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Part II—Section 1

Notifications or Orders of specific character or of particular interest to the public
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NOTIFICATIONS BY GOVERNMENT

PUBLIC DEPARTMENT (SC)

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

[G.O.No.SS.1/104-1/2012, Public (SC), 21st February 2012.]

No. II(1)/PUSC/7(c)/2012.

The following Notification of the Ministry of Home Affairs, Government of India, New Delhi, No.S.O.224 (E), is republished:—

S.O.224(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 (iv) S.O. 276 (E), dated 7th February, 2008 and (v) S.O. 260 (E), dated 5th February, 2010 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; (iii) S.O.1302 (E), dated the 11th August, 2006 and (iv) S.O. 1990 (E), dated 12th August, 2010, respectively;

And whereas, the Tribunal *vide* Order dated 4th August 2010 held that the notification number S.O. 260 (E), dated 5th February, 2010 mentioned above satisfy the requirement of Section 3 of the Act and in terms of Section 4 of the Act, confirmed declaration of the SIMI as unlawful association;

And whereas, the duration of ban of 2 years from the date of notification conferred by sub-section (1) of Section (6) of the Unlawful Activities (Prevention) Act, 1967 will cease on 4th February, 2012;

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

(a) On 13th February, 2010, a high intensity bomb blast occurred at German Bakery, North Main Road, Koregaon Park, Pune, in which seventeen persons (Male and Female) died and fifty-six others sustained injuries of different magnitude. The Samples collected from the spot have been sent for examination to the State Forensic Science Laboratory (FSL) and Central Forensic Science Laboratory (CFSL), Central Bureau of Investigation (CBI), New Delhi. The Forensic Science Laboratory (FSL) has opined that "Traces of Cyclonite (RDX), Ammonium Nitrate Ions along with Petroleum Hydrocarbon oil are detected. RDX is used as High explosive". This case revealed that, the arrested accused Mirza Himayat Inayat Baig *alias* Ahmed Baig Inayat Mirza *alias* Yusuf had conspired with wanted accused Mohasin Choudhary, Ahmed Siddipappa *alias* Yasin Bhatkal, Iqbal Bhatkal, Riyaz Bhatkal to prepare and explode bomb at German Bakery, Pune on 13th February, 2010. The above persons by unlawful means had committed this offence of the bomb blast for promoting insurgency. The Anti Terrorist Squad (ATS), Mumbai, Maharashtra have registered a case crime No.6/2010 (Bund Garden Police Station Cr. No. 83/2010) under Sections 302, 307, 326, 325, 324, 427, 120B of Indian Penal Code (IPC) read with Sections 3,4,5 of the Explosive Substances Act read with Sections 16,18, 21 of the Unlawful Activities (Prevention) Act, 1967. The accused persons are active members of SIMI;

(b) Case Crime No. 21/2010 at ATS Mumbai PS under Sections 10, 13, 15, 18, 18 (a) and 18 (b) of the Unlawful Activities (Prevention) Act, 1967 read with Sections 120B, 465, 467, 468 read with Sections 419, 420 of IPC read with Sections 3, 4, 5, 6 of the Explosive Substances Act, 1908 was registered. Two SIMI activists were arrested. The accused were planning, preparing and co-ordinating terrorist activities against civilian and security establishments. To accomplish the given task they received RDX, detonators, etc., but before they could strike they were apprehended;

(c) On 22nd August, 2011, one accused person was arrested by ATS, Thane Unit. The accused was found with Indian fake currency notes of ninety seven thousand five hundred rupees. He was sent illegally to Pakistan in the year 2000 by Indian Mujahiddin Member Riyaz Bhatkal. The accused had taken terrorist training in Pakistan as well as Kandhar in Afghanistan. Another accused was arrested and was found in possession of thirty thousand rupees fake Indian currency notes. The ATS, Mumbai, Maharashtra has registered Case Crime No.31/2011 under Sections 489A, 489B, 489C of IPC read with Sections 15, 17 of the Unlawful Activities (Prevention) Act, 1967 (amended in 2008). Both accused persons are members of banned SIMI organization;

(d) Case Crime No.274/2011 under Sections 420, 468, 120B of I.P.C. of Abid Road PS and Crime No.312/2011 under Sections 120B, 121A, 125, 126 of I.P.C. and Sections 10, 13 read with section 3 of the Unlawful Activities (Prevention) Act, 1967, was registered. One accused, Syed Afaque Eqbal *alias* Danish Iqbal, a member of SIMI, resident of Ranchi, Jharkhand who is an accused in Case Crime No.203/2008 of Maninagar PS, Ahmedabad (Gujarat) was arrested. He revealed that he resided at different places in Hyderabad since 2008. To avoid arrest in different cases under trial including Ahmedabad serial bomb blast, he obtained SIM cards under fictitious names;

(e) On 24th November, 2010, Muneer Deshmukh, former all India Secretary of SIMI was arrested by Madhya Pradesh Police for his involvement in seven cases in Madhya Pradesh, all pertaining to SIMI activities. Case Crime No.245/2011, at PS Narayangudda PS, Hyderabad, Andhra Pradesh, has been registered under Sections 177, 419 of I.P.C.;

