

UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL
AAI BUILDING, MAGISTRATE'S COLONY, HADAYTPUR, GUWAHATI



IN THE MATTER OF : **NATIONAL DEMOCRATIC FRONT OF BODOLAND (NDFB)**

BEFORE

HON'BLE MR JUSTICE PRASANTA KUMAR DEKA

Presiding Officer

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| For the State of Assam | : | Mr. D. Saikia, Senior Advocate Mr. P. Nayak, Advocate Mr. A. Chaliha, Advocate. |
| For the Union of India | : | Mr. S. C. Keyal, Assistant Solicitor General of India. |
| For the NDFB (RD) & NDFB(Dhirendra Boro Group) | : | Ms. N. Daimari, Advocate. |
| For the NDFB (S) Group | : | Mr. A. Narzari, Advocate. |
| Date of hearing/argument | : | 01.08.2020 |
| Date of adjudication | : | 18.08.2020 |

ORDER

1. On 23rd November, 2019, a Notification being S.O. 4255(E) was issued by Mr. Satyendra Garg, Joint Secretary, Ministry of Home Affairs, Government of India to the effect that the Central Government was of the opinion that the activities of the National Democratic Front of Bodoland (hereinafter referred to as NDFB) were detrimental to the sovereignty and integrity of India and that it is an unlawful association.

2. The Central Government was also of the opinion that if there is no immediate curb and control of the unlawful activities of NDFB, the organization may re-group and re-arm itself, make fresh recruitments, indulge in violent, terrorist and secessionist activities, collect funds and endanger the lives of innocent citizens and security forces personnel and therefore existing circumstances rendered it necessary to declare the



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

NDFB, along with all its groups, factions and front organizations as an unlawful association with immediate effect. Accordingly, in exercise of powers conferred by Section 3(1) of the Unlawful Activities (Prevention) Act, 1967(hereinafter referred to as the Act), the Central Government declared NDFB, along with all its groups, factions and front organizations as an unlawful association.

3. The Central Government was also of the opinion that it was necessary to declare the NDFB to be an unlawful association with immediate effect and accordingly, in exercise of powers conferred by proviso to sub-section (3) of Section 3 of the Act, the Central Government directed that the notification shall, subject to any order made under section 4 of the Act, would have effect from the date of its publication in the Official Gazette.

4. For the purposes of Section 3(1) of the Act, the Central Government was of the opinion that the NDFB has been: (i) indulging in illegal and violent activities intended to disrupt, or which may disrupt, the sovereignty and territorial integrity of India in furtherance of its objective of achieving a separate Bodoland; (ii) aligning itself with other unlawful associations of the North Eastern Region in furtherance of its objective of achieving a separate Bodoland; (iii) engaging in unlawful and violent activities thereby undermining the authority of the Government of India and the Government of Assam and spreading terror and panic among the people; (iv) indulging in extortion of money from various sections of the society with a view to financing and executing its plans for the creation of a separate Bodoland; (v) embarking on a systematic drive for recruitment of fresh cadres with a view to continuing its terrorist and insurgency activities; (vi) creating carnage and ethnic violence resulting in killings, destruction of property of non-Bodos inhabiting the Bodo dominated areas in Assam with a view to spreading panic and insecurity among the non-Bodos; (vii) establishing camps and hideouts across the country's border to carry out its secessionist activities; and (viii) obtaining assistance from anti-India forces in other countries to procure arms and other assistance in its struggle for the creation of a separate Bodoland.

5. The Central Government is of further opinion that the unlawful and violent activities which are attributed to NDFB include- (i) killing of 19 (nineteen) civilians in incidents of violence since January,2015; and (ii) involvement in about 62 (sixty-two) violent incidents since January,2015 in which 55 (fifty-five) extremists have been killed,



450 (four hundred fifty) extremists have been arrested and 444 (four hundred forty-four) arms have been recovered from them.

6. Under these circumstances, and in exercise of powers conferred by Section 5(1) of the Act, "The Unlawful Activities (Prevention) Tribunal" was constituted by a notification being S.O. 4577(E) dated 20th December, 2019 issued by Mr. Satyendra Garg, Joint Secretary, Ministry of Home Affairs, Government of India for the purpose of adjudicating whether or not there were sufficient cause of declaring the NDFB as Unlawful Association. By virtue of Section 4(3) of the Act, the Tribunal was required to adjudicate whether or not there was sufficient cause for declaring the NDFB as an unlawful association within the meaning of the expression defined under Section 2(p) of the Act, by holding an inquiry.

7. In support of its case, the Central Government made a reference to the Tribunal and submitted a resume regarding the aims/objectives and violent activities of NDFB.

8. The reference was received by the Registrar of the Tribunal on 20.12.2019. The reference was placed before the Tribunal on 02.1.2020, after winter vacation of the Hon'ble Gauhati High Court. Having received it, vide order dated 02.1.2020, this Tribunal deemed it fit to direct the issuance of letter to inform the Government of Assam to provide a venue for the Tribunal along with infrastructure to initiate the proceedings. Accordingly, the Government of Assam allotted a venue for the Tribunal on 02.3.2020. Thereafter, the Tribunal listed the reference for preliminary hearing on 14.3.2020. After recording satisfaction on perusal of materials placed by the Central Government and hearing the representatives of the Ministry of Home Affairs, UOI, Department of Home and Political, Government of Assam and of Assam Police, notice under Section 4(2) of the Act was ordered to be issued to the NDFB to show cause within 30 days from the date of service of the notice as to why the said Association should not be declared unlawful and why order should not be made confirming the declaration under Section 3(1) of the Act. Notice was directed to be served in the following manner:-

- (a) By Speed Post/Registered A/D at the last known address of NDFB along with all their factions, wings and front organizations as well as that of their principal office bearers.

Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB



- (b) Service of notice on the office bearers of the NDFB in Assam at its addresses, if any or if under detention, through the Superintendent (Jail) concerned.
- (c) Publication along with a copy of the Gazette Notification dated 23rd November, 2019 in three daily newspapers, one in a National Newspaper (in English) and the other two in prominent local newspaper (vernacular) in Assamese and in Bodo respectively, having wide circulation in the areas where the activities of the NDFB are ordinarily carried on, within 14 days from today.
- (d) Affixation of the notice along with a copy of the Gazette notification dated 23rd November, 2019, at the last known addresses of the NDFB along with all their factions, wings and front organizations as well as their principal office bearers.
- (e) Proclamation by beating of drums as well as loudspeakers about the contents of the notice and the Gazette notification dated 23rd November, 2019, in the areas in which the activities of the NDFB were or are ordinarily carried on.
- (f) Displaying the notice along with a copy of the Gazette notification dated 23rd November, 2019, on the notice Board of the Deputy Commissioner, SDM and Superintendent of Police in all the entire district headquarters of the state (s) where the activities of NDFB were or are believed to be ordinarily carried on.
- (g) Serving of notice on the Government of Assam through its Chief Secretary.
- (h) Announcement of notice and the gazette notification dated 23rd November, 2019 in All India Radio/electronic media at the prime time and shall also be pasted at the prominent places in the states where the activities of NDFB were or are believed to be carried on.
- (i) Affixing copies of the notice at some conspicuous parts of the offices, if any, of NDFB.
- (j) Publishing on the website of Ministry of Home Affairs, UOI and of the Department of Home and Political, Government of Assam
- (k) Any other possible modes, including e-mails etc.

9. The next date of hearing was fixed on 2nd of May, 2020 at 10:30 a.m. at the office of the Tribunal, in AAI Building, Magistrate Colony, Hedayatpur, Guwahati.



10. Pursuant to the order dated 14th March, 2020, Sri Simanta Kumar Das, Joint Secretary to the Government of Assam, Home and Political Department filed an affidavit

on 30th of April, 2020 before the Registrar of the Tribunal on behalf of the State of Assam regarding service of notice on NDFB by different modes including publication, which was placed before the Tribunal on 02nd of May, 2020. Similarly, Sri R. K. Pandey, Deputy Secretary, Ministry of Home Affairs, North Block, NE Division, had filed an affidavit dated 30th of April, 2020, on behalf of the Central Government, regarding due service of notice on NDFB as directed by the Tribunal. In the proceeding dated, 02nd of May, 2020 before the Tribunal, considering the submissions made by the Ld. Counsel of the Central Government and of the Government of Assam and on perusal of the affidavits along with the records showing the manner in which the notice was served upon NDFB, it was held that the show cause notice as required under Section 4(2) of the Act has been duly served upon NDFB.

11. After receipt of notice, Smti Neothwnsona Daimari, the Ld. Advocate representing two factions of NDFB, i.e NDFB (Ranjan Daimari) (hereinafter referred as NDFB (RD)) and NDFB(Progressive)(Dhirendra Boro) (hereinafter referred as NDFB (Dhirendra Boro)), and Sri Austin Narzary, the Ld. Advocate representing NDFB(Songbijit Group) (hereinafter referred as NDFB (S)), have appeared before the Tribunal on 02.5.2020. However, the remaining faction of NDFB i.e. NDFB (P)(Govinda Basumatary) remained absent throughout the proceeding, even after due service of notice. As such, the matter proceeded ex-parte against NDFB(Progressive) led by Gobinda Basumatary.

12. The Ld. Advocate, representing NDFB(S) filed its written statement i.e. the show cause reply in the form of an affidavit on 02.5.2020, stating therein, *inter alia*, that the Gazette Notification dated 23.11.2019 is infructuous as it has lost its significance pursuant to the signing of the Memorandum of Settlement dated 27.01.2020, laying down of arms on 30.1.2020 and after the disbandment of NDFB (S) on 09.3.2020. Likewise, the Ld. Advocate representing NDFB (RD) and NDFB(P)(Govinda Basumatary), sought leave of the Tribunal for filing their show cause reply on another date as the same could not be prepared due to lockdown. After getting the permission of the Tribunal, the joint written statement (show-cause reply) of the aforesaid two factions of NDFB i.e. NDFB (RD) and NDFB (Dhirendra Boro), was filed on 04.5.2020 in the form of an affidavit, wherein, *inter alia*, it is mentioned that the organization should not be termed as unlawful association on the basis of the spirit of the Memorandum of Settlement dated 27.01.2020, laying down of arms and the disbandment of the organization.



13. The Government of Assam, through its authorized representative, Sri Simanta Kumar Das, Joint Secretary, Home and Political Department, filed an affidavit-in-reply in response to the above mentioned written statements of the NDFB groups on 08.5.2020 and also filed an additional –affidavit-in-reply to the said written statements on 16.05.2020.

14. Sri R.K Pandey, Deputy Secretary in the Government of India, Ministry of Home Affairs, North Block, New Delhi had filed an evidence on affidavit dtd. 06.5.2020 on behalf of the Central Government before the Tribunal, on 09.05.2020. The Ld. Advocates representing the NDFB factions cross examined Sri R.K Pandey on oath. The cross examination took place by way of video conferencing on 12.5.2020 due to lockdown owing to COVID-19 pandemic situation, in the presence of the Ld. Advocates of the Central Government as well as the Govt. of Assam.

15. The Ld Advocates representing the afore-mentioned NDFB factions have filed the evidence on affidavits of their witnesses on 12.05.2020. After taking leave of the Tribunal, additional evidence on affidavit of the said witnesses were filed on 15.06.2020 before the Tribunal. They have adduced altogether three witnesses, namely, Sri Dharendra Boro, Sri B. Ohnjalu @Abhiram Basumatary and Sri Saikong Basumatary. On the other hand, the Government of Assam through Sri Simanta Kr. Das, Joint Secretary, submitted evidence on affidavit along with exhibits on 23.05.2020. In addition to that, on the same date, the Superintendents of Police of 12 districts of Assam, where cases against NDFB have been registered, submitted their sworn evidence-on-affidavits in support of the contents of the documents produced.

16. The opinion of this Tribunal is required to be delivered as expeditiously as possible and in any case within a period of six months from the date of issue of the notification under sub-section (1) of section 3 of the Act. The notification was issued on 23.11.2019 and the period of six months expired on 23.5.2020. In the meantime, the Central Government had imposed nationwide lockdown due to COVID-19 pandemic. The Apex Court vide order dated 23.03.2020 extended the limitation period w.e.f 15.3.2020 until further order in Suo Motu Writ Petition (Civil) No. 3/2020 in Re : Cognizance for Extension of Limitation. The said order was passed under Article 141 of the Constitution of India and it binds this Tribunal. Accordingly, the prescribed period of six months



stands extended until further order by the Apex Court in terms of the order dtd.23.3.2020.

17. The Tribunal had fixed 12.05.2020, 09.05.2020, 28.05.2020, 30.5.2020, 01.06.2020, 06.6.2020, 09.06.2020, 24.6.2020 for evidence from both sides. After the closure of evidence, initially the date 01.07.2020 was fixed for argument. But due to imposition of total lockdown in the district of Kamrup (M) (i.e Guwahati City), inter-district movement of people was restricted. As a result, the Ld. Advocates who reside in other districts could not appear before the Tribunal on 01.07.2020 as well as on subsequent date i.e on 18.07.2020. Adjournments were accordingly allowed. Finally, arguments were heard on 01.08.2020 from the Ld. Assistant Solicitor General of India, Sri Subhash Chandra Keyal, representing the Central Government and Ld. Senior Counsel Sri Devajit Saikia representing the Government of Assam in this proceeding, as well as from Smti Neothwnsona Daimari, the Ld. Advocate representing two factions of NDFB, i.e NDFB(RD) and NDFB (Dhirendra Boro), and from Sri Austin Narzary, the Ld. Advocate representing NDFB (S).

18. The Tribunal fixed 10.08.2020 for delivery of final order in the matter of NDFB , but same could not be prepared due to the restrictions imposed by the State Government owing to COVID-19. All the proceedings took place in the office of the Tribunal. No public citizen participated in the inquiry. NDFB (Govinda Basumatary group) remained ex-parte till the final disposal.

19. The notification under reference before the Tribunal had declared NDFB as an unlawful organisation U/S 3(1) of the Act. The reference is made under Section 4 of the Act for the purpose of adjudicating whether or not there is sufficient cause for declaring the association unlawful. The nature of inquiry contemplated by the Tribunal can very well be gathered, as held by the Apex Court in ***Jamaat-E-Islami Hind –Vs- Union of India*** reported in ***(1995) 1 SCC 428*** which requires it to weigh the materials on which the notification under sub-Section (1) of Section 3 of the Act is issued by the Central Government, the cause shown by the Association in reply to the notice issued to it and take into consideration such further information which it may call for, to decide the existence of sufficient cause for declaring the Association to be unlawful. The entire procedure contemplates an objective determination made on the basis of materials placed before the Tribunal by the two sides, and the inquiry is in the nature of

adjudication of a lis between two parties, the outcome of which depends on the weight of the materials produced by them. The determination requires the Tribunal to reach the conclusion that the materials to support the declaration outweighs the material against it and the additional weight to support the declaration is sufficient to sustain it. The test of greater probability appears to be the pragmatic test applicable in the context.

20. The said NDFB factions objected against the issuance of the Gazette Notification vide No. 4255 (E) dated 23rd day of November, 2019 issued by the Government of India under Sub-Section (1) of Section 3 of the Act. The reasons for such objection are :-

- (i) On 11.01.2020 all the leaders of NDFB including those of the various factions crossed over to India from their base camps in Myanmar with an expectation to come over ground by giving up arms and to join the peace talk with the Government of India. This was followed by the entire remaining cadres of the outfit.
- (ii) The Tripartite Suspension of Operation Agreement signed between the Joint Secretary (NE) MHA, Government of India, Commissioner & Secretary, Home & Political, Government of Assam and factional head of NDFB(S).
The Memorandum of Settlement dated 27.01.2020 arrived amongst the various NDFB factions, All Bodo Students Union (ABSU), State of Assam represented by the Chief Secretary and the Government of India by the Joint Secretary (NE) MHA. The said execution of the Memorandum of Settlement was witnessed by the Chief Executive Member, BTC, Cabinet Minister, Assam and the Chief Minister, Assam. The NDFB cadres assured abjuring of violence and join the mainstream of the society.
- (iv) All the four factions of NDFB disbanded the organization NDFB as per clause 9.1 of the Memorandum of Settlement dated 27.01.2020. There exists no entity/organization under the name and style "National Democratic Front of Boroland".
- (v) The provisions of the Act are not applicable to the disbanded organization, NDFB when all its members surrendered and disbanded the outfit in terms of the Memorandum of Settlement.

21. It would not be out of place to make an observation here that in the written objections there were no denial of the grounds mentioned in the notification under



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

reference based on which the Government of India drew its satisfaction for issuance of the same dated 23.11.2019.

22. Sri R. K. Pandey, the Deputy Secretary in the Government of India, Ministry of Home Affairs, North Block, New Delhi submitted his evidence in chief on affidavit. It is stated that the NDFB was initially declared unlawful association w.e.f. 23.11.1992 under the Act and the said declaration was extended from time to time. The outfit had a virtual split in its General Assembly held in December 2008 viz NDFB (Pro Talk) led by Dharendra Boro NDFB(P) and NDFB (Anti Talk) led by Ranjan Daimary, NDFB(RD). NDFB(P) was ready to settle its demand within the framework of the Constitution of India and NDFB(RD) insisted for sovereignty of the Bodoland.

23. In August 2012 another faction called NDFB (Songbijit) emerged led by I.K. Songbijit, NDFB(S) who was former self styled Commander-In-Chief of NDFB(RD) and continued the violence in Assam. This faction was later on led by Saoraigwra.

24. NDFB(P) and NDFB(RD) entered into suspension of operation respectively in May, 2005 and November 2013. NDFB(S) also signed a tripartite suspension of operation with Government of India and Government of Assam on 16.01.2020. He admitted the fact of signing of Memorandum of Settlement on 27.01.2020. As per the terms of the Settlement NDFB factions dissolved their respective factions originating from NDFB in March 2020.

25. The cadres of NDFB(P) and NDFB(RD) were lodged respectively in three and two numbers of designated camps at Kokrajhar and Baksa districts. The NDFB(S) faction through its cadres was active in the Bodo Territorial Areas District (BTAD) targeting non-Bodos (particularly Hindi speaking and Muslim Community) and adjoining areas of BTAD. The NDFB(S) had its camp in Taga area in Myanmar. The Myanmar Army in its operation in January 2019 against the various militant outfits of North East India, apprehended several NDFB(S) cadres. The outfit in addition to its bases in Myanmar attempted to establish its bases in Bangladesh and Bhutan. The operational strategy of the NDFB(S) in alliance with other outfits, was to target security forces and non tribal people in BTAD areas. The source of funds were kidnapping, extortions, taxations etc. The top ranking NDFB cadres have bases in Myanmar hideouts engaging in extortion, kidnappings, recruitment of fresh youths for the outfit and activities prejudicial to the integrity and sovereignty of the country.



12

26. The Government of Assam, Ministry of Defence, Intelligence Bureau, Cabinet Secretariat (Research and Analysis Wing), Central Reserve Police Force and Border Security Force had recommended the continuance of the declaration of NDFB as an "Unlawful association" beyond 22.11.2019. Accordingly on the basis of the said recommendation the Notification dated 23.11.2019 under reference was issued.

27. Both the learned counsel appearing for the NDFB factions cross-examined Sri Pandey through video conferencing on 12.05.2020 which was recorded by Commissioner. In his cross examination he stated that at the time of issuance of the notification all the factions were not disbanded as alleged. Central Government wants safeguard from the possibility of future organisations taking part in unlawful activities with similar objective as that of NDFB. He stated about the various incidents of violence during the period 23.11.2014 to 12.06.2019. Even after suspension of operation entered in May 2005 and November, 2013 series of unlawful incidents occurred. Memorandum of settlement is applicable to those who came for peace talk and absolved violence and unlawful activities.

28. Sri Simanta Kumar Das, Joint Secretary to the Government of Assam in Home & Political Department submitted the detailed evidence on affidavit. He stated that NDFB (originally known as Bodo Security Force) was formed on 03.10.1986 with the avowed aim and objectives of liberating the Bodo inhabited areas of Assam from India and to form an Independent and Sovereign Bodoland through armed struggle. The NDFB in pursuance of its secessionist objective indulged in large scale terrorist and subversive acts in the Bodo inhabited areas within the districts of Kokrajhar, Sonitpur, Chirang, Udalguri, Baksa, Barpeta and Bongaigaon. Such acts caused widespread panic and a sense of insecurity enveloped the non Bodo people. Keeping in view the objective of the outfit, NDFB was declared as an unlawful association under the Act vide the Government of India Notification dated 23.11.1992. The ban imposed on NDFB was extended time to time and the last extension was vide Notification No. S.O. 2956 (E) dated November 23rd, 2014 and confirmed by the Tribunal on 07.08.2015 for a period of five years. Upon expiry of the said notification, the present one dated 23rd November 2019 was issued on the basis of various grounds referred in the notification itself. During the last period of ban from 23.11.2014 to 22.11.2019, the NDFB was involved in 129 incidents which resulted in death of 85 civilians and 1 (one) security force personnel



and kidnapping of 09 persons. During the said period 1292 NDFB cadres alongwith linkmen were arrested and recovered different assorted arms from their possession.

