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Plight of Foreign National Prisoners

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Recently, the **Delhi High Court** has ordered the Central government to have the **speediest communication** with the embassy of the respective countries of the **foreign inmates who are in Indian jails**.

According to recent data, **75% of foreign national inmates imprisoned in jails of Delhi** struggle in **accessing their embassy or consulate concerned after their arrest**.

Foreign National Prisoners

- Foreign National Prisoners (FNPs) refer to prisoners **who do not carry the passport of the country** in which they are imprisoned.
- As per Prison Statistics of India 2015, there are 6,185 FNPs in India.
- However, the **Commonwealth Human Rights Initiative (CHRI)'s report titled 'Strangers to Justice'**, held that the number of FNPs across 22 States and 4 Union Territories maybe 4000 approximately.
- Though FNPs are entitled to the basic minimum guarantees as enshrined in the Constitution of India, but FNPs in India faces several issues:
 - They often face a range of difficulties due to differences in language, culture, customs, religion or because of lack of family ties locally.
 - 90% of FNPs conveyed that they faced difficulty in securing bail merely because of their special status or due to “ever-inherent specific concern” that they may be difficult to locate if they get out on bail.
 - Only 5.7% of FNPs in India (222 out of 3,908), have ever received consular access.
- The Indian legal system does not create a distinction between Indian nationals and foreign nationals, especially in grants of bail. In this context, the Government must take concrete steps to remove this discrimination.

Suggestions

- In case FNPs are not granted bail their cases may be expedited.
- As soon as a foreign national is arrested in a major crime, the offense should be brought to the notice of the MEA through the State government by the DGP/CP concerned.
- Police and prison authorities must be made aware of the mandatory requirements and the form in which such a process would be required to be carried out.
- Ministry of External Affairs may request the consulates to visit their nationals to enable them to discharge their duties under the **Vienna Convention on Consular Relations**.

Source: TH