, slepr at a place we reached near the second watch [midnight), and with the oncoming of the first watch of day [6 a.m.] returned to our own Char Bagh.

lvly Return March to Agra

(12 October) There was a maajun p.irry.

(14 October) After eating something we headed for Sikri. Near the second watch, we dismounted somewhere and slept. I could not sleep on account of the pain in my ear caused likely by cold or maybe not. At the top of the dawn, *we* left, and in the first watch, dismounted at a garden-in-the making at Sikri. 1 he garden wall and the w .ll buildings were not corning up to mv satisfaction. Therefore the supervisors were threatened and punished.

(15 October) We reached Agra during the first "latch [6-9 a.rn.]. In the forr I saw the honoured Khadija Sultan Begum who had stayed behind for several reasons while Fakhr Jahan Begum had departed for Kabul. Crossing the j amuna, I went to the Bagh-e Hasht Bihishr, Garden of Eight Paradises.[1]

Taking Charge Of Ranthambhor

(19 OCtober/5 Safar) Harnusi, son of Diwa, an old Hindu servant from Bhira, was ordered to work with Bikrarnajir's envoys to draft an agreem'enr for the surrender of Rantharnbhor and for the Conditions of Bikramajit's service according to the Hindu ways

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and customs. Before r-rurning, our man was ordered to watch and learn and ensure that the task was properly performed, If Bikrarnajit stood by his word then, I promised that, God bringing it right, I would set him in his father's place as the Rana of Chiror.

(20 October) In the forenoon I made a beginning of caring quicksilver [as medicine].

The Confiscated Treasuries Exhausted

(22 October) By this time the confiscated treasures of Sikandar Lodi and Ibrahim Lodi in Delhi and Agra were at an end. Royal orders were therefo reissued that each stipendiary should contribute to the Court thirty in *every* hundred of his allowance to be used for war material and appliances, equipment) gunpowder, and the pay of gunners and matchlock men.

Birth of My Grandson

(4 November) A n.esseriger brought news that Humayun was reported to have had a son [to be named Al Arnanjby a daughter of Yadgar Taghai.

My Versificatiun o(Walidiye risala

(6 November/23 Safar, Friday) Such heat appeared in my body that with difficulty I got through the Congregational Prayer in the Mosque, and with much trouble through the Afternoon Prayer in the book room, late, and only little by little. Then, after having hadfever, I trembled less on Sunday.

(10 November, Tuesday) Tonight it occurred to me to versify the *Walidiye risala* (Parental Tract) of His Reverence Khwaja UbaiJ Ullah Ahrari, I laid it to hear: that if) by going to the soul of His Reverence [Ubaid UI1ah] for protection, I were freed from

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this disease, it would be a sign that my poem was accepted—just as Al Busiri, the author of *Qasaidat al burda* (0 ıter Garment—nfProphet Muhammad) was freed from the affliction of paralysis when his poem was accepted,

To this end I began to versify the tract using the metre of Abdul Rahim jami's *Subbat al Abrar* (Rosary of the Righteous), Thirteen couplets were composed rhar same night. I tasked myself to produce no fewer than ten a day, In the end only one day was missed.

While lau year every time such illness happened ir had persisted for at least a , nonth or forty days, this year by God's grace and His Reverence's favour, I was free, except for a little depression, on Thursday, The end of versifying the contents of the tract was reached on Saturday, One day I produced fifry-rwc couplets.

Alerting My Troops [or Service

(11 November) Royal orders were se:u to all sidcs.snying, 'With God providing an early opportunity, my army will got to horse. Let all come soon, equipped for service.'

Royal Letters

(27-28 November) Biyan Shaikh was sent with letters for Humayun and Karnran,

COpy OF A LETTER TO HUMAYUN

'The first matter, after saying, "Salutation" to Hurnayun whom I am longing to see, is this:

'Exact particulars of the State of affairs on that side and on this ha ve been made known by the letters and dutiful representations brought on Monday 10 Rabia Awal by Beg Gina and Biyan Shaikh.

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(Turkish) Thank God! A son is born to you!
A son to you, to me someone close to my heart.

May the Most High God ever allot to you and rue tidings ıs joyful! So may it be, Oh Lord of the two worlds!

'You say you have called him fAl God bless him and make him prosper! You write it so yourself (i.e. Al Arna n). but you have overlooked that common people mostly say *al amen* or *ailamanl* Besides that, Al is rare in names [among Timuris], May God bless him and make him prosper in name and person. May He grant us to keep Al Aman (i.e. peace) for many years and many decades of years! May He now order our affairs by His own mercy andfavour as nor in decades may come such a' chance as this [Shahzn da hmasp Safavi's rout of the Uzbeks at Jam]!

'Again: On Tuesday the 11 th of the month came the false rumour that the Balkhis had invited [my adherentjQurban Chirkhi into Balkh,

'Again: Karnran and the Kabul begs have orders to join you. Once this is done, attack Hissar, Sarnarkand, Herat or to whatever side favours fortune. May you, by God's grace, crush foes and take lands to the joy of friends and the distress of adversaries! Thank God now is your time to risk life and wield swords. Neglecr not the work that opportunity has brought. Indolent life in retirement befits not sovereign rule:

(Persian) He who hastens grips the .vorld,
Empire goes with a brisk clip;
All else, confronting marriage, must be hurled,
Save only kingship.

'If through God's grace the Balk]. and Hissar territories be captured and held, put your men in Hissar, and Karnran's men

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in Balkh, Should Sarnarkand also be won, place your throne there. Hissar, God willing, I shall turn into a crown domain. If Karnran regards Balkh as small, report the matter to me. Please God! I will make its defects good at once out of those other territories.

'Again.As you know, the rule hasalways been that when you have six parts, Kamran has five. This, having been fixed, I will make r.o change.

'Again: Live well with your younger brother. Elders must bc.ir the burc'en: I have the hope that you for your part will keep on good rerrn, with Karnra n. He, who has grown up an active and excellent youth, should not (ail for his part in loyal duty to yoi..

'Again: Words from you are somewhat Icw, No person has come frc m you for the past rwo or three years. The man I sent to yqu[Beg Muhammad] came back over a year ago.

'Again: As for the "retirement" mentioned in your leners, retirement is a shortcoming among sovereigns. As the honoured (poet Saadi Ganjawi] says:

(Persian) If your foot be fettered, choose to be led;
If you ride alone, heed only your own head.
No bondage equals that of a king;
Retirement is out of his ring.

'Again: You have written me a letter, as I ordered you to do. But why not have it revised? If you had tried reading it, you could not have done it. And, finding yourself unable to read it, you would have certainly made alterations. Though, after making much effort, It can be read, it is very confusing. Who ever faced an enigma in prose? Your spelling, though not bad, is not quite correcr. You Write *iltafat* with *ta* and *qulin]* with *ya*. Though your letter can he read after much effort, it cannot be understood because of the obscure wording of yours. Your remissness in letter writing what makes you abstruse, that is to say) your elaboration. In

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future, write without elaboration. Use plain, clear words. That will lessen your trouble and your reader's,

'Again: You are now to go on a great business (of recapturing the Timuri lands], Take counsel with prudent and experienced begs, and act as they say. If you seek to please me, give up sitting alone and avoiding society. Summon your younger brother and the begs twice daily to your presence, not leaving their corning to their choice. Whatever be the business) take counsel and settle every word and act in agreement with those well-wishers,

'Again: For long, Khwaja Kalan has had with me a house friend's intimacy. Have you as much and even rnorcwith him. If, God willing, the work becomes less *in* those parts so that you will not need Karnran, let him leave disciplined men in Balkh and come to my presence,

'Again: Seeing that there have been such victories, and such conquests, since Kabul has', been held, I take it to be a good omen. I have made Kabul a crown domain, Let none of you covet it.

'Again: You have done well, you have won the heart of Sultan Wais; get him to your presence; act by his counsel as he knows business.

'Until there is a good muster of the army, do not move out.

'Biyan Shaikh is well apprised of the word-of-mour.h matters, and will inform you of them These things said, I salure you and arn longing to see you.'

The above is written IJn Thursday 13 Rabia Awal (26 November AD 1528]. To the same purpose and with my own hand, I wrote also to Karnran and Khwaja Kalan, and sent *off* the letters,

My Campaign Plans

(2pecember/19 Rabia Awal) The mirzas, sultans) and the Turkish and Hindustani commanders were summoned for counsel. Our decision was this. This year the army must move in some direction;

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and that Askari should go in advance towards the East, be joined by the sultans and commanders from beyond the Ganges, and march in any direction that fortune favoured.

These particulars having been written down, Glviyas Uddin the arrnourer was given a rendezvous for sixteen days, and dispatched galloping off on 22 Rabia Awal to the commanders of the East headed by Sultan Junaid Barlas,

Ouroral message was this. Askari was being sent on before the fighting apparatus--culverin, cart and matchlcck-e-was ready. That was the royal order for the sultans and commanders of the far side of rhc Ganges: to muster in Askari's presence and, after consulrar.on with well-wishers on that side, to move in whatever direction .ortune might favour. If there should be a task requiring my presence, I would get to horse as soon as Ghiyas Uddin had returned, An explicit attempt should be made to find out whether ornor the Bengali [Nasrat Shah Hussein Shahi] was friendly and single minded. And that if nothing required my presence in those parts, lwould not stay put but would proceed elsewhere at once.

Askari Promoted to a Royal Commander

(12 December) Askar: was made to wear a bejewelled dagger and belt. A roya 1dress of honour was presented to him along with a flag, horsetail standard, drum, six decorated horses, ten elephants, a string of camels, a string of mules) and royal stockings and utensils, Moreover, he was ordered to ta]« his seat at the head of the Court. On his mullah and two guardians were bestowed gold-embroidered jackets, and on his servants, three sets of nine coats.

The Agra-Kabul Road Measured

(17 December) It was decided that Chiqmaq Beg along with Shahi Tamghachi[3] should measure the road between Agra and Ka bul,

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At every eighteenth mile a tower was to be erected thirty feet high with a top that was open on all sides. At every alternate tower six horses were to be kept fastened to the post. An arrangement was to be made for the payment of the post masters and grooms, and for the corn for horses.

Our order was: 'If the place where the horses are held be near a crown domain, let those there provide for the matters mentioned; if not, let the cost be charged on the beg in whose area the post house may be.'

Chiqmaq Beg left Agra with Shahi Tarnghachi that day.

The Grandest Feast of My Reign

(18 December) There was a grand feast at which were present Qizil Bash (Red Head), Uzbek and Hindu envoys.

The Qizil Bash envoys sat under an awning erected about seventy to eighty yards on my right. Of my begs, Yunus Ali was ordered to sit with them. On my left the Uzbek envoys sat in the same way. Of my begs, Abdullah the librarian was ordered to sit with them.

I sat on the north side of a freshly erected octagonal pavilion covered with *khas* (i.e. scented grass, whose roots were fitted into window spaces and moistened to mitigate dry, hot winds),

Some five yards on my right sat Tukhta Bugha Sultan and Askari-along with Khwaja Abdul Shahid and Khwaja Kalan, descendants of the Reverend Khwaja Ubaid Ullah Ahrari, Khwaja Chishri and Ali Khalifa Barlas, together with other mullahs [led by Mullah Farrukh and Hafiz Kabir Kirab] dependent on the Khwajas, who had come from Sarnarkarid.

About five yards away on my left sat Muhammad Zaman Mirza, Tang Atmish Sultan [an envoy of Kuchum Khan, the Uzbek chief], Mullah Rafi Uddin Salai, Sayyid Rumi, Shaikh

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Abul Fath Curari, Shaikh jarnali, Shaikh Shihal. Uddin Arab and Sayyid Zakni.

All the sultans, khans, begs and commanders had brought gifts of red, of white, of black (i.e. gold, silver and copper coins) of cloth and various other goods. They poured the red and white on a carpet (hat had been spread, and alongside gold and silver coins were carried in srnall bags or stockings, white cotton piece-cloth, and purses of rnoney.

While the presents were being offered, we had fierce camels and fierce elephants [intoxicated by bhang or other drugs) set to fight one another on an island opposite, so also a few rarns-foilowed by wrestlers grappling one another.

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Then Our Bestowals Followed

Khwaja Abdul Shahid and Khwaja Kalan were rna de to wear long coats of fine muslin decorated with gold embroidery and suitable dresses of honour. Those led by Mullah Farrukh and Hafiz Kabir Kitab [of Sarnarkand] had jackets put on them. On the envoy of Kuchum Khan [the Khaqau of Uzbeks in Sarnarkand] and Tang Armish Sultan were bestowed silken headgear and a gold-embroidered long coat of fine muslin along with suitable dresses of honour,

Gold-embroidered [ackers and silk coats were presented to the envoys of Abu Said Sultan [Uzbek], Mihrban Khanum and her son Puland Sultan, and to Shah Hassan Arghun. The two Khwajas and the two chiefenvoys-Kuchum Khan's retainer and Hassan Chalabi's younger brother-were presented with a silver stone's weight of gold and a gold stone's weight of silver.

To Khwaja Mir Sultan and his sons, to Hafiz of Tashkent, to Mullah Farrukh as the head of the Khwaja's servants, and also Other envoys, silver and gold were given with a quiver.

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Yadgar Nasir [my step-nephew) was presented with a dagger and belt. On Mir Muharnmad the raftsman, deserving a reward for the excellent bridge he built over the Canges River, a dagger was bestowed. So too was it awa to each matchlock men, wrestling champions Hajji uharnrnad and Buhlul, and to Wali Parschi, the cheetah keeper.

Gold-embroidered jackets and silk dresses of honour were presented to the servants of my daughter Maasuma and my son Hind-al.

Again presents of jackets and silk dresses of honour of gold and silver and various goods were give.i to those from Andijan and to those who had.come from Sukh and Hoshiyar, the places where we had fled, landless and homeless.'

Gift; of the same kind were given to the servants of Qurban Chirkhi and Shaikhi Beg and the peasants of Kahrnard.

After food was served, Hindustani players were ordered to show their tricks. *Lulis* (i.e. gypsy acrobats) came. Hindustani performers perform several feats not done by the ones from the Transoxianian lands (countries north of the Hindu Kush],

One was this. They arranged seven rings, one on the forehead, two on the knees, two of the remaining four on fingers, twO on toes, and in an instant set them turning rapidly. Another was this. Imitating the port of the peacock, they placed one hand on the ground, raised up the other and both legs, and then in an instant) made rings on the uplifted hand and feet revolve rapidly.

Still another was this. In those Transoxianian lands rwo people gripped one another and turned two somersaults, but Hindustani lulis, clinging together, turned three or four times. Another was this. A luli set the end of a twelve- or fourtecn-Iov' pole on his midriff and held it upright while anot climbed up the pole and did his tricks up there. Another was this. A Sfnal1 luli got upon a big one's head, and stood there upright. While the big one moved quickly (rom side to side showing his tricks, the

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little one showed his on the big one's head, quite upright and without tottering. Many dancing girls also carne and danced.

A 111'1S5 of red, white, and black [coins] was thrown in air. There followed amazing noise arid pushing by the crowd.

Between tl:e Sunset·and Evening Prayers I made five or six special people sit in my presence for over one watch. At the second watch of the *clay* (9 a.rn.], having sat in a boat, I went to the Bagh..e Hasht Bihisht [Garden of Eight Paradises].

Askari lviarcbes Eastward

(20 December) .Askari, who had assembled his army out of Agra *for.* the expedition, came to the harnarn, rook my leave and marched eastward.

My Eastward Advance

(20 january/If) .Iumada Awal) I set out for the east after the. third ghari [circa 7.10 a.rn.], crossed the Jamuna by boar a little above Jalisir and went to the Gold Scattering Garden [about six miles from Agra], I ordered that the standard, drum, stable and all the army troops should remain on the other side of the jarnuna, opposite the garden.

(31 January) In congratulation on the birth of Hurnayun's son and Kamrari's marriage, Mullah Tabrizi and Mirza Beg Taghai were sent with gifts to each of them of 10,000 shahrukhis, a coat I had worn, and a belt with clasps. Through Mullah Bihishti we sent to Hind-a] an inlaid dagger with belt, an inlaid inkstand, a stool fashioned in mother-of-pearl, a tunic and a girdle together with the alphabet of the Baburi script and phrases written in that script.

To Hurnayun were sent the translation and verses by me made in Hindustan, To Hind-al and Khwaja Kalan too these translation

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and verses were sent. They were dispatched also to Kamran through Mirza Beg Taghai together with headlines in the Baburi script.

More royal letters

(9 February) We marched from Ettawa, and after doing sixteen miles dismounted at the adjoining villages of Muri and Adusa.[6]

Several remaining letters for Kabul were written here. One to Humayun was to this purpose: if the work had not yet been -ione sarisfacronly, srop the raiders and thieves yourself; do nor let them embraIl the peace now descendjng among the pcoplcs. Again, there was rlus: I had made Kabul a crown domain, so let no son of mine cover it. Again: I had summoned Hind-a!

Kamran was cold to take the best of care in his dealings with Shahzada Tahrnasp Safavi, about my awarding him Multan, making Kabul a crown domain, and the arrival of my family and entourage train in Kabul. [Kamrari's mother Cul Rukh Begchik was a member of that parry and tried in Kabul to advance her son's interests).

As my letter to Khwaja Kalan made several particulars known, it was copied in here without alteraticn:

COpy OF A LETTER TO KHWAJA KALAN

'After saying Salutation to Khwaja Kalan the first matter is that Shams Uddin Muhammad has reached Ettawa, and rhat the particulars about Kabul are known.

