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गृह मंत्रालय

अधिसूचना

नई दिल्ली, 2 दिसम्बर, 2003

का.आ. 1386(अ).— केन्द्रीय सरकार ने विधि-विरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 26 अप्रैल, 2003 को भारत सरकार के गृह मंत्रालय की तारीख 26 अप्रैल, 2003 की अधिसूचना सं0 का0आ0 479(अ) के द्वारा दीनदार अंजुम को विधि-विरुद्ध संगम घोषित किया था ।

और, केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की तारीख 22 मई, 2003 की अधिसूचना सं0 का0आ0 571(अ) के द्वारा विधि-विरुद्ध क्रियाकलाप (निवारण) अधिकरण का गठन किया गया था, जिसमें दिल्ली उच्च न्यायालय के न्यायाधीश, न्यायमूर्ति श्री विक्रमाजीत सेन थे ।

और, केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना को तारीख 23 मई, 2003 को इस बात का न्यायनिर्णयन करने के प्रयोजन के लिए कि उक्त संगम को विधि-विरुद्ध घोषित करने के लिए पर्याप्त कारण हैं या नहीं, उक्त अधिकरण को निर्दिष्ट किया था ।

और, उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों

प्रयोग करते हुए, तारीख 26 अप्रैल, 2003 की अधिसूचना सं0 का0आ0 479(अ) में की गई घोषणा की पुष्टि करते हुए, 23 अक्तूबर, 2003 को एक आदेश पारित किया था ।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में, उक्त अधिकरण के आदेश को, प्रकाशित करती है :-

(अधिकरण का आदेश अंग्रेजी पाठ में छपा है)

[फा. सं. 14017/11/2003-एनआई-III]
ए. के. जैन, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS
NOTIFICATION
New Delhi, the 2nd December, 2003

S.O. 1386(E).— Whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared on the 26th April, 2003 the Deendar Anjuman to be unlawful association vide notification of the Government of India in the Ministry of Home Affairs number S.O. 479 (E), dated the 26th April, 2003.

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted vide notification of the Government of India in the Ministry of Home Affairs number S.O. 571 (E) dated the 22nd May, 2003, the Unlawful Activities (Prevention) Tribunal, consisting of Mr. Justice Vikramjit Sen, Judge of the Delhi High Court.

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act referred the said notification to the said Trubunal on the 23rd May 2003 for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association as unlawful.

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an order on the 23rd October, 2003 confirming the declaration made in the notification number S.O. 479 (E) dated 26th April, 2003.

Now, therefore in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the order of the said Tribunal, namely: -

BEFORE THE UNLAWFUL ACTIVITIES
(PREVENTION) TRIBUNAL

In the matter of:

Gazette Notification dated 26.4.2003 declaring Deendar Anjuman as an unlawful association.

And in the matter of:

Reference under Section 4 of the Unlawful Activities (Prevention) Act, 1967.

CORAM:

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

Present:

Mr. K.K. Sud, Additional Solicitor General with

Mr. R.V. Sinha, Mr. Mahipal and Mr. Neeraj Jain,
Advocates for Union of India.

Ms. A. Subhashini, Advocate for the State of Goa.

Ms. Subhangi Tuli with Mr.Ravindra Keshavrao Adsure,
Advocates for State of Maharashtra

Mr.H.N.Nilogal, Advocate for the State of Karnataka.

Mr.Jag Ram, Deputy Secretary, Ministry of Home Affairs,
Govt. of India.

BEFORE THE UNLAWFUL ACTIVITIES
(PREVENTION) TRIBUNAL

In re: Deendar Anjuman

CORAM:

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

ORDER

1. By Notification S.O. 479(E) dated 26.4.2003, the Central Government in exercise of the powers conferred by the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the Act') had *inter alia* expressed the opinion that the activities of the Deendar Anjuman necessitated its being declared as an unlawful association. The said Notification reads as under:

