

Extradition Act, 1962

Section 2 - DEFINITIONS In this Act, unless the context otherwise requires,- 3[

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; 3[(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 treaty⁴[, agreement or arrangement] made by India with a foreign State relating to the extradition of fugitive criminals, and includes any treaty ⁴[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 India⁵[* * * *] and includes every constituent part, colony or dependency of such State; 3[(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.