



PRAVASI LEGAL CELL

Empowering People on Legal Front

Reg. No. 0409/2011

ACTIVITY REPORT 2017-18



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Introduction

Pravasi Legal Cell is a Non-governmental Organization working with the objective of empowering people with the power of law. PLC is a group of retired Judges, Lawyers, Social Activists, Journalists and inspired citizens of India and constituted to provide possible legal help to the poor and the needy, who cannot afford to voice their concerns otherwise, and to empower them on the legal front.

PLC was inaugurated on February 01, 2009 and in the last many years of its existence has positively intervened to secure justice for many. PLC aims at protecting the vitality and dignity of human life irrespective of caste, creed, colour, religion, language, gender, place etc. and to safeguard the constitutional and legal rights of the common man.

Along with turning the actual wheels of justice, PLC is also committed to spreading legal awareness among the public through various modes. Seminars, Workshops, Discussions and *Niyamavedis* are regularly conducted in association with various governmental and non-governmental organizations. The purpose of these initiatives is to make people recognize their rights in different walks of life and educate them about various ways of approaching the justice distribution system. At PLC, we believe empowerment comes through awareness and knowledge about one's rights and the laws protecting them.

Year 2017-18 was another successful year for Pravasi Legal Cell. The society could intervene successfully in different matters. As we reflect on the previous year, it is a matter of joy that various issues of public interest could be raised by Pravasi Legal Cell before the appropriate authorities. A few of the major achievements of PLC are detailed below.

Secretary
(Dr. Bins Sebastian)

Activity Report for the Year 2017-18

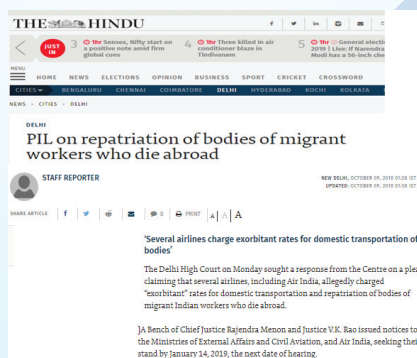
Inauguration of PLC – Kerala Chapter

July 16, 2017: A meeting of the Kerala Chapter of Pravasi Legal Cell was organised at the Law office of Advocate Jose Abraham and Associates at Eranakulam, Kerala. The meeting discussed about possible avenues for legal intervention by Pravasi Legal Cell especially in the life of migrant labourers in Kerala. The team of PLC – Kerala Chapter was formed and the Chapter was formally inaugurated.

Widow of an Emigrant Indian Approaches the Delhi HC

July 27, 2017: Pravasi Legal Cell had earlier filed a writ petitions before the Hon'ble High Court of Delhi on behalf of Noushaba Bano, whose husband was allegedly murdered in Saudi Arabia in March 2015. Naushaba Bano had received information from co-workers of her husband that he was brutally murdered by his sponsor in Saudi Arabia on requesting leave for visiting his family in India. Moreover, the sponsor allegedly video recorded the murder and showed it to other employees threatening them with similar fate on wanting to go back to India.

Medical records from Saudi Arabia showed hanging as the cause of death. That despite completion of more than nine months from the date of death, the mortal remains of the deceased had not been repatriated, the widow approached Delhi High Court through Pravasi Legal Cell and the Court directed Union of India to bring back the



mortal remains within a month. Even after waiting for 3 months from the date of the said order, the dead body was not brought back, and then she filed a contempt petition before the Delhi High Court through PLC, and the Court started to monitor the issue and decided to list the matter on daily basis and directed Union of India to apprise about the daily progress. Finally the dead body was brought back to India on 29.04.2016, fourteen months after his death.

The family again approached the Delhi High Court for direction to conduct a postmortem examination at AIIMS and the Delhi High Court directed AIIMS to conduct the postmortem in its order dated 6.5.16. Report of the postmortem dated 19.5.16 by AIIMS ruled out hanging as the cause of death. Soon after receiving the postmortem report, the family sought intervention of the Union of India as it was an issue pertaining to the brutal death of an Indian citizen abroad. But no relief came around till date, and Pravasi Legal Cell has helped the widow to approach the Delhi High Court again for justice and the HC has issued notice to the Ministry of External Affairs, Govt. of India directing it to file a status report on the issue at the earliest.



