



# TAMIL NADU GOVERNMENT GAZETTE

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## Part II—Section 1

Notifications or Orders of specific character or of particular interest to the public issued by Secretariat Departments.

### NOTIFICATIONS BY GOVERNMENT

#### PUBLIC DEPARTMENT (S.C.)

DECLARATION OF BAN ON STUDENTS ISLAMIC MOVEMENT OF INDIA (SIMI) AS AN UNLAWFUL ASSOCIATION UNDER UNLAWFUL ACTIVITIES (PREVENTION) ACT.

[G.O.No.SS.1/171-1/2010, PUBLIC (SC), 26th February 2010.]

No. II(1)/PUSC/2(a)/2010.

The following Notification of the Ministry of Home Affairs, Government of India, New Delhi No.S.O.260(E), dated 5th February 2010 is republished:—

**S.O.260(E).**—Whereas the Students Islamic Movement of India (hereinafter referred to as the 'SIMI') has been indulging in activities, which are prejudicial to the security of the country and have the potential of disturbing peace and communal harmony and disrupting the secular fabric of the country;

And, whereas, in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) (hereinafter referred to as the 'Act'), the Central Government declared the SIMI as an unlawful association *vide* notification numbers (i).S.O.960 (E), dated the 27th September, 2001; (ii) S.O.1113 (E), dated the 26th September, 2003; (iii) S.O.191 (E), dated the 8th February, 2006 and (iv) S.O. 276 (E), dated 7th February, 2008, respectively;

And, whereas, the Unlawful Activities (Prevention) Tribunal (hereinafter referred to as the 'Tribunal') was constituted for the purpose of adjudicating whether or not there is sufficient cause for declaring the SIMI as unlawful association and the Tribunal upheld the ban *vide* Order numbers, (i) S.O.397(E), dated 8th April, 2002; (ii) S.O.499 (E), dated 16th April, 2004; and (iii) S.O.1302 (E) dated the 11th August, 2006 respectively;

And, whereas, the Tribunal *vide* Order dated 5th August, 2008 held that the notification number S.O. 276 (E), dated 7th February, 2008 mentioned above did not satisfy the requirement of Section 3 of the Act and cancelled the declaration made therein;

And, whereas, the Central Government challenged the aforesaid Order of the Tribunal in the Hon'ble Supreme Court of India *vide* Special Leave Petition (Civil) No. 19845 of 2008;

And, whereas, on 6th August, 2008, the Hon'ble Supreme Court was pleased to order interim stay of the aforesaid Order of the Tribunal;

And, whereas, on subsequent hearing the Hon'ble Supreme Court extended the stay till further order and ordered that the matter be heard by a larger Bench;

And, whereas, that the duration of ban of 2 years from the date of notification conferred by sub-section (1) of Section (6) of Unlawful Activities (Prevention) Act, 1967 will cease on 6th February, 2010;

And, whereas, the Central Government is of the opinion that without prejudice to its contentions before the Hon'ble Supreme Court, in abundant caution, it is necessary to exercise its powers under Section 3 of the Act;

And, whereas, the Central Government is of the opinion based, *inter alia*, on the following grounds that SIMI is believed to be indulging in the activities which are prejudicial to the integrity and security of the country:

(a) In case bearing Crime No. 120/08, March 27, 2008, in PS Pithampur, Dhar, Madhya Pradesh, 13 absconding hardcore SIMI activists including Safdar Hussain Nagori were arrested along with firearms and objectionable literature, training books of SIMI with the aim to cause explosions in different places;

(b) On May 13, 2008, there were a series of blasts in Jaipur, in which 68 persons were killed and 150 were injured and a case has been registered by Police;

(c) On July 26, 2008, Ahmedabad city was rocked by a series of 23 blasts at 18 different places, including two car bomb blasts at two hospital sites, resulting in the death of 57 persons and injuries to over 160 persons. Ahmedabad city police arrested 18 SIMI activists for these blasts. Eighteen cases have been registered by Police against these activists;

(d) On September 13, 2008, there were several blasts in different localities in Delhi, in which 24 persons were killed and 146 injured. The Delhi Police arrested 12 accused for these blasts out of those three accused belong to SIMI. Delhi Police have registered 5 cases against 12 accused including these three;

(e) On 25th July, 2008, eight serial bomb blasts occurred at different places in Bangalore city. One woman died at the spot and 11 persons were injured. The Karnataka police have registered 9 cases and have arrested 10 accused persons of which 3 were active members of SIMI.

(f) SIT, Hyderabad, registered a case against seven accused activists of SIMI for conspiracy to wage war against the country. They had plans to organize a training camp in Anantagiri Hills Forest Range in RR Distt.

(g) Between February 2008 and August 2008, SIMI activists were arrested in Sehore, Bhopal, Rajgarh and Indore districts for carrying on illegal organizational activities.

(h) Between February 2008 and September 2008, SIMI activists were arrested in Gopalpuram and Saidabad in Hyderabad for carrying on illegal organizational activities.

(i) Five SIMI activists were arrested on 20-10-2009 by ATS Bhopal from Indore for unlawful activities. A Case Cr. No.5/2009 has been registered by ATS, Bhopal u/s 3,10,13 of UAP Act, 1969, and 153 (A) 153 (B) IPC.

(j) Based on the revelations of the activists arrested from Indore on October 20, 2009, four more SIMI activists, were arrested from Jabalpur on 4-11-2009 by ATS, Bhopal. A case Cr. No. 6/2009 has been registered u/s 3, 10, 13 of UAP Act, 1969, and 153 (A) 153 (B) 120 (B) of IPC.

(k) A criminal case was registered against SIMI activists for their involvement in terrorist activities *vide* Cr.No.14/2008 under sections 120 (B), 121, 121 (A), 122, 124 (A), 153 (A) (1) (B), 153 (B) (1) (A) of IPC, under Section 10,11 and 13 of Unlawful Activities (Prevention) Act, 1967, and Sections 3,4 and 5 of Explosives Substances Act of Gokul Road Police Station, Hubli City. A total 18 SIMI activists have been made accused in the case.

(l) On 24th April, 2009 one accused person of SIMI has been convicted for 5 years RI and fine of Rs.1,000 by Tis Hazari Court who was arrested with explosive material by Special Cell, of Delhi Police on 25th January, 2007.

(m) An appeal filed in Delhi High Court against the conviction of 4 accused of SIMI on 9th July, 2007 by Lower Court for 10 years RI and fine of Rs.50,000 each in l/d 6 months u/s 121/121A/122 IPC, RI, 7 years under Section 4 of ES Act, fine 25,000 l/d 3 months RI, 5 years u/s 5 ES Act, 5 fine 25,000, was disposed of on 28th July, 2008.

And, whereas, the Central Government, based on the aforesaid grounds, is of the opinion that SIMI is believed to be indulging in the activities which are prejudicial to the integrity and security of the country;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the Students Islamic Movement of India (SIMI) to be an "unlawful association";

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

- (i) continue its subversive activities and re-organize its activists who are still absconding;
- (ii) disrupt the secular fabric of the country by polluting the minds of the people by creating communal disharmony;
- (iii) propagate anti-national sentiments; and
- (iv) escalate secessionism by supporting militancy;
- (v) undertake activities which are prejudicial to the integrity and security of the country.

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

[F. No.14017/2/2009-NI-III]

DR. KASHMIR SINGH,  
*Joint Secretary.*

K.S. SRIPATHI,  
*Chief Secretary.*