



Extradition

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Why in News

Recently, the UK's Home Department has approved the **extradition of Nirav Modi, a diamond merchant** to India in connection with the Rs. 13,758-crore Punjab National Bank (PNB) fraud.

India and the UK entered into an **extradition treaty in 1992**.

Key Points

- **About:**

- Extradition is the process by which one state, upon the request of another, affects the **return of a person for trial for a crime** punishable by the laws of the requesting state and committed outside the state of refuge.
- The **Supreme Court** defined extradition as the **delivery on the part of one State to another of those whom it is desired to deal with for crimes of which they have been accused** or convicted and are justifiable in the Courts of the other State.
- Extraditable persons include those charged with a crime but not yet tried, those tried and convicted who have escaped custody, and those convicted in absentia.

- **Extradition Law in India:**

In India, the extradition of a fugitive criminal is governed under the **Indian Extradition Act, 1962**.

- This is **for both extraditing persons to India and from India** to foreign countries.
- The **basis of the extradition** could be a treaty between India and another country.

At present India has an **Extradition treaty** with more than 40 countries and Extradition agreement with 11 countries.

- **Extradition Treaty:**

- **About:**

- Section 2(d) of The Indian Extradition Act 1962 defines an 'Extradition Treaty' as a Treaty, Agreement or **Arrangement made by India with a Foreign State, relating to the extradition of fugitive criminals** which extends to and is binding on India. Extradition treaties are traditionally bilateral in character.

- **Principles Followed:**

- The extradition **applies only to such offences which are mentioned in the treaty.**
 - It applies the **principle of dual criminality** which means that the offence sought to be an offence in the national laws of requesting as well as requested country.
 - The requested country must be satisfied that there is a **prima facie case made against the offender.**
 - The extradition should be made **only for the offence for which extradition was requested.**
 - The accused must be provided with a **fair trial.**

- **Nodal Authority:**

- Consular, Passport and Visa Division of the Ministry of External Affairs, administers the Extradition Act and it processes incoming and outgoing Extradition Requests.

- **Implementation:**

- Extradition **can be initiated in the case of under-investigation, under-trial and convicted criminals.**
 - In cases under investigation, abundant precautions have to be exercised by the law enforcement agency to ensure that it is in possession of prima facie evidence to sustain the allegation before the Courts of Law in the Foreign State.

Source:TH