

FIRST APPEAL UNDER SECTION 19(1) OF RIGHT TO INFORMATION ACT

Shri Mukesh Kumar Pardeshi
Joint Secretary (PSP) & Appellate Authority
Union Ministry of External Affairs (CPV Division)
Room # 8, Patiala House Annexe
Tilak Marg, New Delhi-110001

Sir

I vide my RTI petition dated 25.03.2013 addressed to Prime minister's Office (PMO) sought complete information together with related documents/correspondence/file-notings on under-mentioned aspects also relating to news-item (Jagran 23.03.2013):

1. Complete information together with related correspondence/file-notings/documents on action taken on each aspect of submissions 'Return of Italian marines: failure or success for Indian law and diplomacy' (MEAPD/E/2013/000574) dated 23.03.2013 (copy enclosed) also e-mailed to PMO, by PMO and/or by public-authority where submissions have been forwarded by PMO
2. Complete correspondence between Indian and Italian governments on issue of return of Italian marines accused of killing Indian fishermen, back to India for court-trial after Italy once refused to send them back, including also copies of file-notings on drafting correspondence made from Indian side; No exemption under RTI Act can be claimed also because Italy has made all correspondence public as is clear from enclosed news-clipping with photo
3. Complete information on rules for allowing prisoners (a) Indian (b) foreign prisoners lodged in Indian jails facing trial to visit their homes in India and/or abroad for celebrating their religious festivals and/or casting their votes
4. Number of foreign prisoners (separately for male and female) lodged in Indian jails mentioning separately about undertrials and convicts awarded punishment from courts
5. Complete information on foreign prisoners lodged in Indian jails which were allowed to visit their homelands for celebrating festivals/casting votes etc like was done

- recently in case of controversial Italian marines as referred in queries above; Information may be provided for the years data may be available, mentioning also cases where such prisoners did not return to India for facing court-trial and/or imprisonment
6. Complete information about rules in Italy about casting votes through postal-ballots
 7. Complete information on Indian prisoners lodged in Indian jails regarding their right to vote in elections by postal-ballots
 8. Complete information about prisoners of Indian origin lodged in foreign jails especially in Italian jails mentioning if some such prisoners were ever allowed to visit India for various purposes including like celebrating festivals, casting votes etc
 9. Complete information on rules for casting votes for elections in India by prisoners of foreign origin lodged in foreign jails mentioning if postal-ballots are allowed for such cases
 10. Complete information on rules where Indian government can provide guarantees to foreign countries in writing or otherwise about ultimate fate of accused foreigners facing trial in India courts prior to court-verdicts like was done by Indian Foreign Minister Salmaan Khurshid when he assured that death-penalty would not be for Italian marines facing trial in Indian courts for killing Indian fishermen
 11. Complete information on lawyers having appeared for Indian government at Supreme Court in matter of Italian marines as referred in queries above mentioning also if some instructions were given to them for release
 12. File-notings on movement of RTI petition

Learned CPIO at Union Ministry of External Affairs (CPV) where petition was transferred, vide response No. 239/CPVRTI/2013 dated 29.04.2013 in response to query (10) replied that the query relates to Union Ministry of Home Affairs (MHA). I appeal that learned CPIO may kindly be directed to transfer RTI petition to MHA for response to query (10).

Learned CPIO responded only partially to query (8). I appeal he may kindly be directed to respond to second part of query (8) *mentioning if some such prisoners were ever allowed to visit India for various purposes including like celebrating festivals, casting votes etc.*

All sought and related documents may kindly be directed now to be provided free-of-cost under section 7(6) of RTI Act. It is prayed accordingly.

Humbly submitted

SUBHASH CHANDRA AGRAWAL

(Guinness Record Holder & RTI Activist)

1775 Kucha Lattushah

Dariba, Chandni Chowk

DELHI 110006 (India)

Mobile 9810033711 Fax 23254036

E-mail subhashmadhu@sify.com

Web www.subhashmadhu.com

03.05.2013



MOST IMMEDIATE
RTI MATTER

विदेश मंत्रालय, नई दिल्ली
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

No. 239/CPVRTI/2013

Dated 29-4-2013

To
✓ Shri Subhash Chandra Agarwal,
1775 Kucha Lattushah Dariba,
Chandni Chowk,
New Delhi-110006.

Sir,

Please refer to your RTI application dated 25-3-2013, which has been received in this office on 4-4-2013

2. The matter was referred to the concerned authorities, whose reply is as under:

Para 8: list showing number of Indian national lodged in foreign jails is attached.