'Boundless and infinite is my desire to go to those parts [Kabul and Transoxiana]. Matters are coming to some sort of sttclernenr in Hindustan. There is hope, through the Most High God, that the work here will soon be arranged. God willing, with this work brought to order, my start will be made at once.'

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'How should a person forget the pleasant things of those countries, especially one who has repented and vowed to sin no more? How should he banish from his mind the excellent flavours of melons and grapes? Taking this opportunity, a melon is brought to me; to cut and eat it affected me strangely. I was all tears!

'The unsettled state of Kabul had already been told me. After much thinking, my choice fell on this. How should a country hold together and remain strong, if it has seven or eight Governors? Under this aspect of the affair, I have summoned my elder sister [Khanzada] and my wives to Hindustan, have made Kabul and its neighbouring territories a crown domain, and have written to this effect to both Humayun and Kamran. Let a capable person take those letters to the Mirzas. As you may know already, I had written earlier to them with the same purpose. About the safeguarding and prosperity of the country, there will now be no pretext, and not a word more to say. Henceforth, if a town wall be not solid or subjects not thriving, if provisions be not in store or the Treasury not full, it will all be laid on the back of the inefficiency of the Pillar-of-the-State (Governor Khwaja Kalan). The things that must be done are specified below. For some of them, orders have already gone, one of them being: "Let the Treasury be built up."

'The things which must be done are these. First, the repair of the fort, again, the provision of stores; again, the daily allowance and lodgings of envoys going back and forth; again, let money taken legally from revenue be spent for building the Congregational Mosque; again, the repairs of the caravanserai and the hamam; again, the completion of the unfinished building made of baked brick which Ustad Hassan Ali is constructing in the citadel. Let this work be ordered after taking counsel with Ustad Sultan Muhammad. If a design exists, drawn earlier by Ustad Hassan Ali, let Ustad Sultan Muhammad finish the building precisely according to it. If not) let him do so after making a gracious and

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ha-rnonious design, and in such a way that its floor shall be ..vel with that of the Audience Hall; again, the Khwurri-Kabul dam which is to hold up the But Khak River at its exit from the Khwurd-Kabul narrows; again, the repair of the Ghazni dam; again, the Avenue garden in which water is short and for which a stream must be diverted; again, r had water brought from Tumtum Dara to rising ground south-west of Khwaja Basta, there made a reservoir and planted young trees. got the name of Belvedere because it faces the ford and a first class view. The best of young trees must be planted lawns arranged, and borders set with sweet herbs and flowers of beautiful colour .ind scent; again, Sayyid Qasim has been named to reinforce you.

'Again, do not neglect the condition of matchlock men and of Ustad Muhammad Arnin the armourer; again, directlyas this letter arrives, you must get my elder sister [Khanzada Begum] and my wives out of Kabul, and escort them to Neel Ab, However reluctant they may still be, they most certainly must starr within a week of the arrival of this letter. Why? Because the armies sent from Hindustan to escort them are suffering hardship in a cramped plaice and also because they are ruining the territory.

,Again, I made ire1ear ina 1etter written to AbdumahAsas that tl.ere had been great confusion in my rmnd to cour.rerbalance my state of penitence. This quatrain is somewhat dissuasive:

Through renouncing of wine bewildered am I;
How to work know I not) so distracted am I;
While others repent and vow to abstain,
I have vowed to abstain, and repentant am I.

'Again, that quatrain was made before last year. In truth the longing aridcraving for a wine party has been infinite and endless for the past twoyears so rnuch so thatsometimes the craving for wine brought rne to the verge of tears. Thank God! This vca. that

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trouble has passed from my mind, perhaps by virtue of the blessing of versifying a translation of *\Y/a'idiye risala.* You too should renounce wine! With equal associates and boon cornpa wine and company are pleasant things. t with whom can you now associate? Who to drink wine wir h? If your boon companions are begs like Sher Ahmad and id.ir Quli, it should r,o t bed ifficul t for you to forswear \vi ne. SO much said, I salute you and long to see you,'

(The above letter was written on Thursday 1jumada Thani/ 10 February 1529).

The letters were entrusted to Shams Uddin Muharnrnad on Friday night when he was »pprised of the wo mouth messages and given permission to leave.

My Eastward March Resumed

(13 February) We covered eighteen miles and dismounted in the Dirapur (now in Kanpur district) area of Kalpi. Here I shaved my head, which I had not done for the past two months, and bathed in the Senger River.

(6 March) After marching at dawn and travelling rwelve miles, we reached Sir Aauliya, a district of Piag lnow Pruyag], I went direct by boat.

I Swam rhe Ganges, counting every stroke. I crossed with thirty-three, then, without resting, swum hack. I had swum the other rivers, the Ganges had remained.

We reached the confluence of the Ganges and the Jamuna at the Sunset Prayer, I had the boar drawn to the Prayag side, anc' gcr to cJmp at one watch, four ghar is (10.30 p.rn.).

(23 March) I visited the fort of Chunar and dismounted about two miles beyond it.

During the days we were marching from Prayag, painful boils had appeared on my body. While we were on this ground, an

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Ottoman Turk (i.e. Rurni) used a remedy which had been recently discovered in Rum. He boiled pepper in a earthen pOLl held the sores in the steam and, after steaming ceased, laved them with the hot water. The treatment lasted two astronomical hours.

While we were at this camp, a local man told us that he had seen tiger and rhinoceros on an *aral* (jungle tract in the curves of the river) by the side of the camp.

(24 March) In the morning we made the hunrin; circle-the beaters' iucurving line-on that aral, wirb elephants also being drawn ill. Neither tiger nor rhino appeared. Just one wild buffalo came (ou(at the end of the line. The rising bitter vind and the whirling dust were very troublesome. I wrn: h,lCk to the boat and in ıı (o the camp, which was four miles above Benaras (now Varanasi].

(2 April) Next morning we departed around the first watch (6 a.rn.) in order to get people to find a ford through the Karmanasa River, I lode along its bank upstream for two miles but, the ford being still far away, took boat and went to the camp below Chausa [aka, Chausath],

Today I used the pepper remedy for my boils again. lr must nave been somewhat hotter than before, for it blistered my body, giving me much pain,

(4 April) I ate opium.

(6 April) Supplicant letters from the Farrnul: Shaikhzadas of Bihar told us that the enemy had abandoned the place and departed.

(7 April) As many as 2,000 men of the Turkish and Hindustani commanders were assigned to Muhammad *fVli* Jang):1ng's son Tardi Muhammad, and he was given permission to go, taking letters of royal encouragement to people in Bihar. He was joined by Khwaja Murshid Iraqi who had been made the finance minister of Bihar.

(13 April) Muhammad Zaman Mirza was presented with a

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royal head-to-foot dress, a sword and belt, a horse and an Umbrella. He was also made to kneel for the Bihar territory. Of the Bihar revenues, one crore and twenty-five lakhs were reserved for the Royal Treasury; its Court was entrusted to Murshid Iraqi,

(14 April) I left the camp by boat. I had already ordered the boats to wait, and on boarding one, I had them fastened together abreast in line. Though all were not collected there, those that were exceeded the breadth of the river. They could not move when so arranged, because the water was shallow here, deep there, and swift here and stagnant there,

With a crocodile appearing, a terrified fish leared so high as to fall into a boat. It was caught and brought to me.

When we were nearing our camp, we gave the boats names. A large one, formerly *Baburi,* which had been built in Agra before the battle with Sangha, was renamed *Asaish* (Repose). Another, which Araish Khan had built and presented to me this year before our army got to horse, one in which I had had a platform set up on our way to this ground, was named *Araish* (Ornament). Another, a good-sized one presented to me by Jalal Uddin Sharqi, was named *Cunjaish* (Capacious). In it I had ordered a second platform set up on top of the one already on it. To a little skiff with a cabin, one used for every task and duty, was given the name *Farmaish* (Commissioned).

(27 April) Ali Khalifa Barlas was dispatched to look at the ground between the Ganges and the Ghaghara.

I rode southward in the Ari [now Arrz.h] district to see the sheets of lotus near Arrah. During the excursion Shaikh Abul Fath Guran brought me fresh lotus seeds, first-rare li things like pistachios. The flower..thar is to say, the lotus Hi ustanis caJ!lotus pistachio, and, its seed *soot.*

When told, 'The Son [River] is near,' we went to refresh ourselves on its banks. Plenry of trees could be seen downstream. They said, 'Muniz is there, where is the tomb of Shaikh Yahya

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(head of the Sufi Chishri order] the father of Shaikh Shara! Uddin Muniri?'

It being so close, I crossed the Son, went five miles downstream, traversed the Munir orchards, made the circumambulation of the tomb, returned. to the Son bank, made ablution, went through the Midday Prayer before time, and made for camp.

Some of our horses, being fat, had fallen behind; and some were worn out. A few people were left behild to gather them, water them, rest them, and bring them on without pressure. Rut for this, many horses would have been ruined.

When we returned from Muniz, I ordered that someone should count a horse's steps between the Son bank andthe camp, They amounted to 23,100--·that is 46)200 paces, or twenty-. three miles. It was about a mile from Munir to the Son River. Therefore the return journey from Munir to rhe camp was rwenry-four milts. In addition to this there were some thirty miles in visiting this and that place; so that the whole excursion was of some sixty miles.

My Military Strategy Against the Bengal Army

(28 April) The Turkish and Hindustani cornma were summoned for consultation about crossing the [illegible].

The decision was as follows. Ustad Ali Quli should collect mortar, firings, and culverin to the point of rising ground between the rivers Sari! and the Ganges, and after acquiring many matchlock men, should provoke a battle from that place. Also, Mustafa, after getting: many matchlock men, should get his material and implements ready on the Bihar side of the Ganges, a little below the confluence and opposite to an island where the Bengalis had an elephant and a mass of boats tied up, and that he should battle from his place. Muhammad Zaman Mirza and others assigned for the general task should rake post behind

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Mustafa as his reserve. For Usrad Ali Quli and Mustafa shelters for the culverin firers should be raised by a mass of diggers and labourers under appointed overseers. As soon as these shelters were ready, Askari and the sultans assigned should cross quickly at the Haldi ferry passage and come.down on the enemy.

Meanwhile, as Sultan Junaid had cold us about a crossing point sixteen miles upstream, Zard Rui should go with a few raftsrnen and some of the people of the Sultan Nouhani and Mahmoud Khan Nouhani co look at that crossing and, if the crossing was suitable, they should go over at once because ir was rumoured that the Bengalis were planning to post their mer: at the Haldi passage.

Adutifulletter from MahIT10ud Khan, the Military Collector of Sikandarpur, came, saying that he had collected as many as fifty boats at the Haldi passage and given wages to boatmen, but that they were much alarmed at the rumoured approach of the Bcng vlis.

(30 April) As time pressed for crossing the Ghaghara, I did not wait for .he return of those who had gone to look at the passage, but summoned rhe begs for consulrnrion. I said, 'As it has been reponed that there are no fords along the whole of the ground froro Chaturrnuk in Sikandarpur to Baraich and Oudh, let us assign the large force to cross at the Haldi passage by boat and from there to swoop down on theenerny, Let 1Jstad *Ali* Quli and Mustafa battle with guns) matchlocks) culverins and firings, and thus draw the enemy out before Askari arrives. After crossing the Ganges and assigning reinforcements to Usrad Ali Quli, let us take Our stand ready for whatever comes. If Askari's troops get near, let us move from where we are, cross over and assault Let Muhammad Zaman Mirza and those with him engage battle from near Mustafa on the other side of rl.e Ganges.'

We formed the force to the north of the Ganges in three divisions to start under Askari's command fer the HaJdi passage.

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One division was of Askari and his retainers, Another was of Uzbek sultans Qasim Hussein Sultan, Bai Khub Sulra n and Tang Aitish Sultan together with Mahmoud Khan Nouhani, Baba Qashqa Kuki and Darya Khanis led by Hassan Klan. And another was cf Mousa Sultan Farmuli and Sultan]unaid with an army of 20)000, Officers were appointed to oversee the mounting of the force on horses that night.

(1 May/22 Shaaban) The army began crossing the Ganges at dawn. I went over by boat at first watch (6 a.m.). Zard Rui and his party carne at midday, They had nor found the fo but they brought news of boats,

(3 May) We marched from where the river had been crossed, went on for nearly two miles and dismounted on the battlefield at the confluence. Then I went to enjoy Ustad Ali Quli's shooting of culverin and firings. He hir two boats with special *[iringi-wstv»,* broke them anc sank them. Mustafa did the same from his side, 1 had the large mortar taken to the battleground, left Mullah Ghulam to supervise the making of its position, appointed a body of battlefield 'messengers and active warriors to help him, went to an island facing the camp, and there ate maajun.

While still under the influence of maajun, I had the boat taken to near the tents and slept there, A strange thing happened in the night) a noise and disturbance arising about the third watch (midnight) and the pages and others snatching up pieces of wood from the boat and shouting 'Strike! Strike!'. What was said to have led to the disturbance was that a night guard, who was.in the *Farmaish* [boat] alongside the */vsaish* [boat] in wbicb I sleeping, opening his eyes from slumber, saw a man with hand on the *Asaisn* as if meaning to climb into her. They swooped on him, he dived, came up again, hit the night guard's head, wounding it a little, then ran off at once towards the river [towards the mainstream) as the boats were between an island and the

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river's bank]. Once before, on the night we returned from Munir, one or two night guards had chased several Hindusranis from near the boats, aud had brought in two swords and a of theirs. The Most I-ligh had me in His keeping!

(Persian) Were the sword of the world to leap forth,
It would cut r.or a vein till God will.

(4 May) At dawn I went near the stone-firing ground and the boat *Guniaisb,* and re-posred each soldier to his task.

Details of the Battle

(4 May) Aughan Birdi Mughal, leading not less than 1,000 men, had been sent to get in some way or other across the [Saru] river two, four or six miles upstream. A mass of foot soldiers, crossing from opposite Askari's camp, landed from twenty to thirty boats on his road, presumably thinking to show their superiority, but Aughan Birdi and his men charged them, put them to flight, took a few and cut their heads off, shot many with arrows, and got possession of seven or eight boats.

Today also, Bengalis crossed in a few boats to Muhammad Zaman Mirza's side, landed there and provoked a fight. When attacked, they fled and three boatloads of them were drowned. One boat was captured and brought to me. In this affair Baba Qashka Kuki went forward and exerted himself excellently.

Orders were given that in the darkness of night the boats Aughan Birdi had captured should be towed from land upstream, and that in them there should cross Muhammad Sulran Mirza, Yakka Khwaja, Yunus Ali, Aughan Birdi and those previously assigned to go with them.

Today came a man from Askari to say that he had *c*

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the Saru River, leaving none behind, and that he would corne down on the enemy ar the next dawn. those already o.xiered to cross over were told to join to advance upon the enemy with him.

At the Midday Prayer, a person came from Ustad Shah Muhanun.ad, saying, 'The stone is ready; what is the order?' The order is, 'Fire this stone off; keep the next till I come.' Going at the Afternoon Prayer in a very small Bengali skiffto where shelter had been raised, I saw Usrad Shah Muhammad fire off one large stone and several small firingi ones,

The Bengalis had a reputation for fire-working. \Y/e tested their reputation, They did net fire to hit a particular target but fired at random.

At the Afternoon Prayer orders were given to draw a few boats upstream along the enemy's front, A few were got past without a demur from those who, all unprotected, drew them up. Aisan Timur Sultan and Tukhta Bugha were ordered to stay at the place those boats reached, and to keep watch over them. 1 got back to camp in the first night watch of Thursday.

Near midnight came news from Aughan Birdi's boats which were being drawn upstream, 'The force appointed had gone somewhat ahead. We were following, the boats, when rhe Bengalis got to know where we were drawing them and attacked, A stone hit a boatman in the leg and broke it. We could nc t pass on.'

(S May) dawn came the news from at the shelter: 'All the boars have come from above, cavalry has ridden to meet our approaching army.' I our men mounted quickly and rode out to above those boats carne on the high bank to where the boars *lay* below] had been drawn up in the night. A galloper was dispatched with an order for Muhammad Sultan Mirza and chose appointed to cross with

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him, to do it at once and join Askari, The order for Aisan Tirnur Sultan and Tukhta Bugha Sultan was that they should busy themselves with crossing. Baba Sultan was not at his post.

Aisan Tiruur Sultan at once crossed in one boat with thirty to forty of his retainers who held their horses by their manes at the boatside. A second boat followed, The Bengalis saw the.m crossing and set off a large force of foot soldiers for them. To meet this challenge, seven or eight of Aisan Timur Sultan's rerainers, keeping together, shor off arrows, drawing those foot soldiers towards the Sultan, who meanwhile was getting his men mounted.

In the mean time, the second boat was also moving. When his thirty to thirty-five horsemen charged those foot soldiers) they forced them to flee.Aisan Tirnur did exemplary work, first in crossing -before the rest, swift, .tcady and without a sigh of 'God forbid!'; secondly in his excellent advance, \vith so men, on such a mass of foot, and by putting these to flight. Tukhra Bugha Sultan also crossed, Then boats followed one another. Hindustanis began to cross from their usual posts (in an array} by swimming or on bundles of reeds, Seeing how matters were going, the B.ngalis of the boats opposite the shelter of Mustafa's set their faces for flight downstream.