29. Sri Das relying the debriefing statements of top leaders of the outfit stated in the evidence on affidavit as follows:-

“(25) It is pertinent to mention here that the then anti-talk faction of NDFB under the leadership of Saoraigwra was referred to as NDFB (S) for operational reasons and convenience only. However, the entity of NDFB including all factions viz. NDFB (S), NDFB (P) and NDFB (RD) as a whole remains the same singular unlawful association.

(26) The activities of the NDFB(S) was aimed at asserting itself as a group that continued with the armed struggle for sovereign Bodoland. While the other two Bodo militant groups, namely the NDFB (P) and the NDFB (RD), were engaged in peace process with the Government to find a political solution to their demands. There were instances that even the NDFB (RD) had been engaged in unlawful activities violating agreed ground rules by participating in agitational programmes, carrying weapons, extortion and attacking civilians etc.

(27) The formation of “**United National Front of West of South East Asia (UNFLW)**”, (April, 2015) a conglomerate of all the major extremist groups of North-East viz. NDFB(S), ULFA(I), KLO with S.S. Khaplang, chief of NSCN(K) as the Chairman of the joint groups was an ominous sign during the prevailing scenario, at that time since NSCN(K) had distracted from ceasefire. The Joint group UNFLW was formed with the ulterior objective to cause subversive activities, extortion, and arms transshipment etc. with the mutual support of each group forming the conglomerate in the influential areas of their respective zones. Possibility of launching joint operation attacking big target had increased. Distraction of NSCN(K) from the peace process had implications in areas of influence of the stakeholders of the United National Liberation Front of West of South East Asia (UNLFW). Since the conglomerate was formed in



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

Myanmar consisting of the major militant outfits of the north east including ULFA(I), NDFB(S) and KLO under the Chairmanship of S.S. Khaplang with the objective to liberate with a view to fight jointly for the causes of the member outfits. Orchestrated attack on SF and on the defence installations was also in the agenda of the conglomerate.

(28) Formation of PDCK

After losing the chairmanship of NDFB (S), I.K. Songbijit was suffering from frustration and depression, under the guidance and sponsorship of NSCN (K), specially from SS Khaplang, I.K. Songbijit formed this new Karbi militant outfit consisting of 10/12 Karbi youth (approx) in Taka Camp in June / July 2015 harping on the issue of sovereign Karbi land. Subsequently, PDCK has been incorporated in UNLFW in 2018.

(29) Further the life time conviction of Ranjan Doimary and his associates by the CBI special court on 30-01-2019 in connection with serial blast incident of 30th October, 2008 had generated disgruntlement in the hierarchy of the outfit.

(30) Nexus with foreign Intelligence Agencies :-

As per debriefing statement of surrendered NDFB(S) Foreign Secretary N. Esara, there was also a resolution on the part of UNLFW to take assistance from third nation to fulfill and achieve the goal of UNLFW. Accordingly, UNLFW first preferred China to seek for assistance. Paresh Baruah and Yung Aung @ Thoiba contacted Chinese authority. However, the Chinese refused to provide assistance directly or indirectly.

As an alternative, UNLFW looked for establishing nexus with Pakistan at any cost at the earliest. BR Ferenga (GS, NDFB-S) was entrusted upon with this task. So, BR Ferenga discussed the issue with KYKL (N. Oken, President and Afayaba, Foreign Secretary). KYKL reportedly availed assistance from Pakistan (ISI) since long back. Therefore, KYKL agreed and assured to help in this matter. After contact it was learnt that UNLFW might contact with ISI within 15 days. Accordingly, UNLFW constituted one delegate committee which included one member from each member outfits (NSCN-K, ULFA-I, NDFB-S, KLO, PDCK and NLFT) and directed all concerns to prepare all necessary



documents. Niki Sumi assured to provide all financial support, in fact he was ready to provide money. These were the developments during 15th July to 01st August, 2018 during the tenure of Khango Konyak's chairmanship of NSCN(K).

It was learnt that Pakistan (ISI) was providing all sorts of assistance to all outfit groups fighting against India. Pakistan (ISI) was offering assistance to such groups financially, providing arms ammunitions and explosives. Pakistan (ISI) desired such groups to destroy more and more Indian Government's properties, railways, bridges, Army, Police and security forces, oil refineries and other Government properties. However, the plan could not be executed due to two main reasons – i) impeachment of Khango Konyak from NSCN(K) and ii) Attack in Taka Camp by Indian and Myanmar Army jointly.



(31) About Bangladesh Base:-

During tenure as Foreign Secretary of NDFB(S), N. Esara contacted with KYKL leadership (Afayaba, Foreign Secretary) and expressed NDFB(S)'s desire to establish base camp in Bangladesh. KYKL also agreed and assured assistance from their ends. For this reason, he had to visit Taka Camp to finalize the deal in the middle of January'2019. Due to adverse situation, the deal remain incomplete.

(32) Operational Strategy:-

As per statement made by surrendered Foreign Secretary of NDFB(S), N. Esara, in BTAD areas operation was conducted by NDFB(S) alone. In border and outside areas, NDFB(S) conducted joint operations with allied parties. Their main target was Indian Security Forces and Police and non-tribal people in BTAD areas. Source of funds in general, were from kidnapping, extortions, taxation and donations from well-wishers.

NDFB(S) procured arms/ ammunitions through snatching from security personnel, by attacking Police Stations, Force Battalions and Police Reserves and also through purchase. For recruitment, active NDFB(S) cadres in Assam, generally motivated Bodo youths over phone,

Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

including those working outside the State and motivated them in joining NDFB(S). The agreed youths were sent to the base camps in Myanmar for training. In this regard, Naga people assisted in crossing Indo-Myanmar border via either i) Dimapur to Mon route or ii) Dimapur to Tuensang route. Generally, new recruits were required to stay in Myanmar for three years after training, unless they were specially called for specific purpose in land. After three years, they were sent back to Assam for operational tasks.

(33) Attempt to set up operational base in Bhutan and Bangladesh

NDFB(S) leadership contacted Bhutanese authorities to seek their permission for setting up an operational base in Bhutan. NDFB(S) vice chairman G. Bidei desperate to get a tactical foothold inside Bhutan to launch operation in Assam besides evading actions by Indian SFs.

Alternatively Myanmar based leaders of the outfit also initiated steps to rebuild their base in Bangladesh with NLFT (B), the long remaining active insurgent group of Tripura in Chittagong hill track region.

(34) Recruitment and training in foreign soil : -

The NDFB leadership continued recruitment of new cadres for their organization with a view to strengthening their organizational base for achieving their ideology of creating sovereign Bodoland. During cessation of hostilities also, the outfit had recruited number of youths from different parts of the State for the organization. The NDFB (S) had set up their GHQ (General Head quarter) and training camp in Taka, Myanmar under patronisation of NSCN(K) and Meitei militant outfits. The new recruits were sent to Myanmar in batches for undergoing training in handling of arms, explosives etc. The outfit also concentrated on recruiting of educated youths.

The NDFB (S) in Taga area and its unit stationed near Thorillo in the NSCN (K)'s Konyak region in Myanmar were coordinating movement



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

of a large group of NDFB (S) cadres. The training included – PT, drill, arms drill, arms handling, obstacles, climbing, etc. Amongst arms, all AK series rifles, HK, M-16, MQ, AK-81, Pistol, RPG, Launcher weapon and LMG. In Taka areas, there were camps of – ULFA(I), NSCN(K), KYKL, KCP, PREPAK, PREPAK (VC), KLO, PLA, MPA (UNLF) adjacent to the NDFB(S) Camp.

The 42 no. batch of NDFB(S) underwent arms training in Lungmak Training Centre of the outfit under 4 (four) instructors, that started from 24-12-2014 to 28-02-2015. Total NDFB(S) recruits were 100 (82 males and 18 females). A five member group of KYKL were also undergoing training with them. Training included Physical Training, drill, handling of various sophisticated weapons viz. AK-series rifles, M-16, HK-33, MQ-81.

Spurt of recruitment drive was taking place from BTAD as it was the stronghold of the group which had a widespread network of OGWs and sympathizers.

(35) Holding of General Council meeting of NDFB(S)

In August, 2015, the General Council meeting of NDFB(S) was held in Taka for three days. In that meeting NE Esara was assigned as Foreign Secretary of NDFB(S) and I Sulung. as Publicity Secretary.

(36) Arms strength of GHQ of NDFB(S), Hoyat base.

Before launching of Myanmar Army Operation there were 10 persons in Hoyat camp (NDFB(S) cadre-09 and 1 (One Myanmar national) Arms component was as below:-

| | | |
|-------------|---|---|
| AK-77 rifle | = | 1 |
| AK-56 rifle | = | 2 |
| AK 47 rifle | = | 1 |
| HK 33 rifle | = | 2 |
| M-16 | = | 1 |
| MQ rifle | = | 1 |
| Shell | = | 2 |



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

(37) Nexus with other militant outfits :

In the month of April, 2015, one umbrella group, in the name and style "United National Liberation Front of Western South East Asia *in short UNLFW*" was formed in Taka Camp at the initiative of NSCN(K), consisting of four revolutionary organizations (NSCN-K, ULFA-I, NDFB-S and KLO) initially, for fighting jointly against India. The first idea of forming such an umbrella group started in since 2011. The Western South East Asia region shortly called as "WESEA".

(38) Nexus with GNLA:-

Important revelation made by surrendered NDFB(S) militants that in September, October and November, 2017, NDFB(S) leadership contacted with Garo National Liberation Army (GNLA). President of GNLA (Champion Sangma) and discussed their intention to establish base camp in Taka area. He enquired about terrain, geographical location, logistic facilities and supports, availability of foodstuff, communications facility and cooperation for joint operations. At that time, he was in Karbi Anglong areas. As per his request, two NDFB(S) cadres (namely - Miniswrang of 40th Batch and Swmjikhang 42nd Batch) were sent to Champion Sangma for joint operation purpose in Karbi Anglong areas, especially for rhino poaching, kidnapping for extortion and fund collections. However, it was not a successful plan. After one month, Miniswrang escaped from Champion Sangma and got apprehended in Sonitpur district. Swmjikhang (now active) went directly to Bhutan for accompanying G. Bidai and B. Batha without meeting Champion Sangma. Thereafter, there was no communication with GNLA.

(39) That there are innumerable instances of extortion by NDFB (Saoraigra faction) across the State. They secretly collected money from individuals, businessmen and contractors by means of extortion and also resorted to kidnapping for extracting ransom. The cadres of the organization were found involved in demanding money over phone calls, whatsapp messages, issuing demand letters to the different civilians, the Heads of the ongoing projects/ political leaders etc. in the name of donation for the organization. This was the tactic adopted by the



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

organization to extort money in the name of donation. The cadres being fully equipped with arms and ammunition extorted money from different individuals, businessmen etc. at gun point.

(40) As per debriefing statement of surrendered NDFB (S) cadre namely Dipti Basumatary @ B. Dufoullu, who underwent arms training in 40th batch of NDFB (S) at Lungmark training centre of Taka in 2013 and stayed there till last part of 2017, was tasked to join NDFB (S) leader Batha's group in Assam along with 6 (six) other cadres. During this period of almost 9 (nine) months with Batha and his group in Chirang adjacent forest areas, the group possessed sophisticated weapons including one HK-33 and AK-47 rifle, 2 nos. of M20 rifle. During that period the group extorted money from approximately 100 wood cutters at the rate of Rs. 8000/- each per month in the name of NDFB (S).

(41) Killing of specific groups: Adivashis

This gruesome episode took place in the last part of December 2014. In this mayhem that was started by NDFB (S) targeting Adivashi villagers from 23rd December, 2014, which lasted till 25th December, 2014, 63 Adivashi people and two Bengali people were killed. Besides, 13 Bodo people died in retaliatory incidents. This brutal attack on Adivashi people took place in the aftermath of a serious jolt where the outfit lost some important action group cadres and arms when, on 21st December, 2014 two hardcore NDFB (S) cadres got killed in an encounter with SF inside Chirang Reserve Forest along Chirang-Kokrajhar border area under Runikhata PS of Chirang district in which huge cache of arms ammunition were also recovered. This led to the occurrence of a series of attacks by NDFB(S) cadre from the afternoon of 23rd December, 2014 which continued upto 25th December, 2014. The affected districts were Kokrajhar, Chirang, Sonitpur and some parts of Udalguri.

Immediately after occurrence of the incident, entire law and order machinery was geared up for preventing the situation from further deterioration. Till 12th February, 2015, 179 nos. of NDFB (S) cadres and linkmen got arrested including 2(two) in Bengaluru, Karnataka which included some top level leaders. Huge cache of assorted arms and



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

ammunition that included sophisticated arms like AK 47/ AK-56, HK-33, M-16, M-22, 9mm pistols etc. ammunition, grenades etc. were recovered.

(42) Inputs on explosion by NDFB(S)

There were numerous intelligence inputs on attempts of the outfit to carry out subversive activities throughout the State. However, during recent past, due to adequate preventive measures, many of their nefarious plans could be averted.

(43) Nexus with ULFA(I)

In November, 2015, the bomb-trainers of ULFA viz. A.Z. Hiruam (trainer) and Brindaban Moran (Demonstrator) @ Bipul Asom imparted training on preparation of IED to 17 (seventeen) NDFB(S) cadres in camp of NDFB(S) camp location in Taka.

(44) Attack on SF/ Police/ civilians :

Besides extortion, killing, kidnapping etc. the NDFB (S) indulged in large scale killing of innocent civilians and SF personnel in the State as shown below :

On 05-08-2016, at about 1145 hours, a two member group of armed NDFB(S) extremists came in an autorickshaw to the Balajan Tiniali Weekly Market and started indiscriminate firing on the public/ passers by. They also lobbed grenades on the innocent public. As a result, 14 (fourteen) civilians died and 19 (nineteen) civilians sustained injury.

(45) Boycott India's Republic day Celebration :

NDFB (S) which was a major stakeholder of UNLFW, along with some other N.E. insurgent groups had always been appealing the people of Assam to boycott the "Republic Day" (26 January) and "Independence Day" (15 August) celebrations and to observe general strike on these two specific days in the State. It had always indulged in anti-India and anti-Govt. propaganda.

(46) About attack by Myanmarese Army in 2019:-

The Myanmarese Army used to visit Taka area and the camps of Indian Insurgent Groups twice a year (approx.). As usual, on 20.01.2019 Myanmarese Army (approx. 1000 personnel) arrived at Taka area and




Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

settled in temporary camps. They also visited NDFB(S) camps and talked as usual. On 28-01-2019, Myanmar Army cautioned guards of NSCN(K) Camp to surrender immediately. Thus, they arrested six NSCN(K) cadres (names unknown). On 29-01-2019, Myanmar Army warned other outfits in Taka area and gave 20 minutes time to leave the camps. All were surprised; however everybody escaped from camps with minimum belongings, including arms and ammunitions. Subsequently, Myanmar Army occupied the camps and took possession of the camp belongings and used these as their base.

After occupation of the camps, Myanmar Army first attacked the ULFA(I) Camp on 30-01-2019. ULFA(I) could not retaliate the Myanmar Army and escaped eventually. On the same day, KLO, NLFT, PDCK, ULFA(I), NDFB(S), KYKL and KCP tried to resolve the situation jointly by holding dialogue with Myanmar Army which did not accept it. Having no other option, some {ULFA-(I) + PLA + NSCN-K} member escaped and marched towards Pangsung Pass of Arunachal Pradesh-Myanmar border; others (KLO + NDFB-S + PDCK + NLFT + KYKL + KCP + PREPAK + MPA/ UNLF) proceeded towards Kachin division of Myanmar crossing the Taka River. Some members of the groups (ULFA-I + PLA) escaped towards Konyak Region Camp for shelter.

The Myanmar Army set ablaze the camps of ULFA(I), PLA and MPA/ UNLF of Taka areas and Lungmak areas and seized all available arms ammunitions, properties, files, documents, combat uniforms, foodstuffs and others. Due to this attack, about 50-60 leaders/ cadres of different groups were apprehended. Amongst the apprehended were – D. Rebgon, B. Gwmswr, B. Swrjisula, B. Saronthai, B. Rwmwi Rwm, B. Jirijiri of NDFB-S; Starson (Finance Kilonser), Angmai (Home Kilonser), Forest Kilonser, Education Kilonser, Agriculture Kilonser, Joseph (PS to Chairman) of NSCN-K and several other leaders/ cadres of different outfit organizations. Besides, about 10-15 leaders/ cadres were injured seriously and about 05-06 leaders/ cadres had died.

About Arms-ammunitions (before Myanmar attack at Taka area):


Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

As per debriefing statement of recently surrendered NDFB (S) leader, this outfit in Myanmar possessed 60 to 65 assault rifles including AK series, M-16, INSAS, Chinese rifle, RPG, Shell launcher, LMG, grenades etc. before the Myanmar Army attacked in their camps in January 2019.

(47) After the Myanmar Army attack the available intelligence input indicated that some top ranking NDFB cadres were still camping in their Myanmar hideouts and were spreading new unholy nexus with other militant outfits for strengthening their arsenal. Recruitment drive were also carried out by the four commands of the outfit. Extortion and kidnapping were going on full swing for purchasing arms/ammunition and explosives from foreign mafia as well as to impart training to cadres in spite of relentless efforts of SF to contain their subversive activities. It was most likely that the NDFB were prepared to indulge in pre-judicial activities affecting the public order and integrity and sovereignty of the country at an opportune moment.

Involvement of NDFB in commission of subversive anti-national, activities was a matter of serious concern. Against this backdrop NDFB had all the criteria to be considered and treated as an anti- national outfit that had no faith in the Constitution of India with the avowed objectives of creating a sovereign country. Hence it was recommended that NDFB should be banned as an unlawful organization under Unlawful Activities (Prevention) Act for a period of another 5 (five) years beyond 22-11-2019 in the interest of maintaining public order and security of the country.

(48) Recent Development.

In the wake of the Operation Sunrise launched by Myanmar Army on Indian Insurgent groups w.e.f. January, 2019, 50 nos. of ULFA(I), 8 of NDFB(S) and 5 nos. of KLO surrendered before the Police and Security Forces in Assam and deposited 28 nos. of sophisticated Arms, 1429 rounds of ammunition, 5 nos. of grenades and 42 nos. of magazines.

The relentless pressure mounted upon the militant outfits by the State Police, the Central Armed Police Forces and the Army under the



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

Unified Command Structure has compelled the militants to lie low and resort to launch attacks mostly on soft targets from a safe distance whenever they find an opportunity to strike. The concerted operation launched against the NDFB(S) outfit made their movements exceedingly difficult and the outfits was compelled to lie low and avoid large scale movements with arms. For instances two incidents of encounter with NDFB(S) and SF was reported from the districts Chirang and Kokrajhar on dated 05-01-2020 and 15-01-2020 respectively. In these incidents two hardcore cadres of NDFB(S) killed and 03 (three) arms, 2 (two) grenades and 20 live ammunitions were recovered from their possession.



The multi pronged strategy adopted by the Government under the Unified Command Structure in the form of sustained counter-insurgency operation against NDFB and the peace overtures for a negotiated settlement and rehabilitation of misguided youths had paid rich dividends. Owing to this initiative by the Govt. and the periodic talks held with SoO groups of NDFB, from time to time, subsequently on 27-01-2020 the four factions of NDFB & ABBSU signed an MoS with GoI & GoA thus ushering in a new era through an agreement in form of BTR Accord. The BTR Accord was signed on 27th January, 2020 at New Delhi in the presence of Hon'ble Union Home Minister of India, Shri Amit Shah. The other signatories of the Accord were Pramod Boro (President, ABSU), Lawrence Islary (Gen. Secy., ABSU), Ranjan Doimary (NDFB), Gobinda Basumatary (NDFB), B, Saoraigwra (NDFB), Dharendra Boro (NDFB), Mihineswar Basumatary (President, UBPO), Shri Kumar Sanjay Krishna, Chief Secretary to the Govt. of Assam, Shri Satyendra Garg, Joint Secretary, NE, MHA. The signing of the agreement was witnessed by Shri Sarbananda Sonowal, Chief Minister of Assam, Shri Himanta Biswa Sarma, Cabinet Minister, Assam and Shri Hagrama Mohilary (CEM, BTC).

As enumerated in point no. 9.1 of the MoS about abjuring violence. There is no report of any violent activities committed by any of the factions of NDFB since signing of MoS on 27-01-2020.

On 30-01-2020, an Arms Laying Ceremony of all the four groups of the NDFB was held at the GMCH Auditorium, Bhangagarh, Guwahati under

Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

the patronage of Home & Political Department, Govt. of Assam and Assam Police. In this ceremony total 1615 cadres { NDFB-P (both faction) -836, NDFB(RD)- 579 and NDFB(S)- 200 } laid down total 178 numbers of assorted Arms, 4803 Ammn. and 14 nos. grenade.

