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EXTRAORDINARY

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PART II—Section 3—Sub-section (ii)

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गृह मंत्रालय

अधिसूचना

नई दिल्ली, 21 नवम्बर, 2019

का.आ. 4233(अ).—केंद्रीय सरकार ने विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii), तारीख 14 मई, 2019 में प्रकाशित भारत सरकार के गृह मंत्रालय की अधिसूचना संख्यांक का.आ. 1730(अ), तारीख 14 मई, 2019 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) द्वारा लिबरेशन टाइगर्स ऑफ़ तमिल ईलम (एलटीटीई) को विधिविरुद्ध संगम के रूप में घोषित किया;

और, केंद्रीय सरकार ने, उक्त अधिनियम की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii), तारीख 27 मई, 2019 में प्रकाशित भारत सरकार के गृह मंत्रालय की अधिसूचना संख्यांक का.आ. 1853(अ), तारीख 27 मई, 2019, द्वारा विधिविरुद्ध क्रियाकलाप (निवारण) अधिकरण (जिसे इसमें इसके पश्चात् उक्त अधिकरण कहा गया है) जिसमें दिल्ली उच्च न्यायालय के माननीया न्यायाधीश न्यायमूर्ति सुश्री संगीता धींगरा सहगल थी, का गठन किया था;

और, 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 लिबरेशन टाइगर्स ऑफ़ तमिल ईलम (एलटीटीई) को विधिविरुद्ध संगम के रूप में घोषित किये जाने का पर्याप्त कारण था या नहीं, 11 जून, 2019 को उक्त अधिसूचना उक्त अधिकरण को निर्दिष्ट की थी;

और, उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 6 नवम्बर, 2019 के अपने आदेश द्वारा उक्त अधिसूचना में की गयी घोषणा की पुष्टि की है;

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

(निर्णय अंग्रेजी अधिसूचना में छपा है)

[फा.सं. 11034/4/2018-सीटी-II]

पियूष गोयल, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 21st November, 2019

S.O. 4233(E).—Whereas, the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) (hereinafter referred to as the said Act), declared the Liberation Tigers of Tamil Eelam (the LTTE) as an unlawful association *vide* notification of the Government of India in the Ministry of Home Affairs number S.O. 1730(E), dated the 14th May, 2019 (hereinafter referred to as the said notification), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 14th May, 2019;

And whereas, the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, had constituted the Unlawful Activities (Prevention) Tribunal (hereinafter referred to as the said Tribunal) consisting of Ms. Justice Sangita Dhingra Sehgal, Hon'ble Judge, High Court of Delhi, *vide* notification of the Government of India in the Ministry of Home Affairs number S.O. 1853(E), dated the 27th May, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 27th May, 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 11th June, 2019 for the purpose of adjudicating whether or not there was sufficient cause for declaring the Liberation Tigers of Tamil Eelam (LTTE) as an 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 November, 2019 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, as under:-

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BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

IN THE MATTER OF:

GAZETTE NOTIFICATION NO. S.O. 1730(E), DATED 14th MAY, 2019 DECLARING THE LIBERATION TIGERS OF TAMIL EELAM (LTTE) AS AN 'UNLAWFUL ASSOCIATION' UNDER SUB-SECTION (1) OF SECTION 3 OF THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967

AND

GAZETTE NOTIFICATION NO. S.O. 1853(E), DATED 27th MAY, 2019 CONSTITUTING THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

PRESENT: Ms. Maninder Acharya, ASG with Mr. Ajay Digpaul and Mr. Vikas Mahajan, CGSC, for Union of India.

Mr. Praveen Kumar Rai, Director, Counter Terrorism and Counter Radicalisation (CTCR) Division, Ministry of Home Affairs.

Mr. M. Yogesh Kanna, Standing Counsel for State of Tamil Nadu with Mr. G. Dharmarajan, IPS, 'Q' Branch, CID, Tamil Nadu.

Mr. Vaiko, Advocate with Mr. R. Senthilselvan, Advocate.

REPORT

6.11.2019

Notification dated 14.05.2019

1. The Central Government, in exercise of the powers conferred on it by the proviso to sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as ***'UAP Act'***) declared Liberation Tigers of Tamil Eelam (hereinafter referred to as the ***'LTTE'***) as an unlawful association by a notification dated 14th May, 2019 published in the Gazette of India (Extraordinary).

Reasons for imposing ban on LTTE by the Central Government

2. The Central Government banned the LTTE on the information received by it pertaining to the various cases that had been registered against LTTE, Pro-LTTE elements and chauvinist groups under the provisions of the Indian Penal Code and the UAP Act for spreading anti-India feeling articles in the Internet portals amongst the Sri Lankan Tamils holding the Government of India responsible for the defeat of the LTTE and was likely to impact the security of Very Very Important Persons (VVIP) adversely in India.

3. The Central Government found that the LTTE and its supporters, sympathisers and agents spread in the territory of India with an objective for a separate homeland (Tamil Eelam) for all Tamils, was a threat to the sovereignty and territorial integrity of India and amounted to cession and secession of a part of the territory of India from the Union and falls within the ambit of an *'Unlawful Association'*. Moreso, the Central Government had the information that the remnant cadres, dropouts, sympathisers, supporters of LTTE have been traced out and there is every possibility of their utilization against the sovereignty of India.

4. In this background, the LTTE was declared as an *'Unlawful Association'* under Section 3 of the UAP Act.

Constitution of Tribunal

5. This Tribunal, constituted vide notification published in the Gazette of India (Extraordinary) dated 27th May, 2019, was vested with the power to adjudicate whether there was sufficient cause to declare the LTTE as an unlawful association and to ban its activities.

Show Cause Notice issued by the Tribunal

6. On a preliminary hearing by the Tribunal on 11th June, 2019, a Show Cause Notice was issued to LTTE, returnable within 30 days as to why the Association be not declared as an 'Unlawful Association' and the ban be confirmed. The Notices were directed to be served in the following manner:-

(i) Copies of the notice along with Gazette Notification dated 14.05.2019 be affixed at some conspicuous part of the offices of Liberation Tigers of Tamil Eelam (LTTE), if any, in India and Sri Lanka;

(ii) Notice along with Gazette Notification dated 14.05.2019 be also served on the aforesaid Association by publication in daily newspapers, one in English and one in widely circulated newspaper in vernacular language, which is under circulation in the locality where the organization has its establishments or presence as is known in the State of Tamil Nadu and Sri Lanka. Service be also effected on the Office bearers of the Liberation Tigers of Tamil Eelam (LTTE) at their addresses or if under detention through the Superintendent (Jail) concerned.

(iii) Notice along with Gazette Notification dated 14.05.2019 be also served on the aforesaid Association by publication in daily newspapers, one in English and one in Hindi newspaper having wide circulation, in the entire country.

(iv) By a proclamation by beating of drums as well as loudspeakers about the contents of the notice and Gazette Notification dated 14.05.2019 in the area where the activities of the Associations were or are believed to be ordinarily carried out;

(v) The notice be also published on the official website of the Ministry of Home Affairs (http://mha.gov.in);

(vi) The notice and the Gazette Notification dated 14.05.2019 be also announced in the All India Radio/electronic media of State Edition at the prime time and be also pasted at the prominent places in the States where the activities of the Association were or are believed to be carried on;

(vii) The notice along with Gazette Notification be also displayed on the Notice Board of the Office of District Magistrate/Deputy Commissioner/Tehsildar at the Headquarter of the District or Tehsil in the State of Tamil Nadu where the activities of the Association were or are believed to be ordinarily carried on.

Notices served on LTTE

7. The Tribunal ensured that exhaustive steps are taken to serve the Notices upon the LTTE. Affidavits of service upon LTTE along with documentary proof were filed on behalf of the Central Government as well as State Government of Tamil Nadu that service had been effected. Pursuant to the order dated 11.06.2019 a 'Service Report' has also been filed by the Registrar of the Tribunal.

Appearance

8. The Central Government was represented by Ms. Maninder Acharya, Additional Solicitor General assisted by Mr. Digpaul and Mr.Vikas Mahajan, Central Government Standing Counsel. Mr. M. Yogesh Kanna, Advocate represented the State of Tamil Nadu.

Reply to Show Cause Notice

9. None appeared on behalf of the LTTE.

Application for Impleadment by Mr. Vaiko

10. Mr. Vaiko, General Secretary, Marumalarchi Dravida Munnetra Kazhagam preferred an application under Section 9 of the UAP Act read with Order I Rule 10 (2) and Section 151 of Code of Civil Procedure claiming to be a sympathizer and supporter of the ideology of the LTTE. Notices were issued to the counsel for Union of India and State of Tamil Nadu as well. The application was directed to be listed before the Tribunal on 16th August, 2019 at Chennai where the evidence was to be recorded.

Disposal of application under Order I Rule 10 CPC

11. Reply was filed on behalf of Union of India. Arguments were heard on the application and vide detailed order dated 16.08.2019, the said application was disposed of with following observations :

> "13. *On the basis of orders referred above, I deem it appropriate to permit the applicant/Mr. Vaiko to address arguments to present a point of view other than the view of the Government. However, it is clarified that the applicant will have no right to cross examine the witnesses of the Government or to produce his own witness."*

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Impleadment application by Mr.Visuvanathan Rudrakumaran

12. On 05.09.2019 at New Delhi, an application under Section 4(3) of UAP Act was preferred by the **applicant/ Mr.Visuvanathan Rudrakumaran** for filing objections/ impleading him as a party in the present proceedings, the same was returned for want of proper affidavit, by the Registry.

13. On 17.10.2019 at New Delhi, the applicant/ **Mr.Visuvanathan Rudrakumaran** filed another application seeking exemption from filing attested/forwarded affidavit by the Embassy of USA in support of the application filed under Section 4(3) of UAP Act.

14. After hearing both parties at Madurai, Tamil Nadu, the application was disposed of on 19.10.2019, with following directions:

> *" In terms of Sub-Sections (5) and (6) of Section 5 of UAP Act, the Tribunal has the power to regulate its own procedure in all matters arising out of the discharge of the functions including the place or places at which it will holds it sittings.*
>
> *The affidavit which is incomplete has been purportedly signed by a Notary and it is not possible for the Tribunal to verify the authenticity of the same. Moreso, the deponent is a US National. The affidavit so filed does not satisfy the conscious of the Tribunal. Thus, in view of the above discussion, the prayer of the applicant needs to be declined. Ordered accordingly.*

15. The applicant/**Mr.Visuvanathan Rudrakumaran** moved another application dated 30.10.2019 at New Delhi seeking impleadment**,** supported with an Apostille executed at State of New York on 23.10.2019, which was dismissed on even date with following observations :

> "*The applicant in para 6 of the application has admitted in clear terms, as follows* :
>
> > *"6. Upon taking up this responsibility, the Applicant has acted throughout as an independent person and has taken on the formation of the TGTE as an entirely independent political endeavour, one which has not subsequently been in any way connected to the LTTE."*
>
> *The notification dated 14.05.2019 issued by the Central Government has declared the LTTE as an Unlawful Association under the Unlawful Activities (Prevention) Act, 1967 for the reason that the LTTE is carrying on destructive activities prejudicial to the integrity and sovereignty of India and adopt a policy inimical to India which continues to pose a great threat to the security of Indian national.*
>
> *In view of the above background, the applicant has failed to establish a case to participate in the present proceedings which particularly pertains to LTTE. The LTTE has been declared as an Unlawful Association under the Unlawful Activities (Prevention) Act, 1967 with which the applicant/TGTE has no connection.*
>
> *Accordingly, the application being devoid of any merit, is hereby dismissed."*

16. On completion of all the procedural requirements, the following witnesses were examined by the State of Tamil Nadu as well as by the Central Government to justify the issuance of the notification dated 14th May, 2019:-

Evidence led by the State of Tamil Nadu

A) Witnesses produced by the State of Tamil Nadu

(i) PW-1 Mr. P. Asokan, Assistant Commissioner of Police, Chit, Kandhuvatti & Fake Passport Wing, Central Crime Branch, Chennai.

(ii) **PW-2 Mr. D. Arokiya Ravendran**, Assistant Commissioner of Police, Convention Crime (I/C), Central Crime Branch, Chennai.

(iii) **PW-3 Mr. M. Prakash Babu,** Deputy Superintendent of Police, Polur Sub-Division, Polur, Tiruvannamalai District, Tamil Nadu.

(iv) **PW-4 Mr. S Kannaiyan, Mobile Check Inspector,** Tiruvallur District, Tamil Nadu.

(v) **PW-5 Ms. C. Sumathi, Inspector of Police,** 'Q' Branch CID, Chennai City, Tamil Nadu.

(vi) **PW-6 Mr. D. Chandrakumar**, **Deputy Superintendent of Police,** 'Q' Branch CID, Ramanathapuram, Tamil Nadu.

(vii) **PW-7 Ms. N. Rajeswari, Inspector of Police,** Q Branch CID, Ramanathapuram, Tamil Nadu.

(viii)**PW-8 Mr. Ilavarasu, Inspector of Police,** Kalaiyarkovil Police Station, Sivagangai District, Tamil Nadu.

(ix) **PW-9 Mr. P. Shanmugam, Inspector of Police,** 'Q' Branch CID, Madurai District, Tamil Nadu.

(x) **PW-10 Mr. G. Dharmarajan, IPS, Superintendent of Police,** 'Q' Branch CID, Chennai, Tamil Nadu.

Evidence led by the Central Government

B) Witnesses produced by the Central Government.

(i) **PW-11 Niraj Singh**, **Under Secretary,** CT-II, CTCR Division, Ministry of Home Affairs, New Delhi now posted as **Under Secretary,** PAMD Division, NITI Aayog, New Delhi – 110 001.

PW-1 ACP P. Asokan Crime Branch, Chennai

17. **Mr. P. Asokan (PW-1)** proved his affidavit as **Ex.PW-1/A**, FIR Nos. 268/2018 and 269/2018 registered under Sections 12(1) (b), 12(2), 420, 468/471 of the Indian Penal Code as **Ex.PW-1/B and Ex.PW-1/C** respectively, confessional statements of accused Veerakumar, Moorthy @ Krishnamurthy, Thevika and Krishnaraj as **Ex.PW-1/D, Ex.PW-1/E, Ex.PW-1/F and Ex.PW-1/G**, respectively. He deposed that investigation of the FIR Nos. 268/2018 and 269/2018 were entrusted to him and the same are still under investigation.

