

**GOVERNMENT OF INDIA**

**MINISTRY OF EXTERNAL AFFAIRS**

**LOK SABHA**

**UNSTARRED QUESTION NO-2015**

**ANSWERED ON- 02/08/2024**

**INDIAN CONVICTS IN FOREIGN PRISONS**

**2015. SHRI KODIKUNNIL SURESH**

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

**(a) the details of Indian convicts and under trials including civilians, workers and women languishing in jails in foreign countries as on date, country-wise;**

**(b) whether the Government has signed any MoU or mutual understanding with any foreign country for the mutual exchange of the prisoners, if so, the details thereof;**

**(c) whether the Government has any proposal to provide legal help to prisoners and strengthen legal system in our High Commissions and Embassies, if so, the details thereof;**

**(d) the measures taken by Government to effect extradition treaties with foreign countries that are yet to sign a mutual treaty for extradition;**

**(e) the steps taken/proposed to be taken by the Government for the release of Indian prisoners languishing in foreign jails; and**

**(f) whether the Government has received any reports indicating Indian prisoners and under trials are being abused or subjected to torture, if so, the details thereof and response of the Government thereto?**

**ANSWER**

**THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS**

**(SHRI KIRTI VARDHAN SINGH)**

**(a) As per the information available with the Ministry, the number of Indian prisoners, including undertrials, in foreign prisons at present is 9728. 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.**

**(b) 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.**

**(c) 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.**

**(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 48 countries and has extradition arrangements with 12 countries.**

**Efforts are underway to conclude extradition treaties with more countries, in particular, with those having citizenship by investment programmes or favorable permanent residency or passport regimes through investment route.**

**(e & f) 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.**

**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.**

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**Annexure A**

<b>S. No.</b>	<b>Country</b>	<b>Number of Indian prisoners, including undertrials, in foreign prisons</b>
<b>1</b>	<b>Afghanistan</b>	<b>8</b>
<b>2</b>	<b>Angola</b>	<b>4</b>
<b>3</b>	<b>Argentina</b>	<b>1</b>
<b>4</b>	<b>Armenia</b>	<b>39</b>
<b>5</b>	<b>Australia</b>	<b>33</b>
<b>6</b>	<b>Austria</b>	<b>11</b>
<b>7</b>	<b>Azerbaijan</b>	<b>3</b>
<b>8</b>	<b>Bahrain</b>	<b>313</b>
<b>9</b>	<b>Bangladesh</b>	<b>12</b>
<b>10</b>	<b>Belarus</b>	<b>2</b>
<b>11</b>	<b>Belgium</b>	<b>10</b>
<b>12</b>	<b>Bhutan</b>	<b>61</b>
<b>13</b>	<b>Brunei Darussalam</b>	<b>1</b>
<b>14</b>	<b>Canada</b>	<b>23</b>
<b>15</b>	<b>Chile</b>	<b>1</b>
<b>16</b>	<b>China</b>	<b>174</b>
<b>17</b>	<b>Congo</b>	<b>9</b>
<b>18</b>	<b>Côte d'Ivoire</b>	<b>6</b>
<b>19</b>	<b>Cuba</b>	<b>1</b>
<b>20</b>	<b>Cyprus</b>	<b>30</b>
<b>21</b>	<b>Czech Republic</b>	<b>1</b>
<b>22</b>	<b>Denmark</b>	<b>1</b>
<b>23</b>	<b>Egypt</b>	<b>2</b>
<b>24</b>	<b>Ethiopia</b>	<b>4</b>
<b>25</b>	<b>France</b>	<b>41</b>
<b>26</b>	<b>Georgia</b>	<b>29</b>
<b>27</b>	<b>Germany</b>	<b>80</b>
<b>28</b>	<b>Greece</b>	<b>22</b>
<b>29</b>	<b>Guatemala</b>	<b>2</b>
<b>30</b>	<b>Guinea</b>	<b>1</b>

