Foreign Nationals in Indian Prisons!
CHAVARA VIDHYA BHAVAN HR. SEC. SCHOOL
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80% of the children of prisoners are potential criminals unless somebody takes care of them. Prison Ministry India has begun a scheme to educate 1000 children of prisoners, by giving Rs. 3,000/- per child in a year. Your contribution is a help to mend a life.

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The entry, stay and removal of foreigners in India is governed by the Foreigners Act 1946, the Passport (Entry into India) Act 1920, the Foreigners order 1948, the Foreigner (Tribunals) Order 1964, the Citizenship Act 1955, the Citizenship (Registration of Citizen & Issue of National Identity Cards) Rules 2003, the Citizenship Rules 2009, Foreigner’s Tribunal and Illegal Migrants (Determination Tribunals) 1979, and the Repatriation of Prisoners Act 2003. There are 3,908 foreign nationals confined in prisons across India. Of these 1647 are undertrials, 1377 are convicts, while an astonishing 871 are reported to be awaiting repatriation. These refer to those foreign nationals who have completed their terms of sentence, yet remain in prison pending the repatriation process.” (Taken from Sabrangindia.in)

The family is God’s greatest masterpiece. “How is it that you are far from your family?” asked a friend of mine who met me after 10 years. I said, “I’ve another family; that’s my community, a religious life.” Everybody wants to be with family where we experience love and care. Being accepted is one of the greatest gift one can ever enjoy. Nothing is better than going home to family, eating home-cooked food and relaxing, for family means putting your arms around each other and being there for each other. The agony undergone by foreigners in our prisons, their rights, the causes that put them there in the first place and the problems faced by them are detailed in this issue. Most of them arrive to survive, in search of a job. Some of them were ignorant and naïve about the laws, and ended up in Indian prisons because others promised them stuff and later cheated them.

Family members are often under the impression that their mother/father/brother/sister/husband/wife is working in India and would go back to their country with loads of money, not knowing that they are behind the bars. Once they do become aware of the fact, the family members are usually helpless, for they cannot reach out immediately, or visit to say a few consoling words as it is very expensive to travel from country to country.

Our Indian prisons are overcrowded. ‘Foreign Nationals in Indian Prisons’ is the theme running through this issue. What are the reasons that they are behind the bars? Has their version been heard? Does the justice system act rightly by them? Some of the prisoners do not know why they are there. In prison, almost all of them are poor. Some of them are physically challenged, some imprisoned for petty crimes that do not deserve harsh punishment and are unjustly put behind the bars.

They are unable to communicate to us as language is a tremendous barrier. At times we notice these prisoners sitting in a corner thinking deeply, not mingling with other prisoners, keeping themselves away, for they feel no one understands them as others do not know their language. In India, prison is a state subject. Every human should believe that a person behind bars is not beyond justice. All the volunteers who dedicate their time and effort for the brethren behind the bars must ensure that legal safeguards reach even the last person in the queue – the prisoner, by increasing transparency in the justice system. We need to bridge communication gaps between prison authorities and foreign nationals in Indian prisons.

"May this blessed celebration of Easter bring you faith, hope, love and joy. Greet the miracle of Jesus’ Resurrection with joy and happiness".

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On 23rd of December, we were fortunate to receive a child, who was with his mother in prison, as a Christmas gift to our rehabilitation centre in Bangalore. He was about 6 years old, and had been in the prison with his mother since he was 4 years old. The child grew up with more than 150 mothers in the prison. At the rehabilitation centre, we noticed and were surprised by many of his behavioural traits. After about four days, I was having food at the centre along with this child and others. As per the rule of the centre, the children wash their own plates after having food. The nun at the centre had taken my plate for washing. When the child was asked to wash his plate, he responded, ‘You have taken Father’s plate for washing; so, you take my plate also. I am not going to wash my plate.’

After a few days, he had taken to beating two of our younger children in the class room. The boys mentioned about the CCTV in the class room and that he would be seen by the Sister in the CCTV. Then he told them that Sister would not be able to see him. Immediately he took them to the corridor of the building and told them that he had removed all the connections to the CCTV main box using a chair. We were surprised at him removing the box connection of the CCTV which seems to have gone unnoticed by all the others.

On different occasions the boy would spit on the other children for silly reasons. We have not seen this kind of behaviour in any of the other children at the centre. Where did he learn this particular behaviour? We checked with the women in prison and heard that the ladies in the prison do it when they are angry with others. This behaviour is copied and practiced by the boy too. It is very tough to make him do anything as the boy was pampered by all the women in prison. Whatever he wished for was fulfilled immediately. One day we were all saddened when he threw mud scooped up from the ground on our honourable guest at the centre. We hope to direct him better in the coming days.

We have realized that prison is not a place for children accompanying their mothers. They are deformed at various levels at the very beginning of their childhood. The world outside - of buses and cars - is quite astonishing for them. They grow up without male role models. There is no nurturing family atmosphere through no fault of their own. It is better that they be outside with relatives. The more time they spend in prison, the tougher it is to change them to become better persons. There are hundreds of children who suffer in the prisons of India. We hope to get in touch with these children and do the needful.
The Foreigners’ Registration Act 1939

Introduction
Foreigner means a person who is not a citizen of India.

The Registration of Foreigners’ Act 1939 is to provide the registration of foreigners in India.

Procedure for Registration
Every foreigner who enters India on a visa valid for a stay in India for a period of one hundred and eighty days or less and who wishes to stay in India beyond a period of one hundred and eighty days should report to the Registration Officer having jurisdiction in the place where the said foreigner is present at the time of presentation of such report.

The Registration report shall be presented.
Every foreigner presenting a registration report shall furnish to the Registration Officer such information as may be in his possession for the purpose of satisfying the said officer as to the accuracy of the particulars specified therein and shall on being required to do, sign the registration report in the presence of the said officer and shall thereupon be entitled to receive from the said officer a certificate of registration.

Any foreigner whose passport of identification do not in the opinion of the Registration Officer provide adequate proof of identity shall be required to furnish to the Registration Officer, within such period of presenting his registration report as such officer may fix, four copies of a photograph of himself of passport size.

Period of validity of certificate of registration
The certificate of registration issued in respect of any foreigner shall be valid for so long as the foreigner does not depart from India.

Production of proof of identity
Every foreigner shall within twenty-four hours of demand being made of him by any registration officer, magistrate or police officer, not below the rank of a head constable, produce, at such place as may be specified in his passport, as his identity, as may be required for any purpose connected with the enforcement of these rules.