PW-2 ACP D. Arokiya, Central Crime Branch, Chennai.

18. **Mr. D. Arokiya (PW-2)** proved his affidavit as **Ex.PW-2/A** and FIR No. 225/2017 under Sections 13(1)(b), 153A, 153B, 505(1)(b), 505(1)(c) and 505 (2) of the Indian Penal Code as **PW-2/B** registered against 9 persons on the allegation that they were distributing articles leading to an objective to secession of Tamil Nadu from India**.**

PW-3 Deputy Supdt. of Police M. Prakash Babu, Tiruvannamalai District, Tamil Nadu

19. **Mr. M. Prakash Babu (PW-3)** proved his affidavit as **Ex.PW-3/A** and deposed that on the basis of complaint submitted by Special Sub-Inspector Jai Shankar an FIR No. 98/2018 under Section 39 (1)(a) (ii), 13 (i)(b), 13 (2) of UAP Act was registered against one Tamilan Babu. PW-3 proved the FIR as **Ex.PW-3/B** and confessional statement of accused Tamilan Babu as **Ex.PW-3/C** and submitted that the matter is still under investigation.

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PW-4
Inspector S. Kannaiyan, Tiruvallur District, Tamil Nadu

20. **Mr. S. Kannaiyan (PW-4)** proved his affidavit as **Ex.PW-4/A,** Cr. No. 007/2015 as **Ex.PW-4/B** registered against one Tamilan Babu and copy of chargesheet as **Ex.PW-4/C**. He deposed that the matter is pending trial before the Judicial Magistrate, Polur District, Tamil Nadu.

PW-5
Inspector C. Sumathi, Chennai City, Tamil Nadu

21. **Ms. C. Sumathi (PW-5)** proved her affidavit as **Ex.PW-5/A** and copy of FIR No. 01/2018 under Section 465 and 468 of the Indian Penal Code as **Ex.PW-5/B.** She deposed that accused Kumaran @ Murugan @ Udayakumar @ Sarvanan, a Srilankan Tamil LTTE Cadre suppressed his identity and obtained Indian PAN card on the basis of forged documents. PW-5 proved the copy of PAN application and supporting documents as **Ex.PW5/C (Colly.).**

PW-6
Deputy Supdt. of Police D., 'Q' Branch CID, Ramanathapuram, Tamil Nadu.

22. **Mr. D. Chandrakumar (PW-6)** proved his affidavit as **Ex.PW-6/A** and deposed that on 20.07.2015, during vehicle check, Inspector R. Kennedy intercepted a Tata Indigo car bearing registration No. TN 07 BK 3574 driven by one Sasikumar and two other persons seated in the car namely Krishnakumar and Rajendran. On search, incriminating material was recovered from their possession and their search memo **Ex.PW-6/3, Ex.PW-6/4 and Ex.PW-6/5** was prepared**.** He further deposed that a case Cr. No. 1/2015 was registered under Section 10(a)(i), (iv) and 38 (1) of the UAP Act, Section 3 (a) read with Section 12 (1)(a) of the Passport Act, 1967 and Section 3 and 14 (c) of the Foreigners Act, 1946, Section 6 of the Poisons Act, 1919 and Section 419 of the Indian Penal Code against them on the basis of special report prepared by Inspector R. Kennedy. Accused Krishnakumar @ Kanthan was interrogated, who made Confessional Statements **Ex.PW-6/6 and Ex.PW-6/8.** PW-6 further deposed that on 25.07.2015, accused Subhaskaran was apprehended and on his personal search **(Ex.PW-6/9)** two cell phones, I-card belonging to a political party 'Naam Tamilar Katchi', a list of persons who were in the hit list and were to be eliminated and a road map containing the office location of 'Eelam People Democratic Party' in Sri Lanka, were recovered. Accused Subhaskaran made a Confessional Statement **Ex.PW-6/10** and admitted to be an active trained LTTE Cadre to do away with the rival group members and to regroup the LTTE cadre**.**

23. PW-6 further deposed that chargesheet was filed against all the accused persons before the concerned Court and accused Krishnakumar, Sasikumar, Rajendran and Subhashkaran were convicted by the Principal District & Sessions Judge, Ramanathapuram, Tamil Nadu. However, trial of accused Sree and accused Kumaran @ Murugan @ Udhayakumar was separated as they could not be arrested and NBWs were issued against them.

24. PW-6 further deposed that on 24.10.2017, on a secret information, accused Kumaran @ Murugan @ Udhayakumar was apprehended from Kaliyakkavailai Bus Stand, Tamil Nadu and made a confessional statement **Ex.PW-6/16**.

PW-7
Inspector N. Rajeswari, 'Q' Branch CID, Ramanathapuram, Tamil Nadu.

25. **PW-7 Ms. N. Rajeswari, Inspector of Police,** 'Q' Branch CID, Ramanathanpuram, Tamil Nadu, proved her affidavit as **Ex.PW-7/1** and Cr. No. 2/2018 under Section 12(1)(a) of Passport Act, 1967 and Section 14 (c) of Foreigners Act, 1946 against accused Kumaran @ Murugan @ Udayakumar registered at Ramanathapuram, 'Q' Branch, CID as **Ex.PW7/2**

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and its translated copy as **Mark 'A'**. The witness also proved the Confessional Statement of accused Kumaran @ Murugan @ Udhayakumar as **Ex.PW7/3** and its translated copy as **Mark 'B'**.

PW-8 Inspector Ilavarasu, Sivagangai District, Tamil Nadu.

26. **PW-8 Mr. Ilavarasu, Inspector of Police, Kalaiyarkovil PS, Sivagangai District, Tamil Nadu** proved his affidavit as **Ex.PW8/1** and Cr. No. 180/2019 under Section 120 (B), 153, 505(i)(b), 505(i)(c) and 505(2) of the Indian Penal Code as **Ex.PW-8/2** and its translated copy as **Mark 'A'**.

PW-9 Inspector P. Shanmugam, 'Q' Branch CID, Madurai District, Tamil Nadu.

27. **PW-9 Mr. P. Shanmugam, Inspector of Police, 'Q' Branch CID, Madurai District, Tamil Nadu** proved his affidavit as **Ex.PW9/1** and Cr. No. 1/2018 registered at Police Station Madurai District 'Q' Branch CID under Section 417 of the Indian Penal Code against Kumaran @ Murugan @ Udhayakumar as **Ex.PW-9/2** and its translated copy as **Mark 'A'**.

PW-10 Superintendent of Police G. Dharamrajan, IPS, 'Q' Branch CID, Chennai, Tamil Nadu.

28. **PW-10 Mr. G. Dharamrajan, IPS, Superintendent of Police, 'Q' Branch CID, Chennai, Tamil Nadu** proved his authorization by the State Government of Tamil Nadu as Nodal Officer as **Ex.PW-10/A** and also his affidavit as **Ex.PW-10/2.** PW-10 deposed that pursuant to the notification dated 14.05.2019 declaring the LTTE as an Unlawful Association, the State of Tamil Nadu vide its notification dated 20.05.2019 notified the LTTE as an Unlawful Association and proved the copy of notification dated 20.05.2019 as **Ex.PW-10/3**. PW-10 also proved the notification dated 09.11.2001 notified by the State of Tamil Nadu declaring the Tamil Nadu Liberation Army (TNLA) as an Unlawful Association as **Ex.PW-10/4**.

29. PW-10 relied upon the following documents filed along with his affidavit and proved the same in following seriatim:

Particulars of document	Exhibit / Mark
Notification declaring LTTE as an Unlawful Association from the year 1992 to 1994	**Mark 'A'**
Notification declaring LTTE as an Unlawful Association from the year 1994 to 1996	**Mark 'B'**
Notification declaring LTTE as an Unlawful Association from the year 1996 to 1998	**Mark 'C'**
Notification declaring LTTE as an Unlawful Association from the year 1998 to 2000	**Mark 'D'**
Notification declaring LTTE as an Unlawful Association from the year 2000 to 2002	**Mark 'E'**
Notification declaring LTTE as an Unlawful Association from the year 2002 to 2004	**Mark 'F'**
Notification declaring LTTE as an Unlawful Association from the year 2004 to 2006	**Mark 'G'**
Notification declaring LTTE as an Unlawful Association from the year 2006 to 2008	**Mark 'H'**

Notification declaring LTTE as an Unlawful Association from the year 2008 to 2010	**Mark 'I'**
Notification declaring LTTE as an Unlawful Association from the year 2010 to 2012	**Mark 'J'**
Notification declaring LTTE as an Unlawful Association from the year 2012 to 2014	**Mark 'K'**
Notification declaring LTTE as an Unlawful Association from the year 2014 to 2019	**Mark 'L'**
Constitution of People's Front of Liberation Tigers (PFLT) [A political front of LTTE]	**Mark 'M'**
Notification dated 09.11.2001 declaring the Tamil National Retrieval Troop (TNRT) as an Unlawful Association	**Mark 'N'**
An article downloaded from internet purported to have been issued by Tamil Nadu Liberation Front (TNLF)	**Mark 'O'**
Copy of intelligence note on Tamilar Pasarai, an organization formed at the instance of LTTE to liberate Tamil Nadu from Union of India	**Mark 'P'**

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Particulars of document	**Exhibit / Mark**
Copy of Judgment passed by Principal Sessions Judge, Trichy Division, Trichy in Cr. No. 1/2010, 'Q' Branch/CID/Trichy Police, Tamil Nadu	**Ex.PW-10/5**
Copy of judgment passed by Assistant Sessions Judge/Chief Judicial Magistrate, Ramanathapuram in Cr. No. 02/2008, 'Q' Branch CID, Tirunelveli Range, i/c Ramanathapuram Range, Tamil Nadu	**Ex.PW-10/6**
Translated copy of judgment passed by Assistant Sessions Judge/Chief Judicial Magistrate, Ramanathapuram in Cr. No. 02/2008, 'Q' Branch CID, Tirunelveli Range, i/c Ramanathapuram Range, Tamil Nadu.	**Mark 'Q'**
Copy of Judgment passed by IV Additional District & Sessions Judge, Madurai in Cr. No. 1/2008, 'Q' Branch CID Police Station, Madurai, Tamil Nadu.	**Ex.PW-10/7**
Copy of Judgment passed by Sub Judge, Paramakudi in Cr. No. 1/2007, 'Q' Branch CID, Tamil Nadu.	**Ex.PW-10/8**
Translated copy of Judgment passed by Sub Judge, Paramakudi in Cr. No. 1/2007 'Q' Branch CID, Tamil Nadu.	**Mark 'R'**
Copy of Judgment passed by 6th Additional District Sessions Judge, Madurai in Cr. No. 1/2008, 'Q' Branch CID, Tamil Nadu.	**Ex.PW-10/9**
Copy of Judgment passed by Judicial Magistrate No. II, Trichirappalli in Cr. No. 2/1999.	**Mark 'S'**
Copy of Judgment passed by Judicial Magistrate, Aranthangi in Cr. No. 1/2008 'Q' Branch CID.	**Ex.PW-10/10**

Copy of Judgment passed by Principal District & Sessions Judge, Ramanathapuram in Cr. No. 1/2015 'Q' Branch CID along with its translated copy.	**Ex.PW-6/17**
Copy of Judgment passed by in Additional District & Sessions Judge, Pudukkottai Cr. No. 1/2007 'Q' Branch CID.	**Ex.PW-10/11**
Translated copy of Judgment passed by Additional District & Sessions Judge, Pudukkottai Cr. No. 1/2007 'Q' Branch CID.	**Mark 'T'**
Copy of news item related to sentence to Vaiko for one year.	**Mark 'U'**

VOLUME – III

Particulars of document	Exhibit / Mark
Case registered in Polur PS Cr.No.7/15 - Copy of report sent to Government	**Ex.-10/12**
Case registered in Ramanathapuram Q Branch CID Cr.No.1/2015 - report sent to Govt. and confessional statements along with translated version	**Ex.-10/13**
Case registered in Chennai City CCB Cr. No. 225/2017 - Copy of FIR along with translated version	**Ex.-10/14**
Case registered in Polur PS Cr.No.98/2018 – Copy of report sent to Govt., FIR and Confessional Statement along with translated version	**Ex.-10/15**
Two cases registered in Chennai CCB Cr. No. 268/2018 and 269/2018 (Copy of report sent to Govt., FIR and Confessional Statement along with translated version, copy of an alert of MHA Criminare forwarded by Security Branch, CID).	**Ex.-10/16**
Case registered in Madurai District Q Branch, CID Cr. No. 1/2008 (Copy of report sent to Govt., FIR along with translated version)	**Ex.-10/17**
Case registered in Ramanathapuram Q Branch, CID Cr.No. 2/2018 (Copy report sent to Govt., FIR along with translated version)	**Ex.-10/18**
Case registered in Chennai City Q Branch, CID Cr.No.1/2018 (Copy of report sent to Govt. FIR along with translated version)	**Ex.-10/19**
Case registered in Rajan @ David Rajan (LTTE) - Non-bailable warrant executed in Ramanathapuram Q Branch, CID Cr.No.1/2014 (copy of report sent to Govt. and judgment copy to lodge Rajan @ Davidrajan in the Special Camp)	**Ex.-10/20**

VOLUME - IV

Particulars of document	Exhibit No.
Report regarding LTTE Prabhakaran's Birthday celebration / Martyrs' Week	**Ex. PW-10/21**
Report regarding Muthukumar's Death Anniversary Observation-	**Ex. PW-10/22**

