

INSTRUCTIONS: 1. DO NOT WRITE OUTSIDE THE BOXES. 2. WRITE IN BLOCK CAPITAL LETTERS. 3. ONE CHARACTER IN EACH BOX. 4. DO NOT Staple the Sheet.

IN THE HIGH COURT OF DELHI AT NEW DELHI

Case Type: **WPCRL** Number: of Year: **2020**

IN THE MATTER OF:-

NAME **SANGEETA SHARMA**

.....PLAINTIFF / PETITIONER

VS

NAME **UNION OF INDIA**

.....DEFENDANT / RESPONDENT

1 (a) Case Category **WPCRL. 20**

(b) Case Category **WPCRL. 20**

2 Date of Impugned order / /

3 (a) Similar Matter Case Type / Number OF

4 Statute Involved **UNDER ARTICAL 226 OF CONSTITUTIONAL OF INDIA**

Criminal Matters - Code 100 to 105

FIR No. /

FIR Date / /

Police Station

Service Matters - Code 500 to 505

Department / Authority / Organization etc.

Motors Accident Claim Matters - Code 600

Insurance Company

Lawyers Code **0/592-A/1996(R)**
9811943220

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA ORDINARY CRIMINAL JURISDICTION)**

**WRIT PETITION (CRIMINAL) NO. OF 2020
(IN THE MATTER OF PUBLIC INTEREST LITIGATION)**

IN THE MATTER OF:-

SANGEETA SHARMA

.....PETITIONER

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

INDEX

<u>PARTICULARS</u>	<u>PAGES</u>
1. Urgent Application	1
2. Notice of Motion	2-3
3. Consolidated court fees	4
4. Memo of parties	5-6
5. Writ Petition along with affidavit	7-43
6. <u>ANNEXURE-1</u> Screen snap shot of various users who are promoting this anti National Agenda	44-49

7.	<u>ANNEXURE-2</u> Screenshot of the Tweet	50
8.	<u>ANNEXURE-3</u> Copy of press note covering the story of Anant Kumar Hegde Ji	51-63
9.	<u>ANNEXURE-4</u> Letter by Anant Kumar Hedge Ji dated 25.04.2020	64-71
10.	<u>ANNEXURE-5</u> Copy of Gazette dated January 8, 2020 to ban Sikhs For Justice (SFJ)	72-103
11.	<u>ANNEXURE-6</u> Screen photo Copy of twitter account	104
12.	<u>ANNEXURE-7</u> Copy of gazette dated 25 July 2019	105-107
13.	<u>ANNEXURE-8 (Colly)</u> Tweets of Mahima Kaul, Director of policy of Twitter India and Mr. Raheel Khursheed as head. of news, politics and governance at Twitter India.	108-122
14.	<u>ANNEXURE-9</u> Proof of Service	123
15.	Application for exemption from filing certified	124-127

copies alongwith supporting affidavit

16. Identity Proofs of the Petitioner 128-129

17. Vakalatnama 130

Date: 10.09.2020

Through

Place: New Delhi



**(DESH RATAN NIGAM &
AWANISH SINHA)**

Advocates

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THE REGISTRAR
DELHI HIGH COURT
NEW DELHI

URGENT APPLICATION

Sir,

Kindly treat the accompanying writ petition as an urgent one as per High Court Rules. The grounds of urgency are the Anti India activities of Twitter i.e. Respondent No. 5 promoting separatist and terrorist twitter handles/accounts on its platform is damaging India's integrity, sovereignty, image and therefore destabilizing the country everyday and Govt. of India has to respond urgently to the aforesaid threats.


PETITIONER

Date: 10.09.2020

Through

Place: New Delhi


(DESH RATAN NIGAM &
AWANISH SINHA)

Advocates

LGF-6/33-33A, Vikram Vihar,
Lajpat Nagar-IV, New Delhi-110024

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NOTICE OF MOTION

1. UNION OF INDIA,
THROUGH ITS SECRETARY
MINISTRY OF HOME AFFAIRS
A-WING, SHASTRI BHAWAN, NEW DELHI-110001
E-MAIL:-mohammedmuqem@gmail.com
Mob:- 9999864964
THROUGH THE STANDING COUNSEL
HIGH COURT OF DELHI
2. MINISTRY OF LAW & JUSTICE,
THROUGH ITS SECRETARY
4TH FLOOR, A-WING, SHASTRI BHAWAN,
NEW DELHI - 110001,
E-MAIL:-mohammedmuqem@gmail.com
Mob:- 9999864964
THROUGH THE STANDING COUNSEL
HIGH COURT OF DELHI
3. MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY
THROUGH ITS SECRETARY,
ELECTRONICS NIKETAN,

6, CGO COMPLEX, LODHI ROAD, NEW DELHI - 110003

E-MAIL:-mohammedmuqeem@gmail.com

Mob:- 9999864964

THROUGH THE STANDING COUNSEL
HIGH COURT OF DELHI

4. NATIONAL INVESTIGATION AGENCY,
NIA BUILDING, OPP, LODHI RD,
CGO COMPLEX, NEW DELHI-110003
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THROUGH THE STANDING COUNSEL
HIGH COURT OF DELHI


**SUB: WRIT PETITION (C) NO. OF 2020 SANGEETA
SHARMA VERSUS UNION OF INDIA @ ORS.**

Sir,

The undersigned is filing a petition in the above mentioned matter and the said writ petition is likely to be listed on before the Hon'ble Delhi High Court.

A complete set of petition along with documents are enclosed herewith for your necessary action.

Thanking you,


(DESH RATAN NIGAM &
AWANISH SINHA)
Advocates

4

**IN THE HIGH COURT OF DELHI AT NEW DELHI
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CONSOLIDATED COURT FEES

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**(DESH RATAN NIGAM &
AWANISH SINHA)
ADVOCATS
LGF-6/33-33A VIKRAM VIHAR
LAJPAT NAGAR-IV NEW DELHI**

5

**IN THE HIGH COURT OF DELHI AT NEW DELHI
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UNION OF INDIA & ORS.

.....RESPONDENTS

MEMO OF PARTIES

MS. SANGEETA SHARMA
W/O TILAK RAJ SHARMA
HOUSE NO. 2194, SECTOR-B,
POCKET-II, VASANT KUNJ, NEW DELHI-110070 PETITIONER

VERSUS

1. UNION OF INDIA,
THROUGH ITS SECRETARY
MINISTRY OF HOME AFFAIRS
A-WING, SHASTRI BHAWAN, NEW DELHI-110001
E-MAIL:-mohammedmuqeem@gmail.com
Mob:- 9999864964

2. MINISTRY OF LAW & JUSTICE,
THROUGH ITS SECRETARY
4TH FLOOR, A-WING, SHASTRI BHAWAN,
NEW DELHI - 110001,
E-MAIL:-mohammedmuqeem@gmail.com
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3. MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY
THROUGH ITS SECRETARY,
ELECTRONICS NIKETAN,
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E-MAIL:-mohammedmuqeem@gmail.com
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4. NATIONAL INVESTIGATION AGENCY,
NIA BUILDING, OPP, LODHI RD,
CGO COMPLEX, NEW DELHI-110003
E-MAIL:-mohammedmuqeem@gmail.com
Mob:- 9999864964
5. TWITTER COMMUNICATIONS INDIA PVT. LTD.
THROUGH ITS INDIAN REPRESENTATIVE
MS. SHAGUFTA KAMRAN & MS. MAHIMA KAUL,
OFFICE AT - C-20, G BLOCK, NEAR
MCA BANDRA, KURLA COMPLEX,
BANDRA (E), MUMBAI, MAHARASHTRA - 400051
EMAIL:- cramachandran@twitter.comRESPONDENTS

Date: 10.09.2020

Place: New Delhi

Through


PETITIONER


(DESH RATAN NIGAM &
AWANISH SINHA)

Advocates

LGF-6/33-33A, Vikram Vihar,
Lajpat Nagar-IV, New Delhi-110024

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MCA BANDRA, KURLA COMPLEX,
BANDRA (E), MUMBAI, MAHARASHTRA - 400051
EMAIL:- cramachandran@twitter.comRESPONDENTS

**A PIL UNDER ARTICLE 226 OF CONSTITUTION OF INDIA
SEEKING A WRIT OF MANDAMUS OR ANY OTHER WRIT,
ORDER OR DIRECTION AGAINST THE RESPONDENT NOS. 1
TO 4 THEREBY DIRECTING THEM TO TAKE AN ACTION
AGAINST TWITTER INDIA PVT. LTD. INVOLVED IN
CONSPIRACY OF PROMOTION OF KHALISTANI MOVEMENT
AND DIRECT THE RESPONDENT NOS. 1 TO 4 TO MAKE A
MECHANISM TO CHECK CONTENTS AND ADVERTISEMENTS
WHICH ARE SPREADING ANTI NATIONAL AGENDA, HATRED
AMONGST THE COMMUNITIES, SEDITIOUS, INSTIGATIVE,
SEPARATIST, HATE FILLED, DIVISIVE, AGAINST THE
SOCIETY AT LARGE AND AGAINST THE SPIRIT OF UNION OF
INDIA.**

To

The Hon'ble Chief Justice and His Lordship's Companion Judges of the Hon'ble High Court of Judicature, Delhi at New Delhi.

The humble Petition of the above named Petitioner.

MOST RESPECTFULLY SHOWETH:-

1. That the Petitioner herein is filing the instant writ petition and public interest and is a citizen of India and permanent resident at the aforementioned address and are domicile of New Delhi. The Petitioner approaches to this Hon'ble court through present PIL under Article 226 of Constitution of India to issue appropriate Writ, Order or Direction to the Respondent Nos. 1 to 4 and Respondent No. 5 in terms of the prayers in the present Writ Petition. The Petitioner has no personal interest in the litigation and the petition is not guided by self gain or for gain of any other person/institution or body and that there is no motive other public interest in filing the present petition.
2. That since the Petitioner is regular user on social media platform and source of information are the posts of verified and authenticated social media account posts and also the

information of Member of Parliament Mr. Anant Kumar Hegde available in public domain as well as information from other sources. The Respondent No. 5 is Twitter Communications India Private Limited is a Private Company incorporated on 20 February 2013. It is classified as Non-Govt. Company and is registered at Registrar of Companies, Mumbai. Twitter Communications India Private Limited's Corporate Identification Number is (CIN) U74900-MH2013-PTC240630 and its registration number is 240630. The Respondent No. 5 is representing through Ms. Shagufta Kamran, Ms. Mahima Kaul who is involved in the issues directly and both are responsible for all business of Respondent No. 5 in India.

3. That the present petition is filed for benefit of Indian Citizens and since these persons are too numerous and have no personal interest in the matter, they are unlikely to approach this Hon'ble Court on this issue. The brazen attack on sovereignty and integrity in India on twitter platform is to the detriment to the citizens as a whole. Hence the present PIL. The Respondent No. 1 is the Union of India through Secretary, Ministry of Home

Affairs, Respondent No.2 is the Ministry of Law and Justice, Respondent No.3 is the Ministry of Electronics & Information Technology and Respondent No.4 is National Investigation Agency which is capable of investigating the issues involved.

4. That the affective parties are Respondent Nos. 1 to 5, no other parties is likely to be affected by the order in the Writ Petition. In the absence of any mechanism or law prohibiting Twitter Inc. and/or Twitter Communications India Pvt. Ltd. and other similar social media platforms from spreading, circulating, amplifying in the form of advertisement or otherwise which are spreading separatist agenda, seditious material, hatred amongst communities, instigative, divisive against the society at large, threat to national security and against the spirit of the Union of India.
5. That the Petitioner being citizen of India is a regular user of social media platforms including twitter and therefore competent to espouse the present cost on behalf of the citizens. The Petitioner has the means to pay the cause, if any imposed by court and on an undertaking to the court in that respect. Due to

inaction of Respondent Nos. 1 to 4 for not having any rule, circular, notification, mechanism prohibiting the Respondent No. 5 from acting, publishing, circulating the news/ contents/ articles which are contrary to the law of land and also spirit of Union of India and the said platform is being used to call upon separatist, creating panic in some sections of the society, challenging the unity, integrity and sovereignty of Union of India. Currently, the separatist share using the platform of Respondent No. 5 to communicate the message which calls upon breaking of India and Respondent No.5 has abetted the act by accepting financial gratification and paid advertisements.

6. That the Petitioner didn't make any representation to the Respondents. Since the issue involved in the present petition is a constitutional issue and dignity of the Nation, which could be only examined by either Hon'ble Apex Court or the Hon'ble High Courts including this Hon'ble Court, making a representation to Respondents would not serve the purpose. The Petitioner is regularly using the Respondent No. 5 social platform. Sometimes in the end of April, 2020, Petitioner came to

know that the Member of parliament Mr. Anant Kumar Hegde in news stating and commenting about the support of Respondent No. 5 in Anti National agenda, the Petitioner further says that after enquiring about the issues, the Petitioner came to know that the Respondent No. 5's server were used for the promotion of #Khalistan, still there are many users who are having there user name as kahlistan or similar to Khalistan just to promote the Anti national activity, **the screen snap shot of various users who are promoting this anti National agenda is hereby attached and marked as "Annexure-1"**. Another tweet done by Twitter user with name mentioned as Gurpatwant Singh Pannun through his Twitter handle @GPannun. **The screenshot of the tweet is annexed herewith as "Annexure-2"**.

7. That in the News report Mr. Anant Kumar Hegde writes to PMO against Twitter Inc.'s 'anti-national acts' The Lok Sabha member also suggested developing an Indian version of Twitter to prevent 'digital colonization' of the country on Apr 28, 2020; BJP MP and Lok Sabha member Anantkumar Hegde has written to Prime Minister Narendra Modi, raising concerns

about Respondent No.5 alleged interference in free-speech by targeting nationalistic accounts. Calling the micro-blogging site "detrimental to India's strategic interest & democratic fabric of society," Hegde presented six points to be considered by the PMO while investigating Twitter. These points include selective targeting of nationalistic Twitter accounts and pro-Indian handles; suspension of handles belonging to elected representatives without notice; promotion of slanderous handles "spewing poison" about the Prime Minister, Home Minister and CM's via paid ads; no action against handles spreading discontent, fake news and objectionable content against any religion or the country. He also pointed out that Twitter didn't receive pro-Khalistan tweets as harshly as the nationalistic ones. He also attached a Wall Street Journal tweet that said civic liberties were at stake in India under PM Modi, which wasn't removed despite repeated complaints. He also suggested developing an Indian version of the micro-blogging site with the help of NIC, CDAC or CDOT to preserve transparency and prevent "Digital colonization" of the country by Twitter. Hegde

also stated that his personal Twitter account and that of Policy Thinktank @CksIndia, which raised the issue of anti-Indian activities by the site, were also suspended. Hegde requested the PMO to investigate the motives behind such acts and to ascertain whether the micro-blogging site accepts payments to promote anti-Indian, anti-Modi and anti-BJP tweets. The copy of press note covering the story of Anant Kumar Hegde Ji is hereby attached and marked as "**Annexure-3**" and the Letter by Anant Kumar hedge ji dated 25.04.2020 is hereby attached and marked as "**Annexure-4**".

8. That the Respondent No. 5 is having 3 offices running in India, which is specially for marketing and other corporate reasons just for increasing revenue, none of the office are working as a grievance office to resolve the complaints of users in India, when Petitioner enquired official website it shows "Grievance Officer contact information for users in India Twitter International Company, c/o Jeremy Kessel, One Cumberland Place, Fenian Street, Dublin 2, D02 AX07, Ireland, **grievance-officer-in @twitter.com**, Petitioner states that In India there one nearly 35

million active users in 2019 even though there is no grievance cell in India, this shows Respondent No. 5 is not interested to resolve issues on ground level specially to work within its territorial jurisdiction of India.

9. That many of the #Khalistan and related promotion were still on Twitter and despite issues being raised by the Member of Parliament, the Respondent No. 5 is not serious about the issues and therefore it has not taken any serious action against the users. To show that Respondent no. 5 has done something some of the users were blocked who were spreading and having users name related to #Khalistan, the reason of banning were not declared, for such a ban the Respondent No. 1 having some rules and after click over the banned icon the Petitioner get an information which is mentioned as bellow:-

"About country withheld content why might content be withheld? If you have encountered a Tweet or an account that has been marked as withheld, you may be wondering what that means and why that may have happened. With hundreds of millions of Tweets posted every day around the world, our goal is

to respect user expression, while also taking into consideration applicable local laws. Many countries, including the United States, have laws that may apply to Tweets and/or Twitter account content. In our continuing effort to make our services available to people everywhere, if we receive a valid and properly scoped request from an authorized entity, it may be necessary to withhold access to certain content in a particular country from time to time. Such withholdings will be limited to the specific jurisdiction that has issued the valid legal demand or where the content has been found to violate local law(s). Transparency is vital to protecting freedom of expression"

10. That the Petitioner says that Respondent No. 5 are international Platform and are easy to access worldwide and therefore, the Khalistani movement is also being spread throughout United Kingdom, United states and Canada, mere **withholding access to certain content in a particular country from time to time and therefore, such withholdings will be limited to the specific jurisdiction**, does not solve the problem. The Respondent No.5

are culprit of spreading Khalistani movement and anti National agenda to public at large and after receiving complaint from many users, the Respondent no. 5 upheld the account as per the information itself reveals that the Anti national tweets were upheld only for the Jurisdiction of the India, whether such tweet ban can solve the problem by banning only in India? Why Respondent no.5 have not permanently deleted suspend the users and submitted its details to Government of India or related authority? The demand of separation from India, were not only being promoted in India but it is promoting through various countries outside India.

11. That the Respondent No. 5 is responsible for the conspiracy of Khalistan and thus by doing this Respondent No. 5 is culprit of abetting the Terrorism in India. The Respondent No. 5 is Accused of various sections of the Act of the law which are as follows:-

a. As per Section 107 of the Indian Penal Code

Abetment of a thing. – A person abets the doing of a thing, who – (First) – Instigates any person to do that thing; or

(Secondly) – Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

(Thirdly) – Intentionally aids, by any act or illegal omission, the doing of that thing.

b. Section 153A of The Indian Penal Code

Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. –

(1) Whoever – (a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or 1. Subs. by Act 35 of 1969, s. 2, for section 153A. 41 (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, 1 [or] 1 [(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use

criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,] shall be punished with imprisonment which may extend to three years, or with fine, or with both.

c. 153B of The Indian Penal Code

Imputations, assertions prejudicial to national integration. – (1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise, – (a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or (b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied, or deprived of their rights as citizens of India, or (c) makes or publishes and assertion, counsel, plea or appeal concerning the

obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both. (2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

d. 121A of The Indian Penal Code, Conspiracy to commit offences punishable by section 121.—Whoever within or without conspires to commit any of the offences punishable by section 121, or conspires to overawe, by means of criminal force or the show of criminal force, the Central Government or any State Government, shall be punished with imprisonment for life, or with imprisonment of either description which may extend to ten years, and shall also be liable to fine.

e. Section 124A- of The Indian Penal Code Seditious.—Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, shall be punished with imprisonment for life, to which fine

may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

**d. THE INFORMATION TECHNOLOGY ACT, 2000,
Section 66F Punishment for cyber terrorism.-**

(1) Whoever,- (A) with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people by- (i) denying or cause the denial of access to any person authorized to access computer resource; or (ii) attempting to penetrate or access a computer resource without authorization or exceeding authorized access; or (iii) introducing or causing to introduce any computer contaminant, and by means of such conduct causes or is likely to cause death or injuries to persons or damage to or destruction of property or disrupts or knowing that it is likely to cause damage or disruption of supplies or services essential to the life of the community or adversely affect the critical information infrastructure specified under section 70; or (B) knowingly or intentionally penetrates or accesses a computer resource without authorization or exceeding authorized access, and by means of such conduct obtains access to information, data or computer data base that is restricted for reasons of the security of the State or foreign relations; or any restricted information, data or computer data base, with reasons to believe that such information, data or computer data base so obtained may be used to cause or likely to cause injury to the interests of the

sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence, or to the advantage of any foreign nation, group of individuals or otherwise, commits the offence of cyber terrorism. (2) Whoever commits or conspires to commit cyber terrorism shall be punishable with imprisonment which may extend to imprisonment for life.

e. The Unlawful Activities (Prevention) Act, 1967, Section 39- Offence relating to support given to a terrorist Organization

—
(1) A person commits the offence relating to support given to a terrorist organization, —

(a) Who, with intention to further the activity of a terrorist organization, —

(i) Invites support for the terrorist organization, and

(ii) The support is not or is not restricted to provide money or other property within the meaning of section 40; or

(b) Who, with intention to further the activity of a terrorist organization, arranges, manages or assists in arranging or managing a meeting which he knows is —

(i) to support the terrorist organization, or

(ii) to further the activity of the terrorist organization, or

(iii) to be addressed by a person who associates or professes to be associated with the terrorist organization; or

(c) who, with intention to further the activity of a terrorist organization, addresses a meeting for the purpose of encouraging support for the terrorist organization or to further its activity.

(2) A person, who commits the offence relating to support given to a terrorist organization under sub-section (1), shall be punishable with imprisonment for a term not exceeding ten years, or with fine, or with both.

12. Thus from the above act and elaborated sections it is crystal clear that The Respondent No. 5 is involved in the conspiracy of Supporting a separate country for Sikhs i.e. KHALISTAN, The Centre's ban on pro-Khalistan group "Sikhs for Justice" has been upheld by a tribunal constituted under the Unlawful Activities (Prevention) Act saying its activities were "disruptive" and threatened the "sovereignty, unity and territorial integrity of India". The tribunal, headed by Delhi High Court Chief Justice DN Patel, said the evidence also proved that SFJ was "working in collusion with anti-India entities and forces". The central government had sufficient cause to take action under the UAPA for declaring SFJ as an unlawful association, it said. "The notification dated July 10, 2019 issued by the Union of India under the Act declaring Sikhs For Justice (SFJ) to be an

unlawful association is hereby confirmed. The copy of Gazette dated January 8, 2020 to ban **Sikhs For Justice (SFJ)** is hereby attached as "Annexure-5" The reference is answered in the affirmative," the tribunal said. The Centre in July 10, 2019 notification had declared SFJ as an unlawful association and had banned it for five years, saying the group's primary objective was to establish an "independent and sovereign country" in Punjab and it openly espouses the cause of Khalistan, challenging the sovereignty and territorial integrity of India. The Respondent No. 5 being top social media platform knows it very well even after this they allowed their platform not only to join but promote Khalistani movement. Even today the promoter of Khalistan Mr. Gurpatwant Singh Pannun still having their tweeter account with different user I'd i.e. **@_Pannun_SFJ05**. The Screen photo Copy of twitter account is hereby attached and marked as "Annexure-6".

13. That the Petitioner says that this is very horrific that after Respondent No. 5 have given clean chit to the persons who has initiated war against Government of India. The Respondent No.

5 is not only supporting them but also promoting their tweet by taking good sum of money, it is a planned strategy to promote Khalistan model in social media, many of Pakistani handles are further promoting the tweet of Mr. Gurpatwant Singh Pannun who is handling and chief of the Khalistan movement and residing outside India. The Khalistan movement is supported by many of Sikhs who are not the resident of India, therefore this issues need to be investigate by the Indian agency who are capable of investigating it. These issues point towards alarming situation and are connected with the integrity of India therefore the National Investigation agency is the right choice to investigate the case.

14. That the Petitioner approaches to this Hon'ble Court directly in which one of the reason is that none of investigation agency are having power to investigate the case other than National Investigation Agency i.e. Respondent No. 4. As per the Amendment in THE NATIONAL INVESTIGATION AGENCY (AMENDMENT) ACT, 2019. Dated July 25, 2019, reproduced as

bellow;- (The copy of gazette dated 25 July 2019 is hereby attached and marked as "Annexure-7")

"In section 3 of the principal Act, in sub-section (2), after the word "India", the words "and, subject to any international treaty or domestic law of the concerned country, outside India," shall be inserted. 5. In section 6 of the principal Act, after sub-section (7), the following sub-sections shall be inserted, namely: – "(8) Where the Central Government is of the opinion that a Scheduled Offence has been committed at any place outside India to which this Act extends, it may direct the Agency to register the case and take up investigation as if such offence has been committed in India."

As per the Section 6 of NATIONAL INVESTIGATION AGENCY (AMENDMENT) ACT which reproduced as bellow:-

"Investigation of Scheduled Offences. – (1) On receipt of information and recording thereof under section 154 of the Code relating to any Scheduled Offence the officer-in-charge of the police station shall forward the report to the State Government forthwith. (2) On receipt of the report under sub-section (1), the State Government shall forward the report to the Central Government as expeditiously as possible. (3) On receipt of report from the State Government, the Central Government shall determine on the basis of information made available by the State Government or received from other sources, within fifteen days

from the date of receipt of the report, whether the offence is a Scheduled Offence or not and also whether, having regard to the gravity of the offence and other relevant factors, it is a fit case to be investigated by the Agency. (4) Where the Central Government is of the opinion that the offence is a Scheduled Offence and it is a fit case to be investigated by the Agency, it shall direct the Agency to investigate the said offence. (5) Notwithstanding anything contained in this section, if the Central Government is of the opinion that a Scheduled Offence has been committed which is required to be investigated under this Act, it may, suo moto, direct the Agency to investigate the said offence. (6) Where any direction has been given under sub-section (4) or sub-section (5), the State Government and any police officer of the State Government investigating the offence shall not proceed with the investigation and shall forthwith transmit the relevant documents and records to the Agency. (7) For the removal of doubts, it is hereby declared that till the Agency takes up the investigation of the case, it shall be the duty of the officer-in-charge of the police station to continue the investigation"

Therefore in such a circumstance only Hon'ble High Court has a power to direct the Respondent Nos. 1 to 4 for the investigation through NIA, therefore the Petitioner approaches to this Hon'ble Court to intervene in this case.

15. That the Petitioner has come to know through news website that Twitter CEO Jack Dorsey has admitted that its employees have left leaning and admittedly therefore, the management of twitter is not neutral and unbiased and twitter India is unabashedly and unequivocally against the present Govt. As an illustration it is stated that Mahima Kaul, Director of policy of Twitter India has clear bias against India, present Govt., anti hindu and indicates her own political bias and this also explain the repeated suspensions of right leaning account and leads to conclusion that twitter is selectively targeting accounts based on ideology and that explains Twitter India's ideological based approach. Another example is hiring of Raheel Khursheed as head of news, politics and govt. at Twitter India. Mr. Raheel Khursheed has extreme bias against the present govt., hindus as reflected in his tweets. The screen shots of the tweets of the aforesaid persons are annexed as **Annexure-8 (Colly)** which clearly shows their expression of political bias and ideology affecting their professional conduct based on ideology which itself is illegal and unlawful. Management of twitter has to be neutral only,

ensuring that parts are compliant to the laws of the jurisdiction country. However, twitter has failed in this regard and there are numerous violation of the laws of this country having both national and international ramifications for Bharat (India).

GROUNDS

- A. Because the Respondent No.5 deliberately and knowingly in order to create rift in the society deliberately promoted the prohibited content of the SFJ.
- B. Because in the absence of any law to deal with offensive and hatred messages, the platforms like Twitter are knowingly promoting the messages which are against the law of the land and therefore, the Respondent No.5 needs to explain for circulating and promoting the prohibited content from their company Twitter. The aforesaid act shows that the Respondent No.1 is sympathetic to Terrorist groups.
- C. Because Twitter assume that as a platform they are not governed by Indian constitution and can operate with impunity and therefore, a law is required to deal with such kind of hatred and divisive messages.