Duplicate certificate of registration
If any certificate of registration issued under these rules is lost, the foreigner to whom it was issued shall send to the registration officer of the district of his registered address a report of the circumstances in which it was lost. An application in writing for the issue of a duplicate copy of the certificate of registration is needed.

Every foreigner entering India shall present in person or through an authorised representative to the appropriate Registration Officer specified in rule 7, a report within the time specified in that rule.

An act to confer upon the Central Government certain powers in respect of foreigners
At present the only permanent measures governing foreigners specifically are the Registration of Foreigners Act of 1939 and the Foreigners Act 1864. The Act of 1939 provides for the making of rules to regulate registration of foreigners and formalities connected therewith, their movement in, or departure from India.

The Act of 1864 provides for the expulsion of foreigners, their apprehension, detention, removal and ban on their entry into India after removal. The rest of the Act which provides
for report on arrival, travel under a license and certain incidental measures can be enforced only on the declaration of an emergency.

**Foreigners Act 1946**

The definition of foreigner as originally stood was amended in 1957. The central government may by order make provision with respect to all foreigners for prohibiting, regulating or restricting the entry of foreigners into India or their departure.

If he/she has been required by order under this section not to remain in India, meet from any resources at his disposal the cost of his/her removal from India and of his/her maintenance therein pending such removal.

Requires him/her to reside in a particular place.

Imposes any restrictions on his/her movements.

Requires him/her to furnish such proof of his/her identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified.

Requires photograph and finger impressions to be taken and to furnish specimens of his/her handwriting and signature to such authority and at such time and place as may be prescribed.

Regulates his/her conduct and any such particular as may be prescribed. Shall enter into a bond with or without sureties for the due observance of or as an alternative to the enforcement of any or all prescribed or specified restrictions.

Shall be arrested and detained or confined if found without valid documents including passport or other travel documents and who have been exempted under rule 4 from the provisions of rule 3 of the Passport (entry into India) Rules 1950 made under section 3 of the Passport (entry into India) Act, 1920 (34 of 1920) or with valid documents including passport or other travel document and the validity of any of such documents has expired are hereby granted exemption from the application of provisions of the Foreigners Act 1946, and the orders made there in respect of their stay in India without such documents or after the expiry of those documents as the case may be from the date of publication of this order in the official Gazette.

**Power to examine persons**

The civil authority may examine any person who seeks leave to enter India or to depart from or during his stay in India for the purposes of the Foreigners Act 1946.

Provide information about passengers on board and crew in electronic form within fifteen minutes of leaving or taking off an aircraft from the port of embarkation outside India to the immigration authority of arrival or landing in India -

**Flight information**

- Flight number
- Departure airport
- Arrival airport
- Scheduled departure date and time
- Scheduled arrival date and time

**Passenger information**

- Last name
- First name
- Middle name
- Date of birth
- Gender nationality

**Journey information**

- Travel document information
- Document type
- Document number
- Expiry date
- Country of issue

**Conclusion**

Every foreigner who enters India on the authority of a visa issued in pursuance of the Indian Passport Act 1920 (34 of 192) shall obtain from the Registration Officer having jurisdiction either at the place at which he represents a registration report in accordance with rule 6 of the Registration of Foreigners Rules 1939.
Statement of ownership and other particulars about Prison voice

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<tr>
<td>Place of publication</td>
<td>Bengaluru</td>
</tr>
<tr>
<td>Periodicity of its publication</td>
<td>Monthly</td>
</tr>
<tr>
<td>Printer’s Name</td>
<td>Fr. Sebastian Vadakumpadan</td>
</tr>
<tr>
<td>Nationality</td>
<td>Indian</td>
</tr>
<tr>
<td>Address</td>
<td>Prison Ministry India, P. B, No. 3410, Koramangala, Venkatapura, Bangalore – 560034</td>
</tr>
<tr>
<td>Publisher’s Name</td>
<td>Same as above</td>
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<tr>
<td>Nationality</td>
<td>Same as above</td>
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<tr>
<td>Address</td>
<td>Same as above</td>
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<tr>
<td>Chief Editor’s Name</td>
<td>Sr. Lini Sheeja MSC</td>
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<tr>
<td>Nationality</td>
<td>Indian</td>
</tr>
<tr>
<td>Address</td>
<td>Providence Home, Prison Ministry India No. 52, Near Ivy Rossa Resort Thomas Layout, Sarjapur Road, Carmelarm P.O., Bengaluru-560035</td>
</tr>
</tbody>
</table>
| Name and Address of the individual who owns the newspaper and partners or shareholdings more than one percent of the total capital | Providence Home  
Prison Ministry India  
No. 52, Near Ivy Rossa Resort  
Thomas Layout, Sarjapur Road  
Carmelarm P. O., Bangalore – 56003 |

I, Fr. Sebastian Vadakumpadan, hereby declare that the particulars given above are true to the best of my knowledge and belief.

Date: April 20, 2019
According to Gandhiji, prisons, like hospitals, are to be places of correction, reconciliation, reformation and a centre of training for rehabilitation. Human beings are born free. Freedom is God’s great gift to men and women, the crowning glory of all creation. But many have lost their freedom by their criminal behaviour which is the outcome of a sick mind. People in prisons are not persons to be condemned. Some are there through no fault of their own, sometimes wrongly accused; some others are there without any trial for years. Even those who were found guilty were those who had repented their misdeeds.

When Foreign Nationals are arrested in India the below rights and procedures are applicable:

The police file a First Incident Report (FIR) with the appropriate court describing the charges against her/him. The police officer must also inform her/him of the charges. Once in police custody, the police must present her/him before a court within 24 hours, otherwise the detention would be considered illegal by the Indian constitution. He/she will have the right to have an attorney present during any questioning and the right to remain silent when asked self-incriminating questions.

When presented before the court within 24 hours of arrest, the judge will decide whether he/she will be sent to jail (judicial custody), remain in police custody or be granted bail. While he/she is in police custody, he/she is allowed to make phone calls in the presence of the police. However, once he/she is remanded to jail and his/her case is under investigation, he/she will likely not be permitted to make or receive phone calls. He/she is however allowed to receive visitors during jail visitation hours and have private consultations with his/her lawyer in jail.

