



APPENDIX-FORM

(See Rule 3)

(Appeal for Information under Right to Information Act 2005)

November 19, 2013

From

Panikkaveetil K. Jabir
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5th Floor, Metro Plaza Building,
Market Road, Kochi, Kerala Pin. 682 018.

To

Mr. N.S.Bundela,
Deputy Director, Appellate Authority,
Intelligence Bureau (IB), Level 5, East Block, R.K.Puram,
New Delhi-110 066.

Sub: Non-submission of information and documents by the CPIO, Bureau of Immigration, Government of India, New Delhi, sought by the applicant, Mr. P.K.Jabir.

Ref:

1. My application to the Bureau of Immigration, under RTI Act 2005 dated 25-9-2013
2. Letter No.8/Imm/2013(358)3139 dt. 17-10-2013 from Joint Dy. Director & CPIO, Intelligence Bureau (Ministry of Home Affairs), Govt. of India, New Delhi.

Respected Sir,

I had submitted the above application under the Right to Information Act, 2005, seeking 'information on travel details of Mr. Panikkaveetil Kottukkal Abdul Jaleel during the period from January 1, 1990 to July 31, 2013, month-wise and year-wise'. A copy of the application is attached hereto. (Enclosures No.1).

In reply to my application referred to above, Mr. A.K.Mishra Joint Deputy Director & CPIO, Intelligence Bureau, Ministry of Home Affairs, Government of India, New Delhi has intimated me vide his letter No.8/Imm/2013(358) /3139 dated 17-10-2013 (copy enclosed) that "As per provisions of the RTI Act 2005, Chapter VI, Section 24 (1) and Second Schedule, the Bureau of Immigration/ Intelligence Bureau is exempted from providing any information/details on the subject. Hence, it is regretted that the information sought cannot be provided". A copy of the said communication is enclosed along with. (Enclosures No.2).



The Appeal

It is respectfully submitted that, there are some crucial facts Mr. A.K.Mishra, the CPIO, Bureau of Immigration/Intelligence Bureau, has not considered, especially the pronounced positive decisions in identical issues. The Bureau of Immigration/Intelligence Bureau, a reputed organization under the Ministry of Home Affairs, is duty bound for better protection of human rights and for matters connected therewith or incidental thereto. **(Ref [1]** Citation below: Ministry of Home Affairs is the Nodal Ministry for Human Rights’.

The information sought by the applicant is of the nature which could be and should have been provided by him, as per the law and other well-settled principles. I wish to draw to your kind attention to the following:

