**What is Extradition?**

Extradition is the delivery of a person by one state to the other on the basis of a crime of which he is accused or convicted in the other state and the crime is justified in its courts.

**Extradition Treaties**

Extradition treaties provide a defined legal framework for the return of fugitives between countries. They are based on several principles:

- **Principle of Dual Criminality**: Requires that the offence for which extradition is sought be an offence under the national laws of both the countries of the requested country.
- **Principle of Extraditable Offences**: Extratation applies only to offences clearly stipulated in the treaty.
- **Rule of Specificity**: The extradited person must be tried only against the offence for which he was extradited.
- **Free & Fair Trial**: He must be accorded a fair trial (part of international human rights law now). Judiciary and other legal authorities are likely to apply these principles equally to situations where no extradition treaty exists.

**Ministry of External Affairs, Government of India**:

The Ministry of External Affairs is the Central/Nodal Authority that administers the Extradition Act and it processes incoming and outgoing Extradition Requests.

**Nodal authority for Extradition in India**: Ministry of External Affairs, Government of India.

**Significance of Extradition**

- **Deterrence to Future Absconders**
- **National Security and Safety in case of terrorists**
- **Bringing Economic fugitives back, could improve the health of financial institution of India and tackling NPA crisis.**

**Challenges for India**

- India has a very less number of bilateral extradition treaties and does not have any treaties with several neighboring states, such as China, Pakistan, Myanmar and Afghanistan. E.g. no treaty with Antigua has delayed extradition of Mehul Chouksi.
- Extradition is generally limited to crimes identified in the treaty which may vary from one State to another.
- **Double Jeopardy Clause**: It debars punishment for the same crime twice. Reason why India couldn’t extradite David Headley from the US.
- UK and other European countries have often denied extradition requests on the possibility that the requested person will be subject to poor conditions or custodial violence in India’s prisons.
- There is a fear within the international community that the accused persons would be subjected to torture in India due to absence of anti torture legislations.

**Way Forward**

- **Effective Preventive Law and Policy measures like Fugitive Economic Offenders Bill, 2018, signifies the government’s efforts to shift its focus to preventive, ex ante legal mechanisms.**
- **Signing More Extradition Treaties**: India has extradition treaties with only 47 countries.
- **Expedite Prison Reform** to dispel concerns regarding poor prison conditions and potential human rights violations of the requested person.
- **India may ratify the UN Convention Against Torture (1984)** (already signed by India) to establish India’s zero tolerance towards torture and custodial violence.
- **Adopting Global best Practices.**

**Extradition Act 1962**

Section 2(d) of 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 and includes any treaty, agreement or arrangement relating to the Extradition of fugitive criminals.

**For Serving Justice**