> " MINISTRY OF HOME AFFAIRS
> NOTIFICATION
> New Delhi, the 26th April, 2003
>
> S.O.479(E).--Whereas the Deendar Anjuman is having links in Pakistan, and is indulging in activities which are prejudicial to the security of the country, having the potential to disturb peace and communal harmony and to disrupt the secular fabric of the country;
>
> And whereas, the Central Government is of the opinion that,-
>
> (i) during May to July, 2000, the Deendar Anjuman engineered bomb explosions in Church premises and other places in the States of Andhra Pradesh, Karnataka and Goa;
>
> (ii) the said organization was engaged in distribution of objectionable anti-Christian literature and pamphlets, and in espionage activities;

(iii) the said organisation has links at Mardan in Pakistan and has been organizing bands of disgruntled Muslim youths in India into a militant outfit for launching Jehad with the avowed objective of total Islamisation of the sub-continent;

(iv) the said organization planned to create disturbances, particularly by promoting hatred and creating suspicion and ill-will among the Christians and Hindus as well as among other communities;

(v) the said organization had directed its activists to attack Christian institutions with the objective of embrassing the Government, particularly in the international community and weakening it internally; and

(vi) the said organization had plans to target major infrastructural installation including railways, telecom network, electricity grids, oil refineries and defence installations;

And whereas, the Central Government is also of the opinion that for the aforesaid reasons, the activities of Deendar Anjuman are detrimental to the peace, communal harmony, internal security and maintenance of secular fabric of the Indian society, and that it is an unlawful association;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the Deendar Anjuman to be an unlawful association;

And whereas, the Central Government is further of the opinion that if the unlawful activities of Deendar Anjuman are not curbed and controlled immediately, it will take the opportunity to-

(i) create tension among the Christians and other communities with a view to disrupting the social fabric and tarnish the secular credentials

of the country;

(ii) re-organize itself and indulge in sabotage of vital installations.

And whereas, the Central Government is also of the opinion that having regard to the activities of Deendar Anjuman as mentioned above, it is necessary to declare it as an unlawful association with immediate effect, and accordingly, in exercise of the powers conferred by the proviso to sub-section (3) of section 3, the Central Government hereby directs that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect from the date of its publication in the Official Gazette".

2. Thereafter by Notification No. S.O.508(E) dated 8.5.2003 all the powers exercisable by the Central Government was also conferred on the State Governments and the Union Territory Administrations in relation to Deendar Anjuman. This Notification reads as follows:

" MINISTRY OF HOME AFFAIRS
NOTIFICATION
New Delhi, the 8th May, 2003

S.O. 508 (E).--Whereas, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government have declared the "Deendar Anjuman" as an unlawful association.

And whereas, the said declaration has been published in the Gazette of India, Extraordinary, Part-II, section 3, Sub-section (ii) of 26th April, 2003 vide notification number S.O. 479(E) of the same date.

Now, therefore, in exercise of the

powers conferred by section 19 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby directs that all the powers which are exercisable by it under sections 7 and 8 of the said Act shall be exercised also by the State Governments and the Union territory Administrations in relation to the above organization."

3. This Tribunal was constituted pursuant to Notification 571 (E) dated 22.5.2003 published in the Gazette of India Extraordinary on the same date. This Notification reads as under:

" MINISTRY OF HOME AFFAIRS
NOTIFICATION
New Delhi, the 22nd May, 2003

S.O.571(E).--In exercise of the powers conferred by sub-section (1) of section 5 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby constitutes the "Unlawful Activities (Prevention) Tribunal" for the purpose of adjudicating whether or not there is sufficient cause for declaring the Deendar Anjuman as unlawful association consisting of Mr. Justice Vikramajit Sen, Judge of the Delhi High Court."

4. A preliminary hearing was held on 29.5.2003, on which date counsel for Union of India and in the presence *inter alia* Mr.K.K.Sud, Additional Solicitor General with Mr.R.V.Sinha, Mr.Mahipal and Mr. Neeraj Jain, Central Government Panel Counsel for Union of India, Mr.