Report regarding Mullivaikkal Martyrs Day observation	**Ex. PW-10/23**
Report regarding Former National Security Advisor Mr. M.K. Naryanan was attacked by a pro-Tamil activist	**Ex. PW-10/24**
Report regarding Siege Agitation before Shastri Bhavan, Nungambakkam in 2017	**Mark 'V'**
Report regarding Tamilneyan (Tamil Desa Makkal Katchi) Speech	**Ex. PW-10/25**
Report regarding Mullivaikkal Memorial Day - Picketing -2017	**Ex. PW-10/26**
Report regarding Demonstration Defying the regulatory orders 20.05.2018	**Mark 'W'**
Report regarding LTTE Thileepan's Death Anniversary	**Ex. PW-10/27**
Report regarding Geneva UNHRC Meeting attended by Vaiko, General Secretary MDMK	**Mark 'X'**
Report regarding Siege Agitation before Sri Lankan Deputy High Commission Office and UK Embassy	**Mark 'Y'**
Report regarding Article praising "Dhanu" (Human Bomb in Rajiv Gandhi Assassination Case) in Facebook	**Mark 'Z'**
Report regarding Posters Warning the India would split up and separate Tamil Nadu would be formed	**Mark 'A-1'**
Report regarding Members of May-17 Movement conducted a Conference at Chennai on 18.02.2018 - Lathan Suntharalingam, an LTTE residing abroad gave address through video conference.	**Ex. PW-10/28**
Report regarding Dravidar Viduthalai Kazhagam - Had planned to construct Memorial at Puliyoor	**Ex. PW-10/29**
Report regarding Activities - Tamil Desa Makkal Kat chi (TDMK) - Go Back Tribunal Protest'	**Ex. PW-10/30**
Report regarding TDMK - Maniyarasan's Speech / Book Release	**Mark 'A-2'**
Report regarding TDMK- Meeting held on 29.03.2016	**Ex. PW-10/31**
Report regarding A seminar conducted by Liberation Committee of five Tamil National Militants	**Ex. PW-10/32**
Report regarding Activities of Tamilaga Odukkapattor Viduthalai Iyakkam	**Mark 'A-3'**
Report regarding Tamilar Desiya Munnani	**Mark 'A-4'**
Report regarding Witness in Heaven	**Ex. PW-10/33**
Report regarding Agitation by Pro-Tamil organizations condemning Sri Lanka President for publishing an objectionable article in the official website of Ministry of Defence Sri Lanka	**Mark 'A-5'**
Report regarding Tamil Youths and Students Federation - Press Release	**Mark 'A-6'**

Report regarding US Flag burning agitation by Students organizations on 18.09.2015	**Ex. PW-10/34**
Report regarding Tamil Desa Kudiyarasu Katchi - Retrieval of Tamilar Thayagam (Map)	**Ex. PW-10/35**
Report regarding Members of Ilanthamizhagam, other pro-Tamil and pro-LTTE organizations commemorate - International Day of Enforced Disappearance on 30.08.2016	**Ex. PW-10/36**
Report regarding Conference held by Indo-Eelam Tamils Friendship at Chennai on 06.08.2017 - Demanded international probe into genocide of Eelam Tamils in Sri Lanka	**Mark 'A-7'**
Report regarding Vaiko, MDMK Chief took avow for 'Separate Tamil Eelam' at Mallipattinam Coast, Thanjavur on LTTE's Martyrs; Day (Maveerar Naal) on 27.11.2018.	**Mark 'A-8'**
Report regarding Activities of members of MDMK - Agitation in front of Raj Bhavan on 03.12.2018.	**Mark 'A-9'**

VOLUME – V

Particulars of document	**Exhibit No.**
Report regarding Tamil Desa Makkal Katchi's - Monthly Magazine - Tamil Desa Viduthalai Aram (July 2014 Page:18) - stating : Armed liberation struggle will not only get liberty to Tamil People but also to the people of Eelam Tamils as well.	**Ex. PW-10/37**
Report regarding Monthly Magazine - Tamil Desa Viduthalai Aram (March 2015) stated that Tamil Eelam will not emerge till India exists.	**Ex. PW-10/38**
Report regarding Praising LTTE Movement and Dhanu and demanded to lift ban on LTTE and TNLA.	**Mark 'A-10'**
Report regarding TDMK - Book titled - "Report of Tamilarasan" (leader of TNLA, a banned outfit) regarding Pennadam Conference 1984 - Demanding formation of separate state.	**Ex. PW-10/39**
Report regarding LTTE operative Thayapararaj is kept under surveillance as per court order.	**Ex. PW-10/40**
Report regarding Seizure of Sri Lankan Passports of LTTE in Chennai City in June 2018.	**Mark 'A-11'**
Report regarding **LTTE activities: in India / Overseas (News Article).**	**Mark 'A-12'**
Report regarding The threat of the LTTE had not been wiped out and the rebel group is still active overseas- Livemint - January 3, 2015.	**Mark 'A-13'**
Report regarding Britain appeals against EU de-proscription of LTTE -Sunday Observer- Feb 02, 2015.	**Mark 'A-14'**
Report regarding Former leader of women's Sea Tiger Wing of LTTE arrested -Nation.lk - March 03, 2015.	**Mark 'A-15'**
Report regarding LTTE network intact despite military defeat in 2009, says US terror report - DNA- June 20, 2015	**Mark 'A-16'**

Report regarding LTTE Black Tigers commemorated in Jaffna University Colombo Gazette - July 05, 2015.	**Mark 'A-17'**
Report regarding LTTE Martyrs Day observed in Madras University by some students on 27.11.2018.	**Mark 'A-18'**
Report regarding Six LTTE operatives arrested in Kolkatta - One India -August 17, 2015.	**Mark 'A-19'**
Report regarding LTTE overseas operation is gathering momentum (New Delhi Times) October 14, 2015.	**Mark 'A-20'**
Report regarding Elimination of LTTE leadership justified by foreign experts (island.lk) - October 24, 2015.	**Mark 'A-21'**
Report regarding Leading Toronto temple accused of funding LTTE - Colombo Gazette - November 24, 2015.	**Mark 'A-22'**
Report regarding LTTE acting through a Swiss offshoot known as the World Tamil Coordinating Committee - July 20, 2016.	**Mark 'A-23'**
Report regarding The terror organization remain listed as a terrorist organization by the European Union.	**Mark 'A-24'**
Report regarding Canada Deported LTTE member to Sri Lanka - January 2017.	**Mark 'A-25'**
Report regarding Assassination Plot targeting Mr. Sumanthiran, M.P., Sri Lanka - The Hindu -2.2.2017.	**Mark 'A-26'**
Report regarding Seven former LTTE militants sentenced to 56 years RI each accepting confessions of the accused - December 2017	**Mark 'A-27'**
Report regarding Former LTTE cadre held for assassination bid on Lanka Tamil Judge.	**Mark 'A-28'**
Report regarding Celebration of LTTE Martyrs Week and LTTE leader Prabhakaran's 63rd birth anniversary	**Mark 'A-29'**
Report regarding Jaffna University community marks Tamil Eelam Heroes Day with renewed resolve	**Mark 'A-30'**
Report regarding Eastern Tamil Eelam marks Heroes Day with mass mobilization after 10 years - TamilNet - 29.11.2017	**Mark 'A-31'**
Report regarding LTTE Prabhakaran Greeting Cards via Facebook - Sri Lanka Court demands duo - Ceylon today	**Mark 'A-32'**
Report regarding Thousands of British Tamils commemorated Maaveerar Naal -Martyrs' Day in London	**Mark 'A-33'**
Report regarding Switzerland : Tamils protest outside Swiss Court against case on LTTE supporters - Colombo Gazette	**Mark 'A-34'**
Report regarding Kerala: LTTE involvement suspected in Mithila Mohan murder case - Sunday Times - 12.1.2018	**Mark 'A-35'**
Report regarding Pro-LTTE supporters protest outside Sri Lankan mission in UK - Colombo Gazette - February 9, 2018	**Mark 'A-36'**
Report regarding Press Meet at Chennai - MDMK condemned Sri Lankan High Commission Official Brigadier Priyanka Fernando for giving threatening gesture to Sri Lankan Tamil Diaspora	**Mark 'A-37'**
Report regarding Australia to deport LTTE suspect - Tamil Guardian - 12th February 2018	**Mark 'A-38'**

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Report regarding Swiss AG demands harsh penalties for LTTE masterminds - Daily Mirror - 21 February 2018	**Mark 'A-39'**
Report regarding Heroin Racket : Ex-LTTE cadre and four others arrested in Sri Lanka - Daily Mirror - 25 March 2018	**Mark 'A-40'**
Report regarding After Lanka's diplomatic battle, EU relists LTTE as terror outfit - Sunday Times - 01 April, 2018	**Mark 'A-41'**
Report regarding JUSU urges Tamils to mark Mullivaaykkal Remembrance in its true spirit of uprising - TamilNet - 19.4.2018	**Mark 'A-42'**
Report regarding Over 300 Sri Lankan Government Websites Hacked by alleged LTTE Cyber Team - Sri Lanka Guardian - 18.5.2019	**Mark 'A-43'**
Report regarding Sri Lankan President Maithripala Sirisena seeks support to defeat LTTE's ideology - The New Indian Express - 20.5.2018	**Mark 'A-44'**
Report regarding Gazette issued listing 14 individuals with links to the LTTE - Sunday Leader -22.6.2018	**Mark 'A-45'**
Report regarding Two nabbed with LTTE uniforms, flags and claymore explosives (adaderana.lk) - 22.06.2018	**Mark 'A-46'**
Report regarding Escaped LTTE member arrested in Mankulam - Daily Mirror - 24.06.2018	**Mark 'A-47'**
Report regarding Wijayakala seeks need for LTTE in N-E (Daily Mirror) - 02.07.2018.	**Mark 'A-48'**
Report regarding Lankan PM acts against Minister seeking LTTE revival as solution for rising crime - The Citizen - 04.07.2018.	**Mark 'A-49'**
Report regarding Wijayakala Maheswaran spoke truth of Tamil Eelam : Vaiko - 06.07.2018.	**Mark 'A-50'**
Report regarding Sri Lanka's former Tamil State Minister arrested for LTTE comment - NDTV - 08.10.2018.	**Mark 'A-51'**
Report regarding Armed forces instructed to take action against LTTE commemorations - UNP Minister - Tamil Guardian - 15.07.2018.	**Mark 'A-52'**
Report regarding Two youths arrested in Kilinochchi over LTTE flag - Tamil Guardian - 25.08.2018.	**Mark 'A-53'**
Report regarding Hundreds Protest Against Sri Lankan President at UN: TGTE- EIN News - 25.09.2018.	**Mark 'A-54'**
Report regarding UK Related Matters: TGTE MP arrested and detained by UK Police - Tamil Guardian - 09.10.2018.	**Mark 'A-55'**
Report regarding Moves to file case to lift overseas ban on LTTE - Colombo Gazette- 30.12.2018.	**Mark 'A-56'**
Report regarding Vaiko releases secret letter - LTTE Prabhakaran wrote to Karunanidhi on IPKF atrocities.	**Mark 'A-57'**
Report regarding Statement released by LTTE (in Tamil) in connection with Martyr's Week observation - Released on 28.11.2017.	**Mark 'A-58'**
Report regarding LTTE Released a statement commemorating deceased Muthukumar during the last week of January 2018.	**Mark 'A-59'**
Report regarding Lathan Suntharalingam, an LTTE, residing in Switzerland gave address through Skype in the Conference	**Mark 'A-60'**

convened by members of May-17 Movement at Chennai on 18.02.2018.	
Report regarding Statement released by LTTE's Headquarters on the event of LTTE's Martyrs' Day on 27.11.2018 - Appealing to Lift Ban on LTTE.	**Mark 'A-61'**
Report regarding Statements issued by LTTE under the caption - LTTE does not have link in Rajiv Gandhi Assassination: 01.12.2018.	**Mark 'A-62'**
Report regarding Statement released in the third week of December 2018 - Urging to realize that the Armed struggle of their Liberation struggle just attained silence on 18.05.2009 and did not die and continues to function in Silence state.	**Mark 'A-63'**
Report regarding Statement of LTTE in the name of International Relations, Liberation Tigers of Tamil Eelam on 06.01.2019 - Honoring Kanagasabai Piraisoodi as "Nattu Patralar".	**Mark 'A-65'**
Report regarding Ex-LTTE / Pro-LTTE members - Using Social Medias for regrouping and against the interest of the Nation.	**Mark 'A-66'**
Report regarding Death Anniversary of Rajiv Gandhi, former Prime Minister (21.05.2018) - Facebook posting by Balan Tholar under caption - Imaginary interview with Dhanu (Human suicide Bomb).	**Mark 'A-67'**
Report regarding Book under the caption - *Tamil Eelam Sivakkirathu*, which was ordered to be destroyed by the Hon'ble High Court of Madras was circulated in Facebook through pdf format in November 2018.	**Mark 'A-68'**
Report regarding Statements issued by US Based - Transnational Government of Tamil Eelam (TGTE).	**Mark 'A-69'**
Report regarding Moves by TGTE to file case to lift overseas ban on LTTE - Colombo Gazette : 30.12.2018.	**Mark 'A-70'**
Report regarding LTTE in London uploaded message in WhatsApp Group - Kilakku Didsal - Appealing Tamils to post "Tamil National Flag; as display picture on their mobile phones.	**Mark 'A-71'**
Report regarding TGTE appointed two nominated M.Ps. from Tamil Nadu.	**Mark 'A-72'**
Report regarding Books on LTTE published by Kalachuvadu and Nimir Publications in 2016.	**Mark 'A-73'**
Report regarding Printing of a picture similar to the Logo of LTTE - Input received from Delhi Police dated 08.07.2015 and report of COP, Trichy.	**Mark 'A-74'**
Report regarding Seizure of Sri Lankan Passports of LTTE.	**Mark 'A-75'**
Report regarding New Pro-LTTE organization floated.	**Mark 'A-76'**
Report regarding Objectionable speech by members of Inangalin Iraiyanmaikkana Manavar Iyakkam.	**Mark 'A-77'**
Report regarding Special Bureau's Note – dated 11.02.2019.	**Mark 'A-78'**
Report regarding Statement of LTTE dated 18.05.2019.	**Mark 'A-79**
Report regarding Arrest of Sri Lankan Tamil – Ex-LTTE.	**Mark 'A-80**

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Submissions on behalf of the Central Government

30. Ms. Maninder Acharya, learned Additional Solicitor General appearing for the Union of India supporting the notification dated 14.05.2019 published by the Government of India contended that Section 3 of UAP Act confers power upon the Central Government to declare an association as an *'Unlawful Association'*. The acts of the members of LTTE since its ban in the year 2014 led to registration of various cases registered under UAP Act, Explosive Substances Act, Passport Act and Indian Penal Code etc. Learned ASG vehemently argued that the Central Government has been successfully able to place sufficient material on record to suggest that the sympathizers, promoters, agents and operators of LTTE are still in existence and primarily active in the State of Tamil Nadu, India, which is prejudicial to the territorial integrity and sovereignty of India.

