



March 20, 2013

The Secretary to Government of India,
Ministry of External Affairs,
South Block, New Delhi – 110 011

Ref.30JAN2013/INDO-GULF/REP

Sub. Important reminder notice to the Ministry of External Affairs, Government of India

Respected Sir,

I had submitted to the Ministry a detailed representation for 'Indo-Gulf Reparation Mechanisms' relating to my grievances arising out of the cruel treatment, and the NON-EXECUTION of Judgments for both, the lower Court and the highest Courts of Abu Dhabi, U.A.E., in my favour where I had spent a long period serving that Nation, as a law abiding Indian citizen.

Some criminal elements resorted to inhuman and illegal activities, against me. That is the essence of the grievance. A copy of my representation had been sent to Shri Salman Khurshid, Hon'ble Minister for External Affairs. The Minister was generous enough to intimate me by his communication dated 15-2-2013 that he had "asked the concerned division to examine the same".

More than six weeks have elapsed after the submission of my representation, and more than one month, after the letter of the Hon'ble Minister. With my agony remaining unabated, I am compelled to seek an immediate reply and relief from the Ministry.

Permit me to add two further aspects to my representation:

1. The judgment of the Delhi High Court 19-9-2007, which had extracted the letter of the Ministry dated 29-07-1998 reading: "Although under Section 86 cannot be granted for suing the UAE Government, we are taking up the matter with our Embassy in Abu Dhabi once again, requesting them to pursue this case at appropriate level". (Emphasis supplied).

(A copy of that judgment is enclosed herewith for ready reference)



I have not been informed about the further endeavours of the Embassy in securing justice for my cause.

2. Recent developments about the responsibility of an Ambassador of a country. They are particularly relevant while considering the serious actions to be pursued at the Ambassador's level for securing the interests of the Indian citizens.

I may be permitted to refer to the Vienna Convention on Diplomatic Relations, 1961, available in United Nations, Treaty Series, Vol. 500, Page 95.

It may be noted that under Article 3, the functions of a Diplomatic Mission include:

(b) Protecting in the receiving State, the interests of the sending State and OF ITS NATIONALS, within the limits permitted by International Law";

(c) Negotiating with the Government of the receiving State;

Under Article 41 (2), "all official business with the receiving State entrusted to the Mission by the sending State shall be conducted with or through the Ministry of Foreign Affairs of the receiving State or such other Ministry as may be agreed".

The conduct of the official business has to be emphasized in this context.

When the courts of one country in this case (UAE) concurrently declare the conduct of the foreign national (in this case, an Indian Citizen) as blameless, and when that declaration is reiterated by a High Court in India (Delhi High Court), it is, doubtless, an act of bad faith on the part of the foreign nation.

The legal position in such a situation is stated as:

"A State which acts towards foreign nationals in bad faith - violates the minimum standards of international law and acts contrary to the principles of law recognized by civilized nations". [see the observations in 1952 Current Legal Problems, P.314]

This aspect has to be highlighted by Indian Ambassador at the highest level in the Government of U.A.E.



It is respectfully PRAYED that the External Affairs Ministry may be pleased to take peremptory action to discharge its solemn duties in protecting the long standing grievances of the Indian citizen.

I humbly request for such action at the earliest, and at any rate, before 15-04-2013.

If justice is denied to me even at this late stage, I may be constrained to seek relief from a Court of Law, to compel the Government to discharge its legal and Constitutional duty. (I would earnestly desire to avoid such an unpleasant course).

The Ambassador of the receiving State can be requested to bestow his personal and immediate attention in the matter, and to ensure the efficient performance of the functions of diplomatic missions according to the Vienna Convention signed at Vienna on 18 April 1961. This is all the more important in view of the observations on the conduct of the matter Italian Ambassador, in the case pending before the Supreme Court of India.

When the justice due to the petitioner has been declared by the Courts in U.A.E., and by the observations of the Delhi High Court, it is the bounden duty of the Indian Ambassador in U.A.E. to take up the matter firmly but in diplomatic style, to espouse the petitioner's cause with that Government. That will be discharging a duty assumed by the Government of India in its order dated 20-11-1997, as extracted in the judgment of the High Court of Delhi.

I seek an interim reply, acknowledging receipt of my humble representation.

Yours faithfully,

Panikkaveetil K. Jabir

Encl: 1) Copy of judgment of the Delhi High Court, dated 19-09-2007
2) List of heinous crimes committed by the UAE authorities against the petitioner
3) A Gift with Lots of Baggage (The realities of the UAE By Sarah Leah Whitson/HRW)