A meeting on the MoS was held at SB HQr on 02-03-2020 which was chaired by Addl. Chief Secretary (Home & Political), Govt. of Assam and attended by Joint Secretary, NE, MHA and other stakeholders. In the meeting all the NDFB leaders of all the four factions namely B. Saoraigra, President-NDFB(S), B Swmkhwr, President NDFB(P), Dhiren Boro, President NDFB(P), and B. Onjalu, General Secretary NDFB(RD) were asked to disband the organization on 9th of March, 2020 and evacuate all the cadres from the designated camps by 15th March, 2020. In this regard report from the IGP, BTAD, Kokrajhar received that on 9th March, 2020 all the factions of NDFB jointly declared disbanding of their organizations.

All the designated camps of NDFB groups have been dismantled. The camps were handed over to Superintendent of Police of the respective districts.

That, the Government of Assam in Home & Political Department received a report dated 11-05-2020, from the office of the Special Branch Headquarters, Assam Police, signed by the Superintendent of Police (SOU), Assam Police, regarding up-to-date information about National Democratic Front of Bodoland (NDFB).

The said report dated 11-05-2020, the office of the Special Branch Headquarters, Assam Police, informed the Government of Assam, Home & Political Department that the 4 (four) factions of National Democratic Front of Bodoland (NDFB), viz. (i) NDFB (Progressive-Gobinda Basumatary faction), (ii) NDFB (Progressive -Dhiren Boro faction), (iii) NDFB (Ranjan Doimary faction) and (iv) NDFB (S) had signed a Memorandum of Settlement (MoS) with the Government of India and the Government of Assam, on 27-01-2020 and made an Agreement in the form of Bodoland Teretorial Region (BTR) Accord. According to the directions in this Accord, the National Democratic Front of Bodoland (NDFB) surrendered en-masse (1615 cadres) and laid down assorted



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

arms and ammunitions, explosives, etc. on 30-01-2020, before the Government.

Further, the 4(four) factions of NDFB as per clause 9 of the MoS has disbanded the NDFB organization on 09-03-2020. Accordingly, all their designated camps were dismantled on 15-03-2020.

However, amidst all these recent developments, as per available inputs, some members of the outfit may be not satisfied with the Memorandum of Settlement (MoS) dated 27-01-2020. There are reliable information that some leaders and cadres of the outfit are still in foreign soil, like Myanmar, etc., who have not yet joined the mainstream along with the surrendered cadres of the 4 (four) factions of NDFB. These leaders and cadres may oppose the BTR Accord and may thereby lead to forming renegade groups.

It is pertinent to mention here that in case of NDFB(S) they had deposited only 38 nos. of Arms with 1558 ammunitions during the en-masse surrender ceremony. Further they have also not submitted their final list of cadres to the Government despite several communications made to them.

In view of above developments there is every likelihood that these disgruntled residual leaders and cadres of NDFB who are still taking shelter on foreign soil may reorganize the organisation NDFB and continue secessionist and subversive activities in future in collusion with the like-minded extremist outfits of the North-East who are still operating from foreign soil under the tutelage of their foreign mentors. Besides, the NDFB is still a major constituent of the United National Liberation Front of West of South East Asia (UNLFWSEA) which is a conglomerate of the major extremist outfits of the North East.

Special Branch Headquarters, Assam Police, vide letter dated 22-05-2020, signed by the Superintendent of Police (SOU), Assam Police, further informed the Government in the Home & Political Department that Ministry of Foreign Affairs of the Republic of the Union of Myanmar handed over 5 (five) nos. of NDFB(S) cadres to the Special Bureau, Government of India on 15th May, 2020, after their release from jail in Myanmar. Subsequently, the Government of India handed over these cadres of NDFB(S) to Assam police on the same day.





That, in view of above stated facts and circumstances, this deponent respectfully submits that the Government of Assam supports the stand taken in the Gazette Notification No. 4255, dated 23rd November, 2019, issued by the Government of India, declaring the National Democratic Front of Bodoland (NDFB) as an unlawful association, under Sub-Section (1) of Section 3 of Unlawful Activities (prevention) Act, 1967”.

30. Sri Das exhibited various documents and produced the statements of the top leaders of the outfit from the custody of the office of the SP, SOU, Guwahati and proved the same in original.

31. Sri Das was cross examined by the learned counsel representing the three factions of NDFB which was recorded by the Commissioner. In his cross examination Mr. Das affirmed the intent of the Government of Assam to continue the ban of the organisation, NDFB though there were reports about disbanding of the various factions of NDFB with the Government. He denied the suggestion of the apprehension of the Government that disgruntled members of NDFB might again take up arms merely on probability rather he asserted that same was on the basis of inputs received e.g. the recent handover of 5 (five) NDFB cadres by Myanmar Government to Government of India. There was no information with the Government in respect of withdrawal of NDFB from UNLFWSEA. He admitted that the Government has no information of subversive acts of NDFB cadres after the MoS dated 27.01.2020. He asserted to be true the input received by the Government vide letter dated 11.05.2020 from the SP (SOU) Assam that some members were not satisfied with the settlement and they may form renegade groups of disgruntled cadres carrying out the violent acts in order to achieve the object of NDFB, an independent Boroland. He denied of having submitted the list of all the cadres of NDFB to the Government by the leaders of NDFB.

32. The Superintendent of Police of the districts within the State of Assam affected by the terrorist and subversive acts of the members of NDFB under various factions appeared before the Tribunal and submitted their respective evidence in chief on affidavit. As per their evidence they are responsible for maintenance of law and order within the district. They monitor the investigation of the cases more specifically involving terrorist acts and as per practice sent the reports to the Special Branch, Guwahati. The NDFB members are very active in the respective districts under their jurisdiction

indulging in large scale unlawful activities. They are waging war against the State by involving themselves in killings/kidnappings/threatening of innocent persons/extortion in order to destabilize the rule and law. In support of their respective contentions each of the Superintendent of Police exhibited various case records which are duly certified by the responsible officers of the office under whom the said records are maintained. The case diaries of the cases so exhibited would reveal involvement of the NDFB members of different factions as per the evidence in chief of the said police officers.

33. The learned counsel appearing for the various factions of NDFB cross-examined each of the said Police Officers and recorded by the Registrar of the Tribunal as the Commissioner.

34. Sri Ripui Das, APS, presently serving as Superintendent of Police, Udalguri District since December, 2019 in his cross examination stated that he submitted Xerox copies of FIRs all certified by the Additional S.P. Udalguri. One copy of the each FIRs is attached in the Crime Branch and one copy of the each FIRs is sent to the Court. The original copies of the FIRs are in the Court of Udalguri.

He submitted the FIR of all the 13 no. of cases within the district of Udalguri. Out of these 13 cases, in 3 cases, I.O. has submitted the Charge-sheet, in 5 cases, I.O. has submitted the Final report and in 5 cases, the investigation is going on. No case has been registered within the district of Udalguri against the NDFB after signing of Memorandum of Settlement dated 27.01.2020.

In all the 13 cases, in the FIRs, the complaints were against NDFB or suspected activists of NDFB.

35. Sri Prateek V Thube, IPS, presently serving as Superintendent of Police, Baksa District since 21st January, 2019 in his cross examination stated that he submitted a list of 16 cases against the NDFB along with his evidence in chief on affidavit. Out of these 16 cases, in 5 cases, charge-sheets have been submitted, in 7 cases Final Reports have been submitted by the I.O. and remaining 4 cases are under investigation process. He had not submitted any registered case against NDFB after the signing of the Memorandum of Settlement, dated 27.01.2020 along with his affidavit. One case was registered against NDFB after signing of Memorandum of Settlement dated 27.01.2020 though the same has not been submitted along with his affidavit and that case is under investigation.

36. Sri Pushpraj Singh, IPS, presently serving as Superintendent of Police, Golaghat District since 23.01.2019 in his cross examination stated that he submitted details of two cases against NDFB registered in Golaghat District along with his evidence in chief on affidavit. He submitted the certified copies of cases against NDFB and alleged activities of NDFB cadres as narrated in his affidavit. No case has been registered in the Golaghat against NDFB after signing of Memorandum of settlement, but received inputs of activities of NDFB cadres after signing of the same. These inputs are intelligence inputs regarding alleged influx of certain NDFB members of Myanmar etc.

37. Sri Amrit Bhuyan, APS, presently serving as Superintendent of Police, Darrang District since 22.01.2019 in his cross examination stated that he submitted two cases against NDFB along with his evidence in chief on affidavit. In both the cases IO has submitted charge-sheet in the court and trial is going on. After the signing of the Memorandum of settlement by the NDFB, no case has been registered in the district of Darrang against NDFB cadres.

38. Sri Dhananjay Ghanwat, IPS presently serving as Superintendent of Police, Dhemaji district since 14.12.2019 in his cross examination stated that the present status of Simen Chapari PS Case No. 59/2015 is that the I.O. submitted charge sheet No. 58/2015 U/S 387/34 IPC. After submission of charge sheet two new facts came to light in 2020. The charge sheet was filed in the year 2015. New facts relate that both the accused of this case namely Moneswar Basumatary and Bana Basumatary committed the alleged offence while being members of NDFB. Hence opened case diary in relation to offence under Unlawful Activities (Prevention) Act, 1967 and the prayer for supplementary charge sheet is being made before the court. He reiterated that accused persons in connection with Simen Chapori PS Case No. 59/2015 are members of NDFB cadres. No case has been registered in the district of Dhemaji against any faction of NDFB after the signing of the Memorandum of Settlement by NDFB i.e. on 27.01.2020.

39. Sri Ankur Jain, IPS, S/O Shri Ashok Kumar Jain currently serving as Superintendent of Police, Hojai district since 15.02.2018 in his cross examination stated that I.O. submitted charge-sheet in connection with Kaki PS Case No.79/2016 against NDFB cadres. No case has been registered against any faction of NDFB in the district of Hojai after the signing of Memorandum of Settlement i.e. on 27.01.2020.

40. Sri Sudhakar Singh, APS, presently serving as Superintendent of Police, Chirang District since 24.01.2019 in his cross examination stated that he mentioned about 28 nos. of cases against NDFB cadres in the evidence in chief on affidavit. Out of which, 7 cases have been charge-sheeted, 14 cases have been returned as Final Reports, in 5 cases investigation is going on and in rest of the two cases only GD entry have been registered. He submitted copies of FIR/ejahaar along with his affidavit, certified by him after comparing with the duplicate copies of the same from the records available in the office of Superintendent of Police, Chirang. The original copies of the FIR are available in the court. No case has been registered in the district of Chirang against any faction of NDFB after the signing of Memorandum of Settlement i.e. on 27.01.2020.

41. Dr. Manabendra Gogoi, APS, presently serving as Addl. Superintendent of Police, (HQ), Dima Hasao District since 23.01.2019 in his evidence stated that he submitted case details of Umrangso PS Case No. 22/2017 in his affidavit. In the said case, at present, the investigation is going on and the arrest of the accused persons is pending. Almost all the other investigation work is over. Though he did not mention in affidavit specifically that the two unknown extremists belong to NDFB, but on the basis of information received from various sources their involvement could be ascertained. One of them is Ranjit Musahary while the other is still unknown. No case has been registered against any faction of NDFB in the district of Dima Hasao after the signing of Memorandum of Settlement i.e. on 27.01.2020.

42. Sri Rajen Singh, APS, presently serving as Superintendent of Police, Biswanath District since 04.03.2020 in his cross examination stated that he submitted 6 (six) number of cases against NDFB, registered in the district of Biswanath, alongwith his evidence in chief on affidavit. Out of which one case (Biswanath Chariali P.S. Case No. 311/2014) has been returned on final report. Investigation is pending in rest of the five cases. He denied the suggestion that there was no involvement of NDFB(S) or any other faction of the NDFB in the Biswanath Chariali P.S. Case No. 67/2016. As of now, the FIR and PM report are the basis to suspect the involvement of B. Rangshaw. There are four factions of NDFB namely NDFB(S), NDFB (RD), NDFB (P) (Gobinda Basumatary) and NDFB (P) (Dhiren Boro). **Apart from these factions, there is NDFB surrendered group, members of which are not affiliated with any of the aforesaid four groups.** No case has been registered in the district of Biswanath



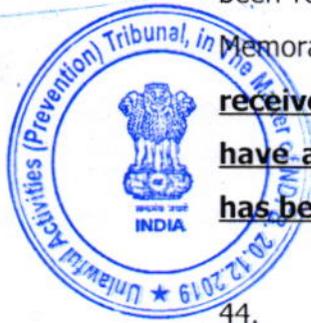
against any faction of NDFB, after the signing of memorandum of settlement i.e. on 27.01.2020.

43. Sri Mugdhajyoti Dev Mahanta, APS, presently serving as Superintendent of Police, Sonitpur District since 14.12.2019 in his cross examination stated that he submitted details of 11 cases registered in the district of Sonitpur along with his evidence in chief on affidavit. Out of which, in three cases, I.O. has filed charge-sheet, in one case final report has been filed, one case has been transferred to NIA (National Investigation Agency) and in remaining six cases, investigation is going on. No case has been registered against any faction of NDFB in the district of Sonitpur after signing of Memorandum of Settlement i.e. on 27.01.2020. **As per intelligence information**

received, recruitment process of NDFB(S) in Sonitpur and Biswanath districts have again started after signing of Memorandum of Settlement but no case has been registered as yet.

44. Sri Subodh Kumar Sonowal, APS, presently serving as Superintendent of police Bongaigaon district since 12.05.2020 in his cross examination stated that he submitted details of one case against NDFB along with his evidence in chief on affidavit i.e. Bongaigaon P.S. Case No. 130/2017. Charge-sheet has been submitted in this case. No case has been registered against any faction of the NDFB in the district of Bongaigaon after signing of memorandum of settlement i.e. 27.01.2020. Though, the Bongaigaon P.S. Case No. 130/2017 was registered under Section 365 of IPC only and not under Unlawful Activities (Prevention) Act but on the basis of examination one of the accused of the case namely Shri Mijing Wary, it has come to light that he is a member of NDFB (P) (Gobinda Basumatary) faction. The case has been charge-sheeted under Section 365 IPC only.

45. Sri Rakesh Roushan, IPS, presently serving as Superintendent of Police, Kokrajhar District since 23.02.2020 in his cross examination stated that he mentioned about 51(fifty one) cases and 6(six) G.D.entries in his affidavit. In 20(twenty) cases investigation is pending and out of these 20(twenty) cases, two cases have been transferred to NIA. In 7(seven) cases, I/O submitted charge-sheet and in remaining 24(twenty four) cases, final reports were filed. In most of the cases which were referred in his affidavit, listed members of NDFB cadres are involved. No Magistrate Court of Kokrajhar passed any order for enquiry as to the involvement of NDFB members. In 20



(twenty) cases Unlawful Activities (Prevention) Act, 1967 was invoked at the time of registration of the said cases. No case has been registered against any faction of NDFB in the district of Kokrajhar after signing of the Memorandum of Settlement i.e. on 27.01.2020. As per his knowledge, in the district of Kokrajhar, all the camps of NDFB have been dismantled after the signing of the Memorandum of Settlement.

46. The evidence of 12 (twelve) number of Superintendent of Police are recorded hereinabove from equal number of the districts in the State of Assam putting on record the acts of the NDFB cadres spanning from 23.11.2014 (date of issuance of the notification dated 23.11.2014) till the recent past. As no other public came before the Tribunal except the representatives of the NDFB, in order to get the actual ground information prevailing in the districts infested by the terrorist and subversive acts of the cadres of the outfit, I personally interacted with each of the Superintendent of Police who were present in the Tribunal for their respective deposition. As per their assessment the cadres of the various factions of the outfit did not surrender all the arms and ammunition. Further it could be gathered there is every possibility of regrouping of some of the disgruntled cadres of any of the factions of NDFB once they find it difficult to gain power politically in the governance of the BTAD or fail to prosper financially. It was also gathered that after the signing of the MoS on 27.01.2020 the spate of violence had declined substantially.

47. On perusal of the exhibits put on record by the Superintendent of Police, the subversive acts involving purportedly the cadres of the outfit can be classified as follows:-

(A) Extortion:-

- I. On Jan. 05, 2015, Silapathar police apprehended one Mantu Dutta (21) s/ Ratan Dutta of Gutung gaon, PS Silapathar when he came to collect extortion money from one Kaushik Das of Natun Mising gaon under Silapathar PS of Dhemaji district in the name of NDFB extremist. He has been arrested in connection with Silapathar PS case no. 7/2015 U/S 387/34 IPC. (Ext.145)
- II. On Aug, 17, 2015 Police/Army apprehended Moneswar Basumatary, an NDFB surrenderee s/o Ballram Basumatary of Hosong village and Bana Basumatary s/o Samba Basumatary of No. 1 Borbari village



(both under Simen Chapori PS) from Lamba Chapori. Reportedly they came there to collect the money demanded earlier from one Mohon Barman (businessman) of Badalpur village (Simen Chapori PS) in the name of NDFB. They were arrested in connection with Chapori PS case no. 59/15 u/s 387 IPC. (Ext. 146)

III. On Nov. 2, 2015 police apprehended one Jadav Swargiary s/o Thaneswar Swargiary of No. 1 Sonapur Nalbari, PS Gogamukh from near Subansiri bridge while he came to collect extort money in the name of NDFB. He was arrested in connection with Gogamukh PS case no. 210/15 U/S 384/506 IPC. (Ext. 147)

IV. On Dec. 13, 2015 one Bhubaneswar Gayary of Mairajhar, PS Gobardhana lodged an FIR at Salbari PS to the effect that on the same day (Dec. 13, 2015) at about 1230 hrs, unknown NDFB extremists demanded money from him over phone. In this connection a case was registered at Salbari PS vide no 154/15 U/S 387 IPC R/W Sec.10/13 UA(P) Act. (Ext. 71)

V. On June 13, 2016 one Jintu Das of Mulanpur, PS Kaki lodged an ejhar at Kaki PS to the effect that on the same day (13-06-16), unknown miscreants left behind a demand letter in the name of NDFB in front of the door of his house demanding rupees 4(four) lacs from the villagers of the said village. In this connection a case has been registered at Kaki PS vide no. 79/16 U/S 384 IPC. (Ext. 152)

VI. On Nov. 25, 2014 at around 1000 hrs, two unknown miscreants suspected to be NDFB (S) cadres Budharam Basumatary (22) of No. 2 Bugalamari (Barbari PS) along with one unknown associate came to Murkuchiapara (Barama PS) to collect money as demanded earlier from one Dadhi Barman, a grocery shop keeper of that locality. At that time, the local people apprehended Budharam Basumatary and assaulted causing injuries to him. But his associate managed to flee away. On receipt of the information police rushed to the spot and shifted the injured cadre to Barama PHC for treatment, but on the way he succumbed to his injuries. In this connection a case was registered at Barama PS vide no. 80/14 U/S 387/34 IPC. (Ext. 43)

VII. On Jan, 24, 2015 at around 1630 hours, some local people of Merabillgaon (Rowta PS) apprehended one NDBF(S) cadre namely



Rohit Basumatary s/o Khagen Basumatary of Sarbaherua (Rowta PS) from their village while he came to collect money from one Rudramaya Limbu (VCDC Chairman of Merabill) as demanded earlier. Later on, he was handed over to Rowta Police. This refers to Orang PS case no. 10/2015 U/S 385/506 IPC. (Ext. 5)

VIII. On Jan 25, 2015 at about 1300 hrs, Police/SSB (54 Bn) personnel apprehended one NDFB (S) linkman namely, Thaneswar Basumatary (36) s/o Bamun Basumatary of Amlayguri (Bijni PS, Chirang dist), while he came to the house of Smti Anima Boro w/o Phudlen Boro of Oxiguri under Gobardhana PS of Baksa dist. to collect money from her. In this connection a case was registered at Gobordhana PS vide case no.15/2015 U/S 387/324/34 IPC R/W Sec. 10/13 UA(P) Act. (Ext. 57)

IX. On September 1, 2015 at about 1930 hrs, police apprehended one Ashok Basumatary (22) s/o Benga Basumatary of Natun Bashbari (Kokrajhar PS) when he came to collect the demanded money in the name of NDFB (S) from one Sahajuddin s/o Baharuddin Paramanik of Silpot (Basugaon PS). Later on he was arrested in connection with Basugaon PS case no.125/15 u/s 387 IPC, R/W Sec. 10/13 UA(P) Act. (Ext. 163)

X. On Nov. 18, 2015 one Kanak Das, s/o Prasanna Das of Dimilapar, PS Tamulpur lodged an ejahar at Tamulpur PS to the effect that on Nov 18, 2015 at about 1840 hrs, he received a telephonic call from one B. Simang (SS Area Commander, NDFB-S) who demanded money from him within Nov. 22 and threatened to kill him. In this connection a case was registered at Tamulpur PS vide no. 295/15 U/S 387/507 IPC R/W Sec. 10/13 UA(P) Act. (Ext. 53)

