

**To the Superintendent of Police (NRI affairs)**

**Kottayam**

**URGENT APPLICATION**

Sir,

1. Kindly treat the accompanying petition as an urgent one

The grounds of urgency are:


2. The petitioner is currently stranded in Saudi Arabia, and he could be arrested any moment and left to incarcerate in a deportation cell due a false and fabricated case, filed in the name of the Indian Embassy in Riyadh instituted through forgery and misuse of credentials of Embassy of India. The Petitioner is denied his life and liberty due to this case. Officials of Ministry of External Affairs are coconspirators and abetting the crime.
3. The Hon'ble High court of Kerala through its order dated 16th November 2023 in WP(C) No. 21845 of 2023 (Annexure P1) , ordered the embassy of India and Ministry of external affairs to provide
  - i. *"legal assistance to be provided by the Embassy, if applied for, can help him in bringing out the truth, as he says". (Para 5 of the P1 Judgement)*
  - ii. *"to approach the competent officials of the Indian Embassy in Riyadh, with a written representation detailing the requests; and if this is done, then all*

*necessary assistance will be given to the petitioner's son, including for legal assistance in his appeal, or such other proceedings. "(second section of Para 5 of the P1 Judgement)*

iii. *" to the extent possible, every support will be given to the petitioner's son to obtain a Residential Permit as per law." (Final section of Para 5 of the P1 Judgement)*

But the accused are not obeying the order and still proceeding to persecute the petitioner. Hence an investigation report is urgently required to appeal the judgement in Saudi Arabia, to secure the petitioner's Life, Liberty, integrity, and position in the society. Hence, this petition.

Dated this 26th day of December 2023

A handwritten signature in blue ink, appearing to be 'S. Al-Sayid', is written over a light blue horizontal line. The signature is fluid and cursive.

**To the Superintendent of Police (NRI affairs)**

**Kottayam**

**Complaint**

4. The accused officials of Embassy of India, Riyadh (EOI) and Defense Attache stationed at EOI, with common criminal intent , conspired to make the petitioner disappear, as threatened in previous occasions also, so that the petitioner will not approach the courts and investigating agencies in India to investigate the corruption by the accused, identified the house location of the petitioner with help of Indian school staff, where the petitioners children are studying , and tried to kidnap the petitioner on July 7 2020 , and on its failure being the kidnap reported to police control room, Syrian national, employee of EoI , and in connivance with other accused, forged the letterhead, seal and signature of ambassador, EoI and submitted the same to Saudi police as genuine complaint of EoI, that the petitioner is defaming and obstructing the EoI, without following any due process or obtaining any authorization, to file a case against petitioner in the name of embassy of India Riyadh, and submitted false statement in Saudi court that the petitioner accepted guilt and apologized and thereby causing jail term for petitioner for 113 days and stop services order that may result in deportation. When the matter was considered by the

Hon'ble High Court of Kerala, the EOI submitted false affidavit that EOI has no role in the arrest of the petitioner.

5. The fact that EOI is the complainant is recorded in the report of the Prosecutor and also the judgement of the criminal court of Riyadh.
6. even after duly notified, officials of EOI Riyadh abetted the crime by not taking any action against the forgery and misrepresentation and defamed the petitioner and mislead the public by making false statements against the petitioner in Hon'ble High court of Kerla and also in reply to prime ministers Grievance cell and RTI applications.
7. Reason of the enmity is the actions of the petitioner, that during the covid 19 pandemic, where petitioner helped the people in distress to file petitions and filed RTI applications to ensure compliance of SOP issued by Ministry of Home , Government of India and judgements issued by Hon'ble High courts of Delhi and Kerala, for assistance and safe repatriation of stranded Indian nationals , and due to the prior existing enmity with the petitioner due to his activities questioning the corruption in Indian schools under the EOI ,

### **Urgent needs**

8. kindly seek copy of records from EOI Riyadh regarding recruitment, appointment and employment and payments of the Syrian national Mr. Omar in Embassy

9. kindly seek copy of all mom, emails, reports etc regarding this case from EoI and MEA
10. kindly arrest and question all involved in this case.
11. Kindly ensure all records and evidences are secured at the earliest.
12. Kindly seek copy of complaint and copy of case file from the Police department, Riyadh, Saudi Arabia.
13. Kindly seek copy of prosecution report from the Buro of investigation and prosecution, Riyadh, Saudi Arabia.
14. Kindly seek copy of bail order, final judgement from Criminal Court, Riyadh , Saudi Arabia.

### To Find out

15. the truth of who really are involved in the filing of the complaint with Saudi police against the petitioner.
16. motive
17. forgery, impersonation, breach of diplomatic channels and abetment to crime
18. concealment of facts and evidence
19. conspiracy
20. how the forgery and impersonation and misuse of credentials of the embassy of India, were carried out
21. Identify all the criminals and prosecute them

## Witness and contacts

- 22.Rency Simon , Sister of petitioner : +919496174301
- 23.Claramma Simon, Mother of petitioner: +91-9446929632
- 24.Salini Scaria Joy, Wife of Petitioner : +966552050477
- 25.Renjith Rajkumar, witness: +919496095193
- 26.Yasmin Renjith, witness +919496043287
- 27.Dayana Pramod +447546933024
- 28.Pramod +966576220452
- 29.Siby K Thomas +966545677915
- 30.Adv. Sunny Xavier, Advocate - +919447213904
- 31.Dr. Alphonse Kannannthanam, Ex. MP —+91-9910349595
- 32.Dr. Kavitha Mohanasundaram : +966-537730715
- 33.Siddiq : +966502709695
- 34.Mr. Basheer : +919747314969, +918606494703
- 35.R. Muraleedharan : +919562916653

**To the Superintendent of Police (NRI affairs)**

**Kottayam**

**IN THE MATTER OF:**

DOMINIC SIMON

.....PETITIONER

VERSUS

1. Current and Ex Employees of Embassy of India Riyadh,  
Saudi Arabia
2. Current and Ex Employees of Ministry of External Affairs,  
Delhi
3. Minister of State for External Affairs – V Muraleedharan
4. Other unknown persons .....Respondents

**Subject :**

36. Corruption in Indian Embassy Riyadh
37. Corruption in Vande Bharath Mission
38. Association and conspiracy by antinational elements and mafia.
39. Forgery, misuse of authority, illegal use of credentials, abatement to crime, to destroy the life of petitioner.

**Offences**

1. IPC 108A - Abetment in India of offences outside India

- a. Officials of Ministry of external affairs helping officials in embassy of India Riyadh to conspire and mislead the courts and authorities to hurt the petitioner.

2. IPC Section 116. Abetment of offence

- a. Conspiracy and Hiding involvement of officials and assisting the forgery to persecute petitioner.

3. IPC Section 119 - Public servant concealing design to commit offence which it is his duty to prevent.

- a. furnishing false statements to courts and authorities and not stopping misuse of official power to file false cases and false statements to harm the petitioner.

4. IPC 120 - criminal conspiracy

- a. criminal conspiracy to persecute and make the petitioner Disappear.

40. IPC 166- disobeying direction of law

- a. Disobeying conduct rules, by not conducting proper investigation on allegations and filing fake case.

41. IPC 167 Public servant framing an incorrect document with intent to cause injury.

- a. Forged Complaint without authorization to Riyadh Police
- b. False affidavit in Riyadh court,



- c. False affidavit in high court of Kerala
- d. False statement to PMO
- e. False reply to MPs
- f. False reply to RTIs

42.IPC 203 - gives any information respecting that offence which he knows or believes to be false

43.IPC 211 - False Charge of offence made with intent to injure

- a. Filing false case against the petitioner in Saudi Arabia, where the prosecution demanded 35 years imprisonment.

44.IPC 304A - Causing death by rash or negligent

- a. Due to corruption in shortlisting of beneficiaries in Vande Bharath mission, the SOP by Ministry of Home and the verdict of Hon'ble High court of Delhi were not honoured and due to that almost 150 people is suspected to be victim

45.IPC 336, essential elements are, the act, done rashly and negligently, to endanger human life or personal safety.

- a. Maliciously conspired to make the petitioner disappear, kidnap and then filed complaint with Saudi police with possible jail sentence of 35 years and huge fine , false affidavit in Saudi court resulting in guilty verdict and filed false affidavit in Kerala high court to mislead and obstruct liberty of petitioner.

46.IPC 405. Criminal breach of trust

- a. Embassy, duty bound to protect citizen, conspired, and executed plot to harm citizen.

#### 47.415-Cheating

- a. Made petitioner's family to withdraw the writ petition in Kerala high court, with promise to fix the issues, but maliciously worked against the petitioner to convict the petitioner and deport the petitioner

#### 48.IPC 464 – Making a false document.

- a. Making forged letter head, signatures, false and illegal complaint pretending to be official complaint of embassy

#### 49.UAPA

- a. Misusing the privileges of embassy to work against interest of India and citizens and make undue benefits due to corruption

#### 50.Other offences identified during investigation.

## INDEX

S. NO	PARTICULARS	PAGES	COU RT FEE
	Urgent Application		
	Complaint		
A	Index		
4.	Memo of parties		
	Witnesses and Contacts		
5.	Synopsis and List of dates		
6.	Petition with Affidavit	37-140	100
7.	Annexure-P-1. The true copy of order of Hon'ble High court of Kerala dated 16th November 2023 in WP(C) No. 21845 of 2023	141-145	
8.	Annexure-P-2. The true copy of order of Ministry of Home dated 5th May 2020	146-149	
9.	Annexure-P-3. The true copy of the RTI MEARI/R/E/20/00066 filed on 07/May/2020	150-152	
10.	Annexure-P-4. The true copy of order of Hon'ble High Court of Delhi dated 18-05-2020 W.P.(C) 3169/2020	153-155	

11.	Annexure-P-5. The true copy of Order of Hon'ble High Court of Kerala in WP(C) No.9977/2020 dated 27 May 2020	156-159	
12.	Annexure-P-6. The true copy of the RTI reply MEARI/R/E/23/00025 dated 09/04/2023 from embassy of India Riyadh,	160	
13.	Annexure-P-7. The true copy of print out, dated 10/04/2023 from website of embassy of India Riyadh	161-162	
14	Annexure-P-8. The true copy of RTI regarding threat calls dated 22/05/2020	163-165	
15	Annexure-P-9. The true copy of RTI reply dated 21/06/2020 regarding threat calls	166	
16	Annexure-P-10. The true copy of email dated 03 June 2020	167-169	
17	Annexure-P-11. The true copy of email dated 07 June 2020	170-175	
18	Annexure-P-12. The true copy of RTI Reply dated 22/06/2020	176-177	
19	Annexure-P-13. The true copy of email dated 9 July 2020	178-184	
20	Annexure-P-14. The true copy of writ petition dated 20/07/2020	185-200	

21	Annexure-P-15. The true copy of statement by ASG dated 06/08/2020	201-206	
22	Annexure-P-16. The true copy of emails regarding the appointment and subsequent follow-ups	207-209	
23	Annexure-P-17. The true copy of report from lawyer dated 03/09/2020	210-211	
24	Annexure-P-18. The true copy of report from the prosecution department	212-215	
25	Annexure-P-19. The true copy of email dated 14/09/2020 regarding apology	216	
26	Annexure-P-20. The true copy of RTI MEARI/R/E/23/00029 date 04-04-2023, and reply	217	
27	Annexure-P-21. The true copy of bail order dated 08/10/2020	218-222	
28	Annexure-P-22. The true copy of RTI application dated 25/06/2022	223	
29	Annexure-P-23. The true copy of RTI reply dated 23/07/2022	224	
30	Annexure-P-24. The true copy of order dated 09 October 2020 of the Hon'ble High Court of Kerala	225-227	

