

**GOVERNMENT OF INDIA
EXTERNAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:79
ANSWERED ON:01.12.2004
MALTA BOAT TRAGEDY PROBE MISSION
Sidhu Shri Navjot Singh

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether a delegation of the Malta Boat Tragedy Probe Mission met the Prime Minister recently and submitted a memorandum;
- (b) if so, the details of the said Memorandum and the demands made therein; and
- (c) the action being taken / proposed to be taken in this matter?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI E. AHAMED)

(a) Yes.

(b) The memorandum requested Government's assistance for a comprehensive enquiry into the mishap; retrieval of mortal remains of the victims from the sea-bed and a befitting memorial for them; impleadment of the Government as a party in ongoing court cases in Italy, Greece, Malta and India; suitable compensation to the bereaved families; exemplary punishment to the international human traffickers and their local henchmen involved in this case; release of a list of deceased young men and their Death Certificates by the State Governments.

(c) A statement giving present position on aforementioned points is enclosed.

Statement with reference to part (c) of Lok Sabha Unstarred Question No. 79

Comprehensive enquiry into the incident

The case is at present sub-judice in the Court of Chief Metropolitan Magistrate, Delhi.

Retrieval of mortal remains from sea-bed

Given the long period the remains have been in the ocean, identification of the bodies is most unlikely. Even the nationality, ethnicity or religion of the victims may not be clearly determinable.

Impleadment of the Central Government as a party to the case

The impleadment of the Central Government as a party in the ongoing court cases in Italy, Greece and Malta is not desirable in view of the fact that the victims were engaged in the unlawful act of illegal immigration. However, there is a civil Writ Petition before the Hon'ble High Court of Punjab and Haryana at Chandigarh (CWP No. 10666 of 1998 by Shri Balwant Singh Khara and others vs. Union of India and others). The Ministry of External Affairs, Ministry of Home Affairs, State of Punjab and CBI have been impleaded as co-respondents in this case. The Ministry of Labour has also sought permission of the Court to be impleaded as respondent No. 5 in the Writ Petition.

Compensation to the bereaved families

It will be appreciated that it was primarily a case of illegal immigration in which the victims were traveling without proper travel documents. Hence no compensation is payable in this case either by the Central or the State Government. However, keeping in view the humanitarian aspect of the case, the Punjab Government has made an ex-gratia payment of Rs. 50,000/- to the families of each of 79 victims, the details of which were provided by the survivors of the tragedy.

Exemplary punishment for the guilty

The Central Bureau of Investigation has already completed the investigation of the case and has filed charge sheets against 24 travel agents and 2 officials of the Foreigners' Regional Registration Office for their involvement in this case. At present, the case is sub-judice in the Court of the Chief Metropolitan Magistrate, Delhi. Award of adequate punishment to the guilty is within the jurisdiction of the court.

Issue of Death Certificates

The Government of Punjab will have to issue a list of victims and their Death Certificates after completing the necessary legal formalities.