31. Learned Additional Solicitor General further submitted that apart from inputs received from the State Government of Tamil Nadu about the unlawful activities of LTTE, the Central Government has also received information from Intelligence Agencies and Central Forces regarding continued unlawful activities of LTTE from the year 2014 to 2019. She further submitted that the additional material, which was placed before the Tribunal in a sealed cover, cannot be brought on record, as the reports and inputs contained therein were privileged confidential documents, which could not be made available to any third party except the Tribunal, and that Central Government is of the view that it would not serve public interest if such intelligence reports and inputs disclosed either to banned organization/LTTE or any other third party. Learned Additional Solicitor General has placed reliance upon the judgment passed by the High Court of Delhi in the case of ***Union of India v. SIMI*** reported in ***99 (2002) DLT 147*** and submitted that strict rules of evidence and standard of proof are not applicable in respect of an inquiry under the provisions of the UAP Act as the same is not a regular trial, and that the Tribunal should form its opinion on all the points in controversy after assessing 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. She further submitted that since unlawful activities conducted by LTTE were clandestine in nature, the source of the Central Government's inputs/information qua its activity requires confidentiality. She also submitted that the material placed before this Tribunal in a sealed cover by the Central Government, need not be put in public domain and only be made a part of record.

32. The learned Additional Solicitor General, while referring to the events leading to the issuance of the Notification, submitted that the sympathizers, promoters, agents and operators of LTTE continue to pursue their illegal activities even during the period of ban, affected under the previous Notification dated 14.05.2014. She referred to the Constitution of People's Front of Liberation Tigers (PFLT) with particular reference to is objectives, which have already been stated hereinbefore. It was submitted that a map of Greater Tamil Nadu includes territories of Kerala and Tamil Nadu with portions of Sri Lanka, a copy of which has been filed by PW-10 along with his affidavit, and is a picture that highlights the startling reality of how LTTE is gaining support on Indian soil through its sympathizing

groups, which threatens the sovereignty and territorial integrity of India and amounts to an attempt of secession of a part of the Indian territory.

33. The learned Additional Solicitor General further submitted that the remnant cadres/agents/sympathizers/dropouts of LTTE are arriving in Tamil Nadu in the guise of refugees from Sri Lanka and if the prohibitions were to be lifted, their activities would increase in a manner causing breach of the security of the State. He further submitted that recent reports reveal that remnant LTTE leaders/cadres/operations are regrouping in Tamil Nadu so as to achieve their avowed objective of establishing separate Tamil Eelam and wrecking revenge on the traitors (India) and enemies (Sri Lanka).

34. Learned Additional Solicitor General further submitted that LTTE, which though based in Sri Lanka, has sympathizers, promoters, agents and operators carrying on various activities in India as well. LTTE is capable of gaining local support in Tamil Nadu and several other parts of South India on account of linguistic, ethnic affinity and geographical contiguity between Tamils in India and Tamils in Sri Lanka. It was further submitted that, in support thereof, the Central Government as well as the State Government have placed on record before this Tribunal the relevant documents and oral testimonies of the witnesses to show that LTTE continues to practice violent, disruptive and unlawful activities, which are prejudicial to the territorial integrity and sovereignty of India. She also submitted that despite a continuous ban on LTTE since 1992 in India, its activities continue to pose threat and are detrimental to the sovereignty and territorial integrity of India directly or through various pro-LTTE organizations.

35. The learned Additional Solicitor General submitted that since Tamil Chauvinist Groups are extending vociferous support to the cause of LTTE, which warrants a close and constant vigil and monitoring of the activities of LTTE, Pro-LTTE groups and its sympathizers. Given the cultural, linguistic, ethnic affinity and geographical continuity, the secessionist forces in Tamil Nadu and LTTE have forged a common agenda and, thus, necessitates an extension of ban on LTTE for a further period of five years.

Submissions on behalf of the State of Tamil Nadu

36. Mr. M. Yogesh Kanna, learned Standing Counsel appearing for the State of Tamil Nadu, while adopting the arguments advanced by the learned Additional Solicitor General, supplemented the same by submitting that one of the aims and objectives of PFLT is to protect and preserve the geographical identity and integrity of the '*traditional homeland of Tamils and Muslims'*. The constitution of PFLT has been placed on record by PW-10. The State of Tamil Nadu has traditionally been considered to be homeland of Tamils and, therefore, the ultimate objective of LTTE is to integrate traditional Tamil areas of India with the Tamil speaking areas of Sri Lanka and such an act constitutes '*unlawful activity'* within the meaning of Section 2(o) of UAP Act. A perusal of the map would show that parts of State of Tamil Nadu have been shown as part of '*Greater Tamil Nadu'* in this map. The demands of TNLF, as displayed on the home page of the organization, comprise

'*secession of Tamil Nadu' from the artificial so-called Indian union', 'the Re-Unification of Eelam with liberated Tamil Nadu', the Re-Unification of Kerala with liberated Tamil Nadu' and 'the Restoration of lost lands to Greater Tamil Nadu, including the Kolar Gold Fields, Malnadu, Lakshadweep Islands, Maldives and Mauritius'.* It was also stated by PW-10 that the convict Subhaskaran and Kumaran @ Murugan @ Udayakumar were members of LTTE and they had undergone training in LTTE training camp. It was further submitted that in spite of opportunity available before this Tribunal, LTTE has not come forward to appear to oppose the Notification dated 14.05.2019 issued by the Central Government.

37. Mr. Kanna further submitted that LTTE was involved in assassination of Mr. Rajiv Gandhi, former Prime Minister of India and also rival groups leaders in Tamil Nadu and involved in several other violent activities. Several cases including those coming under the ambit of the UAP Act are still pending in court(s) and in many cases some of the LTTE cadres and members of Tamilar Pasarai TNRT and TNLA, who are accused in those cases are still absconding. Several LTTE cadres have infiltrated into Tamil Nadu clandestinely by boat and such elements would ultimately indulge in unlawful activities. They may also pose grave threat to the sovereignty and integrity of India including security of the high dignitaries.

38. Mr. Kanna further submitted that after the death of LTTE leader Prabhakaran and other prominent leaders of LTTE in the war, the activities of Pro-LTTE organizations show that they have not eschewed violence. In spite of the ban of LTTE, LTTE cadres continue to indulge in unlawful activities in Tamil Nadu. If the ban was to be lifted, their activities would increase and cause a serious threat to the security of the State of Tamil Nadu. If the ban is not extended, LTTE will form a base in India by regrouping remnants of LTTE and revive their unlawful activities. Revival of such activities will also give a fillip to Tamil separatist groups and promote secessionist tendencies.

39. It was also submitted by Mr. Kanna that the continuation of the ban is absolutely essential in the larger interest of the security of India and in the interest of sovereignty and territorial integrity of India. It is only due to the ban in existence today, the law enforcing agencies and the State administration are able to have a better control over the situation, and the Act is a tool to the Law Enforcing agencies in the State in curbing the menace of such a militant organization. Lifting of ban on LTTE would imply allowing such a deadly foreign terrorist organization to fully operate from India, freedom to harness the support from secessionist / Pro-LTTE elements/groups in Tamil Nadu/India, which will amount to giving a tremendous psychological boost to LTTE as well as the secessionist Tamil forces in India. The activities of LTTE still persist though they are well under control at present, in view of the stern measures taken by the Government including its declaration as an Unlawful Association. In spite of that sympathy for separate Nation concept still remains and craving for secession of Tamil Nadu from Union of India.

40. Lastly, Mr. Kanna submitted that unless the ban continues to be enforced, the purpose of ban imposed initially for a period of two years in 1992 and subsequently, extended from time to time, the last extension being in the year 2014 would be defeated and the consequential effect could be highly detrimental to the sovereignty and territorial integration of India.

Submissions on behalf of Mr. Vaiko

41. Challenging the notification in question, Mr. Vaiko submitted that to justify the declaration made under Section 3 of UAP Act, the Government of India must establish that there were activities which were unlawful as defined under the Act, had taken place within the territory of India by LTTE/Pro-LTTE organization, but in the instant matter, the Government of India miserably failed to bring on record any material to suggest that any such activity has been committed by the LTTE/Pro-LTTE organization**;** that the object of establishing of Tamil Eelam is not intended to take even an inch of land belonging to Indian Territory**;** that there is no lawfully acceptable material whatsoever placed before this Hon'ble Tribunal to support the apprehension exhibited by the Central Government that the concept of Tamil Eelam includes annexation of any part of Indian Territory**;** that in the absence of any lawfully acceptable material recovered or produced from LTTE or its office bearers or members, directly establishing any nexus to the alleged formation of Tamil Eelam including any part of the Indian territory, such a sweeping allegation which leads to the declaration is not sustainable; that the security of any VVIP is not a ground to ban an organization as an 'Unlawful Association'**;** that none of the provisions of the Act mandate that a threat to the security of a VVIP is an unlawful activity thereby declaring any association unlawful**;** that Section 2(p) of the UAP Act provides that any unlawful activity should be intended to divide India Territorially or causing disaffection against India whereas the allegation of exploitation of situation prevailing in Sri Lanka by any individual groups, organizations and political parties even Pro-LTTE forces supporting the cause of the LTTE cannot be a ground to declare LTTE as an unlawful association**;** that the formation of opinion for LTTE by the Central Government is mere suspicion, which deserves to be rejected.

Statutory Provisions of UAPA, 1967

42. On hearing the arguments and perusal of the record, at the outset, it would be appropriate to analyse the statement of objects and reasons and statutory provisions of the UAP Act. The UAP Act is "*An Act to provide for the more effective prevention of certain unlawful activities of individuals and associations and dealing with terrorist activities and for matters connected therewith.*"

43. Section 3 of the UAP Act, 1967 states that the Central Government may notify in the Official Gazette, on forming an opinion that any association is or has become an unlawful association, and declare such an association to be unlawful. The relevant portion of Section 3 reads as under:-

> ***"3. Declaration of an Association as unlawful .-***
>
> *(l) 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.

(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....."

Definition of Unlawful Activities

44. It is also relevant to rummage through Sections 2(o) and 2(p) of the UAP Act. Section 2(o) of UAP Act defines 'Unlawful Activities' as under:-

*"**2(o). 'Unlawful Activities'**, in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representations or otherwise), -*

(i) Which is intended, or supports any claim, to bring about, on any ground whatsoever, the cessation of a part of territory of India or secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cessation or secession; or

(ii) Which disclaims, questions, disrupts or is intended to disrupts the sovereignty or territorial integrity of India, or

(iii) Which causes or is intended to cause disaffection against India."

Definition of "Unlawful Association"

45. Section 2(p) defines **'Unlawful Association'** as under:-

*"**2(p). 'Unlawful Association'** means any association, -*

(i) Which has for its object any unlawful activity, or which encourages or aids person to undertake any unlawful activity, or of which the members undertake such activity; or

(ii) Which has for its object any activity which is punishable under section 153A or section 153B of the Indian Penal Code (45 of 1860); or which encourages or aids person to undertake any such activity or of which the members undertake any such

activity:

Provided contained in sub-clause(ii) shall apply to the State of Jammu & Kashmir."

46. The expressions "Unlawful Activity" and "Unlawful Association" as contained in the Act came up for consideration before the Supreme Court in ***Jamaat-E-Islami Hind v. Union of India*** (1995) 1 SCC 428 and the following view was taken:-

> *"An "unlawful activity", defined in clause (f), means "any action taken" of the kind specified therein and having the consequence mentioned. In other words, "any action taken" by such individual or association constituting an "unlawful activity" must have the potential specified in the definition. Determination of these facts constitutes the foundation for declaring an association to be unlawful under sub-section (1) of Section 3 of the Act. Clause (g) defines "unlawful association" with reference to "unlawful activity" in sub-clause (i) thereof, and in sub-clause (ii) the reference is to the offences punishable under Section 153-A or Section 153-B of the Indian Penal Code. In sub-clause (ii), the objective determination is with reference to the offences punishable under Section 153-A or Section 153-B of the IPC while in sub-clause (i) it is with reference to "unlawful activity" as defined in clause (f). These definitions make it clear that the determination of the question whether any association is, or has become, an unlawful association to justify such declaration under sub-section (1) of Section 3 must be based on an objective decision; and the determination should be that "any action taken" by such association constitutes an "unlawful activity" which is the object of the association or the object is any activity punishable under Section 153-A or Section 153-B IPC. It is only on the conclusion so reached in an objective determination that a declaration can be made by the Central Government under sub-section (1) of Section."*

47. As regards the nature of inquiry contemplated under Section 4(3) of the Act, Supreme Court in ***Jamaat-E-Islami Hind*** **(supra)** held as under-

> *"11……..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 by them. Credibility of the material should, ordinarily, be capable of objective assessment. The decision to be made by the Tribunal is "whether or not there is sufficient cause for declaring the Association unlawful". Such a determination requires the Tribunal to reach the conclusion that the material to support the declaration outweighs the material against it and the additional weight to support the declaration is sufficient to sustain it. The test of greater probability appears to be the pragmatic test applicable in the context.*
>
> *25. Such a modified procedure while ensuring confidentialitv of such information and its source, in public interest, also enables the adjudicating authority to test the credibility of the confidential information for the purpose of deciding whether it has to be preferred to the conflicting evidence of the other side. This modified procedure*

satisfies the minimum requirements of natural justice and also retains the basic element of an adjudicatory process which involves objective determination of the factual basis of the action taken.

26. 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.

27. It follows that, ordinarily, the material on which the Tribunal can place reliance for deciding the existence of sufficient cause to support the declaration, must be of the kind which is capable of judicial scrutiny. In this context, the claim of privilege on the ground of public interest by the Central Government would be permissible and the Tribunal is empowered to devise a procedure by which it can satisfy itself of the credibility of the material without disclosing the same to the association, when public interest so requires. The requirements of natural justice can be suitably modified by the Tribunal to examine the material itself in the manner it considers appropriate, to assess its credibility without disclosing the same to the association. This modified procure would satisfy the minimum requirement of natural justice and judicial scrutiny. The decision would then be that of the Tribunal itself."