Please note that once he/she is remanded to judicial custody, embassy/consular officers must first seek permission from the Indian government to visit him/her in prison. This permission can take up to a week to obtain.

There are two categories under which his/her crime can be charged: cognizable or non-cognizable. For cognizable charges, the police do not require an arrest warrant. For non-cognizable charges, the police must present a warrant at the time of arrest. If his offence is bailable, the police must inform him/her that he/she can be released on bail and the police can grant him/her bail at the time of arrest. In a non-bailable offense, he/she must appear before a judge who will decide whether or not to grant him bail.

If granted bail, as a foreigner, he/she will probably need to find someone to stand as surety to sign the bail bond. This means that a family member or friend must guarantee to the court that he/she will not flee the country after bail and will appear in court when summoned until his case is resolved. The person standing as surety may need to have some immovable property in India (i.e. land, house, etc.). The amount of the bail depends on the judge in accordance with the nature of the crime.

The court will also retain his/her passport to ensure that he/she does not flee if granted.
Their Rights

bail. In rare cases the judge may return his/her passport to him/her and allow him/her to leave the country against payment of an expensive bond.

Depending on the nature of the charges against him/her, investigating police will have 90 days to put together a charge sheet.

If he/she has any medical problems or need medications, he/she needs to inform his/her country’s Foreign Service Officer in the embassy. He or she can get in touch with his/her family and friends to arrange to have the medications delivered to him/her. His/her family can also create a temporary trust account with the embassy to transfer money from his/her home country to India in order to cover any expenses he/she might incur. Money will be deducted from his/her account only with his/her authorization, and any balance of funds will be refunded to him/her upon his/her release.

The Embassy’s Role:
The Government of his/her country cannot get him/her out of jail. The embassy or consulates cannot accept custody of him/her or guarantee his/her appearance in court. Nor can they post bail for him/her, act as his/her legal advisor or pay legal fees for him/her.

After being arrested, the police will ask him/her if he would like the embassy to be notified of his arrest. He/she can ask that the embassy not be notified, and at a later date he/she may change his/her mind and request that the police do notify the embassy.

Arrested persons are not allowed to make telephone calls. If he/she asks that the embassy or consulate be notified, the police will call the embassy on his/her behalf. The prisoner can speak to the embassy officials by phone if he/she makes a request through the superintendent of the facility in which he/she is being held. He/she may be charged for the call.

What the Embassy/Consulates Can Do:
Visit him/her in jail after being notified of his/her arrest to check on his/her health and the treatment accorded him/her by the police.

Give him/her a list of local English-speaking attorneys (prisoner is responsible for paying any lawyers’ fees). Indian law does not provide for a free, court-appointed attorney at the early stages of an arrest. The court-appointed lawyer will only be assigned in certain crime cases before indictment, when the case goes to court. If he/she is not eligible for a court-appointed attorney before indictment, he/she will still be eligible for a court-appointed attorney after indictment when the case goes to court.

Make sure the police are aware of any medical conditions he/she has (for example, diabetes, seafood allergies, etc.), and request that he/she is seen by a doctor.

Work with local authorities to ensure that his/her rights under Indian law are fully observed, to include protesting any mistreatment or abuse.

Supply him/her with English-language reading material subject to prison regulations.

Notify his/her family and friends of his/her arrest and relay requests for financial assistance, provided he/she authorizes his/her consul to do so.

Prayer of a Prisoner’s family

I feel a tear run down my face,  
As I sit in this quiet lonely place,  
I think of you and need you here,  
I wipe away my falling tear.  
I hit the floor on bended knee;  
I ask, I beg, I start to plead  
Please bring him home.

Source:
• Indian Judicial System: Fr. P.D. Mathew; P.M. Bakshi.
• The Rights of Prisoners: Fr. P.D. Mathew.
As per currently available data there are 1,657 undertrial prisoners, 38.5% (638) were charged under Foreigner’s Act/Foreigners Registration Act or Passport Act alone, whereas 444 were charged under other penal laws such as Indian Penal code, the Narcotic Drugs and Psychotropic Substance Act 1985 etc. Those charged with both offences were 361.

I know of a Pakistani here in Bhopal. He was released in 2017, and for two years worked for the Shahjahanabad police station. At last the prisoners themselves took pity on him, collected money for him and helped him go back to his own country in January 2019.

Foreigners suffer a great deal because of unavailability of prison rules in different languages; prisoners often do not understand their rights or obligations. Additionally, they are not able to communicate with other prisoners or prison staff. Issues such as language barrier, specific dietary requirements, cultural differences and lack of recreational or rehabilitative activities can often make it difficult for foreign prisoners to adapt to prison life. Sometimes they are denied the chance to even inform their families about their arrest. For example, a Palestinian prisoner in West Bengal prison had not contacted his family in 26 years or received consular access.

Here in Bhopal, we have two women prisoners from Thailand, who do not know any other language. With great difficulty, through their FB accounts, we contacted their family members. Life is too difficult for them. In the beginning, they were allowed phone calls. Then they were stopped. They have no means of communication except through us with the aid of small notes written to their families. It is pitiable that even though it has been 10 months since they have been in prison, things are not working in their favour. The first magistrate who was compassionate to their cause was suddenly transferred, the second one was not ready to listen to any plea, the third one was either on sick leave or home leave and now he has resigned as he has secured a ticket to contest for the election. Currently it is the fourth magistrate. We have met him personally and he says he will expedite the case; we can only hope and pray. Whenever we meet them, they cry asking when they will be released and get to meet their sons.

The authorities are compassionate when they are sad, depressed and crying. They ask us to tell their family members to call
them up. Time is passing and we are doing our best to get them out, so that they can be united with their families once again. Please keep them in your prayers.

There were two from Uganda too, arrested on 4th May 2018. Only one knew English. They too used to cry and beg to be let out of prison. They had no financial support from anyone, even from their families. We contacted the phone numbers they had given, but nobody was ready to help. Then with help from the Archdiocese for legal aid, we hired a lawyer. We secured their release by 18th December 2018. Since Bhopal has no detention centre for women, they were kept at the Mahilla Thana, which was worse than a prison cell with no light, no bedding, no hygiene. We provided them with blankets and food. After running about contacting the higher authorities, they were given over to our custody on 22nd December. They stayed with me at St. Mary’s Convent, Bhopal. Their embassy refused to take any responsibility for sending them back. I arranged for their flight tickets and after completing all the FRO’S proceedings they left for their homeland on 1st February 2019. The government-appointed lawyer wanted to bring a stay order on their release; he had appealed to the high court, but by the grace of God, everything worked in our favour. Now they are safe home and happy.

