



# भारत का राजपत्र The Gazette of India

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असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 1458]

नई दिल्ली, बुधवार, मार्च 30, 2022/चैत्र 9, 1944

No. 1458]

NEW DELHI, WEDNESDAY, MARCH 30, 2022/CHAITRA 9, 1944

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 30 मार्च, 2022

**का.आ. 1510(अ).**— जबकि, केन्द्र सरकार ने, विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) (जिसे इसके बाद उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, असाधारण, भाग-II, खंड-3, उप-खंड- II दिनांक 15 नवंबर 2021 में प्रकाशित भारत सरकार के गृह मंत्रालय की दिनांक 15 नवंबर, 2021 की अधिसूचना संख्या का.आ. 4731 (अ) (जिसे इसके बाद उक्त अधिसूचना कहा गया है) के तहत इस्लामिक रिसर्च फाउंडेशन (आईआरएफ) को विधिविरुद्ध संगम घोषित किया है;

और, जबकि, केन्द्र सरकार ने उक्त अधिनियम की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की दिनांक 13 दिसंबर, 2021 को भारत सरकार के राजपत्र, असाधारण, भाग- II, खण्ड-3, उप-खंड (ii) में प्रकाशित दिनांक 13 दिसंबर, 2021 की अधिसूचना संख्या का.आ. 5180(अ) के तहत विधिविरुद्ध क्रियाकलाप (निवारण) अधिकरण (जिसे इसके बाद उक्त अधिकरण कहा गया है) का गठन किया था, जिसमें दिल्ली उच्च न्यायालय के मुख्य न्यायाधीश माननीय न्यायमूर्ति श्री डी.एन.पटेल शामिल थे;

और, जबकि, केन्द्र 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 इस्लामिक रिसर्च फाउंडेशन (आईआरएफ) को विधिविरुद्ध संगम घोषित

किए जाने का पर्याप्त कारण था या नहीं, दिनांक 14 दिसंबर, 2021 को उक्त अधिकरण को उक्त अधिसूचना संदर्भित की थी;

और, जबकि, उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में की गई घोषणा की पुष्टि करते हुए दिनांक 09 मार्च, 2022 को एक आदेश दिया था;

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

(अधिकरण का आदेश अंग्रेजी भाग में छपा है)

[फा.सं. 14017/1/2022-एन आई- एमएफओ]

प्रवीण वशिष्ठ, अपर सचिव

## MINISTRY OF HOME AFFAIRS

### NOTIFICATION

New Delhi, the 30th March, 2022

**S.O. 1510(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 Islamic Research Foundation (IRF) as an unlawful association vide notification of the Government of India in the Ministry of Home Affairs number S.O. 4731 (E), dated the 15th November, 2021 (hereinafter referred to as the said notification), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 15th November, 2021;

And, whereas, the Central Government in exercise of the powers conferred by sub-section (1) of section 5 of the said Act constituted the Unlawful Activities (Prevention) Tribunal (hereinafter referred to as the said Tribunal) consisting of Hon'ble Justice D.N. Patel, Chief Justice of the High Court of Delhi vide notification of the Government of India in the Ministry of Home Affairs number S.O. 5180 (E), dated the 13th December, 2021, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 13th December, 2021 ;

And, whereas, the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act referred the said notification to the said Tribunal on the 14th December, 2021 for the purpose of adjudicating whether or not there was sufficient cause for declaring the Islamic Research Foundation (IRF) 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, passed an order on the 09th March, 2022, confirming 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 following order of the said Tribunal, namely :-

## UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

### NEW DELHI

In the matter of : **ISLAMIC RESEARCH FOUNDATION (IRF)**

### REPORT

**Dated:-09thMarch, 2022**

**Presence:** Mr. Tushar Mehta, Solicitor General of India with Mr. Sachin Datta, Senior Advocate, Mr. Amit Mahajan, CGSC, Mr. Rajat Nair, Advocate, Mr. Jay Prakash Singh, Advocate, Mr. Kanu Aggarwal, Advocate, Mr. Dhruv Pande, Advocate, Mr. Himanshu Goel, Advocate and Mr. Shantanu Sharma, Advocate for the Government of India.

Mr. Rahul Chitnis and Mr. Aaditya Pande, Advocates for State of Maharashtra.

Ms. Chanchal Yadav, Director, Ministry of Home Affairs, Government of India.

Mr. S. Hari Haran, Mr. Shakul R. Ghatole, Ms. Bhavana Duhon, Ms. Jaikriti S. Jadeja, Advocates for IRF.

### *Notification dated 15.11.2021*

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 '**UAPA, 1967**') declared Islamic Research Foundation (hereinafter referred to as '**IRF**') as an unlawful association by a notification dated **15th November, 2021** published in the Gazette of India (Extraordinary).

### *IRF banned on information received*

2. The Central Government banned the IRF on the information received by it pertaining to the various cases that had been registered against Dr. Zakir Naik and other members of the IRF under the provisions of the Indian Penal Code, Information Technology Act and the UAPA, 1967. Zakir Naik, despite leaving for Malaysia in 2016, continues to reach out to his followers propagating his teachings via frequent videos and posts on social media, promoting hatred and ill-will between different religious communities and forcible conversion of the youth to Islam and for making derogatory statements against the Hindu, Hindu Gods and other religions.

### *Reasons for imposing ban on IRF by the Central Government*

3. The Central Government found that the IRF, having its registered office at Masalawada Building, Dongri, Mumbai, and its members, particularly the Founder and President of the said Association Dr. Zakir Naik had been encouraging and aiding its followers to promote or attempt to promote, on the grounds of religion, disharmony or feelings of enmity, hatred or ill-will between different religious communities and groups and that the speeches of Dr. Zakir Naik, were objectionable as he has been extolling known terrorists, proclaiming that every Muslim should be a terrorist and promoting forcible conversion of the youth to Islam, justifying the suicide bombings, posting objectionable comments against Hindu, Hindu's God and other religions which are derogatory to other religions and further inspiring the Muslim youth and terrorists in India and abroad to commit terrorist acts. Furthermore, the unlawful activities of IRF, its members as well as its sympathizers were noticed in States of Gujarat, Karnataka, Jammu and Kashmir, Jharkhand, Kerala, Maharashtra and Odisha.

4. The Central Government was of the opinion that the acts of IRF, its President and members were highly inflammatory in nature and prejudicial to the maintenance of harmony between various religious groups and communities and that such a divisive ideology is against India's pluralistic and secular social fabric and it may be viewed as causing disaffection against India. Thus, it was necessary to declare the IRF as an unlawful association with immediate effect, otherwise there was every possibility of the youth being motivated and radicalized to commit terrorist acts thereby promoting enmity among different religious groups. In this background, the IRF was declared an unlawful association under Section 3 of the UAPA, 1967 and this Tribunal was set up to determine whether the declaration be confirmed under Section 4 of the UAPA, 1967.

### *Tribunal constituted*

5. This Tribunal, constituted vide notification published in the Gazette of India (Extraordinary) dated 13th December, 2021, was vested with the power to adjudicate whether there was sufficient cause to declare the IRF an unlawful association and to ban its activities.

### *Show Cause Notice issued by the Tribunal*

6. On a preliminary hearing by the Tribunal on 21.12.2021, a Show Cause Notice was issued to IRF, returnable within 30 days as to why the Foundation be not declared unlawful and the ban be confirmed. The Notices were directed to be served in the following manner:

- a. Copies of the notice be affixed at some conspicuous part of the offices, if any, of the above Association;

- b. Notice be also served on the aforesaid Association by publication in daily newspapers, one in English and one in prominent local paper 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 Maharashtra and outside;
- c. By proclaiming, by beat of drums or by means of loudspeakers, the contents of the notice in the area in which the activities of the Association are ordinarily carried out;
- d. Service be also effected on the Office Bearers of the Islamic Research Foundation at its addresses or if under detention through the Superintendent (Jail) concerned and by publication of the notices in National daily newspapers one in English and one in prominent local paper in vernacular language, which is under circulation in the State of Maharashtra;
- e. By publishing on the website of the Ministry of Home Affairs (<http://mha.nic.in>)
- f. By making announcement on All India Radio and telecasting on Doordarshan from the Local Broadcasting and Transmission Stations of the State of Maharashtra; and
- g. Notice should also be served by pasting the same on the Notice Board of the Office of District Magistrate/Tehsildar at the Headquarter of the District or Tehsil, as feasible.

#### ***Notices served on IRF***

7. The Tribunal ensured that exhaustive steps be taken to serve the Notices upon the IRF. Affidavits of service upon IRF, in terms of the Tribunal's order, were filed on behalf of the Central Government that service had been effected.

