

By No 5226/F11/2013  
29/11/13 (S.F.)

RTI/M... (12)

No.L-15020/86/2013-Jus  
Government of India  
Ministry of Law and Justice  
(Department of Justice)  
\*\*\*\*

6384/Date (F11)/13  
12/11/13

Jaisalmer House, Man Singh Road,  
New Delhi, the 30<sup>th</sup> October, 2013.

OFFICE MEMORANDUM

Subject: Transfer of application under Section 6 (3) of Right to Information Act, 2005.

Not for  
IS (FFR)

CS (F1) / CP 10  
Recd for  
29/11/13  
S.I.S.M

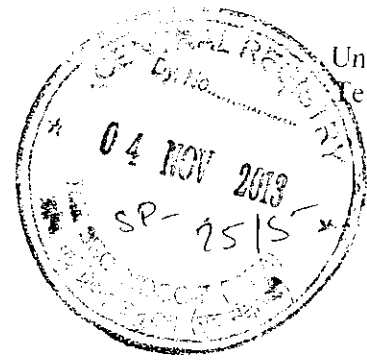
Not for  
F III Section  
W.B. Singh  
29/11/13

The undersigned is directed to transfer the RTI application of Shri Subhash Chandra Agrawal dated 25.03.2013 received from Director (BM-II) & CPIO, Ministry of Home to the Foreigners Division of Ministry of Home Affairs under Section 6 (3) of the RTI Act, 2005, in terms of First Appellate Authority's Order dated 30.10.2013 in response to first Appeal of the Appellant (copy enclosed) as the subject matter is closely connected with Ministry of Home Affairs (Foreigners Division).

2. It is requested that reply to the applicant may be sent directly as desired by him under item no.10 of his Application dated 25.03.2013 after obtaining the information from their CS Division and / Judicial Division etc, if required.

3. In case it does not fall under their jurisdiction, it may please be further transferred /forwarded to the Public Authority to which the subject matter is more closely connected, directly, under intimation to the applicant.

*(Signature)*  
(N. Srivastava)  
Under Secretary & CPIO  
Tel. No.011- 23072142



The CPIO (Foreigners Division)  
Ministry of Home Affairs,  
NDCC-II Building,  
Jai Singh Road, New Delhi.

Copy forwarded for information to :  
(1) Shri Subhash Chandra Agrawal, 1775, Kucha Lattushah, Dariba, Chandni Chowk, New Delhi-110006  
(2) Shri Y.M. Pande, DS(j) w.r.t. his order dated 30.10.2013

*(Signature)*  
(N. Srivastava)  
Under Secretary & CPIO

IS (Foreigners)  
4/11.11.13

SO/F.II

By for your  
with  
29/11/13

US (F)

Recd on 29/11/13

No.1/2/2013-Coastal Security  
Government of India  
Ministry of Home Affairs  
Coastal Security Section  
\*\*\*

NDCC-II Building, New Delhi.  
Dated the 5<sup>th</sup> August, 2013.

44/2013/COSEC/13  
5/8  
Shri Subhash Chandra Agrawal,  
1775, Kucha Lattushah,  
Dariba, Chandī Chowk,  
Delhi -110006.

Subject: Information sought under the Right to Information Act, 2005 – Transfer of RTI application under Section 6(3) of the RTI Act, 2005.  
\*\*

Sir,

This has reference to your Application dated 25.03.2013 received vide OM No.24/44/2013-Judl &PP dated 18.7.2013 seeking information under RTI Act, 2005 regarding related documents/correspondence/file-noting inter-alia on point No. 10 of your aforementioned application dated 18.7.2013.

2. In this regard, it is to convey that the information as sought by you vide your aforesaid application does not pertain to Director (BM.II) & CPIO.

3. Since the information at S.No.10 sought by your pertains to Department of Justice, MHA, New Delhi the application is hereby transferred, as per provision contained in Section 6(3) of the RTI Act, 2005 for providing the requisite information you directly..

(Rambir Singh)  
Director (BM-II) & CPIO

Copy to:- The Joint Secretary (Justice) & CPIO, Ministry of Home Affairs, Department of Justice, Jaisalmer House, New Delhi .

Shri Lalitana Chhangte, Under Secretary (Judicial &PP), NDCC-II, New Delhi – (Point 10)

No. 24/ 44 /2013-Judl & PP  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya

.....

NDCC-II, 4<sup>th</sup> floor, (Near Jantar Mantar)  
Jai Singh Road, New Delhi-1  
dated the 13 July, 2013.

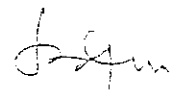
OFFICE MEMORANDUM

Subject:- RTI Application under the RTI Act, 2005 sent by Shri Subhash Chandra Agrawal, 1775 Kucha Lattushah Dariba, Chandni Chowk, Delhi-06, regarding .

The undersigned is to refer to the RTI application dated 26.03.2013 of Shri Subhash Chandra Agrawal received on 16.07.2013 from Foreigners Division of MHA, and to transfer the same to the BM Division, MHA New Delhi, under section 6(3) of the RTI Act, as the information sought in the application is not available with Judicial Division, but the same may be available with BM Division of MHA, New Delhi .

2. It is requested that the requisite information may be provided to the applicant directly under intimation to this office please.

Encl: As above.

  
17/7/13  
(J.P. Agrawal)  
Joint Secretary (Judicial) & CPIO  
Tel. No. 23438053

BM (BM)

To

✓ The Joint Secretary (BM Division). - 07  
M/o Home Affairs, NDCC-II Building,  
New Delhi.

Copy for information to-

- (1) Shri Subhash Chandra Agrawal, 1775 Kucha Lattushah Dariba, Chandni Chowk, Delhi-06,
- (2) Ministry of Home Affairs (Shri Vikas Srivastava, Under Secretary (Foreigners) and CPIO) (Foreigners Division), NDCC-II, New Delhi, (w.r.t. their U.O. RTI/92/2013-F-1 dated 12/07/2013).

urgent H

2/7/13

*Handwritten notes:*  
M. Home Aff  
Sh. Subhash Agrawal  
1775 Kucha Lattushah  
25.7.2013

Handwritten notes at top left: "135493/2013/RTI" and "16/7/2013".

Government of India

(17)

Government of India  
Ministry of Home Affairs  
(Foreigners Division)

Subject: Information sought under the RTI Act, 2005.

Please find enclosed an RTI application dated 25-03-2013 (received by the undersigned on 05.07.2013 on transfer from Shri Madhu Kalra, Section Officer (CPV-RTI) & CPIO, Ministry of External Affairs vide their OM No. 456/RTI-Transfer/2013-RTI dated 12.06.2013), seeking information under the RTI Act, 2005

2. The information sought by the applicant in Point No. 10 of the RTI application is not maintained in the Ministry of Home Affairs (Foreigners Division).

3. Since the subject matter pertaining to Point No.10 of the RTI application is closely linked to the functioning of CS Division, MHA, and partly pertains to the Judicial Division, MHA, Point No.10 of the RTI application is transferred to CS Division of MHA, and partly transferred to the Judicial Division, MHA under Section 6 (3) (ii) of the RTI Act, 2005. with a request to furnish the requisite information on the above said points directly to the applicant within the prescribed time limit.

Encls: As above.

Handwritten notes on left: "16/7/13" and "7/15/13".

*Vikas Srivastava*  
(Vikas Srivastava)  
Under Secretary (Foreigners) and CPIO

Handwritten note: "D.K. J." with a checkmark.

Sh. Ashutosh Jain, Director (CS-II), NDCC-II Building, New Delhi- (Points 10)  
Sh. Lalitana Chhangte, Under Secretary (Judicial & PF) - (Point 10)  
MHA U.O.RTI/92/2013-F-1 dated 09-07-2013.

