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EXTRAORDINARY

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

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 2157]

नई दिल्ली, शुक्रवार, मई 16, 2025/वैशाख 26, 1947

No. 2157]

NEW DELHI, FRIDAY, MAY 16, 2025/VAISAKHA 26, 1947

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 16 मई, 2025

का.आ. 2207(अ).— गौहाटी उच्च न्यायालय के न्यायाधीश माननीय श्री न्यायमूर्ति सौमित्र सैकिया की अध्यक्षता में गठित अधिकरण, जिसको विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 की धारा 4(1) के अंतर्गत यह न्याय-निर्णय करने का मामला भेजा गया था कि मेघालय के हत्तीवट्रेप नेशनल लिबरेशन काउंसिल (एचएनएलसी) को इसके सभी गुटों, स्कंधों और अग्रणी संगठनों सहित विधिविरुद्ध संगम के रूप में घोषित करने के लिए पर्याप्त कारण है या नहीं, के आदेश दिनांक 10.05.2025 को विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 की धारा 4 (4) के अनुसार आम जानकारी के लिए प्रकाशित किया जाता है :

(आदेश इस अधिसूचना के अंग्रेजी भाग में छपा है।)

[फा. सं. 11011/02/2024-एनई. V]

पियूष गोयल, अपर सचिव

MINISTRY OF HOME AFFAIRS**NOTIFICATION**

New Delhi, the 16th May, 2025

S.O. 2207(E).— In terms of Section 4(4) of the Unlawful Activities (Prevention) Act, 1967, the order dated 10.05.2025 of the Tribunal presided over by Hon'ble Mr. Justice Soumitra Saikia, Judge of the Gauhati High Court, to whom a reference was made under Section 4(1) of the Unlawful Activities (Prevention) Act, 1967 for adjudicating whether or not there is sufficient cause for declaring Hynniewtrep National Liberation Council (HNLC) of Meghalaya along with all their factions, wings and front organizations as unlawful associations is published for general information:

[F. No. 11011/02/2024-NE. V]

PIYUSH GOYAL, Addl. Secy.

UNLAWFUL ACTIVITIES [PREVENTION] TRIBUNAL**IN THE MATTER OF HYNNEWTREP NATIONAL LIBERATION COUNCIL (HNLC) OF MEGHALAYA****IN THE MATTER OF :-**

Notification bearing no. S.O. 4920(E) dated 13.11.2024, published in the Gazette of India in its issue dated 14.11.2024, declaring Hynniewtrep National Liberation Council (HNLC) of Meghalaya along with all its factions, wings and front organizations, as 'unlawful association' in exercise of the powers conferred by sub-section [1] of Section 3 of the Unlawful Activities [Prevention] Act, 1967 [Act no. 37 of 1967].

— AND —

IN THE MATTER OF :-

Notification bearing no. S.O. 5270(E) dated 06.12.2024, published in the Gazette of India in its issue dated 06.12.2024 and issued in exercise of the powers conferred by sub-section [1] of Section 5 of the Unlawful Activities [Prevention] Act, 1967, constituting 'The Unlawful Activities [Prevention] Tribunal', for the purpose of adjudicating whether or not there is sufficient cause for declaring the Hynniewtrep National Liberation Council (HNLC) of Meghalaya along with all its factions, wings and front organizations as 'unlawful association'.

— AND —

IN THE MATTER OF :-

Reference under sub-section [1] of Section 4 of the Unlawful Activities [Prevention] Act, 1967 made to the Unlawful Activities [Prevention] Tribunal by the Government of India in the Ministry of Home Affairs vide letter bearing no. 11011/02/2024-NE.V dated 10.12.2024.

BEFORE

HON'BLE MR. JUSTICE SOUMITRA SAIKIA

PRESIDING OFFICER

For the Union of India : Mr. Subhash Chandra Keyal, Advocate.

For the State of Meghalaya : Mr. Nilutpol Syngkon, Advocate.

For the Tribunal : Mr. Saptarshi Das, Registrar, Unlawful Activities (Prevention) Tribunal.

For the HNLC : None appeared.

Date of Order : 10.05.2025.

List of Referred Cases:

1. *Arup Bhuyan v. State of Assam & Anr.* reported in (2023) 8 SCC 745
 2. *Hitendra Vishnu Thakur & Ors. v. State of Maharastra & Ors.* reported in AIR 1994 SC 2623.
 3. *Jamaat-E-Islami Hind vs. Union of India*, reported in (1995) 1 SCC 428.
1. In exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 [Act no. 37 of 1967] [hereinafter referred to as 'the UA(P) Act', 1967 or simply as 'The Act', for ease of reference], the Central Government, in the Ministry of Home Affairs, by issuing a Notification bearing no. S.O. 4920 (E) dated 13.11.2024, published in the Gazette of India in its issue dated 14.11.2024, has declared Hynniewtre National Liberation Council of Meghalaya (hereinafter referred to as 'HNLC') along with all its factions, wings and front organizations as 'unlawful association'.
 2. The Notification bearing no. S.O. 4920 (E) dated 13.11.2024 has, *inter alia*, mentioned the grounds for which the Central Government is of the opinion that the abovementioned organization along with all its factions, wings and front organizations should be declared as an unlawful association. The relevant excerpts of the Notification dated 13.11.2024 are reproduced hereunder:-

WHEREAS, the Hynniewtre National Liberation Council (hereinafter referred to as the HNLC) along with all its factions, wings and front organisations of Meghalaya has been involved in such activities which are prejudicial to the sovereignty and integrity of India;

AND WHEREAS, the Central Government is of the opinion that the HNLC has, -

- (i) *declared objective for secession of areas in the State of Meghalaya, largely inhabited by Khasi and Jaintia tribes from India;*
- (ii) *continued intimidation and bullying of the civilian population for extortion of funds for their organisation;*
- (iii) *maintained links with other insurgent groups of the North Eastern region for carrying out acts of extortion and intimidation;*
- (iv) *indulged in forty-eight criminal cases, including several cases of explosions or planting of explosives in the State of Meghalaya, during the period from 16th November, 2019 to 30th June, 2024;*

AND WHEREAS, the following has also been noted during the period from 16th November, 2019 to 30th June, 2024, - (i) arrest of seventy-three of its cadres during the said period; (ii) surrender of three of its cadres during the said period;

.....

AND WHEREAS, the Central Government is also of the opinion that the aforesaid activities of the HNLC are detrimental to the sovereignty and integrity of India, and if these are not immediately curbed and controlled, the HNLC may regroup and rearm itself, expand its cadres, procure sophisticated weapons, cause loss of lives of civilians and security forces and properties and thereby accelerate its anti-national activities; AND WHEREAS, the Central Government is also of the opinion that for the reasons aforesaid, it is necessary to declare the HNLC together with its factions, wings and front organisations, as an unlawful association;

3. By another Notification bearing no. S.O. 5270 (E) dated 06.12.2024, published in the Gazette of India in its issue dated 06.12.2024, the Central Government, in exercise of the powers conferred by sub-section [1] of Section 5 of the UA(P) Act, 1967, has constituted this Tribunal for the purpose of adjudicating whether or not there is sufficient cause for declaring HNLC as an unlawful association.
4. The Ministry of Home Affairs, Government of India by an order bearing no. 11011/02/2024-NE.V dated 09.12.2024 issued under the hand of Sri Rajeev Kumar, Under Secretary to the Government of India, Ministry of Home Affairs, North-East Division; appointed Sri Saptarshi Das, Deputy Registrar (Bench), Gauhati High Court as Registrar of this Tribunal.
5. The provisions of sub-section (1) of Section 4 of the UA(P) Act, 1967 requires that where any association has been declared as unlawful by a notification issued under sub-section (1) of Section 3, the Central Government shall, within thirty days from the date of publication of the notification under the said sub-section, refer the notification to the Tribunal for the purpose of adjudicating whether or not there is sufficient cause for declaring the association unlawful. In accordance with the same, the present Reference has been made to this Tribunal by the Central Government under Section 4(1) of the UA[P] Act, 1967 vide a letter bearing no. 11011/02/2024-NE.V dated 10.12.2024.

PROCEEDINGS OF THE TRIBUNAL

A. First Sitting dated 03.01.2025

6. The Tribunal held its first sitting on 03.01.2025 where the learned Special Counsel, Union of India was present. The State of Meghalaya was represented by Shri Bobby S.W. Momin, IPS, Sr. Superintendent of Police (SB-I), Meghalaya, Shillong. After careful consideration of the material placed by the Central Government and after hearing the learned Special Counsel for the Union of India; the Tribunal was *prima facie satisfied* that notices under Section 4(2) of the UP(A) Act, 1967 should be issued to HNLC along with all its factions, wings and front organizations as well as to its principal office bearers to show cause within 30 (Thirty) days from the date of service of the notice as to why HNLC should not be declared as unlawful. The Tribunal directed that the notices shall be served upon the organization in the following manner:-
 - (i) By Speed Post/Registered A/D at the last known addresses of HNLC along with all its factions, wings and front organizations as well as that of its principal office bearers.
 - (ii) Service of notice be also effected on the Office Bearers of HNLC in Meghalaya at its addresses, if any or if under detention, through the Superintendent (Jail) concerned.
 - (iii) By publication along with a copy of the Gazette Notification dated 13th November, 2024 in two daily newspapers, one in a National Newspaper (in English) and the other one in prominent local vernacular language newspaper, having wide circulation in the areas where the activities of the HNLC are ordinarily carried on, within 14 days from today.
 - (iv) By affixation of the notice along with a copy of the Gazette notification dated 13th November, 2024 at the last known addresses of HNLC along with all its factions, wings and front organizations as well as its principal office bearers.

- (v) By a proclamation by beating of drums as well as loudspeakers about the contents of the notice and the Notification dated 13th November, 2024, in the areas in which the activities of HNLC were or are ordinarily carried on.
 - (vi) By displaying the notice along with a copy of the Gazette notification dated 13th November, 2024, on the notice board of the Deputy Commissioner, SDM and Superintendent of Police in all the district headquarters of the State where the activities of HNLC were or are believed to be ordinarily carried on.
 - (vii) Notice be also served on the State Government of Meghalaya through its Chief Secretary.
 - (viii) The Notice and the Gazette notification dated 13th November, 2024, be also announced in the All India Radio/electronic media at the prime time and shall also be pasted at the prominent places in the State where the activities of HNLC were or are believed to be carried on.
 - (ix) By affixing copies of the notice at some conspicuous parts of the offices, if any, of HNLC.
 - (x) By publishing on the website of Ministry of Home Affairs, Union of India and of the Department of Home and Political, Government of Meghalaya.
 - (xi) By any other possible modes, including e-mail etc.
7. The Tribunal directed that report of the service of notice shall be submitted to the Registrar, duly supported by affidavits of the concerned Officer(s)/Official(s) who have effected the service along with the supporting documents. The Tribunal decided to hold its next sitting on 15.02.2025.

B. Second Sitting dated 15.02.2025

8. In the second sitting, the Union of India was represented by Mr. S.C Keyal, learned Special Counsel and the State of Meghalaya was represented by Mr. Nilutpol Syngkon, learned Advocate.
9. Mr. S.C Keyal, learned Special Counsel for the Union of India submitted that in compliance of the order dated 03.01.2025, service of notice through publication in the website of Ministry of Home Affairs, Union of India has been effected and to that effect, an affidavit has been filed before the Registrar of this Tribunal.
10. In the said affidavit, the deponent Mr. Rajeev Kumar, Under Secretary in the Ministry of Home Affairs, Government of India has deposed that in compliance of order dated 03.01.2025 of this Tribunal, publication has been effected in the website of Ministry of Home Affairs, Union of India, viz. (www.mha.gov.in) (home>Division of MHA>North East Division>Notifications Under the Unlawful Activities (Prevention) Act [UAPA], 1967>Meghalaya>Sl. No. 1).
11. The State of Meghalaya also filed its affidavit pertaining to the various modes of service required under section 4(2) of UA(P) Act, 1967 read with Rule 6 of The Unlawful Activities (Prevention) Rules, 1968 as enumerated in order dated 03.01.2025.
12. In the affidavit, the deponent Mr. Cyril V.D. Diengdoh, IAS, Commissioner & Secretary, Home & Political Department, Government of Meghalaya deposed that the State of Meghalaya complied with the order dated 03.01.2025 of this Tribunal for effecting service upon the members of HNLC by 11 (Eleven) different ways as specified in the order. It was averred that compliance was effected in the manner which is enunciated;