#### ***Reply to Show Cause Notice by IRF denying all allegations***

8. On 09.02.2022, in reply to the Show Cause Notice, IRF took up a stand that it is a registered Charitable Public Trust with pious and virtuous objects and has never indulged in any unlawful activity at any point of time and stated that all allegations made by the Central Government in the notification were either stale or vague and failed to demonstrate the registration of a case against Dr. Zakir Naik or for banning the IRF. The fact that the Central Government is of the opinion that the foundation should be continued to be banned after an earlier ban of 5 years, it ought to have referred to new material and facts pertaining to the period between 2016-2021 which reflected the requirement to ban the foundation again. The notification does not disclose any activity which may attract the provisions of the UAPA, 1967 or Sections 153-A or 153-B of the Indian Penal Code (hereinafter referred as to 'IPC') and Dr. Zakir Naik at no point encouraged or aided any person to undertake any such unlawful activity. Dr. Zakir Naik has not, by any conduct, promoted any activity which could either be called anti-national or of unlawful character or inflammatory in nature which could have hurt the religious sentiments of the citizens of India. More so, the Foundation being a registered Charitable Trust, neither has any unlawful objectives nor done anything adversely affecting the integrity or unity of India.

#### ***According to defence, the foundation is a separate legal entity***

9. All the incidents, statements and speeches which have been referred to by the Central Government in the notification have been made by Dr. Zakir Naik in his individual capacity and not as the President of the IRF, having no nexus with any activity or the object of the Foundation. The Foundation is a separate legal entity distinct and different from Dr. Zakir Naik. All the allegations are against Dr. Zakir Naik and not against the Foundation. The Foundation was never made an accused. It is stated that the IRF since its inception, does not have any concept of 'Membership' altogether and no subscription for membership has ever been initiated since it is registered as a Charitable Public Trust. Therefore, the Foundation cannot be held accountable for the conduct of its employees. Moreover, all the speeches or clippings available on YouTube/internet were either fake or doctored, he had ordered immediate removal of the same. It is stated that Dr. Zakir Naik is being quoted out of context on the basis of doctored and edited versions of his speeches.

#### ***Documents filed in sealed cover***

10. During the course of proceedings, few documents and statements were filed by the Central Government in sealed covers on which the privilege was sought.

***Proceedings 'in-camera'***

11. The Central Government sought direction that the proceedings be conducted 'in-camera' keeping in mind the sensitivity and confidentiality involved in the matter and the same was allowed.

12. All the procedural requirements were completed. To justify the issuance of the notification dated 15.11.2021, the following witnesses were examined by the Central Government as well as by the State of Maharashtra:

***Evidence led by the State of Maharashtra*****A) Witnesses examined by the State of Maharashtra**

- (i) Sh. Maruti Irappa Patil, Police Inspector, Kurla Police Station, Mumbai, Maharashtra as PW-1.
- (ii) Sh. Shankar Mahadeo Kore, Police Inspector, Sawantwadi Police Station, District-Sindhudurg, Maharashtra as PW-2.
- (iii) Sh. Tanaji Balu More, Police inspector, Vengurla Police Station, District- Sindhudurg, Maharashtra as PW-3.
- (iv) Sh. Santosh Shamarao Jadhav, Police Inspector, Police Station-Laxmipuri, District-Kolhapur, Maharashtra as PW-4.
- (v) Sh. Siddheshwar Rajaram Gove, Assistant Commissioner of Police, ATS, Mumbai, Maharashtra as PW-5.
- (vi) Sh. Sunil Jaysing Tambe, Assistant Commissioner of Police, ATS, Aurangabad, Maharashtra as PW-6.
- (vii) Sh. Arun Pratap Singh, Assistant Director, Directorate of Enforcement, Mumbai, Government of India as PW-7.

***Evidence led by the Central Government*****B) Witnesses examined by the Central Government.**

- (i) Sh. Hari Om Yadav, Inspector, National Investigation Agency, New Delhi as PW-8.
- (ii) Sh. C. Radharkrishnan Pillai, Deputy Superintendent of Police, National Investigation Agency, Kochi, Kerala as PW-9.
- (iii) Sh. Jayant Prabhakar Nair, Deputy Superintendent of Police, National Investigation Agency, Mumbai as PW-10.
- (iv) Ms. Chanchal Yadav, Director, Minister of Home Affairs, New Delhi as PW-11.

13. The Central Government was represented by Mr. Tushar Mehta, learned Solicitor General of India and Mr. Sachin Datta, Senior Advocate assisted by Mr. Amit Mahajan, CGSC and Mr. Rajat Nair, Mr. Jay Prakash Singh, Advocate, Mr. Kanu Aggarwal, Advocate, Mr. Dhruv Pande, Advocate and Mr. Shantanu Sharma, Advocates. The Islamic Research Foundation was represented by Mr. S. Hari Haran, Mr. Shakul R. Ghatole, Ms. Bhavana Duhoon, Ms. Jaikriti S. Jadeja, Advocates.

***Submissions on behalf of the Central Government***

14. Mr. Tushar Mehta, learned Solicitor General of India submitted that IRF has been declared as an unlawful association for a period of 5 years as per the Notification No. 4731(E) dated 15.11.2021 by the Central Government in exercise of its powers conferred by Section 3(1) and (3) of the UAPA, 1967.

***IRF has also been subject to a ban previously in 2016***

15. Learned Solicitor General submitted that the IRF has also been subject to a previous ban vide Notification dated 17.11.2016 under the provisions of the UAPA,1967 and the UAPA tribunal (as it was then) after perusing the material on record had confirmed the said ban holding that there were sufficient reasons and cause for declaring the IRF as an "unlawful association" for a period of 5 years.

***Dr. Zakir Naik – heart and soul of IRF***

16. It is submitted by the learned Solicitor General that the foundation is managed by the trustees and Dr. Zakir Naik is the Founder Trustee and President of IRF. He submitted that Dr. Zakir Naik is the heart and soul of the IRF and that IRF functions as an alter ego of Dr. Zakir Naik as he resides at the helm of all the activities of the foundation. He submits that the acts done by the members of the trust and more particularly by Dr. Zakir Naik are nothing but the acts of IRF, as the trustees are the alter ego of the incorporated entity.

***Dr. Zakir Naik continues to be a trustee while indulging in activities prejudicial to the country***

17. Learned Solicitor General submits that Dr. Zakir Naik continues to be a trustee of the said foundation and even subsequent to the previous ban, has been indulging in activities prejudicial to the security of the country that have the potential of disturbing peace and communal harmony and disrupting the peace and secular fabric of the country. It is in this backdrop that the ban on IRF deserves to be continued.

***No proper authorization lies in favour of the contesting party to establish their locus***

18. It is submitted by the learned Solicitor General that the parties contesting the ban have filed vakalatnama on behalf of two individuals viz. Dr. Zakir Abdul Karim Naik (also “**Dr. Zakir Naik**”) and Mr. Naseer Riyasat Khan who have filed the same in their capacity as trustees of IRF. He further submits that Dr. Zakir Naik’s vakalatnamas are not proper as per the law laid down by the Hon’ble Supreme Court in **Uday Shankar Triyar v Ram Kalewar Prasad Singh and Anr., (2006) 1 SCC 75**. He submits that even after specific directions by this Tribunal vide order dated 04.02.2022 to file a proper vakalatnama, the same has not been complied and therefore, the improper vakalatnama deserves to be struck off the record.

19. He further submits that the vakalatnama of Mr. Naseer Riyasat Khan is non-est in law. In this regard, he submits that as Mr. Naseer Riyasat Khan has filed the vakalatnama in his capacity as a trustee of IRF, however, he has resigned from IRF in the year 2016 vide his resignation letter dated 18.11.2016, which is a matter of record. He submits that therefore, Mr. Naseer Riyasat Khan has no locus to contest the present proceedings before this Tribunal as he is no longer a member of the said organization.

20. Learned Solicitor General further submits that the replies filed by IRF before this Tribunal have not been supported by an affidavit and also lack the necessary notarization, and therefore the same ought to be struck off from the record.

***Admission on part of IRF that it continues to indulge in unlawful activities***

21. Learned Solicitor General submits that it is a matter of record that in the reply to the show cause notice dated 20.12.2021 filed on 09.02.2022 by IRF, shows admission on part of IRF that they were continuing to carry on activities as it was in the past. He submits that the said admission ex-facie amounts to carrying out unlawful activities as the previous ban on the foundation confirmed through the report dated 22.05.2017 had already been subsisting.

***Law on the determination of sufficient cause for declaring an association unlawful***

22. Learned Solicitor General submits that as per the scheme of the UAPA, 1967 and the ruling in the case of **Jamaat-E-Islami Hind v. UOI, (1995) 1 SCC 428** lays down that the determination as to whether or not there is sufficient cause for declaring an Association unlawful by this Tribunal can be reached if the material to support the declaration outweighs the material against it and additional weight to support the declaration is sufficient to sustain it. It is the test of greater probability that appears to be the pragmatic test applicable in this context. He placed reliance on para 11 of the said judgment in support of the above submission.

***Rules of evidence to be followed by this Tribunal***

23. Learned Solicitor General further relies on the aforesaid judgment of **Jamaat-E-Islami Hind** (supra) to submit that on the question of nature and type of evidence, the Supreme Court has held that this Tribunal shall follow, as far as practicable, the rules of evidence as laid down in the Indian Evidence Act. He relies on para 22 of the said judgment in support of the above submission.