Copy to:-

1. Sh. Subhash Chandra Agrawal, 1775, Kucha Lattushah Dariba, Chandni Chowk, Delhi-110006
2. Shri Madhu Kalra, Section Officer (CPV-RTI) & CPIO, CPV Division, Patiala House Annexe, Tilak Marg, New Delhi...for information.

*Vikas Srivastava*  
(Vikas Srivastava)  
Under Secretary (Foreigners) and CPIO

Handwritten notes on bottom left: "15/7/13" and "16/7/13" with various initials and checkmarks.

Handwritten note: "this is for SO (J-I), J (cell-I)." with a checkmark.

Handwritten note: "SO (J-I)." with a checkmark.

Handwritten note: "this is for SO (J-I)" with a checkmark.

Handwritten date: "7/15/13" and "SO (J-I)".

Handwritten note: "UO (F), NDCC-II" with a checkmark.

Handwritten note at bottom right: "The matter does not belong to SO (J-I) cell..."



2-4550/RTI/13  
3/7

MOST IMMEDIATE  
RTI MATTER

18

विदेश विभाग, नई दिल्ली  
Ministry of External Affairs  
New Delhi  
CPV Division, Patiala House Annex, Tilak Marg, New Delhi-110001

No.456 /RTI-Transfer/2013

Dated: 12.06.2013

OFFICE MEMORANDUM

Subject: Information sought under the Right to Information Act, 2005 – Transfer of RTI application under Section 6(3) of the RTI Act, 2005.

Enclosed please find an application made by Shri Subhash Chandra Agarwal under the RTI Act, 2005 dated 25.03.2013, As per Appellate authority order no. 807/JS(PSP) & CPO/2013 dated 7-6-2013 which was received in this office on 12-6-2013(copy enclosed)

2. As the information sought in Para 10 pertains to Foreigner Division, Ministry of Home Affairs, North Block New Delhi, the application, in original, is transferred to Foreigner Division, Ministry of Home Affairs, North Block New Delhi, under Section 6(3) (ii) of the RTI Act, 2005, with a request that a suitable reply may be sent to the applicant directly within the prescribed time limit, as per the provisions of the RTI Act, 2005.

M. Kalra  
(Madhu Kalra)  
Section Officer (CPV-RTI) &  
Central Public Information Officer

To

✓ The CPIO,  
Foreigner Division, Ministry of Home Affairs, North Block New Delhi  
Para 10 only  
Encl: as above

3/5  
7  
Copy to: Shri Subhash Chandra Agarwal, R/O 1775, Kucha Lattushah, Dariba, Chadni Chowk, Delhi - 110006, Contact No. 981003371 with a request that he may get in touch with the abovementioned CPIO directly, for any further correspondence.

3/5  
97  
him  
P.1  
317/USCF/13  
as/07

विदेश सञ्चालय

Ministry of External Affairs

संयुक्त सचिव (पीएसपी और मुख्य पासपोर्ट अधिकारी ) और सूचना का अधिकार अधिनियम,  
2005 के अधीन प्रथम अपीलार्थ प्राधिकारी का कार्यालय  
Office of JS(PSP) & CPO and First Appellate Authority under the RTI Act, 2005  
(सीपीवी प्रभाग पटियाला हाउस सैंच, तिलक मार्ग, नई दिल्ली 110001)  
(CPV Division, Patiala House Annexe, Tilak Marg, New Delhi-110001)

Dy. No. 807/JS(PSP)& CPO/2013

Dated June 07, 2013

Appellant

Shri Subhash Chandra Agrawal

Respondent

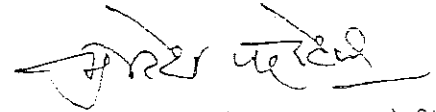
CPIO, of CPV Division

ORDER

The Appellant had filed an RTI application dated 25.03.2013 with the CPIO, of CPV Division, seeking information under the RTI Act. The Respondent replied to the appellant vide his letter dated 29.04.2013. Dissatisfied with CPIO's reply, the Appellant has filed this First Appeal which was received in my office on 10.05.2013.

2. The applicant has sought information on various counts. As far as the tenth query is concerned the CPIO stated that the matter pertains to the Ministry of Home Affairs (MHA). The appellant has now preferred this appeal with a prayer that the CPIO may be directed to transfer the application for the tenth query to the MHA. In view of the above, the CPIO is directed to transfer the application to the CPIO of MHA within one week from the date of receipt of this Order.

3. With these remarks, the appeal is disposed of.



(मुक्तेश कुमार परदेशी)

(Muktesh Kumar Pardeshi)

(संयुक्त सचिव (पीएसपी और मुख्य पासपोर्ट अधिकारी ) तथा अपीलीय प्राधिकारी  
Joint Secretary(PSP & CPO) and Appellate Authority

Copy to:

1- Shri Subhash Chandra Agrawal, R/O 1775, Kucha Lattushah, Dariba, Chadni Chowk, Delhi - 110006

2- CPIO, of CPV Division

(Appeal against this decision, if any, may be filed within 90 days from the date of receipt of this Order before the Central Information Commission, 2<sup>nd</sup> Floor, 'B' Wing, August Kranti Bhavan, Bhikaji Cama Place, New Delhi-110066.)

OMIS APPROVED  
Dt: 27/03/13  
R.B./B

(9)

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  
Block Marg, New Delhi-110001

536  
US (ART)

Sr.

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 (caption 25.03.2013).

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

5-2, 15/3/13

318 113

PRIME MINISTER'S OFFICE

South Block  
New Delhi-110 011

909  
02.04.2013

No. RTI/1516/2013-PMR

Dated: 28 /03/2013

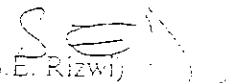
OFFICE MEMORANDUM

Subject : Application under Right to Information Act, 2005.

909  
2/0/2013

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. Rizvi)

Deputy Secretary and  
Central Public Information Officer  
Phone: 2307 4072

- 1. Foreign Secretary  
Ministry of External Affairs  
South Block, New Delhi - 110 011
- 2. Secretary  
Election Commission Of India  
Nirvachan Sadan, New Delhi - 110 001
- 3. Secretary  
Department of Justice  
Shastri Bhavan, New Delhi - 110 001

Points 2 to 6, 8 & 10

Points 7 & 9

Point 11

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.

6 - RTI cell - prod. report.  
2 - US (ew-study)  
3, 4, 5, 10 - MHA  
8, 10 - CPV  
2/4/13  
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may pl see  
En (RTI) scpio  
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11/4



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

URGENT	
RTI ACT	
Doc. No.	8483
R. Date	24/03/13
Res. Date	31/03/13
Ret. Date	

26

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):

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
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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-bailots
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

IPc No. 8F 739645 of 26

726190

foreign origin lodged in foreign jails mentioning if postal-orders 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.