XI. On 15th Dec, 2015, Kokrajhar police arrested one NDFB(S) linkman namely Sri Harimu Basumatary (19) S/o Sri Charan Basumatary of Bashbari (Kokrajhar PS) while he served a demand letter to the grocery shop keeper at Balijan Tiniali (Kokrajhar PS) in the name of NDFB(S). Police recovered 1 (one) extortion note and one mobile handset from his possession. In this connection a case was registered at Kokrajhar PS vide no. 916/2015 U/S 387/511 IPC. (Ext. 288)



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

- XII. On March 19, 2016 one Diganta Lawary s/o Jogesh Lawary of No. 1 Chapaguri, PS Dhaligaon lodged an ejhar at Dhaligaon PS stating that some unknown NDFB(S) cadres demanded from him Rs. 1 lakh over phone. In this connection a case has been registered at Dhaligaon PS vide no. 46/16 U/S 387/507 IPC. (Ext. 164)
- XIII. On April, 28, 2016 one Bhaskarjyoti Manta, I/C of Directorate, DRDA, Udalguri lodged an FIR at Udalguri PS to the effect that on April 21, 2016 at about 1035 hrs, he received a telephonic call from an unknown caller who introduced himself as an NDFB(S) cadre and demanded money from him. This refers to Udalguri PS case no. 107/2016 U/S 387 IPC R/W Sec 10/13 UA (P) Act.
- XIV. On May 2, 2016 one Bharat Ramchiary of Murkhchiapara, PS Barama lodged an ejhar at Barama PS to the effect that, two months back he received a telephonic call from an unknown caller who introduced himself as an NDFB (S) cadre and demanded Rs. 1 lakh from him. Again on March 19, 2016 and May 1, 2016, he received same telephonic call to pay the money as demanded earlier otherwise he will face dire consequences. This refers to Barama PS vide no. 70/2016 U/S 387/31 IPC. (Ext. 47)
- XV. On May 28, 2016 one Sailendra Nath Deka lodged an ejhar at Barama PS to the effect that on May 2, 2016 at about 1220 hrs, he received a telephonic call from an unknown caller demanding Rs. 8 lacs in the name of NDFB(S). In this connection a case was registered at Barama PS vide no. 83/16 u/s 387 IPC. (Ext. 49)
- XVI. On June 2, 2016 one Sabibal Chetry of No. 2 Bhetagaon (Bijni PS) lodged an ejahar at Bijni PS to the effect that on May 18, 2016 he received a telephonic call from an unknown caller who identified himself as an NDFB(S) cadre and demanded him cash Rs. 2 lacs in the name of NDFB(S). In this connection a case has been registered as Goreswar PS vide no. 80/16 U/S 387 IPC. (Ext. 65)
- XVII. On Aug 20, 2016, one Sudem Brahma of Chenigaon (Goreswar PS) lodged an ejahar at Goreswar PS to the effect that, on Aug 18, 2016 he received a telephonic call from an unknown caller who identified himself as an NDFB(S) cadre and demanded him cash Rs. 2 lacs in



the name of NDFB(S). In this connection a case has been registered at Goreswar PS vide no. 80/16 U/S 387 IPC. (Ext. 65)

XVIII. On Oct. 01, 2016 at around 1205 hours, one Bhaskar Mazumdar of Kadomtali (Barama PS) lodged an ejahar at Barama PS to the effect that on Sept. 22 he received a telephonic call from an unknown caller who demanded money from him in the name of NDFB(S). In this connection a case was registered at Barama PS vide no. 137/16 u/s 387 IPC. (Ext. 45)

XIX. On Oct. 7, 2016 at about 1630 hrs police apprehended one NDFB(S) linkman namely, Satyajit Basumatary (24) s/o Pradip Basumatary of Silbaji (Gossaigaon PS) from Ward no. 4, Gossaigaon Town, PS Gossaigaon. Reportedly, he came to collect money from one Mandra Narzary of Ward No. 4, Gossaigaon town (Gossaigaon PS) as demanded earlier. Police recovered cash Rs. 50,000/- from his possession. In this connection a case has been registered at Gossaigaon PS vide no. 550/16 U/S 387/508 IPC. (Ext. 319)

XX. On Oct. 25, 2016 at about 1145 hrs Police/CRPF and Army with the help of local people apprehended 2(two) NDFB(S) cadres namely Ratan Boro (22) s/o Khagen Boro of Bamunjhar (Goreswar PS) and Bimal Rajbongshi (20) s/o Nagen Rajbongshi of Maregaon (Sipajhar PS, Darrang dist.) from Bakulguri while they came to extort money from one Dilip Deb Nath as demanded earlier. The SF recovered 1(one) '22 bore revolver with 3 rds live amm and 1(one) empty case from their possession. The local people also burnt down their motorcycle. In this connection a case has been registered at Goreswar PS vide no. 99/16 U/S 448/326/307 IPC R/W SEC. 25(I-A) Arms Act R/W Sec. 10/13 UA(P) Act. (Ext. 63)

XXI. On Dec. 30, 2016 one Biju Das of Nikashi, PS Mushalpur lodged an ejahar at Mushalpur PS stating that on Dec. 2, 2016 at about 0724 hrs, unknown NDFB(S) cadre demanded money over phone to the complainant. In this connection a case has been registered at Mushalpur PS vide no. 162/16 U/S 387/506 IPC. (Ext. 67)

XXII. On March 8, 2017, one Pankaj Barman of No. 3 Dailongjhar (Panbari PS) lodged an ejahar at Panbari PS to the effect that he received a telephonic call from an unknown caller who introduced himself as



NDFB(S) cadre demanding Rs. 3 lakhs from him. In this connection a case was registered at Panbari PS vide No. 19/17 U/S 387 IPC and Police arrested 2 (two) NDFB(S) linkmen namely Haren Mandal (42), S/o Sunil Mandal of Guwabari and Kajal Ray (40), S/o Jatin Ray of Pub Chandanpur (both under Tamulpur PS, Baksa dist.) in connection with the case. (Ext. 166)

XXIII. On June 12, 2017 at around 1300 hrs, one Kamal Kt. Narzary (VCDC Chairman, Hakua Serfang) s/o Hemo Ram Narzary of No. 2 Kashibari (Panbari PS) lodged an FIR at Panbari PS stating that, one NDFB (S) cadre namely, Suni Ram Daimary s/o Leben Daimary of Bangdwguri (Gobardhana PS, Baksa dist.) came to his house 4 (four) months earlier and demanded Rs. 5 lacs in the name of NDFB(S) organization. Since then, he was repeatedly reminded to pay the demanded money over phone and he kept refusing. But, on June 11, 2017 at around 2020 hrs, the said NDFB (S) cadre alongwith one inmate namely Gobla Boro s/o Rupeswar Boro of No. 5 Kahitema (Gobardhana PS, Baksa dist.) armed with AK-47 rifle physically arrived at complainants house and demanded cash Rs. 1,30,000/- at gunpoint. At this a situation of hue and cry occurred and on hearing this, local people started rushing towards his house. On seeing this, the NDFB(S) cadres fled away from the PO threatening him with dire consequences. In this connection a case has been registered at Panbari PS vide no. 43/17 U/S 387 IPC, R/W Sec. 10/13 UA(P) Act. (Ext. 167)

XXIV. On June 22, 2017 at around 1600 hrs, the local people of Khagrabari (Biswanath Chariali PS) apprehended one suspected NDFB linkman namely, Kelteng Basumatary (31) s/o late Pitar Basumatary of Binaypur (Biswanath Chariali PS) at Khagrabari. Reportedly, the aforesaid NDFB linkman along with 5 (five) associates including 3(three) surrendered NDFB activists came there to collect money as demanded earlier from the villagers. Later on, he was handed over at Biswanath Chariali PS vide no. 164/17 U/S 420/406/387/506/34 IPC. (Ext. 200)

XXV. On Jan 10, 2018, one N. Basumatary (District Sports Officer) lodged an ejarah at Mushalpur PS stating that some unknown caller



identifying himself as NDFB(S) cadre had been demanding money since last 10(ten) days. In this connection a case has been registered at Mushalpur PS vide no. 06/18, u/s 387 IPC, R/W Sec. 10/13 UA(P) Act. (Ext. 69)

XXVI. On July 08, 2018 one Manoranjan Karmakar, the Manager of Darrangamela SBI branch (Tamulpur PS) lodged an ejahar at Tamulpur PS to the effect that on July 06, 2018 at about 1845 hours, he received a telephonic call from an unknown caller demanding Rs. 1,00,000/- from him in the name of NDFB. In this connection a case was registered at Tamulpur PS vide no. 245/2018 U/S 387 IPC. (Ext. 51)

XXVII. On July 18, 2018 Police/Army (14th Garhwal Rifle) apprehended one suspected NDFB(S) linkman namely Sikon Daimary (45) s/o late Daloi Daimari of Milaipur (Mazbat PS) from Ashrabari (Mazbat PS). He was arrested in connection with Mazbat PS case no. 34/18 u/s 387/507 IPC R/W Sec. 10/13 UA(P) Act. Reportedly he demanded money from one Nileswar Basumatary of Dhupguri (Orang PS) in the name of NDFB(S). (Ext. 15)

XXVIII. On March 22, 2015 at about 2130 hrs, one Nijen Medhi of Bogijuli, PS Chariduar lodged an ejahar at Chariduar PS of Sonitpur dist. to the effect that on the same day (22.03.15), at about 0700 hrs, one NDFB (RD) surrenderee namely, Dibyajyoti Daimary s/o Hemanta Daimary of the same village assaulted him for non-payment of money which was demanded earlier. Reportedly, the said Dibyajyoti Daimary also demanded money from one Kartik Basumatary of No. 4 Kathaljuli, PS Chariduar. In this connection two cases were registered at Chariduar PS vide nos. 43/15 U/S 387 IPC and 44/15 U/S 384 IPC. (Ext. 228)

XXIX. On May 12, 2015 at about 1110 hrs, police/BSF (C-Coy, 452 AdHoc Bn.) with the help of local people of Panchnoi Theraibari area apprehended 2 (two) NDFB(R) cadres namely Shankar Basumatary @ Sanjit (26) s/o Lawraram Basumatary of Khoirani Kerkeria, PS Tamulpur, Dist. Baksa and Anil Basumatary @ B. Sangri (35) s/o late Mohan Basumatary of Dobjuli, PS Dhekiajuli from the said area while they came to collect extortion money. The SF personnel seized one pulsar bike (AS-27/4296) used by the extremists. In this connection a



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

case has been registered at Dhekiajuli PS vide no. 267/15 u/s 120(b)/323/387/34 IPC. (Ext. 236)

XXX. On Oct 22, 2018, the local people of Bardal (Rangia PS) apprehended 2(two) NDFB (RD) cadres namely Lani Brahma @ B. Lukhwmwr s/o Gabenay Brahma of no. 2 singimari (Gossaigaon PS, Kokrajhar dist.) and Geremsa Basumatary @ B. Gubung s/o Banikanta Basumatary of Bathoupuri (Rangapara PS, Sonitpur dist.), while they were demanding money from a road construction contractor. On receipt of the information, police rushed to the PO and apprehended both the NDFB(RD) cadres. In this connection a case has been registered at Rangia PS vide no. 653/18 u/s 387/34 IPC.

XXXI. On July 31, 2019, at around 2100 hours, three suspected NDFB(S) cadres equipped with sophisticated weapons appeared at the house of Sudarsan Sarkar, a petty businessman of Sidabari Amteka Bazar (Amguri PS of Chirang district) and demanded Rs. 15 lakhs from said Sudarsan Sarkar. They also opened 1(one) round fire in the air told him that they will contact again for collection of said money. In this connection a case has been registered at Amguri PS vide no. 38/19 U/S 447/387/325 IPC, R/W Sec. 25(1-A)/27 (2) arms act. (Ext. 168)

XXXII. On Nov. 11, 2019 at around 1000 hours, one Partha Sarathi Roy (47) of Uday Path, Harigaon (Tezpur PS) lodged an FIR at Chariduar PS of Sonitpur district to the effect that some unknown person, identifying himself as NDFB(S) cadre demanded a sum of Rupees 1 lakh from him over telephone and also threatening him with dire consequences on failure. In this connection a case has been registered at Chariduar PS vide no. 299/2019, U/S 387/506 IPC. (Ext. 233)

XXXIII. On Nov 13, 2019 at around 1620 hours, based on a secret information regarding movement of suspected NDFB (S) cadre for collecting extortion money from Nayan Barman S/O Ramesh Ch. Barman of Simlabari (Panbari PS), police conducted search at Panbari village and trapped Santosh Brahma (25) S/O Basudev Brahma of Chaplalkuchi (PS/Dist-Nalbari). In this connection a case has been registered at Barbari PS vide no. 93/2019, U/S 387 IPC. (Ext. 55)

XXXIV. On Nov. 17, 2019, at around 21.30 hours, local people of Uttar Bartari village (Salbari PS) apprehended two miscreants namely





Mridul Ramchiary (22) and Alongbar Muchahary (14) both s/o Dilip Ramchiary of Lesera (Salbari PS) while they went to said Uttar Bartari village to serve extortion letter in the name of NDFB (S) to one Dhruva s/o Late Brajen Nath of Uttar Bartari village and handed them over at Salbari PS. On their revelation, police apprehended another three accused involved in the said incident namely Ranjan Kalita (14) of Uttar Bartari village, Kapil Dev Basumatary (25) of Lesera and Patgiri (30) of Puthimari (Patacharkuchi PS, Barpeta District.) In this connection a case has been registered at Salbari PS vide no.132/2019 U/S 120(b)/387/506/34 IPC and R/W Sec. 10/13 UA(P)Act. (Ext. 73)

(B) Encounter :

- I. On Nov. 5, 2014 at about 0830 hours, an encounter took place between Police/Army (2nd Rajput Regiment) and NDFB (S) cadres at Bongaon (Gossaigaon PS). As a result, one NDFB (S) cadre namely Philip Wary @ Fwthai @ Paila Basumatary (26) (s/s Platoon Commander of Bongaon) s/o Lalbrai Wary of No. 1 Latamari (Kachugaon PS) sustained bullet injury. He was shifted to RNB Civil Hospital, Gossaigaon for treatment where he succumbed to his injuries. One (1) 9 mm pistol, 1 (one) 7'65 mm pistol, 3 (three) round of live ammunition and 2 (two) grenades, 9 (nine) empty cases, 2 (two) mobile handsets were recovered from the PO. In this connection a case has been registered at Gossaigaon PS vide case NO. 379/14 U/S 120(b)/121/121(A)/353/307 IPC R/W Sec. 25(I-B) (A)/27 arms Act. Sec. 5 E/S act. And Sec. 10/13 UA(P) Act. (Ext. 322)
- II. On Dec. 20, 2014, at about 1030 hrs, an encounter took place between police/Army (12 & 36 Assam Rifles) and the NDFB(S) cadres near Kharkee centre under Missamari PS of Sonitpur district. As a result, 2(two) NDFB(S) extremists sustained bullet injuries on their persons. One of the grievously injured NDFB(S) cadre was shifted to the Missamari PHC for treatment wherefrom he was referred to the Kanaklata Civil Hospital, Tezpur for better treatment, but the attending physicians declared him dead. The deceased was identified as Rairana Narzary (27) s/o Bireswar Narzary of Bengenajuli, PS Missamari. Another injured cadre was shifted to the Tezpur Medical College Hospital for treatment wherefrom he was referred to the

GMCH for better treatment, but he succumbed to his injuries on his way to the GMCH. He was identified as Nayanmoni Medhi (19) s/o late Maheswar Medhi of Ganga Tenki, PS Missamari. The SF personnel recovered 1(one) 7.65 mm pistol with 2 rds of live ammn. and 1 empty cartridge etc. from the PO. In this connection a case has been registered at Missamari PS vide no. 130/14 U/S 121/121(A)/122/353/307 IPC R/W Sec. 27(I-A)/27 (2) Arms Act. 10/13 UA(P) Act. (Ext. 229)

III. On Dec. 21, 2014 at about 0730 hours, an encounter took place between police/Army and NDFB (S) cadres inside Chirang Reserve Forest along Chirang-Kokrajhar border. As a result, 2 (two) NDFB(S) cadres, namely, Runu Narzary @ N. Raikhang (30) s/o Dwaren Narzary of Bhanu Nagar, PS Amguri and Ranjit Basumatary @ Kanthal @ B. Rigirigang (27) s/o late Someswar Basumatary of Nalbari, PS Sidli died on the spot. One Sushil Dev (38) s/o Brajananda Dev of Darbhanga village (Bihar) present address Salbari under Bongaigaon PS, Bongaigaon district who has held captive by NDFB (S) cadres was recovered by SF personnel from the P.O. with bullet injuries on his leg. One AK-56 rifle with 3 (three) magazines, 1 (one) INSAS rifle with 2(two) magazines, 1 (one) 7.62 mm pistol with 3 (three) magazines, 1 (one) 9mm pistol with 2 (two) magazines, 3 (three) grenades, 7 (seven) detonators, 46 pieces of fuse wire, 11 (eleven) mobile handsets, 552 rds of assorted ammunition and some NDFB (S) related incriminating documents were also recovered from the P.O. The injured Sushil Dev was shifted to hospital for treatment. This refers to Runikhata PS case no. 86/2014 U/S 120(B)/121/121(A)/122/123/353/307 IPC, R/W Sec. 25(I-A)/35/27(2) Arms Act, R/W Sec. 4 ES Act and R/W Sec 15/16 UA(P) Act. (Ext. 169)

IV. On Jan 5, 2015 at about 1800 hrs, an encounter took place between police and suspected NDFB (S) activists in the Golaghat and Karbi-Anglong districts bordering forest area under Bogijan Ps of Golaghat district. As a result, one unidentified militant died on the spot. During search police recovered 1(one) 9 mm pistol along with magazine, 1(one) live ammn. of 9 mm, 5 rds of live ammn. of 7.62 mm, 2(two)



grenades and 11 rds of empty cases. In this connection a case has been registered at Bogijan PS vide no. 2/15 U/S 120(B)/121/121(A)/122/387 IPC R/W Sec. 25(1-A) Arms Act & 4/5 E.S Act. Further information received that the deceased militant was identified as Birud Basumatary (32) s/o late Dhiren Basumatary of Ganesh Tangla, PS Gohpur, Sonitpur. (Ext. 88)

- V. On Jan 10, 2015 at about 1300 hrs, an encounter took place inside a jungle merely 5 K.M. Away from Khouisi bazaar under Serfanguri PS between police and NDFB (S) extremists. As a result, one hardcore NDFB (S) cadre namely Jablang (25) S/S platoon commander of Kokrajhar unit died. Reportedly he was the man behind the massacre of Adivashis and the Hindi speaking people last year. Police recovered one AK-56 rifle with 22 rds of ammunition and cash Rs. 5 lakh from his possession. In this connection a case has been registered at Serfanguri PS case no. 11/15 u/s 120(B)/121/121(A)/122/307 IPC R/W 25(I-A)/27 Arms act. R/W sec. 4/5 ES R/W 13 UA (P) Act. (Ext. 354)
- VI. On Jan. 28, 2015 at about 2115 hrs, an encounter took place between police and NDFB(S) extremists in Ripu forest area (Kachugaon PS). As a result one NDFB(S) extremist namely s/s sergeant major Jorneluis Narzary @ Jangkla (25) died on the spot. Police recovered 1 (one) 7'62 mm pistol with magazine and 4 (four) rds of live ammunition, 2 (two) empty cases and 2 (two) grenades from his possession. Reportedly, he was involved in the cases of arms snatching from Eco Task Force Territorial Army from Saralbhangga area (Serfanguri PS) and killing of one Priya Basumatary in Chirang district. This refers to Kachugaon PS case no. 21/2015 U/S 120(B)/121/121(A)/122/353/307 IPC, R/W Sec 25 (1-A) Arms act, R/W Sec 4/5 E.S. Act, R/W Sec. 10/13 UA(P) Act. (Ext. 374)
- VII. On Feb. 9, 2015 at about 2040 hours, following a secret information about the sheltering of NDFB(S) extremists at Fulkumari under Tipkai Reserve forest (Gossaigaon PS) while police/Army (2nd JAT Regiment) were conducting search operation in the said forest area, an encounter took place between the SF personnel and the NDFB(S) extremist. As a result, one NDFB(S) extremist namely Oriswar Narzary



@ Orga (24) s/o Nirjoy Narzary of Singimari (Gossaigaon PS) died on the spot. The SF personnel recovered 1 (one) 7'65 mm pistol with 2(two) magazines and 9 (nine) rounds of live ammunition, 5 (five) empty cases, 1 (one) grenade, 10(ten) detonators, 1 (one) magazine of AK-47 rifle with 5 (five) rounds of AK series live ammunition from the PO. This refers to Gossaigaon PS case no. 59/2015 U/S 120(B)/12/121(A)/122/353/307 IPC, R/W Sec. 25(1-B)(A)/Arms act., R/W Sec. 5 ES act and R/W Sec. 10/13 UA(P) Act.