Hon'ble Mr. Justice Ashutosh Kumar of High Court of Delhi, while considering the petition, appreciated the efforts of Pravasi Legal Cell in providing

legal assistance to the poor and marginalized community and in ensuring justice for the poor widow.

PLC Submits Representation to Delhi Commission for Women

July 27, 2017: Office bearers of Pravasi legal cell met Ms. Swati Maliwal, Chairperson, Delhi Commission for Women, Government



of Delhi and submitted a representation covering issues related to marriages with NRIs.

Pravasi Legal Cell has been receiving requests for help from persons affected

with issues rising from marriages with NRI and Overseas Citizens of India. As the government sought views and suggestions from the public on problems related to marriages abroad, Pravasi Legal Cell in its meeting held on 16th July decided to make a representation to the Ministry of Women and Child Development, Government of India and the Delhi Government's Department of Women & Child Development.

The President, Vice-President and Treasurer of Pravasi Legal Cell met Ms. Maliwal and submitted a representation. It was well received and the Society was asked to make a detailed representation before the commission in the near future.

PIL Filed against Air India's Decision on Repatriation of Mortal Remains

July 31, 2017: Pravasi Legal Cell filed a PIL in the High Court of Delhi challenging Air India's decision to enforce a rule that mandates 48 hour prior information to the airport health officer about the arrival of dead bodies or ashes.



The 63 year old rule, when implemented can cause much trouble to the families of the dead. It was further claimed that if this rule subsists, then it would be a denial of rights to both the deceased and his/her family as it would unnecessarily delay the

repatriation of the dead body by another 48 hours.

This issue was taken up by the Pravasi Legal Cell as the existing rule of the aircraft creates undue hardships to the NRIs and to their families in India as the right to proper and dignified burial is vitiated since the burial gets delayed.

The Division bench of Hon'ble acting Chief Justice Gita Mittal and Hon'ble Mr. Justice C Hari Shankar of The High Court of Delhi heard the matter and vide order dated 31st July 2017 issued notice to the Ministries of Health and Civil Aviation as well as the national carrier, Air India and directed them to file their response to the plea.

PLC – Tamil Nadu Chapter Inaugurated

August 27, 2017: The Tamil Nadu Chapter of Pravasi Legal Cell was inaugurated on 27th August 2017. The inauguration of the chapter was done by Adv. Jose Abraham, President of Pravasi Legal Cell. This chapter will be headed by Adv. Martin Kennedy and will coordinate the functioning of Pravasi Legal Cell in the state of Tamil Nadu.



Centre Should Help Indians Get Relief Abroad: Delhi HC

September 19, 2017: The Delhi High Court has asked the Centre to assist two women who lost their family members in separate accidents in Saudi Arabia, in ascertaining and obtaining appropriate monetary relief in that country. The order came on two petitions filed by Stily George, who lost her husband George Antony in a tyre blast incident in 2014, and Dharohara Devi, whose son Dharendra Kumar Singh died in another accident in Saudi Arabia.

The petitioners have not received any compensation for the demise of their relatives, the pleas filed through advocate Jose Abraham said. "However, as far as their quest for assistance to obtain compensation/employment benefits of their deceased relatives is concerned, this Court is of the view that the respondent (government) should extend all possible assistance through diplomatic channels or otherwise to ascertain as to whether they are entitled to any relief and, if so, further assist them to secure the same," observed the Delhi HC. This would imply that the Centre government has responsibility to assist its citizens to get relief and compensation in foreign countries by using its diplomatic network.

Currently, the affairs of the Indians who die abroad and their families are often neglected. It was through the assistance of the Delhi High Court that the dead body of Mr. Afsar could recently be brought back to India fourteen months after his death in Saudi Arabia. This was another instance where Pravasi Legal Cell could positively intervene.