13  
July 2011

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

SUBHASH CHANDRA AGRAWAL

*(Guinness Record Holder & RTI Activist)*

1775 Kucha Latrushah

Dariba, Chandni Chowk

DELHI 110006 (India)

Mobile 9810033711 Fax 23254036

E-mail [subhashmadhu@sify.com](mailto:subhashmadhu@sify.com)

Web [www.subhashmadhu.com](http://www.subhashmadhu.com)

25.03.2013

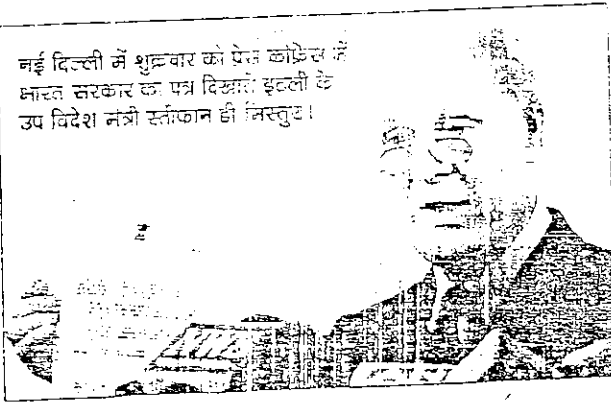
# इटली ने लिखित गारंटी

JAGHAN 27-03-2013

## के बाद नए नौसैनिक

इटाली उप विदेशमंत्री की देखरेख में भारत लौटे हत्यारोपी नौसैनिक केंद्र सरकार ने किसी भी प्रकार की डील से क्या इन्कार

नई दिल्ली में शुक्रवार को प्रेस कॉन्फ्रेंस में भारत सरकार का पत्र दिखाते इटली के उप विदेश मंत्री स्तर्फानो डी मिस्तुरा।



जागरण ब्यूरो, नई दिल्ली

इटली का इन्कार यूं ही इन्कार में नहीं बदला। भारतीय सुप्रीम कोर्ट से किए वादे के मुताबिक अपने नौसैनिकों को मुकदमे के लिए उतारने वापस भेज ही 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 दांव भी चलाने पड़े। दोनों नौसैनिक शुक्रवार शाम इतालवी उप-विदेश मंत्री स्तर्फानो डी मिस्तुरा की देखरेख में भारत लौट आए।

इटाली नौसैनिकों की जाफ़ी पर विदेश मंत्री सलमान खुर्रशीद ने संसद में दिए बयान में इटली से किए वादे बताए। दोनों सदनों में दिए खुर्रशीद 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 गत वर्ष समुद्र में हुई दो भारतीय मछुआरों की हत्या के मामले में मृत्युदंड भी नहीं दिया जाएगा, क्योंकि वह 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 वह 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 पत्ते चलाने पड़े।

प्रधानमंत्री मनमोहन सिंह के संसद में इटली की नतीजों के प्रति आगाह करने के बाद कूटनीतिक स्तर पर हुए संपर्कों के दौरान रोम को मामले की गंभीरता का आइना भी दिखाया गया। वहीं नए केंद्रीय अध्यक्ष सोनिया गांधी ने भी इटली को इसे हलके में न लेने की चेतावनी दी। यूएन के मुताबिक भारत ने स्पष्ट कर दिया था कि अगर सुप्रीम कोर्ट की अवमानना हुई तो वह सख्ती के साथ विकल्पों का इस्तेमाल करने के लिए स्वतंत्र होगा। भारत इस कड़ी में इटली से 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 बात 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 कैदियों 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

गारंटी के हत्यारोपी नौसैनिकों का मृत्युदंड नहीं दिया जाएगा। भारत ने अदालती कार्रवाई के दौरान उनके साथ उचित व्यवहार होगा। मौलिक अधिकारों की रक्षा की जाएगी।

तय नियाद के अंदर वापस लौटे तो नहीं होगी इतालवियों की गिरफ्तारी मानता दुर्लभतम श्रेणी का नहीं है। मृत्युदंड नहीं दिया जाएगा। सजा अपने दतन में पूरी करने के लिए भी व्यवस्था मौजूद

भारत की सर्वोच्च न्यायालय की अवमानना का बलता मानता भारत सरकार को उतारने होते इटली के खिलाफ संसद कटौत इतालवी रक्षा और उद्योग कंपनियों के लिए बन्नी मुश्किलें अंतरराष्ट्रीय स्तर पर भी हत्यारोपीको को वाफ़ी का बलाक टबाद

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

—मनमोहन सिंह

जाएगी। गौरतलब है कि मैसिमिलैने लातोरे और सल्वाटोर गिरोन नाम के दोनों नौसैनिकों को इटली के आम चुनावों में मतदान के लिए स्वदेश जाने की अनुमति दी गई थी। लेकिन इस 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)

①  
②  
③

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?

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](mailto:subhashmadhu@sify.com)

Web [www.subhashmadhu.com](http://www.subhashmadhu.com)

23.03.2013

**MEAPD/E/2013/00574**

**PRSEC/E/2013/04386**

333

Most Immediate  
RTI Matter

No.T.551/1/RTI/2013  
Ministry of External Affairs  
(CPV Division)

Sub: RTI Application dt. 4.04.2013 of Shri Subhash Chandra Agrawal regarding Indian national lodged in foreign jails.

Reference SO (CPV-RTI)& CPIO's Note No. 239/CPVRTI/2013 dt. 04.04.2013 enclosing a copy of RTI Application from Shri Subhash Chandra Agrawal, 1775 Kucha Lattushah Dariba, Chadni Chowk, Delhi-110006. received in the Consular Section on 5.4.2013, on the subject mentioned above.

The information on para 8 list showing the number of Indian national lodged in foreign jails is attached. Information sought under para 10 relates to the "fate of accused foreigners facing trial in Indian Courts". The subject matters pertain to the Ministry of Home Affairs. Ministry of Home Affairs may please be advised to provide answer to point 10.

If approved, we may send this reply to SO (CPV-RTI) to suitably inform the applicant.

*Sitaraman*

(S.Sitaraman)  
SO( Cons-II)  
25.04.2013

~~US (Cons)~~

*May please see.*

~~JS (Cons)~~

*26/4*

SO (CPV-RTI)& CPIO

*US (C/m)*

*26/4*

SO (CPV-RTI)/CPIO

*filed at S-001*



2-4850/par(P)/13  
3/7

MOST IMMEDIATE  
RTI MATTER

विदेश विभाग, नई दिल्ली  
Ministry of External Affairs  
New Delhi

CPV Division, Patiala House Annex,  
Tilak Marg, New Delhi-110001

No.456 /RTI-Transfer/2013

Dated: 12.06.2013

OFFICE MEMORANDUM

Subject: Information sought under the Right to Information Act, 2005 -- Transfer of RTI application under Section 6(3) of the RTI Act, 2005.

Enclosed please find an application made by Shri Subhash Chandra Agarwal under the RTI Act, 2005 dated 25.03.2013, As per Appellate authority order no. 807/JS(PSP) & CPO/2013 dated 7-6-2013 which was received in this office on 12-6-2013(copy enclosed)

2. As the information sought in Para 10 pertains to Foreigner Division, Ministry of Home Affairs, North Block New Delhi, the application, in original, is transferred to Foreigner Division, Ministry of Home Affairs, North Block New Delhi, under Section 6(3) (ii) of the RTI Act, 2005, with a request that a suitable reply may be sent to the applicant directly within the prescribed time limit, as per the provisions of the RTI Act, 2005.

M Kalra  
(Madhu Kalra)

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

To

The CPIO,  
Foreigner Division, Ministry of Home Affairs, North Block New Delhi  
Para 10 only  
Encl: as above

Copy to: Shri Subhash Chandra Agarwal, R/O 1775, Kucha Lattushah, Dariba, Chadni Chowk, Delhi - 110006, Contact No. 981003371 with a request that he may get in touch with the abovementioned CPIO directly, for any further correspondence.

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317/USCF/13  
05/07

विदेश मंत्रालय

Ministry of External Affairs

संयुक्त सचिव (पीएसपी और मुख्य पासपोर्ट अधिकारी ) और सूचना का अधिकार अधिनियम,  
2005 के अधीन प्रथम अपीलीय प्राधिकारी का कार्यालय  
Office of JS(PSP) & CPO and First Appellate Authority under the RTI Act, 2005  
(सीपीवी प्रभाग पटियाला हाउस सौध, तिलक मार्ग, नई दिल्ली 110001)  
(CPV Division, Patiala House Annexe, Tilak Marg, New Delhi-110001)

Dy. No. 807/JS(PSP)& CPO/2013

Dated June 07, 2013

Appellant

Shri Subhash Chandra Agrawal

Respondent

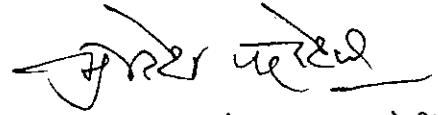
CPIO, of CPV Division

**ORDER**

The Appellant had filed an RTI application dated 25.03.2013 with the CPIO, of CPV Division, seeking information under the RTI Act. The Respondent replied to the appellant vide his letter dated 29.04.2013. Dissatisfied with CPIO's reply, the Appellant has filed this First Appeal which was received in my office on 10.05.2013.