Dost Beg, my Lord of the Gate, Dervish Muharr.rnad an, Nour Beg and several warriors also went across the river. I made a man rush off to the sultans to say, 'Gatherwell together those who cross, go close to the opposing army, take it in -he flank, and get to grips.' Accordingly the sultans collected those who crossed, formed up into three or four divisions, and started for the foe.

As they drew near, the enemy commander, without breaking his array, flung his foot soldiers to the front and so came on Kuki with a soldier from Askari's force and got to grips on his side. "he sultans engaged the enemy on their side. They acquired the upper hand, unhorsed one man after another, and made the

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el emy scatter, Kuki's men brought down a pagan of repute named, Basant Rao and cut off his head. Ten or fifteen of his people fell " on Kuki's, and were instantly cut to pieces. Tukhta Bugha Sultan galloped along the foe's front and slashed wel] with his sword, Mughal Abdul WJhhab and his younger brother got in their swords as well, Though Mughal did not know how to swim, he had crossed rhe river by holding on to his horse's mane.

I sent for my own boats which were behind. The *Farmaish* coming up first, I went over in it to visit the Bengalis' enczmping grounds. I chen went into the *Gunjaish*, 'Is a cross! place higher up?' I asked. Mir Muhammad the rold me rha: the Saru River was better to cross upstream. So the army folk were ordered to cross at the higher place he named.

While those led by Muhammad Sultan Mirza were crossing (before the battle], the boat in which Ya kka Khwaja was ling sank and he went to God's mercy, His retainers and lands were bestowed on his younger brother Qasirn Khwaja,

The sultans arrived while I was making ablution for the Midday Prayer. I praised and thanked them and led them to expect guerdon and kindness. Askari also came. This was the first battle he had seen. A good omen for hirr.!

As the soldiers of my camp had not yet crossed the river, I to.ik my rest in the boat *Gunjaisb* near an island.

Rewards and Pursuit of Fugitive Bayazid and Biban

(21 May) Rewards were bestowed on Aisan Tirnur Sultan and Tukhta Bugha Sultan of swords and daggers with belts) cuirasses, dresses of honour, and adorned horses, Also they were made to kneel, with Aisan Timur Sultan for the grant of thirty-six lakhs from the Narnul district, and Tukhra Bugha Sultan for thirr)' lakhs from thatof Sharnsabad.

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(23 May/15 Ramadan) We marched frorn our ground belonging to Kandih on the Saru River [called the Ghaghara below its confluence with the Sarda] wirh easy about Bihar and Bengal, and determined to the rraitors Biban and Shaikh Bayazid.

(25 May) After making two night halts we dismounted at a passage across the Saru called Chaupara-Chaturmukh of Sikandarpur, As news began to come again and again that the traitors, after crossing the Saru were going toward Lucknow, the following leaders were appointed to bar their crossing: the Turkish and Hindustani conunanders Jalal Uddin Sharqi, Ali Khan Farrnuli, Tardi Yakka and Nizam Khan together with Tulrnish Uzbeg, Qurban Chirkhi and Hassan Khan. They were given permission to leave.

Damage to My *[ournal*

(25 May) That night when first watch, five gharis had passed (circa 10.55 p.rn.) and the special Late Night Prayer was over, such a storm burst in a moment from the clouds of the rainy season) and such a stiff gale rose suddenly that few tents were left standing. I was in the Audience Tent, about to (my daily journal). Before I could collect papers and sections, the tent came down, with its porch right on my head. The flap in the tent roof Went awry. God preserved me! No harm befell me! Sections and the book were drenched under water and were collected together with much difficulty. We laid them in the folds of a woollen throne carpet) put it on the throne and piled blankets on it.

The storm died down in about two gharis (about three-quarter of an hour). The bedding tent was erected, a lamp lighted, and, after much trouble a fire kindled. Wide awake, we were busy till shoot of the day drying folios and sections,

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(2 June) When, I went at night to make ablution in the Parsaru, people were catching a mass of fish that had gathered round a lamp on the surface of the water, I, like others, took fish in my hands."

My Return to Agra

(21 june) With an easy mind about these parts, we set out for Agra, riding light and fast when three pais and one ghari of Tuesday night (12.25 a.m.) were past.!

In the morning of Tuesday we did thirty-two miles near midday, made our noon break in the district of Balaciar, one of the dependencies of Kalpi, and there gave our horses barley. At the Sunset Prayer we rode on, did rwenry-six miles in the night, at the third night watch we dismounted at Bahadur Khan Sarwan's tomb at Sugandpur, a district of Kalpi, slept a little, went through the Dawn Prayer and hurried on. After travelling rhirry-rwo miles we reached Ettawa at the fall of day, where Governor Mahdi Khwaja came out to meet us. Riding on after the first night watch (9 p.m.), we slept a little on the way, did thirty-two miles, rook our nocn drink at Fathpur of Rapri, rode on soon after the Midday Prayer on Thursday, covered thirty-four miles and in the second night watch.(soon after 9 p.rn.) dismounted at the Garden of Eight. Paradises in Agra.

(24 June) Towards the Midday Prayer, having crossed the jarnuna, I waited on Khwaja Abdul Haqq, went into the Fort and saw my paternal aunts.

A Balkhi melon grower had been set to raise melons. He now brought a few first-class small ones. On one or rwo bush vines I had planted in the Garden of Eight Paradises good grapes had grown. Shaikh Guran sent me a basket of grapes which roowere not bad. To have grapes and melons grown *in* this way in Hinductan filled me with content.

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Arrival of Mahim Begum from Kabul

(.26 June) Mahim, the mother of Hurnayun, arrived [a five months' travel] while yet two watches of Sunday night (20 Shawal] remained. By a singular coincidence they had left Ka bul on the' very day, 10 jumada Awal, on which I rode out to do battle with the Bengalis.

(7 july/1Dhul Qaida) The offerings made by Hurnayun and Mahim were set out while I sat in the large Hall of Audience.

Today, wages were given to 150 porters and they departed under a servant of Faghfur Diwanro fetch melons, grapes and other fruits from Kabul,

(16 Augustll0 Dhul al Hijja) On this festivalday of Eid al Adha (aka, Eid-e Qurban) Hindu Beg was presented with a special head-to-foot dress, an inlaid dagger with belt. Also a district of seven lakhs was bestowed on Hassan Ali, well known among the Turkrnen as a Chagharai.

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AH 936–5 Jumada Awal AH 93

Rahim Dad's Affairs

(7 September/J Muharram) Shaikh Muhammad Ghaus came from Gwalior alongwith Shaikh Shi.iab Uddin Arab to plead for Rahim Dad. As Shaikh Muhammad Ghaus was a pious and excellent man, I forgave Rahim Dad's Iaulrs for his sake, Shaikh Guran and Nour Beg departed for Gwalior as territory was put in their charge . , ,

This is the end of Babur Nama. *The chronology for the remaining fifteen months of Babur's life as reconstructed (ranI other sources follows:*

Humayun Arrives in Agra

In early AH 936, Humayun arrived in Agra from Qila far in Badakhshan, most probably at the urging of his mother Mahim and without a specific invitation from Babur since he did not appoint some high official to relieve Hurnayun at QUa Zafar,

Nonetheless, his arrival cheered up the royal family in Agra- Babur gave Hurnayun his earlier fief of Sarnbhal.

Humayuri's absence from Badakhshan made it vulnerable, and tempted Said Khan to invade it.

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Babur Visits Lahore and Sirhind, and Hunts West of Dehli

Babur marched to Lahore with a twin objective: to quash the rebellion *o!* AbdulAziz in Lahore, and show his support for the loyalist Suleiman Mirza, who had been sent to govern Badakhshan, in order to reverse Said Khan's takeover of Badakhshan,

In Sirhind, the Raja of Kahlur (now in Hirnachal Pradesh], waited on Babur, and made offering of seven falcons and three .rnaunds of gold. In return Babur confirmed his

Babur left Lahore on 4 March AD *1530/4* Rajab AH 936. made a detour to Sirhirid, and then spent two months hunting around ardak [in present-day Karnal district) west of Delhi,

1 Muh:rram–5 ju.mada Awal AH 937/26 August-26 December AD 1530

Babur's Seli-sacrifice to Save Humayun

Humayun contracted acute fever in SambhaL He was transported to Agra *by* boat. His disease puzzled the royal physicians. Babur was advised Ito offer the Kohincur diamond for .pious cauces to win resrorarion of Humayuri's health. He rejected the counsel. Instead he decided to make an intercession through a eevered saint offering his own life in exchange for Humayun's.

As advised by the saint, Babur circumambulated Humayun's sick bed three times, praying, 'O Godl If a life be exchanged for a life, I, Babuz, hereby offer my life for Hurnayun's.' During this ritual, fever was said to have surged over him, making him cry, 'I have taken up the burden] I have taken up the burden!'

Later thar day Babur fell ill. Humayun recovered well enough to give audience. Babur became bedridden. Humayun returned to Sambhal while Babur's condition deteriorated. died after

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a few months in bed on Monday,S jurnada Awal AH 937/26 December AD 1530.

In the words of Gul BadanBegum, a half-sister of Hurnayun, anda family historian, 'Babur spoke in this wise way: "For years it has been in my heart to make over the throne to Hurnayun and to retire to the Gold Scattering Ga By the Divine grace I have obtained in the health of my body everything but the fulfilment of this wish. Now that illness has laid me low, I charge you all to acknowledge Hurnayun in my stead. Fail not in loyalty towards him. Be of one heart and mind towards him. I hope to God that he for his part will bear himself well towards men. Moreover, Hurnayun, I commit you and your brothers and all my kinsfolk and your people and my people to God's custody and entrust them all to you."

'Black fell the day for children and kinsfolk and all.'

In his mourning sermon, Khwaja Kalan cited the Iol.owing funeral ode of poet Badayuni:

Alas! That time and the changing heaven should exist without you;
AlaslAlas: That you should be gone while time still goes on.

Babur's Burial in Agra and Later Transportation to Kabul

Babur's corpse was laid in the AraITI Bagh (Rest Garden) opposite to where the Taj Mahal would later be built by his great-great: grandson Shah jahan. Khwaja Muhammad Ali Asas WJS appointed the guardian of the tomb. LInder him many readers ct' the Quran conducted the five daily Prayers and offered supplicirion for Babur's soul. This was a temporary arrangement as Babur had directed in his will that his body was to be buried in Kabul,

. It was some time between AH 946 and AH 1539 and

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1544 that Babur's body was transported to Kabul. It was buried on the slope of the Shah..e Kabul Hill.

Several of Babur's descendants embellished the burial garden. Shah Jahan built a mosque next to the tomb. Earlier, his father jahangir had ordered the following inscription adorning the upright slab of white marble at the grave head:

'A ruler from whose brow shone the Light of God was hir Uddin Muhammad Babur Padshah, Together with majesty, dominic n, fortune, rectitude, the open hand and the firm Faith, he had his share in prosperity, abundance, and the triumph of vicrorious .irms. He won the material world and became a moving light. For his every conquest he looked for light towards the World of Souls . . , Paradise is forever Babur Padshah's abode.'

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Notes

[ntroduction

1 Uzbek is a compound word-s-vz. and *be):* which translates as self-ruler, or inde pcndent-minded.

2 For detailed genealogies of Qulruq Nigar Kharu.rn and Ornar Shaikh Mirza, see 'Babur's Family Tree'.

3 Alluding to rheShia affiliation of Saif Maulana Aruzi, the tutor of Bai Sunghar Mirza, a Iirr.uri Turk, Babur to Shia Islam as 'that heresy'.

4 The three other codes of Sunni Islam are Hanbali, Maliki and Shafii.

Chapter 1

1 There are seven climates, each associated with u major planet: the First Climate (Saturn) is the coldest and the darkest; the Second Uupiter) is very cold but also bright; the Third (Mars) is dry in a stony wasteland; the Fourth (Sun) is hoc and dry; the Fifth (Venus) is agreeable in a fertile soil with abundant water; the Sixth (Mercury) is moderate; and the Seventh (Moon) is bright but listless.

2 The extreme length of the Fergana Valley is about 160 miles and its width, at its widest, sixty-five miles.

J It does not flow into any sea but sinks into the sands.

4 Though Sarr means trader it is often used to describe all those settled in valleys and oases. By Afsara Sarts, Babur probably meant

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Turkish-speacir-g Turks, and by Margilanis he meant Persian.speaking Tajiks.

5 Actually, the distance between Khoj md and Andijan is 187 miles, and that between Khojandand Sarnarkand 154 miles.

6 This meant placing the turban sash round the skull cap in a single fold and then winding it four times round after twisting it on itself.

7 Hazara is a derivative of *hazar*, one thousand, rhe number of Mongol soldiers that ChingizKhan is said to have left behind after conquering the territory now called Afghanistan. Their descendants came to be known as Hazaras.

8 Cited from Saadi, *Gulistau,* Part I, Story

Chapter 2

1 Cited from Nizarni Ganjawi, *Khusrau ue Shirin.*

2 So Baber's father, Ornar Shaikh Mirza, was not their full brother,

3 The term 'champion's portion' was first used by Mughals, Whosoever outdistanced his tribe and got the target with his sword was entitled to take the first portion atevery feast and entertainment.

4 Chingiz Khan captured Sarnarkand in AD 1222 but left it intact.

5 It is now part of the famed Registan Complex,

6 The circumference of the town's walls was nine miles and that of the citadel 1.67 miles.

7 This grape is still grown in the Samarkand region.

8 Sarnarkand's citadel stands on a high ground, with the land sloping down to the west and the south.

9 *Qibla* is the direction pointer in a mosque or prayer room towards Mecca-the site of the holy black stone) called *Kaabo-s-io* enable the worshipper to bow in the right direction during prayers.

10 Ancient observatories were themselves instruments of astronomical observation. Ulug'i Beg's great quadrant was 180 feet high; Abu Muhammad Khojandi's sexranr had a radius of fifty·eight Raja Jai Singh made similar great instruments in jJipur, Hindusran,

11 Only seven or eight observatories existed in the world then, Caliph Mamoun constructed one with which the Mamouni Tables were written.

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Ptolemy constructed another, The 'oldest one was built in Hindusian during the reign of Raja Vikrarnadirya in the Malwa region, with the Vikramadirya era beginning in 57 BC. Hindus used tables of this observatory.

12 Timur Beg was born in Ilgar villagein the Kesh/Shahr-e Sabz district.

13 The Taq-e Kisri south of Baghdad is 105 high, eighty-four feet in span and 150 feet in depth.

14 Also Timur Beg's father was buried there.

15 Abdul Latif killed his father on 9 Ramadan AH 853/AD 1499.

16 In the Muslim world, the specific line or phrase in a chronogram (such as 'killed by Baba Hussein') consists of Arabic consonants whose numerical values add up to the Islamic year when the event occurred. The position of a letter in the alphabet determines its numerical value.

Chapter 3

1 Pashagar, a village in the Soghd sub-district of the domain of Samarkand, belongedro Khwaja Ubaid Ullah Ahrari unril his death in AH 894/AD 1488. After short rules by Sultans Ahmad and Mahmoud Mirza, it became dependenton Muhammad Hussein Dughlat.

Chapter 4

1 Among Turks and Mughals, gifts were always made in nines, as they considered nine a magical number.

2 The second occasion was in AH 910 when Baburwas on his way to Kabul from Sukh,

3 Nuyan means a commander of 10,000 soldiers.

4 Shaikh Maslahar's tomb built in Khojand in AH 790/AD 1390 was a place of pilgrimage. Tirnur Beg had circumambulated it. And in AH 903/AD 1497 Babur had found refuge there.

5 Baburcould have justifiably compared his of Samarkand with Tirnur Beg's capture of Qarshi in AD 1370, also with 0 soldiers.

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Chapter 5

1 *The* departure of Babur and his encourage in darkness by a little-used route showeJ his distrust of Shaibani Khan Uzbek's promise of safe conduct.

2 Actually Khanzada Begum married Muhamrnad Shnibani Khan Uzbek voluntarily and with her mother's consent.

3 The second instance was in AH 908; the third in AH 914; the Iourth-« not described in *Fabur Nama*—followed Babur's defeat at Ghaj Diwan in AH 918; and the last when he survived poison in AH 933.

4 Tirnur Beg captured Delhi in AH 801IDec 1398, that is 103 solar/ 106 lunar years earlier.

5 Cited from 'he *Bustan;* 'We' means jarnshid and his predecessors who have rested by his fountain.

6 Strictly speaking, as a stepbrother of his mother, Babur should refer to Sultan Mah m»ud Khan as his *Taghai* father not as *Dada*

7 Here Babur clearly differentiates Mughals-e-meaning Chagharai Mughals--from Tirnuri Turks like himself.

8 A rakaa is a unit of prayer requiring two prostrations. The length of each of the five compulsory prayers varies between two and four rakaas, the Dawn prayer consisting of two and the Evening Prayer four rakaas,

Chapter 6

1 Cited from Saadi, *Gulistan,*

2 A *gbari* equa-ling rwenry-tour minutes was the basic unit of time.

3 Canopus or Alpha Argus, the star of the first magnitude in the Argo constellation, is invisible north of 37° latitude. Being a most conspicuous star in Afghanistan, it has given its name to south, *suhail*, instead of *[anub,*

4 Cited from the Preface to *Anu/ar-e Subai],* Lights of Canopus.

5 Most probably a brothel was situated in KuJ Kina.

6 The heights of the mountain passes are: Chahar Dar, 18,900 PirandJ, 15,984 feet; Wallian, 15,000 feet; TuJ, *13,890* feet; Ba] Gah, 12,000 feet; Khawak, 11,640 feet; and Shibr Tu, *9,800* feer

7 According to the Hindu tradition, Panjshir, Five Lions, to

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the temporary base of rhe five Pandava brothers who appear in the ancient epic, the Mahabharara,

8 In 1895, Abdur Rahrnan, the founder of modern Afghanistan, seized Ksfirisran, dotted with Christian missions, and converted its inha bitanrs to Sunni Islam" renaming the area Nourisran or Land of Light

9 The kafir wine was mostly thin and invariably diluted with water.

10 This form of supplication was as old as days of poet Abul Qasirn Mansour Firdausi [AD 940–AD 1020J, In his *Bahar.è Ajam*, it says that in Hindusransupplicanrs heid straw in the mouth to indicate that they were yellow from fear.