48. Two questions primarily arise for consideration before the Tribunal, the first question being as to whether LTTE, as an organization stands wholly decimated or continues to survive despite the military setback suffered by it in Sri Lanka and the second being as to whether there was cogent and relevant material before the Central Government, justifying formation, of an opinion that this is an unlawful association within the meaning of Section 2 (p) of the Act.

LTTE Reference

49. Returning to the facts of the present case, as per the present reference made by the Central Government in support of declaring the LTTE as an unlawful association under Section 3 (1) of the UAP Act vide notification S.O. 1730 (E) dated 14.05.2019, they have referred to the aims, objectives of the LTTE and also referred to various activities of the members of the LTTE and also of its followers and sympathizers.

Aims and Objectives

50. The main ground for declaring the LTTE as an 'Unlawful Association' under Sub-section (1) of Section 3 of the UAP Act for a further period of five years w.e.f. 14.05.2019, is that even after the military defeat in May, 2009, the LTTE has not abandoned the concept of 'Eelam' and has been clandestinely working towards the 'Eelam' cause, by undertaking fund raising and propaganda activities and the remnant LTTE leaders and cadres have also initiated efforts to regroup the scattered activities and resurrect the outfit locally particularly in Tamil Nadu and Internationally. Further, the Central Government has highlighted various cases registered under the UAP Act against LTTE, pro LTTE elements and chauvinist groups since the last notification issued by the Government of India vide

notification S.O. 1272 (E) dated 14th May, 2014 in order to support the issuance of notification S.O. 1272 (E) dated 14th May, 2019. Further the Central Government was of the view that the activities of LTTE, pro LTTE elements and chauvinist groups continue to pose a threat to, and are detrimental to the sovereignty and territorial integrity of India.

Details of criminal cases registered in between 2014 and 2019 against the member of LTTE/Pro-LTTE

51. In support of S.O. 1730 (E) dated 14th May, 2019, the State Government of Tamil Nadu has examined 10 witnesses in all and the Central Government has examined one witness. During examination of witnesses, 10 FIR's have been brought on record by the State Government of Tamil Nadu, which are as under:

i. **Cr. No. 7/2015 dated 06.01.2015** under Section 153(a)(b), 153(B) (a) (b) of Indian Penal Code, Section 3 & 4 of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 and Section 13 of UAP Act registered at Police Station – Polur against accused Thamilian Babu, Venkatesan and Ilayaraja as **Ex.PW-4/B.**

ii. **Cr. No. 1/2015 dated 20.07.2015** under Section 10 (a) (1) (iv), Section 38(1) of UAP Act, Section 3 (a) read with Section 12(1)(a) of the Passport Act, 1967 and Section (3) and 14(c) of the Foreigners Act, 1946, Section 6 of the Poisons Act, 1919 and Section 419 of the Indian Penal Code against accused Krishnakumar @ Kanthan, Sasikumar and Rajendran registered at Ramanthapuram, 'Q' Branch as **Ex.PW-6/1.**

iii. **Cr. No. 225/2017 dated 19.07.2017** under Section 13(1)(b) of UAP Act, 153(A)/ 153(b) /505(1)(b) / 505(1)(c) / 505(2) of the Indian Penal Code was registered at Police Station–CCB–I, Chennai against Tamil Neyan, Senthamizh, Elangovan, Tamil Gaman, Gunavalagan, Sengavin, Puratchi Nambi, Kumar and Vetri Tamizhan as **Ex.PW-2/B.**

iv. **Cr. No. 98/2018 dated 03.02.2018** under Section 39(1)(a)(ii), 13 (1)(b) and 13 (2) of the UAP Act against Tamilan Babu as **Ex.PW-3/B.**

v. **Cr. No. 268/2018 dated 24.06.2018** under Section 12 (1)(b), 12(2) of Passport Act, 1967 read with Section 420/468/471 of the Indian Penal Code was registered at Police Station CCB-I against Veerakaumar, Suresh TT, Sarvanan, Karthkeyan, Kamaraj and Veera Ragavan as **Ex.PW-1/A.**

vi. **Cr. No. 269/2018 dated 24.06.2018** under Section 12 (1)(b), 12(2) of Passport Act, 1967 read with Section 420/468/471/120-B of the Indian Penal Code was registered at Police Station CCB-I against Gulanan, Balaji, Amjath Kumar, Balu, Umar Hassan, Sakthivelu and 14 others as **Ex.PW-1/B.**

vii. **Cr. No. 2/2018 dated 25.07.2018** under Section 12(1)(a) of Passport Act, 1967 and Section 14 of Foreigners Act, 1946 registered at Police Station – Ramanathapuram, 'Q' Branch CID against accused Kumaran @ Murugan @ Udayakumar as **Ex.PW-7/2.**

viii. **Cr.No. 1/2018 dated 26.07.2018** under Section 417 of the Indian Penal Code registered at Police Station–Madurai District, 'Q' Branch CID against Kumaran @ Murugan Uthayakumar as **Ex.PW-9/2.**

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ix. **Cr. No. 1/2018 dated 02.08.2018** under Section 465/468 of the Indian Penal Code registered at Police Station – Chennai, 'Q' Branch CID against accused Kumaran @ Murugan @ Udhayakumar and Chelliah as **Ex.PW-5/B.**

x. **Cr. No. 180/2019 dated 07.04.2019** under Section 120(B) / 153 / 505(1)(b) / 505 (1) (c) / 505 (2) of the Indian Penal Code registered at Police Station – Kalaiyarkoil, Sivagangai against accused Panneerselvam, Elamathy, Sankar, Kunasekaran, Sowndharapandian, Saravanan, Angayakanni, Pavanan, Podukottai, Manimaran and Visayan as **Ex.PW-8/2.**

Analysis of cases registered

52. **PW-4 S. Kannaiyan** in his evidence by way of affidavit ***(EX.PW-4/A)*** stated that on 06.01.2015 they received a complaint in Polur Police Station against one Thamilan Babu aged about 45 years S/o Allh Bakshi resident of 21, Ganapathi Street, Polur, Thiruvannamali District having connection with the banned organization. On the basis of the complaint, **Cr. No. 7/2015 dated 06.01.2015 (Ex.PW-4/B)** was registered at Police Station – Polur under Section 153(a)(b), 153(B) (a) (b) of Indian Penal Code, Section 3 & 4 of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 and Section 13 of UAP Act against accused Thamilan Babu, Venkatesan and Ilayaraja.

53. PW-4 further deposed that during investigation, search warrants were obtained from Judicial Magistrate, Polur, Thiruvannamalai District. The shops of Venkatesan and Ilaiyaraja at Polur Bazar were searched and incriminating articles including calendars containing big portrait of Prabhakaran (leader of LTTE) were recovered. During search, books namely ***1. Prbhakaran thoughts 2. Iyyoo Thamizhaa 3. The world, do you not have eyes 4. Terrorists whom Sinhalavara or Tamizhara 5. Hon'ble Prabhakaran's revolutionary thoughts 6. Murder of Rajiv Gandhi and blame of Thamizhars,*** were also recovered and seized. Further, during the search two types of calendars in the name of **1.** ***Under the Rule of Prabhakaran-LTTE Administration and War (27 Calenders) 2. Tamil Nadu Religious Joint Movement (90 calendars),*** were also seized.

54. PW-4 further deposed that all the three accused persons i.e. Thamilan Babu, Venkatesan and Ilayaraja were arrested and remanded to Judicial Custody. The charge sheet in **Cr. No. 7/2015 dated 06.01.2015** has been filed and instituted as CC No. 59/2015 which is pending trial before the Court of Judicial Magistrate Polur, Thiruvannamali District.

55. PW-6 in his evidence by way of affidavit ***(EX. PW-6/A)*** stated that on 20.07.2015, during vehicle check, Inspector R. Kennedy intercepted a Tata Indigo car bearing registration No. TN 07 BK 3574 wherein three persons namely (i) Krishnakumar @ Kanthan, (ii) Sasikumar and (iii) Rajendran, were found present. On search, ***75 Cyanide Capsules, Rs.46,200/- Indian currency, 600 Gms. of chemicals for manufacture of Cyanide, 4 GPS devices and 6 mobile phones were recovered from the possession of Krishna Kumar @ Kanthan. Search Memo of Krishnakumar @ Kanthan is Ex.PW-6/3. Two mobile phones, SBI Passbook, Voter ID Card, Aadhar Card were seized from accused Sasikumar. Search Memo of Sasikumar is Ex.PW-6/4. One mobile phone was recovered from Rajendran. Search Memo of Rajendran is Ex.PW-6/5.*** Tata Indigo car was also seized. Inspector R. Kennedy prepared a Special Report ***Ex.PW-6/2*** and a case bearing No. Cr. No. 1/2015

(Ex.PW-6/1) under Sections 10(a)(i), (iv) and 38 (1) of the UAP Act, Section 3 (a) read with Section 12 (1)(a) of the Passport Act, 1967 and Section 3 and 14 (c) of the Foreigners Act, 1946, Section 6 of the Poisons Act, 1919 and Section 419 of the Indian Penal Code was registered against them. PW-6 further deposed that Krishnakumar @ Kanthan made a Confessional Statement (***Ex.PW-6/6)*** before two independent witnesses and admitted that he was a LTTE member with organization No. ***Tha.Vi.Pu.O.1240*** and even after the Civil War of 2009, he was actively involved in reviving LTTE to form a separate Tamil Eelam. Pursuant to his confessional statement (***Ex.PW-6/6),*** a raid was conducted in presence of independent witnesses at the residence of Krishnakumar @ Kanthan and ***(i) Driving licence (ii) Srilankan Passport bearing No. N 2400431, (iii) Karur Vysya Bank passbook (iv) Aadhar Card (v) Photos of Prabhakaran (vi) Photo of Thileeban (vii) Certificate issued to Krishnakumar in the name of Kanthan for visting Mullivaikkal Muttram at Thanjavur (viii) Laptop (ix) DVD-2 Nos. and (x) Camera Memory card,*** were recovered. The house search of the Krishnakumar @ Kanthan is ***Ex.PW-6/7.*** Accused Krishnakumar @ Kanthan was further interrogated and made another confessional statement ***Ex.PW-6/8*** disclosing that he had collected funds through illegal means from the sympathizers of LTTE, who are living abroad and one Subhaskaran @ Jeevan @ Raja @ Prabha has also helped him in transacting the funds into the accounts of LTTE. Subhaskaran @ Jeevan @ Raja @ Prabha was arrested on 25.07.2015 and during his personal search **(Ex.PW-6/9)** ***(i) two cell phones, (ii) a Tamiliar diary (iii) Rs. 10355/-, Indian currency, I-card belonging to a political party Naam Tamilar Katchi, (iv) a pen drive-1 (v) Memory card-1 (8 GB), (vi) Sim cards-2, (vii) Black colour diary (viii) Non camp refugee certificate (ix) a list of people who were in hit list and were to be eliminated and (x) a road map containing the office location of Eelam People Democratic Party in Sri Lanka,*** were recovered. On apprehension, accused Subhaskaran @ Jeevan @ Raja @ Prabha made a Confessional Statement (**Ex.PW-6/10)** before two independent witnesses and disclosed that he is an LTTE Cadre trained in handling weapons and had come to Tamil Nadu subsequent to do away with the rival group members and to regroup the LTTE cadre and revive the organization. House search of accused Subhaskran was conducted vide **Ex.PW-6/11**. During the search, ***two Hard discs, one electronic travel ticket, birth certificate, Aadhar card, an article on the history of Eelam (3 pages), printed article on the history of Eelam (10 pages), one diary in the name of Mangli, five receipts of Karuru Vysya bank transactions, one photocopy of Qatar National ID card and 8 sim cards,*** were recovered and the same were produced before the trial court where the trial was pending.

56. PW-6 further deposed that during investigation, it was revealed that in January, 2015, Krishnakumar @ Kanthan, Subashkaran @ Jeevan @ Raja @ Prabha, Shree and Kumaran @ Murugan @ Udhayakumar, had conspired together to carry out attacks by reviving the LTTE and eliminate the rival group and in pursuance to this conspiracy they procured Cyanide capsules and arms during his stay in India. It was further revealed that these accused were staying in India illegally. Sasikumar had brought Krishnakumar @ Kanthan to Rameshwaram in his car for sending him to Sri Lanka by illegal ferry after receiving a hefty

amount. Rajendran is a Sri Lankan national who is staying in India and indulged in human trafficking and Sree had purchased the cyanide capsules and chemicals and handed over the same to Krishnakumar @ kanthan for transporting to Sri Lanka. It was further revealed that the procured arms and cyanide capsules were to be taken in a boat to Sri Lanka illegally to be used for eliminating the persons in the hit list. It was also revealed that one Rajendran, a Sri Lankan national had married an Indian woman helped in transporting the procured arms and cyanide capsules to Sri Lanka against huge payment.

57. It has further emerged on record that on 24.10.2017, on a secret information, accused Kumaran @ Murguan @ Udayakumar was apprehended from Kaliyakkavailai Bus Stand and ***one PAN Card, one Visa Copy in the name of Udayakumar, Indian PAN Card in the name of Sarvanan, two Cell Phones, Power bank and Indian Currency of Rs.10,500/-,*** were recovered from his possession and the same was seized vide Seizure Memo ***Ex.PW-6/15***. He made a Confessional Statement ***Ex.PW-6/16*** and disclosed that he had joined LTTE in 2003 and he was known as **'Arivukumaran'** in the LTTE organization and his organization number was ***03429*** and had taken training in handling AK-47 rifles, revolvers and other weapons and was under the command of Lt. Col. Sugirthan. He further disclosed that during an attack at Kilinochi, Sri Lanka, he sustained injuries and was therefore given a desk job. Post war in 2009 in Sri Lanka, he was running a tailor shop and was in regular touch with Deepan, another LTTE Cadre, who introduced him to another LTTE Cadre namely Guhan, who was in Switzerland.

58. He further disclosed that in the year 2014, he came to India on the advice of Guhan as he had apprehension of arrest by the Sri Lankan Government being continuously involved in the activities of the LTTE cadre. He further disclosed that after coming to India in 2014, he stayed at Trichy and his financial needs were met by Guhan, who used to send Rs.8,000/- to him through Hundi.