2. The applicant has sought information on various counts. As far as the tenth query is concerned the CPIO stated that the matter pertains to the Ministry of Home Affairs (MHA). The appellant has now preferred this appeal with a prayer that the CPIO may be directed to transfer the application for the tenth query to the MHA. In view of the above, the CPIO is directed to transfer the application to the CPIO of MHA within one week from the date of receipt of this Order.

3. With these remarks, the appeal is disposed of.



(मुक्तेश कुमार परदेशी)

(Muktesh Kumar Pardeshi)

(संयुक्त सचिव (पीएसपी और मुख्य पासपोर्ट अधिकारी ) तथा अपीलीय प्राधिकारी  
Joint Secretary(PSP & CPO) and Appellate Authority

Copy to:

1- Shri Subhash Chandra Agrawal, R/O 1775, Kucha Lattushah, Dariba, Chadni Chowk, Delhi - 110006

2- CPIO, of CPV Division

(Appeal against this decision, if any, may be filed within 90 days from the date of receipt of this Order before the Central Information Commission, 2<sup>nd</sup> Floor, 'B' Wing, August Kranti Bhavan, Bhikaji Cama Place, New Delhi-110066.)

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  
Raj Marg, New Delhi-110001

576  
US (RTI)

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 (douran 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



5-20/1/15/2013

Right to Information

PRIME MINISTER'S OFFICE

318 113

South Block  
New Delhi-110 011

909  
02.04.2013

No. RTI/1516/2013-PMR

Dated: 28 /03/2013

OFFICE MEMORANDUM

Subject : Application under Right to Information Act, 2005.

909  
2/4/2013

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  
Ministry of External Affairs  
South Block, New Delhi - 110 011
- 2. Secretary  
Election Commission Of India  
Nirvachan Sadan, New Delhi - 110 001
- 3. Secretary  
Department of Justice  
Shastri Bhavan, New Delhi - 110 001

Points 2 to 6, 8 & 10

Points 7 & 9

Point 11

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.

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3, 4, 5, 10 - MHA  
8, 10 - CPV  
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15/03/13 UNDER RIGHT TO INFORMATION ACT

15/03/13 - 28.03.13

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

URGENT	
RTI ACT	
Diary No.	8483
& Date	26/03/13
Case No.	31/03/13
For Dispa	

26

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):

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

IPo No. 08F 739645 of 210

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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

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



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](mailto:subhashmadhu@sify.com)

Web [www.subhashmadhu.com](http://www.subhashmadhu.com)

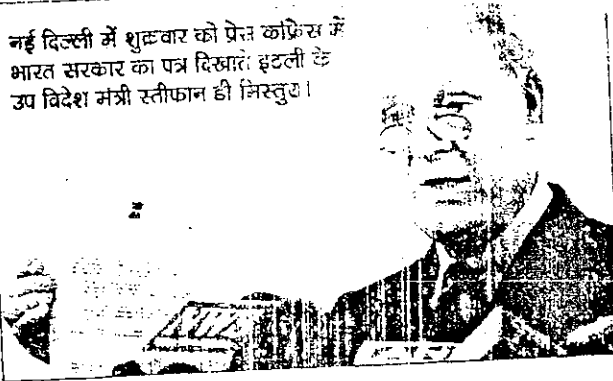
25.03.2013

# इटली ने लिखित गारंटी के बाद भेजे नौसैनिक

JAGRAN 27-03-2013

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 कॉन्फ्रेंस में भारत सरकार का पत्र दिखाते इटली के उप विदेश मंत्री स्टीफान डी निस्तुट।



जागरण ब्यूरो, नई दिल्ली

इटली का इन्कार यू ही इकरार में नहीं बदला। भारतीय सुप्रीम कोर्ट से किए वादे के मुताबिक अपने नौसैनिकों को मुकदमे के लिए उसने वापस भेज तो 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 दांव भी चलने पड़े। दोनों नौसैनिक शुक्रवार शाम इतालवी उप-विदेश मंत्री स्टीफान डी निस्तुट की देखरेख में भारत लौट आए।

इतालवी नौसैनिकों की जमानत पर विदेश मंत्री सलमान खुर्शीद ने संसद में दिए बयान में इटली से किए वादे बताए। दोनों सदनों में दिए खुर्शीद 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 गत 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 इकरार में बदलने के लिए बीते 12 दिनों में भारत को यूरोपीय संघ से लेकर द्विपक्षीय रिश्तों की समीक्षा तक कई पत्ते चलने पड़े।

प्रधानमंत्री मनमोहन सिंह के संसद में इटली को नतीजों के प्रति आगाह करने के बाद कूटनीतिक स्तर पर हुए संपर्कों के दौरान रोम को मामले की गंभीरता का आहना भी दिखाया गया। यही नहीं कांग्रेस अध्यक्ष सोनिया गांधी ने भी इटली की इसे हल्के में न लेने की चेतावनी दी। सूत्रों के मुताबिक भारत ने स्पष्ट कर दिया था कि अगर सुप्रीम कोर्ट को अवमानना हुई तो वह मुल्कों 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 कैदियों की अदला-बदली के समझौते के सहारे भी रोम की 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

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

तय नियाद के अंदर वापस लौटे तो नहीं 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

भारत की सर्वोच्च न्यायालय की अवमानना का बजता 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 बनावता दबाव

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

—मनमोहन सिंह

जाएगी। गौरनलब है कि मैसिमिलैने लातोर और सल्व्वाटोर गिरान नाम के दोनों नौसैनिकों को इटली के आम चुनावों में मतदान के लिए स्वदेश जाने की अनुमति दी गई थी। लेकिन इस 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)

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?

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](mailto:subhashmadhu@sify.com)

Web [www.subhashmadhu.com](http://www.subhashmadhu.com)

23.03.2013

**MEAPD/E/2013/00574**

**PRSEC/E/2013/04386**

Most Immediate  
RTI Matter

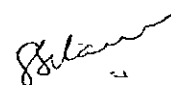
No.T.551/1/RTI/2013  
Ministry of External Affairs  
(CPV Division)

Sub: RTI Application dt. 4.04.2013 of Shri Subhash Chandra Agrawal regarding Indian national lodged in foreign jails.

Reference SO (CPV-RTI)& CPIO's Note No. 239/CPVRTI/2013 dt. 04.04.2013 enclosing a copy of RTI Application from Shri Subhash Chandra Agrawal,1775 Kucha Lattushah Dariba, Chadni Chowk, Delhi-110006. received in the Consular Section on 5.4.2013, on the subject mentioned above.

The information on para 8 list showing the number of Indian national lodged in foreign jails is attached. Information sought under para 10 relates to the "fate of accused foreigners facing trial in Indian Courts". The subject matters pertain to the Ministry of Home Affairs. Ministry of Home Affairs may please be advised to provide answer to point 10.

If approved, we may send this reply to SO (CPV-RTI) to suitably inform the applicant.



(S.Sitaraman)  
SO( Cons-II)  
25.04.2013

US (Cons)

May please see.

JS (Cons)

21/4

26/4

SO (CPV-RTI)& CPIO

US (C/m)

26/4

SO (CPV-RTI)/CPIO

Recd at S-002m

Government of India  
Ministry of Home Affairs  
(Foreigners Division)

Subject: Information sought under the RTI Act, 2005.

