SC TELLS GOVT. TO DECIDE ON REPATRIATION OF WOMAN, CHILD

Relevant for: Developmental Issues | Topic: Rights & Welfare of Women - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

The Supreme Court on Monday asked the Union government to consider and decide "expeditiously" petitions filed by a Kerala-based man for the repatriation of his daughter, who left India to join the Islamic State, and minor granddaughter from detention in Afghanistan.

A Bench led by Justice L. Nageswara Rao asked the government to decide the representations made by 65-year-old V.J. Sebastian Francis within eight weeks. The court did not otherwise make any comments on the merits of the case.

Sonia Sebastian, alias Ayisha, left India to join the terrorist organisation Islamic State in 2016. She has been chargesheeted by the National Investigation Agency for various offences under the Unlawful Activities (Prevention) Act. She would face trial in India.

Mr. Francis, represented by advocate Renjith Marar, moved the Supreme Court in July 2021. He conveyed his apprehension that Sonia, at the time lodged in Kabul's Pul-e-Charkhi prison, may be executed amid the fight between the Taliban and government forces. He feared an imminent threat to the lives of his kin. The Taliban have since returned to power in Afghanistan.

"Even if the government has changed, the relationship [with Afghanistan] seems to be good from what we read in the newspapers," Justice Rao said about the drastic change in circumstances from nearly six months ago when the petition was filed.

The court said the petitioner needed to first "convince" the Indian government to process the extradition.

Mr. Marar submitted that from what the father had heard, the jail in which Sonia was lodged had been demolished and the detainees moved to the borders of Pakistan and Afghanistan. He said that Sonia was still under detention. In his petition, Mr. Francis stated that it was a violation of the fundamental rights that the Indian government had not initiated any steps for the repatriation.

Our code of editorial values

END