- (i) With respect to service of notice by Speed Post/Registered A/D at the last known addresses of HNLC along with all its factions, wings and front organizations as well as that of its principal office bearers, the same could not be complied with as the addresses of HNLC are not available.
- (ii) With respect to service of notice on the Office Bearers of HNLC at their addresses, if any, and if under detention, then through the Superintendent [Jail] concerned, notice has been served on 3 (Three) numbers of members who are under detention in Jowai District Jail and 15 (Fifteen) numbers of members who are under detention in Nongpoh District Jail.
- (iii) With respect to service of notice by publication along with a copy of the Gazette Notification dated 13.11.2024 in two daily newspapers - one in a National Newspaper [in English] and the other one in a prominent local vernacular language newspaper - having wide circulation in the areas where the activities of the HNLC are ordinarily carried on, within 14 days thereof; compliance has been effected thereof by publication in the 'Shillong Times' on 09.01.2025 and in 'Nongsain Hima' on 09.01.2025 in vernacular (Khasi) and also in 'Indian Express' on 09.01.2025 which is a National Daily.
- (iv) With respect to service of notice by affixing of the notice along with a copy of the Gazette Notification dated 13.11.2024 at the last known addresses of HNLC along with all its factions, wings and front organizations as well as that of its principal office bearers; the same could not be complied with as the addresses are not available.
- (v) With respect to service of notice by a proclamation by beating of drums as well as loudspeakers about the contents of the notice and the Notification dated 13.11.2024 in the areas in which the activities of HNLC were or are ordinarily carried on; the same was complied with by making announcement by using loudspeaker in the area in which the activities of HNLC were carried on.
- (vi) With respect to service of notice by displaying the notice along with a copy of the Gazette Notification dated 13.11.2024, on the notice board of the offices of the Deputy Commissioners, the SDMs and Superintendents of Police in all the district headquarters of the State where the activities of HNLC were or are believed to be ordinarily carried on; the same has been complied by displaying in the notice boards of Deputy Commissioners, SDMs and Superintendents of Police on 09.01.2025, 10.01.2025 and 11.01.2025 where the activities of HNLC were carried on. The Notice and the Gazette Notifications were also affixed in the Notice Board of Deputy Commissioner, SDM and Superintendent of Police in all the districts headquarters of the State, namely, East Khasi Hills District, Shillong; West Khasi Hills District, Nongstoin; Eastern West Khasi Hills District, Mairang; South West Khasi Hills District, Mawkyrwat; Ri-Bhoi District, Nongpoh; West Jaintia Hills District, Jowai and East Jaintia Hills District, Khliehriat.
- (vii) With respect to service of notice by serving the same on the State Government of Meghalaya through its Chief Secretary; the same has been served on 07.01.2025.
- (viii) With respect to service of notice by announcement of the Notice and the Gazette Notification dated 13.11.2024 in the All India Radio/electronic media at the prime time and also be pasted at the prominent places in the State where the activities of HNLC were or are believed to be carried on; the same was complied with by broadcasting in All India Radio on 11.01.2025 at 6.30 PM and 07.00 PM.
- (ix) With respect to service of notice by affixing copies of the notice at some conspicuous parts of the offices, if any, of HNLC; the same could not be complied with as the addresses of HNLC are not available.
- (x) With respect to service of notice by publication on the website of Ministry of Home Affairs, Union of India and of the Department of Home and Political, Government of Meghalaya; the same was complied with and notice was published in the Meghalaya State Portal.

- (xi) With respect to service of notice by any other possible modes, including e-mail, etc; the State Government took all measures expect vide e-mail as e-mail addresses are not available.

13. The entire original copies of the newspapers concerned were also filed. The steps taken by the State Government, as averred in the affidavit were scrutinized and were found to be in order. Service was held to be complete as the time prescribed by law to make necessary response had elapsed. The next date was fixed for filing of affidavit by the Union of India and State of Meghalaya.

C. Third Sitting dated 22.03.2025

14. The Union of India filed evidence-on-affidavit of Mr. Rajeev Kumar, working as Under Secretary in the Ministry of Home Affairs, Government of India. Two documents were exhibited, viz.
- a. **Exhibit-CW1/A:** Justification for continuation of declaration of HNLC as an unlawful association w.e.f. 16th November, 2024.
 - b. **Exhibit-CW1/B:** Notification dated 13.11.2024 declaring HNLC as an unlawful association under the UA(P) Act, 1967.
15. The learned counsel representing the State of Meghalaya had filed evidence-on-affidavit of 14 (Fourteen) witnesses, viz.;
- i. Shri. Vivek Syiem, Superintendent of Police, East Khasi Hills District, Shillong, Meghalaya.
 - ii. Shri. Giri Prasad M, IPS, Superintendent of Police, East Jaintia Hills District, Khliehriat, Meghalaya.
 - iii. Shri. Chemphang Syrti, MPS, Superintendent of Police, West Jaintia Hills District, Jowai, Meghalaya.
 - iv. Shri. Banraplang Jyrwa, MPS, Superintendent of Police, South West Khasi Hills District, Mawkyrwat, Meghalaya.
 - v. Shri. Bikram D. Marak, Superintendent of Police, West Khasi Hills District, Nongstoin, Meghalaya.
 - vi. Shri. Vivekanand Singh Rathore, IPS, Sr. Superintendent of Police, Ri-Bhoi District, Nongpoh, Meghalaya.
 - vii. Shri. Ringrang T.G. Momin, Special Superintendent of Police, C.I.D, Shillong, Meghalaya.
 - viii. Shri. Pyrkhathlang Suchiang, MPS, Additional Superintendent of Police, Eastern West Khasi Hills District, Mairang, Meghalaya.
 - ix. Shri. Jason Mairom, MPS, Additional Superintendent of Police, Ri-Bhoi District, Nongpoh, Meghalaya.
 - x. Shri. M. Ch. Sangma, Inspector of Police, Officer In Charge, Lumshnong Police Station, East Jaintia Hills District, Khliehriat, Meghalaya.
 - xi. Shri. D. Casley G. Roy Rymbai, In Charge, Ladrymbai Police Outpost, East Jaintia Hills District, Khliehriat, Meghalaya.
 - xii. Shri Kyrshan Miabor Pdahkasiej, Sub-Inspector of Police, Latimukhrah Police Station, East Khasi Hills, Meghalaya.

- xiii. Shri. Basant Kumar Mishra, M.P.S, Deputy Superintendent of Police, Crime Branch Police Station (ER), East Khasi Hills District, Shillong, Meghalaya.
- xiv. Shri. R.H. Koch, Sub Inspector of Police, Mawkyrwat Police Station, South West Khasi Hills District, Mawkyrwat, Meghalaya.
16. It may also be mentioned that Mr. Fernando Shangpilang, learned Advocate had entered appearance on behalf of HNLC under the instructions stated to have been issued by the Office bearers of the Organization. He was permitted to file the necessary authority before the Registrar during the course of the day. Subject to the necessary particulars and authority being filed and found to be in order as per the procedure prescribed by law, the Registrar, after necessary endorsements in the office records to that effect, was directed to ensure service of copies of the evidence filed on affidavit by the learned Special Counsel and learned counsel for the State of Meghalaya latest by 25.03.2025.
17. It was also observed by this Tribunal that if the necessary authority is not filed or not found to be in order by the Registrar, the learned Special Counsel and learned counsel for the State of Meghalaya are not required to serve copies of evidence to the learned counsel for HNLC.
18. The learned counsel for HNLC prayed for time to file objection. However, pursuant to the process for service undertaken by the State of Meghalaya in terms of the order dated 15.02.2025 and affidavits of compliance having been filed thereof, the Tribunal had permitted the Union of India and State of Meghalaya to proceed for filing of evidence on affidavit. No objections were filed by HNLC on 15.02.2025. It was only on 22.03.2025 that the learned counsel had appeared before the Tribunal as the legal representative of the organization and has sought for time for filing the objections.
19. As such, as noted in the order dated 15.02.2025, since the dates were already fixed and it was ordered that the Union of India and State of Meghalaya will proceed for filing the evidence and also as HNLC did not file their objections in spite of service of notice, the prayer of the learned counsel for HNLC was accordingly declined. However, they were permitted to cross-examine the witnesses of Union of India and State of Meghalaya, if they so desire, and for which purposes 09th of April, 2025 at Guwahati was fixed for cross-examination, subject to necessary authority to be filed before the Registrar.
20. However, the Registrar vide endorsement dated 25.03.2025, brought to the notice of this Tribunal that Mr. Fernando Shangpilang did not file the necessary authority before the Registrar in spite of explicit direction by this Tribunal. As such, it was directed that the learned Special Counsel for Union of India and learned counsel for the State of Meghalaya are not required to serve copies of evidence to Mr. Fernando Shangpilang, learned counsel for HNLC in view of his failure to comply with order dated 22.03.2025.
- D. Fourth Sitting dated 21.04.2025**
21. The learned Special Counsel for Union of India and the learned counsel for the State of Meghalaya tendered their written submissions and hearing was concluded. The matter was reserved for necessary order(s). The contentions/submissions will be delved into in detail in the succeeding paragraphs.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

22. The Union of India has tendered the evidence of one witness, viz. Mr. Rajeev Kumar, Under Secretary to the Ministry of Home Affairs, Union of India who has deposed as C.W-1 through evidence-on-affidavit.
23. C.W-1 has submitted that HNLC was formed in the year 1995 to achieve self-determination and liberation for the people of Ri Hynniewtrep (land of 'Khasis') from alleged authoritarian rule by the Indian Government, aiming to protect the 'Khasis' and other tribes of Meghalaya from alleged exploitation and preserve indigenous culture. It also claims to oppose attempts to divide the 'Khasi' society. HNLC was initially declared as an unlawful association under the UA(P)A, 1967 in November 2000 and this declaration has been continuously extended since then.
24. Currently, HNLC operates in six Khasi and Jaintia Hill districts of Meghalaya, namely, East Khasi Hills, West Khasi Hills, South West Khasi Hills, East Jaintia Hills, West Jaintia Hills and Ri-Bhoi. The outfit is estimated to have around thirteen weapons (AK series rifles-08, 9 mm pistols-05). Further, its fifteen to twenty cadres are currently based in various parts of the district of Maulvi Bazar of Bangladesh, including leaders like Sainkumar Nongtraw (General Secretary cum Public Secretary) and Bobby Marwein.
25. It has been further submitted that HNLC maintains operational and training links with insurgent groups such as United Liberation Front of Asom (I) and continues violent activities, extortion, threats to Government Officials and recruitment targeting vulnerable youths with anti-India rhetoric. It is also a member of the United Liberation Front of Western South East Asia.
26. It is the contention of the Union of India that the Meghalaya Government has reported that HNLC is involved in illegal activities like killings, abductions, robbery, arms smuggling, cattle smuggling and extortion. As per this report, during the period from 16th November, 2019 to 30th June, 2024; 48 (Forty Eight) criminal cases were registered against the association or its cadres which included nine incidents of IED explosions or planting.
27. During this period, its 73 (Seventy Three) cadres were arrested and 3 (Three) surrendered. Further, 14 (Fourteen) arms, 2741 (Two Thousand Seven Hundred Forty One) ammunitions, 23 (Twenty Three) detonators and 1 (One) hand grenade were also recovered from its cadres.
28. The learned Special Counsel has strenuously submitted that the Central Government is of the opinion that HNLC along with its factions, wings and front organizations should be declared as 'unlawful association' under the UA(P) Act, 1967 for a further period of five years with w.e.f 16.11.2024 for the following reasons-
- a. Its declared objective to secede areas in the State of Meghalaya largely inhabited by Khasi and Jaintia tribes from India,
 - b. Continued intimidation and extortion of civilians;
 - c. Links with other insurgent groups for extortion and intimidation;
 - d. Possession of illegal arms and ammunition.

29. **Exhibit CW1/A (Annexure-I)** is the detailed list of activities of HNLC including cases registered, number of chargesheets filed, copies of press release, newspaper clippings etc. **Exhibit CW1/B (Annexure-II)** is the Notification No. S.O. 4920(E) dated 13th November, 2024 whereby HNLC has been declared as an unlawful association. It may be mentioned that under Section 80 of the Bharatiya Sakshya Adhiniyam, 2023; it is provided that the Court shall presume the genuineness of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody. Here, exhibit CW1/B is notification dated 13.11.2024 which was issued by the Additional Secretary, Ministry of Home Affairs, Union of India; and a copy of the same has been exhibited by the Under Secretary, Ministry of Home Affairs, Union of India.
30. In view of the objectives, unlawful activities and violent activities being carried out by HNLC, this outfit has been declared as an unlawful association under the Unlawful Activities (Prevention) Act, 1967 vide Notification No. S.O. 4920(E) dated 13th November, 2024. It is finally the submission of the Union of India that the State Government of Meghalaya and Security Agencies have been consulted and they have recommended that HNLC be declared as 'unlawful association' under the UA(P) Act, 1967 for a further period of 5 (Five) years.
31. The State Government of Meghalaya, in its justification for extension of notification of HNLC as 'unlawful association', in its written submission has enumerated the detailed activities of this outfit including case registered, number of charge sheets filed, copies of press release, newspaper clippings etc. The State of Meghalaya has vociferously submitted that it is necessary to give effect to the notification declaring HNLC as an '*unlawful association*' from the date of its publication in the official gazette.
32. The State of Meghalaya, through its written submissions, has also comprehensively dealt with the respective criminal cases against HNLC and its members which would be reflected in the succeeding paragraphs.
33. The learned counsel for the State of Meghalaya has submitted that even after the declaration of HNLC as an unlawful association, it has persistently engaged in unlawful and anti-national activities, as substantiated by numerous F.I.Rs registered across various districts of Meghalaya. These records provide clear evidence of the organization's involvement in crimes such as extortion, bomb attacks, targeted killings, and acts of intimidation w.e.f 16.11.2019. The details of the F.I.Rs registered in respect of the illicit activities of the HNLC in different districts of Meghalaya will be discussed in the subsequent paragraphs.
34. After having bestowed my utmost consideration on the submissions, it is imperative that a comprehensive analysis of the evidences tendered by the State of Meghalaya in respect of HNLC be undertaken to ascertain as to whether those would fall within the ambit of the definition of 'unlawful association' as defined by section 2(1)(p) of UA(P) Act, 1967.

Detailed discussion on the activities of HNLC and cases registered w.e.f 16.11.2019

35. **S.W-1 Shri. Vivek Syiem**, Superintendent of Police, East Khasi Hills District, in his affidavit filed before this Tribunal has deposed that the principles on which the HNLC stands for are the right to self-determination of

the indigenous people as confirmed by the United Nations. It states that with the present administration, the right of ownership and other rights of the indigenous people have been forcibly snatched. Therefore, in order to fight against suppression and exploitation by outsiders and in order to regain their rights, a struggle, whether through peaceful means or bloodshed, is exhorted.