N.Ganapathi Rao, Inspector of Police, CID, Ms.A.Subhashni, Counsel for State of Goa and Mr.Hardeep Singh, Under Secretary, Ministry of Home Affairs, notice to Deendar Anjuman under sub-section (2) of Section 4 of the Act was ordered. The notice was directed to be served in the same manner as the Notification banning Deendar Anjuman had been served by the Central Government, i.e. through publication in the Daily National and local Newspapers circulated and published in the States of Andhra Pradesh, Maharashtra, Karnataka and Goa as well as by broadcasting on radio and television. Notices were also ordered to be served by pasting them on the Notice Board of the office of each District Magistrate/Tehsildar at the Headquarters of the District or Tehsil. Notice was also ordered to be served on Deendar Anjuman by publication in a Daily Newspaper circulated in the locality where they have establishments or presence in Andhra Pradesh and outside as also on its office bearers, at their respective addresses or, if under detention, through the concerned Superintendent (Jail). It was directed that notices be served within two weeks from 29.5.2003. It was further directed that the Central Government and State Governments should produce relevant documents and other material in their possession, on which they intend to rely. The evidence by way of affidavits and supporting documents were to be filed in duplicate. The proceedings were thereafter adjourned to 16.7.2003.

5. On 16.7.2003 the Tribunal noted that notices had been served by publication in the National and local Newspapers as also by pasting them on the Notice Boards of the office of each District Magistrate/Tehsildar. It was also noted that the contents of the notice have also been broadcast over the All India Radio by the States of Karnataka, Andhra Pradesh and Goa. This was on the basis of affidavits of service filed by these three States. Although the affidavit of service had not been filed on behalf of State of Maharashtra, a statement was made by the learned Advocate appearing therefor, that service had also been similarly effected and that an affidavit of service would be filed. It was noticed that the Respondents were stated to have been served between 15th June, 2003 and 27th June, 2003. In order to enable any person wishing to respond to show cause notice within the statutory period of 30 days, proceedings were adjourned to 6.8.2003. The copy of the Order dated 16.7.2003 was ordered to be served at the Headquarter/offices of Deendar Anjuman in four States. The next hearing was held on 6.8.2003 when it was directed that the Central Government and the State Governments who have not filed affidavits may do so within ten days and that the Orders be served at the Headquarters/Offices of Deendar Anjuman in four States. On 18.8.2003 the recording of evidence of witnesses was fixed as per the following schedule:

29th August to 31st August at Hyderabad

7th to 9th September at Bangalore

27th to 29th September at Aurangabad

7th to 9th October at Panaji

The hearing at Panaji was changed to 10th October, 2003 to 12th October, 2003 and due publicity/notice of this alteration was given. This schedule was adhered to.

6. Before narrating the subsequent events the decision of the Hon'ble Supreme Court in Jamaat-E-Islami Hind v. Union of India, reported as **(1995) 1 Supreme Court Cases 428**, may be briefly digested. The Apex Court drew a distinction between the present proceedings and those pertaining to preventive detention. The Hon'ble Court also observed that "the nature of the inquiry preceding the order made by the Tribunal under Section 4 of the Act, and its binding effect, give to it the characteristic of a judicial determination distinguishing it from the opinion of the Advisory Board under the preventive detention laws. .... The Tribunal is required to decide ' after "notice to show cause" by the process of adjudicating' the points in controversy. These are the essential attributes of a judicial decision. .... To satisfy the minimum requirements of a proper adjudication, it is necessary that the Tribunal should have the means to ascertain the credibility of conflicting

evidence relating to the points in controversy. Unless such a means is available to the Tribunal to determine the credibility of the material before it, it cannot choose between conflicting material and decide which one to prefer and accept. In such a situation, the only option to it would be to accept the opinion of the Central Government, without any means to test the credibility of the material on which it is based. The adjudication made would cease to be an objective determination and be meaningless, equating the process with mere acceptance of the ipse dixit of the Central Government. The requirement of adjudication by the Tribunal contemplated under the Act does not permit abdication of its function by the Tribunal to the Central Government providing merely its stamp of approval to the opinion of the Central Government. The procedure to be followed by the Tribunal must, therefore, be such which enables the Tribunal to itself assess the credibility of conflicting material on any point in controversy and evolve a process by which it can decide whether to accept the version of the Central Government or to reject it in the light of the other view asserted by the association. The difficulty in this sphere is likely to arise in relation to the evidence or material in respect of which the Central Government claims non-disclosure on the ground of public interest. .... The materials need not be confined only to legal evidence in the strict sense. Such a procedure would ensure that the decision of the