- D. Because as per Article 19(2) of the Constitution of India which empowers the State for making any law insofar as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause 19(1) (a) in the interest of sovereignty and integrity of India, the security of the state, friendly relations with the foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.
- E. Because it is respectfully submitted that the Article 19 & 20 of the International Covenant of Civil and Personal Life, the contents of which are reproduced herein below for the kind perusal of this Hon'ble Court: -

"Article 19:-

- 1. Everyone shall have the right to hold opinions without interference.*
- 2. Everyone shall have the right to freedom of expression, this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*

3. *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities, it may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary.*

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (order public), or of public health or morals.

Article 20:-

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of National, racial or religious, hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

F. Because as per the above mentioned Law, it is settled that the State has to prohibit such type of hate speeches advertisements which are having separatist agenda, seditious material, hatred amongst communities, instigative, divisive against the society at large, threat to national security and against the spirit of the Union of India. Because presently more than 330 million active users are using Twitter handles and thus by circulating/promoting / advertising the said content or the similar content either through paid /promoted advertisements or otherwise through verified, non-verified handles and fake handles it

becomes the root cause of many divisions/descriptions in the society leading to riots, violence, disharmony in the society and challenges the sovereignty and integrity of the Union of India and also develop the image of our nation in international forums and affect the international relations with many countries. Such content also radicalizes people and act as recruitment engines for waging wars against Union of India.

- G. Because the Respondent No. 5 is liable for violation of Penal provision which include **Section 39 The Unlawful Activities (Prevention) Act, 1967; Section 107, 121A, 124A, 153A, 153B of The Indian Penal Code; Section 66F of The Information Technology Act, 2000.**
- H. Because Twitter and social media companies are profit making companies and expecting them to have safeguards for making social media safe and secure is important. The logic and algorithms that twitter usage should be shared and vetted by Indian government authorities or competent authority for screening anti India tweets. The source code needs to be shared with Govt. of India.

- I. Because the KYC of all social media handles in India must be conducted for making social media safe and accountable and traceable.
 - J. Because the Advertisement fees collected by Twitter for such anti India tweets, promoted tweets should be accounted for and Government of India should levy fines about the same.
 - K. Because the Respondent No. 1 must ensure the development of Indian social media platforms and also to have these apps use servers based in India.
 - L. Because the revenue is generated from India by the social media platform twitter which should be taxed in India and come within Indian Taxation laws.
 - M. Because the Respondent No. 5 must also share its source code with the Govt. of India.
16. That the present petition is being filed by way of PUBLIC INTEREST LITIGATION and the Petitioner has no personal interest in the matter. The present petition is being filed in the interest of public at large as the Social site is being used by the public at large and the benefits as well as loses due to misuse of

this social site is causing great harm to society and the country at large.

17. That the entire litigation costs including the court fees and other charges are being borne by the Petitioner herself.
18. The Petitioner states that he has not been involved in any other Civil, Revenue and Criminal Litigation in any capacity before any Court or Tribunal against the Respondent No. 5 in relation to the issue herein.
19. That, a thorough research has been conducted in the matter raised in the petition.
20. That, to the best of Petitioner's knowledge and the research, the issue raised has not been dealt with or decided, and similar or identical petition was not filed earlier by the Petitioner.
21. The Petitioner states that the Information of the acts pleaded in the petition is based on news information and other material on the subject.
22. The Petitioner submits that the instant petition is in reasonable time and there is no delay or laches.

23. The Petitioner states that there is no efficacious alternate remedy available to the Petitioner save and except the filing of instant petition and the reliefs herein, if granted, would redress the grievances of the Petitioner.
24. The Petitioner also craves leave of this Hon'ble court to rely on any document pertaining to the subject matter of this petition as and when necessary.
25. The Petitioner has their respective residence at New Delhi. Therefore, this Hon'ble Court has jurisdiction to try and entertain the present PIL Writ Petition.
26. That the Petitioner has not filed any other petition, suit or application in any manner regarding the matter of dispute in this Hon'ble Court, or any other High Court or before Hon'ble Supreme Court or any other Court throughout the territory of India. The Petitioners have no other better remedy available.

PRAYER

In view of the aforesaid facts and circumstances, it is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to: -

- a) Issues Writ of mandamus or any other Writ, Order or Direction to lodge an appropriate case against the Respondent No. 5 i.e. Twitter Communications India Pvt. Ltd. and their representative in India i.e. Mr. Raheel Khurshid, Ms. Mahima Kaul, in various penal provision which include Section 39 The Unlawful Activities (Prevention) Act, 1967; Section 107, 121A, 124A, 153A, 153B and 34 of The Indian Penal Code; Section 66F of The Information Technology Act, 2000;
- b) Issues Writ of mandamus or any other Writ, Order or Direction to the respondent Nos. 1 to 3 for Enquiry to be initiated by the National Investigation Agency, for fair, proper and speedy investigation as many of the users who promote messages in relating to #Khalistan are from outside India and therefore can only be investigated by the National Investigation Agency;
- c) Issue a Writ of Mandamus or any other Writ, Order or Direction against the Respondents 1 to 4 thereby commanding them to make a mechanism to check contents and advertisements which are spreading hatred amongst the communities, seditious,

instigative, separatist, hate filled, divisive, against the society at large and against the spirit of Union of India;

- d) Direct the Respondent No.1 to 4 to make a Law, Rules and Regulation as per which an action can be initiated against the breaking India messages under the garb of Article 19 of the Constitution of India against the Respondent No.5 and their representatives in India for willfully abetting and promoting Anti India tweets and penalize them and their relevant authorities according to law of the land;
- e) Direct the Respondent No. 1 must ensure the development of Indian social media platforms and also to have these apps use servers based in India;
- f) Direct the Respondent No. 5 to ensure that the revenue generated from India by the social media platform twitter should be taxed in India and come within Indian Taxation laws;
- g) Direct the Respondent No. 1 to ensure that Respondent No. 5 shares source code with the Govt. of India;
- h) The Petitioner prays for further add and amend in the Petition if required with the permission of this Hon'ble Court;

- i) Issue or pass any writ, direction or order, which this Hon'ble court may deem fit and proper under the facts and circumstances of the case.


PETITIONER

Date: 10.09.2020

Through

Place: New Delhi


(DESH RATAN NIGAM &
AWANISH SINHA)

Advocates

LGF-6/33-33A, Vikram Vihar,
Lajpat Nagar-IV, New Delhi-110024

VERIFICATION:-

I, Ms. Sangeeta Sharma, aged about 56 years, R/o House No. 2194, Sector-B, Pocket-II, Vasant Kunj, New Delhi-110070, do hereby state and declare on solemn affirmation that whatever stated in this application is true and correct to the best of my Knowledge and belief.

Solemnly declared and Affirmed at New Delhi.


DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA ORDINARY CRIMINAL JURISDICTION)

WRIT PETITION (CRIMINAL) NO. OF 2020
(IN THE MATTER OF PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:-

SANGEETA SHARMA

.....PETITIONER

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

AFFIDAVIT OF SANGEETA SHARMA, AGED 56 YEARS, W/O SH. TILAK RAJ SHARMA, R/O HOUSE NO. 2194, SECTOR-B, POCKET-II, VASANT KUNJ, NEW DELHI-110070, DO HEREBY SOLEMNLY AFFIRM AND DECLARE AS ON OATH AS UNDER:-

1. I say that I, am the Petitioner in the present case and is well conversed with the fact and circumstances of the present case I am competent to swear this affidavit.
2. I say that the accompanying Writ Petition (Criminal)/PIL has been prepared by my counsel under my instructions, the same may be kindly read as part and parcel of this affidavit, the contents thereof are not repeated here for the sake of brevity.
3. I have filed the present petition as Public Interest Litigation.
4. I say that there is no Civil/Criminal or Revenue Litigations against the Petitioner.



5. I say that due to the urgent nature of directions sought for in the present Petition, the concerned Government department has not been approached.
6. I say that the contents of this affidavit have been read over to me and I have understood the same and testify to be true and correct.
7. I say that I have filed the present petition as Public Interest Litigation. I have gone through the Delhi High Court (Public Interest Litigation) Rules, 2010, and do hereby affirm that the present Public Interest Litigation is in conformity thereof.
8. I say that the Petitioner has no personal interest in the litigation and neither myself nor anybody whom, I am Petitioner is interested would in any manner benefit from the relief sought in the present petition save as a member of the General Public. The petition is not guided by self-gain or gain of any person, institution, body or there is no motive other than of public interest in filing the present petition.
9. I say that I have done whatsoever inquiry/investigation which was in my power to do to collect all data/material which was



relevant for this court to entertain the present petition. I further confirm that I have not concealed in the present petition any data/material/information which may have enabled this court to form an opinion on whether to entertain this petition or not and/or whether to grant any relief or not.

10. I say that the documents filed along with the petition are true copies of their originals.
11. I say that I undertake to pay the costs if any imposed by the Court at any stage of the matter and the details of my PAN card & Aadhar Card are being given along with.
12. I say that the contents as stated above are true and correct to my knowledge and belief. The contents of thereto are true and correct.
13. I say that accompanying Writ and Application has been drafted by my counsel under my instructions and I have gone through the facts/contents of the same and say that the contents of paras 1 to 27 of the application are true and correct to my knowledge and paras 3 of the Application being legal submissions are



believed to be true upon legal record and believed to be true and correct to my knowledge and belief.

Sharma
DEPONENT

I identify the deponent who has signed in my presence
VERIFICATION:-

11 SEP 2020

Verified at New Delhi on this the 10th day of Sep, 2020 the contents of the above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been suppressed or concealed therefrom.

11 SEP 2020

Sharma
DEPONENT

DEPONENT



CERTIFIED THAT THE DEPONENT
Shri/Smt/Km *Sangeeta Sharma* 56
S/o W/o..... *Alex Rey Sharma*
R/o..... *Vasant Kirti Delhi*
Identified by *Aty AWA.HI SM*
has solemnly affirmed to me at Delhi
co..... *MP/20*
that the contents of the affidavits which have
been read & explained to me are true and
correct to his knowledge.

ld
(Oath Commissioner Court)

ANNEXURE-1

44

Jio 8:45 PM 14%

#khalistan

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Harjinder Singh @pro_Khalistan KHALISTAN ZINDABAD Follow

khalistan @wajidali67890 Follow

Khalistan zindabad @wakeupsikh Follow

ਪ੍ਰਸਿਧਤਾ ਸਰਕਾਰ @KhalistanGov ਪ੍ਰਸਿਧਤਾ ਨਿਰਮਲ ਸਰਕਾਰ | Official Account of the Khalistan Government in Exile. Active Military Command [KLF|BK|BTFK|KCF]

Balerion Follow

Home Search Notifications Messages

Jio 11:13 AM 27%

PANNUN Gurpatwant... 11 Tweets

Tweets Tweets & replies Media L

PANNUN Gurpatwant Si... 4d Father @RahulGandhi With @capt_amarinder.Did #OperationBlackThunder

#KhalistanREFERENDUM Will Liberate Indian Occupied Punjab SFJ 4 #BalochistanIsPakistan

@majorgauravarya @AshishSinghLIVE @AshishSinghNews @rsrobin1 @sidhant @AnchorAnandN @maryashakil @gauravwalianews @Nidhi

Home Search Notifications Messages

Jio 8:44 PM 15%

#khalistan

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Azaad Khalsa @azaad_khalsa I am not opposed to #Khalistan, Nor am I for It, I seek only Equal Rights for Sikhs. #Independent Voice. Human-Rights Activist. #Humanity. #Punjab. #Sikh.

Khalistan.net @KhalistanNet Waheguru Ji Ka Khalsa, Waheguru Ji Ki Fateh. Official Twitter For The Anti-Defamation #Sikh Council For Freedom Of #Khalistan, @DrPSAJrawat, President.

Khalistan movem... @khalistan2014 Help achieve our right. This aims to teach and spread the

Home Search Notifications Messages

Jio 11:16 AM 28%

Tweet

Reply Retweet Like Share

mym @merry1122 4d Replying to @Pannun_SFJ05 @majorgauravarya and 8 others #BalochistanIsPakistan is there own problem i don't know why indian government pointing them. #OperationBlackThunder did they still know this operation?

parmeer_kaur @kaur_pa... 4d Replying to @Pannun_SFJ05 @majorgauravarya and 8 others We are not safe in India, The only solution is Khalistan. #BalochistanIsPakistan #OperationBlackThunder

Tweet your reply

Handwritten signature

45

#Singhs #Kharku #Sikhi
#FreedomFighters #Jujharu



surround yourself
with those on the
same mission as you

12:44 PM · 27/05/20 · Twitter for iPhone

57 Retweets 228 Likes

Tweet your reply



Jasmeet Kaur
146 Tweets



Follow

Jasmeet Kaur
@Jasmeet09660105

Joined February 2020
2,168 Following 675 Followers
Not followed by anyone you're following

Tweets Tweets & replies Media

Jasmeet Kaur @Jasmeet... · 12h
YES, it is true that the entire Muslim community mustn't be maligned for a crime committed by a single person or a group of people - the attack #Gurudwara Guru Arjan Dev In
But, what we are saying is that th



Vikram Singh
3 Tweets



Follow

Vikram Singh
@vikramsingh919
Married Sikh. Khalista, Part of Khalsa
Yes2khalistan.org
Yes2khalistan.org Joined May 2020
90 Following 30 Followers
Not followed by anyone you're following

Tweets Tweets & replies Media

Vikram Singh @vikrams... · 11h
#Indian #Terror Is Being Promoted
By @smitaprakash
#SFJ Will Continue To Challenge
@ANI #FakeNews @ani_digital



Tweet

Shere Panjab
@SherePanjabUK

Surround yourself with those on
the same mission as you.

#Singhs #Kharku #Sikhi
#FreedomFighters #Jujharu



Tweet your reply



Wey

Ulama e Ludhiana
@UlamaeLudhiana

Replying to @khalistani_kaur and @Khalistan2020

Forward this message of #UlamaeLudhiana to Sikh for Justice.

Famous Islamic Scholars Ulama e Ludhiana already gave Fatwa to #Muslims all over the world to support #SIKHS for Khalistan.

Fatwa already published in URDU Language. Will soon be published in English too

#Khalistan

Tweet your reply



Tweet

@DeccanHerald @sindhuvfunny @ZKhanOfficial @KumarRaonyc @arjunsethi81 @airnewsalerts



Balraj Singh @balraj752... · 4d
Replying to @_Pannun_SFJ05 @majorgauravarya and 8 others.

The only way we can take revenge for #OperationBlackThunder is by vote and democratically. We need to make khalistan a reality. SFJ with #BalochistanIsPakistan

@manjeet_shegal @ZeeNewsEnglish @aajtak



Taqdees Shaikh @Taqde... · 4d
Replying to @_Pannun_SFJ05 @majorgauravarya and 8 others

Tweet your reply



Harleen Kaur
310 Tweets



Harleen Kaur
@khalistani_kaur

freedom fighter, khalistani supporter, social media activist, anti indian extremist RSS nazis, promoting peace, ref 2020

Joined August 2019

192 Following 298 Followers

Not followed by anyone you're following

Tweets Tweets & replies Media

Harleen Kaur Retweeted
Jaspreet Singh @Jas_p... · May
MOHINDER SINGH, MAN WHO RESCUED 80 MUSLIMS. A lesson for



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@KhalistanZindab
Follow Me

Khalistan Movem...
@Khalistan4Sikh
We want Independent & #FreeKhalistan from criminal & cruel India. We will NEVER forget 1984. Sikhs deserve their #Khalistan. #India oppresses

Free Khalistan
@Free_Sikh
I am a Sikh person. We want Independent & #FreeKhalistan from criminal & cruel India. We will NEVER forget 1984. Sikhs deserve their #Khalistan. #India oppr

Harjinder Singh



Handwritten signature

Eshal kaur @Eshal... · 13/05/20 ✓
 @ZeeNews
 Thanks to the people of Pakistan who supported #Sikhs on #KhalistanDay
 We want #Khalistan

@tanvi_madan @RajatSharmaLive
 @somesjh7 @iitishamm
 @seemasirohi @satisacharya



2 1 3

Sonia Kaur @Soni... · 13/05/20 ✓

PANNUN Gurpatwant Singh
 @_Pannun_SFJ05
 Follow

PANNUN Gurpatwant Singh
 @_Pannun_SFJ05

Punjab Born - NY Lawyer With Goal To Liberate Punjab From Indian Occupation

United States Joined May 2020

0 Following 20 Followers

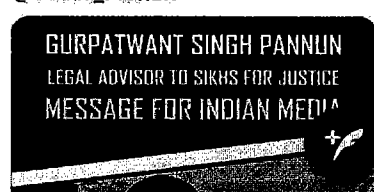
Not followed by anyone you're following.

PANNUN Gurpatwant Si... · 1h ✓
 Q @harbhajan_singh
 Will You Pick Up Gun Against #IndianArmy That Destroyed #AkalTakhat Sahib

PANNUN Gurpatwant Si... · 4d ✓
 #OperationBlackThunder
 1000's Killed By Indian Army

WHILE #KhalistanREFERENDUM Will Liberate Indian Occupied Punjab
 SFJ 4 #BalochistanIsPakistan

@majorgauravariya
 @AshishSinghLIVE
 @AshishSinghNews @rsrobin1
 @sidhant @AnchorAnandN
 @maryashakil @gauravwalianews
 @Geeta_Mohan



voice for freedom of Sikh nation . We want make a Independent country Khalistan

Khalistan Zindab...
 @HitTheDhol
 Fighting to get our Khalsa Raj back! Follow

Amrit Kaur
 @amrit_khalistan Follow

Khalistan_army
 @KhalistanA
 Refrendum 2020 Raaj krega khalsa Follow



Handwritten signature

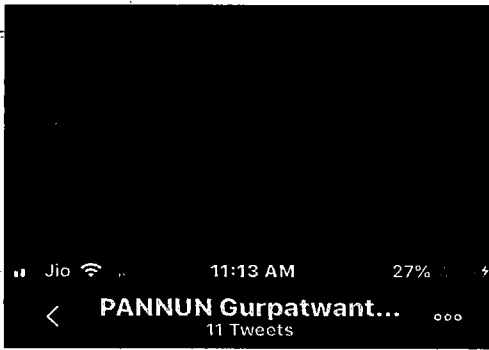
98

Jasleee @jasleen_kaur... · 4d ✓
 Replying to @_Pannun_SFJ05
 @majorgauravarya and 8 others
 Only solution is khalistan.
 #OperationBlackThunder
 #BalochistanIsPakistan

Murtzaholic @murtuza... · 4d ✓
 Replying to @_Pannun_SFJ05
 @majorgauravarya and 8 others
 32 years back Indian government and forces attacked DarabarSahib for continuously 9 days and disrespected Gurudwaras, still they think that we should respect them and act as indian
 #OperationBlackThunder

diljeet_sidhu @diljeet_si... · 4d ✓
 Replying to @_Pannun_SFJ05

Tweet your reply



Tweets Tweets & replies Media L

PANNUN Gurpatwant Si... · 4d ✓
 Father @RahulGandhi With @capt_amarinder Did
 #OperationBlackThunder

#KhalistanREFERENDUM Will Liberate Indian Occupied Punjab SFJ 4 #BalochistanIsPakistan

@majorgauravarya
 @AshishSinghLIVE
 @AshishSinghNews @rsrobin1
 @sidhant @AnchorAnandN
 @maryashakil @gauravwalianews
 @Nidhi

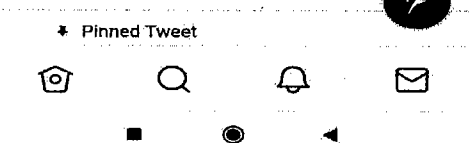
K.I.A Bhindranwale



3,335 Tweets Follow

K.I.A Bhindranwale
 @khalistanSociety
 Khalistan Intelligence || Human Rights Organisation Starred By Guru Nanak ji 1469 || Punjab Gorilla Force || Khalistan online Office || sikhilehar.com
 © Panjab, Republic of Khalistan.
 youtube.com/c/KhalsaIntell...
 Joined October 2016
 9 Following 862 Followers
 Not followed by anyone you're following.

Tweets Tweets & replies Media



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- Narender** @Brar_khalistan1 amritsar punjab khalistan Follow
- Navpreet Singh** @khalistan1313 Follow
- Voice of Khalis...** @khalistani_sikh Social Activist. A strong voice for freedom of Sikh nation. We want make a Independent country Khalistan Follow
- Khalistan Zindab...** @HitTheDhol Follow



Ally

 **Saailesh Rebba** 
@RebbaSaailesh

Fill the 'Digital Media World' with 'Sanathana Dharmic' related content with the following:
Scriptures, Movies, Short Films, YouTube Channels, & Social Media handles.

The only solution to tackle 'Hinduphobia.' Else we cannot counter this problem.

#SurleenKaur

#iskon

5:34 PM · 29 May 20 · Twitter Web App

0:34 ...0.0KB/s ... 33%

← **Khalsa Whispers**
23 Tweets

Khalsa Whispers
@KhalsaWhispers
"The Dream of Khalistan"
Joined February 2020
134 Following 247 Followers
Not followed by anyone you're following

Tweets Tweets & replies Media | >

 **Khalsa Whispers** @Khalsa... · 8h
Balwinder Singh Rajoana (lodged in Patiala jail) identified as a close confidant of former CM Punjab Prakash Singh Badal. #Punjab #AkaliDal

Jio 8:42 PM 16%

← #khalistan

Top Latest People Photos Videos

 **Khalistan**
@Khalistan2020 
India is not a safe place for Sikhs & minorities. Khalsa Always Speaks Against Injustice. #HRA #PTI #FreeKhalistan #AllLivesMatter referendum2020.org

 **Real Sikhs Again...**
@RSAKtweets 
Kam'oh karo ki Gurua d kamayi izzat bani rahe, apne mulk de gaddar banke apne Gurua d kamayi izzat nu mitti che na milao.

 **ਖਾਲਿਸਤਾਨ ਜਿੰਦਾਬਾਦ**
@Khalistan_84 
#KhalistanZindabad

1:02 ...1.3KB/s ... 33%

← **Balwinder Singh**
410 Tweets

Balwinder Singh
@Balwind97445676
We want Khalistan
Joined June 2019
3,404 Following 726 Followers
Not followed by anyone you're following

Tweets Tweets & replies Media | >

* Pinned Tweet
 **Balwinder Singh** @Bal... · Mar 8
Will #Pakistan betray us again? We know the reality #ImranKhan th #FATF has given you a warning complete 27 action items and 13 are

Handwritten signature



Gurpatwant Singh Pannun @GPannun...
#Khalistan2020Referendum Is Democratic
Way To Independence of Punjab.

UK Allowed Scotland
Canada Allowed Québec
Iraq Allowed Kurdistan
Spain Allowed Catalina
To Vote For INDEPENDENCE

Should INDIA As It Claims To Be Biggest
Democracy of World Recognize
#Khalistan2020 ?

YES #Khalistan2020

no

1,544 votes · 16 hours left

60

49

60



Promoted

Alu



Anantkumar Hegde

Member of Parliament (LS)
Uttara Kannada

Press Note-1

Dear Friends, today I would like to draw your attention to a curious set of events happened with me related to my social media account, namely Twitter.

- On 20th April, 2020 I had made a written complaint to Hon'ble Prime Minister and Hon'ble Home Minister of India regarding an anti-national tweet which was twitted by an account named "Gurpatwant Singh Pannun" in which the account holder was advocating Independence of Punjab State by demanding Khalistan. Being an Indian, in its true sense, I saw that tweet as an anti-national and anti-social act and hence reported to the Government to safeguard our national interest.
- Earlier, on Twitter I had tried to reveal explicitly the modus-operandi and the hidden agenda of "Tablighi Jammat" movement within India and around the world. The term "Tablighi Jammat" is very well known nowadays due to the obvious reasons.
- As a consequence of the above two bold steps taken by me, on 24th April, 2020 my official Twitter account got blocked by Twitter India Inc.
- And asking me to delete my tweets against the "Tablighi Jammat" in order to unblock my official Twitter account.
- I will, certainly, never delete the said tweet because it was to expose the wrong being done under the umbrella of a religion. Undoubtedly I am not against any religion, but, being an Indian, I will never allow any person or organization to spread hatred or to provoke people to indulge in any anti-social or anti-national activity. I stand affirm on my statement and will defend it strongly.
- Moreover, I am least bothered about my twitter account which they have blocked with very heinously prejudiced intentions.
- Once again I categorically say that, I stand affirm on my statement and will never delete my tweet.
- In addition, I would like to throw some light on the discrimination and favouritism being done by Twitter India Inc. by asking a simple question that why my account was blocked for exposing "Tablighi Jammat" movement and why not of the person demanding Khalistan, partition of India?

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Karnataka : #17, K.H.B. Colony, Sirsi - 581402, Uttara Kannada
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AN

Continuation Sheet

- How Facebook India pays amount of their revenue generated from publicities/advertisements as a Tax to Govt of India, and Twitter not?
- If Twitter India is earning revenue from sponsoring or giving advertisement space for anti-nationals then my specific question is: Shouldn't the Twitter India be accountable for the law of this land?
- And if they are accountable, I would like to ask very specific questions to Twitter India that:
 - Are you allowed to collect advertisement revenues from antinational and anti social elements that are against India?
 - Are you allowed to sponsor anti national tweets in India?
 - If not, I would like to seek your honest answer that how you had sponsored pro-khalistan tweets as I have mentioned already?
 - If Twitter India is a law abiding entity in India, and accountable for Indian taxation law, why you are cheating (tax) Indian system by avoiding taxes against your revenue earnings in India?
- Certainly these questions raise one's eyebrows and compel us to think more rationally on the burning issues related to our national security.

At last, I leave it your wisdom to understand my stand and hope you will do so without wearing the prejudiced or pseudo-secular glasses.



Anantkumar Hegde

Encl:

1. Locking of Twitter account @AnantkumarH
2. Pro-Khalistan Tweet
3. Letter to Hon'ble PM dated 21st April 2020



Your account has been locked.



Anantkumar Hegde

@AnantkumarH

What happened?

We have determined that this account violated the Twitter Rules.

As a result, we have locked your account.

What you can do:

To unlock your account, you must do the following:

- Remove Tweets that violate our rules

If you think we've made a mistake, you can appeal the violation.



Alw



Gurpatwant Singh Pannun @GPannun... ✓

#Khalistan2020Referendum Is Democratic Way To Independence of Punjab.

UK Allowed Scotland
Canada Allowed Québec
Iraq Allowed Kurdistan
Spain Allowed Catalina
To Vote For INDEPENDENCE

Should INDIA As It Claims To Be Biggest Democracy of World Recognize

#Khalistan2020 ?

YES #Khalistan2020

no

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60

49

60



Promoted

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Anantkumar Hegde

Member of Parliament (LS)
Uttara Kannada

MP(UK)/04/2020-21

20th April 2020

Subject: Paid promotion of anti-national propaganda and campaign with support of Twitter India/Twitter Inc. USA – reg.

Respected Sir,

My office has received a written complaint from Shri Vinit Goenka – Secretary, Center for Knowledge Sovereignty and Former National Co-Convener, IT Cell, Bharatiya Janata Party regarding the above subject.

In the letter Mr. Goenka has brought to my notice an anti-national propaganda and paid/promoted campaign by Twitter India and/or Twitter Inc. USA under the Sponsored Hashtag #Khalistan2020Referendum. Screenshot of the tweet has been attached separately. This incident raises some serious questions and observations which I have tried to list out below:

- Data sovereignty: Whereby such anti-national tweets / content should not just be deleted but proof should be provided to Government of India.
- The social media platforms like Twitter should be asked to change their policy and prevent anti India propaganda.
- The logic and algorithms that Twitter uses should be shared and vetted by Indian Govt./Law Enforcement Agencies for screening anti- India tweets.
- Demand for action to be taken by Twitter on such handles so far.
- If these tweets are promoted, then Twitter should declare money / business generated from any suspected anti India commercial operation. As newspapers, televisions are governed under law of the land same should be applied here as this also is a sponsored activity.