59. PW-6 further deposed that Kumaran @ Murguan @ Udayakumar further disclosed that during his stay in Trichy, he met other LTTE cadre Krishnakumar, Ravindran, Subhaskaran and Sree. He further disclosed that regular meetings were convened by Krishnakumar, Subhaskaran and Sree in his presence to discuss for reviving the LTTE cadres. He also disclosed that Subhaskaran had instructed Krishnakumar and Udayakumar to arrange for a boat so that all the three could go to Sri Lanka to attack the people who were responsible for genocide of Tamils in Sri Lanka.

60. PW-6 further deposed that Udayakumar disclosed that he went to Chennai as he came to know that Krishnakumar and Ravindran had been arrested. He further disclosed that on reaching Chennai, he could not contact Guhan and contacted one Tamil @ Maran of France through facebook, who instructed him to obtain a PAN card in the name of Sarvanan and made arrangement for the revival of the LTTE.

61. Accused Udayakumar further disclosed that he had travelled in a boat to Sri Lanka where he met a LTTE cadre Shankar. He along with Shankar organized people for the revival of LTTE. He further disclosed that he returned to India in July, 2017 on the instructions of Tamil @ Maran. He further disclosed that he met one Pratheep Kumar in Chennai, India

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and both of them left for Thiruvananthapuram for reviving the LTTE but he was apprehended from Kaliyakavilai Bus Stand, Kanyakumari.

62. PW-6 further deposed that during the investigation it was revealed that during his stay in Tamil Nadu, Udayakumar had used Airtel Sim card which was in the name of one Sarasu, a resident of Madurai. On verification, the address was found to be bogus. A PAN Card in the name of Saravan was also seized from his possession, which was procured on the basis of forged and fabricated documents. Investigation further revealed that accused Udayakumar travelled between Tamil Nadu, India and Sri Lanka illegally.

63. PW-6 further deposed that in **Cr. No. 1/2015 dated 20.07.2015, c**hargesheet was filed against all accused persons and after the trial the Principal District & Sessions Judge, Ramanathapuram Court convicted Krishnakumar @ Kanthan, Sasikumar, Rajendran and Subashkaran @ Jeevan @ Raja @ Prabha and the case was instituted as SC No. 7/2016. After the trial the learned Trial Court has given a detailed finding and the judgment has been exhibited as ***Ex.PW-6/17.*** Relevant portion of the judgment dated 28.04.2018, reads as under:-

> *"119. Thus, P.W. 71 the investigation officer conducted further enquiry and deposed about Ex.P.71 Final report, Ex.P.72 other order of Superintendent to appoint additional Investigation Officer, Ex.P-73 Athaksi for the recovery of a plan from A3's house, which designed to eliminate the rival groups in Sri Lanka, Ex.P-74 the Refugee ID Card of A3, and Ex.P-75 the requisition CDR, Ex.P-76 and 77 the requisition letter sent to the Bank to know the genuineness of the amounts deposited, Ex.P-78 the report received from Indian Overseas Bank in respect transfer of money, Ex.P.79 the report of the Inspector of Police, Q Branch, Thanjavur for bank deposited Ex.P-80 CDR report of Ideal Officer, Ex.P-81 the authorization letter from the Inspector of Police, Q Branch, Trichy for house search and recovery of properties from A1's house under form No. 95, Ex.P.83 Superintendent's order to appoint additional investigation officer and Ex.P.54 alteration report, Ex.P-85 Gazette banning the LTTE organization, and also submitted M.O.No. 50 to 66 the sketch planning to attack Sri Lanka and list contains the name of rival leaders, and clearly establishing the prosecution side and hence this court found that, the argument advanced by accused side that the above exhibits are not admissible one, is not accepted here.*
>
> *120. While considering so, all the witnesses, documents and material objects marked by the prosecution side are clearly establishing the charge alleged against A1 to A4 and though the defence side argued that the accused have no link with this case but they have not proved the above in any manner and that the accused side have not prove the fact as if, no such occurrence happened or the accused have not involved in the offence and that in the above circumstances defense side examined DW1 to DW3 and that DW1 the Deputy Tahsildar was examined for deposing about aadhar card but he deposed that Aadhar card will be issued to the refugees, who came from Sri Lanka and the same is not a certificate for citizenship and it is a mere identity card and that when the accused side again examined then he deposed that it is correct to say that Indian citizen means those who got Indian Citizenship but he do not know as to whether the accused of this case are Indian Citizen and answering against accused side, and that DW2 has deposed that Identity Cards alone issued to the refugees for staying in India, each family has an Identity Card, he do not know as to whether there is no need for any visa for those who possessed the Identity card and that as like DW1, he also*

stated against the accused and that accused side examined 3 witnesses on their side but they failed to prove their case, when the accused were questioned under section 313 (a)(b) of Cr.P.C then they pleaded as false case and stated that the accused have no way connected with this case but the accused side have not proved their contention in any manner and that the prosecution side clearly established their case against the accused and this court accepting the argument of the learned Public Prosecutor and rejecting the arguments of the accused side since it has no force and this court found that the prosecution side clearly and consistently proved the case against the accused and hence the charge made against the accused 1 to 4 under these provisions are proved.

121. From the above prosecution side witnesses, the Prosecution side proved the guilty against A1 to A4 beyond reasonable doubt and the A1 to A4 are found guilty and that when the accused were questioned as to the punishment given to them then A1 answered as he has no say, A2 answered as he do not know about the other accused and nothing to say, A3 answered as he do not know about the other accused and nothing to say and A4 stated that it is a case filed for the political reasons and nothing to say.

122. On consideration of the answers of accused, all the accused were being a member of LTTE a banned organization in Sri Lanka, trying to do unlawful activities, keeping the materials in an unlawful manner and acting with a motive to assist the organisation and moreover all the accused are belongs to Sri Lanka and they came to India and staying here without any Passport or documents, they came to India with an intention to act against Sri Lanka in unlawful manner and be friend with these people and smuggled goods, poisonous materials like Cyanide and the chemical used to make Cyanide and the Q Branch CID Wing find out the same and hence this court found that there is no reason to show mercy to these accused.

123. Finally, Prosecution side proved the case beyond reasonable doubt against A1 charged under section 120(B) IPC r/w 10(a)(i) and (iv) and 38(1) of unlawful Activities (Prevention) Act 1967, and under section 3 r/w 12(1) (a) of Passport Act 1967 and Section 14(c) of Foreigners Act 1946 and Section 6 of Poisons Act 1919; charge against A2 punishable under section 120(B) IPC; charge against A3 under section 120(B) IPC r/w 12(1)(a) of Passport Act 1967 and Section 14(c) of Foreigners Act 1946; against A4 punishable under Section 1209B) IPC, under section 10(a)(i) and (iv) and 38(1) of Unlawful Activities (Prevention) Act 1967, under Section 3 r/w 12(1)(a) of Passport Act 1967 and Section 14(c) of Foreigners Act 1946, A1 is convicted and sentenced to undergo 6 months Simple Imprisonment for the offence punishable under Section 120(B) IPC and a fine of Rs.1000/- in default to undergo 2 weeks simple imprisonment, and to undergo 2 years Rigorous Imprisonment for the offence under Section 10(a)(i) and (iv) and a fine of Rs.2000/- in default to undergo 2 weeks Rigorous Imprisonment and to undergo 10 years Rigorous Imprisonment for the offence punishable under section 38(1) of Unlawful Activities (Prevention) Act 1967 and a fine of Rs.30,000/- in default to undergo 1 year Rigorous Imprisonment and to undergo 2 years Rigorous Imprisonment for the offence under section 3 r/w 12(1)(a) of Passport Act 1967 and a fine of Rs.5000/- in default to undergo 5 years Rigorous Imprisonment for the offence punishable u/s 14(c) of Foreigners Act 1946 and also a fine of Rs.7000/- in default to undergo 1 year Rigorous Imprisonment, and to undergo 3 months simple imprisonment for the offence punishable under section 6 of poisons Act 1919 and a fine of Rs.500/- in default to undergo 1 week simple imprisonment; A2 is convicted and sentenced to undergo 6 months Simple Imprisonment for the offence punishable under section 120(B) IPC and a fine of Rs.1000/- in default to undergo 2 weeks simple imprisonment; A3

is convicted and sentenced to undergo 6 months Simple Imprisonment for the offence punishable under section 120(B) IPC and a fine of Rs.1000/- in default to undergo 2 weeks simple imprisonment, and to undergo 2 years Rigorous Imprisonment for the offence under Section 12(1)(a) of Passport Act 1967 and a fine of Rs.5000/- in default to undergo 5 years Rigorous Imprisonment for the offence punishable u/s 14(c) of Foreigners Act 1946 and also a fine of Rs.7000/- in default to undergo 1 year Rigorous Imprisonment; A4 is convicted and sentenced to undergo 6 months Simple Imprisonment for the offence punishable under Section 120(B) IPC and a fine of Rs.1000/- in default to undergo 2 weeks simple Imprisonment, and to undergo 2 years Rigorous Imprisonment for the offence under Section 10(a)(i) and (iv) and a fine of Rs.2000/- in default to undergo 2 weeks Rigorous Imprisonment and to undergo 10 years Rigorous Imprisonment for the offence punishable under Section 38(a) of Unlawful Activities (Prevention) Act 1967 and a fine of Rs.30,000/- in default to undergo 1year Rigorous Imprisonment for the offence under Section 3 r/w 12(1)(a) of Passport Act 1967 and a fine of Rs.5.000/- in default to undergo 5 years Rigorous Imprisonment for the offence punishable u/s 14(c) of Foreigners Act 1946 and also a fine of Rs.7000/- in default to undergo 1 year Rigorous Imprisonment, and the above sentences of each of the accused shall run concurrently. It is ordered under Section 428 of Cr.P.C that the detention period already enjoyed by the accused shall be set off from the sentence. (Fine amount imposed on the A1 is Rs.45,000/-, Fine imposed on the A2 is Rs.1,000/-, Fine imposed on the A3 is Rs.13,000/-, Fine imposed on A4 is Rs.45,500/-) (Thus total fine amount is Rs. 1,13,500/-)

124. In this case material objects marked under P.R.No. 6/2016 has been split from this case and orders will be passed at the time of passing orders in Sessions Case No. 15/2016."

64. PW-2, D. Arokiya Ravendran, Assistant Commissioner of Police, Central Crime Branch, Chennai in his evidence by way of affidavit ***(EX. PW-2/A)*** stated that on 30.06.2017 in Police Station, Crime Branch a complaint was received against 9 persons regarding activities of LTTE cadre and sympathizers of Tamil Eelam. A case bearing **Cr. No. 225/2017 dated 19.07.2017 (Ex.PW-2/B)** was registered at Police Station – CCB-I, Chennai under Section 13(1)(b) of UAP Act, 153(A)/ 153(b) /505(1)(b) / 505(1)(c) / 505(2) of the Indian Penal Code against 9 accused persons**.** PW-2 further deposed that as per the Cr. No. 225/2017, the accused persons have been charged for distributing articles of '***Tamil Desa Viduthalai Aram***' magazines published in September 2015, January 2016, February 2016, June 2016 and April 2017, free of cost to the public near Egmore Railway Station. PW-2 further deposed that the contents of '***Tamil Desa Viduthalai Aram***' magazines of September 2015, January 2016, February 2016, June 2016 and April 2017 editions, were to spread hatred among the people and cause secession of Tamil Nadu from India and supported armed struggle to achieve independence based on the ideology of LTTE. PW-2 further deposed that the case is still under Investigation and chargesheet is yet to be filed.

65. Another case bearing **Cr. No. 98/2018 dated 03.02.2018 (Ex.PW-3/B)** under Section 39(1)(a)(ii), 13 (1)(b) and 13 (2) of UAP Act was also registered against Tamilan Babu in Police Station, Polur. PW-3 M. Prakash Babu, Superintendent of Police Polur, Thiruvannamalai District, Tamil Nadu deposed that on 03.02.2018 during vehicle check duty on the Polur Main Road, Polur, Tamilan Babu was again found trying to distribute the

calendars of banned organization of LTTE and photos of some leaders of LTTE, however, he evaded arrest and a case has been registered against him. PW-3 further deposed that on 24.02.2018, the accused Tamilan Babu was arrested, however, on 05.03.2018 he was granted bail by the Court of learned Principal District & Sessions Judge Tiruvannamalai.

66. PW-1, P. Asokan, Assistant Commissioner of Police, Central Crime Branch, Chennai through his evidence by way of affidavit ***(EX. PW-1/A)*** and his oral testimony submitted that on 24.06.2018 two cases bearing **Cr. No. 268/2018 dated 24.06.2018 (Ex.PW-1/B)** under Section 12 (1)(b), 12(2) of Passport Act, 1967 read with Section 420/468/471 of the Indian Penal Code and **Cr.No. 269/2018 dated 24.06.2018 (Ex.PW-1/C)** under Section 12 (1)(b), 12(2) of Passport Act, 1967 read with Section 420/468/471/120-B of the Indian Penal Code, were registered at Police Station CCB-I, Chennai**.** As per ***Ex. PW-1/A,*** **Cr. No. 268/2018 dated 24.06.2018** was registered against Veerakumar and 5 other persons and **Cr. No. 269/2018 dated 24.06.2018** was registered against Gunalan and 19 other persons on the allegation of preparation of fake Indian and Sri Lankan Passports. Perusal of the ***Ex. PW-1/A*** reveals that during investigation 77 fake Indian Passports and 12 Sri Lankan passports were seized by the Investigating Agencies. PW-1 further deposed that during the investigation it has been revealed that among 12 Sri Lankan passports, three belonged to the wife and children of ***late LTTE political wing leader Tamil Selvan*** which proves that LTTE cadre is in existence and active among the Tamil Nadu region. PW-1 further deposed that out of 18 accused persons apprehended/arrested, ***three persons were from Sri Lanka namely P. Krishnamoorthy, Thevika and Krishnaraj***. PW-1 further brought to the notice of the Tribunal that Thevika is a woman cadre of LTTE and sister of colonel Seelan of LTTE. PW-1, further deposed that during the investigation, it has emerged on record that Thevika got injured in Chencholai bombing, which took place on 14.08.2006 in Sri Lanka. As per PW-1, Investigation further revealed that after the release of Thevika by the Sri Lanka Government in the year 2011, on the advice of Vanniyarasu (LTTE Cadre) Veerakumar had sent Thevika to Paris by arranging fake Indian Passports and she returned to India in 2018 to undergo surgery. Thereafter, Veerakumar obtained the original Sri Lankan passport of Tehvika and was making efforts to send her to France or Canada but she got arrested on 24.06.2018.