Please find enclosed an RTI application dated 25-03-2013 (received by the undersigned on 05.07.2013 on transfer from Shri Madhu Kalra, Section Officer (CPV-RTI) & CPIO, Ministry of External Affairs vide their OM No. 456/RTI-Transfer/2013-RTI dated 12.06.2013), seeking information under the RTI Act, 2005.

2. The information sought by the applicant in Point No. 10 of the RTI application is not maintained in the Ministry of Home Affairs (Foreigners Division).

3. Since the subject matter pertaining to Point No.10 of the RTI application is closely linked to the functioning of CS Division, MHA, and partly pertains to the Judicial Division, MHA. Point No.10 of the RTI application is transferred to CS Division of MHA, and partly transferred to the Judicial Division, MHA under Section 6 (3) (ii) of the RTI Act, 2005, with a request to furnish the requisite information on the above said points directly to the applicant within the prescribed time limit.

Encls: As above.



(Vikas Srivastava)

Under Secretary (Foreigners) and CPIO

  
Sh. Ashutosh Jain, Director (CS-II), NDCC-II Building, New Delhi- (Points 10 )

Sh. Lalitana Chhangte, Under Secretary (Judicial & PP) – (Point 10)

MHA U.O.RTI/92/2013-F-1 dated 09-07-2013.

Copy to:-

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

2. Shri Madhu Kalra, Section Officer (CPV-RTI) & CPIO, CPV Division, Patiala House Annexe, Tilak Marg, New Delhi...for information.



(Vikas Srivastava)

Under Secretary (Foreigners) and CPIO

15/7/13

MOST URGENT / BY SPEED POST

Government of India  
Ministry of Home Affairs  
(Foreigners Division)

Subject: Information sought under the RTI Act, 2005.

15 JUL 2013

Please find enclosed an RTI application dated 25-03-2013 (received by the undersigned on 05.07.2013 on transfer from Shri Madhu Kalra, Section Officer (CPV-RTI) & CPIO, Ministry of External Affairs vide their OM No. 456/RTI-Transfer/2013-RTI dated 12.06.2013), seeking information under the RTI Act, 2005.

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Encls: As above.

*Vikas Srivastava*

(Vikas Srivastava)

Under Secretary (Foreigners) and CPIO

Sh. Ashutosh Jain, Director (CS-II), NDCC-II Building, New Delhi- (Points 10)

Sh. Lalitana Chhangte, Under Secretary (Judicial & PP) – (Point 10)

MHA U.O.RTI/92/2013-F-1 dated 09-07-2013.

12

Copy to:-

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

2. Shri Madhu Kalra, Section Officer (CPV-RTI) & CPIO, CPV Division, Patiala House Annexe, Tilak Marg, New Delhi...for information.

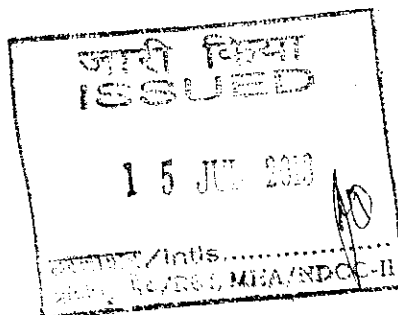
1013EL  
15/7/13

Copy to: VS (RR),  
CS Division.

*Vikas Srivastava*

(Vikas Srivastava)

Under Secretary (Foreigners) and CPIO





Government of India  
Ministry of Home Affairs  
(Foreigners Division)

Subject: Information sought under the RTI Act, 2005.

Please find enclosed an RTI application dated 25-03-2013 (received by the undersigned on 05.07.2013 on transfer from Shri Madhu Kalra, Section Officer (CPV-RTI) & CPIO, Ministry of External Affairs vide their OM No. 456/RTI-Transfer/2013-RTI dated 12.06.2013), seeking information under the RTI Act, 2005.

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Encls: As above.

*Vikas Srivastava*

(Vikas Srivastava)

Under Secretary (Foreigners) and CPIO

*15/7/13*  
Sh. Ashutosh Jain, Director (CS-II), NDCC-II Building, New Delhi- (Points 10)

*15/7/13*  
Sh. Lalitana Chhangte, Under Secretary (Judicial & PP) - (Point 10)

MHA U.O.RTI/92/2013-F-1 dated 09-07-2013.

Copy to:-

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

2. Shri Madhu Kalra, Section Officer (CPV-RTI) & CPIO, CPV Division, Patiala House Annexe, Tilak Marg, New Delhi...for information.

*Vikas Srivastava*

(Vikas Srivastava)

Under Secretary (Foreigners) and CPIO

*copy to: VC (PR), CS Division*

*17/7* *OTC*

RTI S2/2013-F-I  
Government of India  
Ministry of Home Affairs

NDCC-II Building, Jai Singh Road  
New Delhi, dated 18<sup>th</sup> December, 2013

To

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

Subject: Information sought under the RTI Act, 2005

Sir,

Please refer to your RTI application dated 25.03.2013, received by the undersigned on 29.11.2013 on transfer from Sh. N. Srivastava, Under Secretary & CPIO, Ministry of Law & Justice, Department of Justice, vide their O.M. No.L-15020/86/2013-Jus dated 30.10.2013, seeking information under the RTI Act, 2005.

2. In this connection, it may be stated that Foreigners Division, Ministry of Home Affairs has no information with regard to the issues raised in point nos. 10 of the RTI application.

3. The point no. 10 of the RTI application is transferred again to CS Division with a request to furnish the reply to the applicant directly.

Yours faithfully,

*Vikas Srivastava*

(Vikas Srivastava)

Under Secretary (Foreigners) & CPIO

Copy to :

- 1. Sh. Ashutosh Jain, Director (CS-II), CS Division, MHA, NDCC-II Building, New Delhi
- 2. Sh. N. Srivastava, Under Secretary & CPIO, MHA, Jaisalmer House, Man Singh Road, New Delhi
- 3. Sh. Rambir Singh, Director (BM-II) & CPIO, MHA, NDCC-II Building, Jai Singh Road, New Delhi

19/12  
444/BSC(F)/13  
28/12/13  
45/CS  
20/12/13

This is for u  
see it in original

CS (Foreigners & CPIO) Vikas  
23/12/13  
20/12/13  
23/12/13  
23/12/13  
SNP

704-100-2026/1/11/2013  
29/11/13

6386/Dir (F.II)/13

No L-15020/86/2013-Jus  
Government of India  
Ministry of Law and Justice  
(Department of Justice)

6386/Dir (F.II)/13  
12/11/13

Jaisalmer House, Man Singh Road,  
New Delhi, the 30<sup>th</sup> October, 2013.

Not for  
IS (FER)

OFFICE MEMORANDUM

Subject: Transfer of application under Section 6 (3) of Right to Information Act, 2005.

OS (F.II)/CPIO  
29/11/13  
5:15 PM

The undersigned is directed to transfer the RTI application of Shri Subhash Chandra Agrawal dated 25.03.2013 received from Director (BM-II) & CPIO, Ministry of Home to the Foreigners Division of Ministry of Home Affairs under Section 6 (3) of the RTI Act, 2005, in terms of First Appellate Authority's Order dated 30.10.2013 in response to first Appeal of the Appellant (copy enclosed) as the subject matter is closely connected with Ministry of Home Affairs (Foreigners Division).

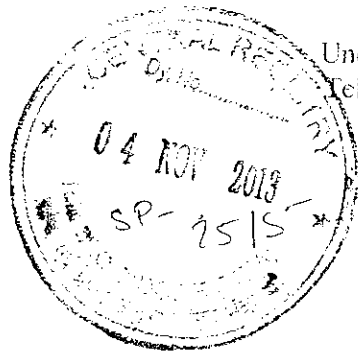
Not for  
F.II Section  
11/11/13

2. It is requested that reply to the applicant may be sent directly as desired by him under item no. 10 of his Application dated 25.03.2013 after obtaining the information from the CS Division and / Judicial Division etc, if required.