31	Annexure-P-25. The translated copy of Record of the Criminal Court in Riyadh dated 13/12/2020	228-233	
32	Annexure-P-26. The true copy of generalization report dated 05 August 2021	234	
33	Annexure-P-27. The true copy of representation dated 29/04/2023 to the Ambassador, Embassy of India, Riyadh	235-243	
34	Annexure-P-28. The true copy of writ petition dated 26/06/2023	244-262	
35	Annexure-P-29. The true copy of RTI dated 11/06/2022	263	
36	Annexure-P-30. The true copy of reply to RTI dated 23/06/2022	264	
37	Annexure-P-31. The true copy of RTI application dated 25-06-2022, reply dated 18.08.2022, First Appeal dated 23-10-2022 and Second Appeal CIC/MOEAF/A/2022/664489 dated 01 December 2022 and enclosures	265-306	
38	Annexure-P-32. The true copy of RTI application dated 05.07.2022, reply dated 21.07.2022, First Appeal dated 24-07-2022, decision of the FAA dated 21-08-	307-337	

	2022, Second Appeal CIC/EIRSA/A/2022/668921 dated 23-12-2022		
46	Annexure-P-33. The true copy of email on August 3, 2023 from PIO	338-339	
47	Annexure-P-34. The true copy of return email dated 27 August 2023	340	

Dated this 23rd day of September 2023

Riyadh



PETITIONER IN PERSON

Dominic Simon

C/o Claramma

Valiyil Puthenpurayil House

Palackattumala PO, Kottayam

Kerala, India-686635

Mobile: 9995398720

E-mail: [simondominic@gmail.com](mailto:simondominic@gmail.com)

Riyadh

PETITIONER IN PERSON

Dominic Simon

C/o Claramma

Valiyil Puthenpurayil House

Palackattumala PO, Kottayam

Kerala, India-686635

Mobile: 9995398720

E-mail: [simondominic@gmail.com](mailto:simondominic@gmail.com)



## MEMO OF PARTIES

### IN THE MATTER OF:

1. Dominic Simon

C/o Claramma,

Valiyil Puthenpurayil

Palackattumala PO

Kottayam district,

Kerala, India

Pin 686635

[Email-simondominic@gmail.com](mailto:Email-simondominic@gmail.com).

Mobile : 9995398720, +966572575100, +966552050477

(Wife).....Petitioner

### VERSUS

1. Current and Ex Officials of Ministry of External Affairs,

Patiala House, Annex,

Tilak Marg, New Delhi-110001.

[jscpv@mea.gov.in](mailto:jscpv@mea.gov.in), [uoidhc@gmail.com](mailto:uoidhc@gmail.com)

[Mr. Rajeev Sikri -966544166151](tel:966544166151)

[Mr. Yousuf K +966545831962](tel:966545831962)

[Dr. Ausaf Sayeed Ex. Ambassador](#)

2. Current and Ex Officials of Embassy of India, Riyadh

B-1, Diplomatic Quarter,

PO Box 94387, Riyadh 11693,

Kingdom of Saudi Arabia.

[hoc.riyadh@mea.gov.in](mailto:hoc.riyadh@mea.gov.in), [pol.riyadh@mea.gov.in](mailto:pol.riyadh@mea.gov.in)

Tel: 00-966-11-4884784

Fax: 00-966-11-4884713.

3. Unknown persons .... Respondents

PETITION, INTER-ALIA FOR INVESTIGATION ON THE  
CRIMES COMMITTED TO MAKE THE PETITIONER  
DISAPPEAR FOR THE PETITIONER BEING A  
WHISTLEBLOWER AND/OR IDENTIFY AND ARREST  
THE CRIMINALS INVOLVED AND/OR PROSECUTE THE  
CRIMINALS AND/OR TO IMPOSE THE PENALTIES AND  
CORRECTIVE MEASURES AND COMPENSATION.

Dated this 26th day of December 2023

Riyadh



PETITIONER IN PERSON

Dominic Simon

C/o Claramma

Valiyil Puthenpurayil House

Palackattumala PO, Kottayam

Kerala, India-686635

Mobile: 9995398720

E-mail: [simondominic@gmail.com](mailto:simondominic@gmail.com)

## **SYNOPSIS AND LIST OF DATES**

1. The petitioner is seeking investigation through the present petition as the Respondents have conspired and executed a plot to make the petitioner disappear for the petitioner being a whistleblower.
2. The petitioner is currently stranded in Saudi Arabia with no job or income due to a very mysterious case filed in the name of the Embassy of India in Saudi Arabia, while the embassy denies any involvement. (Annexures P15, P-25-30)
3. The investigation report may help the petitioner to solve the issues related to this case and regain his job, secure his liberty and come back to India. (Annexure P-27-28)
4. In the year 2015, the Petitioner was elected by parents and became the chairman of Managing Council of International Indian Public School, Riyadh, Saudi Arabia. During his tenure, he came to know that the corruption in Indian schools is emanating from the embassy of India Riyadh, and some anti national organizations ( Suspected to be D-Company) have their sleeper cells planted in various levels, and they are utilizing the schools and other powers and privilege of the embassy to give employment to their accomplices, reduce standard of education in schools, persecute Indian parents and students, raise funds for antinational activities and spread their reach at every organ

of power. The Petitioner out of his love for motherland, education of his children and safety of thousands of other Indian children and common good of the Indian community, objected to the illegal and corrupt involvement of anti-national elements.

5. The Petitioner was removed from the school managing council by submitting a fraud resignation letter, that does not have the Petitioner's signature, through threats and perjury by Mr. Hifzur Rahman, the observer from embassy of India, Riyadh. The observer stated in the school managing council meeting that he received many complaints against the Petitioner and the embassy has lost confidence in the Petitioner.
6. Although embassy vehemently denies any information, HON'BLE MR. JUSTICE VIBHU BAKHRU on 31-01-2018, in W.P.(C) 8993/2017 issued judgement in favor of the petitioner and held that "It is once clear that if the information as sought for by the petitioner is available with the Indian Embassy, the same is not covered under any of the provisions of Section 8(1)(a) of the Act."
7. The embassy still denied the information, attempting to protect the corrupt and in violation of the court order, saying, "embassy does not have copy of any complaints against the Petitioner" completely denying the statement of Mr. Hifzur Rahaman in the Managing council.

8. Petitioner has filed complaints against non-compliance () and also contempt petition for perjury (CIC/KY/A/2016/001029 dated 27-04-2018) as the same observer signed the resignation letter stating.

*“There were several misunderstandings between the principal and the chairman Mr. Dominic Simon, which were discussed by the participants and later Mr. Dominic Simon, Chairman, Mc submitted his resignation from the chairmanship and the membership of the MC, at the advice of the supervisor, Ministry of Education.”*

9. stated in CIC that the Petitioner

*“when he was proved wrong in front of all by a female staff member and also his allegation of financial embezzlement against the principal proved to be fabricated, he submitted his resignation form the membership and the chairmanship of the managing Committee”*

10. and stated in high court of delhi that

*“upon prima facie evidence of wrong doing committed on the part of the petitioner, the Higher Board decided to replace him from the said post of Chairman. “*

11. In another appeal from the petitioner, CIC reduced the cost charged by embassy and consulate for copy of information, to rupees 2 per page from 1 riyals per page.

12. The Petitioner, like many others, had to face many hardships from time to time like defaming letters to employer, filing false statements and complaints to ministries, governor etc.

13. On May 9, 2019 Col Manish Nagpal, Observer of Indian Schools, wrote a letter to petitioner as below

*Dear Mr Dominic Simon,*

*It has come to our notice that you have made the following comments on a social media group against IIPS, Riyadh on 08 May 2019. The comments have been shared by a parent to the undersigned.*

*[08/05, 4:23 pm] Shahriyaar Khan Stc: Dear All IIPSR SEVA school Managing Committee has dissolved on 08\_05\_2019*

*[08/05, 4:24 pm] Mr Dominic Simon: They have escaped. But the innocent children continue to suffer the pakistani drivers*

*You are requested to explain your comment and intent.*

14. The petitioner wrote a detailed reply email on same day explaining the corruption in the bus contracts and hardships

and abuses the children suffer at the hands of the Pakistani drivers, but no action was taken.

15. On 03<sup>rd</sup> October 2019, the petitioner was called to the embassy, by one Mr. Sajeev for inquiry into petitioners' tweets regarding appointing Pakistani company having very poor standing to run the school bus service endangering the safety of children. As the inquiry officer promised investigation into all matters, the petitioner later deleted the tweets as requested by Mr. Sajeev. The very same tweets again appeared in the complaint filed at Saudi police, in the name of the embassy in July 2020, to record the arrest of the petitioner.

16. On 18 the December 2019, Petitioner, and petitioner's wife, who at that time was a managing council member of the school, IIPS, was called to the embassy by Col. Maneesh Nagpal, School Observer, to threaten showing a letter prepared by Mr. Sooraj, to send to the petitioner's employer, asking the petitioner's employer to terminate the petitioner, if the petitioner doesn't stop exposing corruption in school and embassy .

17. While the petitioner and wife were waiting at the reception, another meeting of the managing council of International Indian School Riyadh was going on at the embassy and the observer declared in that meeting that he has arranged Saudi police to get the petitioner arrested.

18. In the year 2020 the petitioner was active in coordinating the rescue and assistance of Indians stranded due to COVID19 Pandemic. The petitioner educated fellow citizens on how to follow up on their applications using email and RTI, drafted sample applications and petitions and published much information useful for the stranded. (Annexure P-11)
19. The petitioner came to know of many cases where the needy are abandoned and the priority is not being followed as per SOP. The petitioner filed RTIs to missions in the middle east and Europe to find out if the priority is given as promised. (Annexure P-2, P-3, P-12)
20. HON'BLE MR. JUSTICE VIBHU BAKHRU, in order dated 18-05-2020 W.P.(C) 3169/2020, Hon'ble High Court of Delhi, observed to ensure that within the category of persons who are to be accorded priority, a higher priority be accorded to persons who are in medical distress vis-à-vis persons who are otherwise hale and hearty but are stranded due to the expiry of their visa or other reasons. (Annexure P-4)
21. Thereafter on 22.05.2020, the petitioner's wife received a call from an Embassy Official demanding the petitioner to withdraw the RTIs, and the sample RTIs he made available for stranded persons to follow up their evacuation, threatening of severe consequences including to put him in jail without



any trace or legal trial, make him disappear and destroy his family. (Annexure P-8, P-9)

22. The petitioner again made an application to ascertain , if this threatening call was made with the approval of the Ambassador and for other related information. **(Exhibit P1)**. The above said application under RTI was replied to by letter dated 21/06/2020 **(Exhibit P2 .)**

23. The hon'ble Kerala High Court in WP(C) No.9977/2020 WP(C) No.9977/2020 Jisha\_vs\_The\_Union\_Of\_India on 27\_May\_2020 directed the embassies in middle east to include poor migrant labors in mass evacuation program and provide them air fare and expenses from the Indian Community Welfare Fund as per eligibility. (Annexure P-5)

24. In the meanwhile the petitioner's son received an email dated 03/06/2020 to appear in person before the Embassy of India in Riyad on or before 07-06-2020 failing which it was stated that they would take legal recourse. **(Exhibit P3)**. Since the petitioner's son was under self isolation having contacted with a Covid 19 patient, as he could not personally appear before the Embassy, he sent a detailed reply with all the evidence , including mobile pictures with the received call details of an official with the Embassy , providing evidence of corruption and requested the embassy to investigate the corruption. **Exhibit P4**

25. On 08.07.2020 petitioner was arrested by the Saudi Police based on a complaint lodged in the name of the Indian Embassy by Mr. Omar, as Syrian National, an employee of the Embassy of India, Riyadh. (Annexure P-17, P-18, P-21, P-25)

26. As per an eyewitnesses, the observer of Indian Schools in embassy, at that time, Col. Manish Nagpal, Attache Defence, prepared the complaint in English and handed over to Mr. Suraj, another employee of the embassy and he sent the complaint to school to get it translated from a translation center (Al Saleem Certified Translation, whose main employees are Pakistanis) near the school using a school employee and then obtained the location of petitioner's home from school bus supervisor and the translated complaint was given to Mr. Omar, a Syrian national and employee of embassy of India, who handed over the complaint to the police. It is heard that the police were paid a bribe to accept the complaint, as the complaint was not made through proper channel, ie. Through the ministry of foreign affairs or Saudi Arabia.

