

# Information under RTI Act

Letter No.RTI/551/763/2012 /July 11, 2012  
Ministry of External Affairs, New Delhi.

**LEGAL CELL**

Legal Cell

Ministry of External Affairs - 2012

**Jabir' Case, Abu Dhabi, UAE**



# LEGAL CELL

## Representation 1996 (Jabir' Case, Abu Dhabi)

September 13, 2012

Shri Sandeep Sood,  
Under Secretary (RTI) & CPIO,  
Ministry of External Affairs,  
New Delhi.

Dear Sir,

Sub: Information under the RTI Act, in the matter of the representation of Shri Panikkaveetil K. Jabir, Kerala, as per the judgment of the Delhi High Court Dated 20-11-1997 directing the Ministry of External Affairs to dispose of his Representation dated 26th December 1996, within two months from 20-11-1997.

Ref: Letter No.RTI/551/763/2012 dated July 11, 2012 from Ministry of External Affairs.

My application dated 04 July, 2012 (copy attached) was filed before the Ministry of External Affairs, Government of India, New Delhi to get information on the action taken by the External Affairs Ministry as per the directives to the Ministry of External Affairs, contained in the judgment dated 20-11-1997 of Justice Arun Kumar of the Hon'ble High Court of New Delhi (Appellate Civil Jurisdiction), C.W.No.4972/97 (C.M.9144/97).

We are in receipt of your letter for more details referred to above. Please find the true copy of representation along with some other documents that are related with the above said representation. Unfortunately, the Ministry of External Affairs has failed to take any effective and timely action in the representation of a torture survivor, as directed by the High Court of Delhi.

Shri Jabir was unsuccessful in getting a sanction to pursue remedies in India against the offending State of UAE which is responsible vicariously for the crimes, torts and other illegal actions of its officials. This



# LEGAL CELL

## Representation 1996 (Jabir' Case, Abu Dhabi)

minimal justice stands denied to Sri Jabir who was the victim of a case of gross violation of natural justice that emerged in Abu Dhabi, United Arab Emirates, where he was having a vast business empire.

A brief sketch of the case and plight of Sri P.K. Jabir is given below to give you a quick appraisal:-

Shri Jabir is a qualified Mechanical Engineer, who obtained his higher Diploma in Electro-Mechanical Engineering (M.E), from Victoria College of Engineering, Bombay. He had valuable experience in the said field by working in projects of International Repute like Voltas and Lufthansa in India.

On 01.06.1979 Sri Jabir went to the UAE. He could successfully begin and develop three business establishments in Abu Dhabi, i.e., (1) Premier General Contracts & Maintenance Establishment, (2) Ramla Electro-Mechanic Est., and (3) Summer-Pool Building Material Trading Est. The value estimated including work contracts, human resources and procurement in projects of worth US Dollar \$100 million.

In 1995, there was a business deal with a Hassan Saeed, a UAE landlord, covering a building proposed to be leased out for a sum of 5,40,000 UAE Dirhams. When a dispute arose with the said UAE business associate, the petitioner instituted a civil suit in Abu Dhabi Court. The conspiracy on the part of the landlord to avoid paying debts was one of the important and thrusting points in the civil suit.

Though the petitioner had acted only as a law abiding citizen, and in accordance with legal advice secured in that behalf, and had only sought relief from a court of justice, Hassan Saeed took it as a personal affront and planned and executed illegal and violent activities against the petitioner defying all legal provisions and principles of fair-play. Making a forcible entry into the complainant's place, the petitioner was threatened to withdraw the Civil Suit by abusing the force of the Police Officials. The petitioner could not yield to such illegal and unjust demands which amounted to extortion.

The petitioner was arrested soon thereafter in a fabricated criminal case, put in jail and tortured brutally. The mere fact that the court has found the whole case was fabricated and the police was the master brain behind all the manipulations. And ultimately, the lower Court and the Apex Court of Abu Dhabi had declared the petitioner innocent of the charges leveled against him. In addition, the UAE authorities were directed to compensate the petitioner for all the sufferings, prestige, dignity and other damages.

