

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO-869
ANSWERED ON- 27/07/2023

INDIAN INMATES IN FOREIGN PRISONS

869. SHRI BINOY VISWAM

Will the minister of EXTERNAL AFFAIRS be pleased to state :-

- (a) the number of Indian citizens incarcerated abroad, country-wise data including the number of undertrials;
- (b) the details of efforts taken, including providing legal assistance, getting the prisoners released, getting sentences commuted or bringing them to India under prisoner exchange treaties;
- (c) whether there exist any reports of rights-violation of prisoners the Ministry has taken cognisance of, if any, since 2018 and the actions taken thereon;
- (e) the details of new prisoners exchange treaties signed proposals underway, after 2018, year-wise?

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS

(SHRI V. MURALEEDHARAN)

(a to e) The Government attaches the highest priority to the safety, security and well-being of Indians in foreign countries, including those in the foreign jails. Indian Missions/Posts abroad remain vigilant and closely monitor the incidents of Indian nationals being put in jail in foreign countries for violation/ alleged violation of local laws. As per the information available with the Ministry, the number of Indian prisoners, including undertrials, in foreign prisons at present is 8330. Country-wise list is given at Annexure. However, due to strong privacy laws prevailing in many countries, the local authorities do not share information on prisoners unless the person concerned consents to the disclosure of such information. Even countries which share information do not generally provide detailed information about the foreign nationals imprisoned.

As soon as the information about the detention/arrest of an Indian national is received by an Indian Mission/Post, it immediately gets in touch with the local Foreign Office and other concerned local authorities to get consular access to the detained/arrested Indian national to ascertain the facts of the case, confirm his or her Indian nationality and ensure his or her welfare. Missions/Posts remain vigilant to ensure that rights of the Indian prisoners in foreign jails are protected.

Apart from extending all possible consular assistance to Indians imprisoned abroad, Indian Missions and Posts also assist in providing legal aid wherever needed. Missions and Posts also maintain a local panel of lawyers where Indian community is in sizeable numbers. No fee is charged from any Indian prisoner for extending facilities by the Indian Embassy concerned. The Indian Community Welfare Fund (ICWF) is set up in Indian Missions & Posts abroad for assisting overseas Indian nationals in distress situations on a means tested basis in deserving cases. The support extended under ICWF includes financial assistance to Indian prisoners for legal aid as well as travel documents / air tickets during repatriation.

The issue of release and repatriation of Indian nationals in foreign prisons is regularly pursued by Indian Missions and Posts abroad with the local authorities concerned. Missions/Posts abroad also approach the law enforcement agencies to complete the investigation and judicial proceedings at the earliest possible. The Government also follows up this issue during consular and other consultations with other countries. In addition, the Government, through its Missions/Posts abroad and during high level visits, also takes up and pursues grant of amnesty/commutation of sentences of Indian prisoners in foreign countries. When these imprisoned Indians get released, they are facilitated in getting travel documents for early repatriation.

India has signed Agreement on Transfer of Sentenced Persons with 31 countries by virtue of which Indian prisoners lodged in foreign countries can be transferred to India to serve the remainder of their sentence and vice-versa. 31 countries with which India has signed the Agreements on Transfer of Sentenced Persons are Australia, Bahrain, Bangladesh, Bosnia & Herzegovina, Brazil, Bulgaria, Cambodia, Egypt, Estonia, France, Hong Kong, Iran, Israel, Italy, Kazakhstan, Korea, Kuwait, Maldives, Mauritius, Mongolia, Qatar, Russia, Saudi Arabia, Somalia, Spain, Sri Lanka, Thailand, Turkey, United Arab Emirates (UAE), United Kingdom and Vietnam. No new agreements have been signed by India on Transfer of Sentenced Persons since 2018.

India has also signed two multilateral conventions on transfer of sentenced persons, namely Inter-American Convention on Serving Criminal Sentences Abroad and Council of Europe Convention on Transfer of Sentenced Persons, by virtue of which sentenced persons of member States and other countries which have acceded to these conventions can seek transfer to their native countries to serve the remainder of their sentence.

Annexure-I

Sl. No.	Country	Number of Indian prisoners, including undertrials, in foreign prisons
1	Albania	1
2	Algeria	1
3	Angola	1
4	Argentina	1
5	Armenia	10
6	Australia	74
7	Austria	8
8	Azerbaijan	3
9	Bahrain	277
10	Bangladesh	60
11	Belarus	12
12	Belgium	10
13	Bhutan	57
14	Brunei Darussalam	4
15	Bulgaria	3
16	Cambodia	2
17	Canada	23
18	Chile	1
19	China	178

20	Congo (Kinshasa)	13
21	Côte d'Ivoire	8
22	Cuba	1
23	Cyprus	51
24	Denmark	3
25	Egypt	1
26	Ethiopia	1
27	France	40
28	Germany	77
29	Greece	23
30	Hungary	2
31	Indonesia	21
32	Iran	17
33	Israel	8
34	Italy	157
35	Jamaica	1
36	Japan	6
37	Jordan	30
38	Kenya	3
39	Kuwait	446
40	Kyrgyzstan	1
41	Laos	3

42	Lebanon	6
43	Libya	16
44	Madagascar	3
45	Malawi	1
46	Malaysia	341
47	Maldives	10
48	Malta	1
49	Mauritius	9
50	Mexico	1
51	Morocco	1
52	Mozambique	6
53	Myanmar	26
54	Namibia	2
55	Nepal	1222
56	New Zealand	11
57	Nigeria	4
58	Oman	139
59	Pakistan	308
60	Philippines	35
61	Poland	15
62	Portugal	10
63	Qatar	696
64	Republic of Korea	1

65	Romania	3
66	Russia	17
67	Rwanda	2
68	Saudi Arabia	1461
69	Senegal	4
70	Serbia	3
71	Singapore	71
72	Slovakia	1
73	South Africa	4
74	South Sudan	1
75	Spain	30
76	Sri Lanka	20
77	Sweden	1
78	Switzerland	1
79	Tanzania	3
80	Thailand	36
81	Togo	2
82	Trinidad and Tobago	2
83	Uganda	2
84	United Arab Emirates	1611
85	United Kingdom	249
86	USA	294

87	Uzbekistan	2
88	Vietnam	3
89	Yemen	1
90	Zimbabwe	3
	Total	8330