Para 10: information sought relates to the "Fate of accused foreigners facing trial in Indian Courts". The subject matter pertains to the Ministry of Home Affairs, New Delhi.

3. This disposes of your RTI application.

Yours faithfully,

(Madhu Kalra)

Section Officer (CPV-RTI) &
Central Public Information Officer

(Appeal against this decision, if any, may be filed within 30 days of receipt of this communication before Shri Muktesh Kumar Pardeshi, Joint Secretary (PSP) & CPO and First Appellate Authority, CPV Division, Ministry of External Affairs, Room No. 8, Patiala House Annexe, Tilak Marg, New Delhi-110001.)

**Ministry of External Affairs
(Consular Section)
No.T.551/1/RTI/2013**

S.No.	Name of Country	No. of Indian Nationals in foreign jail	Offences/ Allegation
1	Afghanistan	28	Fake Afghan Visa, carrying illegal alcohol, indulging in prostitution etc.
2	Algeria	Nil Report	Nil Report
3	Angola	1	Information not available
4	Argentina, Praguay, Uruguay	2	Do
5	Armenia, Georgia	5	Fraud, Cheating, illegal entry/stay, etc.
6	Austria	Nil Report	Nil Report
7	Australia	18	Holding forged driving licences, Cultivating large commercial quantity of cannabis, Murder, etc.
8	Azerbaijan	1	Murder
9	Bahrain	62	Information not available
10	Belarus	25	Human trafficking & illegal entry/stay, etc.
11	Bangladesh	167	Drug trafficking, illegal entry, holding illegal & forged passport, etc
12	Belgium, Luxembourg	45	Information not available
13	Bhutan	59	Do
14	Botswana	Nil Report	Nil Report
15	Brazil	Nil Report	Do
16	Brunei	2	Information not available
17	Bulgaria, Macedonia	Nil Report	Nil Report
18	Cambodia	1	Drug trafficking
19	Canada	19	Information not available
20	Chile	Nil Report	Nil Report
21	China	157	Drug & Human trafficking, illegal entry/ stay, Robbery, Forgery, etc.
22	Cote d'Ivoire, Liberia, Guinea & Sierra Leone	Nil Report	Nil Report
23	Croatia	Do	Do
24	Cuba, Dominican Republic, Haiti	1	Drug Trafficking.
25	Cyprus	2	Forgery, Theft.

26	Czech Republic	Nil Report	Nil Report
27	Egypt	2	Drug Trafficking.
28	Ethiopia, Djibouti	2	Information not available
29	Fiji, Tonga, Tuvalu & Cook Islands	2	Human & Drug trafficking.
30	Finland, Estonia	1	Information not available
31	France, Monaco	25	Do
32	Germany	3	Rape case, illegal stay.
33	Ghana, Burkino Faso, Togo, Niger	1	Embezzlement of funds.
34	Greece	20	Information not available
35	Guatemala	Nil Report	Nil Report
36	Guyana, Anguilla, Antigua & Barbuda, St. Kitts & Nevis	Do	Do
37	Hungary, Bosnia & Herzegovina	Do	Do
38	Iceland	Do	Do
39	Indonesia, Timor Leste, East Timor	2	Violation of local health regulations.
40	Iran	6	illegal Entry, Drug trafficking.
41	Iraq	6	Information not available
42	Ireland	2	Rape case
43	Israel	10	Overstay, Murder, etc.
44	Italy, San Marino	121	Information not available
45	Jamaica, Bahamas, Cayman Islands, Turks & Caicos Islands	Nil Report	Nil Report
46	Japan	3	Drug trafficking, Robbery, Murder.
47	Jordan	38	Information not available
48	Kazakhstan	Nil Report	Nil Report
49	Kenya, Eritrea, Somalia	Do	Do
50	Korea (DPR)	Do	Do
51	Korea (Republic of)	1	Information not available
52	Kuwait	1161	Rape, Robbery, Drug trafficking, Murder etc.
53	Kyrgyzstan	Nil Report	Nil Report
54	Lao PDR	Do	Do
55	Lebanon	9	Information not available
56	Libya, Malta	Nil Report	Nil Report