### **An excerpt from the appellate judgment is as follows:-**

"Verily the Islamic law and the entire positive laws have honoured man and protected his freedom, his honour, his property and his soul. Hence, if man was killed while protecting these, he is considered to be a martyr. And limitation of his freedom without any right is an unforgiving crime and the same is mentioned in the provisions of article 2 and 3 of the penal procedure code. And it is proved in this case that the policemen along with the local went to arrest the accused, without any right and curtailed his freedom".



# LEGAL CELL

## Representation 1996 (Jabir' Case, Abu Dhabi)

In the wake of the concurrent judicial findings of the Court, he should have been restored to his former status and position and adequately compensated for the mental agony and suffering and pecuniary losses suffered by him. Unfortunately, the UAE Officials acted in total defiance of the findings and sentiments expressed by the judicial establishments of the country.

On 28-9-1986, they resorted to the high handed action of deporting the petitioner to India in total negation of Human Rights and principles of law. A "No Entry Seal" has also been affixed illegally in the Passport of the victim. The petitioner was not given an opportunity to make any representation against making such an endorsement which would deprive him of his life and liberty as safeguarded under the domestic law, the international law and other humanitarian laws.

I hope now you could make a picture of the turmoil of Shri Jabir has hitherto been put to at the hands of the authorities in Abu Dhabi, UAE. The anguish resultant from the deprivation of his establishments, assets and reputation earned exclusively through the untiring personal efforts of the petitioner causes mental depression which will virtually make his life only a vegetable existence.

On reaching India, Shri Jabir moved from pillar to Post. He filed a Writ Petition in the Hon'ble High Court of Delhi. The Court was convinced of the inhuman and unjust actions of the UAE, on the basis of the documental evidences submitted in the case and the further facts put forth during the hearing of the case. Accordingly, the High Court of Delhi had directed the Ministry of External Affairs, vide its judgment dated 20-11-1997, to dispose of the representation within two months from 26th December, 1996.

From the records it will be appreciated that, Shri Jabir is well aware of his rights and he was waiting all the while for justice. The both State parties, the UAE Government and the Government of India have the responsibility to fulfill his rights'. It has to be noted that, the UAE Courts had already ordered the authorities to pay compensation to Shri Jabir for all the inhuman tortures inflicted up on him and for his business losses, fame and dignity he suffered by the case fabricated against him and found to be so by the Judges. Instead of this, Shri Jabir was aggressively and repeatedly victimized by the UAE officials with impunity.

It is rather a disgrace that the Ministry of External Affairs, Government of India, despite a specific Court directive of High Court of Delhi, did not take any effective action in the matter. 'A situation, that appears to have been eroded the faith of the general public in the ability of the legal system to redress harms that result from serious crimes'.

It should be kept in mind that, the doctrine of "International responsibility" under the rules protecting individuals from official abuses has undergone a significant evolution. When the authorities of a State, irrespective of whether they are acting pursuant to an official policy, fail to protect individuals from human rights abuses, they are also in violation of international law and therefore incur State responsibility. In honouring the victims' right to benefit from remedies and reparation, the general public keeps faith with the plight of victims, survivors and reaffirms the national and international law in the field. (Reparation Law)

The officials of the Ministry of External Affairs should feel themselves ashamed of their inaction in protecting the innocent Indians trapped in false cases in the UAE, if they closely rewind and recollect the anxiety, sincerity and promptness of the Ministers of Italy who came to India to help and rescue two of



# LEGAL CELL

## Representation 1996 (Jabir' Case, Abu Dhabi)

their citizens, the marines of the ship Enrica Lexi, who were actually 'proven killers of two fishermen, near Quilon, Kerala.

Shri Jabir has to be redressed for his persistent miseries, at the earliest possible. Copies of letters from the Ministry of External Affairs, Government of India, National Human Rights Commission (N.H.R.C), Prime Minister's Office, The Ambassador of India, United Arab Emirates, other institutions and personalities are attached hereto for reference.