67. According to PW-1, during investigation, it transpired that Thevika had visited her house at Padamawati Nagar, Chennai and she had come to Tamil Nadu to regroup the Ex-LTTE Cadre and revive the LTTE organization. After their arrest, the High Court of Madras has granted bail to all the three accused persons namely P.Krishnamoorthy, Thevika and Krishnaraj, however, Thevika and Krishnaraj have jumped their bail and presently evading arrest.

68. PW-7, N. Rajeswari, Inspector of Police, Q Branch, CID, Ramanathapuram, Tamil Nadu through her evidence by way of affidavit ***(EX. PW-7/1)*** and statements submitted that on the complaint of Deputy Superintendent of Police, Q Branch, Ramanathapuram on 25.07.2018 **Cr. No. 2/2018 dated 25.07.2018** under Section 12(1)(a) of Passport Act, 1967 and Section 14 of Foreigners Act, 1946 was registered at Police Station – Ramanathapuram, 'Q' Branch

CID against accused Kumaran @ Murugan @ Udayakumar. **(Ex.PW-7/2).** PW-7, deposed that as per the complaint, accused/ Kumaran @ Murugan @ Udhayakumar had left for Sri Lanka illegally from Thondi, Ramanathapuram District during first week of April, 2017 and returned to Dhanushkodi, Rameswaram in June 2017 through illegal ferry and without any valid documents. The accused was arrested and produced before the Judicial Magistrate, Rameswaram and granted custodial remand by the Court. PW-7 further relied on the confessional statement of accused/ Kumaran @ Murugan @ Udhayakumar (***Ex. PW-7/3).*** The Confessional Statement of accused/ Kumaran @ Murugan @ Udhayakumar has already been perused by the Tribunal in the statement of PW-6 D. Chandrakumar, Deputy Superintendent of Police, Ramanathapuram, Tamil Nadu.

69. **PW-9 P. Shanmugam, Inspector of Police. Madurai District, Tamil Nadu** in her evidence by way of affidavit ***(EX. PW-9/1)*** stated that on the complaint of Deputy Superintendent of Police, Q Branch, Ramanathapuram**, Cr.No. 1/2018 dated 26.07.2018 (Ex.PW-9/2)** was registered at Police Station – Madurai District, 'Q' Branch CID under Section 417 of the Indian Penal Code against Kumaran @ Murugan @ Udayakumar**. As** per ***Ex. PW-9/1,*** the Airtel Sim card bearing no. 7539991326 recovered from the possession of the accused Kumaran @ Murugan @ Udhayakumar which has been purchased in the name of Sarasu, a resident of Madurai North from Krishna Telecom, Madurai District, on the basis of forged and fabricated documents. As per ***Ex. PW-9/1,*** the signatures on the Customer Application Form have also been forged by the accused person and the case is pending investigation.

70. PW-5 C. Sumathi, Inspector of Police, Chennai City, Tamil Nadu in her evidence by way of affidavit ***(EX. PW-5/A)*** stated that on 02.08.2018, a complaint was made by the Deputy Superintendent of Police, Ramanathapuram that one person namely, Kumaran @ Murugan @ Udayakumar @ Sarvanan S/o Ramasamy Chelliah, a Srilankan Tamil LTTE cadre was apprehended, who was having an Indian PAN Card which he had obtained by using fake documents and on the basis of the report of Deputy Superintendent of Police, **Cr. No. 01/2018 (Ex.PW-5/B) under Section 465/468 of the Indian Penal Code** was registered at Police Station – Chennai, 'Q' Branch CID against accused Kumaran @ Murugan @ Udhayakumar and Chelliah. She further deposed that during investigation, it was revealed that no person under the name of Sarvanan resides at the address mentioned in the PAN Card, instead one person namely Gokul S/o Vinayagam was residing at the given address. She further deposed that during investigation, she visited the UTI Office and collected some more documents, which revealed that the Village Administrative Officer had not signed the KYC document which had been received by UTI Office, Chennai. One certificate had also been issued by Dr.Gomathishankar, Peripheral Hospital, K. K. Nagar, Chennai and during inquiry he denied having issued those certificates. Both the certificates were forwarded to Tamil Nadu Forensic Laboratory for comparison. She further deposed that Investigation revealed that Kumaran @ Murugan @ Udayakumar @ Sarvanan during his stay in India suppressed his identity being a Srilankan National and was involved in regrouping the banned LTTE Cadre. In support of her version, PW-5 placed on record the forged PAN

application submitted by the Kumaran and also the fabricated certificate purported to have been issued by the Village Administrative Officer and by Dr. Gomathishankar. The documents are **Ex.PW5/C (Colly.)**.

71. **PW-8 Illavarasu, Inspector of Police, Sivagangai District City, Tamil Nadu** in his evidence by way of affidavit ***(EX. PW-8/1)*** stated that on the basis of the complaint made by Sub Inspector of Police Station - Sivagangi, **Cr. No. 180/2019 dated 07.04.2019 (Ex.PW-8/2)** was registered at Police Station – Kalaiyarkoil, Sivagangai under Section 120(B) / 153 / 505(1)(b) / 505 (1) (c) / 505 (2) of the Indian Penal Code against 10 accused persons**.** PW-8 deposed that a public meeting was convened on 27.11.2017 in Theradi Thidal (Temple Car Square), Kalaiyarkovil which was presided over by Pannerselvam (***President of Inangalin Iraiyammaikana Ilangnar Manavar Iyakkam Association),*** who delivered a speech to induce the public to make struggle against the Government and its establishments in order to revive the LTTE cadre. The relevant part of the speech rendered by Pannerselvam as detailed in **Ex.PW-8/1**, reads as under:-

> *"The Tamil people who struggled for the liberation of the Tamil Eelam were killed and buried by the Sri Lankan Government with the aid of Government of India. the Tamils at Sri Lanka were in two races, one race is the coolies of the Estates in the hills. Other is the Tamilans of Eelam. The Tamilans of Eelam are brilliant, intellectuals and wealthy. The Sri Lankan Government with an intention to capture the wealth and oppress their intellectuals had killed and buried them in groups.*
>
> *Mrs. Indira Gandhi had supported and supplied arms to the LTTE and several groups to eliminate the American domination in Sri Lanka. The Sri Lanakan Government negotiated with the Indian Government and requested to curb the LTTE and the other groups and demanded the supply of arms. Mr. Rajiv Gandhi advised the LTTE to drop the weapons and join the civilian administration. As the LTTE group declined to accept it, he had sent the Peace Keeping Force from the Indian Army and killed several LTTEs. Even then the LTTE had fought ferociously and defeated the Indian Peace Keeping Force. Aggrieved men and women came to Tamil Nadu and punished Mr. Rajiv Gandhi. It was not a murder. It was the punishment awarded to him. Even though India is having several races, they are not suppressing each other. But the culprits of parliament and State Assemblies had suppressed them with various enactments. The racial and religious extremists had killed the Daliths and Muslims. Such extremists are ruling the Central Government. The Muslims and Daliths must join with us to struggle against such extremists....."*

Findings on the cases registered against members of LTTE/Pro-LTTE between the year 2014-2018

72. PW-8 in his affidavit (***PW-8/1)*** has stated that the speech rendered by accused/Pannerselvam was endorsed by the other accused persons and have been reiterated by them in their words adding support for revival of LTTE in Tamil Nadu. PW-8 in his affidavit ***Ex. PW-8/1*** stated that the organization namely '***Inangalin Iraiyammaikana Ilangnar Manavar Iyakkam Association'*** presided over by Pannerselvam was formed for the purpose of reviving LTTE in India with an objective of secession of Tamil Nadu from the Union of India to form separate Tamil Eelam and to regroup the Ex-LTTE Cadre and revive the LTTE organization.

73. Record reveals that activities of LTTE remnant cadres, dropouts sympathizers, supporters

have been traced out in the State of Tamil Nadu recently, who are carrying on illegal activities, despite ban and there is a continuous infiltration of LTTE cadres into India, particularly in the State of Tamil Nadu and there are persistent smuggling activities and other clandestine operations. It has further emerged on record that the pro-LTTE elements and the remnant LTTE cadres, by use of local smugglers actively participating in unlawful activities in pursuance of the unlawful objectives of the LTTE.

Perusal of the record also shows that three separate cases have been registered against the accused/ Kumaran @ Murugan @ Udhayakumar, who is a Sri Lankan national and an Ex-LTTE cadre for his involvement in reviving the LTTE. The record adduced by the State Government of Tamil Nadu further fortifies their stand that apart from Ex-Cadre LTTE there are many other political associations and individual organizations, who are promoting the cause of Tamil Eelam in the State of Tamil Nadu though their speeches, articles in magazines, calendars, books and also through distribution of pamphlets and other reading materials.

The judgment rendered by the Principal District & Sessions Judge, Ramanathapuram, Tamil Nadu clearly depicts that accused/ Kumaran @ Murugan @ Udhayakumar is actively participating in regrouping the Ex-LTTE cadres and also involved in smuggling of arms and other banned products.

The perusal of judgment in CID Cr. No. 1/2015 further proves that there is deep nexus between Ex-Cadre LTTE and sympathizers of LTTE organization, who are actively involved in providing financial aids as well as arms and ammunition to their associates in Sri Lanka to take revenge from Sri Lankan Government, who was responsible for the genocide of Tamils in Sri Lanka. Perusal of the aforementioned criminal cases further suggests that apart from accused/Kumaran @ Murugan @ Udhayakumar other Ex-Cadre LTTE and Sri Lankan nationals ***namely P. Krishnamoorthy, Thevika and Krishnaraj*** are also active in the Indian territory in order to revive the LTTE organization.

The illegal immigration of the Sri Lankans through coastal areas, the smuggling of narcotics to raise funds and supply of fuel, explosives etc. from the Indian soil are all evidences of the active presence of LTTE in India. The confessional statements, which are corroborated by the accused persons and seizure of material sought to be smuggled to Sri Lanka, admittedly for the activities of the LTTE, eloquently proves that Indian soil is being used for unlawful activities propelled by the remnant LTTE cadres.

Analysis of other relevant material procured by State Government of Tamil Nadu

74. In addition to the criminal cases as detailed above, the State Government of Tamil Nadu has submitted various reports to the Central Government which depict the activities of the Ex-Cadre LTTE and sympathizers of the banned organization to resurrect the organization towards the 'Eelam' cause.

75. PW-10 Mr. G. Dharamrajan, IPS, Superintendent of Police, 'Q' Branch CID, Chennai, Tamil Nadu through his evidence by way of affidavit ***Ex.PW-10/2*** and supporting documents detailed below, stated that the Ex- LTTE Cadre and separatist Tamil Chauvinist groups and pro-LTTE groups continue to spread anti India feeling amongst the Sri Lankan Tamils by

holding the Government of India responsible for the defeat of the LTTE through public speeches, articles published in the newspapers and magazines, public rallies, articles in the internet portals, which will adversely affect the security of the India.

He further stated that the Ex-LTTE Cadre and separatist Tamil Chauvinist groups and Pro-LTTE groups continue to foster a separatist tendency amongst the masses and enhance the support base for LTTE in India and particularly in Tamil Nadu which will ultimately have a strong disintegrating influence over the territorial integrity of India.

76. PW-10 proved a report ***Ex.PW-10/21*** submitted by the then Superintendent of Police, 'Q' Branch CID, Chennai to the Principal Secretary, Government of Tamil Nadu containing the information that members of pro-Tamil/pro-LTTE organizations and inmates of Trichy Special Camp and Sri Lankan Tamil refugees in some of the settlement area/colonies, celebrated 'Heroes Week' at various places in the State of Tamil Nadu from 22.11.2015 to 30.11.2015 and that the Ex-LTTE Cadres, separatist Tamil Chauvinist groups and Pro-LTTE groups celebrated 'Martyr's Week' from 22.11.2015 to 30.11.2015 and 61st Birth Anniversary of Prabhakaran on 26.11.2015 and 27.11.2015 by holding blood donation camps, paying tribute and homage to Prabhakaran, hoisting flag, taking oath, lighting candles, distributing sweets, indoor meeting, street corner meeting, annadhanam planting saplings etc. and also paid tribute to those who lost their lives in Tamil Eelam freedom struggle and further demanded to lift the ban on LTTE. It was reported that the organizers further appealed to the participants to raise their voice against oppression of nationality for liberation of the nation and to make Tamil Nadu as a struggling field for the Tamil Eelam Liberation War and to teach the dominant fanaticism of Indo-Sri Lanka a lesson.

77. In ***Ex.PW-10/22*** a report was submitted by the then Superintendent of Police, 'Q' Branch CID to the Principal Secretary, Government of Tamil Nadu apprising him about the material gathered in relation to observation of 7th Death Anniversary of Muthukumar, an Ex-LTTE Cadre in the State of Tamil Nadu from 29.01.2016 to 30.01.2016, by the members of pro-Tamil/pro-LTTE organizations.

78. In ***Ex. PW-10/23*** submitted by the then Superintendent of Police, 'Q' Branch CID to the Principal Secretary, Government of Tamil Nadu wherein it was disclosed that members of pro-Tamil/pro-LTTE organizations observed '7th Mullivaikkal Memorial Day' for paying homage to Tamil Eelam Martyr's, distributing pamphlets, exhibiting posters of LTTE leaders, conducting indoor meeting/public meeting and attempting to picketing agitation at various places in the State of Tamil Nadu from 17.05.2016 to 22.05.2016 condemning the Indian Government for helping the Tamil Eelam genocide in Sri Lanka and appealed to the people to take oath on the Memorial Day to fight for punishing those who were responsible for Mullivaikkal Massacre (*Mullivaikkal massacre in 2009, also called War without Witness, refers to the slaughter of thousands of Sri Lankan Tamils in the Final or Closing Stages of the Sri Lankan Civil War ending in May 2009 in a tiny strip of land in Mullivaikkal, Mullaitivu, Sri Lanka designated as a no fire zone by the Sri Lankan Government in which over 40,000 Tamils were killed*) before International Court of Justice to achieve Tamil Eelam.