57	Madagascar, Comoros	1	Unauthorized trading of gold
58	Malaysia	187	Drug trafficking, Kidnapping, illegal entry, etc.
59	Mali	Nil Report	Nil Report
60	Mauritius	9	Information not available
61	Mexico	Nil Report	Nil Report
62	Morocco	Do	Do
63	Mozambique, Swaziland	Do	Do
64	Myanmar	20	Drug trafficking, illegal entry, etc.
65	Namibia	Nil Report	Nil Report
66	Nepal	377	Kidnapping, illegal arms, theft, illegal drugs, etc.
67	Netherlands	Nil Report	Nil Report
68	New Zealand, Samoa, Nauru, Kiribati	10	Theft, Rape and Drunk-driving, etc.
69	Niger	Nil Report	Nil Report
70	Nigeria, Benin, Chad, Cameroon	Do	Do
71	Norway	2	Information not available
72	Oman	82	Human trafficking, illegal Alcohol sale, forgery of documents, Theft, Murder, etc.
73	Pakistan	254	Civil Prisoners and a large number of Fishermen
74	Palestine	Nil Report	Nil Report
75	Panama, El Salvador, Honduras, Nicaragua	7	illegal Entry
76	Papua New Guinea, Vanuatu & Solomon Islands	Nil Report	Nil Report
77	Peru, Bolivia	Do	Do
78	Philippines, Palau, Marshall Islands, Micronesia	19	Financial cheating, Kidnapping, Rape, Robbery, Murder, etc.
79	Poland, Lithuania	Nil Report	Nil Report
80	Portugal	1	Information not available
81	Qatar	Nil Report	Nil Report
82	Russian Federation	2	Smuggling of drugs, Rape
83	Saudi Arabia	1691	Fake Iqamas, Immoral relationships, Traffic Accident, Sale of liquor, Drug trafficking etc.
84	Serbia, Montenegro	Nil Report	Nil Report

85	Seychelles	1	Drug Trafficking.
	Singapore		
86		156	Murder, illegal entry, robbery, Theft, Drugs offences, etc.
87	Slovak Republic,	Nil Report	Nil Report
88	Slovenia Republic	Do	Do
89	South Africa, Lesotho	15	Drug trafficking, illegal entry, theft etc.
90	Sri Lanka	63	Drug trafficking, Robbery, Violation of local immigration law, Murder, etc.
91	Sudan	Nil Report	Nil Report
92	Sweden, Latvia	1	Murder
93	Switzerland, Holy See and Liechtenstein	Nil Report	Nil Report
94	Syria	Do	Do
95	Tajikistan	Do	Do
96	Tanzania	1	Information not available
97	Thailand	56	Drug trafficking, Fraud, Fake Passport and Visa, illegal entry, Murder, etc.
98	Trinidad & Tobago, Grenada, Dominica, Moneserra	Nil Report	Nil Report
99	Tunisia	Do	Do
100	Turkey	Do	Do
101	Turkmenistan	Do	Do
102	Uganda, Burundi, Rwanda	2	Cheating, Murder
103	U.A.E.	1012	Information not available
104	UK	426	Do
105	Ukraine	1	Do
106	U.S.A	155	illegal Entry/stay, etc.,
107	Uzbekistan	Nil Report	Nil Report
108	Venezuela, Aruba, Caracao, St. Maarten	Do	Do
109	Vietnam	1	Drug trafficking.
110	Yemen	1	Information not available
111	Zimbabwe	4	Information not available
112	Malawi	2	Civil Case, Murder case.
	Total	6569	

There are about 6569 (*this figure keep changing*) Indians prisoners lodged in foreign jails.

FIRST APPEAL UNDER SECTION 19(1) OF RIGHT TO INFORMATION ACT

Ms Nutan Kapoor
Director (EW) & Appellate Authority
Union Ministry of External Affairs (MEA)
Room # 39-A, South Block
New Delhi-110011

Sir

I vide my RTI petition dated 25.03.2013 (and not 25.02.2013 as mentioned by CPIO) addressed to Prime minister's Office (PMO) sought complete information together with related documents/correspondence/file-notings on under-mentioned aspects also relating to news-item (Jagran 23.03.2013):