Sometimes when you’re in a dark place you think you’ve been buried, but actually you’ve been planted.

- Christine Caine

God changes caterpillars into butterflies, sand into pearls and coals into diamonds using time and pressure. He’s working on you too.

- Rick Warren
Various Causes of FNPs

**Seeking justice IN A STRANGE LAND**

Amira Peter  
Kolbe Knight, PMI Pune

JOHRA – a Myanmar national was arrested by the Indian Border Security Force as she attempted to cross over with her children. She was sentenced to 1 year (though it took 5 years for her final release).

GHOLAM – a 14-year-old boy trafficked to India from Bangladesh was apprehended and sent to the Observation Home in West Bengal. He was finally repatriated to Bangladesh after 4 years.

CHARLES – A Nigerian student in Pune was arrested for possession and trafficking of drugs. He was sentenced to 5 years in prison and finally repatriated to Nigeria.

VALERIO – a 52-year-old man from Ukraine came to India to practice Buddhism in West Bengal. He was arrested for overstayed visa and sentenced to one year in jail.

These are just some of the stories of foreigners who come to India and find themselves on the wrong side of the law. As the Indian economy booms, it has increasingly become a very attractive destination for students, tourists, businessmen, employment seekers and even economically-backward foreigners seeking a better life. What inevitably follows is an increase in incidents like those faced by Johra, Gholam, Charles or Valerio.

The entry, stay, and removal of foreigners in India are governed by a host of legal acts. By law, a foreign national in India can be arrested if found in violation of any of these rules or orders which regulate their stay in India or for the commission of a criminal act during their stay in the country.

**What are some of the common violations that get foreigners arrested in India?**

A report published by Commonwealth Human Rights Initiative (CHRI) in Jan 2019 has identified two major offences by foreigners – violations of Foreigner Act/Passport Act and violations of the Indian Penal Code, particularly the Narcotic Drugs and Psychotropic Substances Act. At the time of preparing the report, there were 3,908 Foreign National Prisoners (FNPs). Information regarding only 1,657 of the undertrials was available. Among them, 38.5% were charged under Foreigners Act/Foreigners Registration Act/Passport Act alone, while 27% were charged under other penal laws such as Indian Penal...
Various Causes of FNPs

Code, the Narcotic Drugs and Psychotropic Substances Act 1985 etc. 22% were charged with both.

Immigrants with forged passports and travel documents seeking better prospects and livelihood opportunities are arrested daily at the borders. The borders with Bangladesh, Pakistan and Myanmar are most vulnerable. Statistics published in the aforementioned CHRI Report indicate that West Bengal alone accounts for more than 50% of FNPs.

According to an article published by Firstpost in March 2013, most of those who are picked up under the Foreigners Act of 1946 are poor and underprivileged. They come across the border illegally, looking for work, or are fishermen, shepherds or students. Many of them continue to remain in prison because they cannot afford to pay fines.

Like Valerio, foreign tourists who overstay their visa period are found in violation of conditions of the visa. Others are lured by the excitement and adventure of exotic and remote destinations of our country, particularly those inhabited by our ethnic tribes. They enter restricted areas without proper permits or documents and are arrested.

The lure of the exotic at times leads the adventurous tourists into a life of crime. The South China Morning Post reported in Oct 2018 that two Chinese women were arrested in New Delhi for attempting to leave India with US$574,000 worth of shawls made from an endangered antelope. These tourists faced potential fines of up to US$64,800 each and between three and seven years in jail.

Incidents of cybercrime, especially ATM card cloning by foreign visitors are on the increase, as are drug and narcotics related crimes. Like those charged under the Foreigners Act/Foreigners Registration Act/Passport Act, these FNPs charged under the Indian Penal Code are also required to serve alongside Indian criminals. Not all of them are as lucky as the Italian marines who went home for Christmas and to cast their vote.

The law stipulates that once a foreigner completes his/her sentence he/she must be released from prison. Under certain circumstances, FNPs are permitted to complete the remainder of their sentence in their home country. However, in the absence of requisite documents permitting their stay in India, FNPs are usually not released from prison upon completion of their sentences. Instead, they continue to remain in detention, either in a prison or a detention centre, until their repatriation is completed.
When we were newly married, my better half and I took the bus to my place. This was the first time that he had taken the bus to my place, and probably our second or so visit. I told him to get down when he saw the kappela (wayside shrine). His grasp of the language was not great at that point, and he understood it to be a kaplanga (papaya tree). By some miracle, he saw me stand up to get off the bus, or he probably would have continued on looking for the kaplanga…

Here are two individuals who speak the same mother-tongue, but who sometimes find it difficult to understand each other because of differences in accent, vocabulary and even socio-economic culture. I can only imagine how difficult it must be for those behind the bars, who do not speak our language or understand the nuances of Indian culture in general. They are already lonely, depressed, worried and to add to this group’s (foreign nationals in Indian prisons) difficulties, they face the language barrier to communication.

What we must remember is that foreign nationals would be extremely vulnerable because of the differences in the weather, food, expected behaviour based on culture and everything else that normal prisoners face. Not only do they not understand what is happening around them, they do not have the means to communicate their essential needs, from something as simple as needing to go to the toilet to sharing their worries and the larger issues that they face. When the speaker and listener do not speak the same words or language there is no meaning to their communication. Communication become ineffective and messages do not get conveyed to either party.

What language barriers cause are something even subtler, it makes people judge them without really understanding them. Maybe someone is angry and violent because they are in physical pain, but since they cannot communicate it to their cell mates or the authorities, they are branded as difficult and tantrum-prone. Most human beings are judgmental: we judge others based on colour, clothes, race, sex, age and more. Add to that the inability to converse and life for foreign nationals in Indian jails, who do not speak the local language, would be extremely difficult.

In the prison setting, effective communication
- Is a morale booster
- Prevents misunderstandings
- Helps decision-making regarding future directions
- Aids assimilation of pertinent information
- Is required for feedback
- Enables appropriate action from authority figures and peers.