VIII. On March 31, 2015 at about 2200 hrs, an encounter took place between police/Army (12th Assam Rifles) and NDFB(S) extremists at Lakhipur village under Biswanath Chariali PS of Biswanath Chariali police dist. As a result, one SS Sec. Commander of NDFB (S) namely, Ratan Narzary @ B. Rangsula (31) s/o Tikini Narzary of Paslogi, Lakhipur (Biswanath Chariali PS) and one SS Dy. Commander of NDFB (S) 3rd Bn namely, B. Sohaisula @ Sanatan Basumatary (35) s/o Samel Basumatary of West Batabari, Bamungaon under Sidli PS, Dist. Chirang received bullet injuries on their persons. They were immediately shifted to the Biswanath Chariali Civil Hospital for treatment. But the attending doctor declared them brought dead. The SF personnel recovered 1 (one) AK-47 rifle with 5 rds of live ammn, 1(one) 7.65 mm pistol with 3 rds live ammn., 2 (two) grenades and 10 empty cases of AK-47 rifle from the PO. This refers to Biswanath Chariali PS case no. 92/2015 u/s 120(b)/121/121(a)/122/307 IPC, R/W Sec. 25 (1-a)/27 Arms act, R/W Sec. 05 of E.S Act, R/W Sec. 10/13 UA(P) Act. (Ext. 204)

IX. On April 13, 2015 at about 1430 hrs, an encounter took place between police/CRPF (210 Cobra Bn) and NDFB(S) cadres on the bank of the Pagla river at No. 4 Sudemjuli along Assam-Arunachal Pradesh border under Mazbat PS of Udalguri district. As a result, a hardcore NDFB (S) militant namely, Jiskel Doimary @ Julunga (30) s/o Birashti Doimary of Village Similguri, PS Rowta died on the spot. During search, the search party recovered 1(one) 32 factory made pistol with magazine, 4 rds of live ammn and 3 empty cases from the PO. This refers to Mazbat PS case no. 23/2015 U/S



120(b)/121/353/307/34 IPC R/W Sec 25(I-A)/27 arms act R/W Sec. 10/13 UA(P) Act. (Ext. 17)

X. On April 19, 2015 at about 2115 hrs, an encounter took place between police/Army (36 Assam Rifle) and NDFB(S) cadres at Lakheswar along Assam-Arunachal Pradesh border under Chariduar PS of Sonitpur dist. as a result, one NDFB (S) cadre namely, Elion Doimary @ D. Engarlang (28) s/o Biju Doimary of Bogarigari (Mazbat PS, Udalguri dist.) sustained bullet injuries. He was shifted to hospital, but he succumbed to his injuries. During search SF recovered 1(one) pistol with 1(one) magazine 4 rds. of live ammn, 2(two) mobile handsets with 7 SIM cards, cash Rs. 2,520/- and one Pulsar motorcycle from the PO. In this connection a case was registered at Chariduar PS vide no. 59/15 U/S 120(B)/121/121(A)/353/307/34 IPC R/W Sec. 25(1-A)/27 Arms Act and Sec. 10/13 UA (P) Act. (Ext. 234)

XI. On April 20, 2015 at about 2010 hrs, while a joint team of police/CRPF (Cobra Bn.) was conducting search operation in Pepsu Reserve Forest area under Kachugaon PS of Kokrajhar dist., an encounter took place between SF personnel and NDFB(S) extremists. As a result, one SS Commander of NDFB(S) extremist namely, Praneswar Narzary @ Daukumwi (23) s/o Chiben Narzary of Ballamjhora, PS Gossaigaon sustained bullet injuries on his person and he was shifted to the Kachugaon PHC for treatment, but the attending physician declared him brought dead. The SF personnel recovered 1 (one) 7'65 mm pistol with magazine and 3 (three) rds of live. This refers to the Kachugaon PS case no. 42/2015 U/S 120(b)/121/121(A)/122/353/307 IPC, R/W Sec. 25 (1-A)/27 Arms act, R/W Sec. 3 /4 ES Act and R/W Sec. 10/13 UA(P) Act. (Ext. 376)

XII. On May 7, 2015 at about 1930 hrs, an encounter took place between a joint team of Police/CRPF (Cobra 40 Bn.)/SSB (16 Bn.)/Army (2nd Rajput Regiment) and NDFB (S) cadres in Ultapani forest area under Kokrajhar PS of Kokrajhar dist. As a result, one unidentified NDFB (S) cadre died on the spot and SF recovered 1 (one) 7.65 mm pistol with 4 rds live ammn., 3 (three) grenades and 2 empty cases from the PO. The SF also demolished one NDFB(S) camp at the said forest. Further



information has been received that, the slain extremist was identified as Busha Brahma @ Bushum (28) s/o late Rahin Brahma of Labanyapur (Kokrajhar PS). This refers to Kokrajhar PS case no. 467/2015 u/s 120(b)/121/121(A)/122/353/307 IPC R/W Sec. 25(1-A) Arms Act, R/W Sec 4/5 E. S Act and R/W Sec. 10/13 UA (P) Act. (Ext. 282)

- XIII. On May 31, 2015 at about 0515 hrs, while Police/CRPF (210th Cobra Bn) conducted search operation at Ripu Reserve Forest area under Gossaigaon PS of Kokrajhar dist, an encounter took place between the SF personnel and NDFB (S) extremists. As a result, 1 (one) NDFB(S) extremist namely, Dada Basumatary @ Khwmtha @ Ladar (28) s/o Siben Basumatary of Rupnathpur, PS Kachugaon died on the spot and others manage to escape under the cover of dense forest. During search SF personnel recovered 1 (one) 7.65 mm pistol with magazine and 4 rds of live ammn, 2 (two) grenades, 3 (three) 7.65 mm empty cases and 1 (one) mobile handset from the PO. This refers to Gossaigaon PS case no. 237/2015 u/s 120(b)/121/121(a)/122/353/307 IPC, R/W Sec. 25(1-b)(a)/27 Arms act, r/w sec. 5 ES Act and r/w Sec. 10/13 UA(P) Act. (Ext. 325)
- XIV. On June 10, 2015 at about 0430 hrs, an encounter took place between Police/Army (7th JAT Regiment) and NDFB (S) extremists at Pathardubi Pt-I under Kajigaon PS of Kokrajhar dist. as a result, one NDFB(S) cadre namely, Parajit Brahma @ B. Laodar, s/o Gabinda Brahma of Gorolmari, PS Bogribari, Dist. Kokrajhar died on the spot. The SF personnel recovered 1 (one) 7'65 mm pistol with magazine and 8 rds of live ammn, 2 grenades and 6 empty cases from the PO. In this connection a case has been registered at Bijni PS case no. 253/14 u/s 365 IPC. (Ext. 170)
- XV. On June, 22, 2015 at about 1200 hrs, following a secret information about the movement of NDFB(S) extremists in Durgapur area under Chungajan PS, while a joint team of Police/CRPF (Cobra Bn.) were conducting search operation there, an encounter took place between the search party and NDFB(S) extremists. No casualty/injuries have been reported from the either side. During search police recovered 1 (one) 9 mm pistol from the PO. Further information received that the



SF personnel also recovered 5 rds. of 9 mm live amm from the PO. In this connection a case has been registered at Chungajan PS vide no. 13/15 u/s 120(B)/121/307/34 IPC, R/W Sec. 25(1-A)/27 Arms Act, R/W Sec.10/13 UA(P) Act. (Ext. 84)

XVI. On July 01, 2015 at around 0540 hours, an encounter took place between Police/CRPF (210 Cobra Bn.) and NDFB (S) cadres at Ripu Reserve Forest (Gossaigaon PS). As a result one NDFB (S) cadre namely Khwmtha Goyary (27) s/o Dharmendra Goyari of Mokrapara (Kokrajhar PS) died on the spot. The SF personnel recovered 1(one) 7.65 mm pistol with 4 (four) rounds of live ammunition, 2 (two) empty cases, 2 (two) grenades and 1 (one) mobile handset from his possession. This refers to Gossaigaon PS case no. 307/15 u/s 120(b)/121/121(A)/122/353/307 IPC R/W Sec. 25(1-B)/27 Arms Act R/W Sec. 4/5 E. S. Act and R/W Sec. 10/13 UA(P) Act. (Ext. 328)

XVII. On July 17, 2015 at about 1700 hrs, an encounter took place between police and NDFB (S) cadres at Borogaon under Gossaigaon PS of Kokrajhar dist. As a result, one NDFB (S) cadre namely, Junu Brahma @ B. Sijou (SS Dy. Commander of 14th Bn) s/o Ranjit Brahma of Boro Belguri, PS Bagribari died on the spot. During search police recovered 1 (one) 9 mm pistol with 1 (one) magazine, 6 rds of live amm, 2 (two) grenades and 3 mobile handsets from the PO. This refers to Gossaigaon PS case no. 337/15 U/S 120(B)/121/121(A)/122/353/307 IPC, R/W Sec. 25(1-B) (A) Arms Act, R/W Sec. 4/5 E.S Act, R/W Sec. 10/13 UA(P) Act. (Ext. 330)

XVIII. On July 21, 2015 at about 0345 hrs, an encounter took place between Police/CRPF (Cobra 210 Bn.) And NDBF(S) cadres at Bagansuti under Amguri PS of Chirang dist. As a result, one NDFB (S) cadre namely, Ringsar Basumatary @ Gaitha (24) s/o Pithar Basumatary of Rangijhora, PS Amguri died on the spot. During search recovered 1 (one) 9 mm pistol with 5 (five) rds of live amm and 1 (one) grenade from the PO. This refers to Amguri PS case no. 43/2015 U/S 120(b)/121/121(a)/122 IPC R/W Sec. 25(1-A) Arms Act & R/W Sec. 10/13 UA(P) Act. (Ext. 171)

XIX. On Aug 25, 2015 at about 2205 hrs, an encounter took place between police and NDFB(S) cadres at Nunkhowa village Gossaigaon



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB



PS of Kokrajhar dist. As a result, one NDFB(S) cadre namely, Lachit Brahma @ Lukhumwt (22) (SS I/C Tipkai Platoon), s/o Nilkamal Brahma of Choto Bhelguri, PS Bogribari sustained bullet injuries. He was shifted to the R.N.B. Hospital for treatment but the attending physician declared him brought dead. Police recovered 1(one) 7.62 mm pistol along with 1 (one) magazine and 3 rds live ammn., 2 (two) grenades, 1 (one) mobile handset and 4 (four) empty cases from the PO. In this connection a case has been registered at Gossaigaon PS vide no. 393/15 U/S 120(B)/121/121(A)/353/307 IPC, R/W Sec. 25(1-B)(A)/27 Arms Act, R/W Sec. 4/5 E. S. Act and R/W Sec. 10/13 UA(P) Act. (Ext. 333)

- XX. On Aug 29, 2015 at around 0515 hrs, an encounter took place between Police/Army (7 Sikh LI) and NDFB (S) extremists at the nearby jungle area of Oxiguri village (Amguri PS). As a result, two NDFB (S) extremists namely Gwmsrang Narzary @ N. Gundwi, s/o late Upen Narzary of Oxiguri and Jaysath Basumatary @ B. Jwngthi, s/o Pison Basumatary of Dotoma village (both under Amguri PS) sustained bullet injuries on their persons. The injured militants were shifted to the JSB Hospital, Kajalgaon for treatment. But both of them succumbed to their injuries on their way to the hospital. The SF personnel recovered 1 (one) M-16 (UBGL) rifle with 4 (four) magazines, 1 (one) AK-56 rifle with 3 (three) magazines, 1 (one) 7'65 mm pistol and 136 rds of live ammn from the PO. This refers to Amguri PS case no. 48/15 U/S 120(B)/121/121(A)/122/353/307 IPC R/W Sec. 25(1-A)/27/35 Arms Act and R/W Sec. 10/13/15/16 UA(P) Act. (Ext. 172)
- XXI. On Sept. 3, 2015 at about 0540 hrs, an encounter took place between police/CRPF (129th Bn.)/Army (3 Rajput Regiment) and NDFB(S) cadres at Ultapani Forest area under Kokrajhar PS. As a result, 1(one) NDFB (S) cadre namely, Bhalgo Boro @ B. Bilaigra (SS Section Commander, Serfanguri) s/o Suniram Boro of Sagaluhar, Ps Paneri, Dist. Udalguri died on the spot. The SF personnel recovered 1(one) AK-56 rifle with magazine, 32 rds. of live ammn., 2(two) grenades and 18 empty cases from the PO. This refers to Kokrajhar PS case no. 728/2015 U/S 120(b)/121(A)/122/353/307 IPC R/W Sec.

25(1-A) Arms Act R/W Sec. 3 /4 ES Act and R/W Sec. 16/20 UA(P) Act. (Ext. 285)

XXII. On Oct. 8, 2015 at about 1910 hrs, an encounter took place between police and NDFB(S) extremists at River Towta, near Rowta Gate under Mazbat PS of Udalguri district. As a result, 1 (one) NDFB (S) cadre namely, Thopsa Basumatary @ B. Onsai s/o Mebla Basumatary of Banoguri, Hugrajuli, PS Dhekiajuli, dist. Sonitpur died on the spot. Police recovered 1 (one) 7.65 mm pistol with 1 (one) magazine, 4 rds live ammn., 2 empty cases and 2 (two) mobile handsets from his possession. In this connection a case has been registered at Mazbat PS vide no. 76/15 U/S 120(B)/353/307 IPC R/W Sec. 25(1-A)/27 Arms Act and Sec. 10/13 UA(P) Act. (Ext. 19)

XXIII. On Nov 13, 2015 at around 0505 hrs, an encounter took place between Army (7th Sikh LI) and NDFB(S) cadres at Dwigudung village under Runikhata PS. As a result one NDFB (S) cadre sustained bullet injuries. He was admitted at JSB Civil Hospital for treatment where he succumbed to his injuries. During search Army recovered 1 (one) 9 mm pistol with 1 (one) magazine, 4 (four) rds of live ammn, 2 (two) mobile handsets with 3 (three) SIM cards and 4 (four) mobile batteries from the P.O. Reportedly, the slain militant was identified as Jaola Muchahary (33) S/o Hapram Muchahary of the said village. In this connection a case was registered at Runikhata PS vide no. 60/15 U/s 120(B)/121/121(A)/353/307 IPC R/W Sec. 25(I-A)/29 Arms Act and Sec. 16/18/20 UA (P) Act. (Ext. 173)

XXIV. On Nov, 17, 2015 at about 0830 hours, an encounter took place between police/Army (36th Assam Rifles) and NDFB (S) extremist namely Khamkham Doimary s/o Smti Khaguni Doimary of Thaibung (Dhekiajuli PS) died on the spot. The SF personnel recovered 1 (one) pistol and 1 (one) grenade from the P.O. This refers to Dhekiajuli PS case no. 706/2015 u/s 120(b)/121/353/307/384/34 IPC, R/W Sec 4/5 ES Act, R/W Sec. 25(I-A)/27(B) Arms Act & R/W Sec. 10/13 UA(P) Act. (Ext. 235)

XXV. On Dec 8, 2015 at around 0545 hrs, an encounter took place between Police/Army (7th Jat Regiment) and NDFB (S) cadres at Silaimatha (Bagribari PS). As a result one NDFB (S) cadre namely



Nerswn Brahma @ Naidaw s/o Sunil ch. Brahma of Bhumka (Gossaigaon PS) died on the spot. During search SF personnel recovered 1 (one) AK-47 rifle with 2 (two) magazines, 44 (forty four) rds of live ammn, 2 (two mobile handsets with 6 (six) SIM cards and cash R. 11530/- from the PO. This refers to Bagribari PS case no. 160/15 has been registered. (Ext. 384)

XXVI. On Feb 8, 2016, at around 0330 hrs, an encounter took place between Police/Army (7th Sikh LI) and NDFB(S) cadre at Ranipur (Runikhata PS). As a result one NDFB(S) cadre namely Uday Narzary @ N. Udang @ Khilikhang (S/S 2nd I/C of NDFB-S, Serfanguri) s/o Jamba Narzary of Edenbari (Runikhata PS) sustained injuries and was shifted to hospital for treatment where he succumbed to his injuries. 1 (one) AK-56 rifle with 9 (nine) rds of ammn, 10 (ten) empty cases and cash Rs. 31000/- were recovered from his possession. In this connection a case was registered at Runikhata PS vide no. 09/16 U/S 120(B)/121/122/353/307 IPC, R/W Sec. 25(I-A)/27(2) Arms Act and Sec 16/18/20 UA(P) Act. (Ext. 174)

XXVII. On Feb 14, 2016 at about 0600 hours, an encounter took place between Police/Army (3rd Rajput Regiment) and NDFB(S) cadres near Khaoshi Bazaar Reserve Forest (Serfanguri PS). As a result two NDFB(S) cadres namely Jangswrang Basumatary @ Ladai (22) s/o Robin Basumatary of Auzarguri and Sanjib Basumatary @ Kardesh (19) s/o Sunilal Basumatary of Padmabil (both under Serfanguri PS) sustained injuries. They have shifted to Dotma hospital for treatment where the attending physician declared them brought dead. The SF personnel recovered 2 (two) 7.65 mm pistols with 2 (two) magazines, 1 (one) magazines of AK-47 rifle, 13 (thirteen) rounds of AK- series ammunition, 2 (two) grenades, some explosives substances, 12 empty cases and 2 (two) mobile handset from the PO. This refers to Serfanguri PS case no. 12/16 u/s 120(B)/121/121(A)/122/353/307 IPC R/W Sec. 25(I-A) Arms Act R/W Sec. 16/20 UA(P) Act & R/W Sec. 3/ 4 ES Act. (Ext. 357)

XXVIII. On March 10, 2016 at about 0830 hrs, an encounter took place between Police/Commando Bn. (210th cobra) and NDFB(S) cadres at Garali Chapori near Jiabharali river (Chariduar PS). As a result, one



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB



NDFB(S) cadre namely Thulunga Basumatary (30) s/o Prasanta Kr. Basumatary of Gujungapuri under Bashista PS in Guwahati City sustained bullet injuries. He was shifted to Kanaklata Civil Hospital, Tezpur for treatment where the attending physician declared him brought dead. The SF personnel recovered 1 (one) pistol with 1 (one) magazine, 2(two) rds of live ammn. and 1 (one) mobile handset from the PO. In this connection a case was registered at Chariduar PS vide no. 35/16 U/S 120(B)/121/122/387/307 IPC R/W Sec 25(1-A)/27 Arms Act and Sec 10/13 UA(P) Act. (Ext. 230)

XXIX. On March 15, 2016 at about 0800 hrs, an encounter took place between Police/Army (Red Horn Division) and a group of NDFB(S) extremists and Milaopur under Mazbat PS of Udalguri district. As a result, one hardcore NDFB(S) extremist namely, Swmla Basumatary (22) s/o Genda Basumatary of Pachim Naokata, PS Goreswar, Dist. Baksa died on the spot and others managed to escape from the PO. The SF personnel recovered 1 (one) 7'65 mm pistol with magazine and 2 rds live ammn, 1 grenade, 5 empty cases and 1 extortion receipt book from the PO. This refers to Mazbat PS case no. 21/16 U/S 120(B)/121/121(A)/122/353/307 IPC R/W Sec. 25(1-A)/27 arms Act R/W Sec. 3/4 E. S. Act, R/W Sec. 10/13 UA(P) Act. (Ext. 21)

XXX. On May 11, 2016 at around 0630 hrs, an encounter took place between Police/Army (3rd Rajput Regiment) and NDFB(S) cadres at Ripu Reserve Forest area. As a result one NDFB(S) cadre namely, Birbal Islary @ Banjal (30) s/o Rajen Islary of Pub Domgaon, PS Runikhata, Chirang died on the spot. The SF personnel recovered 1(one) AK-56 rifle with magazine, 31(thirty one) rds of live ammn, 14(fourteen) empty cases, 5 (five) mobile handsets, 3 SIM Cards etc. from the PO. The SF personnel also busted a temporary camp of NDFB(S) at Dampwla/Lalbhitia area on the same day (11-05-16). In this connection a case was registered at Kokrajhar PS vide no. 274/16 U/S 120(B)/121/121(A)/122/353/307 IPC R/W Sec. 25 (1-A)/27 Arms Act and Sec. 10/13 UA(P) Act. (Ext. 279)

XXXI. On May, 18, 2016 at about 1700 hours, an encounter took place between Police/army (168th regiment) and suspected NDFB(S) cadres at Chandanguri area along Assam-Arunachal Pradesh border. This

refers to Mazbat PS GDE No. 359 dtd 18.05.2016 and another return G.D.E. No.375 18/05/2016. (Ext. 31)