Kerala Consumer Gets Relief Against Packers and Movers

October 31, 2017: Consumer Disputes Redressal Forum, Government of NCT of Delhi has granted relief to a Keralite retired government employee in a case of deficiency of service against the New Kerala Roadways, a home packing service provider.



The complainant who is a retired Central Government employee had paid the service providers to transfer his household items from Delhi to Palakkad in Kerala. On delivery, it was found that a packet containing

costly items was missing and many of the items, including a 21 inch TV which was broken in the middle, were damaged beyond repair. The consumer, though had made additional payments for insurance, did not receive any compensation from the service provider in this regard.

The complainant then approached the Consumer Forum through Pravasi Legal Cell and the Forum held the packers and movers company guilty of deficiency in services and ordered it to make a compensation payment of Rs. 50,000/- to the complainant for the material damage and the mental agony and the harassment that he had to undergo.

Though household items getting damaged or lost while transported across states is very common, it is rarely that a consumer approaches any legal forum seeking relief. This order has come as a motivation to the consumer and a wake-up call to companies involved in the thriving inter-state packing and moving business, said Adv. Jose Abraham who appeared for the complainant before the Consumer Forum.

Foreign Job Fraud: Court Summons Travel Agency

November 18, 2017: The Judicial Magistrate Court, Gurgaon has issued summon notice to M/s Job Mantra Recruiters in Delhi on a case filed by Mr. Bobby Thomas on matter of cheating. The complainant approached the Court with the help of the lawyers of Pravasi Legal Cell. Mr. Thomas, a nurse working in Delhi and seeking job opportunities in Singapore, had registered with the recruitment agency and after verifying various recruitment schemes of the agency, made an initial payment of rupees twenty thousand.



On realizing that no progress has been made in the matter for long and after getting repeated excuses, Mr. Thomas applied for a refund of the registration fee. After repeated visits and follow ups with the agency, a cheque was issued for the amount. But on presenting to the bank for encashment, the cheque got dishonoured. Since the agency did not respond to a legal notice sent in this regard, Mr. Thomas was forced to file a criminal case. The court has now issued summons notice to the agency and the case is listed for hearing on 4th January.

Cheating and harassment has become a regular feature with the many small travel agencies in the National Capital Region and since getting relief in such matters takes much time and effort, the victims are usually reluctant to approach any grievance redressal forum. It is to be noticed that even though the courts have made the recruitment procedures of nurses for jobs abroad stricter, the number of unsuspecting job seekers getting cheated has not come down considerably.

Nurses' Bond Issue: Legal Cell Moves to Court Again

December 29, 2017: Pravasi Legal Cell has approached the Honourable High Court of Delhi in a matter related to the bond system of nurses being practiced by the private hospitals in the National Capital Territory of Delhi.

Earlier a prominent Delhi hospital had pressed a dishonoured cheque case against a male nursing staff who had resigned from the job. The signed cheque, along with a work bond for two years, was taken from the employee while joining the job. Due to work pressure and mental harassment, the staff decided to resign even before the two year period was complete.

On his resignation, the hospital management submitted the cheque for encashment in the bank. On the cheque getting dishonoured, the hospital approached a lower court for relief. Pravasi Legal Cell took up this matter to the notice of the Delhi High Court since it is a violation of the employee's rights. The injustice and illegality of the case have been pointed out in the petition.



Pravasi Legal Cell, in 2011, had approached the Delhi High Court and the Supreme Court of India on matters pertaining to the bond system practiced in the private medical sector across the country.

On various Public Interest Litigations filed by the Legal Cell, the courts had ruled in favour of the nurses and had ordered the governments to take adequate measures to stop the exploitation of the nurses. As a result, the Delhi Government, The Nursing Council of India, and the Union Government issued separate orders prohibiting the hospitals from withholding any original educational certificate of the employees for more than a period required for verification. Due to the orders, such practices were generally discontinued.

The freedom to resign from the job at will had bettered the working conditions of tens of thousands of nurses working all across the country. Now the hospitals are back with different strategies to enslave and exploit the nursing community. The petition filed through Adv. Jose Abraham, President of Pravasi Legal cell, has been accepted by the Court and is scheduled for hearing.