Some of the prisons do have language programmes as part of the educational initiative projects. However, the truth is that these programmes are not wide-spread and accessible to all foreigners. We need to think about making the language programmes more extensive and accessible to not just foreigners, but others who need them too, to overcome the first hurdle in their long process of reform and rehabilitation: communication. Everything else would naturally follow.
Very few state police manuals contain provisions that obligate the police to inform the concerned embassy of the arrest of their national to ensure prompt consular access. Hence in most cases, they do not receive information about arrests of their nationals. An important point to be noted here is that police officers are prohibited from entering into direct correspondence with “their counterparts or with private companies, investors or manufacturers in such foreign countries. All correspondence intended for such persons in foreign countries must be routed through the Director General of Police, who will address the person through the state government”. This means that even in cases where police officers might be prompt in informing the Director General of Police, there could be delays or lapses in communicating the information on arrest. Like all prisoners, foreign nationals must also be detained in humane conditions.

Lack of knowledge of the legal framework, legal procedures and lack of resources to hire services of competent lawyers further impact the stay of FNPs in prisons. Often, they are misled by lawyers and forced to plead guilty without understanding the consequences. Their lack of knowledge is further exploited when there is no consular access or contact with family members. Further, securing bail is difficult and parole rules generally do not apply to them; this can inculcate anger and leads to a tendency to resort to violence.

The religious, dietary, spiritual or other specific needs of a foreign prisoner are very rarely addressed. “They are likely to have particular needs such as facilities for worship, special diets and hygiene requirements, due to their religion. Only a few prisons provide special diets to foreigners, which also may not suffice for all foreign nationals, given the diversity in dietary habits globally. The lack of sensitivity among prison inmates is one of the biggest contributing factors to the challenges faced by FNPs.

**Repatriation upon completion of sentence:** Once prisoners complete their sentence they must be released from prison. In the case of foreign nationals, this entails travelling back to their home country. This process, however, is tedious, with a number of sub-processes: nationality verification, issuance of emergency travel certificate, securing funds for travel, the assignment of escorts for transfer, approval from airlines (in case of travel by
Challenges faced by FNPs

Repatriation requires the involvement of both central and state governments; specifically, two divisions of the Ministry of External Affairs – the consular, passport and visa division and the respective territorial division; the foreigners division of the Ministry of Home Affairs and the State Home Department; the Home Secretary or Jail Secretary; Bureau of Immigration and Foreign Registration Regional Officer of the state; Criminal Investigation Department, Intelligence Bureau; Superintendent of Police of the district where the prisoner was arrested; and Superintendent of the prison where the prisoner is lodged. Repatriation can also be of two kinds, depending on whether the individual possesses a valid travel document such as a passport, or not (if they do not possess valid travel documents or their documents had expired).

The process is simpler in the former case; unless the person has insufficient funds for travel, there are usually no delays in repatriation. In the latter case, however, there are several barriers that can delay the process. In the absence of any identification documents, embassies are often reluctant to take any steps. In many cases, the identification documents are not available with the prisoner. However, this is not the only hindrance: in the absence of travel documents or identification records, it takes a long time for the consulate to verify nationality.

They must also send the information to the respective government, which then initiates verification processes from their end. This too takes time. Section 3 of the Passports Act 1967, clearly specifies, “no person shall depart from, or attempt to depart from India, unless he holds in this behalf a valid passport or travel document.” Therefore, once the embassy verifies the nationality of the foreign prisoner, it must issue the person with an Emergency Travel Certificate (ETC) or a Travel Permit, which has the same value as that of a passport. This document permits the person to travel back to his country. However, this process can take time. An ETC is generally valid for a month, while a Travel Permit stays valid for 3 months, within which the outbound travel is to be made. Sometimes, there can be delays at the prison’s end or the Foreigner Regional Registration Office, or there could be lack of funds due to which arrangements are not made for the travel. In such cases, the travel document has to be issued again, pushing back the process by a few more months. There have also been instances where airlines refused to allow boarding at the last moment leading to confusion, delay and loss of flight ticket money, adding to the woes of the prisoners.

We fondly recall the tireless efforts of the Late Sr. Leena Kattokaren FMM, who helped several foreign women prisoners by rehabilitating them at our shelter in Medchal and helping them with legal assistance, temporary employment, medical aid etc. till they reached their home safely. She left no stones unturned; be it the human rights organizations or bureaucrats, she always walked the extra mile to free a number of FNPs.
Editor: Good morning, Giselle!

Giselle: Good morning Sister! How are you? How are the other Sisters?

Editor: We are good. What about you?

Giselle: What to say, Sister? Life is miserable. Unexpected things have happened in my life! Is there a future for me, my husband and child, as all three of us are in Indian prison?

(Starts weeping …………….)

Editor: We are all there with you and we do have concern for your child.

Giselle: Yes Sister, we are surviving just because I have all your support. One year and eight months ago I arrived in India to get treated for Spinal Muscular Atrophy, hoping to get better and return back to my country. My parents had two children. We were a happy family enjoying with whatever minimum that we had; we had no complaints. I lost my younger brother seven years ago in an accident and my whole family was distressed. It was when I was diagnosed with SMA, a disease that robbed me of my physical strength by affecting the motor nerve cells in the spinal cord, taking away my muscular ability that my family was affected even more. Around this time another person entered our family circle after a gap of quite a few years. This was my uncle who was in the UK, who had been working there for 25 years. He returned to his native place to be with the family. He would visit our family every now and then, and we too did the same.

Becoming aware of the situation the family was in, he offered to bear the costs of my treatment. By that time, I was already married and my husband was a musician. My uncle gave us a lumpsum of money, asked us to fly to India saying that the treatment in India was good and I would be cured soon. We did not think twice about it since he was our relative. My parents were happy since he said he would bear the entire treatment costs. Through an agent he arranged everything, including our passports and visas. On the date of our departure, our parents came to see us off at the airport. They hugged and kissed us as they said their byes. They told me to eat well and asked my husband to take care of me since I was two months pregnant.

We arrived in Bombay, India and all the travel arrangements were done by my uncle - from the airport to the hotel where we were accommodated. Days passed and there was no sign of beginning my treatment, no arrangements were done by uncle. I kept asking the agents who...
made all the other arrangements. But they gave us no positive response. Time was passing and I found that my visa was about to expire. Due to my constant enquiries and persistence they took away our passports and visas promising that everything necessary will be done within a few days. After a few days they provided us with fake passports and visas, and we were asked to travel to Bangalore. As we were ignorant, trusting my uncle and the agents, we travelled for the single purpose of my treatment.