<b>31</b>	<b>Hungary</b>	<b>4</b>
<b>32</b>	<b>Iceland</b>	<b>1</b>
<b>33</b>	<b>Indonesia</b>	<b>23</b>
<b>34</b>	<b>Iran</b>	<b>51</b>
<b>35</b>	<b>Israel</b>	<b>7</b>
<b>36</b>	<b>Italy</b>	<b>154</b>
<b>37</b>	<b>Jamaica</b>	<b>1</b>
<b>38</b>	<b>Japan</b>	<b>3</b>
<b>39</b>	<b>Jordan</b>	<b>12</b>
<b>40</b>	<b>Kenya</b>	<b>1</b>
<b>41</b>	<b>Kuwait</b>	<b>386</b>
<b>42</b>	<b>Kyrgyzstan</b>	<b>3</b>
<b>43</b>	<b>Laos</b>	<b>3</b>
<b>44</b>	<b>Lebanon</b>	<b>6</b>
<b>45</b>	<b>Malawi</b>	<b>1</b>
<b>46</b>	<b>Malaysia</b>	<b>379</b>
<b>47</b>	<b>Maldives</b>	<b>11</b>
<b>48</b>	<b>Malta</b>	<b>2</b>
<b>49</b>	<b>Mauritius</b>	<b>9</b>
<b>50</b>	<b>Mexico</b>	<b>1</b>
<b>51</b>	<b>Mozambique</b>	<b>5</b>
<b>52</b>	<b>Myanmar</b>	<b>24</b>
<b>53</b>	<b>Nepal</b>	<b>1282</b>
<b>54</b>	<b>Nigeria</b>	<b>9</b>
<b>55</b>	<b>North Macedonia</b>	<b>5</b>
<b>56</b>	<b>Oman</b>	<b>176</b>
<b>57</b>	<b>Pakistan</b>	<b>42</b>
<b>58</b>	<b>Philippines</b>	<b>43</b>
<b>59</b>	<b>Poland</b>	<b>5</b>
<b>60</b>	<b>Qatar</b>	<b>588</b>
<b>61</b>	<b>Republic of Ireland</b>	<b>6</b>
<b>62</b>	<b>Republic of Korea</b>	<b>3</b>
<b>63</b>	<b>Russia</b>	<b>20</b>
<b>64</b>	<b>Saudi Arabia</b>	<b>2594</b>

<b>65</b>	<b>Senegal</b>	<b>6</b>
<b>66</b>	<b>Serbia</b>	<b>2</b>
<b>67</b>	<b>Sierra Leone</b>	<b>1</b>
<b>68</b>	<b>Singapore</b>	<b>80</b>
<b>69</b>	<b>Slovenia</b>	<b>1</b>
<b>70</b>	<b>South Africa</b>	<b>8</b>
<b>71</b>	<b>South Sudan</b>	<b>1</b>
<b>72</b>	<b>Sri Lanka</b>	<b>30</b>
<b>73</b>	<b>Tajikistan</b>	<b>1</b>
<b>74</b>	<b>Tanzania</b>	<b>3</b>
<b>75</b>	<b>Thailand</b>	<b>38</b>
<b>76</b>	<b>Togo</b>	<b>2</b>
<b>77</b>	<b>Turkey</b>	<b>1</b>
<b>78</b>	<b>Trinidad and Tobago</b>	<b>2</b>
<b>79</b>	<b>United Arab Emirates</b>	<b>2308</b>
<b>80</b>	<b>Uganda</b>	<b>1</b>
<b>81</b>	<b>United Kingdom</b>	<b>282</b>
<b>82</b>	<b>USA</b>	<b>164</b>
<b>83</b>	<b>Uzbekistan</b>	<b>5</b>
<b>84</b>	<b>Vietnam</b>	<b>4</b>
<b>85</b>	<b>Yemen</b>	<b>1</b>
<b>86</b>	<b>Zimbabwe</b>	<b>2</b>
	<b>Total</b>	<b>9728</b>

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