He submits that on the application of the aforesaid principles, there is sufficient material to show cause as to why the ban of IRF deserves to be continued.

***Notification dated 15.11.2021 has been issued after due application of mind***

24. Learned Solicitor General submits that the notification dated 15.11.2021 has been issued after due application of mind and taking into account the ongoing cases against IRF and its office bearers and the various inputs of intelligence agencies and State agencies. He submits that the said aspect has been reiterated by various witnesses on behalf of the Central Government who are officials from the Maharashtra Police, Anti-terrorism Squad, Directorate of Enforcement, National Investigation Agency and Ministry of Home Affairs, who have deposed in support of the notification. He further submits that the detailed evidence as presented by the Central Government fulfill all the necessary ingredients for continuing the ban against IRF.

***Dr. Zakir Naik continues to make provocative speeches***

25. Learned Solicitor General submits that there is overwhelming evidence on record to show that Dr. Zakir Naik continues to reach out to his followers in India by propagating his teachings through videos and making provocative speeches and lectures disseminated via various social media channels. He submits that all the material in circulation is from an area falling beyond the territory of India and is under an ongoing investigation by both investigating and intelligence agencies. He submits that the aforesaid conduct is reason enough for the ban on the IRF to be upheld and continued in public interest and for curbing and containing the illegal and unlawful activities of the IRF.

***IRF and its office bearers continue to radicalize the members and youth of Muslim Community***

26. Learned Solicitor General submits that the material as evidence placed before this Tribunal by PW-11 in sealed cover shows that trustees of IRF and especially Dr. Zakir Naik are continuing to travel in Gulf Countries for the purpose of raising funds and have opened trusts, NGOs, shell companies, all of which are being used for the sole purpose of radicalizing individuals and especially the youth of Muslim community. He further submits that these activities constitute a form of symbolic yet manifested invasion through deliberate perpetuation of hate in the community done by IRF and its office bearers. He submits that therefore, the aforesaid material shows that there exists sufficient cause to hold IRF as an unlawful association.

***No proper authorization or cogent evidence placed on record by IRF***

27. Learned Solicitor General submits that while there is extensive evidence adduced on behalf of the Central Government, IRF and its trustees have neither appeared nor given a valid authorization to their Advocates to contest the ban. He further submits that no reply has been filed by the IRF wherein it is denying the facts alleged against them, nor have any witnesses been examined on behalf of the IRF. He further submits that the conduct of Dr. Zakir Naik who is absconding from the country despite being accused in various cases further shows his utter disregard towards the due process of Indian Law.

***Ban on IRF critical to protect the democratic and Constitutional fabric of our Nation***

28. Learned Solicitor General of India in his conclusion submits that there exists sufficient material and evidence on record that evinces that IRF has been involved in activities which not only incite and encourage the youth to undertake the unlawful activities with an intent to threaten the sovereignty, unity, integrity and security of India but also cause disaffection against India, and leaves no doubt that the ingredients of Section 2(o) and 2(p) of UAPA, 1967 are met and there is every reason to conclude that IRF should be declared as an unlawful association. He therefore prays, that there are sufficient reasons and justifications to continue the ban on IRF and this Tribunal maybe pleased to uphold the notification.

***Submissions on behalf of Islamic Research Foundation (IRF)***

29. Per contra, Mr. S. Hari Haran, learned counsel appearing on behalf of IRF submitted that the roots of the present proceedings lie in the notification of the Central Government No. S.O. 4 731 (E) dated 15.11.2021 under Section 3 of the Act vide which the Islamic Research Foundation has been declared as 'unlawful association' for a second time after conclusion of the earlier notification dated 17.11.20016 thus leading to a consecutive 5-year ban of the Foundation.

***Vakalatnama (No Proper Authorisation in favour of contesting party)***

30. Learned counsel has primarily stated that Central Government has appraised the Hon'ble Tribunal about the resignation of Mr. Naseer Riyasat, but it had conveniently omitted & have not placed on record

his withdrawal of the resignation that was duly notified in accordance with the provisions of the Bombay Public Trust Act.

31. Further urging for purposive interpretation of Section 3 (4) (b) & Section 4 (3) of UAPA, 1967 by stating that term “office-bearers” should be understood as the office-bearers of the concerned organisation at the time when the ban first came into effect. It was further argued it can never be the intent of the legislature, while banning an unlawful Association, to deprive its members, the basic right of representation against such ban.

32. Subsequently, a plea for the principles of natural justice in an enquiry of this nature should get precedence over legal technicalities was also raised by the learned counsel for IRF.

***No Grounds are provided in the impugned notification***

33. Learned counsel for IRF submits that the fresh proscription dated 15/11/2021 which is impugned herein, is contrary to the contents of section 3 (2) of UAPA, 1967 as the mandatory requirement made incumbent upon the Central Government to specify the grounds on which the proscription is issued, has been conspicuously absent in the impugned notification.

34. The Notification further does not disclose any conclusion drawn from the facts and material that allegedly existed before with the Central Government and consequently the stated opinion suffers from non-application of mind. The Grounds on which the notification relies are factual in nature and are subjective, these can be made against any individual or juristic person. The Notification is thus vitiated considering the non-compliance of the mandatory provisions of Section 3 of the Act.

**35. Subsequently, reliance is placed on the following Judgments:**

- (a) Narayan Dass Indurakhya v. State of MP, (1972) 3 SCC 676(at paras 6 and 11).
- (b) Harnam Das v. State of Uttar Pradesh, (1962) 2 SCR 487(at para 4).
- (c) State of Uttar Pradesh v. Lalai Singh Yadav, (1976) 4 SCC 213(at paras 8 and 9).

***Nature & Interpretation of UAPA***

36. Learned counsel for IRF submits that it is vital to understand the nature and interpretation of UAPA. He states that Article 19(4) forms the basis of UAPA & it would be important to highlight the legislative history of Article 19(4) & UAPA. It is submitted that Right to form association is fundamental right enjoyed by a citizen by virtue of Article 19 (1) (c) of the constitution of India. Yet, this right is not absolute and the said right can be curtailed if it offends Article 19 (4), which places a reasonable restriction upon freedom to form association if the same challenges the Sovereignty and Integrity of India.

37. It was argued that Constitution (Sixteenth Amendment) Act, 1963, which lead to insertion of term “sovereignty and integrity of India” in Article 19(4) was undertaken to bring about a legal regime to tackle the disintegrating forces as they existed/exist in the country. To buttress this argument, reliance was place on Objective and reasons of the Constitution (Sixteenth Amendment) Act, 1963, & Rajya Sabha Debate on UAPA Bill.

38. The fact that Article 19(4) forms the basis of the Act is clear from the statement of objects and reasons of the Act which reads as follows:

*“Pursuant to the acceptance by Government of a unanimous recommendation of the Committee on National Integration and Regionalism appointed by the National Integration Council, the Constitution (Sixteenth Amendment) Act, 1963, was enacted empowering Parliament to impose, by law, reasonable restrictions in the interests of the sovereignty and integrity of India, on the –*

- (i) *freedom of speech and expression;*
- (ii) *right to assemble peaceably without arms; and*
- (iii) *right to form associations or unions.*

*The object of this Bill is to make powers available for dealing with activities directed against the integrity and sovereignty of India.”*



39. The Statement of Objects as above stated makes it abundantly clear that the present Act seeks to bring about a legal regime to tackle the disintegrating forces as they existed/exist in the country.

40. Subsequently, it is stated that from the perusal of the abovementioned information it could be said that UAPA is a piece of legislation that was brought about to clamp the wings of certain associations that mushroomed during the point in time seeking a separate existence from the Union thereby challenging the sovereignty and integrity of the country. But in the case of IRF, there is no ground and no material that has been put forward which shows that the Foundation by any of its activities has sought to threaten the sovereignty and integrity of the country by seeking separate existence.

41. It is submitted that it is a settled position of law that any statute that involves attraction of penalty in criminal statute will have to be interpreted strictly. Thus, the term sovereignty and integrity appearing in the Act are to be strictly construed keeping in mind the object of the Act and the purpose for which it was enacted.

42. Further, it is submitted that a person or an association would be deemed to have challenged the sovereignty of the country only if he had challenged the law-making power of the parliament, supremacy of the Constitution, distribution of powers between regional Units and Union and lastly the hierarchy of courts/judicial authorities. In the present case it is submitted that there has nothing brought on record to show that the Foundation in any manner has aimed at either cessation or secession as contemplated under the Act.

#### ***Unlawful association & Section 153A & 153B of IPC***

43. It is submitted that the definition of an "unlawful association" under Section 2(1) (p) of the Act would include an association which has for its object any activity which is punishable under section 153A or section 153B of the Indian Penal Code or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity.

44. Subsequently, it is submitted that provisions of section 153A & 153B, shall be attracted only if it has the flavour of either cessation or secession or challenge to the sovereignty of the country.