On landing, during check-out we were caught for entry with wrong passports and visas. I fainted there itself and my husband was helpless. We were accused of something we had not done. We were arrested and in judicial custody. The police registered this case against us and took up the investigation. We had nobody to speak for us as we were not in our own country. Meanwhile my uncle was torturing my parents asking them to return the money immediately and they were helpless. It was all totally frustrating and we were completely helpless. We could not communicate with our parents and update them since international calls were not available here in jail. After the completion of the investigation, the police filed a charge sheet against us before the concerned Magistrate for the offence and we were convicted for four years. My child was born here in jail.

In the beginning I couldn’t eat the food which was offered at the Indian jail, for it was spicy. I could eat only bread and jam and my health was deteriorating. I had no other choice, so I started to eat the spicy food as I was carrying. For the sake of the child in my womb I started to eat whatever was offered. Days passed, months passed, my son was born and now he is eight months.

(Giselle continues to cry……………)

Why? And what happened in our life is something I still can’t understand. My son is growing up in jail. My husband is in the men’s section. We have no family; we are living separately. What a pain for an outsider! Everyone was a stranger when I stepped in to this place!

Editor: Do you meet your husband and talk to him?

Giselle: Oh Yes Sister! That has been a blessing to me here in this jail. All the jailors are good to us. I can meet my husband twice a week, speak to him, cry to him. People around us care for us. The only incident that saddened us in India is that when we were brought before the magistrate, he did not ask us a word of clarification. Just passed the judgment! What a heart-breaking moment it was! We were utterly cheated by my uncle. Our weakness was taken advantage of, as my uncle knew my family could not afford the treatment. So, he offered us money, possibilities, and we landed here.

Editor: Thank you Giselle for the moving life experience that you shared for all the readers. I understand you completely when you said that there is so much frustration in life. Don’t lose hope! You have a son who brightens your day here. Remember everything will fade away over the years.
At Parappana Agrahara Central Prison in Bangalore, there are about 4,500 prisoners from all-over India. There are foreigners - men and women - caught for various proved and unproved crimes. The affluent, the socially well-off get release or bail faster than ordinary people or who are on a lower rung in the social ladder.

At Parappana Agrahara, in the women’s section, there are 120 to 150 women (number varies) who have a common prayer on Fridays. Those who wish can take part in the ‘Praise and Worship.’ At the end of the prayer, the PMI members present, lay our hands on them and pray. One day I noticed a young woman, ‘like the woman with two coins,’ whom Jesus admired, (Mk.12:42) in the last row. She had her head covered, not daring to lift her head high. She was a stranger and did not know the language to converse with others. Since I had a teaching background my attention went to this back-bencher resigned to her destiny. I started conversing with her, away from the others. She could converse in Hindi. She was Juana, from Nepal. How was it that a 33-year-old young woman with a husband and 3 school-going children in Nepal was languishing in an Indian prison? She did not look like a person capable of any crime to me. Talking to her during my visits, I was convinced that Juana was deceived by agents in Nepal itself.

They had to vacate their place when there was an earthquake and they lost everything. Juana was a survivor who wanted to rebuild whatever they had. Her mother-in-law was adamant that she should not leave the family. She advised her not to send the children to school as they would be getting married sooner or later. The boy was 15 years old and could do domestic work. Her two daughters were in high school then. A travel agent scooped in and promised ‘green pastures’ in Dubai. She was instructed to lie that her husband was working in Dubai and that she was going there to join him. In reality, her husband was in Nepal, looking after their children. Due to the massive earthquake, and other natural calamities, many families had become homeless. They were living in tents. So Juana’s husband contacted an agent and decided to send her to one of the Gulf countries. Juana was brought to Delhi and then to Bangalore. In the airport she was caught due to the false entries in her passport and send to Parappana Agrahara Central Jail. She was sentenced to seven years. Her agent from Nepal found her a lawyer. Juana’s husband had borrowed ₹80,000 to give
to the lawyer, but the lawyer was not satisfied and was demanding more. My friends contacted this lawyer to get the NOC and the case papers couriered to my address. We approached a second lawyer, who advised us to contact a High Court lawyer. We found a good Catholic High Court lawyer, who started working on Juana’s case seriously. Once he rang me up and said, “Sister, I want her children’s photos, could you get them immediately?” However, contacting her husband turned out to be extremely difficult. Then one afternoon when I went to the chapel, I thought: couldn’t I get some more phone numbers from Juana? I immediately rushed to the prison to ask her. And to my utter surprise she said that she had her children’s as well as her husband’s photos. She had with her, her voter ID too. Her daughter had put them in her bag! I went to a studio, got copies done and gave one set to the lawyer and 2 sets to Juana.

Juana was imprisoned on 19/06/2015. She did not waste her time in prison. She was attending Kannada classes and she stood first in class. She was awarded a chembu container to fetch butter milk. When I asked her to see it, she said, “No Sister, I did not bring it. I gave that on the same day to Gauramma, who did not have a vessel to get buttermilk.” Within eight months, Juana could speak Kannada fluently. She attended prayers regularly and spend time reading the books the Sisters gave her. She picked up Hindi from the other prisoners who could speak it.

The High Court lawyer asked us to contact a lawyer at Devanahalli where Juana was arrested. God provided us with a good lawyer, but his charges were higher. On the day Juana was to be released we were on time at Devanahalli. Though we were told it would be in the morning, they brought her at 3.00pm. She was taken to the judge. I was called to translate the judge’s words in Hindi and tell Juana that she was released. I translated with tears of joy running down my face. From Devanahalli she was brought to Parappana Agrahara, where she had to complete the formalities, and finally released at 9.00pm on 3.03.2016. Waiting outside the prison was another unforgettable experience. When I saw Juana coming out through the wicket gate with a small bag in hand, I felt so elated as if a part of me was set free. We hired a rickshaw and reached the convent. We walked to the chapel, thanked God for all the wonders that God had done in our lives. A room was prepared for her in the Hostel. I told her to sleep as much as she wanted. At 7.30am I would knock at her door to take her for breakfast. To my surprise Juana was in the chapel at 5.40 am. She had two or three books with her, and was reading and praying. She attended all our prayers. Sometimes she was there before us, especially in the afternoons and evenings. For nearly two weeks she was our guest. She was invited to dinners and given gifts. We wanted Juana to reach her country without any problem. So, I got the Detention Certificate from prison. Her luggage was above the permissible limit, but we did not want to take anything out. Another miracle was that there were two families travelling to Nepal, who were happy to take care of Juana. We waved till she disappeared. Though I wished her to remain in India my inner voice told me how much her family must be missing her! Her family has accepted the faith and she is growing in that new-found faith. God be praised!
Will power comes prior to success. It is stronger than the iron bars of prison. The Prison Ministry India, Sagar unit organized a seminar for the inmates of the women’s cell in Sagar Central Jail on 18 March 2019 with the collaboration of Manav Vikas Seva Sangh, Sagar.