3. In case it does not fall under their jurisdiction, it may please be further transferred / forwarded to the Public Authority to which the subject matter is more closely connected, directly, under intimation to the applicant.

IS (Foreigners)  
11.11.13

The CPIO (Foreigners Division)  
Ministry of Home Affairs,  
NDCC-II Building,  
Jai Singh Road, New Delhi.



(N. Srivastava)  
Under Secretary & CPIO  
Tel. No. 011- 23072142

Copy forwarded for information to :

- (1) Shri Subhash Chandra Agrawal, 1775, Kucha Lattushah, Dariba, Chandni Chowk, New Delhi-110006
- (2) Shri Y.M. Pande, DS(j) w.r.t. his order dated 30.10.2013

SO/F.II

May be for you with 29/11/13

(N. Srivastava)  
Under Secretary & CPIO

US (F)

24/11/13

No.1/2/2013-Coastal Security  
Government of India  
Ministry of Home Affairs  
Coastal Security Section

NDCC-II Building, New Delhi.  
Dated the 5<sup>th</sup> August, 2013.

175(95)/13  
Shri Subhash Chandra Agrawal,  
1775, Kucha Lattushah,  
Dariba, Chandi Chowk,  
Delhi -110006.

Subject: Information sought under the Right to Information Act, 2005 – Transfer of RTI application under Section 6(3) of the RTI Act, 2005.

Sir,

This has reference to your Application dated 25.03.2013 received vide OM No.24/44/2013-Judl &PP dated 18.7.2013 seeking information under RTI Act, 2005 regarding related documents/correspondence/file-noting inter-alia on point No. 10 of your aforementioned application dated 18.7.2013.

2. In this regard, it is to convey that the information as sought by you vide your aforesaid application does not pertain to Director (BM.II) & CPIO.

3. Since the information at S.No.10 sought by your pertains to Department of Justice, MHA, New Delhi the application is hereby transferred, as per provision contained in Section 6(3) of the RTI Act, 2005 for providing the requisite information, you directly..

(Rambir Singh)  
Director (BM-II) & CPIO

Copy to:- The Joint Secretary (Justice) & CPIO, Ministry of Home Affairs, Department of Justice, Jaisalmer House, New Delhi.

Shri Lalitana Chhangte, Under Secretary (Judicial &PP), NDCC-II, New Delhi – (Point 10)

(1)

SECRET

No. 24/ 44 /2013-Judl & PP  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya

NDCC-II, 4<sup>th</sup> floor, (Near Jantar Mantar)  
Jai Singh Road, New Delhi-1  
dated the 13 July, 2013.

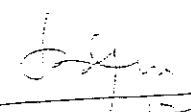
OFFICE MEMORANDUM

Subject:- RTI Application under the RTI Act, 2005 sent by Shri Subhash Chandra Agrawal, 1775 Kucha Lattushah Dariba Chandni Chowk, Delhi-06, regarding .

The undersigned is to refer to the RTI application dated 26.03.2013 of Shri Subhash Chandra Agrawal received on 16.07.2013 from Foreigners Division of MHA, and to transfer the same to the BM Division, MHA, New Delhi, under section 6(3) of the RTI Act, as the information sought in the application is not available with Judicial Division, but the same may be available with BM Division of MHA, New Delhi .

2. It is requested that the requisite information may be provided to the applicant directly under intimation to this office please.

Encl: As above.

  
17/7/13  
(J.P. Agrawal)  
Joint Secretary (Judicial) & CPIO  
Tel. No. 23438053

DIR (BOM)

To

✓ The Joint Secretary (BM Division) - 07  
M/o Home Affairs, NDCC-II Building,  
New Delhi.

Copy for information to-

- (1) Shri Subhash Chandra Agrawal, 1775 Kucha Lattushah Dariba, Chandni Chowk, Delhi-06,
- (2) Ministry of Home Affairs (Shri Vikas Srivastava, Under Secretary (Foreigners) and CPIO) (Foreigners Division), NDCC-II, New Delhi. (w.r.t. their U.O. RTI/92/2013-F-1 dated 12/07/2013).

*Handwritten notes and stamps:*  
17/7/13  
15.7.2013  
M. Anwarul  
G. K. (to D. J. Singh)

19

Government of India  
Ministry of Home Affairs  
(Foreigners Division)

Subject: Information sought under the RTI Act, 2005.

Please find enclosed an RTI application dated 25-03-2013 (received by the undersigned on 05.07.2013 on transfer from Shri Madhu Kalra, Section Officer (CPV-RTI) & CPIO, Ministry of External Affairs vide their OM No. 456/RTI-Transfer/2013-RTI dated 12.06.2013), seeking information under the RTI Act, 2005

2. The information sought by the applicant in Point No. 10 of the RTI application is not maintained in the Ministry of Home Affairs (Foreigners Division).

3. Since the subject matter pertaining to Point No.10 of the RTI application is closely linked to the functioning of CS Division, MHA, and partly pertains to the Judicial Division, MHA, Point No.10 of the RTI application is transferred to CS Division of MHA, and partly transferred to the Judicial Division, MHA under Section 6 (3) (ii) of the RTI Act, 2005, with a request to furnish the requisite information on the above said points directly to the applicant within the prescribed time limit.

Ends: As above.

*Vikas Srivastava*

(Vikas Srivastava)

Under Secretary (Foreigners) and CPIO

Sh. Ashutosh Jain, Director (CS-II), NDCC-II Building, New Delhi- (Points 10)

Sh. Lalitlana Chhangte, Under Secretary (Judicial & PP) - (Point 10)

MHA U.O. RTI/92/2013-F-1 dated 09-07-2013.

Copy to:-

1. Sh. Subhash Chandra Agrawal, 1775, Kucha Latoushan Dariba, Chandni Chowk, Delhi-110006

2. Shri Madhu Kalra, Section Officer (CPV-RTI) & CPIO, CPV Division, Patiala House Annexe, Tilak Marg, New Delhi...for information

*Vikas Srivastava*

(Vikas Srivastava)

Under Secretary (Foreigners) and CPIO

*inf  
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for Div  
7  
16/7/13*

*OK/108*

*to SCAD  
2. send to U.S. (S. J. Singh)  
with copy to U.S. (S. J. Singh)  
15/7/13*

*this is for*

*SC (J-I), UOI-1  
SC (J-I), UOI-1  
UOI-1  
UOI (F), NDCC-II*

*7  
15/7/13  
20/7/13*

*The letter is being  
sent to the applicant  
by post.*

ANNEX MEMORANDUM  
RTI MATTER

विदेश विभाग, नई दिल्ली  
Ministry of External Affairs  
New Delhi  
CPV Division, Patiala House Annex,  
Titch Marg, New Delhi-110001

No.456 /RTI-Transfer/2013

Dated: 12.06.2013

OFFICE MEMORANDUM

Subject: Information sought under the Right to Information Act, 2005 – Transfer of RTI application under Section 6(3) of the RTI Act, 2005.

Enclosed please find an application made by Shri Subhash Chandra Agarwal under the RTI Act, 2005 dated 25.03.2013, As per Appellate authority order no. 807 JS(PSP) & CPO/2013 dated 7-6-2013 which was received in this office on 12-6-2013 (copy enclosed)

2. As the information sought in Para 10 pertains to Foreigner Division, Ministry of Home Affairs, North Block New Delhi, the application, in original, is transferred to Foreigner Division, Ministry of Home Affairs, North Block New Delhi, under Section 6(3) (ii) of the RTI Act, 2005, with a request that a suitable reply may be sent to the applicant directly within the prescribed time limit, as per the provisions of the RTI Act, 2005.

