

VIENNA CONVENTION ON CONSULAR RELATION, 1963:

NEWS: 54 Indians languishing on death row in foreign jails

WHAT'S IN THE NEWS?

India faces the challenge of protecting its nationals on death row abroad, as highlighted by the case of Nimisha Priya in Yemen, prompting reliance on the Vienna Convention and Kerala's NoRKA-Roots for legal and consular support. These mechanisms aim to uphold rights and provide aid through coordinated international and state-level efforts.

Context: Indians on Death Row Abroad and the Case of Nimisha Priya

- As of 2024, **54 Indian citizens are on death row in foreign jails.**
- One of the prominent cases is that of **Nimisha Priya**, a Malayali nurse sentenced to death in **Yemen.**
- This situation has renewed focus on the **welfare of Indian nationals abroad**, especially those facing **serious legal challenges.**

About the Vienna Convention on Consular Relations (VCCR), 1963

- The **VCCR** is a landmark international treaty that governs **consular relations between sovereign states.**
- It was adopted on **24 April 1963** during the United Nations Conference on Consular Relations in **Vienna, Austria.**
- The Convention codifies **customary international law and existing bilateral practices** on consular roles and protections.
- It comprises **79 articles** and affirms that customary law still applies where the treaty is silent.

Key Articles and Provisions of the VCCR

- **Article 5 – Consular Functions:**
 - Defines the core **13 functions** of consuls, including:
 - Protecting nationals' interests.
 - Assisting citizens in distress.
 - Promoting economic, cultural, and scientific relations.
- **Article 23 – Persona Non Grata:**
 - The host country may declare a consular officer **persona non grata** at any time.
 - The sending country must **recall the officer**, or they **lose consular immunity.**
- **Article 31 – Inviolability of Consular Premises:**

- Host nations cannot **enter, search, or damage** consular buildings without consent.
- Guarantees **diplomatic respect** for consular establishments.
- **Article 35 – Freedom of Communication:**
 - Consular officers may freely **communicate with their home state**.
 - **Consular bags** are protected from search or detention.
 - **Consular couriers** cannot be arrested or detained.
- **Article 36 – Communication with Nationals:**
 - Ensures the right of consular officers to:
 - **Visit, communicate with, and assist** detained nationals.
 - Be informed of the arrest/detention **without delay**.
- **Article 37 – Notification of Incidents:**
 - Requires host states to inform consular officials when:
 - A national dies or is arrested.
 - A guardian is appointed.
 - A vessel or aircraft is involved in an incident.
- **Article 40 – Protection of Consular Officers:**
 - Host countries must **protect consular officers** against attacks on their **person, freedom, and dignity**.
- **Articles 58-68 – Honorary Consuls:**
 - Define the **role and rights of honorary consular officers**, who perform **limited functions** but enjoy certain privileges.

About NoRKA-Roots (Non-Resident Keralites Affairs)

- **NoRKA-Roots** is a **Kerala State Government agency** created for the **welfare of Non-Resident Keralites (NRKs)**.
- It was **launched in 2013** as the field agency of the **Department of Non-Resident Keralites Affairs (NoRKA)**.
- Works as a **single-window clearance and support system** for Keralites living abroad.

Key Functions of NoRKA-Roots

- Provides **legal aid and advisory services** for Keralites facing legal issues abroad.
- Facilitates **repatriation of distressed individuals** or those imprisoned.

- Helps with **documentation and attestation** for overseas employment, migration, or education.
- Coordinates with **Indian embassies and consulates** to ensure NRKs get timely support.

Legal Assistance Initiatives

- Prioritizes support in **serious criminal cases** like **murder, kidnapping, and death penalty convictions**.
- Appoints **legal consultants fluent in Malayalam and Arabic** in key countries such as:
 - **United Arab Emirates**
 - **Saudi Arabia**
 - **Kuwait**
- These consultants help in **translation, legal representation, and coordination** with local legal systems.

Significance of Combined Efforts

- The **VCCR provides a diplomatic and legal framework** for protecting Indian citizens abroad.
- **NoRKA-Roots enhances the implementation** of such protection specifically for **Keralites**, combining **legal, humanitarian, and consular support**.
- Together, they offer a model for **state-centre synergy and international cooperation** in safeguarding diaspora rights.

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