11 This custom among the Tartar conquerors since the days of Timur Beg.

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Chapter 7

1 In AH 910, he persuaded Babur to attack Kabul instead of Khurasan.

2 His sister Apiq Bega was included as a poet in *Biographies of Ladies*.

3 The name Fat Place, Tambal Khana, had its parallel in Fat Village, Simiz Kint, a name of Sarnarkand. In both cases the nickname derived from the fertility of the irrigated lands.

4 Hilali's narrative poem was mystical and symbolic rather than realistic.

Chapter 8

1 Babur's distinction between Chagharai and Mughal touches on the correctness or otherwise of the term 'Mughal dynasty' in India originating with him. He would have described his mother Qulruq Nigar Khanum as half-Chagharai {her father] and hall-Mughal [her mother], and himsel! as half-Timuri Turk [his father] and half-Chaghatai (his mother].

Chapter 9

1 Badi Uzzaman sought refuge with Shah Ismail Safavi who gave him Tabriz, When the Turkish Emperor Salim captured Tabriz in AH 920/

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AD 1514, he was taken prisoner and transported to Constantinople where he died three years later.

2 Khanzada Khanurn claimed that Muzaffar Mirza 'had divorced her two years earliez

3 The contemporary rulers were meticulous about their correspondence, paying attention to the style, qualiry of the paper and the placing of and seal.

4 In old times Knaqans were styled Padshah, Supreme. No Timuri had risen above the title of When the Timuris had the upper hand, Babur's Timuri paternal grandfather Abu Said asserted his de facto supremacy over Babur's Chagharai maternal grandfather Yunus Khan. Babur could rightfully claim the Khaqan style only after he had-established suzerainty over the Chaghatais, Mughals and Mirzas. He did so by quelling Wais Khan Mirza rebellion in Kabul, defeating' the Arghuns in Qandahar, and by getting his Uzbek foe Shaibani Khan Uzbek move to a less threatening disra.ice. Yet his Padshah was not universa!!y recognized.

Chapter 11

1 By the early nineteenth century, the rhinoceros had disappeared from the west of the Indus River.

2 Spikenard was used as a perfume, a stimulant and as a cure for hysteria and epilepsy.

3 The Eid al Fit! is the festival at the end of the fasting month of Ramadan) celebrated on seeing the new moon of Shawal,

4 The line was from a religious poem of mystical nature, and its profane recitation offended Mullah Mahmoud Farabi and others,

Ch,apter 13

1 Muhamrnad Salih was the author of *Sbaibani Nama.*

2 From Sandi, *Gulistan,* chapter I, .tory 17.

3 Ustad Ali Quli had witnessed this defence strategy deployed by Sultan Salim of Turkey against Shah Ismail Safavi at the Battle of ChaldJran near Tabriz in August AD 1514, which ledto his victory.

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4 According to the Afghan historians, the astrologers had predicted Sultan Ibrahim Lodi's defeat. The morale of his army was low , because of the Sultan's mistreatment of his commanders.

5 Meanwhile, Babur went through Ibrahim Lodl's camp and looked in vain *for* Ibrahim in his own quarters. On receiving the dead Sultan's head, Babur went to the spot where the corpse was found. He ordered his aides to bathe the corpse and bury it it and that a tomb erected there.

6 Three centuries later wild elephants had in this region.

7 Hindu is derivative of.Sindhu, the Sanskrit name of the great known in English as the Indus—that flows Himalayas to the Arabian Sea. The ancient Persians, unable to pronounce the initial 'S', used the word Hindu to denote the people and land beyond rhe river's eastern bank.

8 Khwaja Kalan found that his constitution was not suited to Hindusran's climate.

9 In reply Khwaja Kalan wrote:

You show your gaiety and your wit,
In each word lie many a charming feat.
Were not that all things of Hind are upside down,
How else could you be so pleasant on the cold in that heat?

Cbapterl-i

1 Babur's cannon .vas made in pans and then clamped together, and it was often made of iron bars strongly compacted into a circular shape.

2 However, this duty was not abolished until *of* Emperor jahangir (AD 1605-27), *if* then.

J The italicized passages in this 'document are in bic. When originating in the Quran, they are in the words from *Th« Koran Interpreted* by Arthur J. Arberry, Oxford University Press, Oxford and New York, 1964.

4 This is the first mention of playing cards in literature.

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Chapter 15

1 The walled .own of Chanciri was 250 feet higher rhan rhe bed of rhe river, and its citadel was 230 feet higher again.

Chapter 16

1 The Quran refers to seven paradises.

2 Al Aman is the cry of the vanquished, 'Quarter! Mercy!', and *Ailaman* or *a/ aman* can represent a Turkmen raider.

3 He was the bearer of the royal stamp used for exc.npting the payment of tolls and other dues.

4 One Turkish gold stone equalled 500 misqals, or one Kabul ser; and one Turkish silver stone equalled 250 misqals, or half a Kabul ser or one British pound by weight.

5 Babur showed his gratitude for the hospitality he had received from these highlanders of Asfara twenty-five years earlier.

6 The twin villages were later renamed Sarai Baburpur, the halting place of Babur,

7 This fishing method is still prarised in certain parts of India.

8 The distance between Adarnpur and Agra is 157 miles. The time taken by Babur was from 12.25 a.rn. on Tuesday morning to about 9 p.rn, on Thursday. It showed that despite three years of continuous activity in the plains of Hindusran and bouts of malarial fever, Babur's capacity for sustained effort had not sapped.

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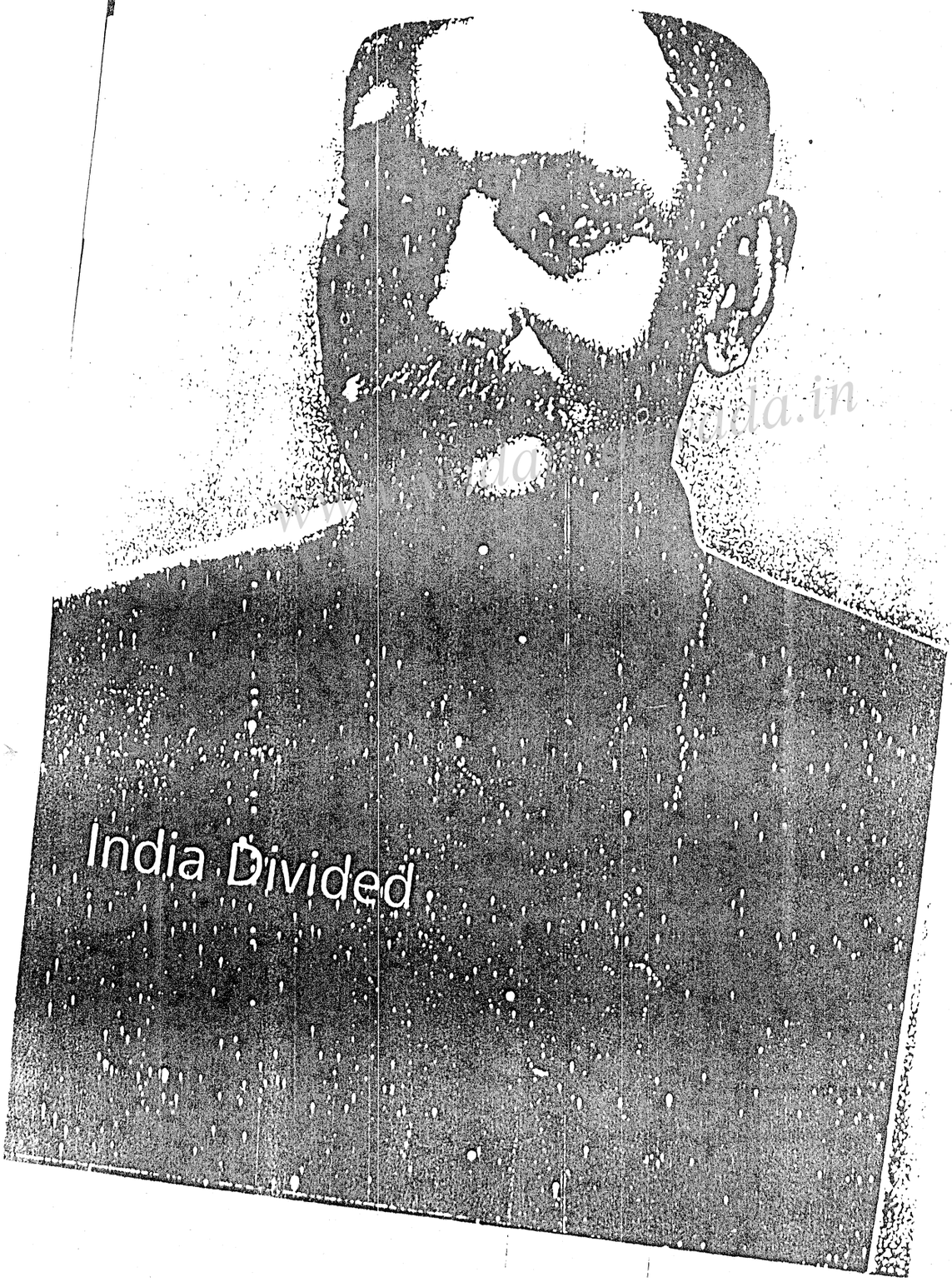

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8 22

Babar downwards laying stress on the desirability of respecting the Hindu feeling by not slaughtering cows, if not actually prohibiting cow-slaughter altogether, and there are innumerable respectable Muslim families among whom beef is never used out of regard for the feelings of Hindu neighbours. 'On the occasion of Id it appears the cow was not sacrificed, for we are told: "On that day [Id] everyone who is able will sacrifice a goat in his house, and keep the day as a great' festival.":"

It is' worthwhile reproducing rh: secret will of Zahiruddin Mohammed Badshah Ghazi (Babar) to Prince Nasiruddin Muhammad Hurnayun:

'Oh Son! the Kingdom of India is full of different religions, Praised be God that He bestowed upon thee its sovereignty. It is incumbent on thee to wipe all religious prejudices off the tablet of thy heart, administer justice according to the ways of every religion, Avoid especially the sacrifice of the cow by which thou canst capture the hearts of the people of India and subjects of this country may be bound up with royal cbligarions.

'Do not ruin the temples and shrines of any cornrnuniry which is obeying the laws of government. Administer justice in such a manner that the King be pleased with the subjects and the subjects \vith the King. The cause of Islam can be promoted more by the s\vord of obligation than by the sword of tyranny.

'Overlook the dissensions of the Shias and the Sunnis, else the \veakness of Islam is manifest.

'And let the subjects ot different beliefs harmonize in conformity \vith the four elements (of which the human body is harmoniously composed) so that the body of the Kingdom may be free [rorn dIfferent dissensions. The memoirs of Timur, the masrer of conjunetions, (the fortunate,) should always be before thine eyes. so that thou mayest beeome experieneedin the affairs of administration. First jamaidiuluwal 935 A.H.'17

h Some instances of tolerance by Muslims may also be mentioned ere, given to me by Dr Syed MahmuJ:

D The famous Portuguese historian Far: Souza writes in his *akkhan-Ki-Halat:* 'Hindus and Musalrnans served one another

16 lshwari Prasad, "*A Short History of tvucslim Rule in lnd:a,* p. 738, quoting Pelsaert, p. 74.

17 Translation of the will of Babar, a copy of which used co be in possession of rhe late. D-r Balkrishna, Principal, Rajaram College, Kolhapur; published in *The Searchlight,* dated 30 May 1926.

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and Mus1im kings used to aPpoint Hindus to high posts and confer on them high ranks.' In other words, there was no discrimination against Hindus" and they used toperform their religious rites and ceremonies without hindrance. The Mu'almansusedto show great consideration for the r'llgiollS fceli ngs 0f the Hindus:

Sir /Ifred Lyall wrr.. s in *Asiat'ie Studies,* p, 289: 'But so far wer.: they [Muslim rulers] from1 can verting India, that among the Molin mrnada ns rhcrnselves. their owr. faith never acquired an enu rc, exc1usive mo no poly o t the high o fficers of administranon.'

Aurangzeb rceomm.nded to Shah Jahan and his ministers many ab1c Hindus for aPpointrncnt. I·()rexample, when (here was a vacancyin the p()st o f Diwani of Ellichpur, he strongly recommended a Rajpur officer named Ramkaran but for some reasons Shah Jahan diJ nor accept the rc(ammendation. Aurangzeb wrote a second time that a better rncn could not be found. *(Ruqaat-Alamgiri, V01.* I, p. 114.) Many instances of such rccommcu.i.u.or.s rnay be foundin *Ruqa.t-Alamgiri,* and *A b-e-Alan1gir1.*

It .s generally believed that Aurar.t.-cb forcibly convcrtcd Hindus to Islam. But a curious incide». may be described here which shows his attitude. Shah jahan had .mprisoncd the Raja Indrur-ia n of Wandhera for his repcatc.i .icts of disobcdrcnce of orde(s When Aurangzcb \was appointed Subedar o f an he strongly rceommended his release to Shah Jahan, But Shah Jahan was sodispleased with Indraman that he turned down Auran b's recommendation and \Vrotc to him that Indraman had repeatedly caused hin1 displeasure, but hemight be set free if he be(ame a Musalln;ln. Aurangzeb strongly protested against this and wrote to Shah Jahan that this condition could not be acted upon and was impolitican J short.sighted, and that if he was to be released, he should be released on conditions offered by him. Aurangzeb's letter to Shafaullah Khan, the Prirnc Minister, on this subject is to be found in the *Adab-e-Alamgiri.*

II. SOCIAL IIf·E

The influence exerted by the Hindu on .M1uslim social life and CUStOIll and vice versa was no less remarkable. *This* can be illustrated easily by reference to the rites and ceremonies connected with the three most important and significant incidents in human life-birth, o1arriage and death. I shall mention here some common

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ANNEXURE A-3

Parliamentary Speeches of Maulana Syed Asád Madani

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Parliamentary Speeches of Naula Sye Madan

Translation from Urdu

Mohammad Anwer Hussain
Sayeed Suhrawardy

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PUBLICATIONS PVT. LTD

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RESOLUTION BABRJ MASJID DISPUTE

5 t 1

[t.uiutona Madani ioent on a visit to the European and African countries for delivering speect.es on Islam. TNhen he landed at the Delhi airport, he drove straight to the Parliament to take part in the orlgoing debate over riots that occurred due to the Babri masiid dispute. His speech is mentioned hereunder.]

Maulana Asad Madani: Honourable President. India is a country where followers of Jiffercnt religions and ethnic communities live cheek by jowl. This country can only prosper if people of different religious faiths respect their fellow compatriots. The county is bound to suffer losses, if disunity and lack of respect prevail among the citizens. Inter-communal rivalry and animosity have always caused harm to the nation. It is unfortunate that offensive slogans have been written on walls and streets. 'Such slogans create an impression that India is a country of Hindus only. Members of other communities have no place in it, because it is a Hindu Rashtra. Such. kind of aggressive behaviour will desrabilise the country and cause distortion of image in the eyes of the international cornmunity Since the international community has been keenly observing these incidents, we should refrain from indulging in acts that may bring bad r.ame to the country.

We should deliberate on issue of Babri mosque with an open minci.Takmg revenge for what happened in the remote past and levelling baseless allegations with an intention to divert attention fr ɔm pressing current social issues wil! push the country into the vortex of backwardness. We should exercise restraint and refrain from indulging in such acts so that we can divert our energy to bring peace and prospenty to the country, We should rely on the judicia ry for resolving dis putes. All of us should believe in the supremacy of law. Defiance of judiciary

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would be an unpatriotic act. We should rise above party politics to promote national interest. Though we belong to different pcli.ical parties, we should be united on issue of national importance and resolve our differences through peaceful .nezc tiation.The nation will suffer loss. if the votaries of rnaridir keep on fixing dates for starting temple construction. It will definitely arouse communal passion in the country. Therefore; I request the government to take decisive action over the issue. I would also like to appeal to members of different communities to exercisecaution ar.d refrain from aggressive behaviour and resolve the dispute by peaceful methods.

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ANNEXURE A-4

TI-IE ISSUES OF BABRI MASJID/ MUSLIM PERSONAL LAW, AND ASSAM ACCORD

February 1986

[This speech of tviaulana Madani deals with the Indian Railways, Muslim Personal Lai», High Court Bench of Western UP, a Bill for the protection of rights of divorced Muslim we. of Masjid1and /sssam Peace /vccord.]