36. S.W-1 has further deposed that HNLC states that the 'Hynniewtrep land' is an independent land of their forefathers, and has no connection with India. It is only due to the suppression by the Indian Government through the Instrument of Accession and the Annexed Agreement, which the Khasi Syiems were forced to sign in the form of the Standstill Agreement and that the Indian Government snatched the rights of the indigenous people and forcibly claimed ownership of the 'Hynniewtrep land'.
37. S.W-1 has further deposed that it is the claim of HNLC that the Indian Government created the Khasi Jaintia Autonomous District Council just to cover up its suppressive activity and is a puppet of the Indian Government with no power but is a branch from which the mafias can operate and that the 'outsiders' from India are trying to snatch the powers of the 'Dorbar Shnongs' in the form of the Municipality and hence it aims for a sovereign 'Hynniewtrep Land'. A copy of the 20 points programme of HNLC is marked as **Annexure-1**.
38. The details of the instances and cases in the East Khasi Hills District pertaining to HNLC has been brought on record by S.W-1 in his affidavit and the details are described herein below:-
 - a. On 23.01.2020, through social media by its Publicity Secretary, Sainkupar Nongtraw, HNLC; in collaboration with the (i) Kangleipak Communist Party (KCP), (ii) Kanglei Yawol Kanna Lup (KYKL), (iii) National Liberation Front of Twipra (NLFT), (iv) Kamatapur Liberation Organization (KLO) and (N)People's Democratic Council of Karbi Longri (PDCK), has called for a total shutdown in the Western South East Asia (WESEA) region from 06:00 AM to 06:00 PM on the 26th day of January, 2020 to boycott the Republic Day and asked the people not to participate in the celebrations of the Republic Day. The same is marked as **Annexure-2**.
 - b. HNLC in a press communiqué by its General Secretary cum Public Secretary Sainkupar Nongtraw had threatened to disrupt the National Games 2020. The same is marked as **Annexure-3**.
 - c. HNLC in a press release dated 01.03.2020 issued by its General Secretary cum Public Secretary Sainkupar Nongtraw gave ultimatum to Hindu Bengalis residing in Ichamati and Majai villages, East Khasi Hills, to leave the area within one month. The same is marked as **Annexure-4**.
 - d. **Shillong Sadar PS Case No. 80(03)2020 u/s 188/153A/34:** On 03.03.2020, an F.I.R was lodged by Shri Theory D Myrboh before the Superintendent of Police, East Khasi Hills that on 02.03.2020, the daily leading local newspaper 'The Shillong Times' and 'Mawprem' had published the news item under the caption of '*Khang Ka Sorkar Ban Pynmih Khubor Byrngem Kput Ka HNLC*' meaning 'Government prohibits publication of news relating to threatening issued by HNLC' dated 02.03.2020 and 'NE Now News Guwahati' had also published a news item dated 01.03.2020 under the caption '*Meghalaya: HNLC issues leave Ichamati Majai, notice to Hindus, Bengalis.*' The learned counsel has submitted that the two abovementioned newspapers of Meghalaya and NE Now News Digital Media, Guwahati, by publishing the press statement issued by HNLC have blatantly violated the Meghalaya High Court Order in W.P(C)

No. 127/2015 dated 27.05.2015 wherein it was clearly stipulated that no print and electronic media shall publish any statement issued by HNLC which may disturb the peace. Accordingly, an F.I.R was registered. The copy of F.I.R is marked as **Annexure-5**.

- e. On 11.08.2020, a joint press release was issued by Alliance For Socialist Unity, Kangleipa (ASUK) which comprises of 6 (six) North East Militant groups namely, Hynniewtre National Liberation Council (HNLC), Kangleipak Communist Party (KCP), Kamatapur Liberation Organization (KLO), Kanglei Yawol Kanna Lup (KYKL), Marional Liberation Front of Twipra (NLFT) and People's Democratic Council of Karbilongri (PDCK) calling for a total ban on India's Independence Day Celebration of 2020 in the entire Western South East Asia (WESEA) region. The copy of the press release is marked as **Annexure-6**.
- f. **Shillong Sadar PS Case No. 229(09)2020 u/s 384/34 IPC r/w sections 10/13 UA(P) Act:** On 24.09.2020, an F.I.R was lodged by Shri Philip Gene Khongsngi, President of Khasi Hills Archery Sports Institute and two others that one person by the name Shri Marius Rynjah @ Bahhep Koit, claiming himself to be Finance Secretary of HNLC, was calling the General Secretary of the Association from his mobile bearing number 6033198982 on 18.08.2020 at around 10.30 AM and again on 27.08.2020, the same person called up the President from the same number at around 6:17 P.M on the pretext of seeking financial assistance by demanding their Sport Association to be involved in committing fraud in their business activities by the process of manipulating the 'teer' numbers as well as result. This person claimed that he was calling them from neighbouring countries. Subsequently on 09.09.2020, the above mentioned person had sent a 'WhatsApp' message from his mobile phone bearing number +8801907851373 to the President of the Association thereby serving a demand note to the President/General Secretary, demanding them to pay an amount of Rs. 50,00,000/- (Rupees Fifty Lakhs only) within a period of one month time from the date of receiving of the letter. The person had further threatened them with dire consequences if they did not comply with his demand. The copy of F.I.R is marked as **Annexure-7**.
- g. **Laitumkhrah PS Case No. 164(11)2020 u/s 384/506/511 IPC r/w sections 10/13 UA(P) Act:** On 12.11.2020, an F.I.R was filed by one Shri Victor Suja to the effect that on 18.09.2020, he received an extortion letter from HNLC demanding an amount of Rs. 20,00,000/- (Rupees Twenty Lakhs only) and threatened his family with dire consequences, if the demand was not met. Thereafter, some unknown persons have been constantly calling him and demanding the above mentioned amount. The mobile numbers which were used for making the extortion calls are 8801831792064, 6033287339 and 8974961658. The copy of F.I.R is marked as **Annexure-8**
- h. **Shillong Sadar PS Case No. 351(12)2020 u/s 121/ 124A/ 34/ 500/ 505/ 506 IPC r/w sections 10/13 UA(P) Act, 1967:** On 26.12.2020, an F.I.R was lodged by S.I N. Koch of Sadar Police Station, Shillong that in a news report appearing on an online news portal namely 'Syllad', Sainkupar Nongtraw, the General Secretary cum Public Secretary of HNLC has threatened to target Deputy Chief Minister of Meghakaya Shri Prestone Tynsong and Home Minister Shri Lahkmen Rymbui and their family members if the Government continues to arrest the innocent youth. Further, in social media, a statement was circulated by Sainkupar Nongtraw which brought hatred, contempt and excited disaffection towards the

Government established by law in India. The copy of F.I.R is marked as **Annexure-9** and copy of electronic news is marked as **Annexure-10**.

- i. **Rynjah PS Case No. 104(09)2021 u/s 34/ 384/ 506/ 511 IPC r/w section 13 UA(P) Act, 1967:** A written complaint was received from Shri Pyniaid Sing Syiem to the effect that he was served with a demand notice by HNLC on 26.07.2021 demanding an amount of Rs. 10,00,000/- (Rupees Ten Lakhs only) and failing to comply to their demand will put his life at risk and danger. He received voice calls and messages from an unknown number (+880 1850-234869) via 'WhatsApp' from 27.07.2021 to comply with their demands and he was threatened that his family members will be assassinated. The copy of F.I.R is marked as **Annexure-11**.
- j. **Mawlai PS Case No. 48(08)2021 u/s 120B/ 384 IPC r/w sections 10/13 UA(P) Act, 1967:** Shri Teiborlang Pathaw lodged an F.I.R to the effect that he had been served a demand notice through WhatsApp No. 8801850234869 on 26.07.2021 by HNLC demanding an amount of Rs. 10,000,00/- (Rupees Ten Lakhs only) with a death threat to him and to his entire family if he does not pay the said amount. The copy of F.I.R is marked as **Annexure-12**.
- k. **Shillong Sadar PS Case No. 193(07)2021 u/s 384/506 IPC r/w Sec 10/13 UA(P) Act:** On 29.07.2021, an F.I.R was lodged by M.B Syiem that on the evening of 26.07.2021 at around 8:41 P.M, the complainant received a demand note from HNLC in a 'WhatsApp' message from the number +8801850234869. The copy of F.I.R is marked as **Annexure-13**.
- l. **Laitumkhrah Case No. 114(08)2021 u/s 120B/ 121/ 121A/ 426/ 427 IPC r/w section 3(a) of The Explosive Substances Act, 1908 r/w sections 10/13 UA(P) Act, 1967:** On 10.08.2021, an F.I.R was lodged by Shri H M Sangma to the effect that on 10.08.2021, some unknown HNLC cadres sneaked into Shillong City and at about 1:30 P.M, one IED was triggered at Laitumkhrah main market behind the parking lot which caused injury to two innocent persons namely Shri Christine Nongkynrih and Shri Alan Sengupta Laloo The copy of F.I.R is marked as **Annexure-14** and copy of paper clipping is marked as **Annexure-15**.
- m. **Laitumkhrah PS Case No. 138(10)2021 u/s 120B/ 121/ 121A/ 34/ 506 IPC r/w section 4(a) of The Explosives Substances Act, 1908 r/w sections 10/13 UA(P) Act, 1967:** SI H.M. Sangma of Laitumkhrah PS filed an FIR to the effect that some unknown HNLC Cadres sneaked into the Shillong City and planted one IED on 04.10.2021 at about 3:40 PM near the gate of the National People's Party (NPP) at Lower Lachumiere, Laitumkhrah, Shillong with a view to warn the leaders of NPP. Later, the bomb was immediately removed from the NPP gate by the Bomb Squad Meghalaya, Shillong. The bomb was kept in a blue colour bag inside one paint container (Berger sky blue paint) containing 25(Twenty five) nos. of Gelatin Sticks Neogel, 90 explosive weighing about 2.5 kg, 2(Two) nos. of Safety fuse (Commercial blue colour 1.5 meters and 2(Two) nos. of Non-Electric detonators (Live) and the miscreants used screws and knot bolts etc. as splinters. Sainkumar Nongtraw, Public Secretary of HNLC had claimed responsibility in social media for planting the bomb and also threatened the NPP leader and his workers that they will face consequences in near future. The copy of F.I.R is marked as **Annexure-16** and copy of paper clipping is marked as **Annexure-17**.

- n. **Shillong Sadar PS Case No. 27(01)2022 u/s 120B/ 121/ 121A/ 122/ 427 IPC r/w section 5 of The Explosive Substances Act, 1908:** On 30.01.2022, an F.I.R was lodged by Shri Larsing Lalhming Dey Sawyan that a bomb was planted and set off at the entrance steps of the new extension building of Centre Point Estate at Khyndailad and it exploded at around past 6.00 pm wherein the entrance steps, wall, glass panes and signage of his store were damaged. 6 (Six) persons were arrested in connection with this case. The copy of F.I.R is marked as **Annexure-18** and copy of paper clipping is marked as **Annexure-19**.
- o. **Rynjah PS Case No. 23(01)2022 u/s 120(B)/121/121(A)/123 IPC r/w sections 4/5 of the Explosive Substances Act, 1908 & sections 10/13 of the UA(P) Act:** On 30.01.2022 at around 7:40 P.M, DSP Shri B Jyrwa (MPS) passed the information that 1(one) suspected person in connection with the bomb blast at Police Bazar on the evening of 30.01.2022 is residing at Demthring Block-I. Accordingly the police team left for the suspect's house accompanied by independent witnesses and one Dawanlumlang Khyriem was detained and on interrogation, he revealed himself to be the area commander of Shillong of HNLC. The copy of F.I.R is marked as **Annexure-20**.
- p. **Sohra PS Case No. 02(01)2024 u/s 120(B)/506 IPC r/w sections 10/13 UAP Act:** An F.I.R was lodged on 30.12.2023 that HNLC through various electronic and print media had issued death threat to Shri Gavin Miguel Myllem, MLA of Sohra constituency and held him responsible for the closure of the Mawmluh Cherra Cement Limited. HNLC through the statement of Sainkupar Nongtraw demanded that Shri Gavin Miguel Myllem should assume responsibility and resign from his position as MLA and that they will hold him accountable if he refuses to do so. The copy of F.I.R is marked as **Annexure-21**.
- q. **Rynjah PS Case No. 19(03)2024 u/s 120B/ 384/ 506/ 507/ 511 of IPC r/w sections 10/13/16/17/18 of UA(P) Act:** On 01.03.2024, information was received from confidential sources that one cadre of HNLC, namely Storgy Lyngdoh, had served demand notes leading to widespread scare and fear psychosis amongst a number of businessmen of Shillong to extort money for HNLC. Extortion notes were sent either physically or through 'WhatsApp' messages. Based on the information, a team from Rynjah PS apprehended Storgy Lyngdoh from his mother's house located at Mawlynrei Khliehshnong on 02.03.2024. The copy of F.I.R is marked as **Annexure-22**.
- r. **Shillong Sadar PS Case No. 80(03)2024 u/s 120B/ 121A/ 307/ 324 IPC r/w sections 10/13/16/18/ of UA(P) Act and r/w sections 3a/3b/5/6 of The Explosive Substances Act, 1908:** On 10.03.2024, Officer in Charge of Sadar P.S, Shillong; Inspector K. Thapa lodged an F.I.R to the effect that on 09.03.2024 at 10:30 P.M, information was received from multiple sources that a blast has occurred near Punjabi Lane, Mawlonghat. On receipt of information, the police team immediately proceeded to the place of occurrence to enquire and verify the information. Upon arrival at Syndicate Bus stand, Punjabi Lane at around 10:50 P.M; it was observed that a small structure built of CGI sheets adjacent to Syndicate Bus stand was damaged and pieces of broken glass and plastic were found lying all around. Inputs were received from sources that HNLC had issued threats of bomb blasts in the region. The information from sources indicated that the explosion was by members of HNLC. The copy of F.I.R is marked as **Annexure-23**.