- 1) There was an earlier decision of the CIC in the case of Mr. E.Q. Siddiqui v. Ministry of External Affairs. The relevant portion of the views of the CIC in the above mentioned case is reproduced here for ready reference (Enclosures No.3).
 - 2) The CIC observed in the case, that the passport information sought by the appellant is not exempt under section 8(1) (j) and directed to provide the information to the appellant. **(Ref [2]** Citation below. [Decision No.CIC/SG/A/2011/002334/15707; Appeal No. CIC/SG/A/2011/002334]
 - 3) The air travel information was sought for in support of a criminal complaint filed by the applicant in the Magistrate Court of Chavakkad, Kerala, against Mr. Abdul Jaleel, who is an accused of stealing large sums of funds. Abdul Jaleel and his family is well settled in Abu Dhabi, UAE. He is the most frequent visitor to India, though; he is mere a contract worker in a firm which actually belongs to the applicant. **Ref [3]** Citation below as ‘Man with power of attorney, UAE’
 - 4) Mr. Abdul Jaleel is the person to whom a ‘Power of Attorney’ was given by the applicant, to take possession and care of his establishments and assets, in good faith, before the applicant was deported to India - in defiance of the orders of the Higher Courts of Abu Dhabi, UAE. (A representation to the Government of India in this regard, sheds light on the active involvement of the applicant, a ‘Judgment Creditor’, for the ‘Enforcement of Judgments and Judicial Orders’ of the UAE. **Ref [4]** Citation below ‘Representation to the Ministry of External Affairs, Delhi, 2013’).
 - 5) Abdul Jaleel took undue and illegal advantage of the unlawful order of deportation issued by the UAE authority against the applicant. He misappropriated the assets and valuables. He has embezzled large sums worth above 30 crores of the applicant.
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- 6) In early 2005, the applicant had sent a lawyer's notice to Mr. Jaleel. The accused significantly enough, did not respond to the lawyer's notice. It is submitted that this conduct on the part of the accused has great significance in the further actions and events which followed. **Ref [5]** Citation below 'Lawyer's Notice'
 - 7) Later, the applicant has filed a Criminal Complaint against Mr. Jaleel in June 2008 before the Judicial First Class Magistrate, Chavakkad, Crl. M.P. No.6006 of 2008. A Crime has been registered on the basis of the said complaint [Under No.437 of 2008].
 - 8) The investigation agency was under the unjust and illegal influence exerted by Mr. Abdul Jaleel and his allies working locally. The agency was more interested in making a 'compromise deal' than a true investigation. The applicant, therefore, filed a Writ Petition against the investigation of local police, the Sub Inspector of Police, Guruvayoor, under WP (C) No.15905 of 2009 in the Hon'ble High Court of Kerala for directing the CBI or any other official Agency to investigate the Crime. **(Ref [6]** Citation: 'Petition Hon'ble High Court of Kerala, under Article 226 of the Constitution of India'.
 - 9) The gravest impact was with the false statement given by the Sub Inspector of Police, Guruvayoor to the High Court of Kerala. As such, the applicant was forced to file a private complaint under section 200 of the code of Criminal Procedure. **(Ref [7]** Citation below as 'The Magistrate Court Chavakkad' Kerala [MP NO. 8515 of 2012]
 - 10) The delay before the Judicial Magistrate for launching the prosecution is something distressful; even a summons has not been sent till date. The applicant has been suffering continuously ever since he had been deported from UAE in 1996 without any asset whatever to India. The entire assets, human resources, facilities and business contacts have been brought to the personal possession and enjoyment of Mr. Abdul Jaleel, despite an obligation to render accounts to the applicant.
 - 11) The anguish resultant from the deprivation of such a huge sum of money earned exclusively through the untiring personal efforts of the applicant causes extreme mental depression which will virtually make the life only a vegetable existence.
 - 12) The fraudulent and deceiving character of the accused, Mr. Abdul Jaleel, have to be exposed and appropriate legal action should be initiated for cheating and defaming the applicant, depriving him of his dignity and illegally taking over his assets.
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In the circumstances I would request you to kindly look into the matter and initiate appropriate steps so that I will be getting the information sought for, which will enable the applicant to conduct his case now pending before the Magistrate Court, in an effective manner.

Yours faithfully,

Panikkaveetil K. Jabir

Enclosures:

1. My application to the Bureau of Immigration, under RTI Act 2005 dated 29-5-2013.
2. Copy of reply - letter No.8/Imm/2013(358)/3139 dated 17-10-2013 from Joint Dy. Director & CPIO, the Intelligence Bureau, Ministry of Home Affairs, Govt. of India, New Delhi.
3. Mr. E.Q. Siddiqui v. Ministry of External Affairs.
[Decision No.CIC/SG/A/2011/002334/15707; Appeal No. CIC/SG/A/2011/002334]

Citations and Reference Web Pages:

[1] Citation: 'Ministry of Home Affairs is the Nodal Ministry for Human Rights'

(The HR Unit of Home Affairs deals with 'Administration of the Protection of Human Rights Act, 1993, examination and preparation of replies on allegations of human rights violation received from the National Human Rights Commission and the Permanent Mission of India in Geneva besides serving as administrative Ministry for NHRC.
http://mha.nic.in/hr_division_new

[2] Citation: Mr. E.Q. Siddiqui v. Ministry of External Affairs.

http://www.rti.india.gov.in/cic_decisions/CIC_SG_A_2011_002334_15707_M_70607.pdf

[3] Citation: 'Representation to the Ministry of External Affairs, Delhi, 2013'.

<http://www.reparationlaw.com/news/the-legacy-of-torture-in-the-uae-you-may-have-never-heard-of/>

[4] Citation: Man with power of attorney, UAE.

http://www.lawyersindia.com/outsourcing/man_with_power_of_attorney_a_budhabi_uae.htm

[5] Citation 'The Lawyer's Notice' to Mr. Abdul Jaleel

http://www.lawyersindia.com/outsourcing/lawyers_notice.html



[6] Citation: Petition, Hon'ble High Court of Kerala, under Article 226 of the Constitution of India [WP (C) No.15905 of 2009].

http://www.lawyersindia.com/outsourcing/writ_petition.html

[7] Citation: The Magistrate Court, Chavakkad [MP No. 8515 of 2012] - Legal Complaint (pdf 954kb)

<http://www.judgmentforsale.com/publish/magistrate-court-chavakkad-complaint-2012.pdf>

[If in case the link above doesn't work while clicking, please copy and paste the URL in a new browser window instead].