Maulana Asad Madani: I support the motion of thanks to Excellency, the Honourable President of India. On this occasion, I would like to draw your-kind attention to the following issues:

Double Lines in the Suburban Delhi

Delhi is the capital-city of India. Lakhs of people from the sub-urban areas flock to the city for the fulfilment of their daily needs, 'Particularly people from adjacent cities and villages shuttle from their homes to Delhi for trade and business. Tiar.sportation facilities from these places to Delhi remain inadequate, For many routes, there is only single line railway track, Supply of electricity is also inadequate, Therefore, it took more than five to six hours to travel a distance of one hundred miles, I request the government to lay down double railway tracks from Delhi to all cities and villages located within one hund red miles of distance from Delhi, There has to be uninterrupted supply of electricity, so that daily passengers from these areas may' reach their homes within one or two hours. It will ease the burden on Delhi and the people of adjacent areas could easily shuttle to Delhi, from their cities and villages.

A High .Court Bench for Western UP

The inhabitants of Western UP live at a distance of four hundred miles away from Allahabad. Due to the unavailability of a High Court Bench, people from these areas have to travel one thousand miles for the settlement of more 70 t

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of the cases Lucknow that is situated at a distance of hundred miles from Allahabad has a Bench of the High Court. Bu t the people *of* Western UP who are living at a distance of more than four hundred miles from Al.ahabad do not have a High Court Bench in their area. Thus. people of the area face great difficulties in the settlement of cases. Setting aside the.politicaldifferences. the Law Minister should sympathetically consider the plight of people of this area. He should set up a bench of the Allahabad High Court in Meerut or Moradabac..

Muslim Personal Law

The Cpoosition Party has beer engaged in a prolonged debate over the issue of Muslim Personal Laws. The Muslims of the country have never said that they want imposition of complete Islamic law in the country India is a secular state. AU the citizens take part in the process of law-making that suits our specific requirements and helps in the development process. Everybody obeys the laws ana state machineries too function accordingly.

The Muslim Personal Law governs the private llie of the Muslims like marriage, divorce, inheritance, and gift, etc. The Covernmer.t cannot abrogate Personal Laws of the Muslims We ha ve civil ma.:riage law, which permits inter- religious marriages. Nobody can object to the laws of civ.! marriage. But how is it to enact such laws that compel Muslims to follow an uri-Islamic law? It is unjustified. It s'iould not be allowed to happen.

During the pre and post-independence era, the Congress assured the minorities, especially Muslims, that it will not interfere in their religious affairs. Therefore. it should honour the commitment it made and refrain from inter!e the religious affairs.

According to Islamic laws. women have right to inr.eri tance. Right to property is granted to thern by/with ther, mother. sons, progeny', husband, brother, etc. divorced Muslim woman has right to inheritance as well as *metier,* A divorced Muslim woman has right to maintenance for three months after divorce or if she is pregnant she is

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entitledto the same till she delivers the child. Islam has granted adequate rights to Muslim women that has no parallel In any religion of the world.

In Islam, marriage is a sort of contract between a wife and a husband. Therefore. it breaks down if a husband pronounces divorce to her wife and vice versa. After pronouncement of divorce, a woman can claim right to maintenance for three months only. After that, parents and relatives of a divorcee are responsible for providing maintenance to her. But if a divorcee has lost parents and relatives, then in such cases entire Muslim community has the responsibility to look after her or *baitulmaal* shall provide means of sustenance according her standard of life.

Bill for the Protection of Rights of Divorced Women

I am happy to learn that the gave has introduced a Bill in the Parliament to protect the right of divorced Muslim women. By the introduction of the bill, a sincere effort has been made to ensure maintenance ofdivorced Muslim women. This bill has also placed the responsibility upon the Wakf Board to look after those divorced Muslim women who have lost all mear.s of sustenance and are begging in the streets. This bill that ha, been introduced in the Parliament for amendment will prove to be landmark if it is implemented in letter and sprit according to the wishes of the Muslims. The *Wakf* Board can easily sort out this problem. It is not merely a dream. It can be materialised if it is implemented with sinceri

Assam Peace Accord

1 he signing of the Assam.Peace Accord has resulted in more trouble for the common people. The names of 968000 bonafide voters have been deleted from the electoral lists. Similarly, 11 lakh voters could not exercise their right to vote during the elections. The Assarriese living in the forestland have been served notices to vacateo Members of ten families living in the Naogaon forestland have been served ultimatum to vacate within a fortnight. But before deadline, police personnel torched their houses and dug out their land. The situation is alarming

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over there, because tr-ose who lost their homes have been living in the refugee camps.

The Issue of Babri Masjid

The issue' of Babri Masjid is an important one, Thousands, of people including members of the State Assemblies have demonstrated and courted arrest in Lucknow against the court's decision about the case of the Babri Masjid, Sabri mosque was constructed in 1528. Emperor Babarcame to this area to suppress the revolt of the Governor of Awad *hi* yazid. suppressed the revolt and appointed Mir as the Governor of that area, Mir Baqi constructed. Babri to celebrate arrival of Emperor Babar to the area. It is the *Tuzk Babri* that this mosque was built or, a vacated land. (*Interruption*).

Kalpnath Rai: What is your opinion about Babar?

Maul aria Asad Mad ani: He was an Emperor,

Kal pnath Rai: Was he an aggressor or an Indian.

Maulana Asad Mad aru: It is useless to discuss it.

Kalpriath Rai: I am asking you, \\'hether Babar was an aggressor or an Indian.

Maulana Asad Mad ani: I do not want to prolong the debate over this issue. I do not intend to offer any clarification about him. I am narrating historical facts. .

Ayodhya is situated on the banks of Ghagra River. For seven or eight times, this city has been destroyed and rehabilitated due to scil erosion. The present day city of Ayodhya is that which has been rehabilitated after eight times of destruction due to soil erosion, There are nine places in Ayodhya where a temple of Lord Ram has been built that are supposed to be the birtl.places of Lord Ram. The Hindus reverentially worship in all these temples. For more than 335 years, there was no controversy over the existence of Babr: Masjid over there, Muslims used to offer prayer there and no one objectee to them.

The East India Company used an astrologer to pinpoint a portion or land in the very compound of Sabri Masjid as the birthplace of Lord Ram, It also constructed Sita Rasoi over there. In fact, theBritish Government sowed seeds of hatred between the Hindus and Muslims to pursue a policy of divide and rule.

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Itis unfortunate that this contentious issue nas been raked up. in our time,

In 1885, Mahant Raghunath Das had filed a case regarding that platform *tchaouirn).* While filing the case, he had also submitted amap of boundary of the m According to the map, the mosque belonged to Muslims and Ram Janambhumi that existed out of the mosque should be left for the construction of Ravi Temp le. The court dismissed this petition. The honourable judge belonged to a in dismissed the Uetition 011 the ground that his claim cou1d not be authenticated by facts. Therefore, he outrightly rejected permission ,to construct a temple there. Once again, Mahant Raghunath Dashad filed a petition for the same. but the court rejected it, Frorn that time onwards, differences over the issue started between Hindus arid Muslims and resulted into various ugly incidents. I do not intend to delve deep into the issue. but would like to Worm, you that until 22 December 1949, Muslims used to offer prayers there.

On the night of 22 December 1949, some persons entered ir.to Babri Masjid and placed idol inside it. The police sub.. inspector of Ayodhya Mr. Ranji: Singh noted in his diary that during night some persons jumped over the walls of the mosque and placed idols inside it. He appealed to remove the idols as otherwise, it may lead to social tension. Immediately after the incident, social tension developed there. As a result, the District Magtstrate promulgated Article 144 to control the situation. K. Nayar, DM of the city conspired. He promulgated Article 145 and confiscaced the mosque and locked it.

On 16 january 1950, the court permitted the opening of a small door in the m.osque and offerings to the idol kept there. The court also permitted for the following:

- Installation of water tape in the courtyard,
- Outside of the mosque marble stones were laid out for making the circumambulation ground,

  Two new temples were constructed southward of the mosque,

  Flag was hoisted atop micdletornb of the mosque.

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Rarr. [anarn Sthan (Birth place of Lord Ram) was written at the gate of the mosque.

All these activities were carried out inside the premises of the mosque during promulgation cf artiele 1 . After the confiscation of the mosque under Article 1 Prae Dar Ram was made che first receiver, who remained receiver for 18 years. After his deatl., an honorary magistrate K.K. Verma became its receiver. Mr. Hashim Ansari and other persons filed petitions against K.K. Verma for making alteration in the premise of the mosque. They also petitioned to the court for removing him as a receiver. The court while admitting the petition removed Mr. K.K. Verma as a receiver, A revision case was filed against the court decision and all the documents of proceedings were sent to Lucknow, The case is still pending in the court. Although we have repeatedly petitioned the court for speedy resolution of the case, our efforts did not bear fruits.

I requested the Chief Minister to settle the case through judicial process; otherwise, it might generate conununal tension, But he' did not listen to me. I presented more than three memorandums to the Chief Minister for the resolution of the case. But.I regret to say, that nothing has been done in this regard. Documents related to it are lying unattended. Dates of hearing of the case are yet to be decided. The court took up the revision case five years ago, Even the High Court expressed concern over the dragging of the case for five years. Delay in the resolution *of* the case ma.y cause communal tension. Therefore, it maybe settled as early as possible. But I ret to that it is still pending in the court.

On 16 January 1950/ Gopal Singh filed a case against the UP Government and the Muslims. After that Pararn Hans filed a case. Nirrnoh: Akhara filed a third case. In order to take possession of the mosque, the *Wakf board* filed a case against Gopal Singh and other parties in 1961. For the restoration of the mosque/ the High Court recognised *Wakfboard* as a leading claimant. But despite all the judicial activism, the case continues to be pending in the court.

Por the last two years, the VHP, Ram Janam Mukti Sarniti and other organisations of the Hindu corr.rnunity have launched

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a sustained movement to corrimunalise the issue. On December 1984, they took out a massive procession in Sitarnarhi. Bihar, On 17 October 1984, a huge gathering thronged on the banks of Sarju River to take pledge for the construction of Ram Temple. On 9 December, 1984, the Chief Minister of Ur visiled Ayodhya and met a retired judge Mr. Katju and a retired IG Mr. Di.ci'. They bluntly told the Chief Minister that if state administration did not open the door by 9 March, they would break the lock of the mosque. After that, on 25 January 1986, Mr. Ramesh Chandar Pandey who was not a party to the case . petitioned the court to allow offering of Puja in the Babri Masjid. (interruption).

Buta Pagar Radha Krishna: Please do not waste precious time the House to narrate the history of the case.

Maulana Asad Madani.I am not telling a story, but debating over the issue,

Deputy Chairmaru Time is over. Kindly conclude your speech.

Maulana Asad Madani: I wanted to say that Shri Ramesh Charidar Pandey who was not a party to the case has filed the petition. But the judge had dismissed his saying that he cannot decide this case. His petition was referred to the District Sessions Judge of Faizabad. It admitted his petition on 30[anuary *1986*, overlooking the fact that he was not a party to the case.

When some Muslims who were party to the case carne to know about it, they approached the C01Jrt. But the court did not admit their petition. Instead, it pronounced a one-sided decision. And within a day, the lock of the mosque was opened to give them its possession.

Deputy Chairman: Please do not go into the details of the case and conclude the speech.

Maulana Asad Madani: I will just conclude. I regret to say . that the radio and television channels telecast the entire proceedings live.

Deputy Chairman: Kindly conclude your speech. so that J can invite other members to speak,

Maulana Asad Madani: I have concluded my speech.

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Vish wibandhu Gupta: I would like to raise a point of order to say that since the matter is subjoined/ we should not go into the depths of the history of it. However/ I 'would like to request the honourable members not to delve deep into historical aspects of the case, now.

.Deputy Chairman: The Honourable Minister has taken so much time; therefore, kindly conclude your speech.

Maulan> Asad Madani: I know that r should not ra such issues in the House. Butit caused riots at many places.

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ANNEXURE P-5

PAPER READ BY

(LATE) AULANA 0 ASAD MADAN

MEMB F PARLIAMENT, RAJYA SABHA

THE THEN P IDENT F U -HIND

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SABRI MOSQUE AND distortion OF HISTORICAL FACTS

au!ana sayed Asad adani

Sabri mosque, at Ayodhya, within U.P.'s Faizabad district, has got so much importance that it is no more unknown to all those people who have interest in news papers and are aware of the country's situation. This old mosque has been the target of communal politics, for almost half a century, And through injudicious and unconstitutional verdict this mosque is being used as a temple since February 1, 1986. Since then this issue has got importance' and this poor mosque has become a challenge for Indian democracy.

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After the claim from a certain community, it becomes necessary that those who-want to know the truth should scrutinize the claim. in the light of credible history so that right and wrong become clear and could get a right decision. To find the truth we should approach Babar first. Because 311 historians, old and new, are agreed on the point that to know about Babar's life and activitles, the most reliable source is his diary which is famous in historical circle by the name of "Tuzk-e-Babari".

Brief introduction of Tuz Sa ri:

It is a diary or autobicqraphy of Zaheeruddin Mohammed Babar written in Turklsh. Babar had started writing this diary at his native place "Farghana", in the age of twelve in 893AH, and kept writing till five rronth before he fell ill in 1529AD (Muharram3,936AH). And after nine month, in the same year,on fifth Jamadi-ul-Ufa, 937AH, he died of ii/ness. Thus this diary covers his whole lite, except this one year.This historical document was translated by Abdurrahim Khan-e- Khana (d 1036AH), In Persian,entitled "Waqiat-e-Babari" on the direction of King Akbar. Later on, a British lady Mrs.Beverge translated it in English in the name of "The Babar Nama in Engfish",in two volumes wh'ch was published in 1922AD, Mrs.Beverge has given detailed footnote besides translation

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which made it rnore useful, Generally,this translated piece of work is popular among the modern academic circle. It was translated into Urdu also in the name of "Babar Nama". Now these translations are the main source for histcrians and bioqraphers. In these available Urdu and English translations of Tuzk-e-5abari, there is no mention that Babar had come to Ayodhya Of course, while describing the events in 935AH, he writes about few thmcs.

HOn Rajab7, 935AH, we stayed at the confluence of Ghaghra and Sardatthis confluence is in Bahraich), which is 2 to 3 kos(6 miles) away from Awadh.At that time Shaikh Bayazed was on the other side of Sarda and busy in correspondence with Sultan(Hasan Taimur), Knowing his fraudulent activities, I ordered the Sultan to be ready to cross the river at the time of Zuhar. They crossed the river immediately on arrival of Oat)acha(Babar's important commander). There were fifty horses and three elephants. They couldn't stand and ran away and few of thern who couldn't escape were beheaded and their heads presented before me, (Babar Nama lJ u, p. 9).

This statement of Babar clarifies that he had come here in the month of Rajao 935AH, only to crush Bayezed and according to him stayed at the confluence of Sarda and Ghaghra,six miles

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away from Ayodhya. After defeating Sheikh Bayzed, Baoar appointed Sayed Mir Baqi, as the head of the region in place of him and reached Bihar via Allahabad and Kadamankour where Sultan Mehrnocd, son of Sultan Sikander Lodi, had raised the banner of revolt against him. He returned. after spending almost one month in Bihar. Even while returning, he passed through the route away from Ayodhya, as written below in the paragraph of Tuzk-e-Babari.

"on 22th of Ramadan 935(H) we reached Chaupawa. Along the river Saryu via Chitrarnukh, solving the problems of Bihar and Sarda(Sultan Mehrnocd and Bayezed's revolt), after traveling 10 kos(20 miles), \N8 stayed at village Kailra situated on the bank of Saryu,in Fatehpur area and spent several days here. This place is very beau'iful.good homes,trees, specially mango and colourful birds attracted us. After that I ordered to departtowards Ghazipur." (Babar Narna, Urdu)

Besides these two writings there *is* nothing in Tuzk-e-Babari which shows that Babar had come .to this area.Besides Tuzk-e-Babari no other historical books of this period have mentioned about Babar coming to Ayodhya or about Ayodhya. Yes ,of course.Akbar's companion Allama Abul Fazal, in Aain-e-Akbarl.z'" volurlb,page7'8, described Awadh in this way.

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"Awadh is one of the big cities in India. It is situated on 118^0 6' longitude and 27^0 22' latitude. Its population was spread over 148 koslength and 26 kos breadth area in ancient period, Awadh is a big place of pilgrimage in India. King Ram Chandra was resloinq in this city'. Ghaghara and sarda's confluence is one kosawayfrom the city. Sarda is flowing close to the fort (Sultan Sikander Lodi's fort has now submerqed). Close to the city there are two graves, seven and six yards long. It is said these are tombs of prophets Ayyub and Shis(A.S). There are unique stories about these graves."

Even Abul Fazaf in his long statement, is silent about the Sabri mosque and the birth place temple. Besides this whatever reliable contemporary or other historical books are available, have no mention of E3abar coming to Ayodhya or demolishing any temple. Even most biased Indian historian Jadunath Sarkar and British historians Eliot and Dawson, have not quoted any incident of temple demolition by Babar, wheras these historians are more interested in demolition incidents of Muslim rulers and whatever they find related to this issue, include in their vvritings.Hindu historian Prof. Sri Ram Sharma,based on non availability of historical facts about the demolition of temple by Babar,writes in his book, "Mughal Empire of India".

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"We do net have any proo: that Babar had ever demolished any temple or oppressed any Hindu, only because ne happens to be a Hindu.(p.55,edition 1945,Quoted from, Babari Masjid Tartkhi Pasmanzar).

In the same manner. another Hindu historian who had been a professcr .» Patna university has quoted in his book entitled Mughal kingship and nobility about Babar as saying" In Babar diary neither any Hindu .ternple had been destroyed nor he had massacred Hindus owing to his biasness of religion and he is actuallyar, unbiased and liberal ruler".

