THE GAZETTE OF INDIA

EXTRAORDINARY

PART II-Section 3-sub-section (i)

PUBLISHED BY AUTHORITY

No.333) NEW DELHI, MONDAY, AUGUST 9, 2004/SRAVANA 18, 1926

MINISTRY OF HOME AFFAIRS
NOTIFICATION

New Delhi, the 9th August, 2004

G.S.R505 (E)- In exercise of the powers conferred by section 14 of the Repatriation of Prisoners Act, 2003 (49 of 2003), the Central Government hereby makes the following rules, namely:-

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1. **Short title and commencement**: (1) These rules may be called the Repatriation of Prisoners Rule, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions**- In these rules, unless the context otherwise required:-

(a) "Act" means the Repatriation of Prisoners Act, 2003 (49 of 2003);

(b) "Application" means an application made under section 4 of the Act;

(c) "diplomatic channel" means through the missions of the respective countries;

(d) "section" means a section of the Act;

(e) All other words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in that Act.

3. **Form of application**:- An application under section 4 of the Act shall be made by a prisoner for his transfer on a plain paper and in Form 1 appended to these rules and in accordance with the procedure and instructions set out in that form.

4. **Means of forwarding the application**:- The application of the prisoner along with other informations as required under sub-section (1) of section 6, shall be forwarded

by the Central Government to the Government of the contracting State either directly or through the diplomatic channel.

5. **Form of warrants**:- (1) A warrant under sub-section (1) of section 7 of the Act shall be issued in Form 2 appended to these rules and in accordance with the procedure and instructions set out in that form.

(2) A warrant under sub-section (2) of section 12 of the Act shall be issued in Form 3 appended to these rules and in accordance with the procedure and instructions set out in that form.

Form 1

APPLICATION FOR TRANSFER OF SENTENCED PERSON
(under rule 3)

(Particulars are to be furnished in respect of the sentenced person)

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To

Joint Secretary (CS)
Government of India
Ministry of Home Affairs
North Block
New Delhi

Sir,

I request that I may be transferred to serve remaining period of my sentence in a prison situated in _____, the country of my nationality (name of the contracting State). I hereby furnish the following information for consideration of my application:-

1. Name in BLOCK LETTERS and nationality
2. Name of father/husband
3. Full address in the contracting State
4. Date of birth/age
5. Offence(s) under which convicted
6. Name of the Court which convicted
7. Date of judgment
8. The nature, duration and date of commencement of the sentence
9. Name of the prison, where undergoing sentence :

I, _____, (name in full alongwith nationality and in block letters), son/daughter of Mr./Ms. _____ declare that the information furnished by me as above is correct, complete and true to the best of my knowledge and belief. I may be held liable for any action, if any information furnished by me is found incorrect.

Address (in case signatory is other than the prisoner):

(signature of the applicant or of the person entitled to act on behalf of the prisoner in case of his ill health, mental condition, old age or being minor)

(Please see instructions overleaf).

Instructions

1. The application in original should be sent to Joint Secretary (CS), Government of India, Ministry of Home Affairs, North Block, New Delhi by; ordinary/registered post.

2. A copy of the application may be delivered to the officer-in-charge of the jail where the prisoner is undergoing the sentence.

3. Following documents may be attached with the application:-

   (a) A copy of the judgment passed against the prisoner;
   (b) Document indicating that the prisoner is a citizen of the contracting State.

4. In case the application is being made by the person entitled to act on behalf of the prisoner, he/she should write his/her full name alongwith nationality & address below his/her signature.

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Form 2
[See rule 5(1)]

Form of Warrant

(under sub-section (1) of section 7 of the Repatriation of Prisoners Act, 2003)

Mr/Ms..... the Jail Superintendent/Jailor (or the officer's designation who is in charge of the prison where the prisoner is imprisoned) ..... (Name of the Jail with full address) is hereby directed to deliver the custody of

Mr/Ms.....(Name and nationality of the Prisoner) son/wife/daughter of ..... age ..... address ..... (as it appears in the prison record) who was convicted of offences under section (s) ..... of ..... (Name of the legislation under which sentenced) to Mr./Ms..... (Name and designation of the authorized person (official) of the contracting State) ..... at ..... (place of delivery of prisoner in India i.e. Embassy, Airport etc.) on ..... (Date of delivery) as requested by the Government of ..... in terms of Agreement/Arrangement between the Government of the Republic of India and the Government of ..... On transfer of convicted offenders entered into by India with (Name of the contracting State) which came into force on .....

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2. Mr./Ms ..... (Name of the prisoner) as mentioned herein above, would undergo the remaining part of the sentence in the contracting State, which he/she would have undergone in India, had he/she not been transferred out of India.

3. In case the prisoner escapes from the custody within India, the prisoner may be arrested without warrant by any person who shall without undue delay deliver such prisoner to the nearest police state and the prisoner so arrested shall be liable for committing an offence under section 224 of the Indian Penal Code and shall also be liable for such sentence of imprisonment in India which he would have to undergo if the delivery of custody of such prisoner had not been made under section 8.

Authorised Officer of the State Government

(Not below the rank of a Joint Secretary).

To

Sh/Smt. .....

.....(Designation)

Address.....
.....

Copy to: (i) Joint Secretary (CS), Ministry of Home Affairs, Government of India

(ii) Joint Secretary (CPV), Ministry of External Affairs, Government of India

(iii) Secretary, Department of Prison, Government of .....(State in which imprisoned)

(iv) Charge-de-Affairs, Embassy ..... (Name of the contracting State)
Address (official).....

(v) Mr./Ms.....(Name and address of the Authorized person (official) of the contracting State).

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Form 3
[See rule 5(2)]

Form of Warrant

(under sub-section (2) of section 12 of the Repatriation of Prisoners Act, 2003

Mr./Ms..... Designation..... Address (official).....is hereby directed to receive the custody of Mr./Ms.....(Name and nationality of the prisoner) Address.....(as it appears in the letter of the contracting State) at .....(Place of receiving of the prisoner outside India by the authorized official) and to hold the prisoner for bringing him to India from the place of receiving. The custody of the said prisoner shall be handed over by the receiving officer to the officer-in-charge of ..... (Name and Address of the prison) where the prisoner has to serve his/her remaining part of the sentence in India as per the existing law for the offence committed by him/her in the contracting State.

(Authorized Officer of the State Government)
Not below the rank of a Joint Secretary

To

Sh./Smt.....
.....(Designation)

Address.....
.....

Copy to :

(i) Joint Secretary (CS), Ministry of Home Affairs, Government of India

(ii) Joint Secretary (CPV), Ministry of External Affairs, Government of India

(iii) Secretary, Department of Prison, (Government of .....(State in which the prisoner is to be imprisoned).

(iv) Charge-de-Affairs, Embassy.....(Name of the State)
Address (official) .....

(v) Mr./Ms.....(Name and address of the Authorised person (official) of the contracting State).

[F.N.VII-11017/23/2002-PR]

A.K. SRIVASTAVA,
JOINT SECRETARY (CS)

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