

2014
F.No.15015/36/2013-LC
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Manatralaya
[IS-II Division/Legal Cell-I]

Hall No. 'B', 1st Floor,
NDCC-II Building, Jai Singh Road,
New Delhi-110001, the 3rd September, 2014.

To

Sh. D. B. Binu,
Cochin Chamber of Lawyers,
Providence Road,
ERNAKULAM – 682 018.

Sub.: RTI application of Sh. D.B. Binu dated 13.08.2014 seeking information regarding Italian Marines Case, under RTI Act, 2005.

Sir,

Please refer to your online (MHOME/R/2014/80655) RTI application dated 13.08.2014 received on transfer from Director (IS-II) & CPIO, IS.IV Desk, IS-I Division, MHA on 01.09.2014 in Legal Cell-I/ IS-II Division of this Ministry, requesting for information in the Point No. (C) of the online RTI application.

2. The information regarding Point No. 'C' partially relates of IS-II Division of this Ministry are as follows:

The United Nations Convention of the Law of the Sea is a public document, which is available on Internet (www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf) and there is no Extradition Treaty in force between the Govt. of India and the Govt. of Italy.

Yours faithfully,



(S. K. AHUJA)

Under Secretary to the Government of India
Tel. No. 011 – 23438184

Copy for information to:

1. RTI Cell, Ministry of Home Affairs, North Block, New Delhi.
2. Section Officer (IT), MHA, North Block, New Delhi – along with RTI application to upload it on the website of MHA

149-RTI/DS(2)/2014

1/9/14

RTI MATTER

Dy. 2230/L/2014

02/09/2014

No. 11034/28/2014-IS.IV
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
(INTERNAL SECURITY - I DIVISION)

North Block, New Delhi
Dated, the 29th August, 2014

To

Ms. Neetu Bhagotia
Under Secretary (EW) & CPIO, MEA

✓ Shri N. K. Job
Deputy Secretary (Legal) & CPIO
IS-II Division, MHA

Please refer to online RTI application of Shri D. D. Binu dated 13.08.2014 seeking information regarding Italian Marines Case under RTI Act, 2005.

2. The information sought by applicant in para (i) i.e Particular of Information required and point No. (A) & (B) pertains to Ministry of External Affairs (MEA), hence the same is transferred to CPIO, MEA under section 6 (3) of RTI Act, 2005 with the request to provide the information to applicant directly.


3. The information sought by applicant in the Point No. (C) pertains to IS-II Division of this Ministry (as all the extradition matters are being dealt with by IS-II Division). The same is transferred to CPIO, IS-II Division, MHA under section 6 (3) of RTI Act, 2005 with the request to provide the information to applicant directly.

4. As regards to the Point No. (D), D/o Legal Affairs is requested to clarify whether the legal opinion given by the Attorney General of India through Ministry of Law & Justice regarding killing of two fishermen by Italian Marines in Kerala may be provided to the applicant.

5. As regards to the Point No. (E), there is no information with the undersigned CPIO.

6. The appellate authority is Shri Rakesh Singh, Joint Secretary (IS-I), Room No.197-B, MHA, North Block, New Delhi.

Enclosure: As above


(Ramesh Kumar Suman)
Director (IS-II) & CPIO

1. Shri J. S. Mishra, ALA & CPIO, Department of Legal Affairs, Ministry of Law & Justice with respect to the point mentioned at para 4 above.
2. Shri D. B. Binu, Cochin Chamber of Lawyers, Providence Road, Ernakulam, Pin 682018.
3. RTI Cell, MHA.
4. IT Cell, MHA

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RTI REQUEST DETAILS

Registration No. :	MHOME/R/2014/80655	Date of Receipt :	13/08/2014
Type of Receipt :	Electronically Transferred from Other Public Authority	Language of Request :	English
Name :	dbbinu	Gender :	Male
Address :	Cochin Chamber of Lawyers, Providence Road, Ernakulam. Pin:682018		
State :	Kerala	Country :	India
Phone No. :	Details not provided	Mobile No. :	+91-9895135081
Email :	dbbinu@yahoo.com		
Status(Rural/Urban) :	Urban	Education Status :	Above Graduate
Letter No. :	Details not provided	Letter Date :	Details not provided
Is Requester Below Poverty Line ? :	No	Citizenship Status :	Indian
Amount Paid :	0	Mode of Payment :	Payment Gateway
Mode(s) of information Supply :	Hard Copy		
Does it concern the life or Liberty of a Person ? :	Details not provided.	Request Pertains to :	RAKESH MITTAL, DIR(IS I)

Information Sought :

) Particulars of information required: Please provide certified copies of the information and documents in public interest with file notes and correspondence file U/S 6(1), 6(3) of the RTI Act on queries regarding the communications received from Italy on 11th March 2013 refusing to send back its two marines undergoing for shooting to death two Kerala fishermen of Alappuzha coast in February 2012. Also please provide the copies of the letters send by Italian government earlier asking for diplomatic solutions in the case and other related documents.

A. Please provide certified copies of the information and documents which show the communications received from Italy refusing to send back its two marines undergoing trial for allegedly shooting to death two Kerala fishermen of Alappuzha coast in February 2012 along with the reply send by the Government of India.

B. Please provide certified copies of the information and documents which show all the communications between Italy and India regarding the killing of two fishermen by Italian marines while on duty aboard a

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merchant ship in Kerala. Also provide the copies of the letters send by Italian government earlier asking for diplomatic solutions in the case.

C. Please provide certified copies of the information and documents which show the the United Nations Convention of the Law of the Sea and certified copy of the extradition treaty signed between India and Italy.

D. Has the Attorney General of India or any other legal officer of the government of India given any legal opinion to the government regarding the killing of two fishermen by Italian marines in Kerala If so, please provide the certified copy of the legal opinion along with the documents attached with the legal opinion.

E. Please provide the certified copy of the fax/letter/communication sent by the Government of Kerala to the Government of India on issue of refusing to send back its two marines undergoing trial for shooting to death two Kerala fishermen of Alappuzha coast in February 2012. If the information sought for is held by another Public /authority, or the subject matter of the information required is more closely connected with the functions of another public authority, this Application or such part of this application may be forwarded to that Public Authority as required under Sect.6 (3) of the RTI Act, 2005.