Tribunal is an adjudication made on the points in controversy after assessing the credibility of the material it has chosen to accept, without abdicating its function by merely acting on the ipse dixit of the Central Government. Such a course would satisfy the minimum requirement of natural justice tailored to suit the circumstances of each case, while protecting the rights of the association and its members, without jeopardising the public interest. This would also ensure that the process of adjudication is not denuded of its content and the decision ultimately rendered by the Tribunal is reached by it on all points in controversy after adjudication and not by mere acceptance of the opinion already formed by the Central Government. .... It follows that, ordinarily, the material on which the Tribunal can place reliance for deciding the existence of sufficient cause to support the declaration, must be of the kind which is capable of judicial scrutiny. In this context, the claim of privilege on the ground of public interest by the Central Government would be permissible and the Tribunal is empowered to devise a procedure by which it can satisfy itself of the credibility of the material without disclosing the same to the association, when public interest so requires. The requirements of natural justice can be suitably modified by the Tribunal to examine the material itself in the manner it considers appropriate, to assess its credibility without disclosing the same to the

association. This modified procedure would satisfy the minimum requirement of natural justice and judicial scrutiny. The decision would then be that of the Tribunal itself."

7. It may also be recorded that a ban had been imposed on Deendar Anjuman by Notification S.O.373 (E), published in the Gazette of India Extraordinary Part II Section 3 dated 28.4.2001. The Central Government had exercised powers conferred by Section 3 of the Act and had declared Deendar Anjuman as an unlawful association. By Notification S.O. 448(E) dated 22.5.2001 Mr. Justice Manmohan Sarin, Judge of the Delhi High Court had been appointed as the Unlawful Activities (Prevention) Tribunal. Deendar Anjuman was fully represented in those proceedings. After due consideration, by Orders dated 27.10.2001 the Tribunal was satisfied that there is sufficient cause for confirming the declaration of Deendar Anjuman as a banned association. I have perused these Orders. Whilst there may be some argument on whether they operate as res judicata, the principle of estoppel would certainly commend my acceptance of those Orders. It will be seen that in the representation made before me the Deendar Anjuman has relied on the submissions made by them in their Written Statement filed before that Tribunal. I directed Mr. Sud, Additional Solicitor General, to file a copy of the Written Statement filed before the

previous Tribunal, which has been done and I have also perused its contents. I have perused the Orders of the previous Tribunal and it is my opinion that the conclusion arrived at was based on material presented/available to it.

8. A letter dated 25.8.2003 was received from Sh. K. Balagopal, Advocate, Khairatabad, Hyderabad, in which it has been stated that by notice dated 30.5.2003, intimating his client, namely, Deendar Anjuman represented by Syed Amanath Hussain, Notification No S.O.479(E) dated 26.4.2003 had been learnt of. It is submitted that a copy of the Notification was not attached to the notice nor had it been communicated to the client of Mr. K. Balagopal. It was further submitted that a Written Statement had not been filed before this Tribunal for want of copy of the Notification stated to have been issued by the Government of India. In that letter it was further recorded that Deendar Anjuman was under constant surveillance by the police. An extension of time was requested for, upon receipt of a copy of the Notification. In response to this Shri K. Balagopal, Advocate, had been informed of the hearings that were fixed for 29.8.2003 at Hyderabad. Although Shri Balagopal did not enter any appearance, Syed Amanath Hussain filed a Memo before this Tribunal at the hearing held on 29.8.2003 at Hyderabad which reads thus:

"BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

IN RE:DEENDAR ANJUMAN

Memo filed on behalf of the Banned Association

It is submitted that the intimation regarding the sittings of the Hon'ble Tribunal at Hyderabad on 29-31 August 2003 was received by the Association's counsel only on 27th August.

The Association, as submitted in its counsel's communication to the Hon'ble Tribunal dated 25/8/2003, received intimation of the previous two sittings at New Delhi only on the date of the sitting, and moreover is yet to have a copy of the notification S.O. 479(E) dt 26/4/2003 under which it was banned anew by the Government of India. Without the benefit of perusal of the Notification, and without adequate time to make preparations, the Association is not in a position to participate in the proceedings contemplated to be held at Hyderabad or elsewhere.