XXXII. In the intervening night of July 16/17, 2016, an encounter took place between Police army (3rd Rajput regiment) and NDFB(S) at Khalashi forest area (Serfanguri PS). As a result one NDFB(S) cadre namely Sudem Borgoyary @ Garam (19) s/o Ranen Borgoyary of Udangshri (Kokrajhar PS) sustained injuries and he was shifted to RNB Civil hospital for treatment where the attending physicians declared him brought dead. Two (2) pistols with 4(four) rds of 7.65 mm live ammunition, 12(twelve) empty cases of AK-series, 2(two) empty cases of 9 mm ammunition, 3(three) empty cases of 7.65 mm ammunition, 2 (two) grenades and 1 (one) extortion note of NDFB(S) were recovered from the PO. This refers to Serfanguri PS case no. 49/2016 U/S 120(B)/121/121(A)/122/307/35/387 IPC R/W Sec. 25(1-A)/27(II) Arms Act R/W Sec. 4/5 ES Act, R/W 10/13 UA(P) Act. (Ext. 359)

XXXIII. In the intervening night of July 16/17, 2016, another encounter took place between the Police/Army (3rd Rajput regiment) and NDFB(S) cadres at Ultapani forest area (Kokrajhar PS). As a result, two NDFB(S) cadres namely Ritu Basumatary @ Rugungsha s/o Baloram Basumatary of Samabari Simbwrgaon and Rahul Basumatary @ B. Rakhao s/o Babrubhan Basumatary of Labanypur Ultapani (Both under Kokrajhar PS) sustained injuries. They were shifted to RNB civil hospital for treatment where the attending physicians declared them brought dead. Two (2) 7.65 mm pistols with 5 (five) rds of live ammunition, 1 (one) magazine of AK-series rifle, 2(two) grenades, cash Rs. 1800/-, 2 (two) letter pads of NDFB(S) etc. were recovered from the PO. This refers to Kokrajhar PS case no. 412/2016 U/S 120(B)/121/121(A)/122/307/35/387 IPC R/W Sec. 25(1-A)/27(II) Arms Act R/W Sec. 4/5 ES Act, R/W 10/13 UA(P) Act. (Ext. 306)

XXXIV. In the intervening night of July 24/25, 2016 during search operation at North Jharbari under Serfanguri PS, an encounter took place between Police/CRPF (210th cobra)/Army (3rd Rajput regiment) and NDFB(S) cadres. As a result, two NDFB(S) cadres namely Phunka Narzary (22) s/o Ranen Narzary of Namapara (Kokrajhar PS) and





Jwngsar Basumatary @ Laodum (23) s/o Kashiram Basumatary of Baganpara (Serfanguri PS) sustained bullet injuries. They were immediately shifted to RNB Civil hospital, Kokrajhar for treatment where the attending physician declared them brought dead. The SF personnel recovered 2 (two) 7.65 mm pistol with few rds of live ammunition and 2(two) Chinese hand grenades from the PO. This refers to Serfanguri PS case no. 50/2016 U/S 120(B)/121/121(A)/122/307/353/387 IPC R/W Sec 25(I-A)/27 Arms Act R/W Sec. 4/5 E.S. Act and R/W Sec 10/13 UA(P) Act. (Ext. 361)

XXXV. On Aug. 19, 2016 at around 0500 hours, an encounter took place between Police/CRPF/Army and NDFB(S) extremists at Paharpur forest area along Assam-Arunachal border. As a result 3 (three) NDFB(S) extremists died on the spot. Later, one of the slain extremist has been identified as Bothol @ Bipul Boro (28) (ss section commander) s/o Fuleswar Narzary of Aboi centre, Bathupara (Dhekiajuli PS) and the other is yet to be identified. During search police busted a camp of NDFB(S) and recovered 3(three) pistols 2 (two) grenades, 8(eight) rounds of live ammunition, 5 (five) mobile handsets etc. and also dismantled the camp used by the extremists. Further information has been received that, one among the two unidentified slain extremists have been identified as Hulonga Goyari (23) s/o Hemon goyari of Laingangpara (Rangapara PS). In this connection a case has been registered at Rangapara PS vide no. 98/2016 U/S 121/121(A)/120(B)/384/353/307/34 IPC, R/W Sec 25(I-A)/27 (2) Arms Act R/W Sec 3 /4 E. S Act and R/W Sec10/13 UA(P) Act. The third slain militant has been identified as Rajib Narzary @ Rwkha (25) (SS Platoon commander) s/o Baburam Narzary of No.1 Daorigabni (Sarfanguri PS). (Ext. 232)

XXXVI. On Sept. 06, 2016 at around 0420 hours, an encounter took place between police personnel and two NDFB(S) cadres in the jungle area located at the Northern side Mainaopur village (Kachugaon PS). As a result, s/s I/C, Logistic and Ration supply, NDFB(S) camp located in Bhutan namely Agun Basumatary s/o Rajen Basumatary of Banjudbari (Basugaon PS, Chirang district) sustained bullet injuries on his person and the other managed to escape under the cover of thick forest. The



injured cadre was shifted to the RNB Civil Hospital, Kokrajhar, but the attending physician declared him brought dead. Police recovered 1 (one) AK-81 rifle with magazine, 11 (eleven) rounds 7.62 mm live ammunition, 21 (twenty one) rounds empty cases, 2 (two) HE grenade, cash Rs. 21000/-, 1 (one) mobile handset, 1 (one) copy of the constitution of NDFB(S) etc. In this connection a case has been registered at Kachugaon PS vide no. 63/16 u/s 120(B)/121/121(A)/122/353/307/387 IPC R/W Sec. 25(I-A)/27 Arms Act, Sec. 4/5 ES Act and Sec. 10/11/13/17 UA(P) Act. (Ext. 381)

XXXVII. On Sept 22, 2016 an encounter took place between Police/NDFB(S) cadres at Labanyapur, Bismuri (Kokrajhar PS). As a result one NDFB(S) cadre namely Rajiv Basumatary @ Mergang (35), S/o Jishway Basumatary of Thaisuguri Lalmati (Runikhata PS, Chirang district) sustained grievous injuries on his person. He was immediately shifted to the RNB civil hospital, Kokrajhar for treatment but, the attending doctor declared him brought dead. Police recovered 1 (one) .22 pistol with 3(three) rds live ammunition, 6 (six) rds of 7.62 mm live ammunition, 2 (two) hand grenades and 2 (two) empty cases from the P.O. this refers to Kokrajhar PS case no. 542/2016 U/S 120(B)/121/121(A)/122/353/307 IPC R/W Sec 25(I-A)/27 Arms Act R/W Sec. 4/5 E.S. Act, R/W Sec 10/13 UA(P) Act. (Ext. 309)

XXXVIII. On Oct, 17, 2016 at around 0630 hrs, an encounter took place between Police/Army (24 Assam Rifles) and NDFB(S) cadres at Diringnala near Assam-Arunachal Pradesh border under Biswanath Chariali PS, but no injury was reported from either side. However, the SF personnel managed to apprehend one of the NDFB(S) cadres, namely, Bikram Mushahary @ M. Burlong Buthur (24) s/o Babul Mushahary of No. 8 Gejejuli Batashipur, PS Dhekiajuli and recovered 1 (one) handmade gun from his possession. Two small makeshift camps have also been busted by the SF personnel there and another cadre namely Badaisha fled away. In this connection a case has been registered at Biswanath Chariali PS vide no. 308/2016, U/S 120(B)/121/121(A)/122/307 IPC, R/W Sec 25(I-A)/27 Arms Act, R/W Sec. 10/13 UA(P) Act. (Ext. 208)



XXXIX. On Oct. 27, 2016 at around 1130 hrs, an encounter took place between police and NDFB(S) cadres at No. 1 Hahini village under Tangla PS. As a result, one suspected NDFB (S) cadre namely, Subun Basumatary @ Gailang (22) s/o late Ajoy Basumatary of Balipara, PS Harisinga sustained bullet injuries. He was shifted to Panery PHC for treatment wherefrom he was referred to GMCH for better treatment. During search police recovered 1 (one) 7.65 mm pistol with 3 (three) rds of live ammn, 1 (one) empty case and 1 (one) mobile handset from the PO. This refers to Tangla PS case no. 137/16 U/S 353/307 R/W Sec. 25(I-B)/27 Arms Act. (Ext. 13)

XL. On Oct. 20, 2016, at around 2230 hours, during mobile naka checking near Champa River Bridge and Lamoti along Chirang-Kokrajhar district border (Sidli PS), Police signalled one Tata Magic vehicle coming from Sidli side to stop. At this the occupants of the vehicle (suspected to be NDFB-S extremists) turned back their vehicle to flee away and fired towards the Police party. On retaliation, Police also fired upon the suspected unknown extremist. As a result, one suspected unknown extremist sustained bullet injury on his person and others managed to flee away. Police shifted the injured person to the Chirang Civil Hospital where the attending physician declared the said injured person brought dead. Police recovered 1 (one) 7.62 mm pistol, 1 (one) magazine, 2 (two) rounds live ammunition, 2 (two) empty cases, 1 (one) mobile handset and a wallet from the PO and 740 rounds of AK series live ammunition from the said vehicle. Further information has been received that the slain militant has been identified as Arun Borgoyari (29), S/o Rijen Borgoyari of South Batabari (Sidli PS). In this connection a case was registered at Sidli PS vide no. 48/16 U/S 120(B)/121/121(A)/122/353/307 IPC, R/W Sec. 25 (1-A)/27 Arms Act. And Sec. 10/13 UA(P) Act. (Ext. 175)

XLI. On Dec. 9, 2016 at around 2030 hrs, when a joint team of Police/CRPF (Cobra Bn) and Army (3rd Rajput regiment) conducted search operation in Saraibeel jungle area, Oxiguri village (Gossaigaon PS), then an encounter took place between the said SF personnel and a group of NDFB (S) extremists. On Dec. 10, 2016 morning during search, the SF personnel recovered two dead bodies of NDFB (S)

Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB



cadres who were identified as Ranjit goyary @ G. Rangjasula (24) s/o Onthala goyary of Takampur village (Kachugaon PS) and Gaorao Narzary (21) s/o late Ganak Singh Narzary of Oxiguri (Gossaigaon PS) from the said jungle and also recovered 1 (one) AK-56 rifle, 1 (one) 7.65 mm pistol, 21 rds of AK-series live ammunition, 2 (two) rds of 7.65 mm ammunition, 11 (eleven) empty cases, cash Rs. 600/- some ration and medicine from the PO. This refers to Gossaigaon PS case no. 669/16 U/S 120(B)/121/121(A)/122/123/353/307/34 IPC R/W Sec. 25(I-A)/27 Arms Act and R/W Sec. 10/13 UA(P) Act. (Ext. 336)

XLII. On Dec. 28, 2016, at around 0130 hours, an encounter took place between police/army (7th Sikh LI) and suspected NDFB(S) cadres at Asrabari village near Laopani river (Kokrajhar PS). As a result, one unidentified NDFB(S) cadre sustained injuries. He was admitted at RNB civil hospital for treatment where the attending physician declared him brought dead. 1 (one) AK-56 rifle with one magazine, 11 (eleven) rounds of live ammunition, 9 (nine) empty cases, 1 (one) grenade and 2 (two) mobile handsets were recovered from the PO. Further information has been received that, the unidentified slain cadre has been identified as Ratan Narzary (40) s/o late Deobar Narzary of Kumguri (Runikhata PS, Chirang district). In this connection a case has been registered at Kokrajhar PS vide No. 734/16 u/s 120(B)/121/121(A)/122/353/307 IPC, r/w Sec. 25 (1-a)/27 Arms Act. r/w Sec 4/5 E.S. Act and Sec. 10/13 UA (P) Act.

XLIII. On Dec. 31, 2016 at around 1530 hrs. an encounter took place between police/ CRPF (cobra Bn) and NDFB (S) cadres at Dhupguri (Orang PS). As a result, one NDFB (S) cadre namely Anthal Raja (30) sustained bullet injuries on his person and one CRPF personnel namely Poritosh Ray (CT/Int) also sustained injuries on his person. Both the injured persons were shifted to Udalguri Civil Hospital for treatment wherefrom Anthal Raja has been referred to GMCH for better treatment. During search the SF personnel recovered 1 (one) 7.66 mm pistol with magazine, 3 (three) rds. live ammunition, 1 (one) grenade, 2 (two) empty cases. In this connection a case has been registered at Orang P.S. vide No. 81/16 u/s 120(B)/ 121/121(A)/ 122/326/387/307/353 IPC R/w sec. 25 (1-A)/27 Arms Act and Sec.

Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB

10/13 UA (P) Act. Further information received that said injured NDFB (S) cadre succumbed to his injuries at GMCH on the same day (31-12-16). (Ext. 7)

XLIV. On Jan 2, 2017 at around 0200 hrs, police/ Army (20th Assam Rifle) conducted search operation at Acharabari area near Laodangi and Batishipur area under Dhekiajuli PS an encounter took place between the SF personnel and NDFB (S) cadre. The SF personnel apprehended the NDFB(S) cadre namely Rahen Mushahary @ M Rakheng @ M Galong (48) S/o Late Bipin Mushahary and one linkman of NDFB(S) namely, Danlal Mushahary (58) S/o Late Durbasu Mushahary, both of Dalphangjuli, P.S. Dhekiajuli. The SF personnel recovered 1 (one) 7.65 mm Chinese pistol, 3 rds live amm, 1 (one) magazine, 3 mobile handsets with 6 SIM cards etc. from his possession. This refers to Dhekiajuli P.S. vide No. 10/17 u/s 120(B)/121/122/387 IPC R/w Sec. 25 (1-A) Arms Act and R/w Sec. 10/13 UA (P) Act. (Ext. 231)

XLV. On March, 2017, at around 0445 hours, an encounter took place between police/ Army and NDFB(S) cadres at Simlaguri (Amguri PS). As a result, two NDFB(S) cadres who were identified as Eyob Islary @ David @ Dayub (23) S/o Bineswar Islary of No. 2 Aie Dhuburi and Lukash Narzary @ Langfa (39) S/o Narayan Narzary of Oxiguri (both under Amguri P.S.) sustained injuries. They were shifted to hospital for treatment, but they succumbed to their injuries on way to hospital. The SF personnel recovered 1 (one) Insas rifle with 10 (ten) rounds of live ammunition, 1 (one) China made grenade and some empty cases from the PO. In this connection a case has been registered at Amguri PS vide no. 12/17, u/s 120(B)/121(A)/122/353/307 IPC, R/w Sec. 25 (1-A)/35 Arms Act., R/w Sec. 4 E.S. Act R/w Sec. 10/13/16/18 U/A (P) Act. (Ext. 176)

XLVI. On May 09, 2017 at around 1600 hours, an encounter took place between police/ Army/SSB (15th Bn) and NDFB (S) cadres at Kuklung area along Indo-Bhutan border (Bijni P.S.). As a result one unidentified NDFB (S) cadre died on the spot while two other extremists got bullet injuries. It has been reported that one SI of SSB namely Amal Sarker also died on the spot. Further information received that on the same day (May 9), the SF personnel recovered 1



(one) INSAS Rifle, 101 live amm. of INSAS, 131 rds live amm. of AK- series, 23 rds live amm. of SLR. Reportedly the recovered INSAS rifle was looted from Territorial Army in Kokrajhar district in 2014 by Batha-Badal group of NDFB (S). Later the slain militant has been identified as Birbal Islary @ Banso (35) S/o Rajendra Islary of Pub Dumgaon, Bengtal (Runikhata P.S.). In this connection a case was registered at Bijni PS case No. 60/2017 U/s 120 (B)/121/353/ 307/ 302 IPC R/w Sec 25 (1-A)/27 Arms Act. (Ext. 177)

XLVII. On May 21, 2017 at around 1655 hrs, an encounter took place between police/Army (7th Sikh LI) and NDFB (S) extremists at Manas Reserve Forest near Sishubari forest village (Amguri PS). As a result, on SS C-in-C of 3rd Bn of NDFB(S) namely, Jirimia Muchahary @ Jarimin sustained bullet injuries on his person. He was immediately shifted to the nearby hospital for treatment where the attending doctor declared him brought dead. The SF personnel also recovered 1 (one) M-16 rifle with 2 rds of live amm., 1 (one) 9 mm Beretta pistol, 2 (two) magazines, 4 (four) rds 9 mm live amm. and 18 empty cases were recovered from the PO. Reportedly, the slain militant was involved in various heinous crimes including the Saralpara Adivasi Massacre in Kokrajhar, kidnapping of General Manager of NHPC from Sonitpur, killing of Priya Basumatary and was also a wanted accused of NIA. In this connection a case has been registered at Amguri PS vide No. 21/17 u/s 120(B)/ 121(A)/122/353/307 IPC R/w Sec. 25 (1-A)/27/35 Arms Act, R/w Sec. 10/13/16/18 UA (P) Act. (Ext. 178)

XLVIII. On June 1, 2017 at around 1945 hours, while Army (3rd Rajput Regiment) laid an ambush at Oxiguri village under Soraibil BOP (Gossaigaon PS), an encounter took place between ambush party and suspected NDFB (S) cadres. In the encounter one civilian namely Rupan Tigga (34) S/O Harha Tigga of Amritpur (Gossaigaon PS) sustained bullet injuries. He was sifted to RNB Civil Hospital, Kokrajhar for treatment wherefrom he was referred to GMCH for better treatment. Army captain T.P. Singh also sustained bullet injuries in the encounter. He was admitted at 151 base Hospital for treatment. Further information received that on 04.06.17 the said Rupan Tigga succumbed to his injuries at GMCH. In this connection a



case has been registered at Gossaigaon P.S. case No. 234/2017 u/s 120(B)/121/121(A)/122/353/323 IPC R/w Sec. 27 Arms Act, R/w Sec. 10/13 UA (P) Act. (Ext. 338)

XLIX. On July 24, 2017, at around 0130 hours, based on secret information, while police was conducting search operation at New Bashbari village (Kokrajhar PS), an encounter took place between police and NDFB (S) cadres. As a result, one NDFB (S) cadre namely Janimun Basumatary @ Biwdoa @ Galor sustained bullet injuries on his person but others managed to escape under cover of darkness. The injured cadre was immediately shifted to RNB civil hospital, Kokrajhar for treatment where the attending doctor declared him as brought dead. Police recovered 1 (one) AK-series rifle with 15 (fifteen) rounds live ammunition and magazine, 10 (ten) empty cases of AK-series rifle, 1 (one) hand grenade, 1 (one) mobile handset from his possession as well as from the P.O. One S.I. (UB) Ramcharan Rabha of Kokrajhar PS sustained minor injury on his leg. In this connection a case has been registered at Kokrajhar PS vide No. 480/17 u/s 120(B)/121/121(a)/122/353/307 IPC, R/w sec. 25 (1-a)/27 Arms Act R/w sec. 4/5 ES Act and Sec 10/13 UA (P) Act.

