

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS

LOK SABHA
STARRED QUESTION NO. 139
TO BE ANSWERED ON 28.07.2023

MoU FOR EXCHANGE OF PRISONERS

*139. SHRI VIJAYAKUMAR (ALIAS) VIJAY VASANTH:

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

- (a) the total number of Indian Nationals, fishermen, civilians languishing in jails in foreign countries as on date, country-wise;
- (b) the steps taken/being taken by the Government for the release of Indian prisoners languishing in Jails abroad and the outcome thereof;
- (c) whether the Government has signed any MoU/agreement with any foreign country for the exchange of prisoners and if so, the details thereof, country-wise; and
- (d) the measures taken/being taken by the Government to sign extradition treaties with those foreign countries with whom India has not signed the extradition treaty so far?

ANSWER

THE MINISTER OF EXTERNAL AFFAIRS

(DR. SUBRAHMANYAM JAISHANKAR)

(a to d): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF THE LOK SABHA STARRED QUESTION NO. *139, REGARDING “MoU FOR EXCHANGE OF PRISONERS” FOR ANSWER ON 28.07.2023

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 ‘A’. 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.

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 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.

Apart from extending all possible consular assistance to Indians imprisoned abroad, Indian Missions and Posts also assist in providing legal aid wherever needed and approach the law enforcement agencies to complete the investigation and judicial proceedings at the earliest possible. 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 Government also follows up the issue of release and repatriation of Indian nationals in foreign prisons during consular and other consultations with concerned 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. As per the available information shared by our Missions/Posts abroad, since 2014, a total of 4597 Indian nationals have received pardon or reduction of their sentences by foreign Governments due to sustained efforts by Indian Government through various channels. However, some countries grant pardon or reduction of sentence to inmates of various nationalities from time to time but do not share the data with concerned countries.

India has signed Agreement on Transfer of Sentenced Persons (TSP) with 31 countries. Under the provisions of TSP, 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.

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.

From 2006 till January 2022, 86 prisoners were transferred under Transfer of Sentenced Persons, which included 75 Indian prisoners transferred to India and 11 foreign prisoners transferred to their respective countries.

The Ministry of External Affairs is the Nodal Ministry for extradition matters and for the implementation of the Extradition Act, 1962 which regulates extradition of fugitive criminals from India. Generally any offence which is punishable with an imprisonment of one year or a more severe penalty is an extraditable offence. Fugitives can be extradited pursuant to a bilateral extradition treaty or arrangement or an applicable international convention.

Till date, India has signed extradition treaties with 50 countries and has extradition arrangements with 12 countries (Annexure 'B').

Annexure 'A'

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

Countries with which India has signed Extradition Treaties

1	Afghanistan	18	Iran	35	Russia
2	Australia	19	Israel	36	Saudi Arabia
3	Azerbaijan	20	Kaza- khstan*	37	South Africa
4	Bahrain	21	Kuwait	38	South Korea
5	Bangladesh	22	Lithuania	39	Spain
6	Belarus	23	Malawi	40	Switzerland
7	Belgium	24	Malaysia	41	Tajikistan
8	Bhutan	25	Mauritius	42	Thailand
9	Brazil	26	Mexico	43	Tunisia
10	Bulgaria	27	Mongolia	44	Turkey
11	Canada	28	Morocco*	45	UAE
12	Chile	29	Nepal	46	Ukraine
13	Egypt	30	Netherlands	47	United Kingdom
14	France	31	Oman	48	USA
15	Germany	32	Philippines	49	Uzbekistan
16	Hong Kong	33	Poland	50	Vietnam
17	Indonesia	34	Portugal		

* Yet to be ratified by foreign country concerned

Countries with which India has Extradition Arrangements

1	Croatia	5	Peru	9	Tanzania
2	Fiji	6	Singapore	10	Antigua & Barbuda
3	Italy	7	Sri Lanka	11	Armenia
4	Papua New Guinea	8	Sweden	12	New Zealand