It is further submitted that the Association questions the power of the Government of India to issue what is in effect a Notification extending the ban imposed originally on 28/4/2001. The Unlawful Activities (Prevention) Act specifically excludes the power to extend a ban beyond two years.

It is therefore just and proper that the Association is supplied with a copy of S.O. 479(E) dated 26/4/2003 and permitted to peruse the same and either file its written submissions in reply to the same, or challenge it in a competent Court of Law if so advised, before this Hon'ble Tribunal proceeds with the hearings, more particularly its sittings at Hyderabad. Since the government of India has brought the ban into immediate effect using the power vested in it by virtue of the proviso to Sec 3(3) of the Act, no prejudice is caused by this request to the interests sought to be protected by the ban.

It is further submitted that the Association is hereby appointing Sri K. Balagopal, Advocate, 6-3-609/10/5, upstairs, Anandnagar Colony, Khairatabad, Hyderabad-

500004, Ph.23327925 as its counsel for the purpose of the proceedings before this Hon'ble Tribunal.

Date:29/8/2003 Syed Amanath Hussain
Hyderabad for Deendar Anjuman"

9. This Tribunal passed the following Orders on 29th August, 2003.

"29.8.2003.

Present: Sh.K.K.Sud, Addl.Solicitor General with Mr.Neeraj Jain, Mr.R.V.Sinha, and Mr.Mahipal, Advocates
Mr.V.Surender Rao, Spl.Public Prosecutor on behalf of of Govt. of Andhra Pradesh.
Mr.Syed Siddiqui Hussain, Mr.Syed Amanath Hussain, Mr.Syed Basha, Mr.Zabiullah Hussain & Mr.Syed Salauddin on behalf of the Respondents.

I have received a Memo on behalf of Mr.Syed Amanath Hussain who is present in person. He states that his counsel Shri K.Balgopal had asked him today to bring the Memorandum to my notice. In essence the prayer in the Memorandum is for the grant of an adjournment of proceedings.

Apart from the Andhra Pradesh Gazette, which contains the Notification No.S.O.479(E) dated 26.4.2003, this Notification as well as Notice have been published in various newspapers in the Vernacular (Telegu), Urdu as well as in English. A photocopy of the "Deccan Chronicle", Hyderabad dated 17.5.2003 contains a full text of this Notification. Mr.Syed Amanath Hussain has acknowledged his signatures on the Notice issued by the Registrar of this Tribunal dated May 30, 2003 served on him on 25.6.2003, i.e. after the Notification was duly published not only in the Andhra Pradesh Gazette dated June 17, 2003 but also in the "Deccan Chronicle", Hyderabad dated 17.5.2003 as well as in the Vernacular (Telegu) in Eenadu dated 17.5.2003 as well as the Urdu in "The Munsif" newspaper, Hyderabad Edition dated 17.5.2003. Mr.Sud, Addl.Solicitor General submits that the Notification was also personally served on

Mr.Syed Amanath Hussain.

It may be relevant to note that venue at Hyderabad of the present proceedings was fixed specifically with the objective to enable Deendar Anjuman to make their Representation in a manner most convenient to it. The learned Addl. Solicitor General says that it was with a view to obviate any protraction of these proceedings of this Tribunal that the present venue and time had been fixed.

Having given my considered thought to the contents of the Memorandum, I am of the opinion that it is intended only to adjourn and delay the present proceedings. Mr.Syed Amanath Hussain was uncontrovetedly served with the notice as far back as on 25.6.2003. The complaint about the non-service of the Notification is raised after inordinate delay and is, therefore, not bonafide. The request for the supply a copy of the Notification is, therefore rejected.

Mr.Syed Amanath Hussain or his Advocate shall, however, have the liberty to cross-examine any of the witnesses produce on behalf of the Central Government and shall also have liberty to file written submissions if he so chooses. So far as the challenge to the Notification in a Competent Court of Law is concerned, this Tribunal is not called upon to pass any Orders.