27. Having aggrieved by the same the petitioner's mother submitted WPC No. 14819 of 2020 before the Hon'ble High Court of Kerala praying to direct the respondents to intervene in the arrest of her son and to direct the respondent

No. 2 to withdraw the case filed against the petitioner's son.  
(Annexure P-14)

28. In the above case a statement was filed on behalf of Union of India and Ambassador, Embassy of India, KSA., wherein it is categorically stated that there is no involvement of the mission in the arrest of the Petitioner. But the statement also contained unfounded allegations and defaming statements against the petitioner and left the petitioner in a helpless situation. (Annexure P-15)

29. The petitioner filed the RTI numbered MOLAW/R/E22/00561 dated 25-06-2022 through [rtionline.gov.in](http://rtionline.gov.in) for Certified copy of 1. instructions, CPV division provided to the ASG, 2. posts allegedly uploaded by petitioner as mentioned in the statement of ASG 3. Decision of the competent authority, who judged the posts as derogatory or inflammatory. (Annexure P-31)

30. Office of the Learned ASG, transferred the RTI to Ministry of External Affairs. Ministry of external affairs replied on 18-08-2022, saying similar RTI was earlier replied by Embassy of India, Riyadh., which said no information was provided to the ASG. (Annexure P-31)

31. This is evidence of an act of perjury or forgery as someone has mislead the ASG, pretending to be authorized officer of MEA, to file Malicious, misleading, and defamatory

statements in the Hon'ble Kerala High Court to harm the petitioner.

32. On 13 September 2020, an embassy official Mr. Yousef visited the petitioner in jail. He brought with him an apology letter to be signed off from the petitioner, which was written in English and Arabic. The petitioner declined to sign that letter and returned it with a request for corrections. The petitioner also sent with Mr. Yousuf a draft letter saying the petitioner performed only his duty as an Indian citizen and the petitioner seeks pardon of the Saudi government if his actions caused any inconvenience to them.

33. On 14 September 2020, the petitioner's wife send email to the ambassador mentioning the above incident and requested him to provide a copy of the said apology letter to obtain legal opinion, but no reply was received. The above email dated 14/09/2020 sent by Mrs. Salini Scaria Joy, to the 2<sup>nd</sup> respondent is produced herewith and marked as Exhibit P19

34. An RTI MEARI/R/E/23/00029 was filed by petitioner on 04-04-2023, to know whether, any officer instructed Mr. Yousef to visit the petitioner in jail and sent with him any apology letter to get it signed and other related information. The reply dated 30/04/2023 states that "no apology letter was given by the Embassy to Shri K. Yoosuf for signatures

of Shri Simon.” The RTI and reply is produced here with and may be marked as Exhibit.P20.

35.On behalf of the respondents, Mr. Yousuf K, an employee of the Embassy attended the hearing in Riyadh Criminal Court and a statement was submitted on behalf of the embassy that the petitioner has accepted the guilt and apologized, and the petitioner was convicted for 3 months. (Annexure P-19-23, Annexure P-25)

36.The petitioner on 11/06/2022 sought information regarding the complaint filed against him by Mr. Omar Kazkhji working with Embassy of India, Riyadh vide application dated 11/06/2022. The information provided under RTI Act dated 23/06/2022 by the Embassy of India, Riyadh unambiguously state that former employee of the mission Mr. Omar was not authorized to file complaint against the petitioner. (Annexure P-29-30)

37.The Appellant filed an RTI application dated 05.07.2022 seeking information related to the employment of Mr. Omar, a Syrian national, employed by the Embassy of India, Riyadh. (Annexure P-32)

38.The CPIO, Embassy of India, Riyadh, vide letter dated 21.07.2022 replied that the information is exempted under 8(1) of RTI ACT, to protect the criminals. (Annexure P-32)

39.The FAA dismissed the First Appeal, with his rubber stamp reply, “As the First appellate Authority, I am fully satisfied

with the response given by CPIO.” To abet the crimes  
(Annexure P-32)

40. Petitioner filed second appeal with the Hon’ble CIC and the  
CIC held that the blanket denial is not acceptable and  
directed the PIO to send a revised reply. (Annexure P-1)

41. PIO send reply by email on August 3, 2023, but again  
evaded reply on points 7 and 8 and only provided partial  
information on point 9. (Annexure P-33)

42. The petitioner pointed out the deficiency by return email, on  
27 August 2023 by email, but till now complete information  
is not provided. (Annexure P-34)

43. The information evaded,

- a. 7. Whether embassy had initiated transfer of sponsorship  
of Mr. Omar to bring him under the sponsorship of  
embassy?
- b. 8. Whether embassy has obtained NoC or permission  
from the then sponsor or any competent authority to  
employ Mr. Omar for embassy.
- c. 9. Dates on which any payments were made to Mr. Omar,  
reason for payment and amount.”

are not exempted as per RTI act and is denied to abet the crime  
and persecute the petitioner being stranded in Saudi  
Arabia, due to the mischievous case fraudulently filed by  
Mr. Omar.

44. Though it is very clear that the embassy's credentials were misused and misrepresented without any due authorization, the Embassy has not yet informed this fact to the Saudi authorities or initiated any investigation on this matter.
45. Although the petitioner is receiving a lot of job offers, he is unable to accept it, as his iqama (Residential Permit) is expired and could not renew it due to the above case. Now the petitioner is jobless and even illegally staying and in constant fear of getting arrested and put in deportation center any moment. (Annexure P-26)
46. If the respondent No. 2 report the true facts as stated in the statement filed before the Hon'ble High Court of Kerala and as stated in the reply to the RTI application, that the case filed against the petitioner is made without the approval of the respondent no. 2 and it has no compliant against the petitioner, there is every likelihood of the case of the petitioner being reviewed and he would be issued with fresh/renewed iqama (Resident Permit) . (Annexure P-27-28)
47. But, there is no real assistance from embassy or the Ministry of External Affairs, as they want to persecute the petitioner further. So the petitioner's mother again approached the Hon'ble Kerala High court with writ petition 21845/2023 to avoid the deportation of petitioner and fix his legal status.. (Annexure P-28)

48.The Hon'ble High Court of Kerala through order dated 16<sup>th</sup> November 2023 in WP(C) No. 21845 of 2023 ordered to

*"legal assistance to be provided by the Embassy, if applied for, can help him in bringing out the truth, as he says". (Para 5 of the P1 Judgement)*

*"to approach the competent officials of the Indian Embassy in Riyadh, with a written representation detailing the requests; and if this is done, then all necessary assistance will be given to the petitioner's son, including for legal assistance in his appeal, or such other proceedings. "(second section of Para 5 of the P1 Judgement)*

*" to the extent possible, every support will be given to the petitioner's son to obtain a Residential Permit as per law." (Final section of Para 5 of the P1 Judgement)*

49.In compliance with directions of the Hon'ble High Court, the petitioner sent representation to the Embassy of India by email dated December 2, 2023, and December 16, 2023.

50.But the embassy is not taking any action in compliance with the order of the Hon'ble High Court.

51.Hence this petition.



### LIST OF DATES

Date	Event
30 January 2020	The World Health Organization declared the COVID-19 outbreak a Public Health Emergency of International Concern
21 March 2020	The kingdom of Saudi Arabia announced the suspension of all domestic and international travel
6 April 2020	24-hour curfews implemented in Saudi Arabia
29 April 2020	Embassy of India Riyadh launched online registration form for Indian Citizens to be repatriated. More than 60,000 registrations were received till 06 May 2020. Priority was promised for distressed workers, urgent medical cases, pregnant women and stranded umra pilgrims.
05 May 2020	Ministry of Home Affairs, Government of India issues Order as per Disaster management ACT, issuing SOP for movement of Indian Nationals stranded outside the Country (Annexure P-2)
07 May 2020	The petitioner filed RTI MEARI/R/E/20/00066 and others to

	missions in the middle east and Europe to find out if the priority is given as promised in SOP. (Annexure P-3)
08 May 2020	Frist Flight as per Phase 1 of Vande Bharath mission from Saudi Arabia
18-May-2020	HON'BLE MR. JUSTICE VIBHU BAKHRU, in order dated 18-05-2020 W.P.(C) 3169/2020, Hon'ble High Court of Delhi, observed to ensure that within the category of persons who are to be accorded priority, a higher priority be accorded to persons who are in medical distress vis-à-vis persons who are otherwise hale and hearty but are stranded due to the expiry of their visa or other reasons. (Annexure P-4)
22 May 2020	The petitioner's wife received a call from an Embassy Official demanding to withdraw the RTIs that the petitioner had filed, and the sample RTIs he made available for stranded persons to follow up their evacuation, threatening of severe consequences including to put him in jail without any trace or legal trial, make him disappear and destroy his family. (Annexure P-8-9)

22/05/2020	The petitioner, Files an RTI application to ascertain, if the threatening call was made with the approval of the Ambassador and for other related information. (Annexure P-8-9)
27_May_2020	The hon'ble Kerala High Court in WP(C) No.9977/2020 Jisha_vs_The_Union_Of_India, directed the embassies in middle east to include poor migrant labours in mass evacuation program and provide them air fare and expenses from the Indian Community Welfare Fund as per eligibility. (Annexure P-5)
03 June 2020	The petitioner received an email to appear in person before the Embassy of India in Riyadh to explain regarding recent posts on social media, on or before 07-06-2020 failing which it was stated that they would take legal recourse. (Annexure P-10)
03 June 2020	Petitioner sent reply email to the embassy to let him know, which posts were without basis, so that he can provide the evidence?