(f) Case Crime No.87/2010, at PS Hussainialam, Hyderabad, Andhra Pradesh, has been registered under Sections 302, 120B, 122, 123, 124A read with Section 34 of I.P.C., Sections 25 (i)(A) and 27 of the Arms Act, 1959, Sections 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 for opening fire by accused on the police personnel on picket duty;

(g) On 15th May, 2010, case crime No.37/2010, at PS Suntikoppa, Kodagu district (Karnataka), has been registered under Sections 143, 147, 148, 120B, 121, 121(A), 153(A), 201, 149 of I.P.C., Sections 10, 11, 13, 16, 18, 18 (A) (B) of the Unlawful Activities (Prevention) Act, 1967 and Sections 3 and 5 of the Explosive Substances Act, 1908;

(h) In a raid conducted at Other Books, Kozhikode, police seized computer hard disk containing materials which are harmful to communal harmony. The owner of the book shop is an ex-SIMI activist. A case crime No.424/2010, at Town PS, Kozhikode, Kerala has been registered under Section 102 of Criminal Procedure Code (Cr.P.C.) and accused has been arrested;

(i) In a raid conducted at Nanma Books, Kozhikode, police seized articles which are harmful to communal harmony. One accused has been arrested and a case crime No.448/2010 registered at Town PS, Kozhikode, Kerala under Sections 124A, 153A of I.P.C.;

(j) Case Crime No.159/2011, at Kollengoda Police, Palakkad District, Kerala has been registered under Section 151 of Cr.P.C. for conducting a study class at Idukkappara Mosque, Muthalamada within Kollengode Police Station limits. Twenty one persons had attended the class. On enquiry, it was revealed that out of twenty-one persons, twenty belonged to Coimbatore and one belonged to Chennai. Their purpose of study/class in the mosque was said to be for attending religious classes regarding how to pray and how to perform Niskara, etc. Among the twenty-one persons some former activists of SIMI were also involved. All the twenty-one persons were arrested and enlarged on bail;

(k) Case Crime No.35/2011, at PS GRP, Ratlam, Madhya Pradesh, has been registered under section 307 read with 34 of I.P.C. and sections 10, 13, 15 of the Unlawful Activities (Prevention) Act, 1967. Two accused were arrested for firing on ATS Police Party on 3rd July, 2011, in which one Inspector died. The accused are members of SIMI organization;

(l) Case Crime No.319/2011, at PS Kotwali, Khandwa, Madhya Pradesh, has been registered under section 153A of I.P.C. read with sections 3, 10, 13, 16, 18, 20 of the Unlawful Activities (Prevention) Act, 1967 and sections 25, 27 of Arms Act, 1959. Twelve accused have been arrested and five pistols, two revolvers, sixteen bullets, four motor cycles, SIMI literatures and CD's have been recovered and seized by the State Police. All the accused are members of banned SIMI organization;

(m) Eleven accused SIMI members have been arrested for planning unlawful activities between June-July, 2011 in case crime Nos. 14/2009 and 164/2009 of Kotwali, Khandwa, Madhya Pradesh under various sections of the Indian Penal Code, the Arms Act, 1959 and the Unlawful Activities (Prevention) Act, 1967. The Police recovered and seized two pistols, one pistol magazine with three bullets and one motorcycle from the accused;

(n) Case Crime No.224/2011, at PS Station Road, Ratlam, Madhya Pradesh has been registered under section 307 of I.P.C., Sections 25, 27 of the Arms Act, 1959 and sections 10, 13, 16B, 19 of the Unlawful Activities (Prevention) Act, 1967. Three accused have been arrested. All the accused are members of SIMI. Police recovered and seized a Revolver, Blank Cartridge and SIMI literature from them;

(o) Case Crime No.290/2011, at PS Manak Chawk, Ratlam, Madhya Pradesh, has been registered under Section 153A of I.P.C. read with sections 10, 13, 17, 19 of the Unlawful Activities (Prevention) Act, 1967. Five accused have been arrested. One of the accused is a member of SIMI and other accused have been helping him in his activities, i.e., collection of money for organization, enrolling new members for SIMI and providing materials for advertising the SIMI organization. Police recovered and seized four CDs related to Jihad, SIMI literature, Easy Quran Para 1 to 4, Samaz Sudhar Patrika, SIMI membership form for Ahadmana Barahe Awaz, information about making Bomb, three SIM and one mobile phone from the accused;

(p) Eight accused were arrested by ATS, Bhopal, Madhya Pradesh for doing unlawful and anti-national activities, collection of money, doing bank robberies and targetting important persons. Case Crime No.04/2011 and 05/2011 were registered under various sections of the Indian Penal Code, the Arms Act, 1959 and the Unlawful Activities (prevention) Act, 1967. Police recovered and seized gold, pistol, illegal documents and literature related to activities of organization;