- s. **Laitumkhrah PS Case No. 47(04)2024 u/s 506/ 447/ 120B/ 34 of IPC r/w sections 10/13 of UA(P) Act:** On 03.04.2024, an F.I.R was lodged by Shri Sandeep Kumar Jindal to the effect that he received a letter dated 12.03.2024 on 02.04.2024 written by one Phila Sohtun who claimed to be from the 'Sleeper Cell of HNLC' and the subject of the letter was 'Warning of dire consequences'. The letter was left in the letter box at the residence of the informant. The letter incorporated a demand that he and his father withdraw themselves as legal counsel of Shillong Club Ltd or face dire consequences. Along with the aforesaid letter, in the same envelope, there were two bullets wrapped in paper. The copy of F.I.R is marked as **Annexure-24**.
- t. **Laban PS Case No. 65(08)2024 u/s 61(2)(a)/113(3) of BNS:** On 05.08.2024, at around 11:15 A.M, Laban P.S. received information that one person namely Stelin Tariang, suspected to be a link man of HNLC, was staying at Sunrise Lodge at Kench's Trace, Bishnupur. Upon receipt of the information, the person was detained and brought for questioning to the PS. During questioning, he admitted that in the year 2016, he was arrested by the Bangladeshi Police for possession of arms and during the period he was in jail where he met some of the HNLC members namely Over U Star, U Mill and Danny. He further stated that he also knew one of the HNLC member known by the name Hep Khoit who resides at Lamapunji, Jafalong The copy of F.I.R is marked as **Annexure-25**.
- u. **Shillong Sadar PS Case No. 291(09)2024 u/s 308(05)/61(2) of BNS r/w sections 10/13 of UA(P) Act:** On 16.09.2024, an F.I.R was lodged by Shri. Satya N. Roy of Lumsohra, Laitumkhrah, Shillong that on 16.09.2024, HNLC was circulating demand notes/ letters to the business community of Police Bazar Area demanding money to be paid to the organization and the amount was fixed at Rs. 15,00,000/- (Rupees Fifteen Lakhs only) for the year 2024. The copy of F.I.R is marked as **Annexure-26**.
- v. It has been submitted that apart from the above noted cases registered in the East Khasi Hills District, the activities of HNLC can be seen on the various posts on the social and electronic media from time to time which are anti-government and criticized the governmental system and policies and the details the same are described herein:- **(i)** Social Media post by HNLC dated 03.09.2023 regarding protest to the government decision to summon its leader. **(ii)** Electronic News dated 23.09.2023 where HNLC claimed that numerous youth joined HNLC. **(iii)** Press Release issued by HNLC in social and electronic media dated 28.09.2023 regarding acceptance of resignation letter submitted by Sufiyan Ali Hazarika @ Manbhalang Jyrwa. **(iv)** Letter dated 31.12.2023 addressed to the Ministry of Home Affairs regarding Withdrawal of Peace Talk. **(v)** Press Release issued by HNLC in social and electronic media dated 04.07.2024 regarding closure of MCCL Sohra and other issues. **(vi)** Post on Electronic and Social media by HNLC on 04.08.2024. **(vii)** Facebook Post by Sainkupar Nongtraw on 11.08.2024 regarding 'Bandh' on 15.8.2024. **(viii)** Social Media post dated 28.11.2024 regarding demand of HNLC pertaining to rotational CM system to ensure equitable leadership amongst all communities of Meghalaya. **(ix)** Social Media post by HNLC dated 01.12.2024 regarding appeal to Khasi people to unite and preserve the history and identity. **(x)** Social Media post by HNLC dated 22.01.2025 regarding 'Bandh' on 26.01.2025. The copies of social media posts are annexed from **Annexure-27 to Annexure-36**.

- w. **Shillong Sadar PS Case No. 29(01)2025 u/s 351(4)/353(2)/61(2)/113(2)(b) of BNS**: On 22.01.2025 at around 6:19 P.M, one Shri. Carmil Lyngdoh, Chief Reporter, News Website Channel received an SMS Text from an unknown mobile number, viz. 06909885206 threatening to plant bombs in several parts of the City. The sender of this text message had identified himself as 'Ribhoi Gang'. On the evening of January 23.01.2025, following an overnight operation to identify the suspect, the Special Operation Team arrested one Edward Maiong and one Franky Marsing The copy of F.I.R is marked as **Annexure-37**.

39. **S.W-2 Shri. Giri Prasad M, IPS**, Superintendent of Police, East Jaintia Hills District, Khliehriat, Meghalaya in his affidavit filed before this Tribunal has made categorical statements pertaining to the illegal activities of HNLC to justify the continuation of the ban on the outfit and the illegal activities carried out by the HNLC from 16.11.2019 are described herein below:-

- a. **Khliehriat PS Case No. 191(12)2019 u/s 120B/121/121A/387/506/34 IPC r/w sections 10/11/13 UA(P) Act**: On 24.12.2019, an F.I.R was lodged by Shri. Self Denial Lyngdoh to the effect that on 23.12.2019 at 4:00 P.M, one masked person came to his residence at Sutnga Wailong and handed over one envelope to the maid while he was not present. On returning home, he found a letter with the letter head of HNLC demanding Rs. 10,00,000/- (Rupees Ten lakhs only) only from the complainant. Further, on 24.12.2019 from 2:00 P.M onwards, the complainant started receiving phone calls from Mobile No. 8131883512 threatening him and his family members with dire consequences, if he failed to pay the demanded amount. Copy of F.I.R is marked as **Annexure-A**.
- b. **Khliehriat PS Case No.7(01)2020 u/s 4 (a) of The Explosive Substances Act, 1908 r/w sections 10/11/13 UA(P) Act**: On 17.01.2020, an F.I.R was lodged by Shri. Emerson Nongtdu, owner of M/s. Meghalaya Coke Factory located at Bther, Elaka Sutnga to the effect that on 16.01.2020 at 6:00 A.M, the security guard of the said factory informed him that he saw something unusual being placed and planted near the chimney of the factory. Subsequently, HNLC through a press release claimed responsibility for the said act. Copy of F.I.R is marked as **Annexure-B**.
- c. **Khliehriat PS Case No. 36(2)2020 u/s 121/121A/120B/384/ 511/34 IPC r/w sections 10/11/13 UA(P) Act**: On 17.02.2020, an F.I.R was lodged by Shri. Borin Shadap to the effect that on the evening of 23.12.2019, his family member received one letter dated 23.12.2019 from one unknown person which was a demand note from HNLC demanding Rs. 10,00,000/- (Rupees Ten Lakhs only). The said demand note was signed by W. Marwein, Finance Secretary of HNLC. Subsequently, from 26.12.2019 onwards, he was receiving calls from Mobile No. +8801831792064 and 8131883512 and the caller had introduced himself to be a cadre of HNLC. The caller was pressurizing him to pay the demanded money and threatened him with dire consequences if he failed to pay. Copy of F.I.R is marked as **Annexure-C**.
- d. **Lumshnong PS Case No. 125(11)2020 u/s 120B/121/121A/387 IPC r/w sections 13/16(6)/17/18 UA(P) Act**: On 20.11.2020, an F.I.R was lodged by Shri. Devender Kumar Bansal to the effect that on 15.11.2020 at 5:23 P.M, he had received a demand letter from HNLC via 'WhatsApp' through Mobile No. +8801831792064 demanding a fixed amount of Rs. 5,00,00,000/- (Rupees Five crores only) for the year 2020. Copy of F.I.R is marked as **Annexure-D**.

- e. **Lumshnong PS Case No. 130(12)2020 u/s 324/307 IPC r/w sections 3/4/5 of the Explosive Substances Act, 1908:** On 13.12.2020, an F.I.R was lodged by Shri Monojit Saha to the effect that on 12.12.2020 at 8:37 P.M, an explosion occurred at the workers' barrack inside the company campus. Later, it was found that the explosion had occurred at Krishna Colony, Lane No. 3 at the back side of Room No. 22 and Room No. 24. In the incident and as a result of the blast, 1 (One) contractual worker namely Shri. Rongsei Ao had sustained injuries. Copy of F.I.R is marked as **Annexure-E**.
- f. **Khliehriat PS Case No. 146(11)2020 u/s 3(a)/4/5 the Explosive Substances Act, 1908:** On 26.11.2020, verbal information was received from Shri. Critic Bamon, Headman of Sookilo village to the effect that he was informed by the residents of Sookilo that on 26.11.2020 at around 3:14 A.M, an unknown person had caused an explosion at Sookilo market area. The plot of land where the explosion occurred belonged to one Shri. Ciril Nongtdu of Mookympat village, East Jaintia Hills and a pork selling shop was completely damaged due to the explosion. Copy of F.I.R is marked as **Annexure-F**.
- g. **Lumshnong PS Case No. 41(10)2021 u/s 120B/121/121A of IPC:** On 01.10.2021, an F.I.R was lodged by Shri. Anrish Rymbai to the effect that on 13.09.2021, he received a demand note from HNLC demanding Rs. 30,00,000/- (Rupees Thirty Lakhs only) and he was threatened with dire consequences if he informed the matter to the police. Copy of F.I.R is marked as **Annexure-G**.
- h. **Khliehriat PS Case No. 48(07)2021 u/s 120B/121A/307 IPC r/w sections 10/13 UAP Act r/w sections 3(a)(b) of The Explosive Substances Act, 1908:** On 14.07.2021, a written F.I.R was lodged by ABSI. L. Brahma to the effect that on the intervening night of 13.07.2021 and 14.07.2021 at around 1:40 A.M, one IED exploded in a residential quarter at Police Reserve, Khliehriat. The explosion resulted in a big hole in the wall of the quarter and shattered glasses of the entire building. It appeared that the IED was exploded with an intention to cause loss of life and property. Copy of F.I.R is marked as **Annexure-H**.
- i. **Lumshnong PS Case No. 44(8)2023 u/s 386/120B IPC r/w sections 10/13 UAP Act:** On 22.08.2023, an F.I.R was lodged by Shri. Ashish, IPS, Asstt. Superintendent of Police, East Jaintia Hills District to the effect that on 19.08.2023 at 3:30 P.M, credible information was received that a resident of Lumshnong received extortion calls from an unknown individual using Mobile No. 8787427376. On 21.08.2023, the 2(two) suspects were apprehended. Copy of F.I.R is marked as **Annexure-I**.
40. It has been submitted by S.W-2 that the illegal activities of HNLC have not subsided in the recent past. The outfit is trying to recruit local youth in the districts of Khasi Hills and Jaintia Hills. They are active in social media and calling 'bandhs' on days of national importance, viz. Republic Day and Independence Day. They are involved in extortion, criminal intimidation, abduction kidnapping etc. against the public at large more particularly the business community.
41. It has been further submitted that the illegal activities of HNLC cause serious threat to the sovereignty, integrity, internal and external security of the country and that the HNLC cadres have not yet legally surrendered to the Government. In the event of the ban being lifted, there is strong apprehension that they may indulge in anti-national and anti-social activities threatening the sovereignty of the country which would be detrimental to the peace and tranquility in the districts and the State.