Apart from theses evidences, his delicate and secular mentality does not permit to destroy any religious shrine or engaged in massacre of a particular community and hls testament for his elder son is an ample evidence for the same. He addressed his son as saying that " 0 son India known to be multi religious community and by grace of God you have been enthroned so it is mandatory for you to be just for all comrnunity irrespective of their religion and belief, leave the practice of scarifying cows which support to win the heart of masses and the masses would remain obedient followed by this, do not destroy religious shrine of abiding communities and do justice in a fashion where in the ruler and ruled rernain happy and joys. The propagation of Islam

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lies in blessinqs not in the power of swords , avoid all internal differences of Shiites and Sunnis and try to merpe all the religious Islamic sects like body par: else the solid structure of Islam be shattered"(1) Indian divided 3^{rd} edition by former Indian president Dr. Rajendra Parasad).

Bauar had .nade this testament to his son the same year in which the mosque was being built sc) it is irrational to believe that Babar is Ill3king the testament to his son not to destroy the religious shrines in one hand and on the other hand he himself engaged in doing the same. Contrary to this if this mosque was built after destroying the temple then he never ever make testament to his son rather he directs him to build mosque and destroy temples. This historical fact negates the popular claim that Babar carne to Ayodhya and destroyed Ram temple rather it is an attempt to make rumor owing to a false accusation. The historical facts also negate the claim made by Vikram Jeet II about ram temple. There are two klnqs known to be existed in . .the history with the name of Vikram Jeet One of them was Wali Jain Raja vikrrna Jeet, the son of king Joqindhrap sen, The king enthroned ir, the age of 42 year and ruled years in Ujjain before the Jesus Christ born and killed in the war of Salyahan. (Asarus- Sanadeecl) Vikrami history known as Sunbut gives insight that the King exist before 2000 years back.

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The 2nd king ascended from the Chandragupta dynasty and succeeded to get the title of Vikrarnajit and imprinted this title on the coins and his capital was Sakitya which later on known and become popular as Ayodhya. However there is a colony which still exists in the name of Sakitay.

If we could believe the exis.ence of Ram in Ayodhya as mentioned in Rarnayana by Valmiki then too it is far from being proved that the present Ayodhya located 50 KM away from Ganga coast, while the Sakitay (the real city) mentioned in Valmiki is situated near Saryu river coast in south. Another fact is that the ancient Ayodhya is located at Saryu river cost in north at distance of 13,5 miles (Hindi Menthali Etik Snuwada Nov 1984 P 120).

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The Vikrarnai:t died in 405A.D. He 'was follower of Saniky3 religion later on converted to Buddhism. Venstest (A) Smith in his book Tareekh e Hind quotes that in 550A.D a prominent " 'writer known as BasuBandhu had written biqrophy knonw as Parfvlarth which describes that the king of Ayodhya was Vikrama Chanclragupta the fotlower of Sanikya whom Basu Sandhu confessed hir.: and converted to Buddhism, he also said that when his son (Balawut) was enthroned ne persuaded him to come on dialogue table with a Brahimin Pandit the brother in law

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of the king. This biography still preserved in Chinese language. (Muqaddama Tareekh Hind p 178 by Akbar Shah Najeeb Abadi)

Keeoinq in view of the above it can be sum up that before S" centuries the present Ayodhya known as Sakitay which is actually not the Ayodhya as clairned by Valmiki but another similar city mistakenly regarded as Ayodhya. To claim the present Aycdhya as birth place of Ram to which Babar had destroyec in 16 century is merely an attempt to create another baseless story.

While the h.storical facts show that the present Ayodhya become famous in is" century as center of Ram Dhararn and before it was knowri as centre of Buddhism. The Chinese prominent scholar Heyong .Sheyong came to India in 630A.D in the era of king Harash known as Salawat and stayed more than 15 years and visited every nook and corner of India like Murnbai, Gujarat, Sindh, Multan and other states and cities and written in his traveling diarywhich has been translated in many languages and regarded, as .mportant manuscript for Indian history, gives insight of the community, religion, ruler scnclars with great accuracy. He (Heyong Sheyong)reached Kannauj provinceand wrote that there are 100 shrines and 10000 priests. At that time king Harsha wardhan follower of the Budhism and the son of Prakarwardhan was ruling the state and in every five years he

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organized a grand fair known as Maha Mokash Parasad In accordance with Buddha methodoloqy. Heyang Sheyaon further says tha: there is 200 feet long oillar at the bank of Ganga being made by king Ashok. He studied anum r of books on Buddhism with the help of Buddha scholar in Kannauj shrine then he came to Ayodhya and described

" In Aycdhya there are more than '100 shrines many thousand priests, he also studied many books on catering and fine nrts and old and new Buddhism books then he travelled by boat from Ganga coast to east (Muqadma Tarekh Hind p 180).

Heyonq Sheyaong carne to Aycdhya afler near about 225 year of the death of King Vikramajit (Chandragupt) ruler of Ayodhya and does not say anything. about Ram temple however in contrast he kept mentioning Aycdhya as center of Buddha religion and count the shrine and thousand priests over there and if there are any temple with Ram name he would have definitely described as seen in his nature of wittinps. He quotes about Varanasi end Allahabad that there are some secular community living in these areas however he does not specify any thing like this about Ayodhya. Add to this the excavations in Ayodhya further support Heyong Sheyong claim.To add further, frorn 5th centuries to S" centuries whateverthe documents come

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across in the wake of excavations do not give any clue about Ram Dhararn, For Chinese too, Ayodhya ',vas a great centre and irnportan: pilgrimage, (holy pracejAccordinq to Chinese religion and historical description, it is birth place of Chinese first and fourth Baterthanker.

Recently, a group of Jawaharlal Nehn. University professors jointly wrote a research paper namely "Wrong Political Use of History" gets Urdu version published in a "Daily-Oaumi-Aawaz" Delhi edition on 2nd January 1990A.D. These professors wrote in the article that "it seems that Ram Dharrna touched its zenith in thirteenth century and with the development of Ramanandi seat its roots strengthen and the fictitious story of Ram came in to being in Hindi" they again wrote in the fifth paragraph that

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"ln fifteenth and sixteenth century the Ramanandi inhabited at very scale in Ayodhya and then in eiqhteenth century a lot of Ramanandi saints opted Ayodhya as their home. And in coming .centuries they built their temples there. Ramananoi seat is related to Ramanand ., a great Hindu reformer of fourteenth century".

Acccrdinq to the research of these Hindu intellectuals the Rarr Dharma could have developed in Ayodhya in thirteernh

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century(700 AH) and the process of development continued, until it touched its zenith and popularity in 18th century (1200 AH). During this period their temples were built as mentioned too in Alexander Keinqharn report Volume I, 1871A.D. Alexander Keingham was considered a great scholar of Indian archaecloqy. and his reports are still inevitable for research and historical works. In his reports he wrote about Ayodhya that "This city of Ayodhya is situated in the north-east. of old city, its length is two miles and breadth is three quarter rnile. but even half of the city is not populated. Impacts of falloff could be seen everywhere and nowhee tumble-down buildings , ruins could be seen nowhere broken idols could be found. Painted pillars are not there as deserted looks are common to old cities".

He further wrote that

"A lot of Brahmin's temples are there in Ayodhya but no one has any archaeological feature"

.Describinq the details of few temples he says

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temple is not too old and is not built before Aurangzeb's reign. Ramghat is in the east corner of the city. It is being said about this that, Rarnchand took bath over here. The door of Swarg Dwari (gateway of heaven) is here" It is being considered in the north-east, and Laxrnan Ghat is close to this. Near this the brother of Ramchandara, Laxman took bath and from here at a distance of a quarter of a mile and, in the heart of city, a temple which is birth place of Rarr.chancara is raised",

This report of Alexander Keingharn clearly says that the temple of Ayodhya are new and modern. Then he again told that the temple of Ramchandar's birth place is in the heart of the city and in this report mere.y indicated towards 8 birth place terrp!e. But contrary to this Arya Samaj reader Swami Agnivesh says. that in the name of Ram there are fifteen birth place temples in Ayodhya. Ano chief saint of every temple claims that Ramji was born in his terrlple. (Interview-Swami Agnivesh weekly Ne'N Delhi 3 9 August 1990A.D)

Former head of the department of history, Patna University and Delhi University ɛnd an authority in ancient India History Dr. Ram Saran Sharma wrote in his book "Communal History Aur Ram Ki Ayodhya" that

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'vvhen we study history of Hindu faith then we come to this conclusion that Ayodhya gets pilgrjmage status in rnedieval India (Reign Of rvluslim rulers) before this Ayodhya did not achieve this position. A list of pilgri rnage (holy places) is given in chapter no 85 of Vishnu Srnirti. In which the r.arnes of cities, ponds} rivers and mountains have been enumerated but Ayodhya is not mentioned in this list. It is being saicl about this Smirti that it is of around third century A.D and the list of pilqrimaqe is the oldest one. So far, in any temple that was built before, is" century, could be located in any part of Uttar Pradcsh{P 20 Hindi Edition May 1990AD).

From these concrete historical facts it has become crystal clear and indicated that before 16th centu.y A.D there was no temple in the name of Ramjanarn Asthan in Ayodhya. Whichever temples built after 16th century are still there in their real position, and they were constructed after completion Sabri Mosque. So it could be said with full proof and responsibility that the story of . dernolishing Rarn'anam Asthan and then constructing Babri M ue \vith i deb is fictitious and construed and has no remoto relationship with historical facts and h3ppenings.

True Historical Status of Sabri Masjid

In fact an attitude and inclination towards political supremacy and religious fanaticism is sole cause of misinterpretation and

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issue of history. Otherwise the historical aspect of Sabri Mosque is so clear and vivid that no justice loving person could say any word against Sabri Mosque as its historical position is clear frorn its epitaphs, which could not be iqnored anyhow. Say it lucky chance or protection by invisible hand of god, tha: despite all negative exercises and changes two epitaphs in 8abri Mosque are still safe. First Epitaph of therr is fixed on top of covered central middle door. The length of this Epitaph is two meter while width is 55cm on which in addition to the name of Allah, eight couplets are inscribed in three lines (rows). Of which second line of fifth couplet deals with the name of founder, and his native place and date of construction is mentioned in the second line of eighth couplet Followinq are the couplets written on Epitaph:

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Six Couplets in Persians

After praising Allah and sending Darood on our last messenger(peace be upon hirnj.cornrr.endinq verses has been composed in honour of Babar. After this the name of mosque's 'founder- Mir Eaquee Asfehani has been mentioned and the last couplet pray for mosque's fouider has been made that God may give honour to its founder and eternity to his charitable deeds so that the memorial of 935AH could remair for ever. Mrs. Beverge in the appendix of 2nd volume of her translation "The Babarnama in English" has mentioned only f.rst three couplets of these

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epitaph and remaining couplets have not been mentioned and it seems that the leftover couplets could not be read by her.

Second Epitaph which was at right hand pulpit

(Three Couplets in Persian)

Third epitaph's which was at the l pul

(Three couplets in rsian)

So far first and third epitaph was fixed in the mesque. Since the mosque is now in the illegal possession of others so it is very difficult to ascertain status quo of these epitaphs. Neverth ess . other sources tell us these epitaph are still in their original shape. Only god know's the best. But second epitaph was destroyed by fanatics in t:18 communal riots on 27th March 1934A.D (11 Zilhijjah 1353AH). At the time of communal riots the rioters and fanatics tried their level best to change Islamic position and identity of the mosque which you will glet sorne details in comino paragraph. The film and photo of these three epitaphs, appendix in Persian and Arabic are available at Indian Epitaph Nagpur one could see these items over there. So availability or non .ava.lability of these ,epitaphs in mosque would not lessen and affect on the historical authenticity of these epitaphs as its authentic and credible copies are available in archaeological survey of Indian office and authentic books of history. It is vividly clear from these epitaphs that this mosque was built by a noble- of Babar-Meer Baquee in 935AH (1528 A.D) since this was built

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meter I.rcadth old road is there. In the north-east of this roac there is cornpoundoi birth place, 'which has been mentioned in the report of Alexander Keingham. It means that in the south of this road is purely Muslim population and there graveyards. In which neither Hindu population nor any temple etc was there since the period of Awadh Nawabs. Their population and temples all are at the north of road which shows that the area and place of mosque was already *in* the hands of Muslims. Because of this no trace of contention for mosque or temple could be found before the intervention of East India Company. Even though Tulsi Das, a devotee to Ram Dharam, who used to call Muslims even Malich, has never wrote in his write up that 8abri Mosque was built after demolishing the Ramjanam Asthan (birth place).

In fact this was result and an outcome of Divide and Rule Policy and was brouoht out by East India officials. Since, there was always a section in Hindus who never liked to see other than their religion. To make their supremacy over Indian political system, and to strengthen this, they used these fanatics as instruments. So these communal and fanatics in the period of Nawab Wajid Ali 1271 AH (1855A.D) dernolished a mosque that was built by Aurangzeb, and made it part ofHanurnan Garhi. To regain this Shah Ghulam Hussain Awdhi and tater Maulana

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Syyed Ameer Ali Amethwi did armed struggle which was suppressed with use of force by Captain Alexander R. and Captain Barlu and others. Around six to seven hundred MuslirllS were martyred in these two rnovcrrents. After possessing Aalarnqir: Mosque, t.hese communal forces targeted Babri Masjid, So in 1858A.O after three years illegal possession) some ascetics and recluse stealthily entered into the mosque in the night and dug a trench near arch anal pulpit of the mosque and a finger-height ridge or capping of a wall, was made around it and flame was kindled. And Ram Ram was written on the inner walls of the mosque. When the Imam of the mosque Mohammad Asghar saw this in the morning and made an appeal in the court. So, by the order of the court the trench was leveled and the mesque was cleaned. Then again in 1877 to erect a wall and fix a new gate the Mahants tried to demolish a wall of the mosque. An application was given by Imam and Kheteeb Mohammad Asghar and mentioned in the application that the wall belongs to the mosque so encroachment in this should be stopped. Later in March 1934A.D there was fierce conflict between the two communities and rioters demolished the wall of mosque and after digging trench of home the fire was put on and pictures of different idols was painted on the inner parts of mosque and wrote Ram Ram everywhere and the epitaph of each side of arch were dug and taken out. It rneans that every effort was

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made' to change the reality of mosque and take illegal possession over lt. In view of the grave situation the then president of Jarniat-Ulma-e-Hlnd, Maulana Mufti Kifayatuilah Saheb visited Ayodhya to know facts and at his return presented a detailed report to working committee. Since government was supporting and abetting rioters and 'was not giving permission to Muslims to clean and renovate the mosque. In this situation the working committee decided that with help of Majlis-e-Ahrar the volunteers of Jamiat would go to Ayodhya and would con ct mosque while (breaking the law) taking the law into their hands. Accordinq to this proposal, first group of volunteers reached Ayodhya on 21 April 1934A.D. Government came to know about this and due to fear of lawlessness and disorder it made an announcement that qover.unent would get the mosque repaired and cleaned from its own fund. So it did as per the announcement. After that in mid night of 22nd and 23rd December 1949A.D some Mahants put idols near the arch of the mosque. When the Muslims came in the morning to offer the morning prayer, seeing the idols they became astonished and could not believe this they approached the magistrate and asked to get remand this stealthily and illegally fixed .dols fromthe mosque. He did not take any action as he himself played a role in hatching the conspiracy of putting idols there. This extremely and highly untewtu' act became the sale cause anxiety and

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uneasiness in the country. So prorninent leaders of Jamiat-Ulma-e-Hind as Sheikh-ul-Islam, Maulana Madni, Maulana Abul Kalam Azad, Maulana Hifzur Rehman Sewharwi and others talked especial'y to Jawaharlal Nehru about the matter. So Jawaharlal Nehru w.ote a letter to then chief rninister Uttar Pradesh and ordered to remove idols as instantly and without delay. Instead of removing idols the magistrate advised the Mahants to get stay order from the court, as order frorn higher authority nas come to me for rernoving the idols but I can delay its execution for some time so you people get stay order in between. These people became successful in getting stay order from the court and idols could not be removed from the mosque and cln the pretext of lawlessness and disorder the mosque was sequestered.

Nevertheless Hindus were not allowed to worship in this, since then a series of suits filling was underway and then on ZS" January 1986A.D by a highly unconstitutional order the doors of the mosque were open suddenly for Hindus to do worship in it. .Thus the task could not accomplish by a foreign government despite its love to incite, promote riots, unlawful deeds and hatred towards Muslims,the preachers of secularism and Indian , Democracy drurn beaters/sloganeers did it instantly. This is sorrowful short story of Babri Mosque. See "when reality get set in their hearts a lot of short stories are beinq told.

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ANNEXURE A-6

PROTECTION OF RELIGIOUS PLACES AND THE ISSUE OF SABRI MASJID

19 July 1991

[This speech of Maulana Madani deals with history of the Sabri Masjid, communal problems, and flood situation in Assam. He also dreui the attention of the Central Government to lay down double railway trucks from Delhi to a distance of 100 miles of its sub-urban areas.]

Maulana Asad Madani: I support motion of thanks delivered by the Honourable President. The President spoke about some important issues Muslims have been facing in Congress-ruled states. For instance, he said that a special task force should be constituted so that during riots it can ensure security of the members of the minority community. He also said that the govenu11ent would provide employment to those who lost their dear ones during riots. He assured that the Parliament will pass a law to maintain status guo of aU those religious places that have been places of worship since 1947.