1. Complete information together with related correspondence/file-notings/documents on action taken on each aspect of submissions 'Return of Italian marines: failure or success for Indian law and diplomacy' (MEAPD/E/2013/000574) dated 23.03.2013 (copy enclosed) also e-mailed to PMO, by PMO and/or by public-authority where submissions have been forwarded by PMO
2. Complete correspondence between Indian and Italian governments on issue of return of Italian marines accused of killing Indian fishermen, back to India for court-trial after Italy once refused to send them back, including also copies of file-notings on drafting correspondence made from Indian side; No exemption under RTI Act can be claimed also because Italy has made all correspondence public as is clear from enclosed news-clipping with photo
3. Complete information on rules for allowing prisoners (a) Indian (b) foreign prisoners lodged in Indian jails facing trial to visit their homes in India and/or abroad for celebrating their religious festivals and/or casting their votes
4. Number of foreign prisoners (separately for male and female) lodged in Indian jails mentioning separately about undertrials and convicts awarded punishment from courts
5. Complete information on foreign prisoners lodged in Indian jails which were allowed to visit their homelands for celebrating festivals/casting votes etc like was done recently in case of controversial Italian marines as referred in queries above; Information may be provided for the years data may be available, mentioning also cases where such prisoners did not return to India for facing court-trial and/or imprisonment
6. Complete information about rules in Italy about casting votes through postal-ballots
7. Complete information on Indian prisoners lodged in Indian jails regarding their right to vote in elections by postal-ballots
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10. Complete information on rules where Indian government can provide guarantees to foreign countries in writing or otherwise about ultimate fate of accused foreigners facing trial in India courts prior to court-verdicts like was done by Indian Foreign Minister Salmaan Khurshid when he assured that death-penalty would not be for Italian marines facing trial in Indian courts for killing Indian fishermen

11. Complete information on lawyers having appeared for Indian government at Supreme Court in matter of Italian marines as referred in queries above mentioning also if some instructions were given to them for release
12. File-notings on movement of RTI petition

Learned CPIO at MEA where petition was transferred, vide response No. WI(A)/551/2/2013 dated 05.04.2013 declined information on query (2) as exempted under sections 8(1)(a) and (f). But exemption-provisions contained under various sub-sections of section 8(1) are not absolute. Information may kindly be allowed to be provided under provisions of section 8(2) which directs a public-authority access to information if public-interest in disclosure outweighs the harm to the protected interests.

Matter is of serious concern and public interest where Italian Ambassador and his government tried to take India for a ride by even trying to play fraud the Apex Court of India. It is also shocking that the two Italian marines facing murder-charges could be allowed to leave India for lighter reasons like celebrating Christmas and casting votes. Do Indian prisoners and other prisoners of foreign origin in Indian jails are also permitted so liberally to visit their homes in respective homelands. Media-reports and public-announcements by Italian government talk about some assurance from Indian government that accused marines will not be hanged to death. Do Indian laws allow Indian government to give such assurances bypassing Indian courts?

Various CIC-verdicts allow information if it is already available in media. I appeal that learned CPIO may kindly be directed to provide information to query (2) with sought and related documents but now to be provided free-of-cost under section 7(6) of RTI Act. It is prayed accordingly.

Humbly submitted



SUBHASH CHANDRA AGRAWAL

(Guinness Record Holder & RTI Activist)

1775 Kucha Lattushah

Dariba, Chandni Chowk

DELHI 110006 (India)

Mobile 9810033711 Fax 23254036

E-mail subhashmadhu@sify.com

Web www.subhashmadhu.com

Registered Business Corporation Pvt. Ltd.

Taxes:Rs.2.00<<Track on www.indiapost.gov.in



SP DAREEBA (110006)

ED706026822IN

Counter No:1,OP-Code:P

To:MS NUTA KAPOOR,SANSAD MANS NDELH
U MINISTER S BLOCK, PIN:110011

From:S C AGRAWAL 1775 , DAREEBAKALAN

Wt:30grams,

PS:17.00, , 22/04/2013 , 10:20

22.04.2013



विदेश मंत्रालय, नई दिल्ली
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

Time Bound/RTI Matter
By Post

EUROPE WEST DIVISION

No.WI(A)/551/2/2013

New Delhi, 5 April 2013

Dear Shri Subhash Chandra Agrawal,

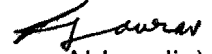
Please refer to your RTI application dated 25 and 23 February 2013 (received by RTI Cell of Ministry of External Affairs on 2-4-2013) seeking information about steps taken by the Government of India and the Government of Italy in relation to the killing of two Indian fisherman off the coast of Kerala by two Italian marines.

2. This is with regard to the question at serial number 2 relating to the request to obtain communications between the two countries, alongwith internal notings, on the above issue. Europe West Division of this Ministry deals with issues pertaining to our bilateral relations with Italy. It is not within the remit of this Division to comment on the documents exhibited by Italy in public forums. However, it may be noted that the communications that are there in our records have been received from the Government of Italy in confidence. Further, the internal communications and notings of the Government of India on the subject relate to a case on which investigations are ongoing. Public disclosure of these communications could compromise or undermine the positions which the Government of India intends to take to protect the interests of Indian citizens and safeguard India's sovereignty. As per the RTI Act 2005, notwithstanding anything contained in this Act, as per section 8(1) (f) there shall be no obligation to give information received in confidence from foreign Government. Also, as per section 8(1) (a) there shall be no obligation to give any citizen, information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence. In view of this, I am unable to furnish the information requested by you for the question at serial number 2.