#### ***As no Fresh Grounds are established by Centre there cannot be perpetual Ban on an entity based on stale records***

45. It has been submitted, that no new material/ ground has been brought on record by the Central Government to substantiate the ban imposed on the Foundation vide notification dated 15.11.2021. As the entire material is old and stale the same cannot be relied upon now to again ban the Foundation. The fact that the Central Government is of the opinion that the Foundation should be continued to be banned after an earlier ban of five years, it ought to have referred to new material and facts pertaining to the period between 2016 to 2021 which reflected the requirement to ban the Foundation again.

46. In the absence of fresh material at the time of a second ban notification and mere reliance on material based on which the first ban was issued, the effect would be that the first ban is a ban in perpetuity which is impermissible under the provisions of the Act. Infact, Ms. Chanchal Yadav, Director, Government of India, Ministry of India in her cross-examination has admitted the fact that that there are no FIRs with respect to any incidents between 2016-2021. The Ban on entity under UAPA, which is a special law, has a requirement for adducing fresh material to establish the unlawful activity of the association, which cannot be done away with & mechanical application of mind resulting in culmination of banning notification cannot be permitted.

#### **47. Reliance is placed on following Judgments:**

- a. **Jamaat-e-Islami Hind Vs Union of India,(1995) 1 SCC 428** (paras 9 and 13).
- b. **Banka Sneha Sheela v. State of Telangana, (2021) 9 SCC 415** (para 30).

#### ***Supplanting of Additional Information by Centre is impermissible***

48. It is submitted that, for the purpose of the tribunal, the only relevant materials are those which were relied upon by the central government in passing the notification banning IRF. It is immensurable for the Centre to supplant or supplement additional grounds except those already taken in the notification.

***Sealed Cover Submission***

49. Learned counsel for IRF submits that, it is trite of law that no person can be tried without disclosing the material relied upon by authorities to prosecute him. But some exception can be carved out in National Interest, yet this exception cannot be blanket in nature. At this juncture, the counsel for IRF objects to the submission of evidence by PW-11, Ms. Chanchal Yadav, in sealed cover to the Hon'ble Tribunal.

50. It is further submitted that, while the Act preserves the right of the Central Government to not disclose material that is against public interest the right is not unfettered. The limitation of the right under proviso to Section 3 makes it clear that the declaration to withheld certain material in public interest must be expressed at the time when the notification is published. This, in fact, is in consonance with the scheme of the Act that contemplates the possession of all the material in the hands of the central government before the notification is published. In case any right to the central government to claim secrecy at any time of the proceeding is allowed, the same shall enable the central government to collect material post facto and shall pass it off as material collected prior to the notification. Therefore, no such right of secrecy having claimed by the Central Government in the notification, disentitles it from claiming it at any stage later in the proceeding.

***IRF is charitable institution working for betterment of society***

51. IRF is a recognized trust registered with Charity Commissioner, Mumbai vide Trust Deed dated 04.10.1990. IRF has been carrying out several pious activities including providing education through schools established by the Trust, by distributing scholarships to the deserving candidates, by carrying out distribution of food and clothing etc.

52. It is pertinent to mention evidence of PW-7, Sh. Arun Pratap Singh, Assistant Director, Directorate of Enforcement, Government of India. From the particular evidence laid before this Hon'ble Tribunal, regarding financial activity of IRF, it is submitted that the heading of "Education & Scholarship" has incurred maximum expenditure on part of IRF.

53. Thus, an organization which has worked for upliftment of minority community both socially and educationally through education and scholarship is being banned due to some mischievous utterings of an individual, who has apologized for the same.

***Reasoning:-***

54. I have carefully considered the submissions made by the learned Solicitor General of India appearing for the Union of India as also the learned counsel representing the Respondent – Association. I have also carefully gone through the evidence brought on record and also perused the material submitted by the Union of India in a sealed cover. The Tribunal under sub-Section (3) of Section 4 of the Act is required to decide whether or not there is sufficient cause for declaring the Association to be unlawful based on the material placed before it. The witnesses examined by Union of India and State of Maharashtra deposed before this Tribunal are as follows:-

55. **Mr. Maruti Irappa Patil, (PW-1)** proved his affidavit as Ex.PW-1/A which bears my signatures at point 'A' and 'B' on the last page. The contents of the affidavit are true to my knowledge derived from the relevant records. He deposed that he had seen the original affidavit dated 08.02.2022. The affidavit is accompanied by copies of the documents. He relied on the documents Ex. PW-1/B to PW-1/H. Annexure A-1 (Ex.PW-1/B) is the FIR registered at P.S. Kurla, Mumbai. Annexure A-2 (Ex.PW-1/C) is the panchnama dated 25.02.2013. Annexure A-3 to A-7 are the statements recorded. Annexure A-3 (Ex.PW-1/D) is a statement of Chandrakant Ganaji Bhadirke dated 24.02.2013. Similarly, Annexure A-4 (Ex.PW-1/E) is a statement of Atmaram Shyam Narayan Dube dated 19.12.2013. Annexure A-5 (Ex.PW-1/F) is a statement of Shivaji Girjappa Vatkar dated 18.12.2013. Annexure A-6 (Ex.PW-1/G) is a statement of Jitendra Radhe Mohan Pathak dated 19.12.2013 and Annexure A-7 (Ex.PW-1/H) is a statement of Dr. Zakir Abdul Karim Naik dated 14.05.2013. He deposed that he is in Police force since 01.04.1995 and is serving at Kurla Police Station, Mumbai from June, 2018. It is correct to say that the relevant records as mentioned by me in paragraph 1 pertains to FIR 44/2013 only and documents along with the FIR. It is not correct to say that I have not been authorized to swear this affidavit. It is not true that in FIR i.e. CR 44/2013 registered at P.S. Kurla, Islamic Research Foundation is not an accused. Name of Dr. Zakir Abdul Karim Naik is mentioned in FIR in para 12 of Annexure A-1, the details have been given. The Facebook

account on which the objectionable material was uploaded was of Dr. Zakir Abdul Karim Naik. It is further stated by the witness that he has seen the post on Facebook which was uploaded by Dr. Zakir Abdul Karim Naik. Dr. Zakir Abdul Karim Naik and Islamic Research Foundation have direct causal connections. He deposed that he is not aware when the material on Facebook of Dr. Zakir Naik was sent to Central Government. He is not aware whether this material was used in 2016 by Central Government. He further states that this material has been further used by Dr. Zakir Abdul Karim Naik. He deposed that he was not posted in Anti-Terrorism Squad (ATS). He further deposed that he is aware that there are review meetings and conferences held between Police officers with Anti-Terrorism Squad (ATS) and this particular matter is discussed in those review meetings and conferences. Monthly review meetings are held. He further deposed that it is not correct to say that I have not produced any material between 2016 to 2021 which implicates Islamic Research Foundation and his material is the only material that he had produced. He further deposed that it is not correct to say that paras 8 to 10 of his affidavit are drafted by the Advocate and only signed by him. He further deposed that whatever he stated is put in by the Advocate in his affidavit. He further deposed that it is not correct to say that whatever he stated in his affidavit is irrelevant for the purpose of adjudication of the Hon'ble Tribunal.

**56. Mr. Shankar Mahadeo Kore (PW-2)** proved his affidavit as Ex.PW-2/A and FIR registered at P.S. Sawantwadi, Mumbai Ex. PW-2/B and copy of charge sheet dated 14.07.2014 as Ex. PW-2/C. In the cross examination he deposed that he has been posted at Sawantwadi Police Station, Dist. Sindhudurg, Maharashtra from 31.08.2021. He further deposed that it is not correct to say that after the ban was imposed he called for the material and sent to the Advocate. He further deposed that he has received letters from the Anti-Terrorism Squad (ATS) asking him to forward the records pertaining to Islamic Research Foundation and therefore he forwarded the said FIR and the charge sheet to the Anti-Terrorism Squad (ATS). He further deposed that Mr. Shinde who was the then Investigating Officer had called Dr. Zakir Abdul Karim Naik to record the statement in the FIR and Dr. Zakir Abdul Karim Naik has given a response on the letter head of Islamic Research Foundation dated 09.05.2013. He further deposed that this letter is produced today and is taken on record and marked as Ex.18 (Counsel for Islamic Research Foundation has objection for exhibiting this communication). He further deposed that he has not sent this material directly to Central Government. He further deposed that he has not produced any letter on record. He further volunteered to depose that earlier this document/communication was sent to Anti-Terrorism Squad (ATS). He further deposed that he is not aware of the exact date when the earlier Investigating Officer had forwarded this material to the Anti-Terrorism Squad (ATS). He further deposed that he has not seen the material of the Anti-Terrorism Squad (ATS). The earlier Investigating Officer has sent the material to the Anti-Terrorism Squad (ATS). He further deposed that it is not correct to say that this material was ever sent to the Anti-Terrorism Squad (ATS) for consideration. He further deposed that he is aware that same material was used when Islamic Research Foundation was banned in 2016. When PW-2 is shown as Ex.A2 at page 29 at Serial No.1 at Column 1, he deposed that it is not correct to say that Islamic Research Foundation is not an accused in this charge sheet. He further volunteered to depose that Islamic Research Foundation is made an accused through Dr. Zakir Abdul Karim Naik. Witness further says that name of Islamic Research Foundation is not mentioned in the charge sheet. He further deposed that it is not true to say that my deposition is of any consequence for the adjudication of this Hon'ble Tribunal.