(q) Case Crime No.431/2010, at Hanhumanganj PS, Bhopal, Madhya Pradesh was registered under Sections 395, 397 of I.P.C., Section 25 of the Arms Act, 1959 and Sections 3, 10, 13, 16, 17, 18 of the Unlawful Activities (Prevention) Act, 1967. Five accused have been arrested and one hundred fifty gram Gold from Akola, eighty gram Gold from Bhusawal, two hundred forty gram Gold from Kolgata have been recovered and seized. The accused are member of SIMI and doing robbery for purchasing arms and strengthening the SIMI organization;

(r) Seventeen accused were arrested in Case Crime Nos.168/2010 at PS Etarasi, Hoshangabad; Crime No.112/2011 at PS Birlagram, Ujjain; and Crime No.456/2009 at PS BNP, Dewas which were registered under various sections of the Arms Act, 1959, the Indian Penal Code and the Unlawful Activities (Prevention) Act, 1967. Accused are members of banned SIMI organization and doing robbery to collect money for strengthening the organization, purchasing arms, making new members as well as for taking bail of Safdar Nagori and his supporters;

(s) Six SIMI activists have been convicted in case crime No.I-16/2003 dated the 11th December, 2003, registered under Sections 120B, 121(1), 122 of I.P.C. read with Sections 3(3), 4, 20, 21(2)(b), 22(3)(A), (B) of the Prevention of Terrorism Act, 2002 read with Sections 25(1) (a) and (e) and 29 of the Arms Act, 1959, at PS Detection of Crime Branch, Ahmedabad City, Gujarat. These accused persons have been arrested for attempting to take revenge of Post Godhara riots in Gujarat;

(t) Nine SIMI activists have been sentenced to two years imprisonment and a fine of five hundred rupees has been imposed on each under Section 10 read with Section 3 of the Unlawful Activities (Prevention) Act, 1967 and sentenced to three years imprisonment and a fine of five hundred rupees has been imposed on each under section 13 of the Unlawful Activities (Prevention) Act, 1967, in case crime No.104/2008, registered under Sections 10, 11, 13, of the Unlawful Activities (Prevention) Act, 1967 at PS-Chachaura, Guna, Madhya Pradesh;

(u) One SIMI activist, Md. Yunus had been sentenced to two years imprisonment and a fine of twenty-five thousand rupees has been imposed in case crime No.135/2008, registered under Section 153A of the Indian Penal Code and Sections 3, 10, 13 of the Unlawful Activities (Prevention) Act, 1967 at PS-Sadar Bazaar, Indore, Madhya Pradesh;

(v) Five SIMI activists have been sentenced to three years imprisonment and a fine of one thousand five hundred rupees has been imposed on each under Section 124A of IPC; sentenced to two years imprisonment and a fine of one thousand rupees has been imposed on each under Section 153 A of IPC ; sentenced to one year imprisonment and a fine of five hundred rupees has been imposed on each under Section 10 of the Unlawful Activities (Prevention) Act, 1967 and sentenced to five years imprisonment and a fine of two thousand five hundred rupees has been imposed on each under Section 13 of the Unlawful Activities (Prevention) Act, 1967 in case crime No. 62/2008 of PS-Unhel, District-Ujjain, Madhya Pradesh;

(w) One SIMI activist, Muneer Deshmukh had been sentenced to three years imprisonment and a fine of five hundred rupees has been imposed in case crime No. 626/2001, registered under Sections 153B, 295A of IPC read with Sections 10,11,13 of the Unlawful Activities (Prevention) Act, 1967 at PS-Habibganj, Bhopal, Madhya Pradesh;

(x) Six SIMI activists including Muneer Deshmukh have been sentenced to three years imprisonment and a fine of five hundred rupees has been imposed on each, in case crime No. 663/2000, registered under Sections 153A, 153B of IPC at PS Shahjehanabad, Bhopal, Madhya Pradesh. The prosecution had contended that the accused have pasted posters in Shahjehanabad locality of Bhopal on 22nd October, 2000 with an intention to create communal disturbance;

(y) Three SIMI activists were sentenced to three years rigorous imprisonment by the Court of First Class Judicial Magistrate, District and Sessions Court, Indore on 30th August, 2011 in case crime No. 5/2009 of PS-ATS/STF, Indore, Madhya Pradesh, registered under Sections 147, 149, 153A, 153 B of IPC read with Sections 3, 10, 13 of the Unlawful Activities (Prevention) Act, 1967;

(z) On 31st October, 2011, JMFC Court convicted two SIMI activists and sentenced them to two years imprisonment and fine of five hundred rupees has been imposed on each for destructive activities to disturb communal harmony in Gohalpur area in 1998 in case crime No. 637/1998 registered under Section 153A of IPC at PS-Gohalpur, Jabalpur, Madhya Pradesh;

And whereas, the Central Government, based on the aforesaid grounds, is of the opinion that SIMI is believed to be indulging in 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;
- (iv) escalate secessionism by supporting militancy; and
- (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.14017/5/2011-NI-III]

BHAGWAN SHANKAR,
Joint Secretary.

DEBENDRANATH SARANGI,
Chief Secretary.