04 June 2020	Petitioner received reply email from EoI, that it could be anyone or any matter. (Annexure P-10)
07 June 2020	United Nurses Association arranged the first of seven chartered flights to India from Saudi Arabia, to transport the Pregnant Nurses who were in urgent need of repatriation. The passengers of chartered flights had to pay SAR 2400 in lieu of 1200 charged by Vandhe Bharath flights.
07 June 2020	Petitioner sent a detailed reply with all the evidence by email, mentioning relevant paras of the orders of the Honorable Delhi High Court (supra) and the order of the Honorable Gujarat High Court in C/WPPIL/42/2020 dated 22 May 2020. (Annexure P-11)
21/06/2020	Received reply for the RTI regarding threat calls from EoI, Riyadh that the mobile number is not official, and the land phone is installed at the residence of the Embassy and Mr. Rajiv Ranjan is an Assistant section officer in CW Wing (Annexure P-9)
22 June 2020	EoI Kuwait replies that till 09 June 2020, around 10,000 Indians managed to return to

	<p>India and out of 2400 in pregnant / elderly class, only 460 got seats and 1980 is still waiting. RTI to EoI Riyadh for similar information is still pending (Annexure P-12)</p>
08.July.2020	<p>The petitioner was arrested by the Saudi Police, based on a complaint lodged in the name of the Indian Embassy by Mr. Omar, a Syrian National and an employee of the EoI, Riyadh. At the police custody, petitioner was deprived of his right to defend any allegations or present any evidence or consult a lawyer or to have a translator. Even a copy of the complaint was not provided to the petitioner in blatant violation of the principle of natural justice (Annexure P-25)</p>
09 July 2020	<p>Petitioner's wife sent email to all concerned in MEA and Embassy of India, informing them that the petitioner is in police custody due to a case filed in the name of the embassy of India, Riyadh and requesting the kind assistance of MEA in the release of the petitioner. (Annexure P-13)</p>

20 July 2020	The Petitioner's Mother submitted WPC No. 14819 of 2020 before the Honorable High Court of Kerala praying for directions to the respondents to intervene in the arrest of her son and to withdraw the case filed against the petitioner's son. (Annexure P-14)
06 August 2020	Statement was filed in High Court of Kerala, on behalf of Union of India and Ambassador, Embassy of India, KSA, wherein it is categorically stated that there is no involvement of the mission in the arrest of the Petitioner's son. The statement also contained unfounded allegations and defaming statements against the petitioner. (Annexure P-15)
12 August 2020	Petitioners' wife along with her friend and petitioner's son met with the ambassador of India, Riyadh at the embassy. During the meeting it was agreed that the embassy will do whatever is necessary to ensure that the petitioner will be released without any further trouble. (Annexure P-16)
03 September 2020	Petitioner's wife obtained a report from a lawyer which states that, the petitioner was

	arrested by the embassy police based on a complaint filed by the Indian embassy that the petitioner distorted the reputation and image of the embassy in the Kingdom and incited public opinion through social networking sites (Annexure P-17)
09 September 2020	Petitioner's wife obtained another report from the prosecution department through a lawyer. As per the report, the case was filed by the Embassy of India, Riyadh and the subject matter is tweets regarding various corruption in the embassy. (Annexure P-18)
13 September 2020	An embassy official, Mr. Yousef, visited the petitioner in jail. He brought with him an apology letter to be signed, which was written in English and Arabic. The petitioner declined to sign that letter with a request for corrections. (Annexure P-20)
14 September 2020	The petitioner's wife sent an email to the ambassador mentioning the visit of Mr. Yousuf and requested him to provide a copy of the said apology letter to obtain legal opinion, but no reply was received. (Annexure P-19)

06 October 2020	in the Criminal Court in Riyadh, Mr. Yousuf appeared for the 1 <sup>st</sup> respondent. (Annexure P-21-23)
08 October 2020	Bail Order to release the petitioner was issued. The judgement mentions a letter received by the court from Indian embassy in Riyadh, which says “Mr. Dominic Simon has now expressed his regret for the baseless comments he posted on social media platforms against the embassy and its officials and requested a pardon for his indecent behavior”. (Annexure P-21)
09 October 2020	The writ petition in Honorable High Court of Kerala was closed as petitioners advocate submitted in court that the petitioner is already released (Annexure P-24)
20 October 2020	Petitioner was released from prison on Bail.
13 December 2020	The petitioner was convicted and sentenced to undergo imprisonment for a period of 3 months. (Annexure P-25)
05 August 2021	The petitioner received a message from the ministry of interior that services for Mr. Dominic Simon, residence permit number 2453987428 are suspended. The petitioner checked online in “absher” system and



	found a “generalization“ report issued against him by the execution court at Al Manar with the same case number as the case filed in the name of the embassy. (Annexure P-26)
11 June 2022	The petitioner sought RTI information regarding the complaint filed against him by Mr. Omar Kazakji working with Embassy of India, Riyadh (Annexure P-29)
23 June 2022	The information provided under RTI Act by the Embassy of India, Riyadh unambiguously state that former employee of the mission Mr. Omar was not authorized to file complaint against the petitioner. (Annexure P-30)
25 June 2022	Petitioner filed application under RTI Act to know the purpose of visit of Mr. Yousuf in the court. (Annexure P-22)
25-June-2022	The petitioner filed RTI number MOLAW/R/E22/00561 to find out how, unfounded, defaming and malicious statements against the petitioner got into the statement submitted by ASG in Hon’ble High Court of Kerala. (Annexure P-31)

05-July-2022	Application filed online to CPIO (Annexure P-32)
21-July-2022	Date of decision of CPIO, to decline the request claiming the information is exempted under 8(1) of RTI Act 2005 (Annexure P-32)
23 July 2022	Received reply to RTI. As reply to question no. 4, it was stated that no report was sent along with Mr. Yousef.. (Annexure P-23)
29 April 2023	The petitioner vide a letter requested the Ambassador, Embassy of India at Riyadh to do whatever is needful to alleviate his sufferings. (Annexure P-27)
23 May 2023	The petitioner's mother vide a letter requested the minister of External Affairs of India to help the petitioner.
26/06/2023	The petitioner's mother again approached the Honorable Kerala High court with writ petition 21845/2023 (Annexure P-28)
14.July.2023	The CIC Partially allows the appeal with the following Decision "The Commission is not convinced with the blanket denial of information by the Respondents, because all the information pertaining to an individual employed with an office of the

	Government of India cannot be categorized as personal information. ... Accordingly, the Respondent is hereby directed to send a revised reply to the Appellant, ....”. (Annexure P-1)
03 August 2023	Information except for points 7,8 and 9 were received from EoI, Riyadh. (Annexure P-33)
27 August 2023	Reply was sent to EoI, Riyadh to provide the missing information also. But no reply is received till date. (Annexure P-34)

To

**To the Superintendent of Police (NRI affairs)  
Kottayam**

The humble petition of the Petitioner above named

**MOST RESPECTFULLY SHOWETH:**

That the Petitioner prefers the present petition inter-alia for INVESTIGATION ON THE CRIMES COMMITTED TO MAKE THE PETITIONER DISAPPEAR FOR THE PETITIONER BEING A WHISTLEBLOWER AND/OR IDENTIFY AND ARREST THE CRIMINALS INVOLVED AND/OR PROSECUTE THE CRIMINALS AND/OR TO IMPOSE THE PENALTIES AND CORRECTIVE MEASURES AND COMPENSATION.

1. That the facts leading to the filing of the present petition is stated hereunder:

- 1) BACKGROUND OF THE PETITIONER AND HIS COMMITMENT TO THE REPUBLIC OF INDIA

2. The petitioner was working in Saudi Arabia as IT Specialist consultant at J&O, Consultants to Ministry of Finance Saudi Arabia and there after as IT Manager and Head of the Department of Saudi Arabian Aluminum Industries Company. He is residing at Riyadh with his family having

his wife and 3 little kids aged 15, 10 and 6 for the last 18 years.

3. The petitioner is currently stranded in Saudi Arabia with no job or income and declared an absconding illegal due to a very mysterious case filed in the name of the Embassy of India in Saudi Arabia, while the embassy denies any involvement.
4. The petitioner is a well- known social worker in Saudi Arabia. He is actively involved in various activities in the interest of Indian Citizens living in Saudi Arabia for betterment of their lives. He has made notable contribution towards administration of Indian Schools in Riyadh and issues concerning education. He had also contributed towards sending those Indians stranded abroad to India under the Vande Bharat Mission and was lauded by the people from various quarters. He had been in many occasion an asylum for the needy people who were struggling for justice. He is also a recipient of awards for his works on RTI, conducting RTI Trainings and for using RTI as a tool to support the Indians living abroad. He was also the admin of Facebook Group called Indian Volunteers, a group dedicated for the cause of protecting interest of all the Indian Citizens abroad. He is also founder of Indian Parents Forum, Blood Donors KSA, RTI for NRI's etc.

## 2) Issues related to Indian Schools and corruption at Indian Embassy Riyadh

5. In the year 2015, the Petitioner was elected by parents and became the chairman of Managing Council of International Indian Public School, Riyadh, Saudi Arabia. During his tenure, he came to know that the corruption in Indian schools is emanating from the embassy of India Riyadh, and some anti national organizations ( Suspected to be D-Company) have their sleeper cells planted in various levels, and they are utilizing the schools and other powers and privilege of the embassy to give employment to their accomplices, reduce standard of education in schools, persecute Indian parents and students, raise funds for antinational activities and spread their reach at every organ of power. The Petitioner out of his love for motherland, education of his children and safety of thousands of other Indian children and common good of the Indian community, objected to the illegal and corrupt involvement of anti-national elements.
6. The Petitioner was removed from the school managing council by submitting a fraud resignation letter, that does not have the Petitioner's signature, through threats and perjury by Mr. Hifzur Rahman, the observer from embassy of India, Riyadh. The observer stated in the school managing council meeting that he received many complaints against the

Petitioner and the embassy has lost confidence in the Petitioner.

7. Although embassy vehemently denies any information, HON'BLE MR. JUSTICE VIBHU BAKHRU on 31-01-2018, in W.P.(C) 8993/2017 issued judgement in favor of the petitioner and held that "It is once clear that if the information as sought for by the petitioner is available with the Indian Embassy, the same is not covered under any of the provisions of Section 8(1)(a) of the Act."

8. The embassy still denied the information, attempting to protect the corrupt and in violation of the court order, saying,

*"embassy does not have copy of any complaints against the  
Petitioner"*

completely denying the statement of Mr. Hifzur Rahaman in the Managing council.

9. Petitioner has filed complaints against non-compliance () and contempt petition for perjury (CIC/KY/A/2016/001029 dated 27-04-2018) as the same observer signed the resignation letter stating.

*"There were several misunderstandings between the principal and the chairman Mr. Dominic Simon, which were discussed by the participants and later Mr. Dominic Simon, Chairman, Mc submitted his resignation from the chairmanship and the*

*membership of the MC, at the advice of the supervisor, Ministry of Education. ”*

10.stated in CIC that the Petitioner

*“when he was proved wrong in front of all by a female staff member and also his allegation of financial embezzlement against the principal proved to be fabricated, he submitted his resignation form the membership and the chairmanship of the managing Committee”*

11.and stated in high court of delhi that

*“upon prima facie evidence of wrong doing committed on the part of the petitioner, the Higher Board decided to replace him from the said post of Chairman. “*

12.In another appeal from the petitioner, CIC reduced the cost charged by embassy and consulate for copy of information, to rupees 2 per page from 1 riyals per page.

13.The Petitioner, like many others, had to face many hardships from time to time like defaming letters to employer, filing false statements and complaints to ministries, governor etc.

14.On May 9, 2019 Col Manish Nagpal, Observer of Indian Schools, wrote a letter to petitioner as below

*Dear Mr Dominic Simon,*



*It has come to our notice that you have made the following comments on a social media group against IIPS, Riyadh on 08 May 2019. The comments have been shared by a parent to the undersigned.*

*[08/05, 4:23 pm] Shahriyaar Khan Stc: Dear All IIPSR SEVA school Managing Committee has dissolved on 08\_05\_2019*

*[08/05, 4:24 pm] Mr Dominic Simon: They have escaped. But the innocent children continue to suffer the pakistani drivers*

*You are requested to explain your comment and intent.*

15.The petitioner wrote a detailed reply email on same day explaining the corruption in the bus contracts and hardships and abuses the children suffer at the hands of the Pakistani drivers, but no action was taken.

16.On 03rd October 2019, the petitioner was called to the embassy, by one Mr. Sajeev for inquiry into petitioners' tweets regarding appointing Pakistani company having very poor standing to run the school bus service endangering the safety of children. As the inquiry officer promised investigation into all matters, the petitioner later deleted the tweets as requested by Mr. Sajeev. The very same tweets again appeared in the complaint filed at Saudi police, in the name of the embassy in July 2020, to record the arrest of the petitioner.

17. On 18 December 2019, Petitioner, and petitioner's wife, who at that time was a managing council member of the school, IIPS, was called to the embassy by Col. Maneesh Nagpal, School Observer, to threaten showing a letter prepared by Mr. Sooraj, to send to the petitioner's employer, asking the petitioner's employer to terminate the petitioner, if the petitioner doesn't stop exposing corruption in school and embassy .