Since politicians have been using places of religious worship for deriving political mileage, such a law must be passed immediately. They have been playing a dangerous game that may ruin the country. The issue of Babri Masjid is an important one. Babri mosque was constructed in 1528. Emperor Babar came to this area to suppress revolt of the GO\ ernor of Awadh, Sheikh Bayazid. He suppressed the revolt and appointed Mir Baqi as the Governor of that area and he himself left for Bihar to suppress revolt of Sultan Mahmud. lvlir jE,aqi constructed Babri mosque to celebrate arrival of Emperor Babar to the area. It has been written in the Thzk *Babri* that Babar constructed the mosque at a vacant land. and named it, as the Babri Masjid, It is interesting to note that Babar never visited Ayodhya. He fought with the Governor of Awadh, Sheikh Bayazic at a distance of 6 miles from Ayodhya. Babri mosque was constructed 935 AH

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and Babardied in 937 AH. Prominent historians like Jadunath Sarkar, Eliot, Dawson, etc., have never mentioned that Babar had demolished any mosque, Professor Shri Ram Sharma in his book *Mughal Empire in India* has written. "that we have not corne across any incident that suggests that Babar demolished tempies and offended Hindu sentiments, A historian of the Parna University in his book "Mughal Kingship" stated that we do not find any mention of temple demolition in *Tuzk Babri.* Neither there have been mass killings of Hindus on religious grounds. Babar did not harbour feeling of hatred against any community. He was basically a secular person and had equal respect for all religions.

Dr. Rajendra Prasad, former President of India wrote in his book *India Diuided on [amaditulaa* 935 .AH, Babar wrote in testament will to his elder son, "thank Cod for making you king of the country. Cleanse your heart of religious bigotry; treat justly members of every religion and stop sacrifice of cow. If you win hearts of common folk by good deeds, they will obey and respect you. Never demolish temples of law-abiding citizens. Treat your subjects well, so that they feel pleased with you." I have quoted this passage from the book by Dr. Rajendra Prasad,

Sanghapriya Gautam: Kindly repeat this sentence.

Maulana Asad Madani: Those who obey the taw of the Covernment. *(Interruption).*

Sanghapriya Gautam: It is an expansion.

Maulana Asad Madani: I have quoted the passage from the book by Dr. Rajendra Prasad. In the last 'quarter cf 14th century, Ramanand Acharya defeated Shankara Acharyas in religious debates during the period of Sikandar Lodhi and started worship of Rama [i, Rarnanand Digvijay Acharya had twelve disciples. namely Narhari Das, Dev Murari. Kabir Das, etc. Tulsidas was a disciple of Narhari Das, He was born ir, 1497 and lived for 126 years. He also wrote Rarnayana. Dev Murari was the first person who constructed Ram temple in Allahabad. No temple is older than this one. Ram Das who was a disciple of Dev Murari constructed Ram Ianamsthan temple during the lifetime of Tulsidas at a distance of SO metres from Babari mosque. All the Hindus perform the ritual related Rama at

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this very site. For 335 years rituals R.ama were performed over there without any' dispute. India Company used a Buddhist astrologer pinpoint a portion of land in the very compound of Babri Masjid as the birthplace of lord Ram. It also constructed Sita Rasoi over there. It is absolutely wrong to say all these had happened during the reign of Babar.

In 1885/ Mahant Raghunath Das had filed a case regarding the *chabuira.* While filing the case, he l.ad also submitted a map of (border) *cuauaddi* of the mosque. According to themap, the mosque belonged to Muslims and Rarnjanarn Bhumi that existed outside the mosque should be left fer the construction of Ram Temple. But the Court dismissed his petition. I would like to inform you that until 22 of December 1949, Muslims used to offer prayers there. The Imam of the mosque is still alive.

In. the night of 22 December 1949, a few persons entered into Babri Masjid and placed idols inside it. The police sub-inspector of Ayodhya Mr. Ranjit Singh noted in his diary that during night, a few persons jumped over the walls of the mosque and placed idols inside it. He appealed to remove the idols, as otherwise it might lead to tensions. Immediately after the incident, tension was built up. As a result, the District Magistrate promulgated Article 144 to control the situation. K. Nayar, DM of the city conspired. He promulgated Article and confiscated the mosque and locked it. Fo: conducting *bhog,* the door of the mosque was opened by a judicial order. Water taps were installed in the courtyard and marble was also laid out on the floor. A temple was constructed to the south of mosque for conducting circumambulation *tpankarmo).* Iron chains were fixed to the walls.

Though Article 145 is still in force, after 40 years, however many changes were effected in the mosque to claim that such pillars existed there earlier. This structure can be converted to a different shape. But, it should be noted that sense of revenge should not prevail over what had happened 500 years ago. Sense of revenge will ruin the country. We should not live in the past, bU,t look for future and see in which direction the country is going.

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We should refrain from encouraging religious hatred and enmity in the name of religion and It will destabilise the country. Anyway. there have always been bad persons in society. But, we should not justify their wrong deeds. it will embolden them to commitrnore wrongs. We should work collectively for the progress and prosperity of the country.

Since a mosque is a religious place, it respected. Not only mosque but the religious places of every religion deserve the highest respect. Therefore; we should not fight over a religious place to bring hardship to the common man. Religion does not .encourage demolition of reli.gious places of other religions. We should live with reace and harmony.

Since 1950/]amiat Ularna-i-Hind is a party to Babri mosque dispute. Since 1950, the Working Committee of [amiat Ulama-i-Hind has maintained that the Court should resolve this dispute. It has always opposed dragging the issue into public. But I regret to say that some politicians dragged the issue into public for deriving political mileage. Oblivious of the plight of common masses, they brought the issue into the public domain that resulted in killing of more than thousand innocent people in horrifying riots. No one in the country is opposed to the. construction of temples, But it should not be constructed on other's land. Ram Janamasthan exists there and everyone regards that as a temple. Religious rituals are performed there regularly. This is not a new temple, but rather it was constructed 400 years ago during the lifetime of Tulsidas, If the temple was demolished, Tulsidas ITIUSt have mentioned this incident in the Rarnayana. The fact of the matter is that the temple was not demolished. False stories have been fabricated for misguiding innocent citizens. Such wrong activities should be stopped immediately,

Involvement of the RSS in Communal Riots

The members of RSS and SJr incited comrn unal violence during elections at different localities of Meerut and Lucknow *(Interruption)*.

S autarn: Do you have evidence to prove it?

Maulana Asad Madani: Yes! I have plenty of evidence. But

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you are determined to refute thern. Reports of inquiry commission point to their hand in cornrn unal riots. During election in Meerut, 3S Muslim men and women were killed when they were coming out of Nigar Cinema hall. In Meerut. police arrested 200 Muslims, broke their legs and hands and put them. in jail. The government should take notice of barbarism being perpetrated against the Muslims,

Representation of Muslims in Different Walks of Life

There is glaring discrimination against slims in education and employment. Their representation grade A governmer.t services are less than one per cent. Similarly, they represent less than three per cent in armed forces of the State Goverrunent. It is the duty of the governmeIlt to think over the issue seriously. (*Alarm bell*). I am just concluding my speech. How is it that more than 20 crores of Muslims of the country will be discriminated against in education and employment? Dr. Gopal Singh is rny friend. He served, as a Covernor and a member of the Rajya Sabha. The Home Minister appointed him to prepare a report about the socio-economic condition of Muslims. He prepared the report. But it is yet to be presented in the parliamen'. I demand that the report be presented in the Parliament for debate and discussion, so that the real condition of Muslims will come to light. I hope the government will draw its attention to the issue.

Guarding the Freedom of the Country

Once upon a time, the Food Minister of India 'rushed to America with begging bowl in hands for demanding foodgrains to save the lives of millions of starving Indians. The Americans were ready to release foodgrains, but with strings attached. The Minister returned back and conveyed the story to the Indian Prime Minister of India, Pundit Nehru. Mr. Nehru told him, that half of the Indians may die of hunger, but we will never accept the American conditions. After a few days, the minister resigned from the government. After his resignation *Mr.* Rafi Ahmad Kidwai became the Food Minister of India, He faced the food .crisis with courage and tenacity. He called a meeting

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of all big roodgrain trad.ers and told them bluntly to make 'available foodgrain stocks in the market within 48 hours, or will face harsh action for failing to d<) so. His threat changed the scenario overnight. Markets were flooded with foodgrains. From that period onwards, the country never faced food crisis. Same measure could be adopted to make available foreign exchange ir\ the country. *(Alarm bell).* Gradually, India is becoming a slave of America. It has been burdened with heavy debt that is causing rise of inflation. If we fail to tackle the economic problems. the country may plunge into a deep financial crisis and become a slave of the Western powers. India has a unique place among the communiry of nations. Ours is a vast country with huge manpower. Though India is not a rich country we never carry a begging bowl before the rich countries. She has inspired and guided many nations of world and carved out a niche for herself. But I regret to say that it has deviated from its traditional path, Therefore. radical changes are needed in our policy, so that the country can become a powerful nation. We should have the courage to face difficulty with resilience and never look behind, but keep on marching on the path of development and prosperity. (Alarm bell).

Relief and Rehabilitation to Flood Affected in Assam

I would like to say something about Assam. It has been badly affected by devastating floods causing displacement and ruination of several people. I request the government. to take relief and work on war-footing. flood control project in the Brahamputra river has not completed. I would like to draw the kind attention of Central Government to complete this project.so that lives more than several lakhs of people could be saved by the devastating flood. *(Alarm bell).* I shall just conclude Iny speech. r would like to draw the kind attention of the Central Governmen.t to complete the project in several phases.

The Problem of Railways

The population of Delhi is growing at a fast pace. If the Ministry of Railways lays down double railway from

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Delhi to 100 miles of sub-urban areas it may ease the population and migra tion burden. Instead of living in Delhi, many persons will prefer to settle down in their own villages and townships in thesuburb. If there remains only a single track railway line and takes six hours for travelling 1\00 miles distance. then the people are forced to live in Delhi causing extra burden on Delhi. *(A!ann bell).* I regret to say that the Railway Ministry does not pay attention to the plight of Delhites, Double lines must be laid down from Delhi to 100 miles of sub-urban areas, so that passengers could shuttle to and. fro, within two or two and half hours. That will reduce burden upon Delhi. But I regret to say that the Central Government has not been paying adequate attention to this problem. *(A/ann bell).*

Vice Chairman: Respected Madani Saheb, please conclude your speech.

Maulana Asad Madani: I will conclude, I request you to solve the problems being faced by the people living in the capital of the country. With these words I conclude my speech.

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IN THE SUPREME C:OURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2010

IN

CIVIL APPEAL No. _____ of 2010

IN THE MAT1-ER OF:

Mohammad Siddiq @ Hafiz Mohammad Siddiq APPELLANT

Versus

Mahant Suresh Das & Ors. etc. etc. RESPONDENTS

AND IN THE MA1··fER OF:

AN APPLICATION FOR EX-PARTE STAY

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HON'BLE THE CHIEF JUSTICE ()F INDIA

AND HIS LORDSHIPS COMPANION JUDGES OF THE HON'BL E SUPREME COURT OF IINDIA

THE HUMBLE PETITION OF THE APPELLANT ABOVE NAMED

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MOST RESPECTFULLY SHOWETH:

1. That the Appellant prefers the present Appeal under Section 96 C.P.C. read 'with Article} 136(1) of the Constitution of India against the final impugned judgment and decrees dated 30.()9.201lJ passed by the Hon'ble High Court of judicature at Aillahabad, Lucknow Bench, Lucknow in O.O.S. NO.4/1989 (Regular Suit NO.12 of 1961) and O.O.S. NO.5/1989 (Regular Suit NO.236 of 1989), to be treated as First Appeal against the Judgment and Decrees under Section 96 C.P.C. 1908,

2. That the present Application is a pari and parcel of the accornpanyinq Appeal, the contents of the accompanying Appeal are not being repeated herein for the sake of brevity. However, the appellant craves leave of this Hon'ble Court to refer and rely upon the same for the purposes of the present Application

3. That this Hon'ble Court while clarifyinq the Order dated 14.03.2002 [2003 (2) sec 576] was pleased to pass the followinq orders by judgment reported in 2003 (4) sec 1, this Hon'ble Court in paragraph 17 was pleased to observed as follows:

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"17. On consideration of the entire matter, we are of the view that the order made by this Ccurt on 13-3'"2002, as modified by the order made on 14-3-20()2*, should be operative until disposal of the suits in the High Court of Allahabad not only to maintain communal harmony but also to fulfill other objectives of the Act. The writ petition shall stand disp of accordingly."

4, That the Hon'ble Hiqh Court while delivering the judgment and order dated 30.09.2010 ancl passing of the preliminary decrees has been pleased to pass the following Orders:-

"(vii) For a period of three months or unless directed otherwise, whichever is earlier, the parties shall maintain status quo as on today in respect of property in dispute."

5. That since as per the separate orders given by the Hon'ble High Court, the Appellant has preferred the present Appeal against the Order of the High Court dated 30.09.2010.

6. That the balance of convenience, equity, justice and fair play rests in favour of the Appellant therefore in the larger interest this Hon'ble Court may be pleased to continue the

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Order dated 31.03.2003 reported in (2003) 4 SCC 1 till the pendency / disposal of the Appeal by this Hon'ble Court. Hence this Application.

PRAYER

In the premises aforesaid *it* is therefore most respectfully prayed that this Hon'ble Court may be gracious enough to:

(a) Stay the Tinal impugned jucigment and decrees dated 30.09.2010 passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknovv In O.O.S. NO.4/1989 (Regular Suit NO.12 of 1961) ar.d O.O.S. NO.5/1989 (Regular Suit NO.236 of 1989) .nteralia directing maintenance of status quo till the pcndercy and final disposal of the Appeal; and

(b) Pass such other and/or further order(s) as this Hon'hle Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE A"PPELLANT AS IN DIJTY BOUND SHALL EVER PRAY.

Drawn & Filed By:

NIS SUHRAWAR
Advocate for the Appellant

Filed on : 15.11.2010
New Delhi

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IN THE SIJPREME COURT ()F INDIA

CIVIL APPELLATE JURIS[)ICTION

I.A. NO. OF 2010

IN

CIVIL APPEAL No. _____ of2010

IN THE MATTER OF:

Mohammad Siddiq @ Hafiz Mohammad Siddiq APPELLANT

Versus

Mahant Suresh Das & Ors. etc. etc. RESPONDENTS

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TO,

HON'BLE THE CHIEF JUSTICE: ()F INDI-A

AND HIS LORDSHIPS COMP,ANION JIJDGES OF THE HON'SLE SUPREME COUR1- C)F INDIA

THE HUMBLE PETITION OF THE APF'ELLANT ABOVE NAMED

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MOST RESPECTFULLY SHOWETH:

1. That the Appellant prefers the present Appeal under Section 96 C.P.C. read 'with Article 136(1) of the Constitution of India against the final impugned judgment and decrees dated 30.09.201() passed by the Hon'ble High Court of Judicature at Allaha d, Lucknow Bench, Lucknow in O.O.S, NO.4/1989 (Requla: Suit NO.12 of 1961) and O.O.S. NO.5/198Sl (Regular Suit NO.236 of 1989) to be treated as First Appeal against the Judgment and Decrees under Section 96- C.P.C. 1908.

2'. That the present Application isa part and parcel of the accompanying Appeal, the contents of the accompanying Appeal are not being repeated herein for the sake of brevity. However, the appellant craves leave of this Hon'cle Court to refer and rely upon the same for the purposes of the present Application

3. That the Appellant came to know from the reliable sources that the ndent No. nt No.9) B(Priya Dutt) in G.O.S. *NoA/1989* died on 08. .1 as al y given in Para NO.265 of the Judgment by Hon'ble Mr. Justice Sudhir Aggarwal and Respondent NO.1 0 (Defendant No. Sri Mahrnud Ahmad in O.O.S No. 5 / 1989 died on 25.08.2007'

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pendency of the case before the High Court. Therefore in place of (Late) B. Priya Dutt, Respondent NO.8 (Defendant No.9) the name of his legal heir Mr. Jyoti Peti Ram, aged 60 years may be substituted and in place of Respondent .10 (Defendant No.6 (Late) Shri Mahmud Ahmad the flame of his legal heir / son namely Mr. Anwar Ahrnac *Rio* la Rakabganj, Faizabad may be substituted In a parties. Hence this Application.

PRAYER

In the premises aforesaid it is therefore most respectfully prayed that this Hon'ble Court may be gracious enough to:

(a) Substitute the name of Mr. Jyoti Pati Ram, aged 60 years in place of (Late) B. Priya Dutt as his legal heir IRespondent No.8 and substitute the name of nwar Ahmad R/o Mohalla Rakabganj, Faizabad In place of (Late) Shri Mahmud Ahmad as his legal heir / Respondent NO.1 0 in the array of parties; and.

dies on 18.2.11

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(b) Pass such other and/or fu.ther order(s) as this Hon'ble COLJrt .nay deerr: fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPELLANT AS IN DUTY BOUND SHALL EVER PRAY.