**57. Mr. Tanaji Balu More (PW-3)** proved his affidavit as Ex.PW-3/A, statement of Gopal Raghoba Juvlekar as Ex.PW-3/B and copy of charge sheet dated 19.05.2013 as Ex.PW-3/C. He deposed that he is posted at Vengurla Police Station since 04.03.2020. He further deposed that he was not the Investigating Officer when the FIR was registered. He further deposed that he has not investigated the FIR. He further deposed that he was authorized in February, 2022 to depose in this matter. He further deposed that it is correct to say that he collected the records after he was authorized to depose. He further deposed that it is not correct to say that he has not been authorized to depose before this Hon'ble Tribunal. He further deposed that it is not correct to say that he has not forwarded the material to the Central Government. He further deposed that he does not recall whether he has mentioned in the affidavit that he has forwarded the material to the Central Government. He further deposed that it is not correct to say that the affidavit was drafted by the Advocate and he only signed it. PW-3 volunteered to depose that whatever he stated to the Advocate has been mentioned in the affidavit. The material regarding Anti-Terrorism Squad (ATS) which is mentioned in the affidavit was disclosed to him at the monthly review meetings held with the Anti-Terrorism Squad (ATS). He further deposed that it is not correct to say that he has not seen any material of the Anti-Terrorism Squad (ATS). He further deposed that it is not correct to say that Islamic Research Foundation has not been charged in the charge sheet. PW-3 further volunteered to depose that Dr. Zakir

Abdul Karim Naik and Islamic Research Foundation are one and the same and that Material is only in the form of affidavit. He further deposed that it is incorrect to say that the contents of para 6 of affidavit are incorrect. He further deposed that it is incorrect to say that his deposition is irrelevant for the purpose of adjudication of this Hon'ble Tribunal.

**58. Mr. Santosh Shamrao Jadhav (PW-4)** proved his affidavit as Ex.PW-4/A, complaint dated 18.10.2012 Ex.PW-4/B and the chargesheet as Ex. PW-4/C. In his cross-examination, he deposed that he is giving evidence with regard to the matter pertaining to Dr. Zakir Abdul Karim Naik and Islamic Research Foundation. He further deposed that he has read in the newspapers that this Islamic Research Foundation has been banned before these proceedings. He further deposed that he was aware of this ban previously also. He further deposed that his Superintendent of Police gave him the authorization to depose in this matter. He further deposed that it is correct to say that he has not placed the authorization on record. PW-4 volunteered to depose that he has authorization with him. PW-4 further states that he has got authorization letter. He further deposed that he produced authorization letter dated 29.01.2022 from the file and showed to the counsels for the State of Maharashtra as well as counsels for the Islamic Research Foundation. I was posted at Laxmipuri Police Station on 06.12.2021. He further deposed that it is correct to say that he has not personally investigated the FIR nor he has recorded the statements. He further deposed that we have filed a chargesheet against Dr. Zakir Abdul Karim Naik, who is the President of Islamic Research Foundation. PW-4 further volunteered to depose that Laxmipuri Police Station had addressed a letter to Byculla Police Station which is a local Police Station of Dr. Zakir Abdul Karim Naik and Byculla Police Station had in turn informed the Laxmipuri Police Station that Dr. Zakir Abdul Karim Naik is the President of the Islamic Research Foundation. This report is dated 26.12.2012. The same is produced on record by the State of Maharashtra. He further deposed that he is not aware whether this material was used in the matter regarding the proceedings related to the ban earlier. He further deposed that it is incorrect that he has not seen the speech forming the basis of the registration of the C.R. No.131/2012. He further deposed that it is true that in FIR bearing C.R. No.131/2012, there is no reference of Islamic Research Foundation (Witness submits that there is reference of Islamic Research Foundation whereas learned counsel appearing for Islamic Research Foundation submits that there is no reference of Islamic Research Foundation in the said FIR). He further deposed that it is incorrect to say that he has not produced any material to substantiate the contents of paragraph 6 of the affidavit dated 08.02.2022. When it is put to the witness to indicate the material that has been proved in paragraph 6 of the affidavit, the witness stated that it is only an FIR. He further deposed that it is incorrect to say that his deposition is irrelevant for the purposes of adjudication before this Hon'ble Tribunal. He further deposed that it is incorrect to say that the affidavit was prepared by the Advocate and he has signed it.

**59. Mr. Siddheshwar Rajaram Gove (PW-5)** proved his affidavit as Ex.PW-5/A, Statement (in Marathi) dated 23.08.2011 of Azarul Islam Mohamed Ibrahim Siddiqui Ex.PW-5/B and the statement (in English) dated 23.08.2011 of Azarul Islam Mohamed Ibrahim Siddiqui Ex.PW5/C. He deposed that he has been posted in Anti-Terrorism Squad since 23.12.2021. He further deposed that he is aware from the record which has been produced that the Islamic Research Foundation is banned from the year 2016. The concerned Deputy Commissioner of Police informed me of the present ban. He further deposed that it is correct to say that subsequently he was directed to collect the data as he has placed on record. Subsequently, he was directed by the Deputy Commissioner of Police to collect the data that is placed on record. He further deposed that it is correct that my Deputy Commissioner of Police asked him to collect the data pertaining only to C.R. No.31/2011 registered at Anti-Terrorism Squad, Mumbai. He further deposed that it is correct that he has no personal knowledge pertaining to C.R. No.31/2011. He further deposed that he has knowledge of C.R.No.31/2011 from the records only. In C.R. No.31/2011, three accused were arrested; out of which two accused were arrested for counterfeit notes and the third accused arrested was charged with offences under Unlawful Activities (Prevention) Act, 1967. He further deposed that it is not correct to say that the Islamic Research Foundation is not concerned with C.R. No.31/2011. He further deposed that accused No.3 is named as Azarul Islam Mohamed Ibrahim Siddiqui @ Munna @ Munna Dudhwala had made a statement that he was attending the religious meetings of Islamic Research Foundation which was held every Sunday. He further deposed that it is correct to say that he has committed the offence because he attended the preaches in Islamic Research Foundation. He further deposed that he had mentioned in the statement that 'I got 'prabhaavit' by the preaches which were given in the meetings which were held every Sunday.' He further deposed that that it is not a crime to attend the religious teachings. At this stage, the question is objected to be argued later by the counsel for the State of Maharashtra. He further deposed that it is correct to say that Azarul Islam Mohamed Ibrahim Siddiqui was

in fact acquitted of the same offence in C.R. No.31/2011. Witness further volunteered that Appeal against that is pending. He further deposed that it is incorrect to say that the contents of paragraph 3 are irrelevant for the adjudication of the present proceedings before this Hon'ble Tribunal. Further a question put for the cross-examination is that how the fact stated in paragraph 3 are relevant for banning the Islamic Research Foundation. Counsels appearing for the State of Maharashtra as well as for Union of India have objected that this is a matter of arguments to be canvassed by the counsels at the time of final hearing after the witnesses are cross-examined. He further deposed that he is aware that the relevant record was also used for the purpose of ban of Islamic Research Foundation in the year 2016. He further deposed that there is no material on record to justify the contents of paragraphs 6 and 7 of his affidavit. PW-5 further volunteered to depose that the material stated in paragraphs 6 and 7 of his affidavit referred to the statements of accused No.3 in C.R.No.31/2011 which are part of the record. He further deposed that it is not correct that he has not placed any material on record to justify the statements made in paragraph 8 (wrongly numbered as paragraph 7) of his affidavit. He further deposed that it is incorrect to say that he has not sent any material to the Central Government to justify my statement expressed in paragraph 8. He further deposed that he has not placed any material on record to show that he has sent any material to the Central Government seeking banning of the organization.

**60. Mr. Sunil Jaysing Tambe (PW-6)** proved both his affidavits dated as Ex.PW-6/A and Ex.PW6(I)/A respectively and their annexures as Ex.PW-6/B to Ex.PW-6/C and Ex.PW-6(I)/B to Ex.PW-6(I)D respectively. In his cross-examination PW-6 deposed that he joined the Anti-Terrorism Squad, Aurangabad, Maharashtra in December, 2020. He further deposed that he was authorized to depose before this Hon'ble Tribunal about a month back by his head office and after he was authorized by the head office, he collected material to be placed before this Hon'ble Tribunal. He further deposed that it is correct to say that Mr. Maruti Irappa Patil, Mr. Shankar Mahadeo Kore, Sh. Tanaji Balu More and Mr. Santosh Shamrao Jadhav did not give him any material. He further deposed that it is correct to say that he has not personally submitted the material to the Central Government. He further deposed that it is his personal knowledge that during the course of present duty, IRF is continuing its activities post 2016. He further deposed that he does not have any material right now to substantiate the assertion that he has made regarding the continuance of the activities of IRF post 2016.