K. Padmanabhan Memorial National RTI Award

January 19, 2018: Pravasi Legal Cell's K. Padmanabhan Memorial National Award for RTI activists – 2017 was awarded to Mr. Dominic Simon. Mr. Simon, a prominent RTI activist based out of the Kingdom of Saudi Arabia, is an example of the RTI empowered citizens of India. He has been settled in the Kingdom of Saudi Arabia for more than 11 years and is a well-known activist face among the Indian diaspora there.



Mr. Simon was the chairman of the Managing Committee of the International Indian Public School, Riyadh, Saudi Arabia which is part of a network of 10 Schools which

are CBSE affiliated and run and managed by the Embassy of India in the Kingdom of Saudi Arabia. He has filed more than 100 RTI's and more than 25 Second Appeals, mainly focusing on opacity of decision making and transactions of the Embassy Of India, Riyadh, CBSE Delhi and Indian Schools in KSA. He conducts RTI training workshops in Riyadh and is also the founder of Indian Parents Forum.

A *Niyamavedi* on Right to Information Act, 2005 was organised along with the award function at the Kerala Club, New Delhi. Justice (Rtd) C. S. Rajan, the Patron of Pravasi



Legal Cell, Abraham Pattiyani, Wills Mathews, and Jose Abraham, Advocates, Supreme Court of India led the panel. Dr. Bins Sebastian, General Secretary, Pravasi Legal Cell, introduced the topic and welcomed everyone present. Justice (Rtd) C. S. Rajan spoke about the importance of the Right to Information Act and said it should function as the key to open democracy.

Advocates Abraham Pattiyani and Wills Mathews, while highlighting the importance of RTI, also reiterated the several initiatives that Pravasi Legal Cell had undertaken in the past and appreciated the team for the yeomen services that the Cell is rendering to the society. Advocate Wills Mathews also spoke about the different ways that the RTI Activists could take care of themselves.

Advocate Jose Abraham led the *Niyamavedi* with a lecture on the practical aspects of the Right to Information Act. The importance of the Act, the procedure for filing an RTI application or an appeal,

different redressal mechanisms available for taking care of RTI complaints etc were elaborated for the participants.

The audience was deeply interested in matters related to the RTI Act. Several questions were raised by the audience and all of them were responded to by the advocates present in the panel, including the chief guest. Many experience-based suggestions and insights were also shared by the audience, which included persons who have worked previously as Public Information Officers. A few matters regarding provisions in the RTI Act were also debated during the event.

One of the major concerns that was raised during the *niyamavedi* was the safety of RTI Activists. Many complained of being targeted and framed within the organisation after raising questions. It was suggested that the activists should always take care to be associated and should work as a group. The Whistleblowers Act was also explained by the advocates present. An important suggestion from the audience was to seek the possibility of applying for information anonymously so that the activists are not targeted.

A booklet detailing information about the Right to Information Act, 2005 was also released during the *niyamavedi* by Justice (Rtd) CS Rajan. It was prepared by the Legal Cell with the purpose of educating the common man on the powers and possibilities of using the RTI Act. The booklet contains information in simple and easy to understand language about the practical steps involved in the filing of RTI applications, provisions of different levels of appeals and complaints under the RTI Act and the steps involved in the same, a few points that are to be kept in mind while making an RTI application etc.

It was noticed that the RTI Act, though a powerful weapon in the hands of the public, would lose its sheen if the provisions of the Act were not made known to the common man. It seemed from the discussions during the *Niyamavedi* on RTI that even educated people still had many confusions and misunderstandings regarding various provisions and procedures of the RTI Act. In this context such educatory initiatives were highly appreciated.

Conclusion

The year 2017-18 was another eventful year for Pravasi Legal Cell. It could intervene in different matters and make positive changes in the lives of ordinary Indian citizens within and outside the country. Justifying its name, Pravasi Legal Cell, it could intervene positively in many matters that directly affects the Pravasi Indian population. PLC remains committed to its objectives and ever more motivated by the results for its various activities and the unconditional support shown by individuals and organizations across the world.





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