3. The Appellate Authority is Ms. Nutan Kapoor Mahavar, Director (EW), Room No. 39A, South Block, New Delhi-11. Tel: 23794145; Fax: 23010176. Email:

direw@mea.gov.in and the appeal may be sent within 30 days of receipt of this communication.

Yours faithfully,



(Gaurav Ahluwalia)

Under Secretary to Government of India & CPIO

Tel: 91-11-23011261

Fax: 91-11-23016476

Email: usew1@mea.gov.in

Shri Subhas Chandra Agrawal,
(Guinness Record Holder & RTI Activist)
1775 Kucha Lattushah,
Dariba, Chandni Chowk, New Delhi, Pin- 110006,
Mobile: 9810033711
Fax: 23254036

Copy to: Under Secretary (RTI) w.r.t. O.M. No. RTI/551/318/2013 dated 2 April, 2013.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 4/RTI/37/2013/SDR

757

Dated: 4th April, 2013

To,

Shri Subhash Chandra Agrawal,
1775, Kucha Lattushah, Dariba,
Chandni Chowk,
Delhi-110006.

Subject: -Right to Information Act, 2005 - regarding.


Kindly refer to your application dated 25-03-2013 addressed to the CPIO, Prime Minister's Office, New Delhi and their OM No. RTI/1510/2013-PMR dated 28-03-2013 transferring points nos. 7 & 9 of the application to the Commission u/s 6(3) of the RTI Act, 2005. The sought information is as under: -

Item no. 7 - There is no law/rule in the present election law that provides postal ballot facility to the prisoners. As per the provision of Section 62(5) of the RP Act, 1951 persons confined in prison, whether under a sentence of imprisonment or transposition or otherwise, or in the lawful custody of the police can not vote at any election during the period of confinement. This provision is available in 'MANUAL OF ELECTION LAW' VOLUME-I and is hosted on the Commission's website <http://eci.nic.in> and the path is <http://lawmin.nic.in/olwing/Election%20Manual/em.htm>

Item no. 9- Only Indian Citizens are qualified for registration in the electoral roll and vote for elections in India. Foreigners are not entitled for registration in the electoral roll. Therefore, the question of prisoners of foreign origin lodged in foreign jails casting votes for elections in India does not arise.

Details of the First Appellate Authority are given below.

Shri K.F. Wilfred, Principal Secretary,
First Appellate Authority,
Election Commission of India,
Nirvachan Sadan,
New Delhi- 110 001


(N.T. BHUTIA)

Under Secretary &
Public Information Officer

Copy to:- Shri S.E.Rizvi, Deputy Secretary & CPIO, Prime Minister's Office, South Block, New Delhi-110001 w.r.t. your OM no. RTI/1510/2013-PMR dated 28-03-2013 on the subject cited.

PRIME MINISTER'S OFFICE

South Block
New Delhi - 110 011

No. RTI/1510/2013-PMR

Dated: 25 -April-2013

OFFICE MEMORANDUM

Subject : Application under the Right to Information Act, 2005

As per input provided by the office, an application dated 25.3.2013, received on 26.3.2013 from Shri Subhash Chandra Agrawal, on the above noted subject, is transferred under section 6(3) of the Right to Information Act, 2005, for action taken in respect of this office's ID No. 1/3/2013-PMP2/38886 dated 8.4.2013.

Application fee has been received from the applicant.


(S.E. Rizvi)
Deputy Secretary and
Central Public Information Officer
☎ : 2307 4072

**Foreign Secretary,
Ministry of External Affairs
South Block, New Delhi**

Copy by speed post A.D. to:

✓
**Shri Subhash Chandra
Agrawal
1775, Kucha Lattushah
Dariba, Chandni Chowk
Delhi - 110 006**

You are advised to approach above public authority for further information.

2. Reference is invited to this office's memorandum of even no. dated 28.3.2013 transferring your application dated 25.3.2013, received on 26.3.2013, regarding point no. 2 to 6, 8 & 10 to the Ministry of External Affairs, regarding point no. 7 & 9, to the Election Commission, and regarding point no. 11, to the D/o Justice, under section 6(3) of the Act. The matter was also referred to the office for providing inputs, in respect of point no. 1. Inputs furnished by the office in respect of point no. 1, is enclosed (2 pages). As regards point no. 12 of your application whereby you have requested for copy of note sheet, it is informed that under RTI Act, 2005 information to be provided relates to information "held" by a public authority. Your demand for note sheet of file where your RTI application is dealt is for future action as no note sheet was "held" at the time your application was received.

