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Extradition Treaty between India and Belgium

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Why in News



Recently, the Union Cabinet has approved the signing and ratifying of the Extradition Treaty between the Republic of India and the Kingdom of Belgium.

- This will **replace the pre-Independence Extradition Treaty** between Great Britain and Belgium of 1901 that was made applicable to India through the exchange of Letters in 1958.
- The Treaty provides a legal framework for seeking extradition of terrorists, economic offenders, and other criminals from and to Belgium.

Extradition

- It is the formal process of one state surrendering an individual to another state for prosecution or punishment for crimes committed in the requesting country's jurisdiction.
- This is generally enabled through a bilateral or multilateral treaty.
- The legal basis for extradition with countries with whom India does not have an Extradition treaty is provided by **Section 3 (4) of the Indian Extradition Act, 1962**.

Salient Features of the Treaty

- **Obligation to Extradite:** Each Party agrees to extradite to the other any person found in its territory, who is accused or convicted of an **extraditable offence** in the territory of the other Party.
 - However, extradition of nationals is **discretionary**. The nationality will be determined **at the time the offence was committed**.
- **Extraditable Offences**
 - An extraditable offence means an **offence punishable under the laws of both the Parties with imprisonment for a period of one year or more severe punishment**.
 - **Offences relating to taxation, or revenue or is one of a fiscal character** also fall within the scope of this Treaty.
- **Mandatory Grounds for Refusal Under the Treaty:**
 - The offence involved is a **political offence**.
 - The offence is a **military offence**.
 - The request for prosecution has been made on **account of his race, sex, religion, nationality or political opinion**.

Source: PIB