L. On Nov, 2, 2017 at about 1900 hrs, on the basis of secret information regarding movement of NDFB (S) leader Bidai and his associates, police laid an ambush at the forest area of Kalamati (Amguri PS). At about 0600 hrs of Nov. 3, an encounter took place between said police team and NDFB(S) extremists but, the extremists managed to flee away to the adjoining jungle. During search police recovered 2 (two) SIM cards and some personal belongings of the extremists. In this connection a case has been registered at Amguri PS vide no. 48/17 U/S 121/121(a)/120(B)/307/353 IPC, R/W Sec. 25(-A)/27 Arms Act and R/W Sec. 10/13 UA(P) Act. (Ext. 179)

LI. On Dec. 4, 2017 at around 0530 hrs, an encounter took place between police and NDFB (S) extremists at Bollambari Bagan (Runikhata PS). As a result, one unidentified NDFB(S) linkman died on the spot. During search police recovered one 9 mm pistol with magazine, 5 rds 9 m live ammn., some iron balls, 2 (two) mobile handsets, 1 (one) Khukri etc from the PO. In this connection a case



was registered at Runikhata PS vide no. 41/17, U/S 120(B)/121/121(A)/122/353 IPC, R/W Sec. 25(1-A)/27 Arms Act and R/W Sec. 10/13 UA(P) Act and Sec. 51 WL (P) Act. Further information has been received that the slain linkman has been identified as Rajib Basumatary @ Fwila Gabda (34), S/o Shyama Charan Basumatary of No. 4 Samudwisa (Runikhata PS). (Ext. 180)

LII. On Dec. 11, 2017 at around 2100 hrs, an encounter took place between police and NDFB(S) extremist near No. 2 Burijhar village (Runikhata PS.). No casualty/injury have been reported from either side. Bengtol OP GDE No. 309 dtd. 11-12-17. (Ext. 190)

LIII. On Dec. 13, 2017 at around 2015 hrs, an encounter took place between Police and NDFB(S) cadres at Dum Bazar (Gossaigaon PS). As a result, one NDFB(S) cadre namely Sohetan Narzary @ Sandw, S/o Late Dharam Das Narzary of Oxiguri, Dum Bazar (Gossaigaon PS) died on the spot and 2 (two) APRR Commandos sustained bullet injuries on their hands. The other NDFB(S) cadres managed to flee away taking advantage of darkness. Police recovered one AK-56 rifle with magazine, 219 rds of AK-series live amm., 16 rds of AK-series empty cases, 1 (one) country made rifle, 2 (two) grenades, 1 (one) detonator, 2 (two) pistol magazine, 2 (two) mobile handsets, 4 (four) SIM cards, Cash Rs. 10,000/- etc. from the PO. In this connection a case has been registered at Gossaigaon PS vide no. 482/2017, U/S 120(A)/121/121(A)/122/323/387/506/34 IPC, R/W Sec. 25(1-A)/27 Arms Act., Sec. 10/13 UA(P) Act and Sec. 3 ES Act. Further information has been received that on 15-12-2017 a joint team of Police/Army (3rd Rajput regiment) apprehended one bullet injured NDFB(S) cadre namely Martyars Narzary @ N Maothi (24) s/o Dhojen Narzary of Dum Bazar (Gossaigaon PS) from the Forest area of the said locality. The SF personnel also recovered 1 (one) 9 mm pistol with 1 (one) magazine and 5 (five) rounds of live ammunition from the PO. The injured NDFB(S) cadre was admitted at Barpeta Civil Hospital for treatment. (Ext. 340)

LIV. On Dec. 15, 2017 at around 2330 hours, Police (Assam & Meghalaya/43rd Assam rifles) jointly conducted search operation at Assam Quarry (Umrangso PS) in connection with Khliehrait PS case



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB



No. 404/(12)/2017 U/S 363 IPC regarding kidnapping of one Mohendra Rai S/o Late Joy Rai of Kheliehrait (Meghalaya) by unknown miscreants from Pyrdung village, East Jayantia Hills Khliehrait on Dec 04. On Dec. 16 at around 0540 hours, an encounter took place between the SF personnel and kidnappers at the said Assam Quarry resulting bullet injuries to the two suspected NDFB(S) militants and recovery of kidnapped person. The injured extremists were immediately shifted to Umrangso hospital for treatment but the attending doctor declared them to be brought dead. In this connection a case was registered at Umrangso PS vide no. 22/17, U/S 120(B)/364(A)/307/353 IPC, R/W Sec. 25(1-B) Arms Act. Further information has been received that the SF party also recovered 1 (one) Austria made pistol, 7 (seven) rds of 9 mm live ammn. and 1 (one) empty case from the P.O. Further information has been received that one of the unidentified dead militant has been identified as Ranjit Mushahari @ Mongla (25) s/o Late Arjun Mushahari of Bosabil (Gossaigaon PS) by the mother. (Ext. 194)

LV. On Jan 27, 2018 at around 0530 hrs, an encounter took place between police/Army (3rd Rajput regiment) and NDFB(S) cadres at Ride No. 4 of Ripu reserve Forest (Gossaigaon PS). As a result, one NDFB(S) cadre namely, Ricardo Hazuary @ Rekhai (26) s/o Bijoy Hazuway of No. 2 Kusumbil (Gossaigaon PS) died on the spot but his inmates managed to flee away into thick jungle. The SF personnel recovered 1 (one) 9 mm pistol along with 1 (one) magazine, 4 rds of live ammn and 26 rds empty cases, 2 (two) mobile handsets with 2 (two) SIM cards, 17 nos. extortion notes without addressee, 3 nos. blank letters of NDFB(S) etc. from the PO. In this connection a case has been registered at Gossaigaon PS vide no. 32/18 U/S 120(B)/121/121(A)/122/387/506/34 IPC, R/W Sec. 25 (1-A) Arms Act and Sec. 10/13 UA(P) Act. (Ext. 352)

LVI. In the intervening night of Feb. 4/5, 2018 on the basis of secret information about taking shelter of two suspected militants in one house of Belguri village (Amguri PS) Police/Army conducted search operation at the said village. On seeing the search party, the militants opened fire towards search party from a house of the said village.

The search party also retaliated the fire. Later on, the search party found one of the militants in injured condition was later identified as NDFB(S) cadre Jordan Narzary of No. 1 Oxiguri (Amguri PS). He was immediately shifted to hospital for treatment but the attending doctor declared him brought dead. The search party also recovered 1 (one) .22 pistol with 1 (one) magazine, 2 (two) rounds of live ammunition and 12 (twelve) empty cases of assorted ammunition from the P.O. This refers to Amguri PS case no. 08/2018 U/S 120(b)/121(A)/122/353/307 IPC R/W Sec 25 (1-A)/27/35 Arms Act, R/W Sec 4 E.S. Act & R/W Sec 10/13/17/18 UA(P) Act. (Ext. 181)

LVII. On March, 5, 2018, at around 0330 hrs, an encounter took place between Police/Army (3rd Rajput Regiment) and NDFB(S) cadres at Ride no. 7 & 9 of Ripu Reserve Forest (Serfanguri PS). As a result, one unidentified NDFB(S) cadre sustained bullet injuries. He was immediately shifted to RNB civil Hospital, Kokrajhar for treatment where the attending physician declared him brought dead. The SF personnel recovered 1 (one) AK-47 rifle with 1 (one) magazine, 16 rds live ammn, 13 nos. empty cases, 1 (one) mobile handset with Bhutan SIM card, 10 nos. extortion notes, some utensils, cash Rs. 2740/- etc. from the PO. In this connection a case has been registered at Serfanguri PS vide No. 13/18 U/S 120(B)/121/121(A)/122/353/307 IPC R/W Sec. 25 (1-A)/27 Arms Act and R/W Sec. 10/13 UA(P) Act. Further information received that the slain militant was identified as Manash Brahma @ B. Mwkhtang (24) s/o Jagat Brahma of Labanyapur Ultapani (Kokrajhar PS). (Ext. 364)

LVIII. On June 16, 2018, during the hours of search operation (1300 hrs to 1630 hrs) at Janaligaon (Gossaigaon PS) a cross firing took place between Police and NDFB (S) cadres but the NDFB(S) cadres fled away taking advantage of dense forest. No casualty/injury has so far been reported from either side. This refers to Soraibil BOP GDE No. 213/2018 and 214/2018.

LIX. On Jan 5, 2020, at around 1230 hrs., an encounter took place between Police/Army (5 Garwal rifles) and NDFB(S) cadres in the jungle area of Dwimalupara (New Basti) village under Runikhata PS of Chirang district, as a result, one unidentified cadre sustained bullet





injuries and he was shifted to JSB Civil hospital, Kajolgaon where attending physician declared brought dead. The SF personnel also recovered 2 (two) 7.62 mm pistol with 2 (two) magazines, 15 (fifteen) rounds of live ammunition, 2 (two) hand grenades, 2 (two) detonators, 1 (one) mobile handset, 5 (five) extortion letters, 9 (nine) empty cases, cash Rs. 58,500/-, some wearing apparel etc. from the PO. Further information has been received that the cadre who succumbed to his injuries has been identified as Sansula Basumatary @ B. Satbangsha S/o Baliram Basumatary of No. 1 Gwjwnpuri (Runikhata PS). A case has been registered at Runikata PS vide no. 03/2020 U/S 120(B)/121/121(A)/122/353/384 IPC, R/W Sec. 10/13 UA(P) Act. Sec. 25(1-B)/27(1) Arms Act and Sec. 4/5 ES Act in connection with the said incident. (Ext. 182)

- LX. On Jan 15, 2020 at around 1530 hrs, one NDFB(S) cadre namely Tamang has been killed in an encounter by army (12th Sikh li) at Dekadamra village under Bishmuri OP (PS/Dist.-Kokrajhar). Further information has been received that the slain NDFB(S) militant was identified as Jewel Narzary @ Tamang @ N. Jwnwm S/O Joybhodra Narzary of Thaisuguri under Serfanguri PS. The SF party also recovered 1 (one) Glock 19 Austria made pistol with 5 (five) rounds of live ammunition, 2 (two) magazines, 1 (one) Yamaha motorcycle etc. from the PO. Later on army handed over the dead body along with recovered articles at Bishmuri PP (Kokrajhar PS). In this connection a case has been registered at Kokrajhar PS vide no. 29/20 U/S 120(B)/121/121(A)/122/307 IPC R/W Sec. 25(1-A)/27(2) Arms Act and Sec. 10/13 UA(P) Act.

(C) Kidnappings:-

- I. On Feb 14, 2017 one Smti Indu Jain w/o Naveen Jain of Ward No. 5 Barpara (Bongaigaon PS) lodged an FIR at Bongaigaon PS stating that her husband Naveen Jain (43) of Ward No. 5 Barpara did not return home after closing the shop at around 1830 hours of Feb 13. In this connection a case was registered at Bongaigaon Ps case no. 130/2017 U/s 365 IPC. On 17.02.2017 Kokrajhar Police and Bongaigaon district Police jointly launched a search operation at

Kurshakati village area under Salakhati OP of Kokrajhar PS and apprehended 2 (two) prime accused person namely (1) Mijing Wary (30) (NDFB-P Cadre) s/o Chandra Wary, vill-Thaigirguri, PS & Dist – Kokrajhar and (2) Nitul Brahma (26) s/o Apurba Brahma, vill- Boro Kurshakati, PS & Dist – Kokrajhar from Salakhati area who are involved in kidnapping. Subsequently Police also recovered the victim from Basugaon Area. (Ext. 241)

- II. On Nov. 18, 2014 at around 1200 hrs, one Smti. Rupa Ray w/o Chitta Ray of Kawatika Chouhan (Bijni PS) lodged an FIR at Bijni PS stating that on Nov. 17, 2014 morning, her husband Chitta Ray (petty trader) with one Amar Basumatary of Gerukabari (Bijni PS) went to Panbari area for purchasing silkworm. Since then he has not returned home. On Nov. 18, 2014 at around 0700 hrs, Smti Rupa Ray received a phone call from unknown person suspected to be NDFB(S) extremists that her husband has been kidnapped and an amount of Rs. 20 lacs is demanded for his release. Further information has been received that the said kidnapped Chitta Ray arrived at his home safely at around 1100 hours of Nov 29, 2014. In this connection a case was registered at Bijni PS vide No. 331/14 U/S 364 (A) IPC. (Ext. 183)
- III. On Nov. 24, 2014 morning, Runikhata police recovered an ambulance lying abandoned near Champa river in Santipur area under Runikhata PS of Chirang dist. Reportedly on Nov. 23, 2014 at about 1030 hrs, the said ambulance was hired by some unknown persons suspected to be NDFB (S) extremists for lifting patient from Sanitpur and accordingly, the driver Chiranjit Dey (25) of New Colony, Bongaigaon town (Bongaigaon PS, Bongaigaon dist.) went for the same from Bongaigaon with the said vehicle and since then he remained missing. In this regard a case has been registered at Runikhata PS no. 78/14 U/S 365 IPC. Further information received that on the night of 05.12.2014, Runikhata police recovered the dead body of Chiranjit Dey at Madati near Champa river, PS Runikhata with bullet injury marks. (Ext. 184)
- IV. On Dec. 2, 2014 at around 0930 hrs, following a secret information, I/c, Labdanguri PP (Gobardhana PS) along with his staff recovered the dead bodies of Jamal Khandakar (50)s/o late Anowar Khandakar





and Isab Ali (40) s/o Abdul Kader, both of Barapeta (Gobardhana PS) from the jungle area of Moinamata Pathar under Labdanguri PP (Gobardhana PS) with bullet injury marks and their hands tied with ropes. Reportedly, when the aforesaid persons went to Helochiguri (Gobardhana PS) for purchasing paddy straws, some unknown miscreants suspected to be NDFB (S) extremist kidnapped them from Helochiguri and proceeded towards Moinamata jungle area and shot dead them there. In this connection, two cases were registered at Gobardhana PS vide nos. 235/14 U/S 120(B)/364/302/34 IPC and 236/14 U/S 120(B)/364/302/34 IPC. Further information received that on 03.12.2014 Gobardhana police arrested 3 (three) persons, namely, Nakul Basumatary (35) s/o Mahadev Basumatary, Maheswar Daimary (48) s/o late Dhananjay Daimary, both of Labdanguri and Budhbar Basumatary (32) s/o late Rameswar Basumatary of Moinamata Helochiguri all under Gobardhana PS in connection with above cases. (Ext. 59)

- V. On Dec. 09, 2014, acting on a tip off, Chirang Police with the help of Bongaigaon Police/Army (18 Mahar regiment) apprehended 6 (six) NDFB(S) cadres namely Ajoy Basumatary (33) s/o Nikhil Basumatary, Surat Basumatary (22) s/o Jiten Basumatary, both of Patgaon, Derhasat Narzary (19) s/o Ajit Narzary of Serfanguri (All under Serfanguri PS), Ringkhang Narzary (18) s/o Anthai Narzary of Moinaguri (Kachugaon PS, all in Kokrajhar district), Rakhan Narzary @ Biju (29) s/o Lt. Babu Ram Narzary of Banduguri and Jiban Basumatary (22) S/o Bisti Basumatary of Shantipara Baikhungaon (both of Dhaligaon PS) from Nilibari (Dharigaon PS) while they tried to kidnapped one Bimal Bhowmik, a grocery shopkeeper of that locality. 1 (one) 7.65 mm pistol with one magazine, 4 (four) rounds of 7.65 mm live ammunition, 1 (one) hand grenade and 5 (five) rounds of 9 mm live ammunition were recovered from their possession. Police also seized 1 (one) Maruti Van (AS-01-AD/2055) used by them. This refers to Dhaligaon PS case no. 222/2014 U/S 120(B)/121/121(A)/122/346(A)/511 IPC, R/W Sec. 25(I-A)/35 Arms Act, R/W Sec. 4 E. S. Act & R.W Sec. 10/13 UA(P) Act. (Ext. 185)

- VI. On Dec 27, 2014 one Bishu Sawra s/o late Propino Sawra of Lamabari T.E. of Mazbat PS lodged an ejahar at Mazbat PS stating that his son Sona Sawra (12) and other three persons namely, Kabir Sawra (10) s/o Rupen Sawra, Birju Sawra (42) s/o Apena Sawra and Yubraj Munda (40) s/o Nabendra Munda all of Lamabari T. E. Under Mazbat PS of Udalguri dist. were missing since 24.12.14. In this connection a case was registered at Mazbat PS vide Mazbat PS case no. 74/2014 U/S 365 IPC. (Ext. 23)
- VII. On Jan 2, 2015 the dead body of Kinu Hasda (25) s/o Jhalka Hasda of No. 2 Khoirabari, PS Runikhata of Chirang district was recovered from the said village. Reportedly he was missing since Dec 25, 2014. This refers to Runikhata PS case no. 01/2015 U/S 147/447/436/302 IPC. (Ext. 186)

(D) Ambush/Attack:

- I. On Nov. 2, 2014 at about 0935 hrs, based on a secret information about the movement of suspected NDFB (S) cadres at Kahitoli under Sipajhar PS of Darrang district, police conducted search operation in the said area. During the search operation, 5 (five) persons suspected to be NDFB(S) cadres coming in two motorcycles arrived there and then the police party signalled them to stop, they started firing towards the police party. Police also retaliated the fire. As a result, one suspected NDFB (S) cadre namely, Bimal Rajbongshi (27) s/o Nagen Rajbongshi of Bamunjhar, PS Sipajhar received bullet injuries on his person. The injured person was shifted to Mangaldoi Civil Hospital for treatment wherefrom he was referred to the GMCVH for better treatment. Police also recovered some empty cartridges and 2(two) motorcycles (AS-23 A/8384 & AS-21 D/3189) used by them. This refers to Sipajhar PS case No. 675/2014 U/s 353/307/34 IPC R/w Sec. 25(1-A)/27 arms act sec.10/13 UA (P) Act. (Ext. 138)

48. Sri B. ohnjalu @ Abhiram Basumatary Ex. General Secretary of NDFB(RD) in his evidence on affidavit stated that he is the Ex.-General Secretary of NDFB (Ranjan Daimari Group) and stated about the MoS dated 27.01.2020, joint disbandment ceremony on 09.03.2020 of the NDFB factions and the dismantling of designated camps.

In his cross examination by the counsel for the Government of India and Government of Assam he admitted filing of evidence in chief on affidavit before the Tribunal on behalf of NDFB (RD) as its Ex-General Secretary. He received the notice to show cause from the Tribunal in the name of NDFB. He was aware about the gazette notification of the Ministry of Home Affairs, Government of India dated 23.11.2019. He admitted that he did not submit the list of cadre strength directly to the Central Government but submitted it to the Central Government through the Special Branch of Assam Police of Government of Assam. Denied the suggestion that all cadre members of NDFB (RD) had not surrendered and laid their arms and that some of them are still engaged in unlawful activities and they had not laid down all the arms and ammunitions before the Government and have hidden or concealed some of the arms and ammunitions with them.

Cross examination on behalf of State Government

He was authorised by the organization to file written evidence in chief on affidavit on behalf of NDFB(RD) as its Ex-General Secretary and the Ex-President, Ranjan Daimari is in jail. This authorization was given after receipt of show cause notice from the Tribunal on the basis of discussion in the group. The split in NDFB took place in the year 2008 due to ideological differences among its members and differences resulting from the submission of charter of demands. It is not a fact that split in NDFB took place as the Dharendra Boro group started talks with the Government which was not approved by their faction. The NDFB(RD) group declared ceasefire unilaterally in the year 2011. He is not aware about the mentioning of unlawful activities of NDFB in the year 2011, 2012, 2013 etc., as per the Government records. Admitted that he did not deny the assertion of Government of Assam in its evidence on affidavit filed by Sri Simanta Kr. Das, that NDFB was engaged in unlawful activities in the year 2011, 2012, 2013 etc., as he is not aware about such mentioning in Government records. Sri I.K. Songbijit formed another group as he could not come from Myanmar probably due to some difficulties. He was not aware of any ideological differences with Sri I. K. Songbijit and whether Songbijit formed another group due to his disliking of their engagement in talks with Government. Admitted that he did not specifically deny in his evidence in chief on affidavit the grounds asserted by the Central Government in its Notification dated 23.11.2019 for declaring NDFB as unlawful association.

49. Sri Saikong Basumatary @ B. Saoraigwra, Ex. President and representative of NDFB(S) stated in his evidence in chief on affidavit that he is the Ex-President and



representative of the now disbanded NDFB (S) faction. He received the show cause notice issued by the Tribunal. He termed the MoS dated 27.01.2020 as the 3rd Bodo Accord signed within the past 27 years. All the cadres including the one of other NDFB factions laid down their arms on 30.01.2020 and on 09.03.2020 all the factions disbanded their organisation, NDFB. The said fact was acknowledged by the Superintendent of Police, Chirang at Kajalgaon. The notification has become infructuous due to the MoS and if the notification remains in force the purpose of MoS would be nullified, moreso when the NDFB (S) faction projected its ex-president as one of the participants in the ensuing election of BTC. He had moved the Central Government to de-notify the NDFB from Schedule I of the UA (P) Act, 1967 showing NDFB as a terrorist organisation.

50. He was cross-examined by the counsel for both the Central Government and the State of Assam. He admitted that he filed his evidence in chief on affidavit as Ex-President of NDFB(S) faction. As shown in the Notification of Central Government dated 23.11.2019, NDFB was declared as an unlawful association on the basis of unlawful incidents mentioned therein. He admitted in his cross-examination that he had not specifically denied the assertion made by the Central Government in its Notification dated 23.11.2019, that Central Government is of the opinion that the violent activities of the NDFB include killing of 19 civilians in incidents of violence since January, 2015 and involvement in about 62 violent incidents since January, 2015. He denied the suggestion that all the members of NDFB(S) cadres had not surrendered and some of them were still engaged in unlawful activities and that NDFB(S) has laid down only few arms and ammunition and concealed the rest of the arms and ammunition.

Cross-examination on behalf of Government of Assam

He admitted that NDFB(S) is a breakaway faction of NDFB(RD). At the time of splitting he was not a National Council Member of NDFB(RD), though, he was only a cadre member. Ideological differences was the reason for the breaking away. He left from NDFB (RD) group in the year 2012 and at that time president of NDFB(S) was Shri. I.K. Songbijit. At the time of breaking away the NDFB(RD) faction was under ceasefire.

All the cadre members of NDFB(S) surrendered after the laying down of arms ceremony, which took place on 30.01.2020. In other words, as of now there is no member of NDFB(S) who is yet to surrender. All the five persons whose names are mentioned in Ext. 410 namely Shri. Rajen Daimary, Shri. Sansuma Basumatary, Shri.

Gangaram Basumatary, Shri. Surju Brahma and Shri. Sukuram Brahma are members of NDFB(S) and they have reached their respective homes after their quarantine, but he does not know about Shri. Shiba Basumatary @ Sujlan though read about him in the newspaper. He was not a member of NDFB(S).