18. While the petitioner and wife were waiting at the reception, another meeting of the managing council of International Indian School Riyadh was going on at the embassy and the observer declared in that meeting that he has arranged Saudi police to get the petitioner arrested.

### 3) COVID 19 AND RELATED ORDERS AND JUDGEMENTS

19. On 30<sup>th</sup> January 2020, the World Health Organization declared the COVID19 outbreak, a Public Health Emergency of International Concern.

20. As the number of cases started to increase, the Kingdom of Saudi Arabia, announced the suspension of all domestic and international travel on 21 March 2020 and on 6<sup>th</sup> April 2020, 24-hour curfews were implemented.

21. To help the fellow Indians stranded due to COVID19 Pandemic, the petitioner educated people on how to follow up on their applications using email and RTI, drafted sample

applications and petitions and published much information useful for the stranded.

22. On 29 April 2020, Embassy of India Riyadh launched online registration form for Indian Citizens to be repatriated. More than 60,000 registrations were received till 06 May 2020. Priority was promised for distressed workers, urgent medical cases, pregnant women and stranded umra pilgrims.

23. Ministry of Home Affairs, Government of India issued Order as per Disaster management ACT, issuing SOP for movement of Indian Nationals stranded outside the Country. As per the SOP, the needy will register with the Indian missions in the country and MEA will prepare flight wise database of travelers and they will travel to India by non-scheduled commercial flights to be arranged by Ministry of Civil Aviation. The SOP guaranteed priority for compelling cases in distress, including persons with medical emergency, Pregnant women, or elderly. A true copy of the order dated 5<sup>th</sup> May 2020 is produced herewith and marked as exhibit P2.

24. The petitioner filed RTIs to missions in the middle east and Europe to find out if the priority is given for sick and vulnerable. RTI MEARI/R/E/20/00066 filed on 07/May/2020 is still not replied to. A true copy of status of the RTI as of 2023 August 24 is produced herewith and marked as exhibit P3.

25.HON'BLE MR. JUSTICE VIBHU BAKHRU, in order dated 18-05-2020 W.P.(C) 3169/2020,in addition to the assurances given by the Learned ASG, observed to ensure that within the category of persons who are to be accorded priority, a higher priority be accorded to persons who are in medical distress vis-à-vis persons who are otherwise hale and hearty but are stranded due to the expiry of their visa or other reasons. A true copy of the judgement dated 18/05/2020 is produced herewith and marked as Exhibit P4.

26.The Honorable High Court of Kerala in WP(C) No.9977/2020 Jisha\_vs\_The\_Union\_Of\_India on 27 May 2020 directed the embassies in middle east to include distressed poor migrant labors in mass evacuation program and provide them air fare and expenses from the Indian Community Welfare Fund as per eligibility. A true copy of the judgement dated 27 May 2020 is produced herewith and marked as Exhibit P5.

#### 4) RTIS FILED BY THE PETITIONER AND THREATS

27.The petitioner came to know of many cases where the needy are still stranded and the order of the honorable high courts are not being followed. For example, the petitioners in UNITED NURSES ASSOCIATION Vs UoI and ors, had to arrange chartered flights to transport the nurses in need. A true copy of recent RTI reply MEARI/R/E/23/00025 dated 09/04/2023 from embassy of India Riyadh, indicating

the non-compliance and contempt of the orders of the hon'ble high courts, is produced herewith and marked as exhibit P6.

28. The corruption in management in assistance and repatriation is suspected to have led to comparatively more deaths per million population and an increase in suicides among both Saudi as well as Indian population. A true copy of print out, dated 10/04/2023 from website of embassy of India Riyadh, indicating the increase in deaths and suicides, is produced herewith and marked as exhibit P7. The figures when converted to deaths per million is higher than that of both Saudi Arabia and India.

29. Thereafter on 22 05 2020, the petitioner's wife received many calls from an Embassy Official demanding the petitioner to withdraw the RTIs that he had filed , and the sample RTIs and application formats he made available for stranded persons to follow up their evacuation, threatening of severe consequences including to put him in jail without any trace or legal trial, make him disappear and destroy his family.

30. The petitioner, again made an RTI application to ascertain , if this threatening call was made with the approval of the Ambassador and for other related information. A true copy of the RTI filed by Mr. Dominic Simon dated 22/05/2020 is produced herewith and marked as Exhibit P8. The above

said application under RTI was replied to by letter dated 21/06/2020 and the same is produced herewith and marked as Exhibit P9. As per the reply, the mobile number is not official, and the land phone is installed at the residence of the Embassy and Mr. Rajiv Ranjan is an Assistant section officer in CW Wing and there is no information regarding any instruction from the Ambassador or any other official.

31. The petitioner received an email dated 03/06/2020, alleging of posts on social media (Twitter and Facebook) accusing the Embassy Officials of indulging in corruption and other malpractices, to appear in person before Mr. Desh Bandhu Bhati, Counsellor (Community Welfare), the Embassy of India in Riyadh on or before 07-06-2020, with detailed explanations and corroborative evidences, failing which it was stated that they would take legal recourse.

32. The petitioner requested by reply email, to let him know which are the impugned social media posts, so that he can provide the evidence, but the request was denied in blatant disregard of natural justice. A copy of the above email dated 03 June 2020 is produced herewith and marked as Exhibit P10.

33. Since the petitioner was under self-isolation having contact with a Covid 19 patient, as he could not personally appear before the Embassy, he sent a detailed reply with all the evidence by email, mentioning relevant paras of the orders

of the Honorable Delhi High Court (supra) and the order of the Honorable Gujarat High Court in C/WPPIL/42/2020 dated 22 May 2020. The above email dated 07/06/2020 sent by the petitioner to the 2<sup>nd</sup> respondent is produced herewith and marked as Exhibit P11

34. On 07 June 2020, The United Nurses Association arranged the first of seven chartered flights to India from Saudi Arabia, to transport the Pregnant Nurses who were in urgent need of repatriation. The passengers of chartered flights had to pay SAR 2400 in lieu of 1200 charged by Vande Bharath flights.

35. In reply to RTIs filed as mentioned supra in para 11, EoI Kuwait replied that till 09 June 2020, around 10,000 Indians managed to return to India and out of 2400 in pregnant / elderly class, only 460 got seats and 1980 is still waiting. The reply also states that 1500 people are dependent on food kits distributed by embassy. The above RTI Reply dated 22/06/2020 is produced herewith and marked as Exhibit P12. RTI to EoI Riyadh for similar information is still pending.

#### 5) ARREST OF THE PETITIONER AND STATEMENTS IN COURTS

36. On 08.07.2020 petitioner was arrested by the Saudi Police based on a complaint lodged in the name of the Indian Embassy by Mr. Omar, as Syrian National and employee of Embassy of India, Riyadh.

37. As per an eyewitnesses, the observer of Indian Schools in embassy, at that time, Col. Manish Nagpal, Attache Defence, prepared the complaint in English and handed over to Mr. Suraj, another employee of the embassy and he sent the complaint to school to get it translated from a translation center (Al Saleem Certified Translation, whose main employees are Pakistanis) near the school using a school employee and then obtained the location of petitioner's home from school bus supervisor and the translated complaint was given to Mr. Omar, a Syrian national and employee of embassy of India, who handed over the complaint to the police. It is heard that the police were paid a bribe to accept the complaint, as the complaint was not made through proper channel, ie. Through the ministry of foreign affairs or Saudi Arabia.

38. At the police custody, petitioner was deprived of his right to defend any allegations or present any evidence or consult a lawyer or a translator. Even a copy of the complaint was not provided to the petitioner in blatant violation of the principle of natural justice. The complaint is suspected to be forged in the name of the embassy.

39. On 9<sup>th</sup> July 2020, petitioner's wife sent email to all concerned in MEA and Embassy of India, informing them that the petitioner is in police custody due to a case filed in the name of the embassy of India, Riyadh and requesting the



kind assistance of MEA in the release of the petitioner. The said email dated 9 July 2020 is produced here with and may be marked as Exhibit.P13

40.On 20 July 2020, Petitioner's Mother submitted WPC No. 14819 of 2020 before the Honorable High Court of Kerala praying to direct the respondents to intervene in the arrest of her son and to direct the Embassy of India, Riyadh, to withdraw the case filed against the petitioner. The said writ petition dated 20/07/2020 is produced here with and may be marked as Exhibit.P14

41.On 06 August 2020, Statement was filed in High Court of Kerala, on behalf of Union of India and Ambassador, Embassy of India, KSA, wherein it is categorically stated that there is no involvement of the mission in the arrest of the Petitioner's son (Para 4). The statement also contained unfounded allegations and defaming statements against the petitioner (Para 2). A copy of the statement dated 06/08/2020 filed on behalf of the Respondents is produced herewith and is Marked as Exhibit P15.

42.The statement filed by respondents in Kerala high court was unfounded and defamatory and alienated the friends and family of the petitioner and left the petitioner in a helpless situation.

43.The petitioner filed the RTI number MOLAW/R/E22/00561 dated 25-06-2022 through rtionline.gov.in to find out how,

unfounded, defaming and malicious statements against the petitioner got into the statement submitted by ASG in Hon'ble High Court of Kerala. The information requested was, certified copy of 1. instructions, CPV division provided to the ASG, 2. posts allegedly uploaded by petitioner as mentioned in the statement of ASG 3. Decision of the competent authority, who judged the impugned posts as derogatory or inflammatory. True copy of the RTI application dated 25-06-2022 is in pages 3-4 of Exhibit P-31.

44.. Office of the Learned ASG, rightly transferred the RTI to Ministry of External Affairs. Ministry of external affairs replied on 18-08-2022, after a delay of 54 days. saying similar RTI was earlier replied by Embassy of India, Riyadh., which said no information was provided to the ASG. No Point wise reply was given. So, the source of the statement was provided by the Ministry of external affairs, but they are trying to evade the disclosure. RTI reply dated 18.08.2022 is in page 11 of Exhibit P-31

45. Aggrieved by the rejection, first appeal was filed on 23-10-2022. Appeal dated 23-10-2022 is in pages 12-14 of Exhibit P-31

46. The FAA dismissed the Appeals with reply that instructions were given by the ministry. No other information was provided and no other reason was supplied. The prayers and

ground in the appeal were ignored. Decision of the FAA dated 22-11-2022 is in pages 19-22 of Exhibit P-31

47. On 12<sup>th</sup> of August 2020, an appointment was approved for the petitioner's wife to submit the grievance. His Excellency the Ambassador denied any involvement in the arrest and assured her to do whatever is necessary for the release of the petitioner. A copy of the emails regarding the appointment and subsequent follow-ups is produced herewith and is Marked as Exhibit P16

48. On 03-09-2020, Petitioner's wife obtained a report from her lawyer which states that, Dominic was arrested by the embassy police based on a complaint filed by the Indian embassy that Dominic distorted the reputation and image of the embassy in the Kingdom and incited public opinion through social networking sites. The said report dated 03/09/2020 is produced here with and may be marked as Exhibit.P17

49. On 09-09-2020 Petitioner's wife obtained another report from the prosecution department through a lawyer. As per the report, the case was filed by the Embassy of India, Riyadh and the subject matter is tweets regarding various corruption in the embassy. The translated copy of the said report dated NIL is produced here with and may be marked as Exhibit.P18.

50. On 13 September 2020, an embassy official Mr. Yousef visited the petitioner in jail. He brought with him an apology letter to be signed off from the petitioner, which was written in English and Arabic. The petitioner declined to sign that letter and returned it with a request for corrections. The petitioner also sent with Mr. Yousuf a draft letter saying the petitioner performed only his duty as an Indian citizen and the petitioner seeks pardon of the Saudi government if his actions caused any inconvenience to them.