They were inspired by the motivating message of Sr. Mareena Antony, SJ. She imprinted on their minds, the need to be creative and to utilize their time for a better cause. Various competitions were conducted for the women, such as: making the longest chain with rubber band and safety pin, fixing bangles with wax, picking Thermocol balls with straw etc. It produced moments of amusement and diversion. The main objective of this seminar was to nurture in them self-confidence and the spirit of unity. Such gatherings always help them to uproot their malignant and undesirable thought patterns and to clear their vision to think optimistically even in the midst of their lonely prison life. Winners of the competitions were honoured with attractive prizes. All the inmates participated actively with their whole heart and have drawn benefit from it.

Fr. Emmanuel Chembanayil
All of us are in one way or other, slaves and prisoners to our habits and situations. But when an actual arrest happens and our movement is restricted it is painful. It is even more painful and wretched for the foreign nationals in our prisons. They are like fish out of water without knowledge of the local language, and communication is a serious problem for them. A few of them also do not know the reason for their arrest. Our food habits and dress codes are all different from their countries. We need to give special attention to these people, but at the same time we must be prudent also as the Lord says, “Simple as dove and prudent as snakes” (Mt 10:16).

Repatriation is a process involving various steps:

Meeting the inmates
Once we come to know that there is a foreign inmate who needs our assistance, we meet him/her in person and talk with him/her personally and listen to his/her cry and needs. We may have to meet him/her many times to understand the background. At the same time we must also get the details from the concerned superintendent. In the meantime, we have to find the history of his/her case. If possible, we would have to meet his/her lawyer and get more details about him/her.

Details of the case
Many of the foreign inmates end up in prison for two reasons. One is smuggling of unauthorised goods and second is unauthorised stay in the country. Usually in the first scenario, we do not take up their case. But we try our best to help those imprisoned for unauthorised overstays in our country.

Time to help
We may not be able to help with their bail. Only those who have completed their sentence can we help. We have taken a policy that we will not give surety or guarantee for bail for any of the inmates, particularly the foreign inmates. Once we come to know that there is an inmate who is going to be released and needs our assistance, then we can enter the picture and start helping them. The time to help is at the time of his/her release.

Documents needed
When an inmate is released, we need a release order from the concerned prison. It would be good to have a copy of the judgement of the case for which he/she was sentenced. Additionally, we need a request letter from the concerned superintendent stating that he/she does not have anyone to help with the repatriation. Please keep him/her till the time of repatriation. Also, we must get a request letter from the released inmate.
Government homes

Once the foreign prisoner is released, s/he is to be sent to one of the government-run homes till his/her repatriation. These homes shelter foreign nationals staying in India without proper documentation. Many of these homes are run like another prison, so many of the inmates do not want to go to these homes. There will be nobody to take the initiative for their repatriation.

Police Department

As soon as a foreign inmate is released, it must be informed at the local station where he/she is being given shelter for short duration. He/she is staying in our country without valid documents for which he/she may be arrested again. So, we must inform the police department that he/she is with us for a short duration till his/her repatriation as per the request of the concerned prison superintendents. In the police departments we have various departments such as intelligence Q branch. They will have these inmates, who were released from prisons, under watch.

Address and identity proof

Once he/she is released we must get the complete address and trace his/her relatives. If there are relatives with phone numbers it will be a little easier. If they do not have any phone number or address we may have to get the help of our churches in the concerned area and request them to identify the place and the relatives. We must get the Police Verification report from the area of his/her address. We must also get the Home Verification report with the help of our churches in or around that area.

Embassy

As soon as he/she is released we must inform the concerned embassy and request them to issue a temporary passport for him/her to travel back to their country. The prison authorities should inform the concerned embassy prior to this. But it is only routine work. Only when we approach will they start the process and they will also be ready to help in a speedy manner for the repatriation.

FRRO (Foreign Regional Registration Officer)

After getting the temporary passport from the embassy, we must approach the FRRO and get the Exit Permit. To get the same we must apply online. We must also produce the place of stay and the copy of the release order. If it is a case of overstay there may be some penalty and issues with the Exit Permit. But if it is a case of smuggling narcotics then we must get the NOC (No objection certificate) from the concerned department that had filed the case. It may be the NCB (Narcotic Control Bureau) or the Customs and Excise department. This can be identified from the judgment copy where it will be mentioned under complainant. We must also produce the air ticket for the Exit permit. After getting the appointment date, we must go in person along with the inmate who is to be repatriated and produce all the original documents for verification. After verification the FRRO will issue the Exit permit.

As the Lord had said to Moses, “I have heard the cry of my people” (Exodus 3:7) and send him for their liberation, the Lord has called us to be the Moses of this generation to be the liberators of the foreign nationals in Indian prisons.

Lord Almighty has showered His abundant grace on us and helped us to repatriate many of the foreign prisoners to their respective countries with the help of the concerned embassies and specifically our church in the country. We are very proud to be Catholics. Since we are a universal church, we get cooperation from all over the world for these repatriations.
Mumbai: An unused patch of land inside Byculla Prison is set to undergo a transformation into a play area for the children of incarcerated women inmates. There are 24 children under the age of 6 living with their mothers inside the prison at present.

Apart from attending kindergarten for three hours, the rest of the day, Prison authorities thought a playpen would be perfect for their holistic development. An Austrian architect, who has prior experience in developing playpens for marginalised kids, is a part of the team involved in the transformation.

The Byculla prison houses around 1,000 inmates, of which around 400 are women. Prison rules allow women inmates, who have given birth during incarceration or those whose kids are under the age of 6, to live with them. Once the child crosses the age of six, he/she could either be sent to a shelter or to immediate family members, as decided by a court.