M. K. Kalia  
(Madhu Kalia)  
Section Officer (CPV-RTI) &  
Central Public Information Officer

To

The CPIO,  
Foreigner Division, Ministry of Home Affairs, North Block New Delhi  
Para 10 only  
Encl: as above

Copy to: Shri Subhash Chandra Agarwal, R/O 1775, Kucha Lattushah, Dariba, Chadni Chowk, Delhi - 110006, Contact No. 981003371 with a request that he may get in touch with the abovementioned CPIO directly, for any further correspondence.

317/US(CF)/13  
25/07

2-6850/RTI(PD)/13  
3/7

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P.1

विदेश मंत्रालय

Ministry of External Affairs

सचिव (पीएसपी और मुख्य पासपोर्ट अधिकारी) और सूचना का अधिकार अधिनियम,  
2005 के अधीन प्रथम अपील प्राधिकारी का कार्यालय

Office of JS(PSP) & CPO and First Appellate Authority under the RTI Act, 2005

(सीपीवी प्रभाग पटियाला हाउस सौच, तिलक मार्ग, नई दिल्ली 110001)

(CPV Division, Patiala House Annexe, Tilak Marg, New Delhi-110001)

Dy. No. 807/JS(PSP)& CPO/2013

Dated June 07, 2013

Appellant

Shri Subhash Chandra Agrawal

Respondent

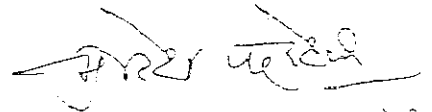
CPIO, of CPV Division

ORDER

The Appellant had filed an RTI application dated 25.03.2013 with the CPIO, of CPV Division, seeking information under the RTI Act. The Respondent replied to the appellant vide his letter dated 29.04.2013. Dissatisfied with CPIO's reply, the Appellant has filed this First Appeal which was received in my office on 10.05.2013.

2. The applicant has sought information on various counts. As far as the tenth query is concerned the CPIO stated that the matter pertains to the Ministry of Home Affairs (MHA). The appellant has now preferred this appeal with a prayer that the CPIO may be directed to transfer the application for the tenth query to the MHA. In view of the above, the CPIO is directed to transfer the application to the CPIO of MHA within one week from the date of receipt of this Order.

3. With these remarks, the appeal is disposed of.



(मुक्तेश कुमार परदेशी)

(Muktesh Kumar Pardeshi)

(संयुक्त सचिव (पीएसपी और मुख्य पासपोर्ट अधिकारी) तथा अपीलीय प्राधिकारी)  
Joint Secretary(PSP & CPO) and Appellate Authority

Copy to:

1. Shri Subhash Chandra Agrawal, P/O 1775, Kucha Lattushah, Dariba, Chadni Chowk, Delhi - 110006

2. CPIO, of CPV Division

(Appeal against this decision, if any, may be filed within 90 days from the date of receipt of this Order before the Central Information Commission, 2<sup>nd</sup> Floor, 'B' Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110054.)



Date: 23.03.2013

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, Parijatha House Annexe  
Chhatra Marg, New Delhi-110001

336  
USL/RTI

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 (caption 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

PRIME MINISTER'S OFFICE

South Block,  
New Delhi-110 011

909  
02.04.2013

Dated: 28.03.2013

No. RTI/1510/2013-PMR

OFFICE MEMORANDUM

Subject: Application under Right to Information Act, 2005.

RECEIVED  
21/04/13

An application dated 25/05/2013 received on 26/05/2013 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 N  
S. E. RAJWAL  
Deputy Secretary and  
Central Public Information Officer  
Phone: 2307 4072

- 1. Foreign Secretary  
Ministry of External Affairs  
South Block, New Delhi - 110 011
- 2. Secretary  
Election Commission Of India  
Nirvachan Sadan, New Delhi - 110 001
- 3. Secretary  
Department of Justice  
Shastri bhavan, New Delhi - 110 001

Points 2 to 6, 8 & 10  
Points 7 & 9  
Point 11

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.

6 - LIA cell - prod. part.  
2 - US (w-Study)  
3, 4, 5, 10 - MHA  
8, 10 - CPV  
2/4/13  
VH(11)/K(11)

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15/03/13 UNDER DISCRETION TO INFORMATION ACT

Public Information Officer  
Minister's Office (PMO)  
South Block, New Delhi - 110001

URGENT	
RTI ACT	
Sl. No.	6483
S. Date	26/03/13
RECEIVED	31/03/13
BY	

71

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).

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' (NEAPD/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

IP O No. 08F 739645 of 2013

726130

Complete information on role for casting votes for release of accused foreigners  
foreign origin lodged in foreign jails mentioning if possible name of the accused  
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 any instructions were given to them for release
12. Presentings on movement of RTI petition

Handwritten notes and markings on the right side of the page.

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

SUBHASH CHANDRA AGRAWAL

(Columnar Public Voice & RTI Activist)  
1775 Kucha Larrushah  
Dariba, Chandni Chowk  
DELHI 110006 (India)  
Mobile 9810033711 Fax 29254096  
E-mail [subhashmadhu@sify.com](mailto:subhashmadhu@sify.com)  
Web [www.subhashmadhu.com](http://www.subhashmadhu.com)

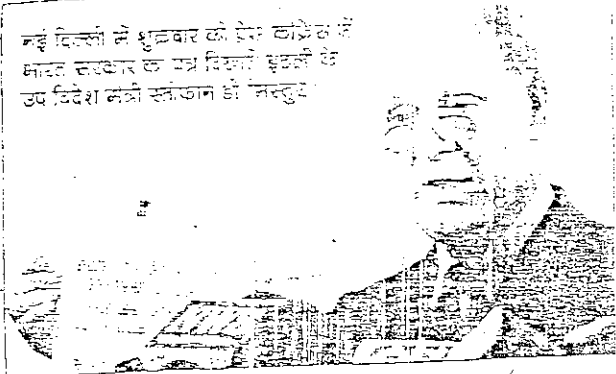
25.03.2013

# इटली ने लिखित गारंटी

## के साथ नए नौसैनिक

बलाघातों एवं विदेशियों की देखरेख में भारत लौटे हथियारों की नौसैनिक केंद्र सरकार ने किसी भी प्रकार की डील से किया इन्कार

नई दिल्ली के शुक्रवार को इस कांग्रेस में भारत सरकार के उप विदेश मंत्री राजीव गांधी ने उप विदेश मंत्री राजीव गांधी ने



जगदश ब्यूरो, नई दिल्ली

इटली का इन्कार वृही इन्कार में नहीं करता। भारतीय सुप्रीम कोर्ट से किए जाने के नौसैनिक अपने नौसैनिकों को मुकदमों के लिए अपने मामले में दिया लेकिन लिखित गारंटी के बदले। इटली ने भारत से लिखित गारंटी ली है कि उनके नौसैनिकों को मृत्युदंड नहीं दिया जाएगा। वहीं इस इन्कार के तत्पश्चात् के तत्पश्चात् के लिए भारत को निषेध के साथ-साथ अपनी ताकत के कई नौसैनिकों को भी भेजने पर। दोनों नौसैनिकों के मामले में इटली के उप-विदेश मंत्री राजीव गांधी के विस्तार की देखरेख में भारत लौट आए।

इटली की नौसैनिकों की उपस्थिति पर विदेश मंत्री राजीव गांधी ने संसद में विचार व्यक्त में इटली से किए जाने वाले। दोनों स्वयं में विचार व्यक्त में इटली के मामले के नौसैनिक 'इटली सरकार को बताया गया है कि अगर दोनों नौसैनिक सुप्रीम कोर्ट में किए जाने की नियात (22 मार्च) तक लौट आते हैं तो उन्हें रिहा नहीं किया जाएगा। इसके अलावा भारत ने इटली को यह भी कहा कि दोनों नौसैनिकों को रात वर्ष समुद्र में हुई तो भारतीय मृत्युदंड 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 इटली को उप विदेश मंत्री ने दो-दूक कहा कि इटली के लिए भारत की ओर