3. For the purpose of section 19 of the Right to Information Act, 2005, Shri Krishan Kumar, Director, is the appellate authority in respect of this office

RTI/1510/2013-PMR
Prime Minister's Office
Public 2 Section

Subject: RTI application of Sh. Subhash Chandra Agrawal.

With reference to RTI application dated 25.03.2013 of Sh. Subhash Chandra Agrawal, received in this office on 26.03.2013, input on point no. 1 are as under:-

Point no. 1. As per computerized record of Public Wing of PMO, letter dated 23.03.2013, bearing the subject 'Return of Italian Marines: failure for Indian law and diplomacy?' of Sh. Subhash Chandra Agrawal has been forwarded to the Secretary, Ministry of External Affairs vide PMO ID No. 1/3/2013-PMP2/38886, dated 08.04.2013 for action as appropriate.

Copies of forwarding letter is enclosed. Petitions/ applications received in PMO are processed through computerized system wherein no noting is generated. Submitted please.

Rs
26/4/13
Section Officer (Public 2)



प्रधान मंत्री कार्यालय
Prime Minister's Office

नई दिल्ली - 110101
New Delhi - 110101

Sub: LETTER OF Sh. SUBHASH CHANDRA AGRAWAL
1775 KUCHA LATTUSHAH, DARIBA, CHANDNI CHOWK, DELHI-06

A letter dated 23-03-2013 received in this office from Sh. SUBHASH CHANDRA AGRAWAL is forwarded herewith for action as appropriate.

[RITU SHARMA]
SECTION OFFICER

FOREIGN SECRETARY, M/O EXTERNAL AFFAIRS

PMO ID No.1/3/2013-PMP2/38886 dated 08-04-2013

Copy for information to:
Sh. SUBHASH CHANDRA AGRAWAL
1775 KUCHA LATTUSHAH, DARIBA,
CHANDNI CHOWK, DELHI-06

*Authentic copy
of record.
public
R
25/4/13*

Sd/-
[RITU SHARMA]
SECTION OFFICER

PRIME MINISTER'S OFFICE

South Block
New Delhi-110 011

No. RTI/1510/2013-PMR

Dated: 28 /03/2013

OFFICE MEMORANDUM

Subject : Application under Right to Information Act, 2005.

An application dated 25/03/2013 received on 26/03/2013 from Shri Subhash Chandra Agrawal on the above noted subject is transferred under section 6(3) (ii) of the Right to Information Act, 2005, for action as appropriate.

An amount of ₹10/- in the form of a Postal Order has been received from the applicant as application fee.


(S.E. Rizwi)

Deputy Secretary and
Central Public Information Officer
Phone: 2307 4072

1. **Foreign Secretary** Points 2 to 6, 8 & 10
Ministry of External Affairs
South Block, New Delhi - 110 011
2. **Secretary** Points 7 & 9
Election Commission Of India
Nirvachan Sadan, New Delhi - 110 001
3. **Secretary** Point 11
Department of Justice
Shastri Bhavan, New Delhi - 110 001

Copy by Registered AD to:

✓ **Shri Subhash Chandra Agrawal**
1775, Kucha Lattushah
Dariba, Chandni Chowk
Delhi - 110 006

You are advised to approach the above public authorities for further information regarding the matter. Response in respect of this office will be provided in due course.

UNDER RIGHT TO INFORMATION ACT

Central Public Information Officer
Prime Minister's Office (PMO)
South Block, New Delhi – 110101

Sir

Please provide complete information together with related documents/correspondence/file-notings on under-mentioned aspects also relating to news-item (Jagran 23.03.2013):

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11. Complete information on lawyers having appeared for Indian government at Supreme Court in matter of Italian marines as referred in queries above mentioning also if some instructions were given to them for release
12. File-notings on movement of RTI petition

In case queries relate to some other public-authority, transfer RTI petition to CPIO there under section 6(3) of RTI Act. Postal-order 08F-739645 for rupees ten is enclosed towards RTI fees in name of "Accounts-Officer" as per DoPT-circular-number F.10/9/2008-IR dated 05.12.2008.