79. The Commissioner of Police, Chennai Police informed the Chief Secretary, Government of Tamil Nadu vide ***Ex.PW-10/26*** that on 21.05.2017 members of pro-Tamil/pro-LTTE organizations assembled near Subhash Chandra Bose Statue, Chennai, in violating the regulatory orders already in force, with a view to pay homage to the Sri Lankan Tamils, who had lost their lives during the final phase of Civil War of 2009 in Sri Lanka and also lighted candles near Thiruvalluvar Statue, Chennai.

80. Another report was given by the Superintendent of Police, Q Branch CID to the Principal Secretary, Government of Tamil Nadu vide ***Ex.PW/10/27*** in which it was reported that the members of Pro-Tamil/Pro-LTTE organizations had observed 26.09.2017 as the Death Anniversary of LTTE Cadre Thileepan by garlanding his portrait, conducting public meeting and exhibiting posters in some parts of Tamil Nadu. The Superintendent of Police further informed the Government of Tamil Nadu that the members of pro-Tamil/pro-LTTE organizations had condemned the State and the Central Government for supporting the Sri Lankan Government and appealed to the people to raise voice for separate Tamil Eelam.

81. The Principal Secretary, Government of Tamil Nadu was informed by the Superintendent of Police, 'Q' Branch CID on the basis of a report ***Ex.PW-10/28*** that members of Pro-Tamil/Pro-LTTE/Members of *'May 17 Movement'*, had conducted a conference at Anna Auditorium, Chepauk, Chennai and held various debates condemning genocide of Tamils in Sri Lanka and liberation of Tamil Eelam and the speakers in general voiced that the liberation of Tamil Eelam is the only solution to solve the ethinic crisis of Sri Lankan Tamils and demanded an International probe on the alleged war crimes and human rights violations committed by Sri Lankan Army in 2009. The report also gave the information that in a meeting Tamilneyan (General Secretary, Tamil Desa Makkai Katchi) had applauded the constitution of LTTE as it gave equal importance to both genders and that Vaiko in his speech had recalled his experience with the LTTE Cadres and his participation in the UNHCR meeting on Tamil Eelam issue and took a stand that Tamil Eelam would get liberated. Information had also been collected that in the conference Pro-Tamil/Pro-LTTE organizations/Members of *'May 17 Movement'* resolved to urge International Judicial enquiry for the crimes against humanity and genocide committed against Tamils in Sri lanka and also resolved to urge the Sri Lankan Military to quit from the *'Traditional Tamil Homeland'* in Sri Lanka. In the conference, it was further resolved to urge the Governments of India, America and other countries for revocation of ban on LTTE and also resolved to seek permission to construct memorial for the Sri Lankan Tamils who were killed in the genocide, at Marina.

82. In ***Ex. PW-10/31*** a report submitted by C. Vijayakumar, IPS, Superintendent of Police Cuddalore District, Tamil Nadu to the Superintendent of Police, 'Q' Branch CID, it was stated that members of pro-Tamil/pro-LTTE organization/Tamil Desa Makkal Katchi observed 22nd Death Anniversary of Lenin, former leader of Tamil Nadu Liberation Army (TNLA) by holding a meeting near the Vlapattarai Bus Stop, Pennadam, Tamil Nadu wherein the members of the Pro-LTTE organization condemned massacare of Tamils in Sri Lanka and blamed that the Indian Government did not respect Tamils in Sri Lanka and acted

against their interest and appealed to the participants to fight against exploitation and protect the right of the Tamils.

83. In ***Ex. PW-10/34*** a report submitted by the Superintendent of Police, Q Branch CID to the Principal Secretary, Government of Tamil Nadu, it was informed that the members of Pro-Tamil/Pro-LTTE organizations/All Students Federation under the aegis of Tamil Youth and Students Federation announced agitation on 18.09.2015 against US establishments throughout the State and have proposed to burn National Flag of US for condemning the United States of America for submitting a report in U.N. on 16.09.2015 in support of Sri Lankan Government.

84. The Superintendent of Police, 'Q' Branch CID submitted a report ***Ex.PW-10/36*** to the Principal Secretary to the Government of Tamil Nadu that on 30.08.2016, members of Pro-Tamil/Pro-LTTE organizations/ Ilantamizhagam and Thanthai Periya Dravidar Kazhagam observed Memorial Day at various places in the State of Tamil Nadu, in view of International Day of the Victims of enforced disappearance and to pay tribute to the people who lost their lives in Civil War of 2009. It was further reported that in the press meet, Vaiko and many LTTE leaders, sought information about Srilankan Tamilians who were arrested by the Sri Lankan Government after the Civil War and have not been released/missing. He alleged that 107 Ex-LTTE Cadres have been poisoned by the Sri Lankan Government by injecting drugs. Further information collected was that the speakers in general demanded the State Government of Tamil Nadu to prevail upon the Central Government to exert pressure on the Sri Lanakan Government to take action to find out the fate of missing persons during civil war in the year 2009 and further insisted for an International Trial against the Sri Lankan Government on the disappearance of Ex-LTTE Cadres.

85. From the perusal of the preceding paragraphs, it is evident that pro-Tamil/pro-LTTE organizations are in existence and actively participating in regrouping the LTTE Cadres and have been appealing to the citizens of the Tamil Nadu to participate in formation of a separate Tamil Eelam through modes of public speeches, articles published in the newspaper and magazines, public rallies**;** that the Central Government has also succeeded in establishing that sympathizers/ supporters of LTTE in India have been spreading anti-India feelings amongst the Tamils through public speeches and interest portals**;** that the speeches undoubtedly incite hatred and feeling of dissatisfaction and disaffection for India, and separationist feeling amongst the Tamils living in India, thereby posing a grave threat to the national integrity**;** that the provocative speeches in favour of LTTE are being made in which the top political leaders of the country are branded as traitors and Indian Tamils are incited to claim a separate land on the basis of linguistic and cultural divergence to form part of the Tamil Eelam**;** that Pro-Tamil/Pro-LTTE organizations were observing death anniversaries as well as Martyr's day of Ex-LTTE Cadre namely, LTTE chief Prabhakaran, Thileepan and Muthukumar etc. in order to incite the participants of the gathering to condemn the State and Central Governments and act towards formation of Tamil Eelam**;** that pro-Tamil/pro-LTTE organizations have also been organizing public meeting and

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exhibiting posters and also garlanding the portrait of LTTE Cadres for enhancing the support base for LTTE in India and particularly in Tamil Nadu. It is further evident from the reports submitted by the State Government of Tamil Nadu that Ex LTTE Cadre and separatist Tamil Chauvinist groups and pro-LTTE groups are spreading anti India feeling amongst the citizens of Tamil Nadu to regroup the scattered activities of LTTE and resurrect the outfit in India more particularly in Tamil Nadu.

Conclusion

86. The Central Government for the first time vide notification dated 14.05.1992 declared the LTTE as an *'Unlawful Association'*. Even though the activities of the LTTE were drastically curtailed and controlled by stern measures taken by the Government of India, successive bans were imposed by the Central Government and confirmed by the various Tribunals. The last ban on the LTTE was imposed vide Notification dated 14.05.2014 and confirmed by the Tribunal, which remained in existence till 13.05.2019.

87. Vide notification dated 14.05.2019, the Central Government declared the LTTE as an 'Unlawful Association' under Sub-Sections (1) and (3) Section 3 of UAP Act on the ground that the LTTE is an association based in Sri Lanka having its supporters, sympathisers and agents in the territory of India**;** that the objective of LTTE is for a separate homeland (Tamil Eelam) for all Tamils which threaten the sovereignty and territorial integrity of India and amounted to cession and secession of a part of territory of India from the Union, thus, falling within the ambit of 'Unlawful Activities'**;** that even after military defeat of LTTE in May, 2009 in Sri Lanka, the LTTE has been clandestinely working towards the 'Eelam' by undertaking fund raising and propaganda activities and remnant LTTE leaders or cadres had initiated efforts to regroup the scattered activities and enhanced the support base for LTTE in India and particularly in the State of Tamil Nadu which will have a strong disintegrating influence over the territorial integrity of India and there was a strong need to control all such activities**;** that since the activities of LTTE continued to pose a threat to the security of India, the LTTE is declared an 'Unlawful Association'.

88. The Tribunal has gone through the documentary evidence placed on record, the affidavits and oral evidence adduced by the Union of India and the State of Tamil Nadu. The Tribunal has also examined the secret documents filed on behalf of the Central Government.

89. There are several cases under the provisions of Unlawful Activities (Prevention) Act, Indian Penal Code, Explosive Substances Act, The Foreigners Act, The Passports Act, Tamil Nadu Open Places (Prevention of disfigurement) Act etc. registered against the members, supporters, sympathizers of LTTE /pro-Tamil/pro-LTTE organizations since the last notification issued by the Government of India, Ministry of Home Affairs vide S.O. 1272 (E) dated 14th May, 2014 that is between May, 2014 and May, 2019.

90. The evidence led on behalf of the State of Tamil Nadu and the Union of India remained unrebutted. Since, LTTE has not come forward to appear before this Tribunal to contest the stand taken by the Central Government with respect to the aims and objectives of LTTE, there is no reason to overlook the interpretation given by the Central Government to the objectives set out in the Constitution of LTTE. Further, nothing prevented LTTE from coming forward to the Tribunal and took a categorical stand that it does not subscribe to any

such objective which is aimed at cession of a part of the territory of India and does not advocate integration of one or more parts of India with the Tamil speaking parts of Sri Lanka. Thus, in the absence of rebuttal of evidence adduced by way of the statements made by various witnesses examined by and on behalf of the Union of India and the State of Tamil Nadu, as also the documentary evidence, which has been submitted in support of their respective testimonies and the evidence by way of affidavit(s), there is no reason to disbelieve the same.

91. The testimonies of the witnesses i.e. PW-1 to PW-11 as well as the documents produced by the State Government of Tamil Nadu and Central Government have established that the members, supporters, sympathizers of LTTE /pro-Tamil/pro-LTTE organizations are still in existence and indulging in unlawful activities which threatens the sovereignty and territorial integrity of India, which amounts to cession and secession of a part of the territory of India from the Union and thus falls within the ambit of unlawful activities as prescribed under Section 2(o) of the Act. The incriminating evidences produced by the witnesses through their respective testimonies and affidavit(s), establishes the fact that the members, supporters, sympathizers of LTTE /pro-Tamil/pro-LTTE organizations, even after the Civil War in the year 2009, in Sri Lanka, have not abandoned the concept of 'Tamil Eelam' and has been clandestinely working towards the 'Eelam' cause by undertaking fund raising and propaganda activities to regroup the scattered activists and revive the LTTE and further continue to foster a separatist tendency amongst the masses in order to enhance the support base of LTTE, locally and internationally. It has further emerged on record that LTTE remnant cadres, dropouts, sympathizers, supporters, leaders, operatives/pro-LTTE organizations, despite the ban in force, attempts to extend the support to LTTE to continue their violent and disruptive activities which are detrimental to the sovereignty and territorial integrity of India and is also detrimental to the law and order situation of the country.

92. Since, one of the objectives of LTTE is cession of a part of territory of India, it becomes an ‘unlawful association’ within the meaning of Section 2(p) of UAP Act and the Central Government, therefore, had sufficient cause for declaring the LTTE to be an unlawful association on this ground alone.

93. Section 2(m) of UAP Act defines ‘Terrorist Organization’ to mean an organization listed in the Schedule or an organization operating under the same name as an organization so listed, and admittedly, LTTE is one of the organizations listed in the Schedule at Serial No. 21 of the First Schedule meaning thereby that it is a terrorist organization within the meaning of the Act. Section 35(1)(c) of UAP Act empowers the Government to remove an organization from the Schedule. Section 36 of UAP Act provides for an application being made to the Central Government to exercise its powers to remove an organization from the Schedule and such an application can be made either by the organization or by any person affected by the inclusion of the organization in the Schedule as a ‘terrorist organization’. In case such an application is rejected, the applicant may seek a review by the Review Committee to be constituted by the Central Government under Section 37(1) of UAP Act. However, no application has so far been made by the LTTE or by any person affected by its inclusion in

the Schedule, for removing the name of the organization from the list. Consequently, the LTTE continues to be a 'terrorist organization'.

94. Since, one of the aims and objectives of LTTE is to protect and preserve the geographical identity and integrity of the '*traditional homelands of Tamils and Muslims*'. The State of Tamil Nadu has traditionally been considered to be the homeland of Tamil and, therefore, the ultimate objective of LTTE is to integrate traditional Tamil areas of India with the Tamil speaking areas of Sri Lanka and such an act constitutes 'unlawful activity' within the meaning of Section 2(o) of UAP Act, being intended to bring about cession of a part of the territory of India. To state briefly, the prime objective of LTTE is ***"Total Liberation of its homeland and the establishment of an independent, sovereign socialist State of Tamil Nadu"*** which still remains to be its prime target and many activities during this period are aimed for that, by the LTTE/Pro-LTTE groups.

95. A comprehensive and holistic reading of the evidence adduced by the Central Government as well as State of Tamil Nadu, it is evident that LTTE continued to operate in India during the period from 2014 to 2019 more particularly in the State of Tamil Nadu and has indulged in various disruptive activities in order to malign Government of India with an object of creating a separatist Tamil Eelam and the details of which have already been placed on record by the witnesses.

96. In view of the above discussion, I am of the firm view that the Central Government has been able to place on record the sufficient material and cause for declaring the LTTE as an 'Unlawful Association' under the UAP Act and the same was necessitated in national interest. The declaration made by the Central Government vide Notification No. S.O. 1730 (E) dated 14.05.2019 under Section 3(1) of the Unlawful Activities (Prevention) Act, 1967 is hereby confirmed.

JUSTICE SANGITA DHINGRA SEHGAL
UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL
6.11.2019

[F. No.11034/4/2018-CT-II]

PIYUSH GOYAL, Jt. Secy.

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