51. On 14 September 2020, the petitioner's wife send email to the ambassador mentioning the above incident and requested him to provide a copy of the said apology letter to obtain legal opinion, but no reply was received. The above email dated 14/09/2020 sent by Mrs. Salini Scaria Joy, to the 2<sup>nd</sup> respondent is produced herewith and marked as Exhibit P19

52. An RTI MEARI/R/E/23/00029 was filed by petitioner on 04-04-2023, to know whether, any officer instructed Mr. Yousef to visit the petitioner in jail and sent with him any apology letter to get it signed and other related information. The reply dated 30/04/2023 states that "no apology letter was given by the Embassy to Shri K. Yoosuf for signatures of Shri Simon." The RTI and reply is produced here with and may be marked as Exhibit.P20.

53. On 06<sup>th</sup> of October 2020, in the Criminal court at Riyadh, Mr. Yousuf, the officer of the 2<sup>nd</sup> respondent appeared as representative of respondent 2.

54. On 08 October 2020, Bail Order to release the petitioner was issued. The judgement mentions a letter received by the court from Indian Embassy in Riyadh, which says “Mr. Dominic Simon has now expressed his regret for the baseless comments he posted on social media platforms against the embassy and its officials and requested a pardon for his indecent behavior”. Translated copy of the bail order dated 08/10/2020 (ie. 21/02/1442 AH) of the Criminal Court in Riyadh is produced herewith and may be marked as Exhibit P21.

55. It is respectfully submitted that the petitioner never apologized and the submissions to the contrary may be made willfully by the employee of the Mission Mr. Yousuf K to wreak vengeance for filing RTI applications and educating the public. Also, the petitioner’s wife had already requested supra (para 32) the embassy to allow her to seek legal opinion.

56. Petitioner on 25- 06-2022 filed another application under RTI Act to know the purpose of appearance of Mr. Yousuf in the court. As per the reply to question no. 4, it was stated that no report was sent along with Mr. Yousef, and the letter number 456 dated 22/09/2020 is exempted from disclosure.

It again establishes categorically that the report submitted by Mr. Kunnummal Yoosuf, the employee of the mission, based on which the petitioner was convicted was not made with the approval of respondents. A copy of the above said RTI application dated 25/06/2022 is produced herewith and may be marked as Exhibit P22. A copy of the reply dated 23/07/2022 to the above application received is produced herewith and may be marked as Exhibit P23.

57. The writ petition in Honorable High Court of Kerala was closed by Order dated 09 October 2020 as the petitioner's advocate submitted in court that the petitioner is already released. A copy of the above order dated 09 October 2020 of the Hon'ble High Court of Kerala is produced herewith and marked as Exhibit P24.

58. On 20 October 2020, the petitioner was released from prison on Bail.

59. On 13 December 2020, the petitioner was convicted and sentenced to undergo imprisonment for a period of 3 months. Translated Copy of the Record of the Criminal Court in Riyadh dated 13/12/2020 (ie. 28/04/1442H) convicting the petitioner is produced herewith and may be marked as Exhibit.P25.

#### **6) FURTHER ISSUES AND SUFFERINGS**

60. On 05 August 2021 the petitioner received a message from the ministry of interior that services for Mr. Dominic Simon,

residence permit number 2453987428 are suspended. The petitioner checked online in “absheer” system and found a “generalization” report issued against him by the execution court at Al Manar with the same case number as the case filed in the name of the embassy. A copy of the same is produced herewith and may be marked as Exhibit P26.

61. The petitioner along with representative of the employer, reported to the execution department, but could not proceed much as the police could not trace the passport and 1500SAR that was handed over to the police by previous employer during the arrest of the petitioner in 2020. According to the advocate of the petitioner, this indicate that authorities are proceeding for deportation, as any sentence equal or above 3 months may result in deportation enforced by the Governor of Riyadh and the same would cause loss of livelihood for the family and damage to the education of the 3 children, studying in IIPS, Riyadh, in addition to the mental suffering, defamation and trauma.

62. Although the petitioner is receiving a lot of job offers, he is unable to accept it, as his iqama (Residential Permit) is expired and could not renew it due to the above case. When the petitioner was arrested in 2020, he was earning 12,000 SAR per month as basic salary, but now the petitioner is jobless and even illegally staying and in constant fear of getting arrested and put in deportation center any moment.

In addition to that, the petitioner is facing social embarrassment and isolation as some people and even officials of embassy spread defamatory statements against him to brand him as a terrorist, anti-national and criminal.

- 63.If the respondents report the true facts as stated in the counter affidavit filed before the Hon'ble High Court of Kerala and as stated in the reply to the RTI applications, that the report filed against the petitioner is made without the approval of the respondents and it has no complaint against the petitioner, there is every likelihood of the case of the petitioner being reviewed and he would be issued with fresh/renewed iqama (Residential Permit) to stay in Saudi legally along with his family.
- 64.The petitioner vide letter dated 29/04/2023 requested the Ambassador, Embassy of India at Riyadh to issue a letter to the authorities informing the facts and to do whatever is needful to alleviate his sufferings. A copy of the above mentioned representation dated 29/04/2023 submitted to the 2<sup>nd</sup> respondent is produced herewith and marked as Exhibit P27. The petitioner's mother vide letter dated 23/05/2023 also requested the minister of External Affairs of India to help him.
65. But, there is no real assistance from embassy or the Ministry of External Affairs, So the petitioner's mother again approached the Honorable Kerala High court with writ



petition 21845/2023 and the petition is still pending. A copy of the above mentioned writ petition dated 26/06/2023 is produced herewith and marked as Exhibit P28.

66. The petitioner happened to be a convict due to the complaint illegally filed by Mr. Omar, ex-employee of respondent no. 2.

67. The petitioner on 11/06/2022 sought information regarding the complaint filed against him by Mr. Omar Kazakji working with Embassy of India, Riyadh vide application dated 11/06/2022 and a copy of the same is produced herewith and may be marked as Exhibit **P29**. The information provided under RTI Act dated 23/06/2022 by the Embassy of India, Riyadh unambiguously state that former employee of the mission Mr. Omar was not authorized to file complaint against the son of the petitioner. A copy of the above reply to RTI dated 23/06/2022 is produced herewith and may be marked as Exhibit **P30**.

68. The Appellant filed an RTI application dated 05.07.2022 seeking information related to the employment of Mr. Omar, a Syrian national, in the Embassy of India, Riyadh. The Second Appeal CIC/EIRSA/A/2022/668921 dated 23-12-2022 is produced herewith and may be marked as Exhibit P-32. True

copy of RTI application dated 05.07.2022 is in page 4 of Exhibit P-32

69.The CPIO, Embassy of India, Riyadh, vide letter dated 21.07.2022 replied that the information is exempted under 8(1) of RTI ACT. RTI reply dated 21.07.2022 is produced herewith in page 6 of Exhibit P-32

70.Aggrieved by the rejection of RTI Application, the Petitioner approached the RTI Appellate Authority [FAA] for getting the information sought. Appeal dated 24-07-2022 is produced herewith in pages 7-10 of Exhibit P-32.

71.The FAA dismissed the First Appeal, with his rubber stamp reply, “As the First appellate Authority, I am fully satisfied with the response given by CPIO.” No other reason was supplied. The decision of the FAA dated 21-08-2022 is produced herewith in page 12 of Exhibit P-32.

72.Petitioner filed second appeal with the Hon’ble CIC .

73.CIC held that the blanket denial is not acceptable and directed the PIO to send a revised reply. The Order dated

14.07.2023 passed by the Hon'ble CIC is marked and annexed supra as Annexure P-1.

74. PIO send reply by email on August 3, 2023, but again evaded reply on points 7 and 8 and only provided partial information on point 9. Reply dated August 3, 2023 is produced herewith and may be marked as Exhibit P-33

75. The petitioner pointed out the deficiency by return email, on 27 August 2023 by email, but till now complete information is not provided. Email dated August 27, 2023, is produced herewith and may be marked as Exhibit P-34

76. The information evaded,

- a. 7. Whether embassy had initiated transfer of sponsorship of Mr. Omar to bring him under the sponsorship of embassy?
- b. 8. Whether embassy has obtained NoC or permission from the then sponsor or any competent authority to employ Mr. Omar for embassy.
- c. 9. Dates on which any payments were made to Mr. Omar, reason for payment and amount.”

are not exempted as per RTI act and is denied only to persecute the petitioner being stranded in Saudi Arabia, due to the mischievous case fraudulently filed by Mr. Omar

77. Though it is very clear that the embassy's credentials were misused and misrepresented without any due authorization, the Embassy has not yet informed this fact to the Saudi authorities or initiated any investigation on this matter. So, if the embassy is not helping, the remedy available to the petitioner is to gather as much information as possible to approach the authorities himself to solve his problems.

78. The ASG could have raised the objection that the information is held by them in fiduciary capacity, but since the RTI application got transferred to the MEA, MEA cannot withhold the information, as they are holding the information, being the owner or creator of the information and they have no fiduciary responsibility towards the ASG or anyone else, regarding this information. Just because, the information was once given to a lawyer does not grant that information any immunity from disclosure or status of fiduciary information. Even ASG could not have denied the information as this information is an act of perjury or forgery as someone has mislead the ASG, pretending to be authorized officer of MEA, to file Malicious, misleading, and defamatory statements in the Hon'ble Kerala High Court and RTI act does not provide any exemptions for such

information, which is related to corruption and in public interest to uphold the sanctity of courts.

79. The investigation report will help the petitioner to solve the issues related to this case and join a job and secure his liberty and come back to India.

80. In such circumstances, the Petitioner submits that he is constrained to approach this office on the following amongst other grounds without prejudice to each other:

### **GROUND**

#### **1) Necessity of the investigation**

81. Embassy of India, Riyadh act as patron for all Indian citizens in Saudi Arabia. The petitioner's attempt to question the corruption and wrong doings in the embassy administration and on undesirable interferences by the suspected antinational elements and agents, stirred the hornets' nest. The corrupt officials with the suspected connivance of the ambassador of India, filed fictitious and frivolous complaints and false statements against the Petitioner. The embassy had called the appellant to the embassy to threaten him of filing cases based on these fictitious complaints. Also, the petitioner's wife also received threat calls. The petitioner was in jail and still stranded due to complaints and false statements filed in the name of the embassy without

any due authorization. But the embassy is not taking any remedial measures. Hence the petitioner filed the applications as per the RTI act 2005 to obtain necessary information to regain his life and liberty. But the Public Information Officer evaded and/or denied the request claiming personal information even though all the information requested is in the custody of the Public Authorities, the Embassy of India Riyadh and the Ministry of External Affairs. This is a clear attempt to abet the crime and sweep the wrongdoings under the carpet of secrecy.

82.Regarding the Second RTI (CIC/EIRSA/A/2022/668921) , the Respondents have declined to provide the information held by them despite the order of the Hon'ble CIC and despite the same being part of public records, not in any fiduciary capacity, and not under any exemptions under section 8, and the respondent being a public office as per the RTI Act, which makes it mandatory for them to disclose the said information. (Annexure P-1,32-34)

83.The requested investigation will help the petitioner to solve the issues related to this case and renew his residence permit and join a job and secure his liberty and come back to India.

84. In such circumstances, the Petitioner submits that he is constrained to approach this office on the following amongst other grounds without prejudice to each other:

2) RTI 1 CIC/MOEAF/A/2022/664489

85. A statement dated 13/08/2020 was filed in Hon'ble Kerala High Court in Claramma Simon VS UoI and others WP(C) No:14819 of 2020 by Learned ASG , on behalf of the respondents.