Continuation Sheet

- Demand for apology from the Head of Twitter / Officer in Charge in India with an assurance they will ensure that such sponsored Anti India Advertisements are not allowed on their platform.
- Last but not the least, request the Ministry of Information Technology, Ministry of Information & Broadcasting and Ministry of Home Affairs to investigate the above issues.

Therefore, I kindly request you to inquire about the above said anti-national propoganda and punish the guilty to send out a stern message to the anti-national elements within and around our country, India.

I hope you will personally look into this matter and will direct the concerned to initiate the appropriate action at the earliest.

With warm regards,

Sincerely,


Anant Kumar Hegde

To
Shri Narendra Modi
Hon'ble Prime Minister of India
PMO, South Block
New Delhi-110001





Anantkumar Hegde

Member of Parliament (LS)
Uttara Kannada

Press Note-2

It has come to my notice from various reliable sources that there is wrongful interference in free speech by Twitter Inc which is detrimental to India's strategic interest & democratic fabric of society. This is an excellent case of Digital colonisation that Indians are facing from a corporate entity.

I wish to enumerate the cause of concerns as below:

1. Selective targeting of Several Nationalist handles and Pro- Indian handles are suspended or locked rampantly in past few months.
2. Pro-India national interest think tanks run by decorated veterans who do never indulge in any mudslinging but speak about subjects like data sovereignty are silenced by suspending accounts.
3. Handle belonging to elected public representatives are suspended without notice.
4. Handles spewing poison and passing objectionable comments about Hon'ble Prime Minister of India, Home Minister of India, Chief Ministers of India, and other Indian establishments are promoted via paid advertisements.
5. Handles spreading discontent and fake news about Indian religions or Indian elected representatives are not warned / blocked even after repetitive complaints.
6. Objectionable content / Incitement to violence/ Separatism tweets that are Anti India are been promoted and payment is accepted by Twitter for such sponsored advertisements

I urge to Government of India to investigate the motives behind such acts by Twitter Inc. It must be also investigated if money is exchanged or personal like or dislike of decision maker of twitter leads to such actions to promote Anti India, Anti BJP, Anti Modi, Anti Indian establishment tweets.

I am attaching tweets whereby Pro- Khalistan tweets were sponsored and accepted by twitter Inc. I fail to understand how such a tweet does not violate their own policy?

Also attaching a tweet that targets PMO on global platform through Wall Street Journal where it is said that under Prime Minister Modi the civil liberties in India is at stake thereby projecting our respected PM and the country in poor light. Even after repeated complaints

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Continuation Sheet

such tweets are neither removed nor the handles of such persons not suspended.
(Attachments enclosed)

This raises further suspicion on the conduct of twitter India.

I urge to Government of India to ensure that Twitter follows the constitution of India and their conduct is free and fair and transparent.

In case Twitter has made any money through Anti India tweets and related sponsored advertisements, strict action should be taken against them as per the law of the land


Anant Kumar Hegde

Annexure

1. Screenshot of Twitter Handle suspension of Anantkumar Hegde
2. WSJ post
3. Letter to Hon'ble PM dated 21st April 2020
4. Pro-Khalistan Tweet



Continuation



@CKSIndia

@CKSIndia

Account suspended

Twitter suspends accounts that violate the Twitter Rules.



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AKS



Tweet



Tunku Varadarajan
@tunkuv

My brother in India faces criminal charges for reporting the news, writes @tunkuv wsj.com/articles/when-... via @WSJ



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Anantkumar Hegde

Member of Parliament (LS)
Uttara Kannada

MP(UK)/04/2020-21

20th April 2020

Subject: Paid promotion of anti-national propaganda and campaign with support of Twitter India/Twitter Inc. USA – reg.

Respected Sir,

My office has received a written complaint from Shri Vinit Goenka – Secretary, Center for Knowledge Sovereignty and Former National Co-Convener, IT Cell, Bharatiya Janata Party regarding the above subject.

In the letter Mr. Goenka has brought to my notice an anti-national propaganda and paid/promoted campaign by Twitter India and/or Twitter Inc. USA under the Sponsored Hashtag #Khalistan2020Referendum. Screenshot of the tweet has been attached separately. This incident raises some serious questions and observations which I have tried to list out below:

- Data sovereignty: Whereby such anti-national tweets / content should not just be deleted but proof should be provided to Government of India.
- The social media platforms like Twitter should be asked to change their policy and prevent anti India propaganda.
- The logic and algorithms that Twitter uses should be shared and vetted by Indian Govt./Law Enforcement Agencies for screening anti- India tweets.
- Demand for action to be taken by Twitter on such handles so far.
- If these tweets are promoted, then Twitter should declare money / business generated from any suspected anti India commercial operation. As newspapers, televisions are governed under law of the land same should be applied here as this also is a sponsored activity.

Continuation Sheet

- Demand for apology from the Head of Twitter / Officer in Charge in India with an assurance they will ensure that such sponsored Anti India Advertisements are not allowed on their platform.
- Last but not the least, request the Ministry of Information Technology, Ministry of Information & Broadcasting and Ministry of Home Affairs to investigate the above issues.

Therefore, I kindly request you to inquire about the above said anti-national propoganda and punish the guilty to send out a stern message to the anti-national elements within and around our country, India.

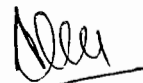
I hope you will personally look into this matter and will direct the concerned to initiate the appropriate action at the earliest.

With warm regards,

Sincerely,


Anant Kumar Hegde

To
Shri Narendra Modi
Hon'ble Prime Minister of India
PMO, South Block
New Delhi-110001



Continuation Sheet



Gurpatwant Singh Pannun @GPannun... ✓

#Khalistan2020Referendum Is Democratic Way To Independence of Punjab.

UK Allowed Scotland
Canada Allowed Québec
Iraq Allowed Kurdistan
Spain Allowed Catalina
To Vote For INDEPENDENCE

Should INDIA As It Claims To Be Biggest Democracy of World Recognize #Khalistan2020 ?

YES #Khalistan2020

no

1544 votes · 16 hours left

60
 49
 60

Promoted

Dees



Anantkumar Hegde

Member of Parliament (LS)
Uttara Kannada

MP(UK)/05/2020-21

25th April 2020

To-
The Honourable Prime Minister of India,
Through the Prime Minister's Office,
South Block, Raisina Hill,
New Delhi – 110 011

Confidential for your information & necessary action

Respected Sir,

Subject: Serious concern of wrongful interference in free speech and anti-national acts by Twitter Inc.

It has come to my notice from various reliable sources that there is wrongful interference in free speech by Twitter Inc which is detrimental to India's strategic interest & democratic fabric of society. This is an excellent case of Digital colonisation that Indians are facing from a corporate entity.

I wish to enumerate the cause of concerns as below:

1. Selective targeting of Several Nationalist handles and Pro- Indian handles are suspended or locked rampantly in past few months.
2. Pro-India national interest thinktanks run by decorated veterans who do never indulge in any mudslinging but speak about subjects like data sovereignty are silenced by suspending accounts.
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6. Objectionable content / Incitement to violence/ Separatism tweets that are Anti India are been promoted and payment is accepted by Twitter for such sponsored advertisements

I request your kind office to kindly investigate the motives behind such acts by Twitter Inc. It must be also investigated if money is exchanged or personal like or dislike of decision maker of twitter leads to such actions to promote Anti India, Anti BJP, Anti Modi, Anti Indian establishment tweets.

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Anantkumar Hegde

Continuation Sheet

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Also attaching a tweet that targets PMO on global platform through Wall Street Journal where it is said that under Prime Minister Modi the civil liberties in India is at stake thereby projecting our respected PM and the country in poor light. Even after repeated complaints such tweets are neither removed nor the handles of such persons not suspended. (attachments enclosed)

Through this letter, I request your kind office to introduce some regulations, accountability and transparency for social media platforms like twitter alike Newspapers and TV Channels.

Also, we must ensure that data remains in India and the source code should be with Indian agencies/ NIC.

Finally, like you have advocated the concept of self-sufficiency today during a video-meeting, post Covid19, we as nation should try and develop la-twitter Indian version thru NIC, CDAC, CDOT or Indian Start-up sector on a war footing and commercialisation of the same must happen through Government of India or Indian private entity. Digital colonisation can be only challenged with data sovereignty. Freedom of speech and expression can be only guaranteed by Data sovereignty and transparency.

Sir, Just FYI post my letter dated 20th April 2020 via MP(UK)/04/2020-21 to you against twitter India, Twitter suspended my personal twitter account @AnantkumarH and the also account of Policy Thinktank @CksIndia which had raised the issue of Anti India tweets on several platforms. Point to be noted is both these accounts were suspended/ locked without any prior intimation. CKS India is headed by decorated veteran Lt Gen Dr D B Shekatkar, PVSM, AVSM, VSM (Heading Shekatkar Committee of Defence submitted to Defence Ministry and which is currently under discussion in forming defence policy)

This raises further suspicion on the conduct of twitter India.

I would request your kind office to instruct appropriate ministries / departments to ensure that Twitter follows the constitution of India and their conduct is free and fair and transparent.

In case Twitter has made any money through Anti India tweets, sponsored advertisements, strict action should be taken against them as per the law of the land.

Yours sincerely


Anantkumar Hegde

Encl:

1. Locking of Twitter Handle @AnantkumarH
2. Locking of Twitter Handle @CKSIndia
3. Tweet from Hon Defence Minister of India on Shekatkar Committee's meeting.
4. @WSJ Anti India tweet
5. My letter dated 20th April 2020

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Your account has been locked.



Anantkumar Hegde

@AnantkumarH

What happened?

We have determined that this account violated the Twitter Rules.

As a result, we have locked your account.

What you can do:

To unlock your account, you must do the following:

- Remove Tweets that violate our rules

If you think we've made a mistake, you can appeal the violation.

Start

Call ended

Alley



@CKSIndia

@CKSIndia

Account suspended

Twitter suspends accounts that violate the Twitter Rules.

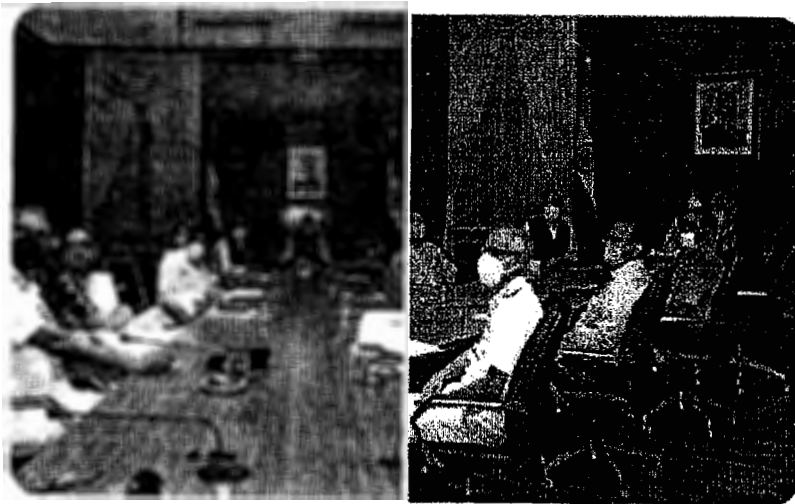


Dee



रक्षा मंत्री कार्यालय/ RMO India ✓
@DefenceMinIndia

Raksha Mantri Shri @rajnathsingh reviewed the Shekatkar Committee recommendations on enhancing combat capabilities at a high-level meeting in New Delhi, today.



2:01 PM · 20/04/20 · Twitter for iPhone



Tweet your reply

Devi



Tweet



Tunku Varadarajan 
@tunkuv

My brother in India faces criminal charges for reporting the news, writes @tunkuv wsj.com/articles/when-... via @WSJ



See



Anantkumar Hegde

Member of Parliament (LS)
Uttara Kannada

MP(UK)/04/2020-21

20th April 2020

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Continuation Sheet

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With warm regards,

Sincerely,


Anant Kumar Hegde

To
Shri Narendra Modi
Hon'ble Prime Minister of India
PMO, South Block
New Delhi-110001



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ANNEXURE-S

रजिस्ट्री सं. डी.एल.- 33004/99

REGD. NO. D. L.-33004/99



भारत का राजपत्र The Gazette of India

सौ.जी.-डी.एल.-अ.-08012020-215225
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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 104J
No. 104J

नई दिल्ली, बुधवार, जनवरी 8, 2020/पौष 18, 1941
NEW DELHI, WEDNESDAY, JANUARY 8, 2020/ PAUSHA 18, 1941

गृह मंत्रालय
अधिसूचना

नई दिल्ली, 8 जनवरी, 2020

का. आ. 112(अ).—जबकि, केंद्रीय सरकार ने, विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) (जिसे इसके बाद उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) और (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की भारत के राजपत्र, असाधारण, भाग-II, खंड-3, उप-खंड (ii) में प्रकाशित दिनांक 10 जुलाई, 2019 की अधिसूचना संख्या का.आ. 2469(अ) (जिसे इसके बाद उक्त अधिसूचना कहा गया है) के तहत सिख्त फॉर जस्टिस (एसएफजे) को विधिविरुद्ध संगम घोषित किया है;

और, जबकि, केंद्रीय सरकार ने उक्त अधिनियम की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की भारत के राजपत्र, असाधारण, भाग-II, खंड-3, उप-खंड (ii) में प्रकाशित दिनांक 7 अगस्त, 2019 की अधिसूचना संख्या का.आ. 2856(अ) के तहत विधिविरुद्ध क्रियाकलाप (निवारण) अधिकरण (जिसे इसके बाद उक्त अधिकरण कहा गया है) का गठन किया था, जिसमें दिल्ली उच्च न्यायालय के मुख्य न्यायाधीश, न्यायमूर्ति श्री डी.एन. पटेल शामिल थे;

Deer

और, जबकि केंद्रीय सरकार ने उक्त अधिनियम की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस न्यायनिर्णयन के प्रयोजन के लिए कि क्या सिख्स फॉर जस्टिस (एसएफजे) को विधिविरुद्ध संगम घोषित किए जाने का पर्याप्त कारण है या नहीं, दिनांक 7 अगस्त, 2019 को उक्त अधिकरण को उक्त अधिसूचना संदर्भित की थी;

और, जबकि उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में की गई घोषणा की पुष्टि करते हुए दिनांक 6 जनवरी, 2020 को एक आदेश दिया था;

अतः, अब, केंद्रीय सरकार एतद्वारा उक्त अधिनियम की धारा 4 की उप-धारा(4) के अनुसरण में उक्त अधिकरण के आदेश को प्रकाशित करती है, अर्थात्:-

---: अधिकरण का आदेश अंग्रेजी भाग में छपा है :---

(न्यायमूर्ति डी. एन. पटेल)

विधिविरुद्ध क्रियाकलाप (निवारण) अधिकरण

जनवरी 6, 2020

[फा.सं. 17014/18/2019-आई.एस.-VII]

पुण्य सलिला श्रीवास्तव, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 8th January, 2020

S.O. 112 (E).—Whereas the Central Government in exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) (hereinafter referred to as said Act), declared the Sikhs For Justice (SFJ) to be unlawful association *vide* notification of the Government of India in the Ministry of Home Affairs number S.O. 2469 (E), dated the 10th July, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated 10th July, 2019 (hereinafter referred to as said notification);

And, whereas, the Central Government in exercise of the powers conferred by sub-section (1) of section 5 of the said Act constituted the Unlawful Activities (Prevention) Tribunal (hereinafter referred to as the said Tribunal) consisting of Mr. Justice D.N. Patel, Chief Justice, High Court of Delhi *vide* notification of the Government of India in the Ministry of Home Affairs number S.O. 2856 (E), dated 7th August, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated 7th August, 2019;

And, whereas, the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act referred the said notification to the said Tribunal on the 7th August, 2019 for the purpose of adjudicating whether or not there is sufficient cause for declaring the Sikhs For Justice (SFJ) as unlawful association;

And, whereas, the said Tribunal in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an order on the 6th January, 2020, confirmed the declaration made in the said notification;

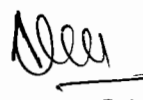
Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the order of the said Tribunal, namely :-

UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

COURT NO. 1: DELHI HIGH COURT, NEW DELHI

Date of decision: 6th January, 2020

Re: Notification No. S.O. 2469(E) dated 10th July, 2019 issued by the Central Government under Section 3(1) & 3(3) of the Unlawful Activities (Prevention) Act, 1967 declaring Sikhs For



74

Justice (SFJ) as an unlawful association, read with Notification No. S.O. 2856(E) dated 7th August, 2019.

UNION OF INDIA

Through:

Mr. Tushar Mehta, Solicitor General of India with Mr. Sachin Datta, Sr. Advocate with Mr. Rajat Nair, Mr. Jay Prakash Singh, Ms. Rijuta Mohanty, Ms. Prity Sharma, Ms. Uttara Babbar, Mr. Shantanu Sharma, Mr. Manan Bansal and Ms. Bhavana Duhoon, Advocates for Union of India.

Mr. H. K. Wadhwa, Under Secretary, Mr. Manoj Kumar Singh, Technical Officer (Monitoring) and Mr. Varun, Asst. Section Officer from Ministry of Home Affairs.

Versus

SIKHS FOR JUSTICE (SFJ)

Through:

Mr. Colin Gonsalves, Sr. Advocate with Mr. Ehsan Javaid, Ms. Sneha Mukherjee, Mr. Siddharth Seem and Md. Aman Khan, Advocates for the respondent Association.

CORAM:

HON'BLE MR. JUSTICE D. N. PATEL

ORDER

1. In exercise of powers conferred by sub-sections (1) and (3) of Section-3 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as 'the Act'), the Central Government, vide Notification No. S.O. 2469(E) dated 10th July, 2019 published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), declared the Sikhs For Justice [for short 'SFJ'] as an 'Unlawful Association' and directed that this notification shall, subject to any order that may be made under Section 4 of the said Act, have effect for a period of five years from the date of its publication in the Official Gazette.

2. Thereafter, in exercise of the powers conferred by sub-section (1) of Section 5 of the Act, the Central Government, vide Notification No. S.O. 2856(E) dated 7th August, 2019, constituted this Tribunal for the purpose of adjudicating whether or not there is 'sufficient cause' for declaring 'SFJ' as an Unlawful Association, which has already been declared as such by the Central Government vide its notification No. S.O. 2469(E) dated 10th July, 2019. The reference made to this Tribunal under the provisions of Section 4(i) of the Act was received by this Tribunal on 8th August, 2019.

3. This order will answer the aforesaid reference.

4. The Notification dated 10th July, 2019 was issued by the Central Government on the ground that 'SFJ' is indulging in activities which are prejudicial to the integrity and security of the country and further that the following unlawful activities indulged by the 'SFJ' fall within the meaning of clauses (o) and (p) of sub-section (1) of Section 2 of the Act, namely:

(i) SFJ is involved in anti-national and subversive activities in Punjab and elsewhere, intended to disrupt the sovereignty and territorial integrity of India;

(ii) SFJ is in close touch with the militant outfits and activists, and is supporting violent form of extremism and militancy in Punjab and elsewhere to carve out a sovereign Khalistan out of territory of Union of India;

(iii) SFJ is encouraging and aiding the activities for secession of a part of the Indian territory from the Union of India and supporting separatist groups fighting for this purpose in India and elsewhere by indulging in activities and articulations intended to disrupt the sovereignty and territorial integrity of India.

The Central Government further opined that if the unlawful activities of 'SFJ' are not curbed and controlled immediately, it is likely to:-

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- (a) Escalate its subversive activities including attempts to carve out Khalistan Nation out of the territory of Union of India by destabilising the Government established by law;
- (b) Continue advocating the secession of the Khalistan from the Union of India while disputing the accession of the State with the Union;
- (c) Propagate anti-national and separatist sentiments prejudicial to the territorial integrity and security of the country; and
- (d) Escalate secessionist movements, supports militancy and incite violence in the country.

5. Along with the aforesaid Notification, the Central Government had furnished to the Tribunal a Note about 'SFJ', detailing its backgrounds, objectives, activities, and associates as well as the details of cases registered in Punjab and Uttarakhand and by the NIA against operatives and handlers of 'SFJ'. It is also stated that 'SFJ' has no known presence in India but its modules and their activities in India are being operated by their foreign based handlers. The objectives of 'SFJ', as stated in the Note, read as under:

- (i) SFJ is presently propagating the so-called Referendum-2020 on the social media as well as on ground by holding meetings across USA and other countries where Sikhs are in significant numbers intending to cause disaffection against India.
- (ii) A website has also been launched by name www.referendum2020.org which is replete with pro-Khalistani posts and anti-India insinuations. The website has posters with photo of Sikh terrorist Jarnail Singh Bhindranwale juxtaposed with the caption 'PUNJAB REFERENDUM 2020 FRO KHALISTAN' and logos for 'PUNJAB REFERENDUM 2020' and 'KHALISTAN'. There are posters saying 'STOP INDIAN TERRORISM' and 'FREE PUNJAB, END INDIAN OCCUPATION', intended to disrupt the territorial integrity of India.
- (iii) The website also propagates 'Right to Self-Determination under International Law' for the people of Punjab claiming that Punjabi is the common language and the Sikhs being predominant in Punjab, they have the right to Self-Determination based on language and religion, causing imputations and assertions prejudicial to national integration. It also supports dissolution of India into several smaller states such as Punjab (Khalistan), Gorkhaland, Assam, Kashmir, South India, Maoist insurrections.
- (iv) The written content as well as the visual representations in the website www.referendum.2020org are provocative and inciting the Sikh community to bring about secession of Punjab from the Union of India. The website also has a link for raising funds for 'Sikhs For Justice' (SFJ) for the purpose of campaign for so-called Referendum 2020 through PayPal account & Debit or Credit card, so as to escalate its subversive activities in India and abroad.
- (v) The website provides material on all the activities of SFJ related to so-called Referendum 2020 and provides links to download banners, placards, posters, Khalistan flag, T-Shirt designs (front & back), etc. supporting the so-called 'Referendum 2020', that are squarely covered under Sections 153A and 153B of IPC.

6. In addition to the aforesaid objectives of SFJ, the following activities of SFJ are also narrated in the Note annexed to the reference:

- (i) SFJ organized (Aug. 12, 2018) "London Declaration" on the "the so-called Referendum 2020" where approximately 1200-1500 Sikhs took part from the UK and abroad, intending to cause disaffection against India.
- (ii) SFJ launched the registration of "Team 2020", a team of volunteers to assist during the referendum campaign, from Gurdwara Panja Sahib (Hassanabdal, Apr. 14, 2019), followed by registration at Stockton, California (Apr. 14) in the US and Surrey, British Columbia (Apr. 20) in Canada. SFJ had also offered to reimburse travelling expenses to Sikhs visiting Gurdwara Panja Sahib on the occasion. It declared that it would sponsor 10,000 Sikhs pilgrims from India to attend the "Khalistan 2020 Convention" to be held at Kartarpur in November, 2019, coinciding with celebrations related to the 550th Birth Anniversary of Guru Nanak. From this it is evident that SFJ is encouraging and aiding the activities for secession a part of the Indian territory from the Union of India.

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- (iii) SFJ commenced registration of volunteers online, in other locations across the world, including Khalsa Diwan Gurdwara (Hong Kong, Apr. 21); US based Gurdwaras including Gurdwara Sikh Cultural Society, Richmond Hill, New York; Gurdwara Singh Sabha, Carteret, New Jersey and Gurdwara Stockton, California (Apr. 14); and during 'Sikh Day Parades' held in New York (Apr. 27) and Surrey (Apr. 20). All these activities are intended to escalate its subversive activities against India.
- (iv) SFJ organized fund raising conferences in Fremont, California (Apr. 7, 2019), Toronto (Mar. 30) and New York (Mar. 17). To ensure participation of Sikh youth among the Diaspora in the campaign, SFJ in coordination with Sikh Club or Queens College, New York organized (Mar. 25, 2019) a meet on "Khalistan" and so-called "Referendum 2020". Earlier, similar events were held (Jan. 17, 2019) at University of California; San Jose State University (Feb. 21, 2019) and California Polytechnic University, Pomona (Mar. 7, 2019), wherein they incited the youth to indulge in unlawful activities with the aid of their Punjab-based friends and relatives. In addition, SFJ has been organizing a series of so-called "Referendum 2020" Conferences in various cities abroad for raising funds and promote their referendum campaign, and thus propagating anti-national and separatist sentiments prejudicial to the territorial integrity and security of the country.
- (v) Gurpatwant Singh Pannun wrote (Nov. 7, 2018) to the US Ambassador in New Delhi complaining against the measures taken by the Government on the operatives affiliated with the so-called "Referendum 2020" campaign in Punjab. He falsely accused Indian Government of "unleashing a reign of terror" by "labeling peaceful campaigners" as terrorists and filing "false charges" against them. Such representations were tweeted on social media to garner support for SFJ. This is an attempt to escalate secessionist movement, support militancy and incite violence in the country.
- (vi) Gurpatwant Singh Pannun also wrote (New York, Jan. 13, 2019) a letter to the Chinese Ambassador in Islamabad, Yao Jing, in which he falsely alleged the involvement of Indian intelligence in the attack (Nov. 23, 2018) on the Chinese Consulate in Karachi. SFJ offered to donate Pak Rs.1 million to their families. In addition, Pannun falsely accused India of "disturbing peace, security and stability" in China, Pakistan and Afghanistan over the last three decades, and held India "responsible" for the July 2018 attack in Jalalabad (Afghanistan). Pannun further falsely alleged that India is not only "sponsoring terrorism" in foreign countries to "discredit Pakistan" but is also "violently" crushing the "domestic democratic movements for independence in Punjab and Kashmir" thereby supporting separatist groups fighting for this purpose in India.
- (vii) SFJ through social media posts incited (Feb. 2019) the teachers of Punjab, who had been protesting demanding higher remunerations and better service conditions, to promote so-called "Referendum 2020" in their schools and colleges, articulating that a change in the Government would not help resolve their issues, and "independence" was the only solution to ensure that their salaries were brought at par with developed countries, and thus is encouraging the activities for secession.
- (viii) SFJ is also using social media to garner support from Punjab based Sikh youth for its so-called "Referendum 2020" campaign. SFJ had made use of a Chinese social media app called Tik-Tok for pro-Khalistani propaganda with hashtags including #khalistanzindabad and #referendum2020 with 1 million views, and thereby is aiding and abetting the activities for secession.
- (ix) UK-based SFJ operative Dapinderjit Singh, through social media, has been abetting India-based SFJ supporters/operatives to circumvent the ban on SFJ's Facebook page promoting so-called "Referendum 2020" in India. The post describes the procedure of downloading and using Virtual Private Network (VPN) app and advises users to select a frequency/location outside the country to aid and abet anti-national and subversive activities in India and elsewhere, intended to disrupt the sovereignty and territorial integrity of India.
- (x) SFJ allegedly called upon Pak Prime Minister Imran Khan to "politically support so-called 'Referendum 2020', to liberate Punjab from Indian occupation" and undo Pakistan's "failure to support Sikhs" during the 1984 "siege" of the Golden Temple under Operation Blue Star. In addition, SFJ also released a fictitious letter purportedly written (Dec. 3, 2018) by "Deputy Director General in Psy-Ops Wing of the Directorate

77

- of Military Intelligence”, which claimed that Sikhs in the Indian armed forces are “getting united and secretly” extending support to so-called “Referendum2020” and that called for maintaining a database of the Sikhs personnel in the armed forces and “controlling” their further recruitment, intended to escalate its subversive and secessionist activities.
- (xi) SFJ and its operatives have been trying to radicalize, fund and motivate the youth of Punjab into committing acts of arson and violence. It has also been making efforts to enlist the support of gangsters and radicals in Punjab and exhorting them to fight for the ‘liberation of Punjab’ from the Indian government, thereby propagating anti-national and separatist sentiments prejudicial to the territorial integrity and security of India.
 - (xii) Punjab Police have registered criminal cases against SFJ leaders abroad and operatives based in India who had been radicalized, indoctrinated, motivated and funded by SFJ leaders in carrying out acts of violence, such as burning of liquor shops and targeting of political and social leaders/workers belonging to a particular community. Such foreign based SFJ leaders include Gurpatwant Singh Pannun, Harmeet Singh @ Harpreet Singh @ Rana Singh (close associate of Gurpatwant Singh Pannun based in New York), Paramjit Singh Pamma (UK), Mann Singh (UK), and Deep Kaur (Malaysia). Arms & ammunition have been recovered from members of such radical modules and there are ample evidences to prove that such modules were being funded by above-mentioned SFJ leaders and operatives based in various South-Eastern, Western and even African countries, through money transfers over MTSS or Hawala channels. From these cases, it is evident that SFJ is supporting violent form of extremism and militancy in Punjab in support of its secessionist agenda.
 - (xiii) In May 2018, Batala Police arrested 2 radical operatives Dharminder Singh (a Territorial Army Soldier) and Kirpal Singh, who had set 2 liquor vends on fire in Batala Police district. During preliminary investigations, these SFJ operatives disclosed that they had been radicalized, indoctrinated, motivated and funded by their foreign based handlers, including Gurpatwant Singh Pannun, Legal Advisor to Sikhs for Justice (SFJ), Harmeet Singh @ Harpreet Singh @ Rana Singh (close associate of Gurpatwant Singh Pannun based in New York), Paramjit Singh Pamma (UK), Mann Singh (UK), Deep Kaur (Malaysia) to carry out various types of violent acts to give wide publicity to the ongoing ISI funded and sponsored secessionist campaign for the ‘liberation of Punjab’ from the Indian government. They also disclosed that they were lured into the campaign over the social media after being contacted and motivated (including by Gurpatwant Pannun himself) on various social media platforms (such as Telegram and WhatsApp) by their above-mentioned foreign based handlers. They had been asked to spray-paint so-called Referendum 2020 slogans and to put liquor vends and government properties on fire during the Ghallughara week (June 2018). From this incident, it is clear that SFJ has been indulging in activities, which are prejudicial to internal security of India and public order, and have the potential of disrupting peace, the unity and integrity of India.
 - (xiv) In October 2018, Amritsar Police had arrested two radical operatives, Sukhraj Singh and Malkit Singh, who had pasted so-called Referendum 2020 banners in public places at Amritsar. During preliminary investigations, these operatives had disclosed that they had been motivated by their foreign based handlers, including Gurpatwant Singh Pannun. And that they have procured weapons from funds received from abroad to target political leaders of a particular community. Consequent to their arrest, Sikhs for Justice had announced that they would provide legal defense and also offered 2 lakh rupees each for the families of Sukhraj and Malkit. Thus, SFJ is encouraging and aiding persons to undertake unlawful activities intending to disrupt the territorial integrity of India.
 - (xv) In March 2019, three SFJ operatives (Baljit Singh, Jagdev Singh @ Jagga and Manjit Singh) were arrested in Amritsar and 2 pistols were recovered from them. Posters and Pamphlets regarding so-called Referendum 2020 were also recovered from Baljit Singh. These SFJ operatives had also been motivated to kill leaders of a particular community in an attempt to indulge in unlawful activities intending to disrupt the territorial integrity of India.
 - (xvi) SFJ operatives based in USA have also been involved in assault on moderate Sikhs Political leaders visiting USA. In August 2018, SFJ operatives attacked Manjit Singh GK, President Delhi Sikh Gurudwara



Management Committee, in front of Yuba City Gurudwara. One Sabi Singh of California, SFJ operative and Jasbir Singh Delhi were arrested by the US Police in connection with this assault on Manjit Singh GK. This incident points to the fact of SFJ aiding and abetting the offenses abroad against Indians in support of its secessionist and subversive agenda of disrupting the territorial integrity of India.