51. Sri Dharendra Boro, Ex- President of NDFB(P) (Dhirendra Group) also submitted his evidence in chief on affidavit and stated that he is the Ex.-President of NDFB(P) Dhirendra Group. Admitted the objective of NDFB to free Boro and other indigenous tribal people of Assam from the forcible domination by the ruling clique through armed struggle. Admitted the banning of the organisation and the execution of ceasefire signed by it in 2005 and the subsequent MoS dated 27.01.2020. Further admitted the disbanding of NDFB. In his cross-examination he admitted that he is the Ex-President of NDFB(P). In his cross examination he stated that he is aware of the notification dated 23-11.2019. He failed to state the date on which the list of cadres was submitted to the Central Government. He denied the suggestion that all the cadres of NDFB didnot surrender.

He was authorised by NDFB(P) (Dhirendra Boro Group) to file the evidence and written objection. Denied the suggestion about the existence of NDFB(P) (Dhirendra Boro) after 09.03.2020. He was a member of BSF (Boro Security Force) before coming into existence of NDFB. BSF and NDFB are same associations. Admitted non-denial of the violent activities carried out by NDFB since the ceasefire in 2004 in his written statement on being confronted the written statement.

Difference existed between NDFB(P) (Dhirendra Boro Group) and NDFB(RD) as the former abandoned the demand for sovereignty and it led to splitting of NDFB. Ext.405 was not denied by him.

DISCUSSION AND FINDINGS

52. Mr. Keyal the learned Asstt. Solicitor General of India supported the action of the Government of India in issuing the notification. In support of his contention he referred to the evidence of Mr. Pandey who stated that on the basis of the inputs of the Government of Assam the notification was issued. Referring to the evidence on record of the police officers it is submitted that the inputs to the officials in MHA are authentic so far the unlawful activities of the cadres of the outfit are concerned. He also raised the issue that the persons who raised objection against the issuance of the notification have

no locus standi inasmuch as they are not the representatives of the NDFB rather, they are either the Ex. General Secretary or the Ex- President of the outfit. The written objections are totally silent in respect of the crimes purportedly carried out by the NDFB cadres nor there is any denial to it. The Memorandum of Settlement which is an admitted position is a development after the issuance of the notification and the question of its consideration by the Tribunal doesnot arise at all. The notification speaks of the unlawful activities which the outfit continued even after issuance of the earlier notification on 23.11.2014. The activities of the cadres of the outfit subsequent to 23.11.2014 and preceding 22.11.2019 are the consideration for the notification under reference. The Government of India on the basis of the grounds mentioned in the notification rightly issued the same.

53. Mr. Saikia, the learned Senior Counsel representing the Government of Assam supported the submission of Mr. Keyal. In respect of the point raised by the learned counsel for the outfit that the confirmation of the Tribunal U/S 4 of the UA(P) Act, 1967 is of no use as the organization NDFB had already been disbanded, Mr. Saikia objected strongly. In support of his objection Mr. Saikia refers Section 41 of the UA(P) Act, 1967 and submits mere formal act of dissolution of the organization shall not deemed to have ceased to exist unless any actual combination for the purposes of such organization stops between any members thereof. The three persons objecting the notification under reference were admittedly the members of NDFB. Purportedly they disbanded their respective factions but thereafter on receipt of the notice they again combined objecting confirmation of the notification which declared the outfit NDFB as an unlawful association for its involvement in unlawful activities. According to Sri Saikia, the confirmatory order or any order passed by this Tribunal shall bind the organization as per Section 41 of the UA(P) Act, 1967. Mr. Saikia finally concludes his submission that the inputs to the Government of India by the Government of Assam have the basis to conclude that the cadres of the outfit involved themselves in the terrorist and subversive acts with the sole object for creation of an independent Boroland on its cessation from the Indian territory. The said acts are unlawful activities calling upon the Government of India to declare the outfit as an unlawful organization.

54. Ms. Daimary the learned counsel for the NDFB (Dhirendra) and (RD) factions submitted her written argument. Mr. Narzary on the other hand submitted his oral argument. Both the learned counsel opposed the issuance of the notification under



reference on the ground that as per the MoS dated 27.01.2020 the cadres of the NDFB of all the factions have surrendered indicating the number of cadres pre and post surrender stages. Arms and ammunition are also surrendered. The Government of Assam being satisfied with the subsequent acts of the cadres also closed the designated camps. According to the counsel, the cadres already abjured violence after dropping the agenda of a separate state. There remains no active cadres in Myanmar base camps. In support of the contention it is submitted that most of the Police Officers in their cross examination admitted the fact that no fresh cases of violence were registered after signing of the MoS.

55. The Government of India and the Government of Assam promised to rehabilitate the cadres of the outfit under various schemes to be formulated by it including dropping of criminal cases which are not heinous in nature pending against the cadres. Referring to the evidence of Sri Pandey and Sri Das, both the learned counsel submit that merely on the probability of taking up arms again by the cadres the issuance of notification under reference, belies the grounds mentioned in the notification and the said probable cause cannot be a ground for confirmation of the reference. Both the counsel projected that after the organization was disbanded there is no entity as such like NDBF to bind the organization referred in the notification under reference by any order and Section 41 of the UA(P) Act, 1967 cannot be invoked by the Government. Thus both the learned counsel sought for non confirmation of the notification under reference mainly due to signing of the MoS dated 27.01.2020 and the subsequent acts on the part of the cadres as hereinabove stated.

56. I have given due consideration to the submissions made by the learned counsel. The learned counsel for the NDFB factions raised the issue that the notification has become redundant once the Government of India and Government of Assam had entered into MoS dated 27.01.2020 and on the basis of the terms of MoS, the cadres abjured the path of violence and surrendered disbanding the outfit (organization) NDFB. This submission is opposed by the learned counsel representing the Government of India and Government of Assam on the ground that on the relevant date of notification under reference, the MoS was not in existence. So the question of consideration as one of the grounds, the execution of said MoS doesnot arise at all rather, the considerations

were the subversive acts of the cadres of the outfit in order to achieve the Boroland as an independent state seceded from the Indian territory.

57. The notification dated 23.11.2019 under reference was issued by the Government of India through the MHA on the specific grounds mentioned therein itself under Section 3(1) of the UA(P) Act, 1967. The said Section prescribes that if the Central Government is of opinion that any association is, or has become, an unlawful association, it may, by notification in the Official Gazette, declare such association to be an unlawful and it is mandatory to specify the grounds on which it is issued and such other particulars as the Central Government may consider necessary. However no such notification shall have effect until the Tribunal has, by an order made under Section 4, confirmed the declaration made in the notification and the order is published in the Official Gazette.

58. Section 4 of the UA(P) Act, 1967 stipulates that it is mandatory on the part of the Central Government within thirty days from the date of publication of the notification under sub-Section (1) of Section 3 of the UA(P) Act, 1967 to refer the notification to the Tribunal for the purpose of adjudicating whether or not there is sufficient cause for declaring the association unlawful. On receipt of reference it is the duty mandated on the Tribunal to call upon the association concerned to show cause why the association should not be declared unlawful. The Tribunal thereafter shall hold an inquiry in the manner specified under Section 9 of the UA(P) Act, 1967 and after calling for such further information as it may consider necessary from the Central Government or from any official bearers or member of association the Tribunal is mandated to decide the sufficiency of causes shown for declaring the association to be unlawful.

59. The Government of India for the purpose of Section 3(1) of the UA(P) Act, 1967 opined that the NDFB has been indulging in illegal and violent activities intended to disrupt or which may disrupt the sovereignty and territorial integrity of India in furtherance of its objective, of achieving a separate Boroland. For furtherance of its objective the outfit aligning itself with other underground outfits of North Eastern Region, engaging in unlawful and violent activities undermining the authorities of

Government of India and the Government of Assam spreading terror and panic among the people including other acts of extortion, kidnapping and recruiting new cadres etc.

60. From the evidence of the Superintendent of Police of various districts it is found that terrorist and subversive acts, extortion and kidnapping took place w.e.f. 23.11.2014 till 22.11.2019 and also thereafter purportedly carried out by the cadres of the outfit. The stand of the counsel representing the factions of NDFB itself indicates that the cadres abjured the path of violence after the MoS dated 27.01.2020. The said acts of violence, prior to execution of MoS are considered as the grounds/causes in issuing the notification dated 23.11.2019. The said acts are unlawful acts of the cadres of the NDFB transforming the outfit as an unlawful organization within the scope of the UA(P) Act, 1967. Accordingly the Tribunal has the jurisdiction to adjudicate the reference even after the MoS dated 27.01.2020 was executed by NDFB and the Government of India and Assam. Due to the said reason in the written objection and in his evidence submitted by Saikong Basumatary representing the NDFB(S) stated that the outfit had submitted petition to the Government of India under sub-Section (2) of Section 36 and sub-Section (2) of Section 6 of the UA(P) Act to denotify the name of the outfit NDFB from list of Schedule I of the UA (P) Act, 1967 (Sl. No. 12 of the Terrorist Organization) along with further prayer for withdrawing the Gazette Notification vide S.O. 4255(E) dated 23rd November, 2019 which is referred to this Tribunal.

61. Further from the evidence of the Police Officers it is found that during the period starting from January 2015 till the recent past there were 34 (thirty four) cases of extortions, 60(sixty) cases of encounters, 7(seven) cases of kidnappings and 1(one) case of ambush involving the NDFB cadres and security forces. The encounters also led to recovery of assorted arms and ammunition and AK series rifles. It is also put on record by the Government of Assam that the cadres of the outfit are involved in killings of people from Adibasi and Muslim Community in the BTAD area. In the cross examination of the witnesses for the outfit they have admitted the fact that they did not deny the presence of the cadres of the outfit in the cases mentioned aforesaid and the one of killing of 19 civilians as asserted by the Government of India in the notification itself dated 23.11.2019.

62. The aforesaid subversive acts were carried out by the cadres of the outfit with an avowed intent to achieve an independent Boroland. The cadres even put up armed



resistance against the security forces. In order to go ahead with the object of liberating Boroland from the Indian dominion the cadres indulged in communal clashes. Persons were kidnapped for ransom. The outfit carried out such acts to terrorise people so that a sense of fear psychosis prevail in the society. The said acts indicate the determined intent of the members of the outfit for intensifying the armed struggle. The outfit indulged in carrying on such acts to terrorise people so that out of fear psychosis the people buckle down to the demands of money by way of extortion or any other demands, the outcome of which is favourable to the outfit but to the inconvenience of the society as a whole. The outfit has been able to establish the brutality with which it handles the mission undertaken by it and as a result, the outfit gained in its act of kidnapping insofar as the ransom is concerned. Its not required that the subversive acts by the outfit should be undertaken frequently in order to cause fear in the minds of the people forming the society. An act of subversion as referred hereinabove causes ripples of fear amongst the mass where the outfit has its dominance. Such ripples of fear is sufficient to create a situation of abnormal phenomenon disturbing the even tempo of the society.



63. In ***Hitendra Vishnu Thakur and others etc. –Vs- State of Maharashtra and others*** reported in ***AIR 1994 SC 2623*** the Apex Court articulated the term "Terrorism" as one of the manifestations of increased lawlessness and cult of violence. Its main objective is to overawe the Government or disturb harmony of the society or "terrorise" people and the society and not only those directly assaulted, with a view to disturb even tempo, peace and tranquility of the society and create a sense of fear and insecurity. Experience has shown that "terrorism" is generally an attempt to acquire or maintain power or control by intimidation and causing fear and helplessness in the minds of the people at large or any section thereof and is a totally abnormal phenomenon. Looking back the evidence on record discussed hereinabove in the present reference, suffice it to hold that there exists an abnormal phenomenon in the districts which are stronghold of the outfit within the state of Assam.

64. The outfit NDFB was formed in the year 1986. Following the arrest of some of the top leaders NDFB declared unilateral ceasefire w.e.f. 15.10.2004. The agreement of Suspension of Operation (SoO) was signed between Government of India, Government of Assam and NDFB leadership w.e.f. 01.06.2005. But as per evidence of Sri Simanta Das, during the year 2005 after the signing of SoO the cadres of NDFB were involved in

several number of violent incidents killing civilians. The NDFB leadership in Assam including Gobinda Basumatary, the then General Secretary of NDFB submitted the charter of demands dropping the issue of sovereignty. But Sri Ranjan Daimary, the self styled president of NDFB who was camping at his hideout at Dhaka did not accept the act of dropping of the issue of sovereignty and there was a virtual split in the organization giving birth to NDFB(RD) faction in 2008. This faction was instrumental in indulging violent subversive acts in the state, killing civilians and security forces. The SS President, Ranjan Daimary was arrested and resulted in declaration of unilateral cessation of hostility w.e.f. January 2011. Later on, Agreement of Suspension of Operation was signed by the Government of India and Assam on November 29, 2013. In the interim period between January 2011 and November 2013, I. K. Songbijit, Myanmar based leader of the outfit again decided to continue the violent struggle for their cause and the NDFB(S) faction came into existence since the year 2013. The Songbijit faction received the logistic support from the ULFA(I) and NSCN(K) leaders at Myanmar.

Because of the said consolidation of power, I. K. Songbijit was able to motivate the renegade cadres of NDFB(RD) who started resorting to killings, extortion, kidnapping etc. in the State. The aforesaid facts are admitted by the witnesses of the NDFB in their deposition.

65. Thus the existence of factionalism within the organization either due to difference of ideology or for any other matter is established. It is also established that the cadres under the organization NDFB were in unison to achieve its objective of an independent Boroland through armed struggle. The said objective received public sympathy and as a result substantial number of youths joined the organization or helped the organization acting as linkmen or in any other mode. Further as stated by one of the Superintendent of Police in his evidence that the surrendered NDFB cadres, prior to signing the MoS dated 27.01.2020 formed a group, independent of the cadres of various factions surrendered within the purview of the MoS dated 27.01.2020. The said cluster of surrendered NDFB cadres are not affiliated in any of the factions. Sri Mugdhajyoti Dev Mahanta, the Superintendent of Police, Sonitpur district in his cross examination made a specific statement that after the signing of the MoS dated 27.01.2020, recruitment process of NDFB(S) in Sonitpur and Biswanath districts have again started. During my interaction with the Superintendent of Police it was informed that the aforesaid information was received by Sri Mahanta from a very reliable source which I am satisfied to accept. This statement is a specific pointer of rising disenchantment



amongst the cadres of NDFB(S) more specifically from the aforesaid two districts and if we look back to the history of NDFB there is a probability of coming into existence a new faction to achieve the original objective of NDFB for creation of an independent and sovereign Boroland and gain the public sympathy more specifically the young generation. In this regard the statement of Sri Simanta Das, in his evidence in chief that as per available inputs some members of the outfit are not satisfied with the MoS and cadres of the outfit are still in foreign soil like Myanmar is significant.

66. The notification under reference has nothing to do with the MoS dated 27.01.2020 inasmuch as the reference to the Tribunal is the requirement of law which is to be adjudicated on the basis of evidence after hearing the parties concerned. The Apex Court in *Jamaat-E-Islami Hind -Vs- Union of India (Supra)* held that the unlawful activities of an association may quite often be clandestine in nature and, therefore, the source of evidence of the unlawful activities may require continued confidentiality in public interest. Non disclosure of the source of such information to the organization or its office bearers may be permitted and to perform its task of adjudication as required by the Act, the Tribunal can look into the same for assessing the credibility of the information and satisfying itself that it can safely act on the same. The Tribunal in such a situation can devise a suitable procedure whereby it can itself examine and test the credibility of such material before it decides to accept the same for determining the existence of sufficient cause for declaring the association to be unlawful. The materials need not be confined only to legal evidence in the strict sense. So the disclosures of the police officials during my interaction can very well be considered keeping in view the ratio and the nature of adjudication.

67. The Government of India considering the past activities of the NDFB cadres i.e. from 23.11.2014 onwards issued the notification dated 23.11.2019 under Section 3(1) of the Act. Prior to 23.11.2014, the Government of India considered the activities of the cadres of the NDFB and issued the notification dated 23.11.2014. The Unlawful Activities (Prevention) Act, 1967 was enacted with its intent to make powers available for dealing with activities against the integrity and sovereignty of India including dealing with terrorist activities. The reference to the Tribunal made under Section 4 of the Act is to examine the sufficiency of causes for issuance of the notification dated 23.11.2009. Naturally the scrutiny by this Tribunal shall have to be within the scope of the Act and for that purpose the subversive acts which are placed on record by way of evidence are



to be considered. Section 2(a) defines "Association" as any combination or body of individuals. Section 2(ec) of the Act defines "person" which includes amongst others an organization or an association of persons or a body of individuals, whether incorporated or not. The unlawful activity in relation to an individual or association is defined under Section 2(o) of the Act as follows:-

"unlawful activity", in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),-

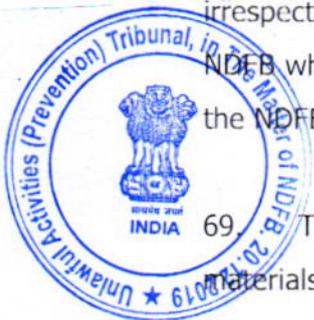
- (i) *which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of india from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or*
- (ii) *which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or*
- (iii) *which cause or is intended to cause disaffection against India."*

So the cadres who surrendered as per the stipulations in the MoS dated 27.01.2020 as deposed by Sri Pandey in his cross-examination, would not in anyway affected by the notification under reference unless they restrained themselves individually or forming association from carrying out any subversive acts or any act or acts within the scope of the definition of 'unlawful activities' under the Act. But from the discussions hereinabove materials are placed before the Tribunal that there is every possibility of coming into existence of a new faction of NDFB and I am bound to take into consideration such possibility also for the adjudication.

68. The MoS was signed on 27.01.2020 wherein it is specifically stated about the act of abjuring of the violent activities by the cadres of NDFB. Those activities were in the form of an armed struggle in order to achieve the avowed objective of an independent Boroland curved out of the Indian dominion as inscribed in the objective of the outfit NDFB. On consideration of the said stipulation in the MoS and the grounds mentioned in



the notification dated 23.11.2019, I am constrained to hold that the NDFB cadres were involved in unlawful activities at the time when the notification dated 23.11.2014 was in force. Further the said view is reinforced if the act of recruitment process in the two districts viz Sonitpur and Biswanath, having a sizeable population of Bodo people is considered and it probablise emergence of a new NDFB faction. The said acts of the cadres are additional grounds for consideration of the sustenance of the declaration of the notification dated 23.11.2014. During the period post 23.11.2014 and preceding 27.01.2020 incidents of encounters, ambush, kidnappings etc took place and if the evidence of the police officers are considered the cadres of NDFB were involved irrespective of the factions. The said cadres involved themselves under the organization NDFB while carrying out the subversive acts in order to achieve the avowed objective of the NDFB hereinabove stated which is admittedly unlawful within the purview of the Act.



69. The evidence of the witnesses for the NDFB failed to place on record any materials which outweigh the grounds put forth by the representatives of the Government of India and the State. The evidence mostly relates to the terms of the Memorandum of Settlement dated 27.01.2020 and the formal surrender of arms and ammunitions. It is surprising to note that even after the said act of formal surrender, substantial cache of arms are recovered from the districts having stronghold of the NDFB cadres in lower Assam which were kept hidden. None of the factions claim or deny the fact of possession of the arms so recovered which probablise the fact that the cadres themselves are in a hazy notion in that aspect because of factionalism within NDFB. This supports the assesement made by the police officials referred hereinabove. If a pragmatic view is taken vis-à-vis the grounds and the supporting materials placed on record alongwith the assessment made on the ground realities, the same are sufficient to sustain the grounds on the basis of which the notification under reference was published vide Gazette Notification dated 23rd November 2019 being SO 4255 (E) issued by Mr. Satyendra Garg, Joint Secretary, Ministry of Home Affairs, Government of India.

70. The explanation of "unlawful association" as per Section 2 (p) of the Act, 1967 is reproduced hereinbelow:-

"unlawful association" means any association,-



Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB



- (i) *which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or*
- (ii) *which has for its object any activity which is punishable under section 153A or section 153B of the Indian Penal Code (45 of 1860), or which the members undertake any such activity: Provided that nothing contained in sub-clause (ii) shall apply to the State of Jammu and Kashmir”.*

71. It has already been held that the outfit is involved in unlawful activities and as such the organization National Democratic Front of Bodoland (NDFB) is an unlawful organization. The reference is decided confirming the declaration in the Gazette notification dated 23rd November, 2019 being S.O. 4255(E) issued by Mr. Satyendra Garg, Joint Secretary, Ministry of Home Affairs, Government of India


18/08/2020

**JUSTICE PRASANTA KUMAR DEKA
PRESIDING OFFICER
UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL
IN THE MATTER OF NDFB**

Presiding Officer
Unlawful Activities (Prevention) Tribunal
in The Matter of NDFB