86. The statement filed by respondents in Kerala high court, as mentioned supra in para 11, 83 and annexure P15, was unfounded and defamatory and alienated the friends and family of the petitioner and left the petitioner in a helpless situation while the petitioner was in jail. As per Para 2 of the statement, *"2. It is submitted that Mr. Dominic Simon, son of the petitioner, has been uploading inflammatory/political posts on various social media platforms and also had written some derogatory posts against the Government of India and the Embassy officials recently, which he deleted later on. This issue was also brought to the notice of the Embassy by Indian community members earlier."*

87. The petitioner filed the RTI MOLAW/R/E22/00561 dated 25-06-2022 through rtionline.gov.in to find out how, unfounded, defaming and malicious statements against the petitioner got into the statement submitted by ASG in Hon'ble High Court of Kerala. The crux of the information requested was, certified copy of 1. instructions, CPV division provided to the ASG, 2. posts allegedly uploaded

by petitioner as mentioned in the statement of ASG 3. Decision of the competent authority, who adjudged the impugned posts as derogatory or inflammatory. True copy of the RTI application dated 25-06-2022 is at pages 3-10 of Annexure P-31.

88. Office of the Learned ASG, rightly transferred the RTI to Ministry of External Affairs. Ministry of external affairs replied on 18-08-2022, after a delay of 54 days. saying “2. *Similar RTI request submitted by you has earlier been replied by the embassy of India, Riyadh*”, which said no information was provided to the ASG. So, the source of the statement was provided by the Ministry of external affairs, but they are trying to evade the disclosure. RTI reply dated 18.08.2022 is at page 11 of Annexure P-31

89. Aggrieved by the rejection, first appeal MEAPD/A/E/22/00424 was filed on 23-10-2022. Appeal dated 23-10-2022 is at page 12-18 of Annexure P-31

90. The first appeal to MEAPD was disposed off on 22/11/2022 with reply that “2. *you have requested for information regarding the reply submitted to court by ASG on behalf of government in the matter relating to WP(C) No. 14189 of 2020*

*3. I have studied the matter in detail including the RTI request and the reply given by CPIO. The response submitted by him in Honourable High Court was prepared on basis of*



*instructions received from Ministry as is the usual practice for handling court cases by ASG on behalf of the Government . The response filed by ASG is already available with you . However a copy of the same is being attached for your convenience*

*4. The appeal is disposed off accordingly.” The requested information was not provided and no other reason was supplied. Decision of the FAA dated 22-11-2022 is at page 19-22 of Annexure P-31*

91.The petitioner went on second appeal before the CIC, praying for

*a. . ....*

*b. . Provide complete information, as per section 19. (8)(a)(i)*

*c. . Enhance the training given to the PIO and FAA, as per section 19. (8)(a)(v)*

*d. . Impose penalty against PIO for malafidely denying the information, as per section 19. (8)(c) and 20 (1)*

*e. . Recommend disciplinary action against PIO and FAA for malafidely denying the information, as per section 19.(8)(c) and 20 (2)*

*f. Provide the information free of cost*

*g. Any other relief that the Central Information Commission may deem justified in this regard.*

92.The Second Appeal CIC/MOEAF/A/2022/664489 dated 01.12.2022 is at page 23-42 of Annexure P-31.

93. The CIC incorrectly held that the information held by Ministry of external affairs, which was provided to the ASG, to be fiduciary information, The CIC's order is also nonspeaking regarding other points in RTI and other prayers in the second appeal. CIC held that *"The records of the case have been examined and it is noted that while the response filed by the ASG has already been furnished to the Appellant, he has specifically sought "instructions received by the ASG from CPV division, Ministry of External Affairs". This information exchanged by a client viz. the MEA with the lawyer representing their case is confidential in nature and held in fiduciary capacity. Thus such information qualifies for exemption under the RTI Act, particularly in the instant case where the Appellant has not explained what larger public interest will be served by such disclosure of information. In the light of the foregoing discussion, there appears no merit in disclosure of information sought by the Appeal and hence the appeal is disposed off with no further direction."* The Order dated 14.07.2023 passed by the Hon'ble CIC is annexed supra as Annexure P-1.

94.The ASG could have raised the objection that the information is held by them in fiduciary capacity, but since

the RTI application got transferred to the MEA, MEA cannot withhold the information, as they are holding the information as the owner or creator of the information and they have no fiduciary responsibility towards the ASG or anyone else, regarding this information. Just because, the information was once given to a lawyer does not grant that information any immunity from disclosure or status of fiduciary information.

95. In a fiduciary relationship, like a lawyer to client relationship, the fiduciary obtains information from his client to use it under constraints of the fiduciary relationship. In a lawyer – client relationship, the lawyer does not provide any confidential information to the client and client is not constrained by the fiduciary relationship. The client can use the same information to file another complaint or appoint another person as his lawyer.

96. The liability the client has towards his lawyer is of good faith. He needs to affirm that the information he provides to the lawyer be true. When the client provides wrong information and that information is submitted in a Court, that becomes perjury.

97. Even ASG could not have denied the information as this information is an act of perjury or forgery as someone has misled the ASG, pretending to be authorized officer of MEA, to file Malicious, misleading, and defamatory

statements in the Hon'ble Kerala High Court and RTI act does not provide any exemptions for such information, which is related to corruption and majesty of courts and it is in public interest to disclose the information to uphold the sanctity of courts.

#### A. PUBLIC INTEREST

98. The actions of the embassy being an instrumentality of the government of India, should be as per the acts and rules of the government of India. In this case embassy is violating the basic human right guaranteed by the constitution of India to know the complaints against the petitioner and the details of any adjudication or enquiry on those complaints and consequently an opportunity for the appellant to provide any clarification. In this case, the complaint was made against the petitioner, misusing the credentials of the embassy , to file a false and mischievous case , against its own citizen, in foreign country, misusing the diplomatic channels, even misusing the laws of the foreign country, without any due process or due authorization. The actions taken by the embassy appear to be as per the whims and wishes of some

suspected anti national elements in the embassy and without any due process of decision making.

99. In the Indian context, a significant judgment of the Supreme Court of India can be taken note of in understanding the term public interest.

100. In *S. P. Gupta v President of India*, AIR 1982 SC 149, Justice Bhagwati, in referring to public interest, maintained:  
*Redressing public injury, enforcing public duty, protecting social, collective, diffused rights and interests vindicate public interest [in the enforcement of which] the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected.*

101. In *State of Gujarat v Mirzapur Moti Kureshi Kasab Jamat others* AIR 2006 Supreme Court 212, the Apex Court held the interest of general public (public interest) is of a wide import covering public order, public health, public security, morals, economic welfare of the community, and the objects mentioned in Part IV of the Constitution [i.e. Directive Principles of State Policy].

102. In *R.K. Jain vs Union Of India And Ors* on 14 May, 1993, the supreme court of India held as below

*1.5. The Court is not bound by the statement made by the Minister or the Head of the Department in the affidavit and it*

*retains the power to balance the injury to the State or the public service against the risk of injustice. The real question which the Court is required to consider is whether public interest is so strong to override the ordinary right and interest of the litigant that he shall be able to lay before a Court of justice the relevant evidence. In balancing the competing interests it is the duty of the court to see that there is the public interest that harm shall not be done to the nation or the public service by disclosure of the document and there is a public interest that the administration of justice shall not be frustrated by withholding documents which must be produced if justice is to be done.*

*1.6. The basic question to which the court would, therefore, have to address itself for the purpose of deciding the validity of the objection would be, whether the document relates to affairs of State or the public service and if so, whether the public interest in its non-disclosure is so strong that it must prevail over the private interest in the administration of justice and on that account, it should not be allowed to be disclosed.*

Reference : <https://indiankanoon.org/doc/1180101/>

### 3) Perjury

The due process of law cannot be permitted to be slighted

103. Perjury is an obstruction of justice. Deliberately making false statements which are material to the case, and that too under oath, amounts to crime of perjury....

Dhananjay Sharma vs. State Of Haryana And Ors,

104. . In Dhananjay Sharma vs. State Of Haryana And Ors, the Supreme Court held,

*'any conduct which has the tendency to interfere with the administration of justice or the due course of judicial proceedings amounts to the commission of criminal contempt.*

*Additionally, the swearing of false affidavits in judicial proceedings not only has the tendency of causing obstruction in the due course of judicial proceedings. But has also the tendency to impede, obstruct and interfere with the administration of justice. The filing of false affidavits in judicial proceedings in any court of law exposes the intention of the concerned party. In perverting the course of justice. The due process of law cannot be permitted to be slighted. Nor the majesty of law be made a mockery by such acts or conduct on the part of the parties to the litigation. Or even while appearing as witnesses. Anyone who makes an attempt to impede or undermine or obstruct the free flow of the unsoiled stream of justice by resorting to the filing of false evidence, commits criminal contempt of the court and renders himself liable to be dealt with in accordance with the Act. Filing of false affidavits or making false statement on oath in Courts aims at striking a blow at the Rule of Law. And no court can ignore such conduct which has the tendency to shake public confidence in the*

*judicial institutions. Because the very structure of an ordered life is put at stake. It would be a great public disaster if the fountain of justice is allowed to be poisoned by anyone resorting to filing of false affidavits. Or giving of false statements and fabricating false evidence in a court of law. The stream of justice has to be kept clear and pure. And anyone soiling its purity must be dealt with sternly. So that the message percolates loud and clear. That no one can be permitted to undermine the dignity of the court. Or interfere with the due course of judicial proceedings or the administration of justice.'*

*Ref.: <https://www.lawyersclubindia.com/articles/Perjury-Important-Case-Laws-Showing-How-Seriously-It-is-Taken-in-India--11013.asp>*

The Supreme Court of India in Dalip Singh vs. State Of U.P. & Ors

105. The Supreme Court of India in Dalip Singh vs. State Of U.P. & Ors observed

*'For many centuries, Indian society cherished two basic values of life i.e., 'Satya' (truth) and 'Ahimsa' (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of justice delivery system. Which was in vogue in pre-independence era. And the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-independence period has seen drastic changes in our value*



*system. The materialism has over-shadowed the old ethos. And the quest for personal gain has become so intense. That those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings. In last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules. And it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.'*

Bombay High Court- Vijay Enterprises vs Gopinath MahadeKoli and Ors

106. The Bombay High Court too noted the menace of perjury being committed rampantly in courts. Judgment in the case of Vijay Enterprises vs Gopinath MahadeKoli and Ors., held 'Now the time has come when the litigants are utilizing the fabricated documents rampantly. Now the time has also come where people are making statements on oath and in court proceedings which are blatantly false to their own knowledge. Now a days parties are using false documents with a view to achieve orders which they desire to obtain. It

*is needless to state that justice delivery system has to be pure. And should be such that the persons who are approaching the Courts and filing the proceedings must be afraid of using fabricated documents. And also of making false statements on oath. We are a Court of Law sitting here to ascertain the truth and give justice in accordance with the law. To establish truth. And not to be misled by the advocates and the parties in the various directions. So as to make it almost impossible to give effective and truthful justice to the litigants at large. And, in my opinion keeping in mind the aforesaid position it is high time. High time that where the people have blatantly used the fabricated document for the purpose of achieving the desired result even by misleading the Court and/or by making false statement and by using fabricated documents cannot escape the penalties.'*

*Ref: <https://www.lawyersclubindia.com/articles/Perjury-Important-Case-Laws-Showing-How-Seriously-It-is-Taken-in-India--11013.asp>*

The Delhi high Court in Arun Dhawan & Anr vs. Lokesh Dhawan

107. The Delhi high Court in Arun Dhawan & Anr vs. Lokesh Dhawan laid down that '

*making of false averment in the pleading pollutes the stream of justice. It is an attempt at inviting the Court into passing a wrong judgment. And that is why it must be treated as an offence. There is nothing in law to prevent a person from being proceeded for contempt where a verification is specific and deliberately false.' It may also interest you to know that lying under oath may also invite provisions of criminal contempt. This would make contemnors liable to strict punishment under the Contempt of Courts Act, 1971.*

*Ref.: <https://www.lawyersclubindia.com/articles/Perjury-Important-Case-Laws-Showing-How-Seriously-It-is-Taken-in-India--11013.asp>*

108. Here the embassy of India, is trying to persecute a whistleblower. Due to the suspected corruption, in handling the evacuation, more people lost their lives than average. More than that, they put the whistleblower in jail , forgetting their duty of Parens Patriae, being the patron of all Indian citizen in their jurisdiction, in a foreign land. Besides not providing copy of the complaints against the appellant and any subsequent inquiry or adjudication, filed an illegal case without jurisdiction and then false and defamatory

statements are filed in courts and other authorities like the PMO Grievance cell. Also, many rumors were spread against the appellant, alienating friends and family, and the public have no avenue to know the truth. This was a deliberate and malicious attempt to keep the petitioner in prison on a foreign land and leave him incarcerated in prison without any help.