**61.** A request for re-examination of PW-6 was made by Mr. Sachin Datta, Senior Advocate which was allowed by the Tribunal and in his re-examination PW-6 deposed that there are intelligence reports wherein the continuance of activities of IRF has been duly reflecting and that that report is with his head office. He further deposed in re-examination that he has no personal knowledge, however, he is aware that the intelligence reports that he is referring to are being shared with the Central Government. It is further submitted that the aforesaid report is in the process of being sent to the Central Government. He further stated that that there are procedures in place for regular sharing of intelligence inputs between the State Government and Central Government.

**62. Mr. Arun Pratap Singh (PW-7)** proved his affidavit as Ex.PW-7/A and annexures to the said affidavit as Ex.PW-7/B to Ex.PW-7/I respectively. In his cross-examination, PW-7 deposed that he has been put in-charge of the present case being ECIR No. MBZO/13/2016 since February, 2021. He further deposed that it is correct to say that a complaint under Section 44 of the PMLA Act, 2002 had already been filed before I took over the charge of the present case. He further deposed that he has not produced any statement of any person who had donated to IRF. He further deposed that it is correct to say that the amount of Rs.64,86,96,602/- has been received in donation by IRF during the period 2003-2017. He further deposed that he cannot say whether these conferences have been held only between 2007-2011 and not thereafter. He further deposed that he is not aware whether these conferences were held after obtaining due permission from concerned authorities. He further deposed that properties pertaining to IRF had been attached provisionally by way of provisional attachment order under Section 5 of the PMLA Act, 2002. He further deposed that he is not aware whether order confirming the provisional attachment passed by the Adjudicating Authority has been challenged and a consequent status quo order has been passed by the Hon'ble Tribunal constituted under the PMLA Act, 2002. He further deposed that he has sent all this material to the Ministry of Home Affairs last month.

**63.** In his re-examination, which was allowed by this Tribunal, by Mr. Sachin Datta, Senior Advocate, PW-7 deposed that it is correct that investigation was carried out by the Enforcement Directorate regarding proceeds of crime and the money trail pursuant to FIR No.5 dated 16.11.2016 registered by NIA. He further deposed that it is correct that there are established procedures in place for regular sharing of

information between Enforcement Directorate and other agencies and various Ministries of the Central Government.

**64. Mr. Hariom Yadav (PW-8)** proved his affidavit as Ex.PW-8/A and its annexures as Ex.PW-8/B to Ex.PW-8/E. In his cross-examination PW-8 deposed that the methodology followed by IRF for distributing scholarship is detailed by an accused Abu Anas in FIR No.RC-14/2015/NIA/DLI which is reflected in para-8 of the Ex.PW-8/A and Ex.PW-8/D. He further deposed that Abu Anas had said in his statement that as pointed in Ex.PW-8/D that the entire methodology stipulated was followed by IRF prior to disbursement of scholarship. He further deposed that the role of accused Abu Anas has been mentioned by him in the affidavit. He further deposed that Abu Anas got the scholarship of Rs.1,50,400/- from IRF during the years 2013, 2014 and 2015. He further deposed that after receipt of money of scholarship, he completed his graduation and pursued MCA during which time he developed inclination for objectional activities. He further deposed that he is not aware that during the time when Abu Anas received scholarships from IRF he was also granted scholarship by the Government. Upon being shown Page-27 of the affidavit constituting the bank statement of Abu Anas dated 31.07.2014, he deposed that it is reflected that an entry bearing heading 'District Minority Welfare Of' dated 17.05.2015 and an amount of Rs.25,000/- being credited. Upon showing the statements of Abu Anas, PW-8 is also shown page-23 being summary of account as on 30.04.2015 wherein it is reflected that an amount of Rs.25,000/- is credited on 27.02.2015 by the Ministry of Minority Affairs. He further deposed that he is in-charge of this case only since November, 2021. He further deposed that he cannot say whether the material was sent to the Central Government prior thereto. However, he has not sent the material to the Central Government. He further deposed that he is not aware of the earlier banning notification in respect of IRF. Consequently, he deposed that he is not aware if this material was used in the previous banning. He further deposed that in para-9 of his affidavit, he has sought to justify the banning of IRF as per notification dated 15.11.2021 issued by the Central Government and he has sought to emphasize that the banning is essential to prevent radicalization of Indian Youth and to contain illegal and unlawful activities of IRF and its President Zakir Naik.

**65. Mr. C. Radhakrishna Pillai (PW-9)** proved his affidavit as Ex.PW-9/A and its annexures as Ex.PW-9/B to Ex.PW-9/L respectively. In his cross-examination, PW-9 deposed that he is the investigating officer of FIR No.RC04/2016/NIA/KOC. He further deposed that Arshi Qureshi was appointed as Guest Relationship Manager and he was dealing specially in Neo converts and preaching them different tenets and practices of Islam. He further deposed that the investigation also disclosed that he used to preach the radicalized thinking of Islam to the neo converts. He further deposed that it is correct to say that I have not placed appointment order of Arshi Qureshi on record. He further deposed that he has not placed any document on record to indicate that Arshi Qureshi was authorized by IRF. He further deposed that state that since my investigation is continuing, therefore, it was not placed on record. He further deposed that it is correct to say that IRF is not the accused in the present FIR. He further deposed that he has not placed on record any material to illustrate any relation of Rizwan Khan to IRF. PW-9 volunteered that he has documents pertaining to association of Rizwan Khan, IRF and Arshi Qureshi but have not placed it on record since the case is under investigation. He further deposed that it is correct to say that he has brought on record all the contents of the affidavit for the purpose of adjudication of earlier ban pertaining to IRF dated 17.11.2016. He volunteered that in addition to whatever annexed today in the present affidavit, he had given some important statements and documents in the sealed cover before the Tribunal. He further deposed that it is correct to say that he has not placed along with my affidavit anything to indicate that these documents have been forwarded by National Investigation Agency to the Ministry of Home Affairs. PW-9 further volunteered to depose that he is aware that it has been forwarded by National Investigation Agency Headquarter to Ministry of Home Affairs. He further deposed that it is not correct to say that it is a part of my duty while investigating present FIR to ascertain whether IRF was continuing its activities after 2016 ban. He further deposed that that he has not placed on record any material to show that IRF has been continuing with its activities after 2016 ban. PW-9 further volunteered that he noticed that IRF is using social media platforms, like Facebook, Twitter, YouTube, websites etc. to propagate the radical Islamic thinking. He further deposed that he has not placed on record any record that these social media platforms are operated by IRF. PW-9 further volunteered that it is part of investigation which is still under progress.

**66. Mr. Jayant Prabhakar Nair (PW-10)** proved his affidavits as Ex.PW-10/A and Ex.PW-10(I)/A and their annexures as Ex.PW-10/B and Ex.PW-10(I)/B to Ex.PW-10(I)/E respectively. In his cross-examination PW-10 deposed that that he took over as the Investigating Officer of RC 4/2016/NIA/Mum in

