

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO-984
ANSWERED ON- 08/12/2023

INDIANS IN FOREIGN JAILS

984. DR. UMESH G. JADHAV

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

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

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS

(SHRI V. MURALEEDHARAN)

(a) As per the information available with the Ministry, the number of Indian prisoners, including undertrials, in foreign prisons at present is 9521. Country-wise list is placed 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.

(b) 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. 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.

(c) 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.

(d) 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	Algeria	1
2	Angola	1
3	Argentina	1
4	Armenia	11
5	Australia	65
6	Austria	8
7	Azerbaijan	5
8	Bahrain	310
9	Bangladesh	47
10	Belarus	1
11	Belgium	10
12	Bhutan	59
13	Brunei Darussalam	1
14	Bulgaria	3
15	Cambodia	1
16	Canada	23
17	Chile	1
18	China	180
19	Congo (Kinshasa)	1
20	Côte d'Ivoire	7
21	Cuba	1
22	Cyprus	51
23	Czech Republic	1
24	Denmark	5
25	Egypt	1
26	Ethiopia	1
27	France	40
28	Georgia	15
29	Germany	77
30	Greece	23
31	Guatemala	1
32	Hungary	2
33	Indonesia	22
34	Iran	3
35	Israel	5
36	Italy	165
37	Jamaica	1
38	Japan	4
39	Jordan	35
40	Kenya	2
41	Kuwait	410
42	Kyrgyzstan	2
43	Laos	3
44	Lebanon	6

45	Madagascar	2
46	Malawi	1
47	Malaysia	309
48	Maldives	12
49	Malta	2
50	Mauritius	9
51	Mexico	1
52	Mozambique	6
53	Myanmar	24
54	Namibia	1
55	Nepal	1227
56	New Zealand	11
57	Nigeria	2
58	Oman	135
59	Pakistan	308
60	Philippines	34
61	Poland	7
62	Portugal	10
63	Qatar	752
64	Republic of Ireland	5
65	Republic of Korea	3
66	Romania	2
67	Russia	37
68	Rwanda	2
69	Saudi Arabia	2200
70	Senegal	4
71	Serbia	2
72	Singapore	86
73	South Africa	1
74	Spain	30
75	Sri Lanka	23
76	Switzerland	2
77	Tajikistan	1
78	Tanzania	3
79	Thailand	40
80	Togo	2
81	Trinidad and Tobago	2
82	United Arab Emirates	2143
83	United Kingdom	278
84	USA	170
85	Uzbekistan	2
86	Venezuela	12
87	Vietnam	3
88	Yemen	1
89	Zimbabwe	2
	Total	9521

Countries with which India has signed Extradition Treaties

1	Afghanistan	18	Iran	35	Russia
2	Australia	19	Israel	36	Saudi Arabia
3	Azerbaijan	20	Kazakhstan*	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