At Byculla, the balwadi (kindergarten) is housed in a structure right outside the prison entrance. Women inmates’ kids, between the ages of three and six, are escorted there at 10 am and back to the prison at 1 pm every day. The idea of coming with a playpen was born through discussions between prison officers, ‘Prays’ which is a field action project of Tata Institute of Social Studies (TISS) and Balaji Foundation, a non-profit organisation. “The objective of having of having play area inside the women’s section of the prison was to involve women inmates in spending time with children as they play”. Said Vijaya Raghavan, a TISS professor and project director of ‘Prayas.’

The space to be transformed is 300-sq-centimetre passage close to the ‘Bachha Barrack’- the barrack where all women inmates who have kids living with them are put up. Proposed designs show a blackboard on one wall where kids can create their own art, swings in the form of jute tyres, a sandpit where kids can play, plywood boxes forming a tunnel or with board games painted on them, artificial turf glass flooring so kids don’t get hurt, colourful tyres lying around to sit on and a bench for mothers to sit and keep an eye on their little ones.

“Playing with a box can build skills such as creativity, imagination and resourcefulness that toys with bells and whistles can’t. Every play element is multifunctional and the project is low budget and sustainable. The material we would use is recyclable and portable so it can be put away when not needed,” said Austrian architect Dr. Martina Maria Spies who is designing the transformation with her team at NGO Anukruti.

“As children are involved, we will ensure that there are no sharp edges,” she added. A colourful roof with a plastic sheet could be put up for protection during monsoon. Designers would also have to ensure that none of the material in the playpen has the potential to be turned into weapon by any inmate.

“With the help of TISS, we have identified a comprehensive proposal for upgradation of balwadis in all prisons across the state. We have also approached the state police housing corporation for CSR support,” said Rajvardhan Sinha, special IG, prisons.
The National Executive Body meeting was held at National Office, Prison Ministry India, Bengaluru from 9.30 am to 4 pm. Most. Rev. Allwyn D’Silva, chairman of Prison Ministry India, Most. Rev. Peter Remigius, former chairman, Fr. Sebastian, national coordinator, Sr. Lini Sheeja MSC, national secretary, regional coordinators, representatives of state coordinators, rehabilitation centres, laity, seminary, and nominees of both the new and old committees were present for the meeting. The meeting started with a prayer, followed by self-introduction by the members. Fr. Sebastian welcomed the members warmly saying he looked forward to the discussions. Bp. Allwyn gave the message to the members where he highlighted the importance of encountering Jesus, in order to lead the Church in a more meaningful and relevant way as the Magi encountered Jesus in the manger and took a different route.

The minutes of the previous meeting was presented by Sr. Lini MSC, the secretary, and the finance report was presented by Sr. Regina SOM, the treasurer, and approved. Highlighting the main activities coordinated by the regional coordinators during the period of April 2018 to March 2019, reports were presented by them. They presented the implementation of the yearly plan in all the regions, new ventures initiated by each state, success programs of Mission Reach Out 2018-2019 and future plans for the brethren behind the bars. The coordination work in all the regions, the 12th national conference of Prison Ministry India, and all the new ventures were appreciated and applauded by the members.

Many of the outgoing members shared their experiences of growth of Prison Ministry India, the hardships that they had encountered in order to motivate and encourage new members in the ministry, to never say quit and to keep moving. Various proposals were made by the chairman, the coordinator, and the members for betterment and for better service to the brethren behind the bars. Fr. Sebastian detailed the Mission Reach Out 2019-2020, as the national office staff would reach out to all the states. He also explained about the Full-timers Course as the plan was to have it this year from 13th May to 28th May, 2019 at Jyothir Bhavan, Passionist Centre, Carmelaram, Bengaluru. Prison Ministry India invites a one-year commitment or a volunteer. Nearly four lakh people are languishing without love, hope, and help in 1,401 prisons across India. So, PMI offers everyone a chance to be involved in their reform both inside and outside the prisons of India and their rehabilitation. There will be an intense 15-days training program for all the full-timers as well as for fresh and present volunteers of Prison Ministry India. The outgoing national executive members 2014-2018 were thanked by Fr. Francis Kodiyan, the co-founder of Prison Ministry India for all their selfless service in reaching out to the brethren, and their hard work and commitment were appreciated. The meeting came to an end with the proposal of vote-of-thanks by Sr. Lini MSC.

Walls do not create prisons. Let us work together and be the change in the world. May God bless you all.

Sr. Lini Sheeja MSC
National Secretary of Prison Ministry India
PRISON MINISTRY INDIA

Theme: THE SOUL OF INDIA LIVES IN IT’S VILLAGES

Let’s explore and explode in expressions.

PMI conducts a National Pencil Drawing Competition for the brothers and Sisters behind bars. Don’t miss this golden opportunity.

- Only for the Prison inmates.
- Use white paper (30 x 42 cms) and pencil or pen only.
- No colouring is required.
- Mention UT or CT Number, Name & Address of the person in English.

Last Date: The entry should reach the office before 31st May, 2019.

- Decision of the PMI will be final.
- No drawing over any photocopy allowed.

खोजो, व्यक्त करो और अपनी भावनाओं को विस्परोटे दो।

आप के कलमकारों की कोई सीमा नहीं है; आपके दिल की भावनाओं को खोजे और चित्रकला में अभिव्यक्त करो।

जो भाई लोग कारागार में हैं, उनके लिए पेश करते हैं; राष्ट्रीय पेनसिल ड्राइंग प्रतियोगिता। आप यह मूलभूत की ना खोजें।

- केवल कैदियों के लिए हैं।
- चित्र बनाने के लिए केवल स्केव कागज (30x42 cms) और पेनसिल या कलम का इस्तेमाल करें।
- रंग करने की जरूरत नहीं है।

1st Prize - ₹10,000/-
2nd Prize - ₹5,000/-
3rd Prize - ₹3,000/-

नए जीवन के लिए नए आंके का गुजरा।

- कैदी संख्या, नाम और पूरा पता अंग्रेजी में लिखना न भुले।
- आपकी कला ३१, मई २०१९ से पहले PMI के दफ्तर पहुँच करें।
- अंतिम निर्णय PMI का होगा।
- किसी तस्वीर में प्रति आकृतित करने की अनुमति नहीं।

All the Best for the DRAWINGS

PRISON MINISTRY INDIA

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The National Executive Body meeting held at National Office, Prison Ministry India, Bengaluru on 3rd April 2019

Visit to open air jail, Devanahalli, Bengaluru by MCBS Fathers, Brothers and PMI Team. Conducted various programmes and distributed prizes.