- (xvii) SFJ had exhorted Punjab police personnel to rebel against the Punjab government and not to obey the orders of the Chief Minister of Punjab, and also desert the Punjab Police, which was taking effective and lawful action against militant/radical/gangster elements operating in Punjab, often with active support from across the border. SFJ has also come to notice threatening and intimidating Punjab Chief Minister, Punjab Jails Minister and senior police officers of Punjab, including former and serving DGPs, on alleged charges of torture of SFJ operatives who had been brought to justice and booked as per law for commission of violent acts in Punjab in 2018 and 2019. From these incidents it is evident that SFJ has been including in activities, which are prejudicial to internal security of India and public order, and have the potential of disrupting peace, the unity and integrity of India.
- (xviii) SFJ has also been targeting soldiers from Sikh community working in Indian Army through a dedicated social media campaign and instigating them to desert the army and work for promotion of the so-called Referendum-2020 instead. They have also been exhorting these soldiers not to fight for India or shed its blood for India but to fight for independence of Punjab from India. SFJ has also been making false claims that the Indian Army had killed 10,000 Sikhs in June 1984 and 2,50,000 Sikhs from 1984-1994. Thus, SFJ has been causing disaffection among Indian Army soldiers. IN April 2019, SFJ asked the soldiers from Sikh community working in Indian Army and the members of Punjab police to attend the so-called 'Referendum 2020' Rally in Washington D.C on 6th June, 2019. SFJ offered free sponsorship letter for U.S. visa to these soldiers and police personnel. These activities indicate that SFJ has been engaged in activities and articulations intended to cause disaffection against India.
- (xix) SFJ handlers based abroad have also been involved in burning of Indian Flag, and they have also come to notice instigating the youth of Punjab to indulge in similar acts. Avtar Singh Pannun, Sabi Singh Rana Singh, Major Singh Nijjer, Sukhwinder Singh Thana, Irvinjit Singh Sahota, Kulvinder Singh Sandhu @ Tezy, Gurpreet Singh Baagi and Ravinder Singh Sohal have come to notice for uploading videos after burning Indian flags in various countries abroad causing disaffection against India.
- (xx) On 26-01-2019, SFJ operatives burnt the Indian Flag intended to vitiate India's Republic Day celebration at various places, especially in London and Washington D.C. Paramjit Singh Pamma and Dupinderjit Singh were seen leading the group in London while Avtar Singh Pannun burned the Indian National Flag in Washington D.C. In May, 2019, SFJ urged the Sikh Community in Punjab to boycott the General Parliamentary Elections-2019 and vote instead for Independent Punjab in so-called Referendum 2020 in November 2020. He claimed that only an Independent Punjab could solve the problems of Punjab, such as unemployment and farmer's suicides. These activities again indicate that SFJ's engagement in activities and articulations intended to cause disaffection against India.
- (xxi) UK based SFJ operatives especially Paramjit Singh Pamma who is wanted for involvement for crimes in India, was seen in the India vs. England World Cup cricket match at Edgbaston (Birmingham) on 30th June, 2019. Pamma and his associates were seen wearing T-shirts of so-called Referendum 2020 and waving the Khalistani Flag at the Cricket match. In a highly secessionist act, SFJ also shared a poster on social media last week urging pro-Khalistani Sikhs to boo the Indian Team during the Semi-Final match against New-Zealand on 9th July, 2019. SFJ alleged that Team India represented the faces of Indian terrorism, thereby propagating anti-national and separatist sentiments prejudicial to the territorial integrity and security of the country.
- (xxii) On the occasion of Gurpurab celebrations in Nankana Sahib in November 2018, Gurpatwant Singh Pannun, Legal Advisor of SFJ, made public a letter declaring that the SFJ will open so-called Referendum 2020 Information Centre in Lahore. He also claimed that hundreds of Referendum campaigners from North America, Europe and UK had reached Pakistan to coordinate 'Referendum 2020' campaign in Nankana Sahib during the 549th birth anniversary celebrations of Sri Guru Nanak Dev Ji. He also added so-called 'Referendum 2020' banners and Khalistan flags with the life size portrait of Jarnail Singh Bhindranwale

had been placed throughout the Nankana Sahib Complex. Pannun thus made it clear that the so-called Referendum-2020 campaign had the active support of the Pak establishment and the ISI.

(xxiii) SFJ posted insurrectionary and insinuating songs and other visual representations in the form of speeches or otherwise such as on Facebook/Twitter/YouTube Channels/Videos, thereby by glorifying Sikh terrorists as well as by propagating anti-India ideology, are radicalizing and instigating the members of Sikh community to agitate for the secession of Punjab from the Union of India, thereby trying to undermine the territorial integrity of India while inciting disaffection among the Sikh community towards Indian Government and Indian State.

7. The Central Government, in the Note annexed to the reference, has also given the details of cases registered in Punjab and Uttarakhand and by NIA against operatives and handlers of Sikhs For Justice (SFJ), which are summarized as under: -

1. FIR No. 149/2017 of PS-Sohana District-SAS Nagar under section 124-A, 153-A, 153-B and 120-B of IPC against the accused Gurpatwant Singh @ Pannun, Gurpreet Singh, Jagdeep Singh @ Baba Jang Singh, Jagjit Singh and Harpuneet Singh;
2. FIR No. 26/2018 of PS-Sadar Banga District-SBS Nagar under section 436, 511 and 120-B of IPC against the accused Deep Kaur @ Kulbir Kaur, Manveer Singh @ bahadur Singh, Sukhwinder Singh, Jaspreet Singh @ Jassas, Kapil Dev, Randhir Singh @ Dhira and Lakha Singh;
3. FIR No. 46/2018 of PS-Rangar Nagal District-Batala under section 121, 121-A, 122, 124-A, 115, 120B, 307, 438, 427, 148 and 149 of IPC, 11, 12, 13, 17, 18 of Unlawful Activities (Prevention) Act and Section 25 of the Arms Act against the accused Gurpatwant Singh @ Pannu, Dharminder Singh @ Fauji, Kirpal Singh, Ravinder Singh @ Raja, Amritpal Singh, Ravipreet Singh, Nirmal Singh, Harnam Singh, Maan Singh @ Kulwant Singh @ Kanta, Deep Kaur @ Kulbir Kaur, Paramjit Singh @ Pamma, Ranjit Singh @ Rana @ Harmeet Singh @ Harpreet Singh and Ashok Sharma;
4. FIR No. 152/2018 of PS-Sultanwind District-Amritsar under section 117, 122, 124-A, 153-A, 153-B and 120-B of IPC, Section 17, 18 and 19 of the Unlawful Activities (Prevention) Act and Section 25 of the Arms Act against the accused Sukhraj Singh @ Raju, Malkit Singh @ Meetu, Bikramjit Singh @ Vicky, Harprit Singh @ Happy, Gurwinder Singh @ Gurprit Gopi, Manjit Singh @ Manga, Jatinder Singh @ Goldy, Harmeet Singh @ Raju, Roofal @ Rahul Gill, Sukhmandar Singh @ Gopy and Kuldip Singh;
5. FIR No. 132/2018 of PS-Lahori Gate, Div-4, Patiala under section 13, 16, 18 and 20 of Unlawful Activities (Prevention) Act, 1967, Section 3, 4, 5 of the eXplosive Substance Act, 1908, Section 25 of the Arms Act and Section 120B of the Indian Penal Code against the accused Shabnamdeep Singh @ Deep @ Billa @ Maninder Singh, Jatinder Singh @ Binder Singh, Gursewak Singh, Ramesh Kumar, Vinod Kumar, Kulvinderjit Singh and Harmeet Singh PHD;
6. FIR No. 156/2018 of PS-Sirhind under section 25 of Arms Act, Section 120B of Indian Penal code and Section 20 of the Unlawful Activities (Prevention) Act, 1967 against the accused Mohiuddin Sadiqki, Harpal Singh and Gurjeet Singh Nijjar;
7. FIR No. 3/2019 of PS-S.S.O.C. District-Amritsar under section 25/54/59 of Arms Act and Section 13 of Unlawful Activities (Prevention) Act, 1967 against the accused Baljit Singh, Jagdev Singh @ Jagga and Manjit Singh @ Manna;
8. FIR No. 179/2018 of PS-Sadar Samana Patiala under section 25 of Arms Act against the accused Jarman Singh;
9. FIR No. 299/2018 of PS-Khatima, Udamsingh Nagar, Uttarakhand under section 153-B and 505 of IPC and Section 66 of IT Act against the accused Harjeet Singh @ Babbi Bhinder and Kulwinder Singh; and
10. FIR/Case No. RC-02/2019/NIA/DLI under Section 120B, 124A, 153A, 153B and 505 of IPC and Section 13, 17 & 18 of Unlawful Activities (Prevention) Act, 1967 against the accused Gurpatwant Singh Pannun.

8. In the aforesaid background, the Central Government formed an opinion that SFJ has been indulging in the activities which are prejudicial to the integrity and security of the country and have the potential of disrupting peace, unity and integrity of the country and that it is necessary to declare 'SFJ' to be an 'unlawful association' with immediate effect i.e. w.e.f. the date of publication of Notification No. S.O. 2469(E) dated 10th July, 2019.

9. Upon receiving the reference on 8th August, 2019, the Tribunal listed the matter for preliminary hearing on 13th August, 2019.

10. On 13th August, 2019, on, *prima facie*' consideration of the material placed on record by the Central Government, this Tribunal directed that a notice under Section 4(2) of the Act be issued to 'SFJ' to show cause, within 30 days from the date of service of notice, as to why it be not declared as an "Unlawful Association" and the matter was fixed for hearing on 20th September, 2019. The notice was directed to be served on 'SFJ' in the following manner:

- I. By affixing a copy of the notice at some conspicuous part of the office(s), if any, of the Association;
- II. By serving a copy of the notice, wherever possible, on the principal office-bearers, if any, of the Association;
- III. In case, the offices of the Association are located outside the territory of India or the principal office-bearers of the banned Association are actually and voluntarily residing, carrying on business or personally working for gain outside the territory of India, the notices may be served in terms of Rules 25, 26 and 26A of Order-V of the Code of Civil Procedure, 1908;
- IV. By making an announcement over the radio/television from the local or nearest broadcasting station of the All India Radio/Doordarshan;
- V. By pasting the notice on the Notice Board of the office of the Deputy Commissioners at the Headquarters of each of the Districts in the States, where the activities of the Association are undertaken;
- VI. By pasting the notice on the Notice Board of the Indian Consulates/Embassies in the countries where the activities of the 'SFJ' are claimed; and
- VII. By publication in two National Newspapers in English and in two vernacular newspapers of the States of Punjab, Haryana, Jammu and Kashmir, Rajasthan, Uttar Pradesh, Uttarakhand, Government of National Capital Territory of Delhi and Chandigarh Administration as also in the States of New York in USA; Toronto in Canada and London in UK.

11. Pursuant to the directions given by the Tribunal, the affidavits of service were filed for the states of Haryana, Punjab, Rajasthan, Uttar Pradesh, Uttarakhand, Jammu and Kashmir, NCT of Delhi and NCT of Chandigarh, putting on record the factum of service of notice. So far as service of notice at the registered office and other offices of the respondent Association at USA, Canada and UK was concerned, an affidavit of service was filed by the Under Secretary, Ministry of Home Affairs, New Delhi confirming service of notice on the respondent Association at the addresses mentioned in the background note furnished by the government along with the reference. The affidavit was supported by the confirmation reports received from the High Commission of India at London, the Consulate General of New York at USA and the Consulate General of Toronto at Canada.

12. On 20th September, 2019, Mr. Eshan Javaid, Advocate, entered appearance on behalf of the respondent Association and filed his vakalatnama. He was lead by Mr. Colin Gonsalves, Senior Advocate. A complete set of Background Note was supplied to them to enable them to file their reply to the Show Cause Notice. The reply to the Show Cause Notice was filed by the respondent Association on 14.10.2019 by way of preliminary submissions.

13. Before proceeding further in answering the reference, it would be appropriate at this stage to notice Sections 3, 4, 5 and 9 of the Unlawful Activities (Prevention) Act, 1967 and Rules 3 & 5 of the Unlawful Activities (Prevention) Rules, 1968 and some of the pronouncements of the Hon'ble Supreme Court on the subject:

Sections 3, 4, 5 and 9 of the UAPA read as under:

"3. Declaration of an association as unlawful.—(1) 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 unlawful.

(2) Every such notification shall specify the grounds on which it is issued and such other particulars as the Central Government may consider necessary:

Provided that nothing in this sub-section shall require the Central Government to disclose any fact which it considers to be against the public interest to disclose.

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(3) No such notification shall have effect until the Tribunal has, by an order made under section 4, confirmed the declaration made therein and the order is published in the Official Gazette:

Provided that if the Central Government is of opinion that circumstances exist which render it necessary for that Government to declare an association to be unlawful with immediate effect, it may, for reasons to be stated in writing, direct that the notification shall, subject to any order that may be made under section 4, have effect from the date of its publication in the Official Gazette.

(4) Every such notification shall, in addition to its publication in the Official Gazette, be published in not less than one daily newspaper having circulation in the State in which the principal office, if any, of the association affected is situated, and shall also be served on such association in such manner as the Central Government may think fit and all or any of the following modes may be followed in effecting such service, namely:—

- (a) by affixing a copy of the notification to some conspicuous part of the office, if any, of the association; or
- (b) by serving a copy of the notification, where possible, on the principal office-bearers, if any, of the association; or
- (c) by proclaiming by beat of drum or by means of loudspeakers, the contents of the notification in the area in which the activities of the association are ordinarily carried on; or
- (d) in such other manner as may be prescribed.

4. **Reference to Tribunal.**—(1) Where any association has been declared unlawful by a notification issued under sub-section (1) of section 3, the Central Government shall, within thirty days from the date of the publication of the notification under the said sub-section, refer the notification to the Tribunal for the purpose of adjudicating whether or not there is sufficient cause for declaring the association unlawful.

(2) On receipt of a reference under sub-section (1), the Tribunal shall call upon the association affected by notice in writing to show cause, within thirty days from the date of the service of such notice, why the association should not be declared unlawful.

(3) After considering the cause, if any, shown by the association or the office-bearers or members thereof, the Tribunal shall hold an inquiry in the manner specified in section 9 and after calling for such further information as it may consider necessary from the Central Government or from any office-bearer or member of the association, it shall decide whether or not there is sufficient cause for declaring the association to be unlawful and make, as expeditiously as possible and in any case within a period of six months from the date of the issue of the notification under sub-section (1) of section 3, such order as it may deem fit either confirming the declaration made in the notification or cancelling the same.

(4) The order of the Tribunal made under sub-section (3) shall be published in the Official Gazette.

5. **Tribunal.**—(1) The Central Government may, by notification in the Official Gazette, constitute, as and when necessary, a tribunal to be known as the "Unlawful Activities (Prevention) Tribunal" consisting of one person, to be appointed by the Central Government:

Provided that no person shall be so appointed unless he is a Judge of a High Court.

(2) If, for any reason, a vacancy (other than a temporary absence) occurs in the office of the presiding officer of the Tribunal, then, the Central Government shall appoint another person in accordance with the provisions of this section to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

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(3) The Central Government shall make available to the Tribunal such staff as may be necessary for the discharge of its functions under this Act.

(4) All expenses incurred in connection with the Tribunal shall be defrayed out of the Consolidated Fund of India.

(5) Subject to the provisions of section 9, the Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which it will hold its sittings.

(6) The Tribunal shall, for the purpose of making an inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the requisitioning of any public record from any court or office;
- (e) the issuing of any commission for the examination of witnesses.

(7) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Tribunal shall be deemed to be a civil court for the purposes of section 195 and [Chapter XXVI] of the [Code].

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9. Procedure to be followed in the disposal of applications under this Act.—Subject to any rules that may be made under this Act, the procedure to be followed by the Tribunal in holding any inquiry under sub-section (3) of section 4 or by a Court of the District Judge in disposing of any application under sub-section (4) of section 7 or sub-section (8) of section 8 shall, so far as may be, be the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the investigation of claims and the decision of the Tribunal or the Court of the District Judge, as the case may be, shall be final.”

Rules 3 & 5 of the UAP Rules read as under:

3. Tribunal and District Judge to follow rules of evidence.—(1) In holding an inquiry under sub-section (3) of section 4 or disposing of any application under sub-section (4) of section 7 or sub-section (8) of section 8, the Tribunal or the District Judge, as the case may be, shall, subject to the provisions of sub-rule (2), follow, as far as practicable, the rules of evidence laid down in the Indian Evidence Act, 1872 (1 of 1872).

[(2) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872), where any books of account or other documents have been produced before the Tribunal or the Court of the District Judge by the Central Government and such books of account or other documents are claimed by that Government to be of a confidential nature then, the Tribunal or the Court of the District Judge, as the case may be, shall not,—

- (a) make such books of account or other documents a part of the records of the proceedings before it; or
- (b) allow inspection of, or grant a copy of, the whole of or any extract from, such books of account or other documents by or to any person other than a party to the proceedings before it.]

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5. Documents which should accompany a reference to the Tribunal— Every reference made to the Tribunal under sub-section (1) of section 4 shall be accompanied by—

- (i) a copy of the notification made under sub-section (1) of section 3, and
- (ii) all the facts on which the grounds specified in the said notification are based:

Provided that nothing in this rule shall require the Central Government to disclose any fact to the Tribunal which that Government considers against the public interest to disclose."

14. Sub-section (5) of Section 5 of the Act provides that subject to Section 9, the Tribunal has the power to regulate its own procedure in all matters during the discharge of its functions. Section 9 provides for the 'procedure' to be followed for disposal of the applications under the Act, viz. subject to the rules made under the Act, the procedure to be followed by the Tribunal in holding any inquiry under Section 4(3) or any application under Section 7(4) or Section 8(8) "so far as" may be, the procedure laid down in the Code of Civil Procedure 1908. Rule 3 of the UAP Rules provides that subject to sub-rule (1), the Tribunal shall follow "as far as practicable" the rules of evidence as laid down in the Indian Evidence Act 1872. Thus, the Indian Evidence Act and the Rules made thereunder are not 'stricto sensu' applicable to the proceedings under the Act. The Hon'ble Supreme Court in *Jamaat-e-Islami Hind v. Union of India, (1995) 1 SCC 428*, while examining a similar ban on an association named Jamaat-e-Islami Hind, examined the provisions of the Act and on the issue of procedure observed that the Tribunal 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. It has further been held by the Supreme Court that the material need not be confined only to legal evidence in the strict sense and such a procedure would ensure that the decision by the Tribunal is made after assessing the credibility of the material while protecting the rights of the association and its members without compromising and/or jeopardizing the public interest, following the principles of natural justice and not merely accepting the opinion already formed by the Central Government. It has also been held that the materials in such matters are not confined to legal evidence in the strict sense and that the scrutiny and the procedure required to be followed as well as appreciation of evidence and the material brought on the record is not akin to a criminal trial.

15. It is pertinent at this stage to also take note of the guidelines laid down by the Supreme Court in *Jamaat-e-Islami Hind (supra)* for holding an enquiry of this nature. The Hon'ble Court has highlighted the principles which ought to govern an enquiry of this nature and the manner of adjudicating the 'sufficiency' of cause to ban an association. In para 11 of the judgment, the Hon'ble Supreme Court has observed as under:-

"The nature of inquiry contemplated by the Tribunal requires it to weigh the material on which the notification under sub-section (1) of Section 3 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 material 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 material produced the them".

In para 19 of the judgment, the Hon'ble Supreme Court has dealt with the issue of appreciation of material placed before the Tribunal, based on which the Central Government took the decision to ban the association. The said para reads as under:-

"The test of factual existence of grounds amenable to objective determination by the court for adjudging the reasonableness of restrictions placed on the right conferred by Article 19(1)(c) to form associations, in the scheme of the Unlawful Activities (Prevention) Act, 1967, is equally applicable in accordance with the decision in V.G. Row. It is, therefore, this test which must determine the meaning and content of the adjudication by the Tribunal of the existence of sufficient cause for declaring the association to be unlawful under the Act. A different construction to equate the requirement of this Act with mere subjective satisfaction of the Central Government, when the power to declare an association to be unlawful depends on the factual existence of the grounds which are amenable to objective determination, would result in denuding the process of adjudication by the Tribunal of the entire meaning and content of the expression 'adjudication'."

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In para 26 of the same judgment, the Hon'ble Court has pronounced on the application of the principles of natural justice to ensure that the decision of the Tribunal is its own opinion, formed on the basis of material placed before it and not a mere imprimatur of the Tribunal affixed to the opinion of the Central Government. The observations made by the Hon'ble Court in the said para 26 read as under:

"..... the provision for adjudication by judicial scrutiny, after a show-cause notice, of existence of sufficient cause to justify the declaration must necessarily imply and import into the inquiry, the minimum requirement of natural justice to ensure that the decision of the Tribunal is its own opinion, formed on the entire available material, and not a mere imprimatur of the Tribunal affixed to the opinion of the Central Government. Judicial scrutiny implies a fair procedure to prevent the vitiating element of arbitrariness. What is the fair procedure in a given case, would depend on the materials constituting the factual foundation of the notification and the manner in which the Tribunal can assess its true worth. This has to be determined by the Tribunal keeping in view the nature of its scrutiny, the minimum requirement of natural justice, the fact that the materials in such matters are not confined to legal evidence in the strict sense, and that the scrutiny is not a criminal trial. The Tribunal should form its opinion on all the points in controversy after assessing for itself the credibility of the material relating to it, even though it may not be disclosed to the association, if the public interest so requires."

16. During the hearing of the Tribunal on 17th October, 2019, the respondent Association moved an application seeking copies of documents which are referred to by the witnesses in their affidavits especially in the affidavit of Smt. Sonia Narang (PW-2). Response to this application was filed by the Union of India stating that so long as documents which are in public domain are concerned, they shall be supplied to the respondent Association. However, documents which are classified and not in public domain cannot be provided and that Union of India shall claim privilege in respect of those documents and the said documents would be placed before the Tribunal, for its perusal, in a sealed cover. Union of India subsequently also filed an application under Section 123 of the Evidence Act read with Section 172 of the code of Criminal Procedure claiming privilege in respect of certain documents which were sought by the respondent Association vide its application dated 17.10.2019. The respondent Association also preferred an application objecting to furnishing of documents by Union of India in sealed cover. Reply to the said application was filed by the Union of India. Vide order dated 06.12.2019, it was directed that the said issue will be heard and decided along with the main matter.

17. It is deemed necessary at this stage to decide the issue of "privilege" claimed by the Central Government in respect of documents submitted by the witnesses in sealed covers, the contents whereof have not been disclosed to the respondent Association or to its counsel.

18. Mr. Sachin Datta, learned Senior counsel for the Union of India argued that the nature of proceedings and the scope of enquiry before the Tribunal and the treatment which has to be given to the documents in respect of which privilege has been claimed by the government is guided by the decision of the Hon'ble Supreme Court in Jamaat-e-Islami Hind (supra) It is submitted that the Hon'ble Supreme Court after interpreting the scheme of the Act and the Rules framed there-under has upheld the right of the government to claim privilege in respect of confidential documents in public interest. Learned senior counsel referred to para 20 and 22 of the said judgment, which read as under:

"20.The scheme under this Act requiring adjudication of the controversy in this manner makes it implicit that the minimum requirement of natural justice must be satisfied, to make the adjudication meaningful. No doubt, the requirement of natural justice in a case of this kind must be tailored to safeguard public interest which must always outweigh every lesser interest. This is also evident from the fact that the proviso to sub-section (2) of Section 3 of the Act itself permits the Central Government to withhold the disclosure of facts which it considers to be against the public interest to disclose. Similarly, Rule 3(2) and the proviso to Rule 5 of the Unlawful Activities (Prevention) Rules, 1968 also permit non-disclosure of confidential documents and information which the Government considers to be against the public interest to disclose, all information and evidence relied on by the Central Government to support the declaration made by it of an association to be unlawful, has to be disclosed to the association to enable it to show cause against the same."