Drawn & Filed By:

ANIS SUHRAWARDY
Advocate for the Appellant

Filed on : 15.11.2010

New Delhi

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IN THE SUPREME: COURT OF INDIA

CIVIL APPELLATE ,JURISDICTION

I.A. NO. OF 2010

IN

CIVIL APPEAL No. _____ of 2010

IN THE MATTER OF:

Mohammed Siddiq @ Hafiz Mohammad Sidaiq APPELLANT

Versus

Mahant Suresh Das & Ors. etc. etc. RESPONDENTS

AND IN THE MATTER OF:

APPLICATION FOR CONDONATIC)N OF DELAY IN FILING APPLICATICN FOR SUBSTITUTION

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA

AND HIS LORDSHIPS COMPAfNJION JUDGES OF THE HON'BLE SLJPREME COURT or INDIA

THE HUMBLE PE-rITIONOF THE APPIELLANT ABOVE NAMED

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MOST RESPECTFULLY SHOWEIrH:

1. That the Appellant prefers the present Appeal under Section 96 C.P.C. read with Article' 136(1) of the Constitution of India against the final impugned iudqrnent and decrees dated 30.09.2()1() passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in O.O.S. NO.4/19<39 (Regular Suit NO.12 of 1961),0.0.8. NO.5/1989 (Requlars Suit NO.236 of 1989) and O.O.S. NO.1/1989 (Regular Suit No.2/1950), to be treated as First Appeal against the Judgment and Decrees under Section 96 C.P.C. 1908.

. 2. That the present Application is a' part and parcel of the accompanying Appeal, the contents of the accompanying Appeal are not being repeated herein for the sake of brevity. However, the appellant craves leave of this Hon'ble Court to refer and (ely upon the same for the purposes of the present Application

3. That after the receipt of the judqrnent it was noticed that the substituted parties had died and their substitutes were not impleaded, hence it was deemed fit and proper to implead their legal heirs while filing the present appeal. Therefore the delay in impleadment is wholly unintentional. Hence the present Application for condoninq the delay.

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PRAYER

In view of the above it is therefore most respectfully prayed that this Hon'ble Court may be gracious enough to:

(a) Condone the delay in filing the Application for substitution; and

(b) Pass such other and/or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS AC-r OF KINDNESS THE P TIONERS AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN & FILED BY

(ANIS SUHRAWARDY)
ADVOC-A,TE F'OR THE APPELLANT
NE\N DELHI

DATED: 20/12/2010

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IN THE SUPREME C:OURT OF INDIA

CIVIL APPELLATE \JURISDICTION

I.A. NO. OF 2010

IN

CIVIL APPEAL No. _____ of 2010

IN THE MATTER OF:

Mohammad Siddiq @ Hafiz Mohammad Siddiq APPELLANT

Versus

fv1ahant Suresh Das & Ors. etc. etc. RESPONDENTS

AFFIDAVIT

I, Mohammad Siddiq @ Hafiz Mohammad Siddiq S/o Late Haji Mohammad Iorahirn, aged about years, *Rio* Lal Bagh, Moradabad (U.P.) presently posted as General Secretary, Jamiat Ulama-i-Hind 1) Bahadur Shah Zafar Marg, New Delhi-t l 0002 do hereby solemnly affirm and declare as under:

1. That I am Appellant in the above noted matter as such am fully conversant with the facts of the case, hence am competent to swear this Affidavit.

2. That the accompanying Application for condonation of delay in filing Application for Substitution have been drafted by my counsel and explained to me in vernacular. I have fully understood the contents whereof. I say that the same are true and correct to my knowledge. Nothinq material has been concealed the-efrorn nor any part of it is false.

E NE

VERIFICATION:

Verified New Ihi on this _ day of , 2010 and th the contents of above noted affidavi: are true and correct and say that nothing rnaterial has been concealed therefrom nor any part of it .s false.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE ,JURISDICTION

I.A. NO. OF 2010

IN

CIVIL APPEAL No. __ __ of 2010

IN THE MATTER OF:

Mohammad Siddiq @ Hafiz Mohammad

S,iddiq APPELLANT

Versus

Mahant Suresh Das &Ors. etc. etc. RESPONDENTS

AND IN THE MATTER OF:

PLICATION SE:EKING PERMISSI(JN TO FILE DETAILED SYNOPSIS / L!ST OF DATES & EVEN'TS

HON'BLETHE CHIEF JUSTICE 0\F INDIA

AND HIS LORDSHIPS COMPANION JUDGES OF THE

HON'BLE SLJPREME COURT OF INDIA

THE HUMBLE PETITION OF THE'

APPEI_LA-NT ABOVE NAMED

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MOST RESPECTFULLY SHOWETH

1. Th the Appellant prefers the present Appeal under Section 96 C.P.C. read with Article 136(1) of the Constitution of India against the final irnpuqned judgment and decrees dated 20.09.201 -- passed hy the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucl.now in O.O.S. NO.4/19'89 (Regular Suit NO.12 of 1961) and O.O.S. NO.5/1989 (P.egu r Suit 0.236 of 1989) to be treated as First against the Judgment and Decrees under Section 96 .P.C.1908.

2. That the present Application is a part and parcel of the accompanying Appeal, the contents of the accompanying Appeal are not being repeated herein for the sake of brevity. However, the appellant craves leave of this Hon'ble Court to refer and rely upon the same for the purposes of the present Application.

3. That after the receipt of the judgment it was noticed that the substituted parties had died and their substitutes were not impleaded, hence it was deemed fit and proper to implead their legal heirs while filing the present appeal. Therefore the delay in impleadrnentis wholly unintentional. Hence the present Application for condoning the delay.

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pages. The impugned judqrnent decided by the Hon'ble .High Court is the common judgment of four suits which were pending for the last \60 years and are connected together. Apart from this the Counsel for the Appellant, for' preparation of the Appeal, took the assistance of several Advocates & Senior Advocates of this Hon'ble Court as well as different High Courts of the country, Historians and general public etc. etc.. 'Iherefore the comrnents from all these persons have been settled and incorporated in the Appeal and as such the synopsis / list of dates and events become lengthy. The facts taken in the Synopsis/List of Dates are necessary, .rnporter.: and unavoidable for the proper adjudication of the case. Hence this application.

PRAYER

In the premises aforesaid it is therefore most respectfully prayed that this Hon'bfe Court may be gracious enough to:

(a) Allow the Appellant to file the lenqthy Synopsis / List of Dates & Events; and

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(b) Pass such other and/or further order(s) as this Hon'ble ,COlJrt may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPELLANT AS IN DUTY BOUND SHALL EVER PRAY.

Drawn & Filed By:

SUHRAWARDY
Advocate for the Appellant

Filed on : 15.11.2010

New Delhi

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A.NO. OF2010

IN

CIVIL APPEAL No. __ __ of2010

IN THE MATTER OF:

fv10hammad Siddiq @ Hafiz Mohamrrlad.

Siddiq APPELLANT

versus

Mahant Suresh Das & Ors. etc. etc. RESPONDENTS

AND IN THE MATTER OF:

APPLICATION FOR EXEMPTION FROM FILING CERTIFIED COpy OF IMPUGNED ORDER DATE[) 30.09.2010

HON'BLE THE CHIEF JUSTICE OF INDIA

AND HIS LORDSHIPS COMPANION JUDGES OF THE HON'BLE SIJPREME COURT OF INJDIA

THE HUME!LE PET:TION OF THE APPELLANT ABOVE NAMED

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MOST RESPECTFULLY SHOWETH:

1. That the Appellant prefers the present Appeal under Section 96 C.P.C. read with Article 136(1) of the Constitution of India against the final impugned judgment and decrees dated 30.09.2010 passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in O.O.S. NO.4/19\89 (Regular Suit NO.12 of 1961) and O.O.S. NO.5/1989 (Regular Suit NO.236 of 1989) to be treated as I=irst Appeal again the Judcrr.em and Decrees under Section 96 C.P.C. 1908.

2. That the present Application is a part and parcel of the accompanying Appeal, the contents of the accompanying Appeal are not being repeated herein for the sake of brevity. However,. the appel'ant craves leave of this Hon'ble Court to refer and rely upon the same for the purposes of the present Applicat'or.

3. That the counsel for 'the Appellant has prepared the Synopsis / List of Dates & Events cortaining Page No. B to MMMMM) precisely after going through the entire impugned Judgment of the Hon'ble High Court dated 30.09.2010 which jucigrnent in itself is running into 8609

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quite long. However due to the urgency in the said rnatter, th« Appellan: is filing the true tyoed copy of the same obtained through internet from the site of the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, which is believed to be true and correct copy.

4. That the Appellant undertakes to file the certified copy o: the JUdgment as and when required by this Hon'ble COlJrt during the pendency of the present Appeal subject to delivery of the copy by reqistry of the Hon'b!e High Court. Hence this application.

PRAYER

In the prerruses aforesaid it is therefore most respectfully prayed that this Hon'ble Court may be gracious enough to:

(a) Exempt the Appellant from filing tt.e certified copy of final irrlpug ned jud9nlentand order dated 30.09.2010 passed by Hc)n'ble High Court of judicature at Allahabad, Lucknow Bench, Lucknow in a.e).s. No.4/1989 (Regular ,Suit No 12 of 1961) and a.a.s. NO.5/1989 (Re9ular Sıı it No.236 of '1989) and O.O.S. NO.1/1989 (Regular Suit No.2/1950); and

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(b) Pass such other and/or further arder(s) as this Han'ble Court rnay deem fit and proper in the facts and circurr.stances of the case.

AND FOR THIS ACT OF KINDNESS THE APPELLANI- AS IN IJTY BOUND SHALL EVER IPRAY.

Drawn & Filed By:

IS SUH DY
Advocate for the Appellant

Filed on : 15.11.2010
New Delhi

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Md. Irshad Hanif
Advocate-On-Record

To,

26.07.2013

The Registrar,

Supreme Court of India,

New Delhi-110001.

Subject r- Court No. 9, Item: 3 Listed on 29.07.2013

I.A. No.5, 6, 7 & 8 in Civil Appeal No. 10866-67 of 201 .Jamiat Ulema-e- Hind Through: Maulana Ashhad Mahant Suresh Das & Ors.

Sir,

The above captioned matter is listed before the I-Ion'ble Court No.9 as Item No.3 on 29.07.2013 for consideration of aforesaid interlocutory applications for substitution. The tmdereigncd has filed his Vakalatnama and memo of appearance on 22.07.20.13. As there is a huge re,cord of the case, the undersigned needs four weeks time to ascertain the factual position and file the rejoinder affidavit to the reply filed by respondents No. 1 & 2. Therefore, a prayer for four weeks adjournment shall be made on behalf of the appellant.

You are, therefore, requested to circulate the present letter at my risk to avoid inconvenience to the Hon'ble Judges. I shall be grateful.

Yours Sincerely,

New Delhi

Dated.26.07.2013

(Md. Irshad Hanif)

ADVOCATE FOR THE APPELLANT.

Office: -A-l /104, Taj Enclave, Geeta Colony, Delhi-31
Tel: - 09810041811, EMail: hanif.irshadeagmail.com

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Md. Irshad Hanif
Advocate-On-Record

Copy

1. Mr. Anish Kumar Gupta, Advocate.
2. Mr. R.C. Gubrele, Advocate.
3. Mr. B.K. Satija, Advocate.
4. Mr. Amit Pawan, Advocate.
5. Mr. Shahid Anwar, Advocate.
6. Mr. M.R. Shamshad, Advocate.
7. Mr. Yashpal Dhingra, Advocate.
8. Mr. Syed Shahid Hussain Rizvi, Advocate.
9. Ms. Manjusha Wadhwa, Advocate.
10. Mr. Ashok Kumar Sriwastava, Advocate.
11. Mr. Dharmendra Kumar Sinha, Advocate.
12. Mr. Shakil Ahmad Syed, Advocate.
13. Mr. P.V. Yogeshwaran, Advocate.
14. *MIS* FOX MANDAL & CO.

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IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

I.A. No. 5-6, 7-8 0

Civil Appeal No. 10866- 0

IN THE MATTER OF :

Moharnmad Siddiq

@ Hafiz Mohammad Siddiq, [Dead],

Maulana Ashhad Rashidi,

Jamiat Ulama-i- Hind APPELLANT

Versus

Mahant Suresh Das & Ors. Etc. Etc.

RESPONDENTS

AND IN THE MATTER OF :

REJOINDER AFFIDAVIT ON BEHALF' OF THE APPELLANTS TO THE REPLY DATED 18.07.2013 FILED BY RESPONDENTS NO. 1-3 TO I.A. NO. 5,6,7 & 8 IN CIVIL APPEAL NO. 10866-67.

I, Maulana Ashhad Rashidi aged about 42 years son of Maulana Rashiduddin, President, Jamiat Ulama-i-Uttar Pradesh, resident of Camp Office, Jamiat Ulama-i-Uttar Pradesh, SUbhash Marg, Ahata Shaukat Ali, Rakabganj, Lucknow- 226003 and

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presently visiting New Delhi, do hereby solemnly affirm and state as under:

1. That I am the appellant in the present appeal and being well conversant with the facts and circumstances of the present case, am competent to swear and affirm this Rejoinder Affidavit.

2. That I have gone through and understcod contents of the Reply filed on behalf of the Respondents and crave leave of this Hon'ble Court to respond to the same by way the present Rejoinder Affidavit.

3. At the outset, it is submitted that in view of the objections raised by the registry after filing of the present appeal the appellant had to move the application for appropriate order substitution of name in the place of Mr. B. Priya Dutt, who had dieo on 08.08.1970, long before disposal of the suits by the High Court on 30.09.2010.

4. That Mr. B. Priya Dutt was defendant no. 9 in O.O.S. NO.4 of 1989 who was appointed as receiver in the proceedings under Section 145 of Cr.P.C in terms of order dated 05.01.1950. Therefore, it is wrong on the part of respondents to say that he was stranger to the suit. However, while discharging his duties

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as receiver, when he died on 08.08.1970, the High Court passed various orders in relation thereto and thereafter the appointment of statutory receiver finally after the pronouncement of impugned judgment by the High Court, the purpose for which he had been appointed, no longer exists and accordingly, the appellant is not pressing the substitution of any party in place of Mr. B Priya Dutt.

5. As far as the substitution in place of Mr. Mahmud Ahmad is concerned, it is submitted that the objections taken by the respondents are frivolous. It is respectfully submitted that he ,was defendant no. 6 in O.O.S. No. 5 of 1989. The grounds taken by the respondents that Late Mr. Mahmud Ahmad did not lead any independent evidence on his behalf, is not tenable as most of the plaintiffs had presented common witnesses on behalf of all the plaintiffs and similarly the defendants had also presented common witnesses. Each of the Plaintiffs or each of the defendants did not personally appear in the witness box. However, it is respectfully submitted that Late Mahmud Ahmad had diligently prosecuted the case for himself and on behalf of the otherplaintiffs Late Mahmud Ahmad had also filed written submissions on his own behalf.

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6. It is submitted that the said deceased-Defendant NO.6 in suit no 5/1989 had a son namely Mr. Anwar Ahmad who could have been brought on record but after filing of the present appeal, Mr Anwar Ahmad also died on 18.02.2011. Now Mr Faiz Ahmad is the only son of Late Mr Anwar Ahmad s/o Late Mr Mahmud Ahmad. Mr Faiz Ahmad is aged about 26 years is the only son of Late Mr Anwar Ahmad. Keeping view the fact that the only son of the deceased-Defendant Anwar Ahmad died on 18.02.2011, his grand son Ahmad is required to be substituted in place of Late Mahmud Ahmad. It is submitted that he may be substituted as the legal representative of the deceased-Defendant NO.6 in O.O.S. No. 5 of 1989 as Respondent NO.10 in the present Appeal.

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7. It is respectfully submitted that a similar application bearing I.A. No. 2 & 4 of 2011 in Civil Appeal No. 7226 of 2011 (Mohammad Hashim Vs. Bhagwan Shri Ram Virajman & Ors.) has been allowed by this Hon'ble Court vide order dated 26.09.2011 whereby Late Mr. Mahmud Ahmad has been substituted by his grandson Mr. Faiz Ahmad. The Hon'ble Court was pleased to pass the following order:

> "In the facts of the case, the delay in filing substitution petition is condoned and the abatement is set aside.

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The prayer for substitution is allowed 'insofar as Faiz Ahmad, the grandson of the deceas.ed respondent No.22, Mohammad Ahmad.alias Mehmood Ahmad, is concerned.

Let the name of Shri Mohammad Ahmad alias Mehmood Ahmad be deleted from the array of partie's and be substituted by his grandson, Faiz Ahmad."

8. In view of the facts and circumstances stated hereinabove and submissions made, it is accordingly prayed that similar order as that in I.A. No.2 & 4 of 2011 in Civil Appeal No. 7226 of 2011, may be passed in the present civil appeals in the interest of justice. It is further prayed that this Hon'ble Court may be pleased to condone the delay in filing the application for substitution and allow the I.A. No. 5,6,7 & 8 partly to the extent of substituting Mr. Faiz Ahmad, the grandson and legal heir of Mr. Mahmud Ahmad.

9. That there have been some delay in filing the present Rejoinder Affidavit, but the delay so occurred is not deliberate. The deponent humbly prays the Hon'ble Court to condone the delay in filing the Rejoinder Affidavit in the interest of justice.

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10. That no new document which has not been pleaded in the courts below has been pleaded herein.

DEPONENT

Verification:

Verified at New Delhi on this _ day of September 13 that the contents of paras 1 to 10 of my above affidavit are true and correct to the best of my knowledge and belief except the legal submissions made thereunder which are based on legal advice received and believed by me to be correct. No part of it is false and nothing material is concealed therefrom.

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