This Tribunal had received a letter dated 25th August, 2003 from Shri K.Balgopal, Advocate of Mr. Syed Amanath Hussain. Immediately a response had been addressed to Shri.K. Balgopal, receipt of which is not disputed informing him that he may appear before this Tribunal on 29.8.2003 at 10.30 A.M. Mr.Syed Amannath Hussain states that Sh.Balgopal is busy in the High Court, and that the Memorandum had been delivered by Sh.Balgopal to him in the morning with instructions to file it before me.

In these circumstances, there seems to be no reason for him not to be present in these proceedings. However, in the interest of justice, today's proceedings are adjourned to 30.8.2003. Three witnesses of the Central Government who are present today are bound down for

appearance tomorrow. Proceedings shall commence at 10.30 A.M.

August 29, 2003 (JUSTICE VIKRAMAJIT SEN)
tp/ac Unlawful Activities
(Prevention) Tribunal"

10. There was no representation on behalf of Deendar Anjuman on 30.8.2003 when the statement of three prosecution witnesses was recorded. These witnesses deposed about the cases pending trial and that in the absence of the ban on Deendar Anjuman their activities would have continued resulting in widespread bloodshed, disruption of communal harmony etc. P.W.3 has stated that after the ban on Deendar Anjuman on 18.5.2001 a Crime Case No. 131/2001 and Crime Case No. 148/2001 dated 7.6.2001 were registered against sundry accused as they were conducting secret meetings despite the ban and were planning to spread communal disharmony in order to achieve their objective of total Islamisation of India,

11. Hearings commenced in Bangalore, Karnataka on 6.9.2003 on which date the statements of four prosecution witnesses was recorded along with statements of three public witnesses. P.W.4, on the basis of his investigation, has stated that the members of Deendar Anjuman have been trained in Pakistan in handling of fire arms, preparation of explosives, bombs etc. Those trained in Pakistan thereafter trained other members of Deendar Anjuman in India. Communications of the

members of Deendar Anjuman, between India and Pakistan, have been discovered by him. The objective of the members of Deendar Anjuman was to create disharmony amongst religious communities. It is his opinion that if the ban is removed the members of Deendar Anjuman will cause havoc in India. P.W.5 has deposed about the incidents that led to the ban order of April 2001. He has also opined that if the ban on the Deendar Anjuman is lifted it will create havoc throughout India by carrying out explosions and causing communal hatred and disharmony and shall endanger the security of India. P.W.6 has stated that after the ban the activities of members of Deendar Anjuman have come down considerably but that if it is lifted the members will re-group, collect funds and indulge in anti-social activities, commit explosions, create communal hatred and attempt to total Islamisation of India. P.W.7 has also stated that the activists of Deendar Anjuman have been trained in Pakistan and that if the ban is lifted they will again create communal disharmony and endanger national security. He has deposed that his opinion is based on continued surveillance. P.W. 8 has deposed about the material collected from various State Governments as well as from intelligence agencies on the basis of which the ban Notification dated 26.4.2003 should be affirmed in the public interest. P.W.9 has deposed that the members of Deendar

Anjuman are still active towards attaining their objects of total Islamisation of India, waging war against the State, derailing the Indian economy, disturbing public tranquility and communal harmony. This witness has proved Exhibits P-24 and P-25 relating to activities and Meeting of members of Deendar Anjuman. A similar deposition has also been made by P.W.10. who has proved Exhibits P-27 & P-28 pertaining to an activist of Deendar Anjuman who had organised a function in Tumkur in April, 2001, contrary to the Ban Order. P.W.11 is the Investigating Officer of C.R. No. 14/2001. He has deposed that in July 2001, on receipt of secret information, he had raided the house of Sayyed Abdul Zabbar. In the course of which he discovered literature and pamphlets pertaining to the activities of Deendar Anjuman. After registration of an FIR he investigated the matter throughly. P.W.11 has stated that he has filed Charge-sheet dated 27th March, 2003 bearing No.5/2003. He has also opined that if the ban on Deendar Anjuman is lifted division and rift between the different religious communities would be created with the objective of total Islamisation of India. He further stated that the object of Deendar Anjuman is total Islamisation of India and his opinion is based on surveillance and investigations carried out in this behalf. P.W.12 has deposed that on 7.6.2002 he had received information that the office bearer of Deendar Anjuman, namely,