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22. It is obvious 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. In such a situation, disclosure of the source of such information, and, may be, also full particulars thereof, is likely to be against the public interest. The scheme of the Act and the procedure for inquiry indicated by the Rules framed thereunder provide for maintenance of confidentiality, whenever required in public interest. However, the non-disclosure of sensitive information and evidence to the association and its office-bearers, whenever justified in public interest, does not necessarily imply its non-disclosure to the Tribunal as well. In such cases where the Tribunal is satisfied that non-disclosure of such information to the association or its office-bearers is in public interest, it may permit its non-disclosure to the association or its or its office-bearers, but in order to perform its task of adjudication as required by the Act, the Tribunal can look into the same for the purpose of assessing the credibility of the information and satisfying itself that it can safely act on the same. In such a situation, the Tribunal 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. Such a procedure would ensure that the decision of the Tribunal is an adjudication made on the points in controversy after assessing the credibility of the material it has chosen to accept, without abdicating its function by merely acting on the ipse dixit of the Central Government. Such a course would satisfy the minimum requirement of natural justice tailored to suit the circumstances of each case, while protecting the rights of the association and its members, without jeopardizing the public interest. This would also ensure that the process of adjudication is not denuded of its content and the decision ultimately rendered by the Tribunal is reached by it on all points in controversy after adjudication and not by mere acceptance of the opinion already formed by the Central Government."

19. Learned senior counsel for the Union of India submitted that the documents in the sealed cover are confidential and sensitive in nature and are part of evidence collected during the course of investigation as also inputs received from the intelligence agencies. It is submitted that disclosure of these documents might put to peril the safety of certain entities, who are named in these documents and, hence, these documents cannot be supplied to the respondent Association or to their counsel. Learned senior counsel also sought to place reliance on Section 123 of the Indian Evidence Act. It is stated that the privilege in respect of the said documents is claimed based on the nature of documents which impinge upon national security and their disclosure might jeopardize the interest and safety of individuals and also the national security.

20. Mr. Colin Gonsalves, learned senior counsel for the respondent Association on the other hand argued that non supply of copies of documents being produced before the Tribunal in sealed cover would, in fact, jeopardize their defense and the respondent Association would not even know as to what are they required to defend or what are the documents based on which the Central Government has formed its opinion to ban the respondent Association. Learned senior counsel referred to the decision of the Hon'ble Supreme Court in *S. P. Gupta vs. Union of India, 1981 (Suppl.) SCC 87* to submit that even if the privilege is to be claimed by the Union of India in respect to certain documents, it must follow the specified procedure and the claim for privilege can be made only by the Minister or the Secretary of the concerned department by way of an affidavit while in this case the application claiming privilege has been filed only with an affidavit of a DIG in the National Investigation Agency. Learned senior counsel relied on para 75 of the judgment which reads as under:

"Now we may conveniently at this stage consider the question as to how a claim for immunity against disclosure should be raised under section 123. It is necessary to repeat and re-emphasize that this claim of immunity can be justifiably made only, if it is felt that the disclosure of the document would be injurious to public interest. Where the State is a part to an action in which disclosure of a document is sought by the opposite party, it is possible that the decision to withhold the document may be influenced by the apprehension that such disclosure may adversely affect the head of the department or the department itself or the minister or even the government or that it may provoke public criticism or censure in the legislature or in the press, but it is essential that such considerations should be totally kept out in reaching the decision whether or not to disclose the document. So also the effect of the document on the

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ultimate course of the litigation-whether its disclosure would hurt the State in its defense-should have no relevance in making a claim for immunity against disclosure. The sole and only consideration must be whether the disclosure of the document would be detrimental to public interest in the particular case before the Court. It has therefore been held since long before Conway v. Rimmer was decided in England and since the decision in Sodhi Sushkev Singh case in India that a claim for immunity against disclosure should be made by the minister who is the political head of the department concerned or failing him, by the secretary of the department and the claim should always be made in the form of an affidavit. Where the affidavit is made by the secretary, the Court may in an appropriate case require an affidavit of the minister concerned. The affidavit should show that the document in question has been carefully read and considered and the person making the affidavit has formed the view that the document should not be disclosed either because of its actual contents or because of the class of documents to which it belongs. If in a given case no affidavit is filed or the affidavit filed is defective, the Court may give an opportunity to the State to file a proper affidavit. The reason is that the immunity against disclosure claimed under section 123 is not a privilege which can be waived by the State. It is an immunity which is granted in order to protect public interest and therefore even if the State has not filed an affidavit or the affidavit filed is not satisfactory, the court cannot abdicate its duty of deciding whether the disclosure of the document in question would be injurious to public interest and the document should not therefore be allowed to be disclosed. That is why in England this immunity is no longer described as "Crown Privilege" but is called "public interest immunity". This aspect of the immunity was emphasized by Lord Reid in Reg v. Lewes Justices, ex parte Home Secretary where the learned Law Lord observed that the expression 'Crown Privilege' is wrong and may be misleading and there is no question of any privilege in the ordinary sense of the word, as the real question is whether the public interest requires that the document shall not be produced. Lord Simon of Glaisdale also pointed out in the same: "Crown privilege is a misnomer and apt to be misleading. It refers to the rule that certain evidence is inadmissible on the ground that its adduction would be contrary to the public interest...it is not a privilege which may be waived by the Crown or anyone else."

21. It is, thus, submitted that even if Union of India is to claim privilege for non-disclosure of certain documents on the basis of public interest, it ought to file an affidavit claiming such privilege showing exactly how such disclosure would be against public interest. It is, thus, argued that the plea of the Union of India claiming privilege for non-disclosure of certain documents be disallowed and the documents furnished by the Union of India in sealed covers be not perused or considered while answering the reference.

22. During the course of recording of evidence of the witnesses, the witness namely Mr. S.C.L. Das, Joint Secretary, Ministry of Home Affairs, Government of India handed over to the Tribunal two sealed envelopes, claiming their contents to be confidential and, thus, claiming privilege on disclosure of these documents to the respondent Association on the ground of public interest in terms of proviso to Rule 5 of the UAP Rules. Another sealed envelope is filed by PW-3, Mr. Sanjeev Kumar, DSP along with his affidavit PW-3/1, even though the contents thereof find mention in para 14 of the affidavit, wherein it is stated that the sealed cover contains the transcripts of Ranjit Singh Rana's video and the relevant portion of Dharminder Singh-Amritpal Singh conversations.

23. There is no doubt that every document produced by the Central Government cannot be accepted on its face value, particularly those which are produced in a sealed cover. While safeguarding the rights of the banned Association, it is necessary that each and every document produced by the Central Government must be made available to the respondent Association. At the same time it is also necessary, as observed by the Supreme Court, that sensitive information and intelligence inputs or their sources are not placed in public domain. But the credibility of each of the documents produced before the Tribunal in sealed cover must be assessed and examined. Even in *S.P. Gupta's case (supra)*, which was referred to by the learned senior counsel for the respondent Association, the Supreme Court has noted that cabinet papers, minutes of discussions of heads of departments, and high level documents relating to the inner working of the government machine or concerned with the framing of government policies belong to classified category of documents which in the public interest must be regarded as protected against disclosure. In para 73 of the same judgment, the Supreme Court made certain observations with respect to

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balancing public interest vis-à-vis non-disclosure of documents. It would be worthwhile to reproduce the said para 73 which reads as under:-

“73. We have already pointed out that whenever an objection to the disclosure of a document under Section 123 is raised, two questions fall for the determination of the court, namely, whether the document relates to affairs of State and whether its disclosure would, in the particular case before the court, be injurious to public interest. The court in reaching its decision on these two questions has to balance two competing aspects of public interest, because the document being one relating to affairs of State, its disclosure would cause some injury to the interest of the State or the proper functioning of the public service and on the other hand if it is not disclosed, the nondisclosure would thwart the administration of justice by keeping back from the court a material document. There are two aspects of public interest clashing with each other out of which the court has to decide which predominates. The approach to this problem is admirably set out in a passage from the judgment of Lord Reid in Conway v. Rimmer:

“It is universally recognised that there are two kinds of public interest which may clash. There is the public interest that harm shall not be done to the nation or the public service by disclosure of certain documents, and there is the public interest that the administration of justice shall not be frustrated by the withholding of documents which must be produced if justice is to be done. There are many cases where the nature of the injury which would or might be done to the nation or the public service is of so grave a character that no other interest, public or private, can be allowed to prevail over it. With regard to such cases it would be proper to say, as Lord Simon did, that to order production of the document in question would put the interest of the State in jeopardy. But there are many other cases where the possible injury to the public service is much less and there one would think that it would be proper to balance the public interests involved.”

[Emphasis supplied]

24. At the outset, it is made clear that the documents being produced by the Union of India in sealed covers cannot form the basis for assessing the sufficiency of cause in banning the respondent Association. At the most it may have only corroborative value and support to the substantive evidence placed before the Tribunal, copies whereof are served on the counsel representing the respondent Association. The principles of natural justice demand a fair opportunity to the respondent Association to defend itself and the ban on the respondent Association cannot be upheld based only on the documents furnished by the Union of India in sealed covers. The credibility of the documents in sealed cover and their corroborative value can only be a reconfirmation of the evidence brought on record, copies of which stand supplied to the respondent Association. This view is reinforced by the recent observations of the Hon'ble Supreme Court in *P. Chidambaram Vs. Directorate of Enforcement (2019) SCC OnLine SC 1549* wherein in para 25 the Hon'ble Supreme Court has observed that, “while the learned Judge was empowered to look at the materials produced in a sealed cover to satisfy his judicial conscience, the learned Judge ought not to have recorded finding based on the materials produced in a sealed cover”.

25. Coming now to the credibility and corroborative value of the sealed covers filed by the witnesses, the said sealed covers were opened and each of the documents were examined in relation to the evidence brought on record by the witnesses and their corroborative evidentiary value was assessed. They were found to have a direct corroborative link to the substantive evidence placed on record by the Union of India and, thus, worthy of reliance. It also emerged that these are sensitive documents and their disclosure in public domain may invite harm to certain identities. Further, the plea raised by the learned senior counsel for the respondent Association that the application seeking privilege must be supported by an affidavit of the Minister or the Secretary, which is not so in this case, wherein the application seeking privilege is supported by the affidavit of DIG only is a procedural/technical deficiency and is not fatal to the core issue of non-disclosure of confidential and sensitive documents to the respondent Association or its counsel. The documents have been re-sealed after examination.

26. The Act is a special enactment to deal with elements which threaten the integrity and sovereignty of the country and the provisions of the enactment must prevail over the general laws which may be applicable to such proceedings. Thus, keeping in view the observations by the Hon'ble Supreme Court in *Jamaat-e-Islami Hind (supra)* as well as in *S.P. Gupta's case (supra)* and taking into consideration the statutory provisions of the Act as also Section 123 of the Indian Evidence Act, which is not applicable *stricto sensu*, the plea of the Union of India

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claiming privilege in respect of the documents filed in sealed cover by two of the witnesses deserves to be allowed and is so allowed.

27. The Central Government, in support of the Notification banning JeI, examined the following twelve witnesses:-

- (i) Mr. Satya Nand Pandey, SP, NIA (PW-1);
- (ii) Ms. Sonia Narang, DIG, NIA (PW-2);
- (iii) Mr. Sanjeev Kumar, DSP, District Gurdaspur (PW-3);
- (iv) Mr. Sukhminder Singh Chauhan, DSP, District Fatehgarh Sahib (PW-4);
- (v) Mr. Harwinderpal Singh, DSP, State Special Operation Cell, Amritsar (PW-5);
- (vi) Mr. Navneet Singh Mahal, DSP, District Shaheed Bhagat Singh Nagar, Punjab (PW-6);
- (vii) Mr. Bikramjit Singh Brar, DSP Detective, SAS Nagar (PW-7);
- (viii) Mr. Palwinder Singh, ACP, Investigation, Amritsar (PW-8);
- (ix) Mr. Jaswinder Singh Tiwana, DSP (Detective), District Fatehgarh Sahib (PW-9);
- (x) Mr. Mahesh Chandra Binjola, DSP, Udham Singh Nagar, Uttarakhand (PW-10);
- (xi) Mr. Ananya Gautam, IGP-ATS, State of Punjab (PW-11);
- (xii) Mr. S.C.L. Das, Joint Secretary, Ministry of Home Affairs, Government of India (PW-12); and

28. PW-1, Mr. Satya Nand Pandey, Superintendent of Police, National Investigation Agency, New Delhi appeared and produced his affidavit exhibit PW-1/1. The said witness has deposed in respect of Case No. RC-03/2018/NIA/LKW [Ex. PW-1/2] registered at PS NIA, Lucknow. Initially, one FIR bearing No. 723/2018 dated 03.10.2018 was registered at PS Jhinhana, District Shamli under Sections 395, 397 & 412 of IPC and Sections 13, 16 & 18 of Unlawful Activities (Prevention) Act, 1967. Subsequently, vide order dated 16.11.2018 passed by Ministry of Home Affairs, Government of India, the said case was transferred to NIA and accordingly Case No. RC-03/2018/NIA/LKW was registered at PS NIA, Lucknow. Along with the affidavit, the witness has annexed copy of order dated 16.11.2018 passed by Ministry of Home Affairs, Government of India; copy of FIR No. 723/2018; copy of charge-sheet filed in the aforesaid FIR; copy of whatsapp chat pertaining to SFJ recovered from the mobile set of accused Jarman Singh along with its translated copy; and copy of judgment dated 10.07.2019 of the Special NIA Court, Lucknow convicting all the accused persons in the aforesaid FIR along with its English translation. The said documents were marked Ex.PW-1/3, PW-1/4, PW-1/5, PW-1/6A & PW-1/6B and PW-1/7A & PW-1/7B respectively.

29. The witness in his affidavit has stated that on 02.10.2018 at about 22:10 hrs, HC Sansar Singh along with Home Guard Sanjay Verma, while deployed on duty at Khala Kamalpur Picket, Police Station Jhinhana, District Shamli were attacked by 05-06 armed persons who had come on 02 motorcycles. These miscreants snatched their service rifles and ammunitions (One INSAS with 20 rounds & one 303 bore rifle with 10 rounds). In the said incident, Home Guard Sanjay Verma was shot while HC Sansar Singh sustained injury. Accordingly, one FIR No. 723/2018 was registered at PS Jhinhana, which case was subsequently transferred to NIA, which registered case No. RC-03/2018/NIA/LKW at PS NIA, Lucknow. During investigation, it was revealed that the main accused Jarman Singh @ Garman Singh was highly motivated and radicalized to the cause of creation of Khalistan and had planned to assassinate the family members of Sh.Parkash Singh Badal, Ex-Chief Minister of Punjab, on the pretext that the government in state of Punjab let by his family was quelling of protests against the alleged news of desecration of Gurugranth Sahib. In pursuance thereof, he wanted to kill Sh. Sukhbir Singh Badal, ex-Dy.CM, Punjab and for the said purpose, he tried to illegally arrange automatic weapons through various channels i.e. by soliciting the same from different people but after having filed in his quest, he planned this incident of looting weapons from police personnel in association with his friends out of desperation and executed the same. He further stated that NIA had seized mobile handset at the instance of Jarman Singh and got it analyzed through CERT-In, New Delhi. During analysis of Jarman's Whatsapp account, two groups were found having many participants including accused Jarman Singh. Also, two mobile numbers +19294377324 and +13472388231 were found saved in the name of "2020" and "Sikhs for Justice" respectively. He further stated that during investigation, it was found that these were the numbers which operated WhatsApp accounts with the same name and shared pro-Khalistan

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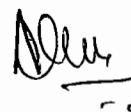
related texts, audios/videos, Facebook & Youtube video URLs with its members and used to discuss on 2020 Referendum issues for formation of separate Khalistan State carved out from India. By using these groups, they were spreading propaganda amongst Sikhs people against Government of India directly attacking integrity and sovereignty of India. He has further stated that the shared YouTube videos relate to provocation for creation of separate Khalistan state. In one of the video link shared by Sikh For Justice, one Jasbir Singh and others are raising slogan in favour of Khalistan with words like "Khalistan Jindabad", "Referendum2020 Jindabad" and "India go of Khalistan". In another video shared by SFJ appealed to its viewers to choose between "Khanda" or "Tiranga" i.e. either Khalistan or India.

30. The witness has further state that during trial, the accused persons viz. Jarman Singh @ Garman Singh, Gurjant Singh, Karamveer Singh, Amrit Singh and Karam Singh pleaded guilty and confessed their role in the crime. Accordingly, on 10.07.2019, the NIA Special Court, Lucknow convicted the accused persons and awarded sentence to all the accused persons under relevant sections.

31. In his cross-examination, the witness has denied the suggestion that suggest that the two telephone numbers mentioned on page-3 of his affidavit have nothing to do with the respondent Association. He further denied the suggestion that the videos referred to in his affidavit are not produced, promoted or financed by SFJ and volunteered that the videos which were found in the Whatsapp group by the name 2020 Referendum had certain videos which are uploaded through a number which had the initial digits '13' and the said number is registered in the name of SFJ. He also denied the suggestion that that the chats referred to in Annexure - 'E' to his affidavit have nothing to do with the respondent Association.

32. PW-2, Ms. Sonia Narang, Deputy Inspector General, National Investigation Agency, New Delhi appeared and produced her affidavit exhibit PW-2/1. The said witness has deposed in respect of Case No. RC-02/2019/NIA/DLI (State Vs. Sikhs for Justice) being the supervisory officer of the case. The said witness has also filed copy of the aforesaid FIR along with various annexures.

33. The witness in her affidavit has stated that Ministry of Home Affairs, Government of India vide order dated 11.01.2019 directed NIA to take up the investigation of the case against radical Khalistani organizations viz. "Sikhs For Justice", and, thus, case No. RC-02/2019/NIA/DLI was registered. She has stated that during investigation, it has come to light that a systematic and sustained campaign has been launched by the Khalistani extremists based in offshore locations such as USA, Europe and Canada under the banner of 'Punjab Referendum 2020 for Khalistan' to mobilize the Sikh community all over the world, including India, and incite them to start a mass agitation against the Government with an intention to secure secession of the State of Punjab from the Union of India and to declare Punjab as a separate and independent Sikh nation viz. Khalistan. She has further stated that Gurpatwant Singh Pannun is leading this campaign and formally launched the same in a rally organized in June, 2014 in New York. She has further stated that SFJ is presently propagating 'Referendum 2020' in a very big way on the social media as well as on ground by holding meetings across USA and other countries where Sikhs are in large numbers. Further, a website was also launched by name www.referendum2020.org which is full of pro-Khalistani posts and anti-India insinuations. The website has posters with photo of slain terrorist Jarnail Singh Bhindranwale juxtaposed with the caption 'Punjab Referendum 2020 for Khalistan' and logos for 'Punjab Referendum 2020' and 'Khalistan'. These posters staying 'Stop Indian Terrorism' and 'Free Punjab, End Indian Occupation'. She has further stated that the website has a discourse on 'Right to Self-Determination under International Law' wherein it discusses that two methods are available for the people of Punjab for independence; the first being secession and second being the solution/dissolution of India into several smaller states such as Punjab (Khalistan), Gorkhaland, Assam, Kashmir, South India, Maoist insurrections; further claiming that Punjabi is the common language and the Sikhs being predominant in Punjab, they have the right to self-determination based on language and religion. She has further stated that the Facebook page of SFJ exhorts Punjab Police not to obey the orders of Capt. Amarinder Singh, the Chief Minister of Punjab, thereby trying to incite mutiny and disaffection among the police force against the Government and instigating them to resort to violent forms of extremism. She has further stated that in its quest to mobilize and provoke the Sikh diaspora to agitate for the secession of Punjab from the Union of India, SFJ organized various gatherings viz. 'London Declaration' at Trafalgar Square, London on 12th August, 2018; Nagar Kirtans (processions) in New York and Toronto on 9th September, 2018 in an attempt to galvanize Sikh youth to join the fight for secession of Punjab through referendum 2020. Further, on 6th June, 2018, they organized 'Sikh Freedom Rally' at India House in London to protest against the Operation Blue Star at Golden Temple Amritsar in 1984.



34. In her cross-examination, the witness has stated that the documents referred to in her affidavit as Annexures 'D' to 'M' are part of an ongoing investigation and as a matter of procedure and practice, the documents forming part of the charge-sheet to be filed before the Special NIA Court are not shared with anyone prior to they being filed before the Court. She further stated that the charge-sheet in the case will be filed in due course in accordance with law. She has further stated that she had explained the contents as well as the source of each of the annexures annexed to her affidavit and each of these documents are available and can be accessed from the source mentioned in her affidavit. She denied the suggestion that the documents viz. Annexure - 'D' onwards to her affidavit are not genuine and are fake. She has further stated that as per the investigation so far carried out by NIA, the respondent Association has been attempting to instigate the masses and more particularly the Sikhs community to agitate and rebel for a separate state of Khalistan. In response to the question whether she can show a single instance where significant number of people have come out in India asking for Khalistan, she replied that it is a part of ongoing investigation.

35. PW-3, Mr. Sanjeev Kumar, PPS, Dy. Superintendent of Police, Sub Division, Sri Hargobindpur, Police District Gurdaspur appeared and produced his affidavit Ex.PW-3/1. The said witness has deposed in respect of FIR no. 46/2018 registered at PS Rangar Nangal, Police District Batala under Sections 307/438/427/120-B, 121, 121-A, 122, 124-A, 115 of IPC, Sections 11, 12, 13, 17 & 18 of the Unlawful Activities (Prevention) Act, 1967, under Sections 25/54/59 of the Arms Act, 1959 and Section 66-F of the Information Technology Act, 2000 being the investigating officer of the case.

36. The witness in his affidavit has stated that on 31.05.2018 at about 3:30 a.m, some unknown persons had attempted to kill Sartaj Singh S/o Kunj Lal, a salesman at the wine shop by setting the wine shop on fire by pouring petrol, however, he came out of the wine shop and saved his life. Thus, FIR No. 46/2018 was registered at PS Ranger Nangal, Police District Batala, District Gurdaspur. He has stated that during investigation, as per the disclosure statement of accused Dharminder Singh, one revolver 0.32 bore along with 03 live cartridges 0.32 and 02 live cartridges 0.315 bore, Rs.40,000/- Indian currency notes, 110 posters on which Sikhs For Justice is written in English, 03 stencils on which Khalistan Zindabad and one board on which Punjab Referendum 2020, one fiber sheet on which the words "Punjab Referendum" are written, 05 spray bottles, one box along with brush which is smudged with blue colour and 02 mobile phones were recovered. He has further stated that on the basis of investigation, it was established that the accused Dharminder Singh and Kirpal Singh are associated with the organization Sikhs For Justice. The leaders of this organization are sitting abroad and they are providing them funds through illegal means for carrying out unlawful activities in India like arson and setting wine shops on fire etc. The witness has further stated that on the disclosure statements of the accused, involvement of other persons including Gurpatwant Singh Pannun were established and they were made accused in the aforesaid case. He has further stated that the mobile phones recovered from the accused persons were sent to CERT-In for examination and from the mobile phones, images related to SFJ sponsored 2020 referendum, videos of burning liquor shops, video on telegram app in which Ranjit Singh Rana was instigating Dharminder Singh for waging a armed war against the government and an audio in which Dharminder Singh asking Amrtipal Singh to do recce of Hindu Shiv Sena leader Sudhir Singh were found. He has further stated that Dharminder Singh and other accused are a part of module and their criminal activities was on the behest of Sikhs For Justice.

37. In his cross-examination, the witness has denied the suggestion that Dharminder Singh, Kirpal Singh, Ravinder Singh, Ravi @ Ravipreet Singh have nothing to do with SFJ. He also denied the suggestion that Gurpatwant Singh Pannu has nothing to do with the money used for purchasing pistols and that Gurpatwant Singh Pannu had nothing to do with any of the illegal activities stated by him in paragraph-9. He also denied the suggestion that Gurpatwant Singh Pannu is not a member of any of the groups mentioned in paragraph-11 of his affidavit but volunteered that he is a member of one of the groups. He also denied the suggestion that no warrants were issued against Gurpatwant Singh Pannu but volunteered that open-ended warrants issued against Gurpatwant Singh Pannu and others. He also denied the suggestion that persons mentioned in paragraph 32 of his affidavit are not the members of SFJ.

38. PW-4, Mr. Sukhminder Singh Chauhan, PPS, Dy. Superintendent of Police, Bassi Pathana, District Fatehgarh Sahib, Punjab appeared and produced his affidavit exhibit PW-4/1. The said witness has deposed in respect of FIR no. 132/2018 registered at PS Lahori Gate Patiala, District Patiala under Sections 13, 16, 18 & 20 of the Unlawful Activities (Prevention) Act, 1967, under Sections 3/4/5 of the Explosives Act, 1908, Section 25/54/59 of the Arms Act and Section 120-B of the IPC. The witness had also annexed various annexures viz. R-1/T to R-7/T, R-8, R-9/T to R-12/T, R-13 to R-15 and R-16/T and R-17/T to his affidavit.

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39. The witness in his affidavit has stated that on 31.10.2018 he had received secret information from an informer that Shabnamdeep Singh son of Jasvir Singh, against whom cases under Arms Act have already been registered and who is part of a terrorist organization KLF, was participating in terrorist activities and was working for recruiting new members for terrorist activities by constituting another new organization, namely Khalistan Gadar Force (KGF). To setup KGF he was being helped by his handlers in Pakistan who provide him money, arms and ammunition. Thus, FIR No. 132/2018 was registered. He has further stated that on 01.11.2018, while checking for the suspected persons at around 08:30 a.m., one Shabnamdeep Singh was stopped and on his search 0.30 bore pistol along with 6 live cartridges was recovered from him. Further, a grenade and two latter pads one each of Khalistan Gadar Force (KGF), Khalistan Liberation Force (KLF) and Babbar Khalsa International (BKI) were also recovered from the shoulder bag of Shabnamdeep Singh. He has further stated that during investigation it has been found that Shabnamdeep Singh is very active on social media about 2020 Referendum and Sikhs for Justice.

40. In his cross-examination, the witness has denied the suggestion that Shabnamdeep Singh has nothing to do with the SFJ, as pointed out in his affidavit.

41. PW-5, Mr. Harwinderpal Singh, PPS, Dy. Superintendent of Police at State Special Operation Cell, Amritsar appeared and produced his affidavit exhibit PW-5/1. The said witness has deposed in respect of FIR no. 03/2019 registered at PS State Operation Cell, Amritsar under Section 25 of the Arms Act and Section 13 of the Unlawful Activities (Prevention) Act, 1967. The witness had also annexed Annexures-A to F to his affidavit.

42. The witness in his affidavit has stated that on 15.03.2019, an informer informed that Baljit Singh s/o Karnail Singh, Jagdev Singh @ Jagga s/o Mukhtiar Singh and Manjit Singh s/o Swinder Singh were in possession of illicit weapons and were planning to carry out a major criminal activity in the area. Thus, FIR No. 3/2019 was registered. After registering the FIR, SI Sukhbir Singh raided the spot and arrested the three accused and recovered

02 pistols 0.32 bore along with 03 magazines and 14 live cartridges from their possession. During investigation it was revealed that the weapons recovered from the accused were to be used by them to target the people responsible for sacrilege incidents in Punjab. He has further stated that it was further revealed that the group was working for an organization Sikhs for Justice and was in contact with one Davinder Singh r/o United Kingdom on Facebook, who was motivating the group to work for Sikh Referendum 2020. He has further stated that the data extracted from the phone of the accused Baljit Singh contains objectionable material pertaining to Sikh Referendum 2020, a brainchild of SFJ circulated by the accused and his associates on social media. Further, literature regarding 2020 Sikh Referendum was also recovered from the accused which was published by SFJ.