Regards



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25.03.2013

<p>अधिकाता COUNTERFOIL</p> <p>इसे फाड़कर प्रेषक अपने पास रख ले। To be detached and kept by the Sender.</p>	<p>पोस्टल आर्डर</p> <p>रुपय 10.00RS.</p> <p>POSTAL ORDER</p>	<p>किस उदा कला To whom payable.....</p> <p>किस उदाक वं At what Office.....</p> <p>क्या इसे कासा किया है Whether crossed.....</p> <p>भेजने की तारीख Date sent.....</p>	<p>08F 739645</p>
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Return of Italian marines: failure or success for Indian law and diplomacy?

Conditional return of Italian marines accused of killing two Indian fishermen to India for meeting March-22 deadline as fixed by Indian Supreme Court is in no way a diplomatic win. It was the big business-pressure of huge rupees 60000-crores Italian-arms' deal and several other aspects, which resulted for a face-saving formula but in total contradiction to values for Indian law and freedom of an autonomous Indian judicial-system, where media-reports suggest Indian government having 'compromised' on basis of pre-writing a forthcoming verdict of letting the accused free for a 'home-arrest' from an Indian court, by Indian government rather than the court.

Indian courts perhaps would not have provided death-penalty for Italian marines, because their crime does not fall under 'rarest of the rare' category. But a deal by Indian government without waiting of court-verdict on the aspect is disrespect to Indian law. However it is still beyond understanding how it could be possible that murder-accused Italian marines were granted courtesy that they were able to visit their country twice within a span of few weeks, once for celebrating Christmas and then again for voting on a false affidavit of Italian ambassador who could never be punished for filing false affidavit having enjoyed diplomatic immunity. Are other foreign and/or Indian prisoners in Indian jails entitled for similar freedom to visit their homes during imprisonment as Italian marines got?

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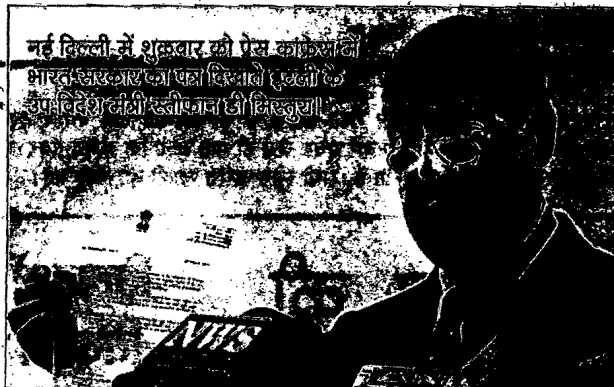
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PRSEC/E/2013/04386

इटली ने लिखित गारंटी के बाद भेजे नौसैनिक

JAGAN 23-03-2013

- इतालवी उप विदेशमंत्री की देखरेख में भारत लौटे हत्यारोपी नौसैनिक
- केंद्र सरकार ने किसी भी प्रकार की डील से किया इन्कार



नई दिल्ली में शुक्रवार को प्रेस कांफ्रेंस में भारत सरकार का पदाधिकारी (एनडी) उप विदेशमंत्री स्तीफानो डी मिस्तुरा।

■ जागरण ब्यूरो, नई दिल्ली

इटली का इन्कार यू ही इन्कार में नहीं बदला। भारतीय सुप्रीम कोर्ट से किए वादे के मुताबिक अपने नौसैनिकों को मुकदमे के लिए उसने वापस भेज ती दिया लेकिन लिखित गारंटी के बदले। इटली ने भारत से लिखित गारंटी ली है कि उसके नौसैनिकों को मृत्युदंड नहीं दिया जाएगा। वहीं इस कूटनीतिक संकट के समाधान के लिए भारत को रियायत के साथ-साथ अपनी ताकत के कई कूटनीतिक दावों भी चलाने पड़े। दोनों नौसैनिक शुक्रवार शाम इतालवी उप-विदेश मंत्री स्तीफानो डी मिस्तुरा की देखरेख में भारत लौट आए।

इतालवी नौसैनिकों की वापसी पर विदेश मंत्री सलमान खुरशीद ने संसद में दिए बयान में इटली से किए वादे बताए। दोनों सदनों में दिए खुरशीद के बयान के मुताबिक 'इटली सरकार को बताया गया है कि अगर दोनों नौसैनिक सुप्रीम कोर्ट में किए वादे की मियाद (22 मार्च) तक लौट आते हैं तो उन्हें गिरफ्तार नहीं किया जाएगा। इसके अलावा भारत ने इटली को यह भी कहा कि दोनों नौसैनिकों को यह वर्ष समुद्र में हुई दो भारतीय मछुआरों की हत्या के मामले में मृत्युदंड भी नहीं दिया जाएगा, क्योंकि यह दुर्लभतम अपराध की श्रेणी में नहीं आता।