1. Reply dated 11 July, 2012 No.RTI/551/763/2012 from the Ministry of External Affairs, Government of India, New Delhi
2. Application dated 04 July, 2012 before the Ministry of External Affairs, Government of India, New Delhi
3. Letter No.V-1600/EAM/2000 dated September 7, 2000 from Smt. Narinder Chauhan, Director/PS, Private Secretary to the Minister of State, Ministry of External Affairs, New Delhi-110011, addressed to Shri P.C. Thomas, Member of Parliament (LS), B-702, M.S. Flats, Baba Kharag Singh Marg, New Delhi.
4. Letter No.4796/A1/99/NORKA, dated 18-12-1999 from Amitabh Kant, Secretary to Government, NORKA, Non Resident Keralites' Affairs (A) Department, Thiruvananthapuram, addressed to The Secretary to Government, Ministry of External Affairs, Government of India, New Delhi-110 011.
5. Letter No.T-4113/3/96 dated January 29, 1998 from N.U. Avirachan, Under Secretary, Ministry of External Affairs, Government of India, New Delhi, addressed to Shri Bala Subramanian, Second Sef India (Cons), Embassy O Abu Dhabi.
6. Letter No.11/272/96-LD dated 2<sup>nd</sup> February, 1997 from I.C. Punetha, Jt. Registrar (Law), National Human Rights Commission (Law Division), Sardar Patel Bhavan, New Delhi-110 001, addressed to The Secretary, Ministry of External Affairs, South Block, New Delhi-110 001.
7. Letter No.9/3/98-PMRY/751736 dated 15 June 1998 from Shri H.S. Dhooria, Section Officer, Prime Minister's Office, New Delhi-110 011, addressed to Shri P.K. Jabir, intimating that his letter of 1-6-1998 to the Prime Minister is being forwarded for action as appropriate to the Secretary, Ministry of External Affairs, New Delhi.
8. Letter dated June 16, 1998 from Smt. Vasundhara Raje, Minister of State for External Affairs, India, addressed to Shri O.Rajagopal, Member of Parliament, Chairman on petitions, Rajya Sabha, 126-B, Parliament House, New Delhi-110 001.
9. Letter dated June 19, 1998 from Shri O. Rajagopal, Member of Parliament, Chairman, Committee on Petitions, Rajya Sabha, 126-B, Parliament House, New Delhi-110 001, addressed to the petitioner, acknowledging his representation and the same being forwarded to Smt. Vasundhara Raje, Minister of State for External Affairs, India.
10. Letter No.ABU/AMB/411/1/98 dated 21<sup>st</sup> September 1998, from Shri M.P.M. Menon, Ambassador of India, Abu Dhabi, United Arab Emirates, addressed to the petitioner, directing him to send a representation on his grievance to His High Shaikh Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates.



# LEGAL CELL

## Representation 1996 (Jabir' Case, Abu Dhabi)

11. Letter dated 23<sup>rd</sup> June 1998 from Shri I.K. Gujaral, Member Parliament (Lok Sabha), G-13, Maharani Bagh, New Delhi-110 065, addressed to the petitioner intimating that his representation is being taken up with the Ministry of External Affairs for appropriate action.
12. The Judgment copy of the Delhi High Court Dated 20-11-1997 directing the Ministry of External Affairs to dispose of Shri Jabir's Representation dated 26th December 1996.
13. Shri Jabir's Representation dated 26th December 1996 to the Ministry of External Affairs, Government of India, New Delhi.

In view of the background information furnished as above, the Hon'ble External Affairs Ministry could have an updated picture of the entire incidents that led to his illegal arrest, brutal torture and harassment in Abu Dhabi as well as the helpless attitude of the officials in India as well as abroad in abating his agonies.

Under the provisions of the Right to Information Act, I would now earnestly request the External Affairs Ministry to furnish the information sought for at the earliest."

Yours faithfully,

D.B Binu, Advocate,

Secretary,

Human Rights Defense Forum,

Providence Road, Kochi, Kerala – 682 018.