

Extradition Act, 1962

Section 31 - RESTRICTIONS ON SURRENDER 37[

1)] A fugitive criminal shall not be surrendered or returned to a foreign State³⁶[* * * * *]- (a) if the offence in respect of which his surrender is sought is of a political character or if he proves to the satisfaction of the Magistrate or Court before whom he may be produced or of the Central Government that the requisition or warrant for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character; (b) if prosecution for the offence in respect of which his surrender is sought is according to the law of that State³⁶[* * *], barred by time; 37[(c) unless provision is made by that law of the foreign State or in the extradition treaty with the foreign State that the fugitive criminal shall not be determined or tried in that State for an offence other than- (i) the extradition offence in relation to which he is to be surrendered or returned; (ii) any lesser offence disclosed by the facts proved for the purposes of securing his surrender or return other than an offence in relation to which an order for his surrender or return could not be lawfully made; or (iii) the offence in respect of which the Central Government has given its consent;] (d) if he has been accused of some offence in India, not being the offence for which his surrender or return is sought, or is undergoing sentence under any conviction in India until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise; (e) until after the expiration of fifteen days from the date of his being committed to prison by the magistrate. 38[(2) For the purposes of sub-section (1), the offences specified in the Schedule shall not be regarded as offences of a political character. (3) The Central Government having regard to the extradition treaty made by India with any foreign State may, by notified order, add or omit any offence from the list given in the Schedule.]