विदेश मंत्री ने इस बात पर भी जोर दिया कि इटली के साथ इस मामले में कोई डील नहीं हुई है। हालांकि देर शाम इतालवी उप विदेश मंत्री ने दो-टुक कहा कि इटली के लिए भारत की ओर

से यह गारंटी अनिवार्य थी कि उसके नौसैनिकों को मृत्युदंड नहीं मिलेगा। हालांकि इटली के इन्कार को इन्कार में बदलने के लिए बीते 12 दिनों में भारत को-यूरोपीय संघ से लेकर द्विपक्षीय रिश्तों की समीक्षा तक कई पंते चलाने पड़े।

प्रधानमंत्री मनमोहन सिंह के संसद में इटली को नतीजों के प्रति आगाह करने के बाद कूटनीतिक स्तर पर हुए संपर्कों के दौरान रोम की मामले की गंभीरता का आइना भी दिखाया गया। यही नहीं कांग्रेस अध्यक्ष सोनिया गांधी ने भी इटली को इसे हल्के में न लेने की चेतावनी दी। सूत्रों के मुताबिक भारत ने स्पष्ट कर दिया था कि अगर सुप्रीम कोर्ट की अवमानना हुई तो वह सख्ती के सभी विकल्पों का इस्तेमाल करने के लिए स्वतंत्र होगा। भारत इस कड़ी में इटली के साथ द्विपक्षीय रिश्तों की समीक्षा की बात पहले ही कह चुका था। साथ ही अदालत ने भी सख्ती दिखाते हुए इतालवी राजदूत के भारत छोड़ने पर रोक लगा दी थी।

विदेश मंत्रालय के प्रवक्ता के मुताबिक दोनों मुल्कों के बीच बीते 24 घंटे में हुए काफी सघन राजनयिक संपर्क ने इटली के इस फैसले का रास्ता बनाया। वहीं इन कोशिशों से जुड़े सूत्रों के मुताबिक दोनों देशों के बीच बीते साल केदियों की अदला-बदली के समझौते के सहारे भी रोम को भरोसा दिया गया है कि दोनों नौसैनिक अपने मुल्क में सजा पूरी कर पाएंगे। इटली ने इस बात का भी लिखित भरोसा भारत से लिया है कि दोनों नौसैनिकों के बुनियादी अधिकारों की रक्षा की

इटली की शर्तें

- मृत्युदंड के हत्यारोपी नौसैनिकों को मृत्युदंड नहीं दिया जाएगा।
- भारत में अदालती कार्रवाई के दौरान उनके साथ उचित व्यवहार होगा।
- मौलिक अधिकारों की रक्षा की जाएगी।

भारत का भरोसा

- तय मियाद के अंदर वापस लौटे तो वही होगी इतालवियों की गिरफ्तारी
- मामला दुर्लभतम श्रेणी का नहीं है। मृत्युदंड नहीं दिया जाएगा।
- सजा अपने-वतन में पूरी करने के लिए भी व्यवस्था मौजूद

वादा टूटा तो..

- भारत की सर्वोच्च न्यायालय की अवमानना का बनता मामला
- भारत सरकार को उठाने होते इटली के खिलाफ सख्त कदम
- इतालवी रक्षा और उद्योग कंपनियों के लिए बढ़ती मुश्किलें
- अंतरराष्ट्रीय स्तर पर भी हत्यारोपियों की वापसी का बनाता दबाव

मुझे खुशी है कि भारतीय न्यायिक प्रणाली की गरिमा और अखंडता बरकरार रही।

—मनमोहन सिंह

जाएगी। गौरतलब है कि मैसीमिलैनी लातोर्रे और सल्वटोर गिरोन नाम के दोनों नौसैनिकों को इटली के आम चुनावों में मतदान के लिए स्वदेश जाने की अनुमति दी गई थी। लेकिन इसे शर्त पर कि वे मुकदमे का सामना करने के लिए 22 मार्च तक भारत लौट जाएंगे। हालांकि 11 मार्च को इटली सरकार ने अचानक बयान जारी कर कहा था कि दोनों नौसैनिकों को वह मुकदमे के लिए भारत वापस नहीं भेजेगा। इसके बाद दोनों मुल्कों के रिश्तों में तनाव आ गया था।

(संबंधित खबरें पेज-3 पर)