42. **S.W-3 Shri Chemphang Syrti**, MPS, Superintendent of Police of West Jaintia Hills, Jowai in his affidavit filed before this Tribunal has brought on record the illegal activities carried out by HNLC from the period w.e.f 16.11.2019 in the West Jaintia Hills District and the same are reiterated herein below:-
- a. **Jowai PS Case No. 114(12)20 u/s 384/120(B)/121 r/w sections 13/17 UA(P) Act:** On 7.12.2020, an F.I.R was lodged by Shri. Balen Thubru to the effect that he received one demand notice via 'WhatsApp' from one mobile phone bearing number +918801831792064 on 05.12.2020 and that the demand note was from HNLC. He was categorically threatened that if he fails to pay the amount demanded, they will take away his life and that of his family members as well. The person who called him claimed to be the finance secretary of the HNLC. Copy of F.I.R is marked as **Annexure-1**.
- b. **Jowai PS Case No. 118(12)20 u/s 384/120(B)/121 r/w sections 13/17 UA(P) Act:** On 16.12.2020, an F.I.R was lodged by Shri. Thombor Shiwat to the effect that on 04.11.2020, he received a letter dated 18.9.2020 from HNLC through 'WhatsApp' demanding him to pay an amount of Rs. 30,00,000/- (Rupees Thirty Lakhs only). Copy of F.I.R is marked as **Annexure-2**.
- c. **Dawki PS Case No. 78(11)20 u/s 120 B/121IPC r/w sections 10/13 UA(P) Act:** On 5.12.2020, an F.I.R was lodged by SI. S. Bhattacharjee of Dawki PS to the effect that on 04.12.2020 at around 10:25 A.M, confidential information was received that one vehicle bearing Registration No. B/R No. AS18-0348 was proceeding towards Bangladesh through LCS Tamabil carrying sim cards, cash and other items intended to be dispatched to someone on behalf of HNLC and the consignment of cash seized may be part of the funds for the HNLC. Acting on the above information, SI. S. Bhattacharjee along with his team undertook patrolling along the Jowai-Tamabil NH-40E road for locating the vehicle B/R No. AS18-0348 and for taking necessary action and the same was located along NH-40E near Dawki BSF Border Outpost. On searching of the above vehicle driven by one Md. Nur Hussain, cash amounting to Rs. 1,00,000/- (Rupees One Lakh only) was detected in the possession of the driver of the said vehicle. Accordingly, search was made and seizure was effected in the presence of independent witnesses. On interrogation of the driver Md. Nur Hussain, he stated that the cash described above was handed over to him by one Bah Na, a local exporter from Dawki who gave instructions to hand over the same to a person whose description will be provided later on further instructions once he reached his destination, viz. Bangladesh. The person cited as Bah Na voluntarily appeared at the Police Station and he was questioned as to the purpose of currency destined for Bangladesh and he disclosed that the money was intended to be given to one Bah Hep @ Marius Rynjah who is suspected to be finance secretary of the HNLC outfit. Copy of F.I.R is marked as **Annexure-3**.
- d. **Jowai PS C/No. 25(3)2021 u/s 120 B IPC r/w section 4 of The Explosive Substances Act, 1908 and sections 10/13 UA(P) Act:** On 03.03.2021, F.I.R was lodged by Shri M.J Marngar, MPS, Dy. Superintendent of Police, West Jaintia Hills District, Jowai to the effect that confidential information was received on 03.03.2021 at around 3:00 P.M to the effect that one person namely Deimon Dhar alongside Beckingstone Syngkon @ Living are in possession of explosives and planning to explode IEDs in Jaintia

Hills. Further, it was learnt that Deimon Dhar who is resident of Kyndong Tuber village and was driving truck bearing registration number AS-01-GC-1991. Accordingly, Special team led by Dy. SP(HQ) was dispatched on instruction of a Senior Officer and the team was able to apprehend both the above named accused persons from Wahgate below Shallam Syngkon Petrol pump, Jowai. Subsequently, they were interrogated and in course of interrogation, accused Beckingstone Syngkon voluntarily admitted that both of them were planning to explode the 7th Mile Toll gate as instructed by HNLC Finance Secretary Marius Rynjah and other cadres based in Bangladesh. Copy of F.I.R is marked as **Annexure-4**.

- e. **Jowai PS C/No. 44(4)2021 U/S 384/120B /121 IPC R/W Sec 13/17 UA(P):** On 21.04.2021, F.I.R was lodged by Shri. James F. Lamurong to the effect that he got a message through 'WhatsApp' on 08.04.2021 at around 8.57 PM demanding from him an amount of Rs. 50,00,000/- (Rupees Fifty Lakhs only) from Mobile Number +919863924442. His life was threatened and he frequently received 'WhatsApp' call from the number +918794754261. Copy of F.I.R is marked as **Annexure-5**.
- f. **Jowai P.S Case No. 12(02)2022 U/s 121/121A UA(P) Act:** On 09.02.2022, an F.I.R was lodged by Shri. Kum. C.W Lyngdoh (MPS) Dy. Superintendent of Police (H/Q) West Jaintia Hills, Jowai to the effect that on 09.02.22 at 8:00 P.M, she had received a credible source of information that one Rakesh Lamare having phone number 93629918062 and one Barson Suiam having phone number 9612895239, who are members of HNLC, had conspired to explode IED at Phramer, West Jaintia Hills, Jowai and at San Mala, Khliehriat Market, East Jaintia Hills at the behest of the HNLC with a view of waging war against the Government and disrupt the public peace and tranquility. Based on that reliable information, she had conducted an inspection at Raliang area in which one Rakesh Lamare was apprehended and during interrogation, he admitted that he had handed over 2 (Two) nos. of IED to one Barson Suiam which were supposed to be planted at Phramer and Khliehriat market at the behest of HNLC. Copy of F.I.R is marked as **Annexure-6**.
- g. **Dawki PS Case No. 05(01)2022 u/s 384 IPC r/w sections 10/13 UA(P) Act:** On 22.01.2022, an F.I.R was lodged by Shri. Anupam Bhattacharjee to the effect that he had received an extortion letter for an amount of Rs. 50,00,000/- (Rupees Fifty Lakhs only) from HNLC with a threat to shoot him if he fails to pay that amount of money being asked by them. Copy of F.I.R is marked as **Annexure-7**.
- h. **Jowai PS Case No. 53(05)2022 u/s 121/121A IPC r/w sections 10/13 UA(P) Act:** On 05.05.2022, an F.I.R was lodged by Smti. Mery Lapasam that a demand note was sent to her husband vide 'WhatsApp' on 29.03.2022. Her husband namely Dipok Chettri on receiving the said demand note was afraid of his life and fled away to his native country Nepal. On 29.03.2022, her husband was at Lad Rymbai area to collect money for his business purpose from his client and after his work was done, he received a message in his mobile vide 'WhatsApp' demanding Rs. 30,00,000/- (Rupees Thirty Lakhs only) from a phone No. 87947-54261 in his mobile no. 87874-69853. Copy of F.I.R is marked as **Annexure-8**.
- i. **Amlarem PS Case No. 09(10)2023 u/s 120/120B/384/506 IPC r/w sections 10/13 UAP ACT:** On 11.10.2023, an F.I.R was lodged by Shri. Devendra Singh to the effect that on 16.09.2023 at about 9:30 A.M, while he was in his shop at Amlarem, he received one 'WhatsApp' message in his mobile number 9612228090 from mobile number +918798523744 containing a demand note from HNLC demanding an amount of Rs. 20,00,000/- (Rupees Twenty Lakhs only). Thereafter, at about 10:00 AM on the same

date, he received a 'WhatsApp' voice call from the same number and he was asked to pay the said amount. The unknown person kept calling him on 'WhatsApp' from the same number at frequent intervals reminding and threatening him to pay the demanded amount. Copy of F.I.R is marked as **Annexure-9**.

- j. It has been further submitted by S.W-3 that the illegal activities of HNLC have not subsided in the recent past and that the outfit is trying to re-group again by recruiting local youth in the district of Khasi and Jaintia Hills. They are active in social media and calling 'bandhs' on days of national importance, viz. Republic Day and Independence Day. The motto of the outfit is to declare war against the state and liberation of Meghalaya from the Indian Territory.

43. **S.W-4 Shri B. Jyrwa**, Superintendent of Police, South West Khasi Hills, Mawkyrwat, Meghalaya, in his affidavit filed before this Tribunal has brought on record the criminal activities by HNLC and a summary of the same is provided herein:

- a. On **03.08.2024**, an F.I.R was lodged at Nonghyllam PS regarding a demand note received by the informant on 13.06.2024 from a mobile number (+8801832346214) of Bangladesh, purportedly sent under the name 'Deman'. Subsequently, a second demand note was received by the complainant on 15.07.2024 from the mobile number +919394612457, purportedly sent under the name 'H'.
- b. Both demand notes allegedly bear the official letter head of HNLC and a sum of Rs. 50,00,000/- (Rupees Fifty Lakhs only) each was demanded in the two letters. The notes are purportedly signed by one M. Rynjah, identifying himself as the Finance Secretary of HNLC.
- c. Based on the aforesaid complaint, a case was registered as **Nonghyllam P.S. Case No. 9(8)2024** under sections 308(5)/351(4) of the Bharatiya Nyaya Sanhita, 2023. Copy of F.I.R is marked as **Annexure-'A'** and copies of demand notes are marked from **Annexure-'B'** to **'F'**. Copy of statement of the complainant is marked as **Annexure-'G'** and copy of case diary is marked as **Annexure-'H'**.

44. S.W-4 has further submitted the following:-

- a. That the cadres of HNLC have been engaging in unlawful activities and several criminal cases have been registered against the organization in recent years.
- b. That since its inception, HNLC has unequivocally advocated and supported secessionist activities, inciting tribal youth in the State to further such separatist objectives.
- c. That as of date, the cadres of HNLC have not legally surrendered to the Government of India or the Government of Meghalaya.
- d. That the said cadres continue to be in possession of and are reportedly stockpiling illegal arms and ammunition in substantial quantities at various undisclosed hideouts.
- e. That their commitment to renouncing violence entirely and adhering to the laws of the land remains uncertain and unverified.
- f. That HNLC has consistently called for 'bandh' on all days of national importance, including Republic Day and Independence Day, thereby dampening the patriotic spirit of the general public. Due to such calls for 'bandh', public celebrations have been adversely affected, with many individuals remaining indoors in anticipation of disturbances. By persistently disrupting national celebrations and propagating

against the sovereignty and integrity of India, HNLC seeks to achieve its secessionist objectives as contemplated under Section 2(i) of the UA(P) Act.

- g. That HNLC continues to engage in threats and extortion against businessmen, both tribal and non-tribal, within the State. However, due to fear for their lives, many victims refrain from reporting such incidents to law enforcement authorities.
- h. That HNLC has been utilizing social media platforms, including 'Facebook' (Meta) and 'WhatsApp', as tools for radicalization and recruitment of unsuspecting youth into its fold. The organization's active use of such digital platforms for indoctrination and mobilization is evidenced by the arrests of several youths across different districts of the State who have been found to be working as over ground workers for the HNLC.
- i. That HNLC continues to engage in armed insurgency and unlawful activities with the intent to undermine the sovereignty and territorial integrity of India.

45. **S.W-5 Shri. Bikram D. Marak**, Superintendent of Police, West Khasi Hills District, Nongstoin, Meghalaya in his affidavit has deposed that the activities of HNLC, more particularly in conspiracy with other banned organizations, cause a serious threat to the sovereignty, integrity, internal and external security of India and the aims and objectives of HNLC is to ultimately secede from India. The activities carried out by HNLC with its minimal numbers of cadres include intimidation and harassment of civilians and extortion of funds for its activities. The ban on the HNLC, including all its factions, wings and affiliated organizations, is necessary since the organization was involved in extortions, intimidations and many other criminal cases, *inter alia*, bombings and planting of explosive across Meghalaya from November 2019 to June 2024.

46. S.W-5 has further deposed that HNLC has been involved in various anti-national activities since its inception and that the anti-national and unlawful activities carried out by the HNLC w.e.f 16.11.2019 are as follows: -

- a. It has been submitted that there were three cases registered at police stations in West Khasi Hills District, Nongstoin, Meghalaya, viz. **(1)** Shallang PS Case No. 05(02)2020 u/s 447/435 IPC r/w section 3 of Explosive Substances Act, 1908, **(2)** Shallang P.S Case No. 6(2)2020 u/s 387/507 IPC, **(3)** Shallang PS Case No. 13(06) 2020, u/s 120B/427/307 IPC r/w section 27(1)(2) of Arms Act, 1959.
- b. In Shallang PS Case No. 05(02)2020, u/s 447/435 IPC r/w section 3 of Explosive Substances Act, 1908; an explosion occurred at the premises of coke oven plant at Pyndengdiengjalong village, PS Shallang, West Khasi Hills. It was highly suspected to be caused by an IED device planted at the factory by unknown persons. On the following day, viz. on the 21.02.2020, HNLC claimed responsibility for the incident as reflected in the daily paper 'The Shillong Times' under the heading '*HNLC sets blast in the coke kiln*'.
- c. In Shallang P.S Case No. 6(2)2020 u/s 387/507 IPC, an F.I.R was lodged by UBSI B.P Talang of Shallang PS stating that one Shri. Dharambir Bansal appeared at the P.S and deposed that on 19.2.2020 at 11:45 P.M, he received a phone call from an unknown person from the phone Number 8131883512 and the caller claimed himself to be the Finance Secretary of HNLC and demanded of Rs. 15,00,00,000/- (Rupees Fifteen Crores only). The caller also threatened the victim with dire consequences if he fails to comply.
- d. In Shallang P.S Case No. 13(06) 2020, u/s 120B/427/307 IPC r/w sections 27(1)(2) of Arms Act, 1959; unknown persons fired a shot with a possible firearm at the front windshield of the vehicle the complainant Shri. Dharambir Bansal. On 06.06.2020, the HNLC claimed responsibility via the daily newspaper 'The Shillong Times' under the caption '*HNLC claims responsibility*'.

