LEGAL REGIME OF EXTRADITION: NATIONAL AND INTERNATIONAL PERSPECTIVE

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ABSTRACT

Extradition is the formal surrender of a person by one State (the “requested State”) to the authorities of another (the “requesting State”) for the purpose of criminal prosecution or the enforcement of a sentence. It is a form of legal assistance between States, granted on the basis of a bilateral or multilateral treaty, or by adhoc agreement. The absence of a uniform code on the principles that govern the extradition of fugitives and criminals, have led to many problems wherein the authorities have to face challenges in obtaining custody of criminals who had run away from the country. Under International Law, there is no general duty to extradite.

The present thesis makes an in depth study of all the theoretical issues relating to extradition such as the concept, characteristics, principles and legal basis for extradition, the role of Courts in extradition; comparison of extradition with other forms of international cooperation, relationship between extradition and asylum in the context of protection of human rights. Moreover, an effort to systematic research of the practical signing, accession to and implementation of international treaties and national laws in extradition of Civil Law and Commonwealth countries has been made in this study. The aim of the present research is to promote a synchronous solution at national and international level towards improving the efficiency of negotiation, signing, joining international treaties, improving the International Law on extradition and enhancing effective extradition worldwide. To canvass the possibility of concluding single Convention or Model Code of Extradition, would well serve the need for common obligation to extradition by such single instrument having universal application. The
methodology used in the research is analytical, critical and comparative. The present study has been divided into seven Chapters, which respectively elaborate upon national and international perspective of legal regime of extradition. Chapter I - Introduction provides the general outline of the law of extradition and definition of extradition given by various jurists. It further indicates the objectives of the study, research issues and the research methodology followed in the thesis. Chapter II - Historical Perspective of Law of Extradition deals with the picture of the historical evolution of the law of extradition. Chapter III- General Principles of Extradition refers to the general rules followed by the countries while dealing with the question of extradition. Chapter IV - Extradition and Asylum deals with ‘Asylum’ and its comparative analysis with ‘Extradition. Chapter V- Procedural Aspects of Extradition highlights various stages of the procedure adopted by different countries including India for reaching a decision, whether or not to grant extradition. Chapter VI- Role of the Judiciary and Executive in Extradition Proceedings discusses the extent to which executive and judiciary play role in extradition proceedings. Chapter VII- Conclusion and Suggestions provides an overall assessment which emphasizes the importance of Law of Extradition as an effective mechanism to combat criminality, followed by recommendations that can result in improvements in the present law on extradition.

**Key words:** Extradition, Convention, Surrender, Agreement, Criminals, Treaties, Asylum, International Law, States, Countries, Courts, United Nations, Civil Law, Commonwealth, Model Treaty, Model Code.