October, 2021 and he took over as the Investigating Officer of FIR bearing number RC-05/2016/NIA/Mum on December, 2020. He further deposed that that before he took over as the Investigating Officer of the above-mentioned FIRs, charge sheets had already been filed. He further deposed that it is correct to say that in RC 04/2016/NIA/Mum, Islamic Research Foundation is not an accused. He further deposed that it is correct to say that speeches made by Dr. Zakir Abdul Karim Naik have been relied upon in the charge sheet pertaining to RC 05/2016/NIA/Mum. He further deposed that it is correct to say that he has not placed all the speeches in their entirety along with the charge sheet. However, the PW-10 volunteered to depose that excerpts from the speeches have been relied upon. He further deposed that he has placed material on record to substantiate his averment in paragraph 15 of his affidavit in RC 04/2016/NIA/Mum. The material finds in the case itself which pertains to one Indian youth who was reported missing by his father. That Indian youth along with his wife and daughter had migrated to Syria and joined proscribed terrorist organization Islamic state. He further deposed that that was the basis of the case and that was the investigation which was carried out and that that is the material which he has relied upon. Further, during investigation, it is learnt that apart from Ashfak Majeed, the absconding youth, there were a few more Indian youth who had similarly migrated to the Islamic State territory. He further deposed that he has amply substantiated my stand in paragraph 15 of the affidavit dated 10.02.2022 (having reference of NIA case No. RC-04/2016/NIA/MUM (Nagpada ISIS Case). He further deposed that he has gone through the charge sheet wherein it is specifically mentioned that the accused Arshi Qureshi was working as a Guest Relationship Manager in Dongri office of Islamic Research Foundation. He further deposed that the record suggests clearly that Arshi Qureshi was an employee. PW-10 volunteered to depose that per se there is no authorization in writing for conducting any such activities because there would not be any such authorization which will be in evidence against Islamic Research Foundation. He further deposed that Islamic Research Foundation is an entity and the awareness of Islamic Research Foundation about the unlawful activities of its employees will come to Islamic Research Foundation's notice only through the trustees, namely, Dr. Zakir Abdul Karim Naik because Islamic Research Foundation was a very individual centric organization wherein Dr. Zakir Abdul Karim Naik was the person running the organization. He further deposed that he has not placed on record anything that substantiates that Dr. Zakir Abdul Karim Naik as trustee of Islamic Research Foundation was aware of the unlawful activities of Arshi Qureshi. He further deposed that the trustee Dr. Zakir Abdul Karim Naik was never available for investigation. He further deposed that it is correct to say that the records of both these FIRs were placed for the purpose of adjudication by the Tribunal pertaining to ban of Islamic Research Foundation dated 17.11.2016. He further deposed that the charge sheet does not reflect that it had examined any person who had attended the speeches made by Dr. Zakir Abdul Karim Naik. He further deposed that it is correct to say that the charge sheet does not reflect that any person who had heard the speech, the statement thereof has been recorded. PW-10 volunteered to depose that though no such person's statement was recorded, reliance is placed upon the earlier cases regarding to ISIS wherein Muslim youths from India inspired by the speeches had joined proscribed terrorist organization Islamic state. The charge sheet clearly spells out that speeches of accused No. 1 Dr. Zakir Abdul Karim Naik were incendiary and volatile propagating the most radical view of Islam which inspired a section of Indian youth from Muslim community to believe in the ideology of Islamic State, a proscribed terrorist organization. He further deposed that yes, no submission of people who have been allegedly inspired have been recorded and placed along with the charge sheet because during investigation none of these Indian youth were available as they had already migrated to Syria. He further deposed that it is correct to say that a strenuous effort has been made by us to remove alleged objectionable speeches from public platforms post charge sheet also. He further deposed that the URLs are available on public domain and that the URLs were identified on the basis of catch words/key words, such as Zakir Naik, IRF, Dr. Naik, etc. and the content on the platforms clearly had speeches of Dr. Zakir Abdul Karim Naik who is the driving force behind Islamic Research Foundation. He further deposed that we identified the URLs, we identified the content and that the URLs were hosted overseas, not in India and that the URLs were hosted abroad, not within Indian territory and for identifying the operators we need to go through legal route which is if the country has Mutual Legal Assistance Treaty (MLAT), we go through Mutual Legal Assistance request otherwise we follow Letter Rogatory which is a very time-consuming process. He further deposed that so the immediate action taken was blocking such URLs by way of a request made to the Ministry of Electronics and Telecommunication. He further deposed that the case is still under investigation and action taken for identifying the operators of URL is not part of my affidavit. He deposed that the action is identifying the URLs, identifying the objectionable content and blocking the content in Indian soil and that has been done. He further deposed that that is part of my affidavit and the

case is under investigation. He further deposed that his affidavit does not cover action taken for identifying the operators of URL.

**67. Ms. Chanchal Yadav (PW-11)** proved her affidavit as Ex.PW11/A and its annexures as Ex.PW-11/B to Ex.PW-11/D respectively. In her cross-examination, on being asked whether it is correct to say that she has not produced any material to substantiate the contents of paragraph 3 of her affidavit, PW-11 deposed that it is incorrect to say that she has not produced any material to substantiate the contents of paragraph 3 of her affidavit. PW-11 further volunteered to depose that she has submitted reports from the Intelligence Agencies, the Investigating Agencies and the State Governments to substantiate the contents in a sealed cover. On being asked whether it is correct to say that no witness has brought any material before this Hon'ble Tribunal to substantiate this allegation in paragraph 7, PW-11 deposed that it is incorrect to say that no witness has brought any material before this Hon'ble Tribunal to substantiate this allegation in paragraph 7. PW-11 further volunteered to depose that witness from State Investigating Agencies and Intelligence Agencies have adduced whatever is written in paragraph 7. On being asked whether she could show to the Hon'ble Tribunal what is the substantiating material brought about by the other witness before this Hon'ble Tribunal, PW-11 deposed that it is a matter of record before the Hon'ble Tribunal and that it is incorrect to say as per the counsel of the Islamic Research Foundation that there is no such witness who has brought any such material on record. On being asked whether it is correct to say that she has not perused the evidence of other witnesses before this Hon'ble Tribunal, PW-11 deposed that it is incorrect to say that she has not perused the evidence of other witnesses before this Hon'ble Tribunal and that it is a matter of record before the Hon'ble Tribunal. On being asked whether it is correct that she has not named the alleged organization, PW-11 further deposed that it is incorrect that she has not named the alleged organization and that it has been clearly brought out in my affidavit. On being asked whether it is correct to say that she has brought on record the names of any names / banners as mentioned in paragraph 8 of your affidavit, PW-11 deposed that it is correct to say that she has brought on record the names of any names / banners as mentioned in paragraph 8 of her affidavit. It has been very clearly brought out in the inputs of the Intelligence Agencies which have been produced before the Hon'ble Tribunal in a sealed cover. On being asked whether it is correct to say that the contents of paragraph 8 of her affidavit does not find its reflection in the Notification dated 15.11.2021 banning the organization, PW-11 deposed that it is incorrect to say that the contents of paragraph 8 of her affidavit do not find its reflection in the Notification dated 15.11.2021 banning the organization. PW-11 further volunteered to depose that the contents of paragraph 8 have been substantiated by the inputs of Intelligence Agencies and the report submitted by the State Governments and they have been placed before the Cabinet for taking decision and so the Notification has been done after taking into consideration all the inputs and the reports. On being asked whether it is correct to say that it is not mentioned in the Notification that Islamic Research Foundation and its members have continued their activity through other names/banners, PW-11 deposed that it is incorrect to say that it is not mentioned in the Notification that Islamic Research Foundation and its members have continued their activity through other names/banners. On being asked whether it is correct to say that the contents of paragraph 9 also do not find a mention in the Notification banning the organization, PW-11 deposed that it is incorrect to say that the contents of paragraph 9 also do not find a mention in the Notification banning the organization. On being asked whether, it is correct that she has not produced any material in paragraph 8 of her affidavit to suggest that these alleged names/banners have any correlation with Islamic Research Foundation, PW-11 deposed that it is incorrect that she has not produced any material in paragraph 8 of her affidavit to suggest that these alleged names/banners have any correlation with Islamic Research Foundation. PW-11 further volunteered to depose that they are part of the Intelligence reports and they have been placed before the Hon'ble Tribunal and she seeks privilege over that in the public interest. On being emphasized that contents of paragraphs 8 and 9 have been manufactured only for the purpose of this affidavit, PW-11 deposed that it is incorrect to say that contents of paragraph-8 and 9 of my affidavit have been prepared only for the purpose of this affidavit. PW-11 deposed that she wishes to bring on record that Ministry of Home Affairs has sufficient material on the basis of reports from the intelligence agencies and investigative agencies, State Governments to enunciate that the organization is carrying on its unlawful activities despite the ban in the year 2016 which are detrimental to the internal security of the nation and all these reports and evidences are part of the sealed covers which I have produce before the Tribunal and she seeks privilege of them. On being asked whether she could point her towards any FIR that has been registered against any member of IRF after 2016. PW-11 deposed that it is matter of record and that there are cases registered against IRF in 2017. On being asked whether they are available in sealed cover, PW-11 further deposed that yes, they are available in sealed cover documents. On being asked that 2017 filing that you are talking



about pertains to filing of the chargesheet in the FIR registered in the year 2016, PW-11 deposed that national Investigation Agency, Mumbai on the basis of information received by them had registered a FIR No.5 dated 18/11/2016 (RC05/2016/NIA/MUM) under Section 153A of the Indian Penal Code, 1860 read with Sections 10, 13, 18 of Unlawful Activities (Prevention) Act, 1967 against Dr. Zakir Naik and his associates for indulging in unlawful activities and through his provocative utterances, promoting enmity and hatred between different religious groups in India. His inflammatory speeches and lectures have inspired and incited a number of Muslim youths in India to commit unlawful activities and terrorist acts. NIA has filed a Final Report/Charge sheet dated 26.10.2017 in RC-05/2016/NIA/MUM before the Court of Special Judge, NIA, Mumbai. She further deposed that in the investigations in the predicate offence, it was revealed that Dr. Zakir Naik deliberately and maliciously insulted the religious beliefs of Hindus, Christians and non-Wahhabi Muslims, particularly Shia, Sufi and Barelwis, with an intent of outraging their religious feelings. Islamic Research Foundation and M/s Harmony Media have been instrumental in mass circulation of such incriminating speeches. She also deposed that those most incriminating speeches of Dr. Zakir Naik were delivered during the 10-day Peace conference organized by Islamic Research Foundation in Mumbai during the period 2007 to 2011. On being asked whether you have not placed on record any material to say that any offence has been registered against any person for violation of notification dated 17.11.2016, PW-11 deposed that it is a matter of record. PW-11 further deposed that however, she brings on record that IRF and its trustees continued to indulge in anti-national activities, unlawful activities as per the report of the intelligence agencies, which form part of the sealed cover. On being asked that even sealed cover does not have any FIR for violating the notification dated 17.11.2016 relating to earlier ban, PW-11 deposed that it is a matter of record. On being asked whether she is aware that FIR is a public document, PW-11 deposed that yes, she is aware that FIR is a public document. On being asked whether the contents of her affidavit are incorrect and the Government has no material whatsoever to indicate that the IRF as an organization is continuing its alleged activities even after its banning on 17.11.2016, PW-11 deposed that it is incorrect to say that the contents of her affidavit are incorrect and the Government has no material whatsoever to indicate that the IRF as an organization is continuing its alleged activities even after its banning on 17.11.2016. On being asked since when you are posted in this Ministry, PW-11 deposed that she is working in the Ministry of Home Affairs since 01.10.2020. PW-11 further volunteered that she wishes to submit before this Tribunal that IRF may be banned in public interest and for the internal security of the nation.