43. In his cross-examination, the witness has denied the suggestion that the affidavit filed by him is false.

44. PW-6, Mr. Navneet Singh Mahal, PPS, Dy. Superintendent of Police, Sub-Division Banga, District Shaheed Bhagat Singh Nagar, Punjab appeared and produced his affidavit exhibit PW-6/1. The said witness has deposed in respect of FIR No. 26/2018 registered at PS Sadar Banga, District SBS Nagar, Punjab under Section 436 and 511 of IPC. The witness had also annexed Annexures-A to I to his affidavit.

45. The witness in his affidavit has stated that on 02.04.2018, while patrolling, SI Rajeev Kumar stopped four youths namely Jaspreet Singh @ Jassa, Sukhwinder Singh @ Sunny, Manvir Singh and Randhir Singh @ Dheera, who were coming from village Khaan-Khana on a motorcycle. On preliminary inquiry carried out at the spot, Jaspreet Singh was found in possession of one match box, Manvir Singh was carrying a plastic can of five litres containing kerosene oil and Sukhwinder Singh was found in possession of plastic gloves. He has further stated that after thorough inquiry from the young men, it was revealed that they were in the process of setting ablaze a liquor vend shop in the area of village Gunachaur and thereafter the imprint of 'Khalistan Zindabad Referendum-2020' was to be printed on the wall. Thus, FIR No. 26/2018 was registered. During further interrogation, police recovered two plastic stencils having 'Khalistan Zindabad' in Punjabi language and 'Khalistan Referendum 2020' in English language along with two spray paint containers were recovered. He has further stated that after investigation it has been found that all the accused in this case were involved in anti national activities at the behest of foreign handlers i.e. Kulvir Kaur who was financing them for subversive activities in Punjab in the name of Khalistan Referendum 2020, which is the main separatist agenda of Sikhs for Justice.

46. In his cross-examination, the witness has denied the suggestion that four accused persons, as mentioned in his affidavit, have nothing to do with SFJ and volunteered that Mr. Gurpatwant Singh Panu had written a letter dated 25.06.2019 to the Secretary of the State, USA Michael Pompeo stating that the four boys in this case were the campaigners in Punjab for Referendum-2020 and that they were arrested and charged with arson and terrorism. He also denied the suggestion that SFJ has nothing to do with the imprints recovered in the case.

47. PW-7, Mr. Bikramjit Singh Brar, PPS, Dy. Superintendent of Police Detective, SAS Nagar appeared and produced his affidavit exhibit PW-7/1. The said witness has deposed in respect of FIR no. 149/2017 registered at PS Sohana District SAS Nagar under Sections 124-A, 153-A, 153-B and 120-B of IPC. The witness had also annexed Annexures-A to R to his affidavit.

48. The witness in his affidavit has stated that secret information was received that at different places in Punjab, objectionable posters have been pasted which contain broad letters text stating "Independence is the only solution' 2020, Punjab independence referendum" followed by small letters "from today 33 years back on account of attack on Darbar Sahib by the Army genocide of thousands of innocent Sikhs was done". The posters also contain the photograph of Jarnail Singh Bhindrawale along with a photograph of damaged Akal Takhat Sahib in 1984. Thus, FIR No. 149/2017 was registered. The witness has further stated that the persons behind the act of pasting these posters were Gurpatwant Singh Pannu, Legal Advisor of Sikhs For Justice, Jagdeep Singh @ Baba Jag Singh and Jagjit Singh. Further, during investigation, one Gurpreet Singh was arrested, who confessed that posters were designed and prepared according to the sample sent by Harpunit Singh, to whom directions were given by Gurpatwant Singh Pannu, Jagjeet Singh and Jagdeep Singh. Phone numbers of Gurpatwant Singh and Jagjeet Singh were also provided by him to the police. He has further stated that during investigation, it has been established that poster purchase order and details of locations were sent by the accused Gurpatwant Singh Pannu to co-accused Harpunit Singh, who further sent these to Gurpreet Singh and it has also been revealed that the accused are working for spearheading and promoting "Khalistan Referendum 2020" with the support of the association Sikhs For Justice, foreign based handlers to radicalize Punjab youth and to enlist the support of gangsters and radicals in Punjab who are what SFJ calls, fighting for the 'liberation of Punjab' from the Indian Government.

49. In his cross-examination, the witness has denied the suggestion that accused persons mentioned in his affidavit have nothing to do with SFJ and that they receive no support from SFJ but volunteered that they are working for SFJ. He also denied the suggestion that the contents of para (9) of his affidavit regarding persons named therein organizing youth of Punjab to motivate as well as radicalize them and making them ready for waging a war against India are incorrect. He also denied the suggestion that SFJ has nothing to do with the posters mentioned in the affidavit and stated that SFJ is the organization which is getting these posters made. He also denied the suggestion that Gurpatwant Singh Pannu has not signed any purchase order for posters and submitted that the purchase order was signed by Gurpatwant Singh Pannu.

50. PW-8, Mr. Palwinder Singh, PPS, Assistant Commissioner of Police, Investigation, Amritsar City appeared and produced his affidavit exhibit PW-8/1. The said witness has deposed in respect of FIR No. 152/2018 registered at PS Sultanwind, Amritsar City under Sections 117, 122, 124-A, 153-A, 153-B, 120-B, IPC, Sections 17/18/19 of the Unlawful Activities (Prevention) Act, 1967, and Sections 25/54/59 of the Arms Act and Section 120-B of the IPC. The witness had also annexed Annexures-1 to 11 to his affidavit

51. The witness in his affidavit has stated that a secret information was received that Sukhraj Singh @ Raju was receiving money from abroad for publicity of Khalistan Referendum 2020 and he, in order to create atmosphere of terror in public, while himself preparing cloth banners of Khalistan Referendum 2020, was affixing them on public places in Amritsar City with the help of his accomplices Malkiat Singh @ Mitu and Patti Bahniwal. Thus, FIR No. 152/2018 was registered. During investigation, the aforesaid accused were arrested and 08 banners of 'Khalistan Referendum 2020', spray paint and dye for preparing banners were recovered from their possession. Thereafter, on the basis of disclosure statement of accused persons, other persons were also nominated as co-accused in the case. He has further stated that as per call details of mobile phone numbers of the accused persons, it has been revealed that the accused are working for spearheading and promoting 'Khalistan Referendum 2020' with the support of Sikhs for Justice and enlist the support of gangsters and radicals in Punjab.

52. In his cross-examination, the witness has denied the suggestion that the accused persons received no support from Sikhs for Justice but volunteered that it is evident from Annexure A7 of his affidavit which has payment vouchers attached and Sikhs for Justice letter as also from Annexure A10, which is the letter written by Gurpatwant Singh Pannu to the Secretary of State, USA, which establishes their link with the accused. He also denied the suggestion that Sikhs for Justice is not connected with any gangster or radicals in Punjab.

53. PW-9, Mr. Jaswinder Singh Tiwana, PPS, Dy. Superintendent of Police (Detective), Fatehgarh Sahib, District Fatehgarh Sahib appeared and produced his affidavit exhibit PW-9/1. The said witness has deposed in respect of FIR no. 156/2018 registered at PS Sirhind, Distt Fatehgarh Sahib under Section 120-B of IPC, Sections 25/54/59 of the Arms Act and Section 20 of the Unlawful Activities (Prevention) Act, 1967. The witness had also annexed Annexures- R-1/T to R-14/T to his affidavit

54. The witness in his affidavit has stated that on 07.12.2018 at around 9:40 p.m., a police informer gave secret information to ASI Jagroop Singh that a suspected person is roaming in the area of Railway Road, Humayunpur, Sirhind and from his activities, it seems that this person will commit some untoward incident. The police personnel caught the said person who introduced himself as Mohudin Sadiqui. A 0.38 mm pistol was recovered from him during his search. He informed the police that this pistol was given to him at Delhi on the order of Gurjeet Singh Nijjar, who is an active member of SFJ. He also told that this pistol would be taken from him by someone at Sirhind. Thus, FIR 156/2018 was registered. The police also recovered 05 live cartridges, three touch screen mobile phones and 6 SIM cards from the accused. During investigation, it was found that one SIM having mobile No. +35-796727452 was given to him by Gurjeet Singh Nijjar, who is residing in Cyprus. The witness has further stated that the accused in his disclosure statement before ASI Jagroop Singh said that since longtime, he was in contact with Gurjit Singh Nijjar and Harpal Singh, who are active members of Khalistan Zindabad Force. He further disclosed that on the order of Gurjit Singh Nijjar, he gave one pistol along with 05 cartridges about 7/8 months ago to above said Harpal Singh at Gurudwara Fatehgarh Sahib and since then they were in a planning to make terrorist Jagtar Singh Hawara to escape from Tihar Jail.

55. In his cross-examination, the witness has denied the suggestion that Gurjit Singh Nijjar has nothing to do with Sikhs for Justice. He has further stated that as per the statement of witnesses, disclosure statement of other accused and as per the investigation of this case, it is revealed that he is working for Khalistan Jindabad Force (KJF) and Sikhs for Justice (SFJ).

56. PW-10, Mr. Mahesh Chandra Binjola, Dy. Superintendent of Police/Circle Office Khatima, Udham Singh Nagar, Uttarakhand appeared and produced his affidavit exhibit PW-10/1. The said witness has deposed in respect of FIR No. 299/2018 registered at PS Khatima District, Udham Singh Nagar, Uttarakhand under Section 153(B)/505 of IPC and Section 66 of the I.T. Act. The witness had also annexed Annexures- A to E to his affidavit

57. The witness in his affidavit has stated that during the investigation of FIR No. 299/2018, it came to light that the two accused persons Harjeet Singh @ Bobby and Kulvinder Singh @ Bunty had created a What's app group '20-20 Khalistan Referendum' & 'Bhindra Commando' and both were the group admin. Objectionable material was being posted on this group and disseminated to the members thereof. He has further stated that the reference to '20-20 Khalistan Referendum' makes it clear that the accused persons had a connection with and/or inspired by Sikhs For Justice.

58. In his cross-examination, the witness has admitted that he is familiar with Khalistan Referendum and that he had seen the website of Sikhs For Justice. He has further stated that he has noticed Khalistan 2020 on the website. He has further stated that he had also seen the website Referendum 2020.org and found that the ideology of both Sikhs for Justice and Referendum 2020 is the same. He denied the suggestion that the Khalistan Referendum website and whatsapp group is not of Sikhs for Justice. He also denied the suggestion that Referendum2020.org is not the website of Sikhs for Justice. He has further stated that there may be many groups of Khalistan Referendum. However, as per his investigation in the case referred to in his affidavit, there are two groups namely 2020 Khalistan Referendum and Bhindra Commando. He denied the suggestion that these two groups are not associated with SFJ.

59. PW-11, Mr. Ananya Gautam, IGP-ATS for State of Punjab appeared and produced his affidavit exhibit PW-11/1. The said witness has been nominated as the Nodal Officer from the State of Punjab for all matters connected with the outfit 'Sikhs For Justice' (SFJ), for its declaration as Unlawful Association vide Notification dated 10.07.2019. The witness had also annexed Annexures- 1 to 45 to his affidavit.

60. The witness in his affidavit has stated that SFJ is the progenitor of the campaign 'Sikh Referendum 2020' and Gurpatwant Singh Pannun, legal advisor of SFJ launched the said campaign in a rally organized in June, 2014 in New York. SFJ organized another rally in November, 2014 to gather support for Referendum-2020. He further stated that SFJ is presently propagating Sikh Referendum-2020 in a very big way on social media as well as on the ground by holding meetings across USA and other countries where efforts are being made to mobilize and assemble Sikh diaspora in large numbers. He has further stated the SFJ on one of their facebook accounts has uploaded a map with the title "proposed Map of Republic of Khalistan". This proposed map shows States of Punjab, Haryana, Himachal Pradesh, Delhi and adjoining areas of neighboring states of Rajasthan as Khalistan. He has further stated that on 06.09.2018, Gurpatwant Singh Pannun uploaded a video branding the then Home Minister of India as a Dehshatgard (terrorist). The witness has also narrated the propaganda made by the respondent Association through websites and social media; its connection with ISI, Pakistan and other terrorist/gangsters/radical elements and the details of criminal cases against the sympathizers and handlers of the respondent Association.

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61. In his cross-examination, the witness has denied the suggestion that Gurpatwant Singh Pannu has no jurisdiction beyond giving legal advice to Sikhs for Justice but volunteered that website SikhsforJustice.org has been registered in his name and he is the owner of the website. He also denied the suggestion that all that is posted on the tweets and Facebook posts, etc. are Gurpatwant Singh Pannu's personal views that have nothing to do with Sikhs for Justice but volunteered that when we speak of Gurpatwant Singh Pannu, he speaks for Sikhs for Justice only because Referendum 2020 is the brain child of Sikhs for Justice. All the posts in support of Referendum 2020 are either by Gurpatwant Singh Pannu or his supporters quoting Pannu's videos. He also denied the suggestion that the website of Sikhs for Justice is Referendum2020.org but volunteered that SikhsforJustice.org is the website and Referendum 2020 is one of their campaigns. Gurpatwant Singh Pannu is the owner of the website SikhsforJustice.org and Referendum 2020 is part of the campaign for Sikhs for Justice. He stated that he had seen the website SikhsforJustice.org and that there is mention of burning of Indian flag. He further stated that in Annexure 1 of his affidavit by way of evidence, the events being sponsored by Sikhs for Justice are given. One of the events is burning of Indian flag. He admitted that the website SikhsforJustice.org is registered in the name of the law firm of Gurpatwant Singh Pannu. He further admitted that on the website SikhsforJustice.org, there is no justification of the Pulwama attack but volunteered that Gurpatwant Singh Pannu has justified the Pulwama attack in his statements on the social media. He denied the suggestion that on the website there is nothing whereby SFJ calls for the police to disobey orders but volunteered that Mr. Pannu is giving statements time and again on public platform and social media which are being circulated in India through Whatsapp groups, which have an implied reference to disobedience. It is his voice and the witness can recognize his photograph also. He is trying to threaten police officers because he knows there are many police officers whose families or children are abroad. He also denied the suggestion that Annexures 9 & 10 at page 67 of his affidavit have nothing to do with the organization Sikhs for Justice. He also denied that the accused persons named in para 19 of his affidavit have nothing to do with SFJ but volunteered that they are the core members of SFJ and they are seen with Mr. Pannu in all the rallies. He also denied the suggestion that Sikhs For Justice has nothing to do with the video mentioned in para 9 of his affidavit and that all the posts expressed by Gurpatwant Singh Pannu are its personal views but volunteered that he has been communicating with different authorities on behalf of Sikhs For Justice on the letterhead of Sikhs for Justice, including writing a letter to the Prime Minister of Pakistan. He also denied the suggestion that Sikhs For Justice is not connected with gangsters, radicals and criminals in Punjab but volunteered that they are hand in glove with them. He also denied the suggestion that the persons named in para 24 of his affidavit are not the foreign handlers of Sikhs For Justice and that the persons named in para 31 of his affidavit have nothing to do with Sikhs For Justice. He also denied the suggestion that Sikhs for Justice has nothing to do with the incidents mentioned in paragraphs 45, 46, 52, 53 and 54 of his affidavit. He further denied the suggestion that on the website SikhsforJustice.org, there has never ever been any call for violence, burning of flag, for committing any crime or justification for Pulwama attack but volunteered that Pannu's ulterior motive is to create violence in Punjab. There is an undercurrent to incite violence. They are supporting gangsters and called upon them to not die as a gangster as no one will then remember you and that you should join the cause and die as a martyr. Then you will always be remembered.

62. PW-12, Mr. S.C.L. Das, Joint Secretary, Ministry of Home Affairs, Government of India had appeared and produced his affidavit exhibit PW-12/1. The said witness has deposed regarding the procedure adopted in issuance of Notification dated 10th July, 2019 as also in respect of intelligence inputs and reports, copies of which were placed before the Tribunal in two sealed covers.

63. In his affidavit, the witness has stated that the Notification dated 10th July, 2019 is based on the information, material and inputs received from the Government of Punjab, Government of Uttarakhand, National Investigation Agency and the Central Intelligence Agencies with regard to involvement of Sikhs For Justice in unlawful activities. He has further stated that the information and inputs received from the aforesaid, inter alia, clearly indicate that SFJ's (i) indulgence in activities which are inimical to the security, integrity and sovereignty of the country; (ii) involvement in anti-national and subversive activities in Punjab and elsewhere, intended to destroy the sovereignty and territorial integrity of India; (iii) close association with extremist outfits and activists; (iv) support to the ideology of accession and violent forms of extremism and militancy in Punjab and elsewhere attempting to carve out a so called State of 'Khalistan' out of the territory of Union of India; (v) aid and abetment to the activities aimed at secession of a part of India from the Union; (vi) support to separatist groups fighting for this purpose in India and abroad by indulging in activities, articulations and online campaigns intended to disrupt the sovereignty and territorial integrity of India and (vii) actively promotes enmity between communities/groups which is detrimental to communal harmony and peace in the country. He has further stated that since the unlawful activities of SFJ were found to be continuing unabated, a Note was prepared for the consideration of the Cabinet Committee on Security. Thereafter, the Cabinet Committee on Security considered the proposal contained in the above note, and

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in the meeting held on 10th July, 2019 took the decision to declare SFJ as an unlawful association. Accordingly, the requisite Notification was made and published in the Gazette of India, Extraordinary, Part-II Section 3, Sub-Section (ii) vide S.O. 2469 (E) dated 10th July, 2019. He has further state that the intelligence inputs from the intelligence agencies/IB bear ample testimony to SFJ's involvement in unlawful activities. He has further stated that the so-called 'Referendum 2020' is reportedly to begin in November, 2019 with culmination in 2020 and preparations for this have already been begun. Pakistan is actively supporting SFJ through its intelligence agency i.e. ISI on the Sikh Referendum 2020 campaign.

64. In his cross-examination, the witness has stated that he had seen the website of Sikhs For Justice and also the intelligence reports from the Central agencies giving broad details about the registration of this particular website, namely, sikhsforjustice.org and its contents. He has further stated that one American citizen by the name of Gurpatwant Singh Pannu is the leader of Sikhs for Justice. He has further stated that he do not recollect as to who is the leader of the organization Sikhs for Justice as per the official records of the organization in America. He has further stated that SFJ is claimed to have been started as a legal advocacy group advocating perceived rights of Sikhs across the globe and volunteered that from the material accessed and examined, it is amply clear that this organization has as its core objective a secessionist agenda *vis-a-vis* the Indian Union and advocates not only a secessionist ideology impacting prejudicially on the sovereignty and integrity of India but also disrupting communal harmony and peace through its subversive activities. He accepts that there are references to Operation Blue Star in the material relating to SFJ and stated that condemnation of the actions of the Government and the Army in Operation Blue Star is a crime. He also volunteered that it is an offence if it is done in a manner and with the purport of inducing and inciting serving and retired members of the Police and Armed forces for disaffection against the Indian State. He has also stated that there is threat to the sovereignty, integrity and unity of India on account of Sikhs for Justice in Punjab as their activities have that potential. He has further stated that he do not recall if there is any explicit call to violence on the website of Referendum 2020, but the outlines of its secessionist agenda and carving out a separate State from Indian Union is quite explicitly stated in the website.

65. In addition to the above prosecution witnesses, no public witness had appeared to depose before the Tribunal or filed any affidavit.

66. The respondent Association has not examined any witness in support of their case despite sufficient opportunity having been granted for this purpose. In fact, the respondent Association filed an affidavit dated 12.12.2019 of Avtar Singh Pannu in response to the application filed by the Union of India seeking his cross-examination wherein, in para-2, it is stated as under:

"That as coordinator of Sikhs For Justice, I hereby state that for personal reasons I will be unable to give oral evidence before this Hon'ble Tribunal. I further state that I have given instructions to our advocates to close evidence from the side of SFJ without any oral evidence....."

67. Thus, there was no oral evidence put-forth by the respondent Association. They only filed an affidavit dated 22.11.2019 of Mr. Avtar Singh Pannu, Coordinator for SFJ, placing on record documents relating to SFJ and its activities. Mr. Pannu also did not appear for his cross-examination in respect of the affidavit filed, as noted above.

68. Moving on to the oral arguments addressed by learned counsel for the parties, Mr. Sachin Datta, senior counsel for the Union of India commenced his arguments by referring to sub-sections (o) and (p) of Section 2 of the Act which define "Unlawful Activity" and "Unlawful Association" respectively. It was argued that activities which are intended or support any claim to bring about the cession of a part of the territory of India or which incites any individual or group of individuals to bring about such cession or secession and also activities which intend to question or disrupt the sovereignty and territorial integrity of India are unlawful activities and any association which has as its object any activity which is punishable under Section 153A or Section 153B of the Indian Penal Code or which encourages or aids persons to undertake any such activity is an unlawful association. Learned senior counsel further referring to Sections 3, 4 and 9 of the Act argued that activities of the respondent Association are admittedly in the nature of perpetuating a claim to cede a part of the territory of India into a separate state and thus intended to disrupt the sovereignty and territorial integrity of India and such activities of the respondent Association are "unlawful activities" within the scope and ambit of sub-section (o) of Section 2 of the Act and by virtue thereof, respondent Association is liable to be declared an "unlawful association" in terms of sub-section (p) of Section 2 of the Act. Learned senior counsel referred to the contents of the notification dated 10th July, 2019 as also the details furnished in the background note filed by them pursuant to Rule 5 of the Rules wherein the activities indulged in by

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the respondent Association are detailed as also the FIRs registered against the members and handlers of the respondent Association based in India and abroad. Learned senior counsel argued that the material placed by them on record has virtually been uncontested by the respondent Association since most of the documents placed on record are the creation of the respondent Association itself and hence, they are left with no defense to argue.

69. While referring to the evidence adduced by the Union of India through its 12 witnesses, learned senior counsel specifically referred to the affidavit of PW-2, Ms. Sonia Narang. Referring to Annexure-B to the affidavit, which is a copy of case FIR No. RC-02/2019/NIA/DLI dated 15.01.2019 registered under Sections 13, 17 & 18 of the Act read with Sections 120B, 124A, 153A, 153B and 505 of the Indian Penal Code, learned senior counsel pointed out that the said case has been registered based on credible information that certain entities and individuals based in India and abroad such as 'Sikhs For Justice' have entered into a criminal conspiracy with other terrorist organization and gangs and have started a concerted campaign in the name of "Punjab Referendum 2020 for Khalistan" and are raising funds and carrying out secessionist activities on ground as well as on social media with an intention to instigate the members of Sikh community to agitate for the secession of the State of Punjab from the Union of India, undermining the sovereignty, unity and territorial integrity of India. The suspected offence further notes that these secessionist and radical elements including but not limited to Gurpatwant Singh Pannu, the legal advisor of Sikhs for Justice have been inciting disaffection among the Sikh community towards the Government of India through their insurrectionary, insinuating and seditious activities. Learned senior counsel next referred to page-7 of the affidavit which is a printout from the website www.referendum2020.org which has a display of Punjab Referendum 2020. Page-8 of the affidavit refers to the observation 'Khalistan' and 'Stop Indian Terrorism'. Page-9 of the affidavit which again is from the same website reads, 'Free Punjab and Indian Occupation', 'Punjab Referendum 2020 for Khalistan'. Page-10 again makes the same reference to 'Khalistan' and 'Referendum 2020 for Khalistan'. Learned senior counsel next referred to page-11 which is a discourse on self-determination and makes a reference to 'self-determination', 'secession', and 'disintegration'. Learned senior counsel next referred to page-16 of the affidavit, Annexure-G which is a form available on the website of Sikhs For Justice, intended to enable people to donate money. Learned senior counsel submits that the funds generated by the respondent Association through this illegal propaganda are channelized through operatives in India for inciting hatred and violence in Punjab and many cases in this behalf have been registered. Annexure-H on page 17 are the incriminating social media (twitter) post by Gurpatwant Singh Pannu, which are incinatory in character and a direct attempt to incite secessionism and violence. Learned senior counsel next referred to page 19 & 20 of the affidavit which is a printout from the Twitter account of Gurpatwant Singh Pannu, wherein he is inciting people "to burn the tricolor that Indian army hoisted at Sri Darbar Sahib complex in June, 1984". Learned senior counsel next referred to page-21 which again is a Twitter post by Gurpatwant Singh Pannu wherein he has attributed the attack on the Chinese Consulate in Karachi as having been planned in Afghanistan and aided by the Indian spy agency. Learned senior counsel next referred to page-23 which again is a Twitter post by Gurpatwant Singh Pannu dated 12.01.2019 wherein he has noted that "American Sikh Group offers 1 million for victims of RAW terrorist attack on Chinese Consulate". Further, reference in the same Twitter post is, "Sikh Referendum 2020 will stop India's terrorism". Page 24 of the affidavit is again a Twitter post by Gurpatwant Singh Pannu dated 13.01.2019 wherein he has noted, "tiranga shot down by pro-khalistan to protest republic day 2019 raising tricolor at darbar sahib by Indian army", with a torn Indian flag underneath.

70. Learned senior counsel next referred to page-27 of the affidavit which is a Twitter post by Gurpatwant Singh Pannu dated 15.01.2019 wherein, referring to a twitter post of a celebrity, threats have been extended by SFJ to the said celebrity with the remarks, "your call khooon ka badla khooon resulted in 1984 Sikh genocide. SFJ is waiting for your foreign visits to hold you accountable." Learned senior counsel also referred to certain Twitter posts by Gurpatwant Singh Pannu where he has issued calls to the Sikhs soldiers to burn the tricolor and support Sikh Referendum 2020:

- "Twitter post dated 20.01.2019 referring to SFJ protest on Republic Day 2019 at Washington, DC and also making a call to burn the tricolor";
- "Twitter post dated 23.01.2019 where Gurpatwant Singh Pannu made a call to watch live on January 26 burning of the tricolor";
- "Referendum 2020 will end India's occupation of Punjab, voting in November, 2020" (page-32 to 38, Annexure-I);
- Glorification of known terrorist involved in political assassinations and nexus with Kashmiri militants; and

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- Spreading misinformation about Pulwama attack and claiming the army to be a legitimate military target.

71. Learned senior counsel next referred to Annexure-J of the affidavit which is a printout from the website referendum2020.org wherein there is a direct call by the respondent Association to the Punjab Police to not obey Captain Amarinder's order and support Punjab Referendum 2020. Annexure-K is Facebook post by SFJ regarding London declaration on 12.08.2018 at Trafalgar Square, London regarding Punjab Independence Referendum 2020. Based on the contents and annexures to the aforesaid affidavit, learned senior counsel for the Union of India argued that the activities of the respondent Association are not clandestine but open and visible in public domain. It is an open affront to the authority of the State and all these activities of the respondent Association are 'unlawful activities' on the face of it intended to question and disrupt the unity and territorial integrity of India and, hence, respondent Association has rightly been declared as an 'unlawful association'.

