

## Extradition Act, 1962

### Chapter I - Preliminary

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This Act may be called the Extradition Act, 1962.

(2) It extends to the whole of India.

(3) It shall come into force on such date<sup>1</sup>as the Central Government may, by notification in the Official Gazette, appoint.

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1.5th January, 1963, vide Notification NO. G.S.R. 55, dated 5th January, 1963, published in the Gazette of India, Extraordinary, Pt. 11, Section 3 (i), p. 7.

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### Section 2 - Definitions

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In this Act, unless the context otherwise requires,--

<sup>1</sup>[(a) "composite offence" means an act or conduct of a person occurred, wholly or in part, in a foreign State or in India but its effects or Intended effects, taken as a whole, would constitute an extradition offence in India or in a foreign State, as the case may be;]

(b) "conviction" and "convicted" do not include or refer to a conviction which under foreign law is a conviction for contumacy, but the term "person accused" includes a person so convicted for contumacy ;

<sup>1</sup>[(c) "extradition offence" means--

(i) in relation to a foreign State, being a treaty State, an offence provided for in the extradition treaty with that State;

(ii) in relation to a foreign State other than a treaty State an offence punishable with imprisonment for a term which shall not be less than one year under the laws of India or of a foreign State and includes a composite offence;]

(d) "extradition treaty" means a treaty<sup>2</sup>[agreement or arrangement) made by India with a foreign State Relating to the extradition of fugitive criminals, and includes any treaty<sup>2</sup>[agreement or arrangement] relating to the extradition of fugitive criminals made before the 15th day of August, 1947, which extends to, and is binding on, India;

(e) "foreign State" means any State outside India<sup>3</sup>[\* \* \* \*], and includes every constituent part, colony or dependency of such State:

<sup>1</sup>[(f) "fugitive criminal" means a person who is accused or convicted of an extradition offence within the jurisdiction of a foreign State and includes a person who, while in India, conspires, attempts to commit or incites or participates as an accomplice in the commission of an extradition offence in a foreign State;]

(g) "Magistrate" means a Magistrate of the first class or a Presidency Magistrate ;

(h) "notified order" means an order notified in the official Gazette;

(i) "prescribed" means prescribed by rules made under this Act; and

(j) "treaty State" means a foreign State with which an extradition treaty is in operation.

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1. Substituted by Act No. 66 of 1993, Section 4 (w.e.f. 18th December, 1993).

2. Substituted by Section 4, Act No. 66 of 1993, for the words "or agreement" (w.e.f. 18th December, 1993).

3. Omitted by Act No. 66 of 1993, Section 54, (w.e.f. 18th December, 1993).

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### Section 3 - Application of the Act

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<sup>1</sup>[(1) The Central Government may, by notified order, direct that the provisions of this Act, other than Chapter III, shall apply to such foreign State or part thereof as may be specified in the order.]

(2) The Central Government may, by the same notified order as is referred to in sub-section (1) or any subsequent notified order, restrict such application to fugitive criminals found, or suspected to be, in such part of India as may be specified in the order.

(3) Where the notified order relates to a treaty State--

(a) it shall set out in full the extradition treaty with that State ;

(b) it shall not remain in force for any period longer than that treaty: and

(c) the Central Government may, by the same or any subsequent notified order, render the application of this Act subject to such modifications, exceptions, conditions and qualifications as may be deemed expedient for implementing the treaty with that State.

<sup>2</sup>[(4) Where there is no extradition treaty made by India with any foreign State, the Central Government may, by notified order, treat any convention to which India and a foreign State are parties, as an extradition treaty made by India with that foreign State providing for extradition in respect of the offences specified in that Convention.]

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1. Substituted by Act No. 66 of 1993, section 5 (w.e.f. 18th December, 1993).

2. Inserted by Act No. 66 of 1993, Section 5 (w.e.f. 18th December, 1993).

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