68. It is pertinent to mention that upon being given an opportunity to examine witnesses, Islamic Research Foundation (IRF) has waived its right to examine any witness and thus no witness was presented on behalf of IRF.

69. At the outset, learned counsel for IRF has argued, that no new material has been put forth by the Central Government to establish chain of events that justify imposition of consecutive ban on IRF. This argument stands on weak footing as upon perusal of relevant evidence submitted by Central Government, it is apparent that not only Dr. Zakir Naik continues to be active on social media but he also continues to propagate his activities in various Gulf countries. It can be safely stated from the perusal of the evidence, that actions and conduct of Dr. Zakir Naik, who is admittedly heart and soul of IRF, are prejudicial to the national interest of India.

70. It has been argued by learned counsel for IRF that post imposition of ban in 2016, IRF has not undertaken any activity that is prejudicial to the national interest of the country. However, the Tribunal is unable to accept this argument as upon perusal of both the oral and documentary evidences placed before this Tribunal, it appears that IRF and its office bearers have continued to indulge in unlawful activities which are detrimental to the national interest, especially, as it threatens the sovereignty, unity, integrity, security of India and causes disaffection against India.

71. Learned counsel for IRF has argued that supplanting of additional information by Centre is impermissible. The Tribunal is unable to accept this argument, as it would be relevant to state that the offences of which the IRF is accused of are being committed in a hybrid manner by channeling the capability of technology and amplifying the same through use of Internet. Thus, these offences are continuous in nature and are subsisting at the present time which are detrimental to the national interest, especially, as it threatens the sovereignty, unity, integrity, security of India and causes disaffection against India.

72. During the course of the hearing, 5 sealed cover envelops have been presented before this Tribunal by PW-11, Ms. Chanchal Yadav, Director, Minister of Home Affairs. The said sealed cover have been duly opened and the evidences therein have been perused by this Tribunal. This Tribunal upon such perusal is satisfied that there existed sufficient cause for imposing the said ban on IRF as its unlawful activities are subsisting through various mediums, which are detrimental to the sovereignty, unity, integrity, security of India and causes disaffection against India. These envelopes have been further sealed and returned to the concerned official i.e. PW-11.

73. Learned counsel for IRF has argued that it is not appropriate on behalf of Central Government to file evidences against IRF in sealed cover and has objected to the same. This Tribunal does not accept the above argument as it is the correct position of law that in public interest certain exceptions could be carved out from general practice and procedure. This view has been affirmed by Hon'ble Supreme Court in **Jamaat-E-Islami Hind v. UOI, (1995) 1 SCC 428** and observed that:

*“22. It is obvious that the unlawful activities of an association may quite often be clandestine in nature and, therefore, the source of evidence of the unlawful activities may require continued confidentiality in public interest. In such a situation, disclosure of the source of such information, and, may be, also full particulars thereof, is likely to be against the public interest. The scheme of the Act and the procedure for inquiry indicated by the Rules framed thereunder provide for maintenance of confidentiality, whenever required in public interest. However, the non-disclosure of sensitive information and evidence to the association and its office-bearers, whenever justified in public interest, does not necessarily imply its non-disclosure to the Tribunal as well. In such cases where the Tribunal is satisfied that non-disclosure of such information to the association or its office-bearers is in public interest, it may permit its non-disclosure to the association or its office-bearers, but in order to perform its task of adjudication as required by the Act, the Tribunal can look into the same for the purpose of assessing the credibility of the information and satisfying itself that it can safely act on the same. In such a situation, the Tribunal can devise a suitable procedure whereby it can itself examine and test the credibility of such material before it decides to accept the same for determining the existence of sufficient cause for declaring the association to be unlawful. The materials need not be confined only to legal evidence in the strict sense. Such a procedure would ensure that the decision of the Tribunal is an adjudication made on the points in controversy after assessing the credibility of the material it has chosen to accept, without abdicating its function by merely acting on the ipse dixit of the Central Government. Such a course would satisfy the minimum requirement of natural justice tailored to suit the circumstances of each case, while protecting the rights of the association and its members, without jeopardising the public interest. This would also ensure that the process of adjudication is not denuded of its content and the decision ultimately rendered by the Tribunal is reached by it on all points in controversy after adjudication and not by mere acceptance of the opinion already formed by the Central Government.”*

*(emphasis supplied)*

74. In view of the aforesaid evidences on record, there existed sufficient cause for issuing the Notification dated 15.11.2021 by Central Government to impose a ban on Islamic Research Foundation (IRF).

75. Keeping in mind the primary objective of the UAPA, 1967 and the Constitution of India, the argument raised by the defence to limit the definition of “sovereignty and integrity of India” to a narrow meaning i.e. only in relation to ‘cession’ or ‘secession’ as defined under the UAPA, 1967, is devoid of merits as the presence of the word ‘or’ in Section 2(1)(o) of the UAPA, being mutually exclusive of each other is contrary to the general rule of statutory interpretation. In fact, any other view or interpretation would not only militate against the plain language but also violate relevant statutory provisions laid down by the legislature in its domain and statutory wisdom and prudence.

76. The only duty cast upon the Tribunal at this stage, is to be satisfied that there is ‘Sufficiency of Cause’ for the Central Government to impose the ban on IRF through its Notification dated 15.11.2021.

77. The entire material placed on record goes to show that the IRF is involved in such activities which not only incite and encourage the youth to undertake the unlawful activities with an intent to threaten the sovereignty, unity, integrity and security of India but also cause disaffection against India, which leaves no doubt that the ingredients of Sections 2(1)(o) and 2(1)(p) of UAPA, 1967 are met and there is every reason to conclude that the IRF be declared as an unlawful association. Sections 2(1)(o) and 2(1)(p) of UAPA, 1967 read as under:-

*“2(1)(o) “unlawful activity”, in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),—*

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

*(ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or*

*(iii) which causes or is intended to cause disaffection against India;*

*2(1)(p) “unlawful association” means any association,—*

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

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

78. We are in full agreement with argument made by learned Solicitor General appearing on behalf of Central Government and the evidences brought on record also prove that the Respondent – Association is indulging in unlawful activities. Thus, the Central Government had sufficient cause to take action under Section 3(1) and Section 3(3) of the Act for declaring Islamic Research Foundation (IRF) as an “unlawful association”. The Notification dated 15.11.2021 issued by the Union of India under sub-Sections (1) and (3) of Section 3 of the Act declaring Islamic Research Foundation (IRF) as an “unlawful association” is hereby confirmed. The reference is answered in the affirmative.

79. The Hon’ble Supreme Court in **Jamaat-E-Islami Hind v. UOI, (1995) 1 SCC 428** observed that:-

*“11. Section 4 deals with reference to the Tribunal. Sub-section (1) requires the Central Government to refer the notification issued under sub-section (1) of Section 3 to the Tribunal “for the purpose of adjudicating whether or not there is sufficient cause for declaring the association unlawful”. The purpose of making the reference to the Tribunal is an adjudication by the Tribunal of the existence of sufficient cause for making the declaration. The words ‘adjudicating’ and “sufficient cause” in the context are of significance. Sub-section (2) requires the Tribunal, on receipt of the reference, to call upon the association affected “by notice in writing to show cause” why the association should not be declared unlawful. This requirement would be meaningless unless there is effective notice of the basis on which the declaration is made and a reasonable opportunity to show cause against the same. Sub-section (3) prescribes an inquiry by the Tribunal, in the manner specified, after considering the cause shown to the said notice. The Tribunal may also call for such other information as it may consider necessary from the Central Government or the association to decide whether or not there is sufficient cause for declaring the association to be unlawful. The Tribunal is required to make an order which it may deem fit “either confirming the declaration made in the notification or cancelling the same”. 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.”*

*(emphasis supplied)*

**80.** In view of the aforesaid test laid down by the judgment of the Hon'ble Supreme Court and the convincing and persuasive evidences placed on record, this Tribunal is of the view that there are sufficient reasons and causes for declaring the **Islamic Research Foundation** as an unlawful association and consequently, this Tribunal confirms the Notification dated 15.11.2021, issued by the Government of India for the imposition of **ban on IRF** for a period of **five years** with effect from the date of the aforesaid notification, i.e. 15.11.2021.

JUSTICE D.N. PATEL, Presiding Officer, Tribunal

09th MARCH, 2022

[F. No.14017/1/2022-NI-MFO]

PRAVEEN VASHISTA, Addl. Secy.