72. Learned senior counsel next referred to the affidavit of PW-11, Mr. Ananya Gautam wherein on page-22 the domain registration details of the respondent Association have been furnished. The said document shows that the domain name sikhsforjustice.org is registered in the name of Pannu Law Firm Attorneys and the administrative contact is Gurpatwant Pannu which shows that Gurpatwant Singh Pannu is the main protagonist of Sikhs For Justice. Referring to Annexure-1 of the affidavit, learned senior counsel pointed out that there is an open call by Sikhs for Justice for Khalistan and Referendum 2020. The FB post on page-29 of the affidavit is a call for liberating Punjab from India. He next referred to page-38 of the affidavit which is a post dated 06.09.2018 wherein the Home Minister of India has been referred to as a terrorist. He next referred to Annexure-4 on page-39 of the affidavit which shows that Gurpatwant Singh Pannu and his associates misuse fake letter of Indian Military Intelligence Report on Sikh soldiers serving in Indian army and tried to propagate this letter. Learned senior counsel argued that false propaganda was being conducted by Sikhs for Justice saying that Sikhs in the Indian Army and their families were being targeted by India for propagating Khalistan. Learned senior counsel next referred to Annexure-5 at page-44 of the affidavit regarding SFJ letter to open 'Referendum 2020 Information Centre' in Lahore during 549th Birth Anniversary of Guru Nanak Dev ji. He next invited attention to Annexure-7 to the affidavit on page-47 which is a letter dated 27.02.2019 written by Gurpatwant Singh Pannu to the Prime Minister of Pakistan, a copy whereof is posted on the facebook and thus made available to the world at large with the subject, "Pro Khalistan Sikh Diaspora stands in solidarity with Pakistan". The letter refers to the Indian Air strikes at Balakot and assures support for Pakistan by the pro-Khalistan Sikhs from North America, Europe, Australia and elsewhere. It also makes a reference to Referendum 2020 and extends solidarity with the cause of Pakistan in Kashmir. It would be worthwhile to reproduce the contents of the letter, which read as under:

"February 27 2019

Honorable Imran Khan

Prime Minister of Pakistan

Government of Pakistan

Islamabad, Pakistan

info@pmo.gov.pk

Re: February 26th Indian Air Strike at Balakot.

Sub: Pro-Khalistan Sikh Diaspora Stands In Solidarity With Pakistan.

Honorable Prime Minister Khan:

"Sikhs For Justice (SFJ) is an international advocacy group spearheading the peaceful and non-violent secessionist campaign for independence of Punjab from Indian occupation through Referendum 2020. Punjab Independence campaign is based on Sikhs' right to self-determination as guaranteed under Article 1 common to the UN Charter, International Covenant on Civil and Political Rights and International Covenant on Economic and Cultural Rights.

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In the wake of Indian Prime Minister Modi's growing jingoism after Pulwama attack and ensuing Balakot air strike, we are writing to assure you that at this critical juncture, Pro-Khalistan Sikhs from North America, Europe, Australia and elsewhere stand in solidarity with Pakistan – the land where founder of our religion Sri Guru Nank Dev Ji was born and breathed his last.

Prime Minister Khan, Sikhs have many sacred places in Pakistan including Sri Nankana Sahib, Sri Kartarpur Sahib, Sri Panja Sahib and Sikhs around the globe appreciate the hospitality and care demonstrated by Pakistan to the Sikh community and their religious places.

While we hope that better sense would prevail upon India and she would resolve the Kashmir and Punjab issues by holding Referendum instead of resorting to violence against freedom seeking people or waging war against Pakistan, however, if India ever attacked Pakistan, the Pro-Khalistan Sikhs will extend full support to Pakistan and will stand shoulder to shoulder in thwarting any Indian attack.

Sikhs have a long history of standing against the aggressors and we strongly feel that during this crisis, its our moral duty to defend Pakistan at the international forums in every manner possible.

Thank you for your time and consideration

Sincerely yours

Gurpatwant Singh Pannun

Attorney at Law (New York)

Legal Advisor – Sikhs For Justice”

73. Learned senior counsel for the Union of India next referred to Annexure-9 on page-65 of the affidavit of PW-11 wherein India has been referred to as a terrorist state and also SFJ opposing the Prime Minister's visit to UK in April, 2018 by stating, "SFJ to challenge Modi – Face of Indian terrorism" – Date: April 2018, Location – Parliament Street, London. Annexure-10 at page-67 records the threat extended by SFJ to the Indian Army Chief by saying that he will face legal action if any attempt is made to violently crush Khalistan movement. Annexure-11 on pages 69 refers to 19 FIRs registered against Jagtar Singh Hawara affiliated to Babbar Khalsa International, who is sought to be shown by SFJ as a victim of the Indian State. Learned senior counsel pointed out that Babbar Khasla International is a terrorist organization and stands banned under the Act. It is submitted that SFJ is working in association with Babbar Khalsa International and considering the nature of activities in which the respondent Association and its handlers are involved and their collusion with members of the other banned organizations, there is 'sufficient cause' for the Union of India to ban the respondent Association.

74. Learned senior counsel for the Union of India next referred to Annexures-12 & 13 at pages 73 to 77 of the affidavit of PW-11, Mr. Ananya Gautam which are the facebook posts of SFJ activists Paramjit Singh Pamma and others showing up in the India versus England world cup cricket match at Edgbaston, Birmingham wearing T- shirts of Referendum 2020 and also waived Khalistan flag. Learned senior counsel submitted that the group comprising Paramjit Singh Pamma and others raised slogans of Khalistan Zindabad during the match. It is submitted that police had to be called in and the accused were arrested and subsequently released without registration of any case. Learned senior counsel next referred to Annexure-15 at page 125 of the affidavit, which is the gist of video uploaded on facebook by California based SFJ activist Sabi Singh threatening Sardar Sukhjinder Singh Randhawa, Cabinet Minister, Government of Punjab and also SFJ activist attacking Manjit Singh GK, President of Delhi Sikh Gurudwara Prabandhak Committee. Learned senior counsel submitted that the members and sympathizers of the respondent Association believe in the cult of violence and extend open physical threats to all right thinking people, including Sikhs, who are opposed to the concept of Khalistan. Learned senior counsel next referred to Annexure-17 on page 129 which is the gist of Gurpatwant Pannun's video reply dated 24.09.2018 to Chief Minister of Punjab Capt. Amarinder Singh wherein Gurpatwant Singh Pannu has challenged Capt. Amarinder Singh to remove his security personnel for two days and look around in Punjab and he would see Referendum 2020 volunteers in every village and city and that they could remove him from the post of Chief Minister in two days. In the same video, Gurpatwant Pannu also exhorted the youngsters and both civil/police officers to support Referendum 2020 campaign for establishment of Khalistan. Learned senior counsel next referred to Annexure-21 on page-135 wherein the Prime

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Minister of the Country has been referred to as a human rights violator and it is claimed that the only solution for Punjab is Khalistan 2020 Referendum. Annexure-22 on page-136 is a transcription of Gurpatwant Singh Pannu's video dated 13.06.2019 wherein he has warned the Chief Minister of Punjab Capt. Amarinder Singh and DGP Punjab Sh. Dinkar Gupta. In one part of the video Gurpatwant Singh Pannu has stated that, "I already conveyed that our activists are campaigning for Referendum 2020 in Punjab in which nothing is illegal. Last year also, I told you that if you keep torturing our activists, you will be forced to remain in the boundaries of Punjab. You saw that Dinkar Gupta, who considers himself as DGP was not able to leave London. In the same way Rajinder Sohal was also forced to leave California the same day". In the subsequent part of the video, he stated that, "till now, we have only raised finger at you. Don't force us to file the same cases of human right violation on your family members that you are trying to file against our activists. This is very loud and clear that Referendum 2020 campaign is a democratic campaign and we want you to follow the law. If there is going to be any chances from your side, then every one of you will face the consequences including You, DGP Gupta and the Punjab Government". Learned senior counsel submits that Gurpatwant Singh Pannu is habitual of extending threats to the lawful authorities of the State and habitually incites violence and disobedience by the civil/police officials.

75. Learned senior counsel thereafter referred to Annexure-29 on page-156 of the affidavit of PW-11 which is a letter written by Gurpatwant Singh Pannu as a Legal Advisor for Sikhs For Justice to the Ambassador of China to Pakistan dated 12.01.2019 wherein while condemning the November, 23 attack on the Chinese Consulate in Karachi, Pakistan, SFJ has termed it as the handiwork of the Indian Intelligence Agency, RAW. In the same letter, expressing solidarity with the victims of the attack, SFJ offered to donate Pak rupees 1 million for the families of the security personnel who died during the November, 23 attack on the Chinese Embassy. Learned senior counsel submitted that the respondent Association is espousing the cause of Khalistan and Referendum 2020 at the International Forums and the anti-India sympathizers, who bolster their agenda of a separate state of Khalistan. Annexure-30 on page 158 is a facebook notification of the respondent Association appealing to the residents of Punjab, wherein they have noted that, "officers of Punjab police, who had carried out fake encounters or had tortured the Sikh youth supporting Referendum 2020 and named Suresh Arora, Dinkar Gupta, Surjeet Singh Grewal, Sumedh Saini and Umra Nangal and called upon the people that if they have any information regarding family members of these police officers residing in America, Canada, Europe, England, Australia or New Zealand etc., then that information should be shared with Gurpatwant Singh Pannu. Learned senior counsel argued that this is an open threat to the authority of the State and intended to unsettle the hierarchical setup of State. Learned senior counsel next referred to Annexure-37 to page 168 which is a facebook post by Gurpatwant Singh Pannu wherein he has stated that Pulwama attack is not an act of terrorism but a legitimate military target in armed conflict between Indian forces and Kashmiri militants. Learned senior counsel argued that this post by Gurpatwant Singh Pannu is indicative of his association and support for other militant organizations in the country which tends to endanger the sovereignty and territorial integrity of India. Learned senior counsel next invited attention to Annexure-38 on page 170 which are photographs of free 'Punjab', 'Kashmir' and 'Anti War rally in front of United Nation Headquarters on 28.02.2019'. Annexures-40 and 41 are the facebook posts by the respondent Association relating to the Kartarpur Corridor and Khalsa Sajna Diwan on 14.04.2019 at Gurdwara Panja Sahib. The said annexures relate to the respondent Association sponsoring 10,000 pilgrims from Punjab for Referendum 2020 Convention at Kartarpur Sahib - A bridge to Khalistan and the respondent Association to launch registration of Team 2020 on April 14 from Panja Sahib, Pakistan for Khalistan Referendum. The whatsapp number of SFJ Lahore office (text only) is also provided on the twitter post at page-178 of the affidavit. Learned senior counsel next invited attention to Annexure-44 at page-184 which is the facebook post by Gurpatwant Singh Pannu urging the Sikh community in Punjab to boycott the Lok Sabha Elections, 2019. The salient points in the said post exhort the Sikh community in Punjab to not accept the Indian Constitution; Freedom of Punjab; and establishing an independent state of Khalistan.

76. Learned senior counsel next referred to Annexure-45 on page 185 which is a letter written by Gurpatwant Singh Pannu as a legal advisor of the respondent Association dated 25.06.2019 to the Secretary of State and the American Ambassador, United States, Department of State with the subject, "Report on torture of Khalistan Referendum 2020 campaigners and criminalization of pro-Khalistan political union by Government of India". It is claimed in the letter that the Indian authorities are exaggerating stories and fabricating evidence to implicate Referendum 2020 supporters in terrorism cases. The letter goes on to narrate certain incidents wherein the accused persons were charged under the Indian Penal Code. Learned senior counsel submitted that the letter establishes the link between the respondent Association and the cases registered in India. It leaves no doubt at all that the FIRs registered in India are against the associates and sympathizers working for the respondent Association and respondent Association is actively collaborating and inciting the people in Punjab to disrupt the sovereignty and integrity of India.

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77. Learned senior counsel on behalf of Union of India while reiterating the submissions with respect to the unlawful activities of the respondent Association referred to the preliminary submissions filed on behalf of the respondent Association wherein the respondent Association had also sought *in limine* quashing of Notification dated 10th July, 2019. Referring to para 35 of the preliminary submissions, learned senior counsel argued that the right of self determination claimed by respondent Association and their reference to the human rights violation by India specially with respect to the people of Kashmir is a direct affront to the sovereignty and integrity of India. Learned senior counsel submitted that the respondent Association claims some kind of parity with the Kashmiri separatists and they herald terrorist as freedom fighters. Referring to para 40 of the preliminary submissions, he drew attention to the following averments: "...SFJ is completely convinced that the Indian state carried out Genocide of Sikhs through India in November 1984 after assassination of late P.M of India Indira Gandhi and the extra judicial killing of Sikhs in Punjab from 1984 to 1998 in the name of counter insurgency. The said actions which could be characterized as genocide as a result of which tens of thousands of Sikhs were massacred extra judicially and without any justification.SFJ also believes that Sikhs have a right of self-determination under established principles of International Law as enshrined in UN Charter and International Covenant on Civil and Political Rights. SFJ believes in realization of right of self-determination through peaceful and democratic means and will continue to engage in activities that are nonviolent, peaceful and democratic". It is submitted that these submissions itself fulfill the ingredients of Section 2(o) of the Act and, thus, the action of the Union of India in declaring the respondent Association as an 'unlawful association' is legal and within the parameters prescribed under the Act.

78. Learned Solicitor General next submitted that there are three kinds of evidence which has been brought on record by the Union of India, viz. posts on behalf of the respondent Association on social media i.e. facebook, whatsapp, twitter etc. which have been elucidated in the affidavits Ms. Sonia Narang (PW-2) and Mr. Ananya Gautam (PW-11); evidence brought on record by way of various FIRs registered against the members, sympathizers and handlers of the respondent Association in Punjab, Uttarakhand and by NIA; and thirdly intelligence reports placed before the Tribunal in sealed covers. He referred to para 13 of the affidavit filed by Mr. S.C.L. Das (PW-12) wherein the original reports and inputs containing intelligence reports and inputs on unlawful activities received from intelligence agencies have been submitted in a sealed cover for perusal. It was submitted that these documents may be carefully perused as collateral evidence in support of the substantive evidence placed by way of social media posts, affidavits of the twelve witnesses and the evidence by way of FIRs registered in Punjab, Uttarakhand and by NIA. Learned Solicitor General, thus, submitted that despite number of opportunities having been granted by the Tribunal, this is a case of no defense evidence and nothing has been placed on record which could question the action taken by the Union of India in declaring the respondent as an 'unlawful association'. Thus, it is submitted that in view of the submissions made, the Notification dated 10th July, 2019 issued by the Union of India banning the respondent Association with immediate effect deserves to be upheld.

79. Mr. Colin Gonsalves, learned senior counsel for the respondent Association at the outset submitted that Referendum 2020 be neither read as a demand for a separate home for the Sikhs nor as an incitement for waging a war against the State. Learned senior counsel referred to the decision of the Hon'ble Supreme Court in *Kedar Nath Singh Vs. State of Bihar, 1962 Supplementary (2) SCR 769* to submit that mere words are not enough to invite the charge of sedition and that provisions like Section 124A IPC stand toned down in the face of Article 19(1)(a) of the Constitution. It is submitted that "saying" is not akin to waging a war and it must be connected with other evidence or criminal activity to read any deeper into the acts. Learned senior counsel submitted that small activities by any association cannot be termed as 'unlawful activities' within the meaning Section 2(o) of the Act unless the activities have led to any significant damage to the unity and integrity of India. It is submitted that there has been no repercussion to the social media posts relied upon by the Union of India and that Referendum 2020 is a peaceful exercise even though it might be obnoxious to the State. It is submitted that an obnoxious speech cannot be termed as a criminal activity and free speech must prevail as long as no one sports a gun against the State. Learned senior counsel submitted that the words and social media posts relied upon by the Union of India are acts within the meaning of free speech as protected by Article 19 (1) (a) of the Constitution of India.

80. Learned senior counsel next referred to the decision of the Hon'ble Supreme Court in *Balwant Singh & Anr. Vs. State of Punjab (1995) 3 SCC 214* to submit that mere exhortation without the commission of any criminal offence is not actionable. Referring to para 12, he submitted that the conviction and the sentence of the appellants in this case was set aside with the observation that "raising of some slogans only a couple of times by the two lonesome appellants, which neither evoked any response nor any reaction from anyone in public can neither attract the provisions of Section 124A or of Section 153A IPC. Some more overt act was required to bring that home the charge

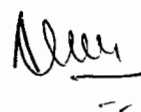
on the two appellants". Learned senior counsel next referred to the decision of the Hon'ble Supreme Court in *Bilal Ahmad Kallu Vs. State of Andhra Pradesh (1997) 7 SCC 431* to submit that the appellant in this case also was acquitted with the Hon'ble Supreme Court observing that "the decisive ingredients for establishing the offence of sedition under Section 124A IPC is the doing of certain acts which would bring to the government established by law in India hatred or contempt etc. In this case, there is not even a suggestion that the appellant did anything against the government of India or any other government of the State".

81. Learned senior counsel, thus, argued that merely inciting the feeling of one community or group without any reference to any other community or group can neither attract Section 124A nor Section 153A of the IPC. Learned senior counsel submitted that courts have toned down such Sections upholding the right of freedom of speech and that the tree of democracy has to be considered as a whole. Learned senior counsel submitted that the averments against the respondent Association are identical to the two cases cited above and, hence, in the absence of any repercussion to the activities attributed to the respondent Association, the Notification dated 10th July, 2019 is liable to be quashed.

82. Learned senior counsel next argued that the Union of India has not been able to establish any connect between Referendum 2020 with the random and unconnected criminal offences in respect of which FIRs have been registered in Punjab, Uttarakhand and by the NIA. It is submitted that the FIRs registered in India are random FIRs against random people and none of these FIRs establish any connect with the respondent Association. It is submitted that the connection being sought to be established by the Union of India has to be real, tangible and substantial. Thus, it is submitted that the FIRs and the accused persons named therein have no connection whatsoever with the respondent Association and such individuals acts of random people cannot be relied upon by the Union of India to invoke Section 4 of the Act to ban the respondent Association. Learned senior counsel for the respondent Association next argued that the social media posts cited by the Union of India are bereft of any call for violence. It is submitted that these are innocent posts and are more of words of anguish for the acts of the Government in 1984. So far as the posts attributed to Gurpatwant Singh Punnu are concerned, learned senior counsel submitted that these are his individual views and not of the respondent Association and in any case there has been no repercussion to any of his posts on social media in India. He submitted that his call for flag burning did not lead to any flag burning in India; his post that Pulwama was a legitimate military target also did not lead to any consequence; his post that RAW was behind the attack on the Chinese Consulate in Karachi also had no impact; and his post for the civil and police officials to disobey the orders of the authority also did not lead to any repercussion at all and, therefore, cognizance need not be taken of such posts to declare the respondent as an 'unlawful association' as defined in sub-section (p) of Section 2 of the Act.

83. Learned senior counsel for the respondent Association lastly submitted that the respondent Association as a whole has remained a moderate association and none of their actions has put the unity and integrity of India in peril. It is submitted that the call for self-determination for the Sikh people is something which is permissible in International Law and groups may make application in a fanciful and aggressive way and the Referendum 2020 also is being sought under the UN Supervision. It is, thus, submitted that there is no basis with the Union of India to invoke Section 3 of the Act to issue the Notification dated 10th July, 2019 banning the respondent Association with immediate effect and the evidence brought on record by the Union of India does not establish sufficient cause for the government to ban the respondent Association.

84. I have carefully considered the submissions made by the learned Solicitor General of India and the learned senior counsel for the Union of India as also the learned senior counsel representing the respondent Association. I also carefully gone through the evidence brought on record and also perused the material submitted by the Union of India in sealed cover. The Tribunal under sub-section (3) of Section 4 of the Act is required to decide whether or not there is sufficient cause for declaring the Association to be unlawful, based on the material placed before it. The reference to the Tribunal under sub-section (1) of Section 4 was accompanied by a Note on the respondent Association which detailed the background, objectives and activities of the respondent Association. It also detailed the associates with whom the respondent Association has been working. It has been stated that respondent claims itself to be an advocacy group based in New York, USA and also maintains its offices in Canada and UK. Their modules and activities in India are being operated by their foreign based handlers, for which reliance is placed on the FIRs registered in India. The respondent Association is claimed to be propagating Referendum 2020 on the social media as well as on ground and has also launched the website www.referendum2020.org which is replete with pro-Khalistani posts and anti-India insinuations. The website propagates right of self-determination under International Law for the people of Punjab. It is stated that the respondent Association is encouraging and aiding activities for secession of a part of the Indian territory from the Union of India and with the said object, has



commenced registration of volunteers online across the world and these activities are intended to escalate its subversive activities against India. The respondent Association is also stated to be actively using and engaging itself on social media to garner support from Punjab based Sikh youth for Referendum 2020 campaign and their members are awaiting India based supporters/operatives to circumvent the ban on the respondent Association by continuing to promote the so-called Referendum 2020 in India. The activities of the association have been highlighted and the cumulative result of their acts are stated to be an effort to undermine the territorial integrity of India while inciting disaffection amongst the Sikh community towards the Indian government and the Indian State. It is also claimed that the respondent Association is trying to work in tandem with other separatist organizations active in Kashmir and elsewhere and that it also has a connect with ISI through its front organizations such as Dayal Singh Research and Cultural Forum, Khalistan Liberation Force, Khalistan Gadar Force, Babbar Khalsa and Gopal Singh Chawla, a Pakistan based terrorist are named as the other separatists in the anti-India entities with whom the respondent Association is collaborating to disrupt the territorial integrity of India. The details of the FIRs registered in India have also been furnished. These cases are stated to be still pending and in some of the cases the charge-sheets are yet to be filed.

85. The Union of India has examined twelve witnesses who have deposed about the activities of the respondent Association as well as the cases registered in India which are stated to have a direct connect with their handlers who are based abroad and are known members and sympathizers of the respondent Association. PW-2, Ms. Sonia Narang has proved the FIR registered by NIA, Delhi, viz. RC-02/2019/NIA/DLI dated 15.01.2019 against certain entities and individuals based in India and abroad who have entered into a criminal conspiracy with other terrorist organizations and gangs and have started a concerted campaign in the name of Punjab Referendum 2020 for Khalistan and are raising funds and carrying out secessionist activities on ground as well as on social media with an intent to instigate members of Sikh community for ceding the State of Punjab from Union of India. The witness has also proved the social media posts of the respondent Association where the respondent Association has openly aligned itself to Referendum 2020 and has been proved to be the primary moving force behind the said Referendum, which has, at its core, the objective to disrupt the unity and integrity of India. The call for a referendum to cede a part of the territory of India in itself is a crime. The intent of the Act itself is to put reasonable restrictions in the interest of the sovereignty and integrity of India. These reasonable restrictions include restriction on freedom of speech and expression; right to assemble peacefully and without arms; and right to form associations or unions. The respondent Association has been proved to be indulging by its speeches and social media expressions and communications, in acts which are detrimental to the unity, integrity and sovereignty of India. Referendum 2020 being propagated by the respondent Association is itself restricted and is an unlawful activity under the Act and does not have any sanction under any law. The Union of India has substantively proved, through material brought on record by way of background note and evidence of witnesses, that the acts of the respondent Association in promoting hatred against a certain community by way of social media posts which are intended to divide people who have peacefully and lovingly lived together for centuries. The evidence brought on record by the Union of India has gone un rebutted and no contrary evidence has been brought on record by the respondent Association to show that the acts alleged against them are not committed by them. The submissions made by the learned senior counsel for the respondent Association that these utterances, acts and social media posts have had no repercussions in India and that they are innocent in character cannot be accepted since it was with great difficulty and at a huge cost that the State of Punjab was very recently rid of terrorist activity and any attempt at this stage to revive or foment any activity which threatens the unity and territorial integrity and sovereignty of India must be nipped in the bud at the threshold itself. The case laws cited by the learned senior counsel refer to isolated incidents wherein FIRs were registered under Section 124A and 153A of IPC wherein the accused persons were acquitted for their acts not leading to any repercussions. The facts in hand are a well planned conspired attempt to engage in activity which is statutorily barred under the Act and is a clear affront to the authority of the State which is duly bound to uphold the unity, integrity and the Constitution of India. The evidence brought on record by the Union of India is stark and clear and the same has gone unchallenged despite opportunity. The acts, utterances and social media posts attributed to SFJ and its activists and sympathizers, which have duly been provided on record, are divisive in character and are a pointer to a divisive mindset and a divisive intent. The only conclusion which can be read from the evidence brought on record and noted above is that the respondent Association has the sole objective to propagate and work against the interest of India by indulging in activities which threaten the sovereignty and integrity of India and are intended to cause disaffection against India within the meaning of sub-section (o) of Section 2 of the Act and, thus, the Association is liable to be declared as an 'unlawful association' within the meaning of sub-section (p) of Section 2 of the Act.

Alu

86. From the aforesaid discussion it is clear that the unlawful activities of the respondent Association are disruptive in character and threaten the sovereignty, unity and territorial integrity of India. The evidence brought on record also proves that the respondent Association is working in collusion with anti-India entities and forces to fulfill their objectives by indulging in unlawful activities. Thus, the Central Government had 'sufficient cause' to take action under Section 3(1) and 3(3) of the Act for declaring Sikhs For Justice as an 'unlawful association'. The Notification dated 10th July, 2019 issued by the Union of India under sub-sections (1) and (3) of Section 3 of the Act declaring Sikhs For Justice (SFJ) to be an 'unlawful association' is hereby confirmed. The reference is answered in the affirmative.

Before parting, I would like to place on record my appreciation for the assistance rendered by Mr. Tushar Mehta, Solicitor General of India, Mr. Sachin Datta, Sr. Advocate, Mr. Rajat Nair, Mr. Jay Prakash Singh, Ms. Rijuta Mohanty, Ms. Prity Sharma, Ms. Uttara Babbar, Mr. Shantanu Sharma, Mr. Manan Bansal and Ms. Bhavana Duhoon, Advocates on behalf of the Central Government. I also place on record my appreciation of the assistance rendered by Mr. Colin Gonsalves, Sr. Advocate, Mr. Ehsan Javaid, Ms. Sneha Mukherjee, Mr. Siddharth Seem and Md. Aman Khan, Advocates for the respondent Association throughout the conduct of the proceedings of the Tribunal.

JUSTICE D. N. PATEL

UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

JANUARY 06, 2020

[F. No. 17014/18/2019-IS-VII]

PUNYA SALILA SRIVASTAVA, Jt. Secy.

Manoj

164
ANNEXURE-6

Jio

11:09 AM

26%



Tweet



PANNUN Gurpatwant Singh
@_Pannun_SFJ05



West Is Facing #IndianTERROR
against #Khalistan Supporters

Germany Canada Charged
#Indian RAW Is Terrorist Org.

#KhalistanREFERENDUM

@HamidMirPAK

@ZaidZamanHamid

@AajKamranKhan

@Salman_ARY

@majorgauravarya @sidhant

Tweet your reply



Abu

105
ANNEXURE-7

रजिस्ट्री सं. डी. एल.—(एन)04/0007/2003—19

REGISTERED NO. DL—(N)04/0007/2003—19



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 35] नई दिल्ली, बुधवार, जुलाई 25, 2019/ श्रावण 3, 1941 (साक)
No. 35] NEW DELHI, THURSDAY, JULY 25, 2019/SHRAVANA 3, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th July, 2019/Shravana 3, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 24th July, 2019, and is hereby published for general information:—

THE NATIONAL INVESTIGATION AGENCY (AMENDMENT) ACT, 2019

No. 16 of 2019

[24th July, 2019.]

An Act to amend the National Investigation Agency Act, 2008.

Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Investigation Agency (Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

34 of 2008.

2. In the National Investigation Agency Act, 2008 (hereinafter referred to as the principal Act), in section 1, in sub-section (2),—

Amendment of section 1.

(i) in clause (b), the word “and” occurring at the end, shall be omitted;

Bele

(ii) in clause (c), after the words "may be", the word "and" shall be inserted;

(iii) after clause (c), the following clause shall be inserted, namely:—

"(d) to persons who commit a Scheduled Offence beyond India against the Indian citizens or affecting the interest of India."

Amendment of section 2.

3. In section 2 of the principal Act, in sub-section (1), in clause (h), for the words "a Special Court constituted", the words "a Court of Session designated as Special Court" shall be substituted.

Amendment of section 3.

4. In section 3 of the principal Act, in sub-section (2), after the word "India", the words "and, subject to any international treaty or domestic law of the concerned country, outside India," shall be inserted.

Amendment of section 6.

