

ITEM NO.2

COURT NO.7

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 262 OF 2009

RANVEER YADAV

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(With appln(s) for directions]

Date: 29/06/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY
[VACATION BENCH]

For Petitioner(s) Mr. Dinesh Kumar Garg, Adv.
Mr. V.K. Biju, adv.
Mr. Vikram, Adv.
Ms. Ritu Puri, Adv.
Mr. B.S. Bitoria, Adv.

For Respondent(s)
Mr. G.E. Vahanvati, AG

UPON hearing counsel the Court made the following
ORDER

In response to the order of this Court dated 22nd June, 2009 regarding safety and security of the Indian students in Australia and Canada, Mr. Arun Kurnar Goel, Joint Secretary in the Ministry of External Affairs has filed an affidavit. In the affidavit it has been indicated that the Government of India share the deep concern and anxiety of the petitioner and all possible steps have been taken in this

respect.

It is mentioned in the affidavit that Hon'ble the Prime Minister had a conversation with his counterpart on 29th May, 2009. The Hon'ble External Affairs Minister also spoke to the Australian Foreign Minister. The Australian Leaders have shared the concerns expressed and given their firm commitment to take immediate steps to tackle the problem.

The Australian Deputy Prime Minister has announced some immediate measures taken by the Australian Government. These include a Task Force constituted to coordinate the Australian Government's response and collaborate with the States as law and order is essentially a State subject in Australia. In the affidavit it is also mentioned that these measures include setting up of a Police Community Reference Group and a dedicated hotline.

It is also indicated in the affidavit that our High Commissioner and Consuls General in Australia are in constant touch with the various authorities including the Police Commissioners to ensure the protection of Indian students. Equally, the Ministry of External Affairs in New Delhi has summoned the High Commissioner for Australia in India on 29th May and 23rd June, 2009 and impressed upon him the need for taking effective and concrete steps to protect Indian students.

Some of the steps which have been taken have also been enumerated such as :-

1. Launch of a police operation specifically to investigate the incidents of attacks on students;
2. The provision of a 24 hour hotline (in Hindi and English) by
3
Community Reference Group to provide support, information and advice to Indian students who are victim of crime.
3. Representations have been made to the concerned State Governments in Australia on issues conveying the experiences of students including study and stay.
4. The setting up of a Police Community Reference Group to improve communications between the police and the student community.
5. The Police Community Reference Group has had several meetings the last being on 24th June, 2009.
6. Stressing the need to bring in basic and essential infrastructural changes for more police presence at sensitive areas like railway stations and also late in the night.
7. Constant monitoring of the well being of Indian students including those who have been hospitalized and looking after their treatment.
8. The Australian Government has also stated that it is considering

the possibility of amending the existing law to enlarge the definition of offence to include "inciting violence against people for their race, religion or ethnicity and violence against individuals and for inciting violence against individuals on the basis of the individual; race, religion, ethnicity or nationality. The proposed amendment would strengthen the police response to the attacks against the Indian students.

Some of these measures are short term measures and others are long term measures.

The learned Attorney General for India has assured the Court that all possible steps would be taken to ensure safety and security

4

of the Indian students studying in Australia and Canada.

In the order of this Court dated 22nd June, 2009 this Court mentioned the natural anxiety and concern of parents, relations and friends of children who are studying abroad. They are legitimately entitled to know about the exact prevailing situation in Australia and Canada. They are also entitled to know what steps the Government of India has taken to ensure safety and security of their children.

Learned Attorney General also submits that contents of the affidavit filed by the Union of India dealing with the measures taken regarding safety and security of the Indian students in these countries would be placed on the web-sites of Ministry of External Affairs, Indian High Commissions at Australia and Canada and Ministry of Overseas Indians so that the parents and others can know about the steps taken and exact situation prevalent in these countries.

Learned Attorney General further submits that a comprehensive affidavit will be filed within two weeks giving the details of further steps taken by the Government of India in this regard.

Mr. Pradeep Ahlawat who is living in as a Permanent Residence holder and working in Australia appeared in Court in person. He is allowed to file his counter affidavit. He is directed to give copies of the same to the learned Attorney General and also to the petitioner.

List this matter after two weeks.

5

(Sukhbir Paul Kaur)
Court Master

(Neeru Bala Vij)
Court Master