- e. It has also been submitted that the withdrawal of HNLC from the tripartite peace talks with Central and the State Government of Meghalaya on the 04.01.2024 jeopardizes any scope of return to peace and harmony indicates the likelihood of furtherance of unlawful activities by HNLC in the parts of West Khasi Hill District, Meghalaya.
47. The copies of F.I.R, statement of complainant and witnesses and orders of the court are marked from **Annexure-‘A’** to **‘BC’**.
48. **S.W-6 Shri. Vivekanand Singh Rathore**, IPS, Sr. Superintendent of Police, Ri-Bhoi District, Nongpoh, Meghalaya, in his affidavit has brought on record the activities of the HNLC w.e.f 16.11.2024 in the district of Ri-Bhoi, Nongpoh to justify the continuation of the ban and the details of the same are set forth:
- a. **Nongpoh PS case No. 107(08)2021 u/s 384/506 IPC r/w sections 10/13 UAP Act**: On 27.08.2021, an F.I.R was lodged wherein the complaint namely Shri. Mayralborn Syiem stated that on the evening of 26.07.2021, the complainant received a demand note from HNLC through ‘WhatsApp’ number +8801850234869. Copy of F.I.R is marked as **Annexure-‘A’**.
- b. **Sadar PS Case No. 80(03)2024 u/s 120B/121A/07/324 IPC, r/w Sec 10/13/16/18 UA(P) Act and sections 3(a)/3(b)/5/6 of The Explosive Substances Act, 1908**: On 11.03.2024, an F.I.R was lodged by Inspector Simseng A. Sangma to the effect that there was an IED blast at Syndicate Bus Stand Punjabi Lane, Shillong; at around 10:30 P.M on 09.03.2024. It was suspected that HNLC was behind the same. Copy of F.I.R is marked as **Annexure-‘B’**.
- c. **Nongpoh PS case No. 28(03)2024 u/s 120 B/121 A IPC r/w sections 10/13 of the UA(P) Act**: On 20.03.2024, an F.I.R was lodged by Shri. B. Jyrwa, MPS, Addl. Superintendent of Police, Ri-Bhoi, Nongpoh to the effect that during the course of examination of the accused in Nongpoh P.S Case No. 25(3)2024 u/s 120B/121A IPC, r/w section 10/18 UA(P) Act & section 5/6 of The Explosive Substances Act, 1908; the accused persons namely (1) Damanbha Ripnar @ Shall, (2) Robinus Ripnar @ Hep (3) Shiningstar Nongrum @ Babu and (4) Nishelson Tariang @ Jill, revealed that they have been instructed by HNLC leaders to commit unlawful activities like hoisting of HNLC flags and in pursuance of such instructions, they had hoisted the HNLC flags at different parts of Ri-Bhoi District on the intervening night of 14th and 15th August, 2023. Further, during the course of investigation, large number of HNLC flags along with explosives were recovered from the residence of one Damanbha Ripnar @ Shall at Sonidan, Mawhati, Ri Bhoi District. It has also been learnt that there has been a larger conspiracy against the democratically elected Government of the State of Meghalaya. There was also a high probability that many other members associated with HNLC are working in sleeper cells in the district. Copy of F.I.R is marked as **Annexure-‘C’**.
- d. **Umiam PS case No. 41(06)2024 u/s 120B/506 r/w sections 10/13/17/18 of the UA(P) Act**: On 29.04.2024, one letter in the letter head of HNLC and its flag bearing the signature of its Finance Secretary was served to one Smti. Kshiar Mukhim of Khyndewso village with the subject cited as ‘Income Tax’ demanding a sum of Rs. 75,00,000/- (Rupees Seventy Five lakhs only). Copy of F.I.R is marked as **Annexure-‘D’**.

- e. **Umiam PS case No. 46(06)2024 u/s 120B/506/384/511 r/w sections 10/13/17/18 UA(P) Act:** It has also been submitted by S.W-6 that in connection with the serving of extortion/demand notes to several individuals, a joint operation was launched on 10.06.2024 by the Ri-Bhoi Special team of Police and during the operation, 3 (three) sleeper cell of HNLC were arrested namely (1) Cyfrank Paul Pariat (2) Kitbok Mujai and (3) Barnabas Lyngdoh. Further, on 12.06.2024 at around 12:45 A.M, one more sleeper cell cadre of HNLC namely Wanpynshngain Dympep was also arrested. Furthermore, one more accused namely Sromwell Mawdoh was detained by East Khasi Hills Police and has been arrested at Umiam PS on 20.09.2024. Copy of F.I.R is marked as **Annexure-‘E’**.
49. It has been further submitted by S.W-6 that the illegal activities of HNLC have not subsided in the recent past as evident from information from credible sources and social media reports where there have been attempts to recruit local youths, issue demand notes and attempts to call ‘bandh’ on days of national importance such as the Republic Day and Independence Day. The motto of the outfit stands on waging war against India and liberating ‘Khasi’ Land from the Indian Territory.
50. It has also been submitted that HNLC cadres have not surrendered before any state agency. Therefore, if the ban is lifted, they will indulge themselves in anti-national activities thereby threatening the sovereignty and integrity of the country. They will resort to rampant extortion activities and acts of endangering the life and security of the general public.
51. S.W-6 has finally submitted that the above mentioned illegal activities carried out by HNLC during w.e.f 16.11.2019 are illegal and anti-national. As such, the ban on HNLC should be continued.
52. **S.W-7 Shri Ringrang T.G. Momin**, Special Superintendent of Police, C.I.D., Meghalaya, Shillong in his affidavit filed has brought on record the illegal activities carried out by HNLC for the period w.e.f 16.11.2019 which are set forth below:-
- a. The CID Meghalaya, Shillong has registered 2(two) cases against HNLC:
- i. CID PS Case No. 1(3)20 u/s 153A/188/505(2)/120(B) IPC r/w sections 13 UA(P) Act.
- ii. CID PS Case No 01(03)2024 u/s 120(B)/384 IPC r/w sections 10/13 UA(P) Act.
- b. CID PS Case No. 1(3)20 u/s 153A/188/505(2)/120(B) IPC r/w section 13 of UA(P) Act was registered against one online news website, ‘The North East Now’ which had uploaded one news bulletin under the caption, ‘*Meghalaya-HNLC issues leave Ichamati, Majai notice to Hindu Bengalis*’, in which Sainkupar Nongtraw, General Secretary cum Public Secretary of HNLC issued a statement, viz.
- “We hereby issue an ultimatum to all Hindu-Bengalis to leave Ichamati and Majai areas within one month. If they fail to do so by not complying to our ultimatum then we shall not be made responsible in case of any eventuality. This time it shall be a mass bloodshed.”*
- c. This news relates to the killing of one Shri Lurshai Hynniewta on 28.2.2020 in Ichamati, under Shella PS, East Khasi Hills District, which led to apprehension of communal disharmony. Copy of online news website is marked as **Annexure-1**.
53. It has been further submitted by S.W-7 that the Hon’ble High Court of Meghalaya in W.P(C) No 127/2015 vide judgment dated 27.05.2015 had already passed an injunction prohibiting the publication of the statements of HNLC or any organization which may disturb the tempo of day-to-day public life and cause violation of

- fundamental rights of citizens, in particular Article 19 and 21 of the Constitution of India, relating to strike, 'Bandh', 'Hartal', Road Blockade and holding of Rallies with unlawful design.
54. The 'Shillong Times' and 'Mawphor' on 02.03.2020 had published in print and electronic media a news under the caption, *"Cops advise media not to publicize HNLC threats" and published that "statement of HNLC issuing ultimatum to all the Hindu Bengalis to leave Ichamati and Majai areas within one month"*. Copies of paper clippings are marked as **Annexure-2 and 3**.
55. S.W-7 has further submitted that publishing and uploading such contents which comes from HNLC tantamounts to committing an act which is prejudicial to the maintenance of harmony between different communities. As such, an F.I.R was filed, viz. East Khasi Hills CID Case No. 1(3)/2020 dated 03.03.2020. A copy of the F.I.R is marked as **Annexure-4**.
56. During investigation, notice u/s 91 of Code of Criminal Procedure, 1973 was sent to 'Facebook' Inc., 1601, Willow Road, Menlo Park, CA-94025, United States; for furnishing of details of a Facebook account belonging to HNLC and also requesting for information which will help to identify the Facebook User and to check the problem from escalating further. It was also requested for blocking the account urgently so as to stop the Facebook User from posting any inflammatory, anti-Government and instigating post in future. An action taken report from 'Facebook' was also received. A copy of notice and report of facebook are annexed as **Annexure-5 and 6** respectively.
57. **CID PS Case No 01(03)2024 u/s 120(B)/384 IPC r/w sections 10/13 of UA(P) Act:** This case was registered based on intelligence report that print media has published article on 28th and 29th February, 2024 on extortion drive of HNLC which has started issuing demand notes to many people in the State mostly through 'WhatsApp' and the receivers of the demand notes have reportedly been threatened by the outfit not to report the matter to the police, which has created a sense of fear and insecurity among the people. The following 'WhatsApp' numbers were being used:-
- a. +8801840346182 (Bangladesh sim card)
- b. 8794745251. Copy of F.I.R is marked as **Annexure-7**.
58. During the course of investigation, as per section 91 of CrPC; a notice was sent to Meghalaya Guardian Office for supplying the documents in connection with the instant case but till date neither any documents nor any report was received by the State. It has been further submitted that a notice under Section 91 CrPC was sent 'WhatsApp' Office for providing account details of both 'WhatsApp' number but till date no report has been received. Copy of the notice is marked as **Annexure-8**.
59. It has been finally submitted by S.W-7 that the activities of HNLC, more particularly in conspiracy with other banned organizations, cause a serious threat to the sovereignty, integrity and internal and external security of India and hence the ban on the HNLC should be continued.
60. **S.W-8 Shri. Pyrkhatlang Suchiang**, MPS, Additional Superintendent of Police, Eastern West Khasi Hills District, Mairang, Meghalaya, in his affidavit has deposed that from the year 2018 to 2022, he was posted as the Dy. Superintendent of Police (Crime), East Jaintia Hills District, Khliehriat, Meghalaya and during his posting at Khliehriat, he was the Investigating Officer in the following cases:-
- a. **Khliehriat PS Case No. 191(12)2019 u/s 120B/121 /121A/387/506/ 34 IPC r/w sections 10/11/13 of UA(P) Act:** On 24.12.2019, an F.I.R was lodged by Shri. Self Denial Lyngdoh of Sutnga Wailong village, East Jaintia Hills to the effect that on 23.12.2019 at 4:00 P.M, one masked person came to his

residence at Sutnga Wailong and handed over one envelope to the maid while he was not present. On returning home, he found a letter with the letter head of HNLC demanding Rs. 10,00,000/- (Rupees Ten lakhs only) from him. Further, on 24.12.2019 from 2:00 pm onwards, he was receiving phone calls from Mobile No. 8131883512 threatening him and his family members with dire consequences, if he failed to pay the demanded amount. Copy of F.I.R is marked as **Annexure –I**.

- b. **Khliehriat PS Case No. 7(01)2020 u/s 4 (a) of Explosive Substances Act, 1908; added sections 120B /121/121A IPC r/w sections 10/11/13 of UA(P) Act:** On 17.01.2020, an F.I.R was lodged by Shri. Emerson Nongtdu to the effect that on 16.01.2020 at 6:00 A.M, the security guard of his factory informed him that he saw something unusual being placed and planted near the chimney of the factory, which was suspected to be explosive material judging by how it appeared. Copy of F.I.R is marked as **Annexure –II**.
 - c. **Khliehriat PS Case No. 36(2)2020 u/s 121/121A/120B/384/511/34 IPC r/w sections 10/11/13 UA(P) Act:** On 17.02.2020, an F.I.R was lodged by Shri. Borin Shadap of Dkhiah East, East Jaintia Hills District; to the effect that on the 23.12.2019, some unknown person delivered a letter at his house which was a demand note from HNLC demanding Rs. 10,00,000/- (Rupees Ten lakhs only) from him which was signed by W. Marwein, Finance Secretary, HNLC dated 23.12.2019. He also received phone call in his mobile phone number 8575012323 from unknown mobile number 8801831792064 on 26.12.2019 and the caller identified himself as the cadre of HNLC. He also received call from mobile number 8131883512 in his other phone number 8730941478 from the month of December onwards. During such conversations over phone, the caller had put a lot of pressure on him to pay the demanded money in order to avoid unwanted circumstances and also intimidated him by threatening him with his life. Copy of F.I.R is marked as **Annexure –III**.
 - d. **Khliehriat PS Case No. 48(07)2021 u/s 120B/121A/307 IPC r/w sections 10/13 UA(P) Act r/w section 3(a)(b) of The Explosive Substances Act, 1908:** On 14.07.2021, an F.I.R was lodged by ABSI. L. Brahma to the effect that in the intervening night of 13.07.2021 and 14.07.2021 at around 1:40 A.M, one IED exploded in the residential quarter at Police Reserve, Khliehriat. The explosion resulted in a big hole in the wall of the quarter and shattered glasses of the entire building. It appears that IED was exploded with an intention to cause loss of life and property. Copy of F.I.R is marked as **Annexure –IV**.
61. It has been further submitted by S.W-8 that the investigation of the above-mentioned cases has reflected the criminal conspiracy planned by HNLC to fulfill their objectives of secession of the Khasi and Jaintia inhabited area of Meghalaya from the Indian Union and doing so by creating law and order problem in the state and also by resorting to subversive activities like extortion and IED explosion amongst others. These activities of HNLC are being committed with the expressed intention to destabilize and to wage war against India, create human and financial loss, create fear and psychosis in the minds of the citizens and to intimidate the law enforcement agencies from executing their duties. It has been finally submitted that HNLC's continued promotion of the secessionist movement by engaging in extortion, violence, terror through criminal intimidation and armed action as a means for achieving their objective and is causing serious threat to the sovereignty, integrity and security of India.