Kalandharkha Dattatri was propagating its objects for promoting Zihad, Saria and Nifaq and for violence and disturbance to convert India into a Muslim State. After investigations, he filed Charge-sheet No. 111/2002 dated 10th September, 2003. He has also prayed that the ban should continue otherwise the unlawful activities of the members of Deendar Anjuman would be increased uncontrollably. P.W. 13 has deposed that he had received confidential information that despite the ban imposed on Deendar Anjuman some of its activists were propagating its objects. On reaching the spot he found Mohd. Yusuf Amin and recovered one bag from his possession. The bag contained pamphlets of the said organisation. The bag and its contents were confiscated and a Crime Case No. 3046/2001 was registered followed by Charge-sheet No. 96/2001 filed in August, 2001. He has stated that despite the ban the activities of Deendar Anjuman are continuing and that if the ban is lifted India may disintegrate and that communal disharmony and law and order problems are likely to become uncontrollable. P.W. 14 is the Nodal Inquiry Officer and has also opined, predicating on the investigation and information received by him as well as the consideration of documents seized in the course of investigations, that if the ban is lifted the unlawful activities of the members of Deendar Anjuman, cause communal

disharmony, hatred and collection of money illegally shall increase. P.W. 15 has deposed that on 9.5.2001 he received information that an activists of Deendar Anjuman had organised a secret meeting at his residence. On conducting a raid P.W.15 seized documents, pamphlets, posters etc. pertaining to the activities of Deendar Anjuman. The documents were to the effect that the Islam is the most superior religion and that Jehad should be conducted for its spread and that hatred should be created between Hindus and Christians. He has also stated that the activities of the members of Deendar Anjuman were continuing even after the imposition of the ban and that if it would not continue there would be widespread disharmony, unrest and public disorder in the country. He has placed FIR No. 23/2001 dated 9.5.2001 on the record. P.W.16 has given evidence that he was investigating Crime Case No. 40/2001; that on 9.5.2001 he had received secret information that Mohd. Shabbir, Mohd. Osman Ali, Mohd. Mujahed and Mohd. Karim were holding a secret meeting with regard to the activities of Deendar Anjuman; that they were collecting funds illegally and that they were working towards global Islamisation. They preached Jehad against non-Muslims, distributed pamphlets, posters etc. Books and documents that were seized in the raid were in Urdu, Telegu, Kanada, Marathi and Hindi. They educated hatred between

different religious communities. This witness further deposed that in Crime Case No. 40/2001 three other persons were arrested, namely, Nasir Pasha, Hazi Khaja Pasha and Asif Pasha. P.W. 17 has proved the events which transpired in Crime Case No.3041/2001. In the course of which, on 17.5.2001, numerous incriminating documents pertaining to the illegal activities of Deendar Anjuman were recovered from the accused by Shri C.V. Joshi. P.W. 18 has stated that after the imposition of the ban and filing of the Charge-sheets, Deendar Anjuman activists have been meeting surreptitiously; promoting violence and breach of law and order and communal disharmony between Muslims, Hindus and Christians. The activists of Deendar Anjuman collected money, enlist and incite youths to carry out Jehad against non-muslims to achieve global Islamisation. He has stated that on the basis of his investigation and the prevailing circumstances the ban on Deendar Anjuman must continue otherwise there will be communal disharmony and the endangerment of the security of the country. P.W. 19 has also deposed to the same effect and has placed on record and FIR 3147/2001 dated 5.5.2001. P.W.20 has made a similar statement and has proved FIR No. 3148/2001. P.W.21 has deposed that Niamatulla Shaikh Mehboobsab Saudagar and other members of Deendar Anjuman has been extracting money forcibly and illegally to achieve Islamisation of