109. Since the sought-for information is held by the respondents, by virtue of the provisions of RTI Act, the said information becomes information within the meaning of “information” under Section 2(f) of the RTI Act, 2005 which is read as:

*“ "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.”* Thus the said information

becomes accessible to the public and its denial is against the spirit and letters of the RTI Act.

110. The decision of the Hon'ble CIC that the disclosure of the files shared with ASG, will impinge upon the fiduciary relationship is wrong and is resultant of wrong assumption that information is held by ASG. The transfer of the RTI application by ASG to Ministry of External affairs indicates that the information is not fiduciary and is held by Ministry of External Affairs. Section 6.3 of the RTI act is read as, "*Where an application is made to a public authority requesting for an information, -*

*(i) which is held by another public authority; or*

*(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:*

*Provided that the transfer of an application pursuant to this subsection shall be made as soon as practicable but in no case later than five days from the date of receipt of the application."*

111. Thus, the denial the information is liable to be quashed.

**B. . IMPOSE PENALTY AGAINST PIO FOR MALAFIDELY  
DENYING THE INFORMATION A PER SECTION  
19.(8)(C) AND 20 (1)**

112. The RTI application MOLAW/R/E/22/00561 was filed on 25-06-2022 , the reply from PIO was disposed off with a letter dated 18-August -2022 which is a delay of 54 days.

113. The CIC wrongly recorded the date of RTI as 27/07/2022. The actual date is 28 days prior to that.

114. Application MOLAW/R/E/22/00561 filed online on 25-06-2022, As per 6.3 of the RTI act, the PIO of MOLAW is allowed maximum 5 days to transfer the application, but she took 12 days, that is 7 days extra. That could be due to the complexity of the matter and mistake of the petitioner to send the application to MOLAW instead of MEA.

115. MOEAF received the application on 07-07-2022 and replied on 18-08-2022. That is a delay of 30+ 12 days.

116. Also, the requested information is concerning the life and liberty of the petitioner. The petitioner became an illegal, and liable to be arrested any moment and may perish in the deportation centre, due to the trappings of this case. The requested information will assist the petitioner to solve the issues.

117. Till date, the information is not provided.

118. As per RTI act,

*20. (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:*

*Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:*

*Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.*

119. The PIO has malafidely evaded replying to RTI application, without providing a point wise reply.

120. In .G.S. Gangadharappa vs. Senior Personnel Officer & PIO, Rail Wheel Factory, Ministry of Railways, Decision NO. CIC / SG / A / 2009 / 000889 / 3615, dated 08.06.2009, the Hon'ble CIC held that

*74. Since Right to Information is a fundamental right of Citizens, where denial has to be only on the basis of the exemptions under Section 8(1), it is necessary to carefully explain the reasons of how any of the exemptions apply, when a PIO wishes to deny information on the basis of the exemptions. Merely quoting the Subsection of Section 8 is not adequate. Giving information is the rule and denial the exception.*

*75. In the absence of any reasoning, the exemption under Section 8(1) is held to have been applied without any basis*

*76. In the case of Dhananjay Tripathi vs. Banaras Hindu University (Decision No. CIC / OK / A/ 00163, dated 7.7.2006), the applicant had applied for information relating to the treatment and subsequent death of a student in the University hospital due to alleged negligence of the doctors attending him. The appellant was, however, denied the information by the PIO of the University saying that the information sought could not be provided under Section 8(1)(g) of the RTI Act. No further reasons as to how the*



*information sought could not be provided under the RTI Act was given.*

*77.Judgement: The Commission held that quoting the provisions of Section 8(1) of the RTI Act to deny the information without giving any justification or grounds as to how these provisions are applicable is simply not acceptable, and clearly amount to malafide denial of legitimate information. The public authority must provide reasons for rejecting the particular application. The Commission further held that not providing the reasons of how the application for information was rejected according to a particular provision of the Act would attract penalties under Section 20(1) of the Act.*

121. Considering the background, where the appellant was arrested and jailed by police based on a complaint in the name of embassy of India, violating the rules and regulations to facilitate suspected corruption by antinational elements. The prosecution and the courts also believe the complaints and affidavits are genuinely filed by the embassy, while embassy has disowned any involvement through its replies to the high court, Prime Minister and RTIs. At the same time the statements also contain defamatory and unfounded allegations against the petitioner.

122. Due to these miscreants, the petitioner has lost the job, and branded as an illegal and slapped with a stop services order

and designated as an absconder and stranded in Saudi Arabia with various legal issues. The PIO is suspected to be abetting the criminals by trying to hide the information. Hence the denial is malafide on this ground also.

123. In addition to the delay from PIO, the FAA also denied the information without providing any reasons, which will have to be treated as malafide denial to suppress the information to save the suspected co-conspirators. The first appeal MEAPD/A/E/22/00424 dated 23-10-2022 was disposed off only on 22-11-2022 that too, without any hearing or speaking order. FAA evaded disclosure of the information to save the suspected co-conspirators who malafidely put the appellant in jail and then made the ASG submit defamatory and unsubstantiated allegations in the Hon'ble High Court of Kerala.

4) RTI 2 : CIC/EIRSA/A/2022/668921

124. The Appellant filed an RTI application MEARI/R/E/22/00080 dated 05.07.2022 seeking Start date, End Date, Position, Job Description, authorizations, approvals and payments made to Mr. Omar, a Syrian national, who claimed to be an employee of the embassy of India and forged embassy letter heads and to file case against the appellant in Saudi Arabia. True copy of RTI

application dated 05.07.2022 and subsequent proceedings is herewith marked and annexed as Annexure P-32

125. The CPIO, Embassy of India, Riyadh, vide letter dated 21.07.2022 replied that the information is exempted under 8(1) of RTI ACT. RTI reply dated 21.07.2022 is at page 4 of Annexure P-32. The exact subsection attracted was not mentioned and how the exemption is attracted is also not mentioned.

126. Aggrieved by the rejection of RTI Application, the Petitioner approached the RTI Appellate Authority [FAA] for getting the information sought. Appeal MEARI/A/E/22/00044 dated 24-07-2022 is at page 7-10 of Annexure P-32.

127. The FAA dismissed the First Appeal without any hearing, with his rubber stamp reply, *“As the First appellate Authority, I am fully satisfied with the response given by CPIO.”* No other reason was supplied and not all points in the appeal were considered. The decision of the FAA dated 21-08-2022 is at page 12 of Annexure P-32.

128. Petitioner filed second appeal with the Hon'ble CIC with following prayers.

- a. . . .
- b. Provide complete information, as per section 19. (8)(a)(i)
- c. Publish the information regarding all employees of the embassy, as per section 19.(8)(a)(iii)
- d. Enhance the training given to the PIO and FAA, as per section 19.(8)(a)(v)
- e. Impose penalty against PIO for malafidely denying the information, as per section 19.(8)(c) and 20 (1)
- f. Provide the information free of cost.
- g. Any other relief that the Central Information Commission may deem justified in this regard.

129. The Second Appeal CIC/EIRSA/A/2022/668921 dated 23.12.2022 is at page 12-22 of Annexure P-32.

130. CIC held that the blanket denial is not acceptable and directed the PIO to send a revised reply. *“Upon perusal of the records of the case, the Commission is not convinced*

*with the blanket denial of information by the Respondents, because all the information pertaining to an individual employed with an office of the Government of India cannot be categorized as personal information. For instance, information like start date, end date of employment, position, job description etc. have no element of personal or confidential information. Accordingly, the Respondent is hereby directed to send a revised reply to the Appellant, based on records available with them with respect to the queries raised in the RTI Application. The Respondent shall strictly adhere to the provisions of the RTI Act while furnishing relevant information from records available with them and ensure that the reply is sent within four weeks of receipt of this order and a compliance report is submitted before the Commission in this regard by 15.08.2023.”* CIC’s order is nonspeaking regarding other prayers in the second appeal. The Order dated 14.07.2023 passed by the Hon’ble CIC is marked and annexed supra as Annexure P-35.

131. PIO send reply by email on August 3, 2023, but again evaded reply on points 7 and 8 and only provided partial information on point 9.

132. The petitioner pointed out the deficiency by return email, on 27 August 2023 by email, but till now complete information is not provided.

133. The information evaded,

- a. 7. Whether embassy had initiated transfer of sponsorship of Mr. Omar to bring him under the sponsorship of embassy?
- b. 8. Whether embassy has obtained NoC or permission from the then sponsor or any competent authority to employ Mr. Omar for embassy.
- c. 9. Dates on which any payments were made to Mr. Omar, reason for payment and amount.”

are not exempted as per RTI act and is denied only to persecute the petitioner being stranded in Saudi Arabia, due to the mischievous case fraudulently filed by Mr. Omar

134. The PIO didn't provide any information. Neither did the PIO state that the information requested does not exist nor claimed any exception as per exact sub section of 8 or 9 of the RTI Act. Merely stating declined as per section 8 is not allowed, the exact subsection needs to be mentioned. Also, how the exemption is attracted to the requested information, is not furnished.

135. The requested information may be useful for petitioner to fix his issues and regain his life. But the petitioner is waiting for more than one year for the same.

PRAYER

136. That in view of the facts and circumstances stated above, it is  
most respectfully prayed that this matter be investigated :

Dated this 27<sup>th</sup> day of December 2023

Riyadh

PETITIONER

Dominic Simon

C/o Claramma,

Valiyil Puthenpurayil

Palackattumala PO

Kottayam district,

Kerala, India

Pin 686635

Email-simondominic@gmail.com.

. Mobile: 9995398720

## **AFFIDAVIT**

138. Affidavit of Mr. Dominic Simon, aged about 44 Years, son of Late Simon P. Thomas and Claramma Thomas, R/o Valiyil Puthenpurayil, Palackattumala PO, Kottayam district, Kerala, Pin 686635;

139. The above named deponent hereby solemnly affirm and declares as under:

140. That the deponent is the petitioner in the accompanying Petition which is being filed inter-alia seeking inter-alia for investigation on the crimes committed to make the petitioner disappear for the petitioner being a whistleblower and/or identify and arrest the criminals involved and/or prosecute the criminals and/or to impose the penalties and corrective measures and compensation.

141.. That the accompanying petition has been drafted by the deponent and the facts stated in paragraphs 1 to 72 of the petition are true and correct to the personal knowledge of the deponent and what is stated in paragraphs 73 to 159 is based on information or legal advice received and believed to be true and correct and paragraph 160 is prayer to this office

142. That the annexures are true to their respective originals.

143. That the contents of paragraphs 1, 2 and 3 of this affidavit are true and correct to the personal knowledge of the deponent.





DEPONENT

**VERIFICATION:**

Verified at Riyadh on this 27<sup>th</sup> day of December 2023 that the contents of the above affidavit of the deponent are true and correct and nothing material has been concealed therefrom.



DEPONENT