

**GOVERNMENT OF INDIA
OVERSEAS INDIAN AFFAIRS
LOK SABHA**

STARRED QUESTION NO:326

ANSWERED ON:12.08.2015

Legal Assistance to Indian Prisoners

Antony Shri Anto

Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:

- (a) whether the Indian Community Welfare Fund has been created to extend all possible assistance to Indian community and if so, the details thereof;
- (b) the details of funds accrued and utilised during the last five years and the current year;
- (c) whether the Government provide legal assistance to Indian nationals languishing in foreign jails and if so, the details thereof including the salient features of the scheme;
- (d) the number of beneficiaries and the amount spent under the scheme during each of the last three years, country and amount-wise; and
- (e) whether there is any proposal to enhance the amount under the scheme and if so, the details thereof?

Answer

MINISTER OF OVERSEAS INDIAN AFFAIRS

SMT.SUSHMA SWARAJ

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

Statement as referred to in reply to Lok Sabha Starred Question No. *326 for 12.08.2015 regarding "Legal Assistance to Indian Prisoners"

(a) The Indian Community Welfare Fund (ICWF) was established in 2009 to enable Indian Missions to meet contingency expenditure incurred by them for carrying out various on-site welfare activities for overseas Indian Citizens who are in distress. ICWF is aimed at providing the following services on a means tested basis in deserving cases:

- i. Boarding and lodging for distressed Overseas Indian workers in Household / domestic sectors and unskilled labourers subject to a maximum of 30 days;
- ii. Extending emergency medical care to the Overseas Indians in need;
- iii. Providing air passage to stranded Overseas Indians in need;
- iv. Providing initial legal assistance to the Overseas Indians in deserving cases;
- v. Expenditure on incidentals and for airlifting the mortal remains to India or local cremation/burial of the deceased Overseas Indians in such cases where the sponsor is unable or unwilling to do so as per the contract and the family is unable to meet the cost;
- vi. Providing payment of penalties in respect of Indian nationals for illegal stay in the host country where prima facie the worker is not at fault subject to a maximum of US\$1000/- per case after Head of Mission satisfies himself that the Indian national is not intentionally at fault;
- vii. Providing the payment of small fines/penalties for the release of Indian nationals in jail/detention centre subject to maximum of US\$2500 per case after Head of Mission satisfies himself that such payment would lead to release of Indian national;
- viii. Providing support to local Overseas Indian Associations to establish Overseas Indian Community Centres in countries that have population of Overseas Indians exceeding 1,00,000; and
- ix. Providing support to start and run Overseas Indian Community-based student welfare centres in Countries that have more than 20,000 Indian students presence.

(b) Based on information received in this Ministry until August 2015 from Indian Missions and Posts, Rs. 304.60 crores has been collected in ICWF funds during the last five years and the current year. As per information made available to this Ministry by Indian Missions/Posts in July 2015, Rs. 68.86 crores has been spent from this fund so far.

(c) The provisions of ICWF pertaining to legal assistance provided to Indian nationals in foreign jails are covered in Parts (a) iv, vi and vii.

(d) Based on information received by this Ministry until August 2015 from Indian Missions, the number of beneficiaries and the amount spent under the scheme for legal assistance through ICWF during each of the last three years is as under:

Year

No. of beneficiaries (Indian nationals in foreign jails) provided with legal assistance through ICWF. Amount spent (in Indian Rs.)

2012 101 8,02,542.00

2013 212 2,38,042.00

2014 416 38,15,045.00

2015 (till 31 July) 166 7,05,805.00

TOTAL 895 55,61,434.00

* The details, country wise are given in Annexure I.

(e) The Ministry has been monitoring regularly the functioning and streamlining of the scheme, with a view to assist overseas Indian nationals in distress