India and create tension among Hindus, Christians and other religions. He has further deposed that after the imposition of the ban in 2001 the activities have lessened but have not stopped completely. He has also stated that the ban must continue. P.W. 22 has deposed that on the basis of his investigation the activities of Deendar Anjuman are continuing surreptitiously. The members of Deendar Anjuman collected funds forcibly and created enmity between Hindus and Christians and also other religious communities; and that ban must continue. P.W.23 has stated that he had lodged an FIR No.3955/2001 in which a Charge-sheet was filed against Mr. Ramdas Dattatrai Mhanta, who is a member/activists of Deendar Anjuman. This person was collecting funds and propagating the illegal objectives of Deendar Anjuman even after the ban was imposed. He has opined that if the ban is removed the activities of Deendar Anjuman will increase. P.W. 24 is a Nodal Officer who, on the basis of reports received from different parts of Aurangabad, had found that the aim of Deendar Anjuman is to carry out global Islamisation which is to be achieved by carrying out terrorists activities. Funds are gathered from secret sources from India and from abroad even through extortions and dacoity. Their activities include creation of communal tension and disharmony. In his view if the ban is not continued the activities of the members of

Deendar Anjuman, which are presently underground, will become uncontrollable. He has also referred to Mumbai bomb blasts to support his opinion that conditions are not conducive for lifting the ban on Deendar Anjuman. P.W. 26 has given evidence in respect of two accused, namely, Mirasab Koujalgi and Mohd. Farooq Ali, the activists of Deendar Anjuman who were arrested in Goa. He has given a Report to the Home Department of the State of Goa based on the inputs received and collected from intelligence agencies and the substantive evidence that illegal activities of Deendar Anjuman may recur in Goa. He has opined that the ban must continue otherwise incidents similar to the bomb-blast at St. Andrews Church may happen. Apart from these witnesses several public witnesses had also appeared and given statements to the Tribunal narrating the continued activities of the members of Deendar Anjuman even after the imposition of the ban and offering their opinion that the ban must continue. I had required the production of official/secret files pertaining to Deendar Anjuman which were produced for my scrutiny even though it was the stand of the State that they were not bound to produce this document.

12. Unlike the position that obtained before the previous Tribunal, apart from the letter from Mr. Balagopal, Advocate, and the memo filed on behalf of Deendar Anjuman at the first hearing at Hyderabad there

as no representation by the Deendar Anjuman. None of the witnesses produced have been cross-examined with the result that their testimony remained unchallenged. The case against Deendar Anjuman is totally uncontroverted. So far as the Written Statement filed by Deendar Anjuman before Hon'ble Mr. Justice Manmohan Sarin concerns all the points raised therein have been considered and dealt with by that Tribunal. It has already been observed that findings of the previous Tribunal are cogent and are based on the abundant material placed before that Tribunal. No fresh grounds have been raised before this Tribunal.

13. Having perused the material pertaining to the incidents which led to the banning of Deendar Ajuman as an unlawful association vide Notification issued in April 2001, and keeping in perspective the fact that the activities of Deendar Anjuman have continued despite the ban, and having considered the Reports and recommendations received from the State Governments of Andhra Pradesh, Karnataka, Maharashtra and Goa I am of the opinion that the decision leading to Notification No.S.O.479(E) dated 26th April, 2003 is based on adequate material, which is credible. The members of Deendar Anjuman had planned and continued to create disturbances by promoting hatred between different religious communities. There is sufficient material

for the Central Government to arrive at the opinion that the activities of Deendar Anjuman are detrimental to the peace, communal harmony, internal security and maintenance of secular fabric of India and for declaring Deendar Anjuman as an unlawful association under the Act. Abundant material is available which has already been tested and has been found by the previous Tribunal to have probity. The activities of Deendar Anjuman indubitably fall with the ambit of Section 2(f) of the Act. The events which were taken into consideration by the previous Tribunal are not of the distant past and there is a live link between them and the continuing activities of members of Deendar Anjuman after April 2001. The events that were scrutinised by Hon'ble Mr. Justice Manmohan Sarin are neither stale nor remote and on the contrary are intrinsically connected with each other. There is sufficient cause for declaring Deendar Anjuman as an unlawful association, and this decision is confirmed.

(Justice Vikramajit Sen)
Unlawful Activities (Prevention) Tribunal

[F. No. 14017/11/2003-NI-III]
A.K. JAIN, Jt. Secy.

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