में वह गारंटी अनिवार्य थी कि उनके नौसैनिकों को मृत्युदंड नहीं मिलेगा। हालांकि इटली के इन्कार को इन्कार में बदलने के लिए जीते 12 दिनों में भारत को सुरक्षा के साथ लेकर विदेशीय विदेशों की नौसैनिकों को भेजने वाले।

प्रधानमंत्री मनमोहन सिंह के संसद में इटली को नौसैनिकों के प्रति आग्रह करने के बाद नौसैनिकों के प्रति सुरक्षा के दौरान राम को मामले को संभालना का आग्रह भी किया गया। पत्रों में इन्कार के तत्पश्चात् नौसैनिकों को भी इटली को लौटने के लिए भी भेजने की संभावना थी। मुंबई के नौसैनिकों के मामले में स्पष्ट कर दिया था कि भारत सुप्रीम कोर्ट को अपमानना हुई तो वह सजाओं के साथ विचारों का इलेक्शन करने के लिए स्वतंत्र होगा। भारत का कहना है कि इटली के साथ द्विपक्षीय रिश्तों की समीक्षा की बात पहले ही कहा चुका था। साथ ही अदालत में भी सख्त देखाते हुए इटली को राजदूत के भारत छोड़ने पर राज लगा दी थी।

विदेश मंत्रालय के प्रवक्ता के मुताबिक दोनों मुल्कों के बीच बात 24 घंटों में हुए काफी समय राजनयिक संघर्ष ने इटली के इस फैसले का रस्ता बनाया। वहीं इन कोशिशों से जुड़े सूत्रों के मुताबिक दोनों देशों के बीच बीते रात के दिनों की अदला-बदली के समझौते के सहारे भी राम को भरोसा दिया गया है कि दोनों नौसैनिक अपने मुल्क में सजा पूरी कर जाएंगे। इटली ने इस बात का भी लिखित भरोसा भारत से लिया है कि दोनों नौसैनिकों के दुनियादी अधिकारों की रक्षा की

नियुक्तों के हथियारों को सुरक्षित रखेगा। भारत ने अदालत को सुरक्षा के साथ लेकर उनसे साथ जीवन व्यतीत करने में नौसैनिक अधिकारों की रक्षा की जाएगी।

तब नियात के अंतर्गत लौटे तो नहीं होगी इटली के विदेशियों की निरक्षरता मानकी दुर्लभतम श्रेणी का नहीं है मृत्युदंड नहीं दिया जाएगा। सजा अपने वक्त में पूरी करने के लिए भी आवश्यक नौसैनिक

भारत को सर्वोच्च न्यायालय को उपस्थित कर देना भारत सरकार को उम्मीद है। इटली के विचारों के साथ कठोर इटली के साथ और स्पष्ट जानकारी के लिए इटली के नौसैनिकों के अंतरराष्ट्रीय स्तर पर भी हथियारों को लौटने का संकेत दिया

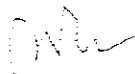
बुद्धे सुधी है कि भारतीय नौसैनिक प्रणाली की गारंटी और अप्रैडता बरकरार रही।

जगदीश। गौरवत्व है कि नौसैनिकों की तात्पर्य और सत्कारों निरंतर नाम के दोनों नौसैनिकों को इटली के उप विदेश मंत्री के तत्पश्चात् के लिए लौटने जाने की अनुमति दी गई थी। लेकिन इस बात का कि वे मुकदमों का सामना करने के लिए 22 मार्च तक भारत लौट जाएंगे। हालांकि 11 मार्च को इटली सरकार ने अचानक अपना रुख बदल दिया था कि दोनों नौसैनिकों को वह मुकदमों के लिए भारत वापस नहीं भेजेगा। इसके बाद दोनों मुल्कों के रिश्तों में तनाव आ गया था।

(संवादित खबरें पृष्ठ-3 पर)

Return of Italian marines accused of killing two Indian Fishermen to India for March-22 deadline as fixed by Indian Supreme Court is in no way a diplomatic deal. It was the big business-pressure of 1000-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?



SUBHASH CHANDRA AGRAWAL

(Guinness Record Holder & RTI Activist)

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Web [www.subhashmadhu.com](http://www.subhashmadhu.com)

23.03.2013

MEAPD/E/2013/00574

PRSEC/E/2013/04386

68

Most Immediate  
RTI Matter

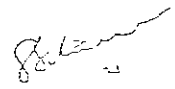
No.T.5511/RTI/2013  
Ministry of External Affairs  
(CPV Division)

Sub: RTI Application dt. 4.04.2013 of Shri Subhash Chandra Agrawal regarding Indian national lodged in foreign jails.

Reference SO (CPV-RTI)& CPIO's Note No. 239/CPV/RTI/2013 dt. 04.04.2013 enclosing a copy of RTI Application from Shri Subhash Chandra Agrawal, 1775 Hucha Lamushah Dariba, Chadni Chowk, Delhi-110006, received in the Consular Section on 5.4.2013, on the subject mentioned above.

The information on para 8 list showing the number of Indian national lodged in foreign jails is attached. Information sought under para 10 relates to the "fate of accused foreigners facing trial in Indian Courts". The subject matters pertain to the Ministry of Home Affairs. Ministry of Home Affairs may please be advised to provide answer to point 10.

If approved, we may send this reply to SO (CPV-RTI) to suitably inform the applicant.



(S. Sivaraman)  
SO( Cons-II)  
29.04.2013

~~JS (Cons)~~

May please see

~~JS (Cons)~~

26/4

26/4

SO (CPV-RTI)& CPIO

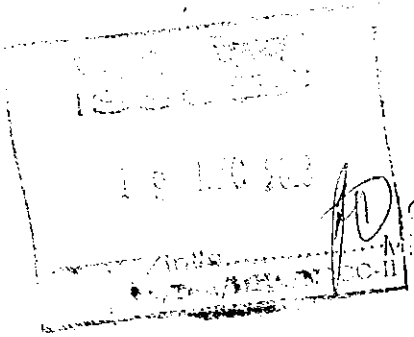
JS (Cons)

26/4

SO (CPV-RTI)/CPIO

Red at Sivaraman

RTI MATTER / BY SPEED POST



RTI/S2/2013-F-1  
Government of India  
Ministry of Home Affairs

NDCC-II Building, Jai Singh Road,  
New Delhi, dated 18<sup>th</sup> December, 2013

18 DEC 2013

To

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

Subject: Information sought under the RTI Act, 2005

Sir,

Please refer to your RTI application dated 25.03.2013, received by the undersigned on 29.11.2013 on transfer from Sh. N. Srivastava, Under Secretary & CPIO, Ministry of Law & Justice, Department of Justice, vide their O.M. No.L-15020/86/2013-Jus dated 30.10.2013, seeking information under the RTI Act, 2005.

2. In this connection, it may be stated that Foreigners Division, Ministry of Home Affairs has no information with regard to the issues raised in point nos. 10 of the RTI application.

3. The point no. 10 of the RTI application is transferred again to CS Division with a request to furnish the reply to the applicant directly.

Yours faithfully,

*Vikas Srivastava*

(Vikas Srivastava)

Under Secretary (Foreigners) & CPIO

Copy to :

- 18/12  
10/11-12/12  
9/12/013
1. Sh. Ashutosh Jain, Director (CS-II), CS Division, MHA, NDCC-II Building, New Delhi
  2. Sh. N. Srivastava, Under Secretary & CPIO, MHA, Jaisalmer House, Man Singh Road, New Delhi
  3. Sh. Rambir Singh, Director (BM-II) & CPIO, MHA, NDCC-II Building, Jai Singh Road, New Delhi

o/e