62. **S.W-9 Shri. Jason Mairom, MPS**, presently serving as Addl. Superintendent of Police (HQ), Ri-Bhoi District, Nongpoh, Meghalaya, but who was earlier posted as the Dy. Superintendent of Police (HQ), East Jaintia Hills District, Khliehriat, Meghalaya, has deposed that he investigated the **Lumshnong PS Case No. 125(11)2020 u/s 120B/121/121A/387 IPC r/w sections 13/16(6)/17/18 of UA(P) Act**. He has deposed that on 20.11.2020, an F.I.R was lodged by Shri. Devender Kumar Bansal, Authorized Signatory, Star Cement Pvt. Ltd, to the effect that on 15.11.2020 at 5:23 P.M, he had received a demand letter from HNLC via 'WhatsApp' through Mobile No. +8801831792064 demanding Rs. 5,00,00,000/- (Rupees Five Crores only) for the year 2020. Copy of F.I.R is marked as **Annexure-I**.
63. **S.W-10 Shri. Matiush Ch. Sangma**, Officer In-Charge of Lumshnong Police Station, East Jaintia Hills District, Khliehriat, Meghalaya has deposed that he was posted as the Inspector of Police, East Jaintia Hills District, Khliehriat, Meghalaya and was the Investigating Officer of **Lumshnong PS Case No. 44(8)2023 u/s 386/120B IPC r/w sections 10/13 of UA(P) Act**. The brief fact of the case is that on 22.08.2024, an F.I.R was lodged by Shri. Ashish, IPS, Asstt. Superintendent of Police, East Jaintia Hills District, Khliehriat to the effect that on 19.08.2023 at 3:30 P.M, credible information was received that a resident of Lumshnong received extortion calls from an unknown mobile number 8787427376. S.W-10 further submitted that on 21.08.2023, the 2(two) suspects were apprehended and on interrogation, they revealed that they were collecting money on behalf of someone who befriended them on 'Facebook'. Copy of F.I.R is marked as **Annexure-I**.
64. During the course of investigation, it was discovered that one of the arrested person, viz. Issei Sungoh, came in contact with Sainkumar Nongtraw, the General Secretary of HNLC, through 'Facebook' and the latter directed him to recruit people for the organization and bring them to Bangladesh. It has been further deposed that in order to finance the recruitment, the accused person made an extortion call to a resident of Lumshnong village. He used his mobile phone as well as his wife's mobile phone and that of his accomplice, viz. Kynmow Kharkongor and used a vehicle bearing Registration No. ML-05-AA-1577 for transportation.
65. **S.W-11 Shri. D. Casley G. Roy Rymbai**, In-charge, Ladrymbai Police Outpost has deposed that he was posted as the In-charge of Umkiang Police Patrol Post and was the Investigating Officer of **Lumshnong PS Case No. 41(10)2021 u/s 120B/121 /121A /387 r/w sections 10/13 of UA(P) Act**. The brief facts of the case is that on 01.10.2021, an F.I.R was lodged by Shri. Anrish Rymbai of Umkiang village, East Jaintia Hills to the effect that on 13.09.2021 in the afternoon, he received a demand note from HNLC demanding Rs. 30,00,000/- (Rupees Thirty Lakhs only) and was threatened with dire consequences if he informs the matter to the police. Copy of F.I.R is marked as **Annexure-I**.
66. **S.W-12 Shri. Kyrshan Miabor Pdahkasiej**, Sub-Inspector of Police, presently posted at Laitumkhrah PS has deposed that **Khliehriat PS Case No. 146(11)2020 u/s 3(a)/4/5 of The Explosive Substances Act, 1908** was registered on 26.11.2020. Brief facts of the case is that on 26.11.2020 at about 11:30 AM, a telephonic information has been received from Shri. Critic Bamon that there was an explosion at Sookilo market at about 3:14 A.M of the same day in one meat shop belonging to Shri. Cyril Nongtdu. Two suspects, viz. Emanuel Suchen and Mani Phawa were arrested. On examination, Emanuel Suchen admitted before the police that both of them were members of HNLC.

67. **S.W-13 Shri. Basant Kumar Mishra, MPS**, Deputy Superintendent of Police, Crime Branch Police Station, Shillong, East Khasi Hills District, Meghalaya, has set forth details of the various cases that were registered against HNLC before Crime Branch Police Station (CBPS), Shillong, including cases endorsed to CBPS for investigation. The same are set forth below:

a. CBPS (ER) Case No. 01(06)2024

- i. As per information received at the Police Station on 05.06.2024, one Mr. Wostar Mynsong, a resident of Mawryngkneng Main Road, East Khasi Hills District, Meghalaya, lodged a complaint stating that on 26.05.2024, at approximately 8:30 P.M, he received a 'WhatsApp' call soliciting a monetary contribution towards the activities of HNLC. Upon his refusal to comply, he was subjected to persistent threats.
- ii. Further, on 27.05.2024, at approximately 6:30 P.M, the complainant received a written demand via 'WhatsApp' for a sum of Rs. 50,00,000/- (Rupees Fifty Lakhs only) from an unknown number. Subsequently, at 9:22 P.M., the complainant received thirteen (13) consecutive calls from the mobile number 9394612457, thereby further escalating the intimidation. Copy of F.I.R is marked as **Exhibit-1**.
- iii. That accordingly, CBPS (ER) Case No. 01(06)2024 was registered under sections 120B, 506, and 34 of the Indian Penal Code, 1860 read with sections 10, 13, 17, and 18 of the UA(P) Act and an investigation was initiated, wherein sufficient material evidence were gathered indicating the direct involvement of operatives linked to HNLC in criminal and terror-related activities.

b. CBPS (ER) Case No. 02(05)2022

- i. On 03.05.2022, credible information was received regarding the extortion network being carried out by HNLC and that the information received specifically identified mobile numbers 8794754261 and 9831268339 as being used to facilitate an extortion drive by HNLC, targeting residents and businessmen in Shillong and other parts of the State. Copy of F.I.R is marked as **Exhibit-2**.
- ii. That accordingly, CBPS (ER) Case No. 02(05)2022, was registered under sections 120B, 121, 121A, 384, 387 and 34 of the Indian Penal Code, 1860, read with sections 10, 13, 17, and 18 of the UA(P) Act and investigation was initiated.
- iii. It has been submitted that further investigation revealed that in addition to the aforementioned numbers, several other mobile numbers were also being utilized by HNLC operatives to carry out similar unlawful activities, thereby inducing fear and insecurity among the residents of the State. It has been submitted that these activities are part of a larger conspiracy orchestrated by HNLC to further its subversive and anti-national agenda.

c. Laitumkhrah Police Case No. 114(08) 2021

- i. On 10.09.2021, an F.I.R was lodged by S.I. H.M. Sangma of Laitumkhrah PS stating that on 10.08.2021, unknown HNLC cadres infiltrated Shillong city and triggered an IED at Laitumkhrah Main Market behind the parking lot, injuring two innocent individuals, namely Shri Christine Nongkynrih and Shri Alan Sengupta Laloo.

- ii. Consequently, Laitumkhrah Police Case No. 114(08) 2021, was registered u/s 120B/ 121/ 121(A)/ 427/ 326 of IPC, read with section 3(a) of The Explosive Substances Act, 1908 and r/w sections 10/13 of the UA(P) Act was registered. Copy of F.I.R is marked as **Exhibit-3**. This case was endorsed to Smti. H.B. Sangma, MPS, Deputy Superintendent of Police, CBPS, on being transferred to the CPBS (ER), Shillong vide order dated 11.08.2021. Copy of order dated 11.08.2021 is marked as **Exhibit-4**.
 - iii. It has been further submitted that in connection with the aforementioned blast, Sainkupar Nongtraw, the General Secretary of HNLC, claimed responsibility for the IED blast on social media. Copy of Social Media post is marked as **Exhibit-5**.
 - iv. During the course of the investigation, three individuals, viz. Tenzing Khonglah, Suffiyan Ali Hazarika @ Manoj Ali @ Manbhalang Jyrwa and Gary S. Myrboh were arrested. Suffiyan Ali Hazarika voluntarily admitted that he is an over ground worker of HNLC. He further disclosed that in 2012, he had assisted HNLC by providing logistical support, specifically by uploading pictures of armed militants through his own laptop on the Facebook page titled 'Voice of Hynniewtrep'. Copy of the picture is marked as **Exhibit-6**.
 - d. **Umiam P.S Case No. 41(06)2024 (Transferred to CBPS, Shillong):** As per information received at the Police Station on 05.06.2024, one Shri. Shanroy Mukhim, a resident of Khyndewso, Ri-Bhoi District, Meghalaya, lodged a complaint stating that on 29.04.2024, his mother Smti. Kshiar Mukhim received a letter having the letterhead of HNLC and bearing the signature of the organization's Finance Secretary. The letter is a demand note soliciting a monetary contribution of Rs. 75,00,000/- (Rupees Seventy Five Lakhs only) towards the activities of the HNLC and claimed as 'Income Tax' contribution. The complainant received a written demand via message from mobile number 8974124522, demanding to pay the amount mentioned hereinabove by the end of May 2024 thereby further escalating the intimidation. This case was later endorsed to S.W-13 vide order dated 29.08.2024. Copy of F.I.R is marked as **Exhibit-7** and copy of order dated 29.08.2024 is marked as **Exhibit-8**.
68. **S.W-14 Shri R.H Koch**, Sub-Inspector of Police, South West Khasi Hills, Mawkarwat has deposed that on 03.08.2024, an F.I.R was lodged at Nonghyllam PS regarding a demand note, received by the complainant on the 13.06.2024 from a Bangladesh Mobile number +8801832346214 which was sent under the name 'Deman'. Subsequently, a second demand note was received by the complainant on 15.07.2024 which was sent from the mobile number +919394612457 sent under the name 'H'. Both demand notes bear the letter head of HNLC and demanded a sum of Rs. 50,00,000/- (Rupees Fifty Lakhs only) each and both the letters were signed by M Rynjah who is the Finance Secretary of the Organization. Accordingly, a case was registered vide Nonghyllam PS Case No. 9 (8) of 2024 u/s 308(5)/35(4) of BNS. Copy of F.I.R is marked as **Annexure-A**; copies of screenshots of the demand notes are marked from **Annexure-B** to **Annexure-F** and copy of statement of complainant is marked as **Annexure-G**.
69. It may also be mentioned that Shri. Cyril V. D. Diengdoh, IAS, Commissioner & Secretary, Home (Political) Department, Government of Meghalaya in his affidavit filed before this tribunal pertaining to service of notice to the HNLC, had given the details of cases against the said organization. The total number of cases registered, chargesheeted cases, cadres arrested/prosecuted/convicted from the period from 16.11.2019 are highlighted as under:-

Year	No of Cases Registered	Chargesheeted cases	Pending Investigation	Final Report
2019	1	1	0	0
2020	16	3	8	5
2021	13	2	8	3
2022	6	0	4	2
2023	3	0	3	0
2024	13	0	13	0
TOTAL	52	6	36	10

HNLC CADRES ARRESTED/PROSECUTED/CONVICTED

Year	No of HNLC Cadres Arrested	Prosecuted/Convicted
2019	2	0
2020	8	0
2021	22	0
2022	10	0
2023	5	0
2024	28	0
TOTAL	75	0

DETAILS OF WEAPONS RECOVERED

Year	Arms	Ammo	Detonator	Hand Grenades	IEDs
2024	0	0	3	0	Gelatin Sticks-15
2023	0	0	0	0	0
2022	1	254	10	0	IED-1 Claymore IED empty Containers-11 Gelatin 250 gms (approx)
2021	0	241	0	0	
2020	13	2221	10	0	
2019	0	25	0	1	
TOTAL	14	2741	23	1	

DETAILS OF HNLC CADRES WHO HAD SURRENDERED FROM THE PERIOD 16.11.2019

Sl No.	Names & Details of surrendered cadres	Rank in the Organization	Date of Surrender
1.	Wankupar Marwein @ Hep Traisiej (42 years) of Mawlai Nonglum Shillong	Finance Secretary	12.02.2020
2.	Emmanuel Suchen @ Chuwa @ E of Pait-pdein Village, Lumshnong. EJH	Cadre	07.10.2021
3.	Shri.Junel Tongper@June, S/o Shri Chui Chyrmang, R/o Lumphyllut, Umkiang, EJH	Cadre	30.12.2021

70. Having discussed in detail the activities of HNLC, it is now imperative to delve into the determination whether the said activities of HNLC would make it an '*unlawful association*' within the meaning of Section 2(1)(p) of the UA(P) Act, 1967.

'Association' and 'Unlawful Association' as defined by UA(P) Act, 1967

71. '*Association*', as per Section 2(1)(a) of the UA(P) Act, 1967, means any combination or body of individuals. As per Section 2(1)(o) of the UA(P) Act, 1967, '*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;
 - 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.
72. '*Unlawful Association*' has been defined in Section 2(1)(p) of the UA(P) Act, 1967 and it 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 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 that nothing contained in sub-clause [ii] shall apply to the State of Jammu and Kashmir.
73. Germane to the moot issue in discussion is the observation by the Hon'ble Supreme Court of India in ***Jamaat-E-Islami Hind vs. Union of India***, reported in (1995) 1 SCC 428, wherein the Hon'ble Supreme Court was pleased to opine that an 'unlawful activity', defined in the UA(P) Act, 1967, means '*any action taken*' of the kinds specified therein and having the consequence mentioned. It has been further observed to the effect that the definitions of 'unlawful activity' and 'unlawful association', as provided in the UA(P) Act, 1967, make it evident that the determination of the question whether any association is, or has become, an unlawful association to justify a declaration under Section 3(1) thereof 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 153A or Section 153B of the Indian Penal Code.
74. The foregoing paragraph makes it vividly discernible that declaration of an association to be '*unlawful*' primarily hinges on the fact whether '*any action taken*' thereof by the association constitutes an '*unlawful activity*' within the meaning of law. A declaration as regards an association under Section 3(1) as 'unlawful association' has to be based on an objective determination of the matter by the Central Government.
75. Furthermore, section 4 of the UA(P) Act, 1967 requires confirmation of the act of the Central Government by the Tribunal. The necessity and purpose underlying the making of the reference to the Tribunal under Section 4(1) is an adjudication by the Tribunal of the existence of sufficient cause for making the declaration.