5. In section 6 of the principal Act, after sub-section (7), the following sub-sections shall be inserted, namely:—

"(8) Where the Central Government is of the opinion that a Scheduled Offence has been committed at any place outside India to which this Act extends, it may direct the Agency to register the case and take up investigation as if such offence has been committed in India.

(9) For the purposes of sub-section (8), the Special Court at New Delhi shall have the jurisdiction."

Amendment of section 11.

6. In section 11 of the principal Act,—

(i) in the marginal heading, for the word "constitute", the words "designate Court of Session as" shall be substituted;

(ii) in sub-section (1),—

"(a) for the portion beginning with the words "The Central Government", and ending with the words "Special Courts", the words "The Central Government shall, in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, for the trial of Scheduled Offences, designate one or more Courts of Session as Special Court" shall be substituted;

(b) the following Explanation shall be inserted, namely:—

"Explanation.—For the purposes of this sub-section, the expression "High Court" means the High Court of the State in which a Court of Session to be designated as Special Court is functioning.;"

(iii) sub-sections (3), (4), (5), (6) and (7) shall be omitted;

(iv) in sub-section (8),—

(a) for the words "by a person appointed as a Judge or an additional Judge of a Special Court", the words, brackets and figure "by the Sessions Judge of the Court of Session referred to in sub-section (1)" shall be substituted;

(b) for the words "such judge or additional judge and the Central Government", the words "judge of the Special Court and the appointing authority in consultation with the Central Government" shall be substituted;

(c) for the words "as may be specified in that order" occurring at the end, the words "whichever is earlier" shall be substituted;

(v) for sub-section (9), the following sub-section shall be substituted, namely:—

"(9) When more than one Special Court is designated for an area or areas, the senior-most Judge shall distribute the business among them."

107

7. In section 22 of the principal Act,—

Amendment
of section 22.

(i) in the marginal heading, for the word "constitute", the words "designate Court of Session as" shall be substituted;

(ii) in sub-section (1), for the words "constitute one or more", the words "designate one or more Courts of Session as" shall be substituted;

(iii) in sub-sections (2), (3) and (4), for the word "constituted" wherever it occurs, the word "designated" shall be substituted.

8. In the Schedule to the principal Act,—

Amendment
of Schedule.

(i) for serial number 1 and the entry relating thereto, the following serial numbers and entries shall be substituted, namely:—

"1. The Explosive Substances Act, 1908 (6 of 1908);

1A. The Atomic Energy Act, 1962 (33 of 1962);"

(ii) in serial number 3, for the figures, brackets and word "1982 (65 of 1982)", the figures, brackets and word "2016 (30 of 2016)" shall be substituted;

(iii) in serial number 8, for entry (b), the following entries shall be substituted, namely:—

"(b) Sections 370 and 370A of Chapter XVI of the Indian Penal Code (45 of 1860);

(c) Sections 489-A to 489-E (both inclusive) of the Indian Penal Code (45 of 1860);

(d) Sub-section (IAA) of section 25 of Chapter V of the Arms Act, 1959 (54 of 1959);

(e) Section 66F of Chapter XI of the Information Technology Act, 2000 (21 of 2000)."

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

new



Mahima Kaul
@misskaul



Bombs, quakes, deaths are all second to Narendra Modi's political ambitions. Fuck aam aadmi.

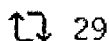
9:19 PM · 18 Sep 11



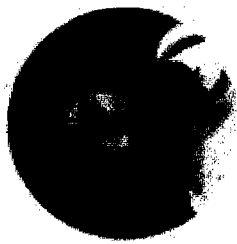
Mahima Kaul @misskaul · Feb 14, 2014



"@sunil_abraham: YouTube removes **Rahul Gandhi's** spoof video articles.timesofindia.indiatimes.com/2014-01-28/soc... #India #copyright #FoE" satire not censor... Come on!



Alu



Mahima Kaul

@misskaul

**Bombs, quakes, deaths are all
second to Narendra Modi's political
ambitions. Fuck aam aadmi.**

9:19 PM · 18 Sep 11

Blue



Mahima Kaul @misskaul · Feb 14, 2014



"@sunil_abraham: YouTube removes **Rahul Gandhi's** spoof video
articles.timesofindia.indiatimes.com/2014-01-28/soc... #India #copyright #FoE"
satire not censor... Come on!



4



29



16



Seen



Tweet



Err... Retweeted



Mahima Kaul

@misskaul

Replying to @MissMuttoo

@MissMuttoo guess we'll find out about damage (earthquake)/ floods/bombs if the news gets their heads out of modis ass

6:39 PM · 18 Sep 11

9 Retweets 3 Likes



Show more replies

Tweet your reply

Miss



Raheel Khurshheed

@Raheelk



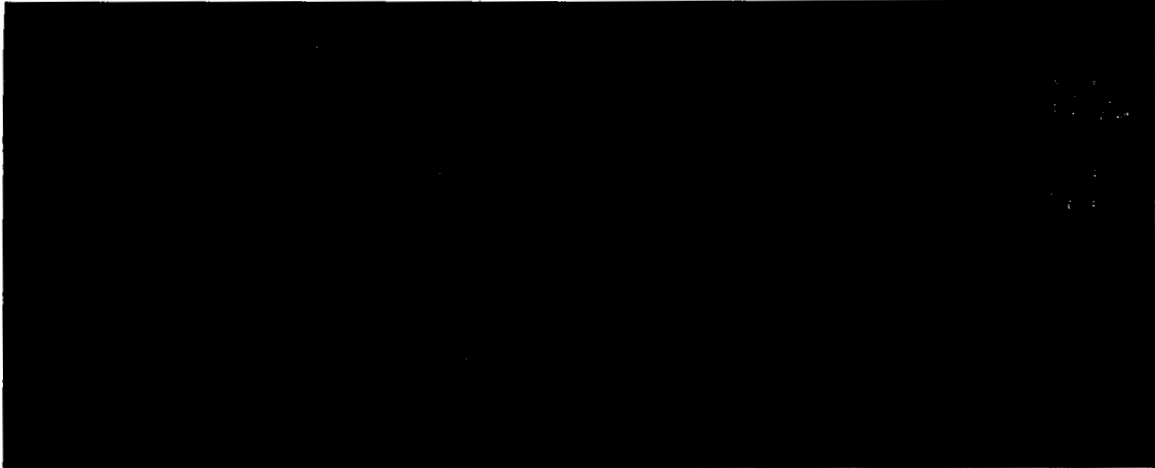
Narendra Modi as PM. Hmmm...lemme know when that happens, will have some relocation decisions to make.

5:29 PM · 19 Sep 11

348 RETWEETS **59** FAVORITES

Alley

113



Raheel Khursheed

@Raheelk

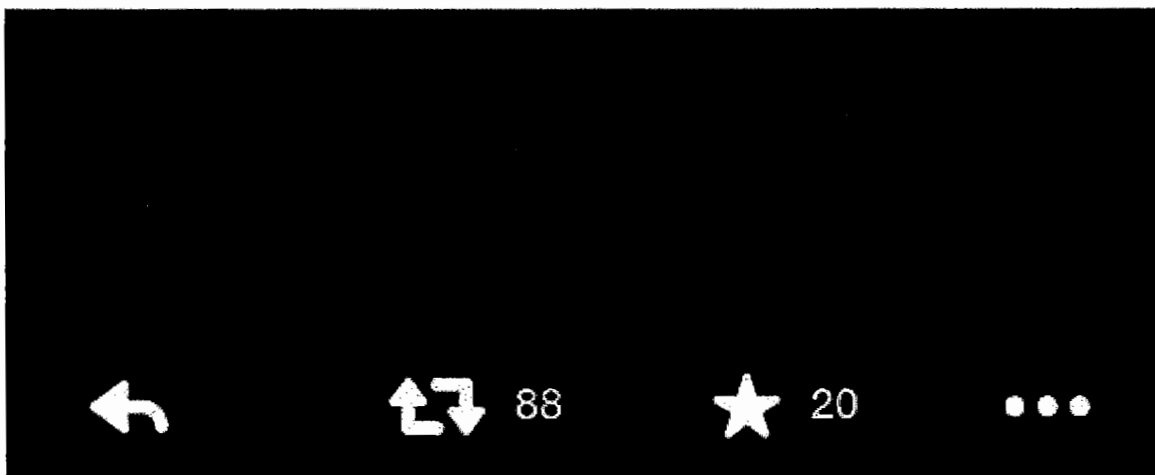


U say Narendra Modi for PM? I
say Narendra Modi in Jail for
being a Mass Murderer.

#TrollBaitTournament

6/2/12, 14:08

41 RETWEETS 2 FAVORITES



Allee



Raheel Khurshheed

@Raheelk



Good to know that Ram has got some land now. Because, Sita has been running a travel agency, Maruti is making cars...contd...

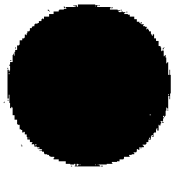
6:07 PM · 04 Oct 10

114

Allee

← **Tweet**

This Tweet is unavailable.



Navdeep Thakur, Navi
@navi_czar

Replying to @misskaul

**@misskaul @India_Today Rahul Gandhi and PM... lol...
Bull Shit**

5:00 PM · Dec 23, 2011 · Twitter Web Client



115

sluu



Mahima Kaul

@misskaul



after pussyfooting about
recognizing kasab as paki, now
they want access? i want to know
more. Indian media, get out of
modi's ass

Ally

9:23 pm · 26 Apr 10

1/6



Mahima Kaul @misskaul · Nov 14, 2011

All said and done, its nice to have a good looking politician on my TV!
#rahulgandhi



↻ 5



1



Devi

117

118

INDIA NEWS TODAY LIVE TV

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MOVIES News / Mail Today / Twitter CEO Jack Dorsey slammed by users for posing with an anti-brahmin poster

Twitter CEO Jack Dorsey slammed by users for posing with an anti-brahmin poster

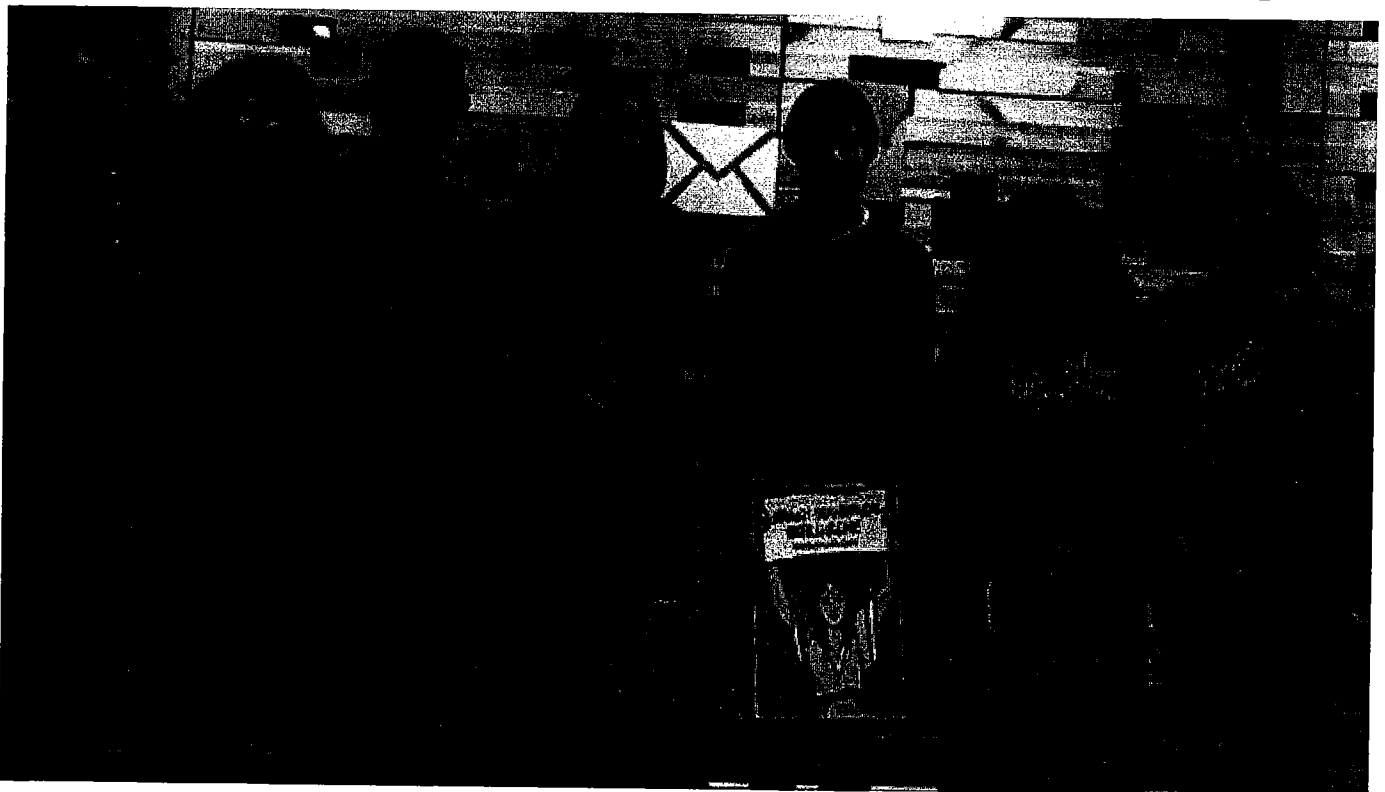
While posing for a photograph with Twitter's India team, Jack Dorsey was seen holding a poster that read "Smash Brahminical patriarchy".

ADVERTISEMENT



Pooja Shali

New Delhi November 20, 2018 UPDATED: November 21, 2018 10:43 IST



Users accused him of attacking an "ethnic group".

HIGHLIGHTS

<https://www.indiatoday.in/mail-today/story/twitter-ceo-jack-dorsey-anti-brahmin-poster-controversy-1392163-2018-11-20>

Deel

Users, mostly right leaning, accused Dorsey of attacking an "ethnic group"

Dorsey was present at an event in which he held discussions with women journalists, activists, writers

After the furore, Twitter released an unofficial statement defending Dorsey

Social media site, Twitter, was caught in a massive controversy on Monday as Indian users slammed the site's CEO, Jack Dorsey for holding a political poster during his visit to the country. The photograph was from a gathering where Twitter CEO met people from varied fields.

Jack was photographed holding a poster that read, "Smash Brahminical patriarchy" and posed with a group of women, including journalists, writers, and activists. Users, mainly Right-leaning, outraged against the CEO, accusing him of attacking an "ethnic group" and questioning why only Left-wing individuals were invited to the meet.

Amid the controversy, Twitter India was forced to release an unofficial statement, clarifying that a member had offered the poster to Dorsey and assuring that Twitter believes in hearing all voices.

The storm erupted after a journalist shared a group photograph at the event with Dorsey surrounded by Twitter's Amrita Tripathi, its legal head Vijaya Gadde and other activists and writers.

Sharing the photograph, journalist Anna MM Veticad wrote, "took part in a roundtable with some of us women journalists, activists, writers... to discuss the Twitter experience in India. A very insightful, no-words-minced conversation."

Throughout the day, Indian users questioned possible reasons the head of a global social media site would decide to hold a poster targeting one group, considering he had not made any such statements through the visit.

By evening, the Twitter India handle defended itself, stating, "Recently, we hosted a closed-door discussion with a group of women journalists and changemakers from India to better understand their experience using Twitter. One of the participants, a Dalit activist, shared her personal experiences and gifted a poster to Jack."

ADVERTISEMENT

120

Twitter called the effort as a "tangible reflection of our company's efforts to see, hear, and understand all sides of important public conversations that happen on our service around the world".

Twitter CEO also met Prime Minister Narendra Modi, Congress president Rahul Gandhi and Tibetan spiritual guru Dalai Lama. He posted photographs highlighting different aspects of travel, receiving laughter, appreciation and advice by Indian users.



This was the last leg of his visit in an otherwise non-controversial trip.


The CEO last uploaded a photograph with members of the Indian team before departing to Myanmar. He has not replied on the controversy, till this copy was published.


Read | [Twitter boss Jack Dorsey is at Shah Rukh's door. Where is Khan?](#)


Read | [Twitter CEO Jack Dorsey meets PM Modi during his trip to India](#)

IndiaToday.in has plenty of useful resources that can help you better understand the coronavirus pandemic and protect yourself. Read our comprehensive guide (with information on how the virus spreads, precautions and symptoms), watch an expert debunk myths, and access our dedicated coronavirus page.

Get real-time alerts and all the news on your phone with the all-new India Today app. Download on the  Google play  App Store







Tags: Jack Dorsey Twitter

Alu

Politics | Social Media

Twitter India's policy head deletes tweets after people find out her political bias

For many, this alleged bias is just a reminder of another Twitter India employee, Raheel Khursheed, mocked and bullied a 15-year-old girl who dared to have a political opinion against Kanhaiyya Kumar, that didn't conform to Khursheed's own worldview.

30 October, 2018

OpIndia Staff



Mahima Kaul, Director of Policy at Twitter India

There has been a recent storm brewing on Twitter where several right-leaning commentators are vexed about the increasing display of political bias by the platform. Earlier, Twitter CEO had admitted that its employees have a left-leaning bias. And repeated suspensions of right-leaning accounts have only strengthened the suspicion that Twitter is selectively targeting based on ideology.

Today, a popular right-leaning spoof maker, @Spook_Junkie was suspended for inexplicable reasons. This had angered many who questioned the basis of this bias.

Post the suspension, several right-leaning handles started looking for the root of this political bias. They dug up many tweets of Mahima Kaul who is the Director of Policy at Twitter India. The tweets were severely anti-Modi, pro-Rahul Gandhi and according to many, indicated Kaul's own political bias that they said explains Twitter India's ideologically biased approach. When these tweets started being dug up, Kaul allegedly deleted several of them.

There were several deleted tweets where Kaul was seen using strong and derogatory language against Prime Minister Narendra Modi.

Allee

Ladies and Gentlemen

Presenting you @TwitterIndia head Miss Neutral aka @misskaul

Link is of tweet which is deleted and in Screenshot

<https://t.co/reFWHNTHaY> pic.twitter.com/8I31PXUjnK

122

— Shrin (@ShrrinG) October 30, 2018

No one knows her story except that backspace-icon

Why did Twitter India policy head deleted this??? @jack pic.twitter.com/9yeurKCFGb

— Aviii (@thelosthodthelg) October 30, 2018

Someone also pointed out that Mahima Kaul, who is the Director of Policy at Twitter, instead of suspending the hate mongering handle @AmbedkarCaravan that regularly spews venom against Hindus, was following him.

Forget about suspending the hate monger @AmbedkarCaravan, Twitter India head follows the abusive bigot.

She only suspends people who make jokes and funny videos on Rahul Gandhi like she suspended @Spoof_Junkie. pic.twitter.com/D8heqSsUv1

— Err... (@Gujju_Er) October 30, 2018

While others dug up tweets which have not been deleted yet but point towards Kaul's bias nonetheless.

Another one.. Such an unbiased person to be made director! pic.twitter.com/YyZEoAegjg

— चिरायु ? (@TimelessSteel) October 30, 2018

Look who is the biggest pappu fan. oh wait! is she heading @TwitterIndia ?? pic.twitter.com/1NTbQ4vQbr

— Shash (@pokershshash) October 30, 2018

Kitne gul khilaye hain inhone.. pic.twitter.com/RRRx42MCAY

— चिरायु ? (@TimelessSteel) October 30, 2018

For many, this alleged bias is just a reminder of another Twitter India employee, Raheel Khursheed, mocked and bullied a 15-year-old girl who dared to have a political opinion against Kanhaiyya Kumar, that didn't conform to Khursheed's own worldview.

Deer

Writ Petition (Criminal) (PIL) titled as Sangeeta Sharma versus Union of India & Ors.

From: Awanish Sinha (awanishsinha@yahoo.com)

To: mohammedmuqeem@gmail.com; cramachandran@twitter.com

Date: Monday, 14 September, 2020, 10:37 am IST

Sir/Madam,

I am representing Ms. Sangeeta Sharma, I am filing Writ Petition (Criminal) (PIL) titled as Sangeeta Sharma versus Union of India & Ors. before High Court of Delhi. Please find attached the scan copy of the above Petition. Kindly acknowledge the same.

Contact Details of the Respondents:-

Respondent No. 1 to 4

E-mail ID:- mohammedmuqeem@gmail.com

Contact No.:- 9999864964

Respondent No. 5 (Private Party)

E-mail ID:- cramachandran@twitter.com

AWANISH SINHA

Advocate on Record

Supreme Court of India

LGF-6/33-33A, Vikram Vihar,

Lajpat Nagar-IV, New Delhi-110024

Mobile:- +91 9811943220 / +919310143232

Phone:- +91-11-46516845/46

Telefax +91-11-26223387



SANGEETA SHARMA.pdf

5.1MB

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA ORDINARY CRIMINAL JURISDICTION)**

I.A. NO. OF 2020

IN

**WRIT PETITION (CRIMINAL) NO. OF 2020
(IN THE MATTER OF PUBLIC INTEREST LITIGATION)**

IN THE MATTER OF:-

SANGEETA SHARMA

.....PETITIONER

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

**APPLICATION UNDER SECTION 482 OF CODE OF CRIMINAL
PROCEDURE FOR EXEMPTION FROM FILING THE
CERTIFICATE AND TYPED COPIES OF THE ANNEXURES.**

MOST RESPECTFULLY SHOWETH: -

1. That the Applicant herein has filed a Writ Petition for issuance of direction to the Respondent, contents of the same are not repeated for the sake brevity and may be read as part of the present application.
2. That the certified & typed copies of the Annexure are not available with the Petitioner at the moment and therefore, Petitioner be exempted from filing the certified & typed copies of the annexure.

3. That the matter being as urgent one, it is in the interest of justice that this Hon'ble Court may be pleased to exempt the same at this stage and the applicant will file the same as per the direction from this Hon'ble Court.

PRAYER

In view of the above facts and circumstances it is most respectfully prayed that this Hon'ble Court may graciously be pleased to: -

- (a) exempt the Petitioner from filing the certified & typed copies of the annexure and /or
- (b) pass such other or further order /s which this Hon'ble Court may deem fit and proper in the circumstances of the case.

Sharma

PETITIONER

Date: 10.09.2020

Place: New Delhi

Through

AWANISH SINHA

**(DESH RATAN NIGAM &
AWANISH SINHA)**

Advocates

LGF-6/33-33A, Vikram Vihar,
Lajpat Nagar-IV, New Delhi-110024

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA ORDINARY CRIMINAL JURISDICTION)

I.A. NO. OF 2020

IN

WRIT PETITION (CRIMINAL) NO. OF 2020
(IN THE MATTER OF PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:-

SANGEETA SHARMA

.....PETITIONER

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

AFFIDAVIT OF SANGEETA SHARMA, AGED 56 YEARS, W/O SH. TILAK RAJ SHARMA, R/O HOUSE NO. 2194, SECTOR-B, POCKET-II, VASANT KUNJ, NEW DELHI-110070, DO HEREBY SOLEMNLY AFFIRM AND DECLARE AS ON OATH AS UNDER:-

I, the deponent above named, do hereby solemnly affirm and state as follows:-

1. That I am the Petitioner in the above matter, I am fully conversant with the facts of the case, as such I am competent to depose thereto.
2. I say that accompanying Application has been drafted by my counsel under my instructions and I have gone through the contents of the same and say that the contents of paras 1 to 2 of



the application are true and correct to my knowledge and paras 3 of the Application being legal submissions are believed to be true upon legal record and believed to be true and correct to my knowledge and belief.

Sharma

DEPONENT

I identify the deponent who has appeared in my presence

VERIFICATION:-

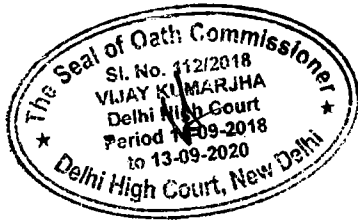
11 SEP 2020

Verified at New Delhi on this the 10th day of Sep, 2020 the contents of the above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been suppressed or concealed therefrom.

11 SEP 2020

Sharma

DEPONENT



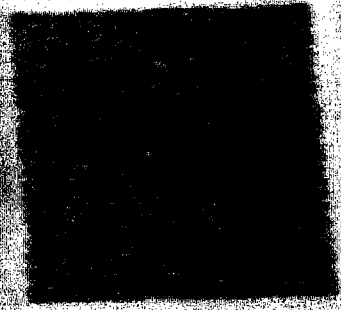
CERTIFIED THAT THE DEPONENT
S/W/Smt. Sanjeeta Sharma Age 56
S/o W/o. Vikram K. Sharma
R/o. Vasant Kunj, Delhi
has been identified by me as the person who has
signed the affidavit on 11/9/20
and the contents of the affidavit filed by him
when read & explained to me are true and
correct to his knowledge.
Oath Commissioner

उद्योग विभाग
INCOME TAX DEPARTMENT

भारत सरकार
GOVT. OF INDIA



व्यक्तिगत बैंक खाता कार्ड
Personal Account Banking Card
ATYP00000000



नाम / Name
SANGEETA SHARMA

पिता का नाम / Father's Name
YOGINDER PALSHILLAR

जन्म की तारीख
Date of Birth
23/05/1984





129

भारत सरकार
Unique Identification Authority of India

सामंजस संख्या / Enrollment No 1180/50504/00762

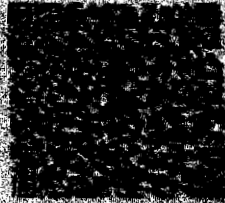
To:
 संगीता शर्मा
 Sangeeta Sharma
 WHO Tikraj Sharma
 SAHYOG APPARTMENT-A
 2194, B-2
 VASANT KUNJ
 Vasant Kunj South West Delhi
 Delhi 110070
 9810643800

01/01/2012

Ref: 80 / 30C / 158361 / 158600 / P



UE26560131404



आपका आधार क्रमांक / Your Aadhaar No. :

7899 0563 3523

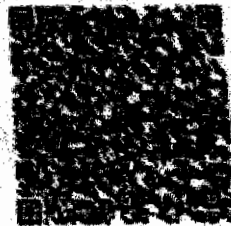
आधार – आम आदमी का अधिकार



~~भारत सरकार~~
~~भारत सरकार~~



संगीता शर्मा
 Sangeeta Sharma
 जन्म वर्ष / Year of Birth : 1964
 महिला / Female



7899 0563 3523

आधार – आम आदमी का अधिकार

IN THE COURT OF Delhi at New Delhi
 Case No. of 2020

In re: - Sangeeta Sharma Plaintiff/Applicant/Petitioner/Complainant

Union of India & ORS VERSUS Defdt./Respt./Accused

KNOW ALL to whom these present shall come that I/We Petitioner the above named Sangeeta Sharma do hereby appoint:-

Sh. Awanish Sinha (En. No. D/592-A/1996) & Sh. Desh Ratan Nigam (En. No. D/747/1994) Office at LGF-6/33-33A, Vikram Vihar, Lajpat Nagar-IV, New Delhi-110024, Phone: 011-46516845/46, E-mail: legal.shebang@gmail.com.

(Hereinafter called the advocates) to be my/our Advocates in the above noted case authorize him:-

To act appear and plead in the above noted case in this Court or in any other Courts in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign, file, verify and present pleadings appeals, cross-objections or petitions for executions review revision withdrawal, compromise or other petitions or affidavits or other documents as may be demand necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive monthly cheques cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

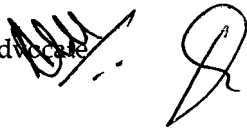
And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocates or his substitute in the matter as my/our own acts as if done by me/us to all intents and propose.

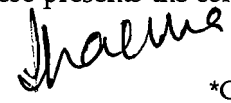
And I/We undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole of part of the fee agreed by me/we to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once fee is paid, I /we will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me /us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this day of 2020.

Advocate 

Client Sharma 
 *Client
 I identify the signature of the client

