

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2579
ANSWERED ON:09.12.2014
ADOPTION OF FOREIGN NATIONALS
Mohan Shri P. C.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government has any proposal to allow Non-Governmental Organisations (NGOs) and public spirited citizens to adopt those foreign nationals who have no place to go after the completion of their prison terms;
- (b) if so, the details thereof;
- (c) whether such a proposal to accommodate the foreign convicted nationals will not pose security threat to the nation;
- (d) if so, the reasons therefor;
- (e) whether the Government has any proposal to deport them to their respective nations instead of keeping them in the country; and
- (f) the total number of such foreign prisoners in the country and the quantum of assistance provided to them during the last three years and the current year?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJU)

(a) to (e): Central Government is vested with powers to deport a foreign national under section 3(2)(c) of the Foreigners Act, 1946. These powers to deport foreign nationals have also been delegated to the State Governments/ UT Administrations. Ministry of Home Affairs has issued consolidated instructions regarding the procedure to be followed for deportation/ repatriation of a foreign national to all State Governments/ UT Administrations on 24.4.2014. As per this procedure, in all cases where the foreigner has completed the sentence/ court proceedings, he/ she is immediately deported if the foreigner has a valid travel document/

passport subject to no other court case is pending against him/her and there is nothing adverse against him/her. In case the foreigner does not have a valid travel document /passport, the issuance of the requisite travel document is taken up with the Embassy/High Commission of the country concerned and the foreigner can be deported only after the travel document is made available by the Embassy/ High Commission concerned. In the case of Pakistani nationals who are arrested, the repatriation is done in terms of the Agreement on Consular Access signed between the Governments of India and Pakistan on 21st May, 1988. Such Pakistani nationals can be repatriated only after completion of the sentence/ court proceedings, grant of Consular Access, confirmation of nationality and issue of travel documents by the Government of Pakistan. There is no proposal at present to allow Non Governmental Organizations (NGOs) and public spirited citizens to adopt those foreign nationals who have completed their prison terms and whose nationality is not confirmed by the respective Governments.

(f) Details of all foreign nationals who are lodged in jails/ detention centres in the country are not centrally maintained. However, as per information available, 39 Pakistani nationals who have completed their sentence are presently lodged in detention centres in India pending their nationality confirmation by the Government of Pakistan. They can be repatriated only after their nationality is confirmed by the Government of Pakistan and travel documents are issued in their favour. "Prisons" is a State subject as per entry 4 of list II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons is primarily the responsibility of the State Governments. As per information available, no specific financial assistance has been provided by the Ministry of Home Affairs.