76. The said 'sufficient cause' can only be elucidated by an inquiry and the nature of inquiry contemplated by the Tribunal under Section 4(3) requires it to weigh the materials on which the notification under Section 3(1) has been issued by the Central Government; the cause shown by the association which has been declared as an unlawful association in reply to the notice issued to it; to take into consideration such further information which it may call for and to decide the existence of sufficient cause for declaring the association to be unlawful.
77. In *Arup Bhuyan v. State of Assam & Anr.* reported in (2023) 8 SCC 745, the Hon'ble Supreme Court opined that;
- "At this stage it is required to be noted that a particular association is declared unlawful only after the Central Government is satisfied that such association is indulging to unlawful activity and the same is against sovereignty and integrity of India. 'Unlawful activity' is defined under Section 2(o) and 'unlawful association' is defined under Section 2(p). Thus, thereafter a person who is the member of such unlawful association cannot be permitted to say that still he may continue to be associated with and/or continue to be a member of such unlawful association despite such an association is declared unlawful on the ground of its unlawful activities which is found to be against the interests of the sovereignty and integrity of India. At the cost of repetition, it is observed that the object and purpose of the enactment of UAPA is to provide for more effective prevention of certain unlawful activities. To punish such a person who is continued as a member of such unlawful association which is declared unlawful due to unlawful activities can be said to be in furtherance of providing for effective prevention of the unlawful activities. Therefore, as such Section 10(a)(i) which provides that where an association is declared unlawful by a notification issued under Section 3 which has become effective under sub-section 3 of that Section, a person who is and continues to be a member of such association shall be punishable with imprisonment for a term which may extend to 2 years and shall also be liable to fine, can be said to be absolutely in consonance with Article 19(1)(2) & (4) of the Constitution of India and can be said to be in furtherance of the object and purpose for which the UAPA has been enacted.*
78. This Tribunal has to undertake an objective inquiry whether HNLC is an unlawful association or not. It is imperative that the documents exhibited by the Union of India and State of Meghalaya are subjected to the test of objectivity so that the activities of the HNLC satisfy the rigours of the definition of 'unlawful activity' under section 2(1)(o) of the UA(P) Act, 1967 in order to ascertain whether it is an 'unlawful association' under section 2(1)(p) of the Act.
79. In *Hitendra Vishnu Thakur & Ors. v. State of Maharashtra & Ors.* reported in AIR 1994 SC 2623, the Hon'ble Apex Court articulated the term 'Terrorism' as one of the manifestations of increased lawlessness and cult of violence. Its main objective is to overawe the Government or disturb harmony of the society or 'terrorise' people and the society and not only those directly assaulted, with a view to disturb even tempo, peace and tranquillity of the society and create a sense of fear and insecurity. History has shown that 'terrorism' is generally an attempt to acquire or maintain power or control by intimidation and causing fear and helplessness in the minds of the people at large or any section thereof and is a totally abnormal phenomenon.
80. A thorough analysis of the evidence on record discussed hereinabove in the present reference, suffices it to hold that there exists an abnormal phenomenon in the districts which are stronghold of HNLC within the state of Meghalaya. The same is elucidated in the succeeding paragraphs.

81. From the evidence on record, it is vividly discernible that there is no decline in the violent activities of HNLC and it has continued with its secessionist activities and has been advocating extortions, killing of innocent people and thus, creating unrest in the State of Meghalaya. HNLC is very much alive in the State of Meghalaya which has a long international border with Bangladesh, where the top cadres of HNLC are hiding and operating their unlawful, nefarious and anti-national activities. The cadres of the organization have been engaged in raising funds by issuing demand notes to the members of the business community as per the instructions of their top leaders from across the international border. The demand notes which are annexed with the evidence, make it manifest that the cadres of HNLC are extorting money in the name of HNLC to further their anti-national and secessionist activities.
82. The violent activities of HNLC are being committed with the expressed intention to destabilize and to wage war against India, create human and financial loss, create fear in the minds of the citizens and to intimidate the law enforcement agencies from executing their duties. These activities are part of a larger conspiracy orchestrated by HNLC to further its subversive and anti-national agenda.
83. Also, from the evidence on record, it is seen that HNLC has established good relations with other anti-national insurgent groups of the states of North-Eastern India, like the United Liberation Front of Asom (ULFA), the National Socialist Council of Nagaland (NSCN), the National Democratic Front of Bodoland (NDFB) and the National Liberation Front of Tripura (NLFT). The same leads to a very strong basis for suspicion and apprehension that HNLC is more likely to create trouble in the near future, posing a serious threat to the national security and sovereignty of India.
84. After a thorough appreciation of the evidence on record, it is discernible that the principle objective of HNLC is to form a Sovereign '*Khasi hills State*' which will not be a part of the Union of India. The business community appears to be the main target of HNLC as money is easily mobilized from them to shore up its finances so as to enable it to perpetrate its activities and organizational growth. The extortion is carried out by causing fear in the minds of people and by ensuring that they pay up as and when demands are made. Fear is being instilled in the minds of the public so that the general public is forced to obey the diktats of HNLC. The translated copies of the demand notes have been submitted to this Tribunal by the State of Meghalaya and after perusal of the translated copies of the demand notes, it has unraveled that HNLC cadres are using the fear as an instrument and weapon to extort money from businessmen and other people at the behest of HNLC. The victims are threatened with dire consequences if they do not effect compliance.
85. As already mentioned in foregoing paragraphs, HNLC has direct links with other banned unlawful organizations. The members of HNLC get training and support from these banned unlawful organizations. The nexus between the members of the HNLC and other unlawful banned organizations is a very strong one and their intention is to disrupt the general peace so as to threaten national security.

86. The activities of HNLC, more particularly in conspiracy with other banned organizations, causes a serious threat to the sovereignty, integrity and internal and external security of India with the main objective being secession from India.
87. It has been submitted by the Union of India and State of Meghalaya that if the declaration of HNLC as an unlawful organization, with a total ban on its unlawful, nefarious and anti-national activities, is continued and confirmed, the police force shall be in a better position to mount the necessary pressure on HNLC. However, if such declaration and ban is lifted, the police shall be seriously handicapped in taking appropriate action against HNLC and its cadres and the same would also help the cadres of HNLC to regroup and reorganize to carry out their unlawful activities.
88. The Central Government has submitted that HNLC along with its factions, wings and front organizations should be declared as 'unlawful association' under the UA(P) Act, 1967 for a further period of five years w.e.f 16th November, 2024 for the following reasons-
- a. Its declared objective to secede areas in the State of Meghalaya largely inhabited by Khasi and Jaintia tribes from India,
 - b. Continued intimidation and extortion of civilians;
 - c. Links with other insurgent groups for extortion and intimidation;
 - d. Possession of illegal arms and ammunition.
89. Submissions of both the Union of India and State of Meghalaya is for continuation of the organization's status as unlawful associations beyond 13.11.2024, that is, beyond the tenure of the previous Notification under Section 3(1) of the UA(P) Act, 1967. Upon perusal of such materials, the Tribunal concurs with the view recorded therein.
90. HNLC has been continuously pursuing its secessionist goals and in pursuit of that goal, has incited violence causing loss of life and damage to property. Its agenda is inimical to the democratic ideals and unity and integrity of this country.
91. HNLC has involved itself in carrying out subversive acts in order to achieve its avowed objectives which are admittedly unlawful. The organization is also engaged, through its front organizations and civil society organizations, in targeting public at large, boycotting days of national importance like Independence Day, Republic Day etc. and opposing merger of the State of Meghalaya with Indian Union.
92. In the case of *Jamaat-E-Islami Hind (supra)*, the Hon'ble Apex Court, had explicitly opined that the terms 'adjudication' and 'sufficient cause' as used in section 4(1) of the UA(P) Act, 1967 contemplate an inquisitorial inquiry by the Tribunal into the materials on which the notification under section 3(1) stands issued by the Central Government, cause (if any) shown by the Association in response to the notice and other materials and evidence brought on record.

93. It necessarily entails that the procedure laid under the Act contemplates an objective determination of the question as to whether or not there is sufficient cause for declaring the concerned entities unlawful and not just a mechanical approval of the notification of the Central Government.
94. The analysis of unrebutted evidence shows that the aims and objects and the activities of HNLC constitute 'unlawful activity', as defined in sub-section (o) of section 2 of the Act, and are intended to cause a threat to the sovereignty of the country by seeking secession of Meghalaya from the Union of India by carving out an independent state. The activities of the HNLC are, therefore, a direct threat to the sovereignty and integrity of India and it is imperative that the unlawful activities be banned in order to prevent HNLC from continuing its disruptive activities.
95. The Union of India the State of Meghalaya had adduced evidence on the subversive acts of terror by HNLC in support of the grounds on the basis of which the HNLC along with all its factions, wings and front organizations was declared as unlawful association. The evidence prima facie discloses that there were many incidents of killings, abductions, robbery, arms smuggling, cattle smuggling, extortion, IED explosions, damage to public property etc. carried out by the cadres of HNLC w.e.f. 16.11.2019 and continuing till the time of filing of the respective evidence-on-affidavits by the Union of India and the State of Meghalaya.
96. This Tribunal is of the considered opinion that the activities of HNLC, as discussed in detail in the preceding paragraphs, certainly fall within the ambit of '*unlawful activity*' defined in section 2(1)(o) of UA(P) Act, 1967. As a necessary corollary, HNLC is certainly within the yardstick of the definition of '*unlawful association*' as defined in section 2(1)(p) of UA(P) Act, 1967. It may also be mentioned that the matter proceeded *ex-parte* against HNLC, vide order dated 15.02.2025, in view of HNLC's failure to appear before the Tribunal and also in view of failure of HNLC to furnish necessary authority before the Tribunal as directed vide order dated 22.03.2025. As such, the evidences led by Union of India and State of Meghalaya, not being controverted, stood proved.
97. In the absence of any materials against the declaration, the Tribunal, on an objective assessment of the materials placed before the Tribunal on behalf of the Central Government and the Government of Meghalaya in support of the declaration, has reached a conclusion that the HNLC during the period under consideration, has been engaging itself in activities which are unlawful activities, which undermine the unity and integrity of the nation and the safety and security of the citizens.
98. Hence, in view of the evidences adduced, the Tribunal will have to concur with the opinion of the Central Government that if there is no immediate curb and control of HNLC; it will take the opportunity to,
 - i. mobilise its cadres for escalating its secessionist, subversive and violent activities;
 - ii. propagate anti-national activities in collusion with forces inimical to India's sovereignty and national integrity;
 - iii. indulge in killings of civilians and targeting of the Police and Security Forces' personnel;
 - iv. procure and induct illegal arms and ammunitions from across the international border; and
 - v. extort and collect huge funds from the public for their unlawful activities.
99. As such, this Tribunal, after scrutiny of the materials placed before it and after complying with the principles of natural justice and to ensure a fair procedure, has come to a conclusion that HNLC is an 'unlawful association' within the meaning of section 2(1)(p) of UA(P) Act, 1967. The activities of HNLC are detrimental to the sovereignty and integrity of India and are aimed to achieve its object to secede from India and moreover, the nature of activities carried out by the said organisation, its cadres and factions leave no room for doubt that the HNLC is waging war against the Government of India. After a through analysis of the evidence on record and after hearing at length the learned Special Counsel for the Union of India and learned counsel for the State of Meghalaya, it has unravelled that;
 - a. The cadres of the HNLC have been engaging in unlawful activities, and several criminal cases have been registered against the organization in recent years.
 - b. Since its inception, HNLC has unequivocally advocated and supported secessionist activities, inciting tribal youth in the State to further such separatist objectives.
 - c. As of date, the cadres of HNLC have not legally surrendered to the Government of India or the Government of Meghalaya.
 - d. The said cadres continue to be in possession of arms and are reportedly stockpiling illegal arms and ammunition in substantial quantities at various undisclosed hideouts.
 - e. HNLC's commitment to renouncing violence entirely and adhering to the laws of the land remains uncertain and unverified.

- f. HNLC has consistently called for 'bandh' on all days of national importance, including Republic Day and Independence Day, thereby dampening the patriotic spirit of the general public and further its secessionist objectives.
 - g. HNLC continues to engage in threats and extortion against businessmen. The instances have been mentioned in the foregoing paragraphs. However, due to fear for their lives, many victims refrain from reporting such incidents to law enforcement authorities.
 - h. HNLC has been utilizing social media platforms, including 'Facebook' (Meta) and 'WhatsApp', as tools for radicalization and recruitment of unsuspecting youth into its fold. The organization's active use of such platforms for indoctrination and mobilization is evidenced by the recent arrests of several youths across different districts of the State, who have been found to be working as over ground workers for the HNLC.
 - i. HNLC continues to engage in armed insurgency and unlawful activities with the intent to undermine the sovereignty and territorial integrity of India.
100. In view of the above discussion and for the reasons assigned therein, the Tribunal has answered the reference forwarded to it under sub-section (1) of Section 4 of the UA(P) Act, 1967 vide letter bearing no. 11011/02/2024-NE.V dated 10.12.2024, in affirmative, with the confirmation that there is sufficient cause to declare HNLC along with all its factions, wings and front organisations, as 'unlawful association' for a period of 5 (Five) years w.e.f 16.11.2024. The same is confirmed by this Tribunal under sub-section (3) of Section 4 of the UA(P) Act, 1967.
101. This Order of this Tribunal is to be published in the Official Gazette in terms of sub-section (4) of Section 4 of the UA(P) Act, 1967.

JUSTICE SOUMITRA SAIKIA

PRESIDING OFFICER

UNLAWFUL ACTIVITIES [PREVENTION] TRIBUNAL

IN THE MATTER OF HNLC OF MEGHALAYA