**PREFACE**

A special role amongst various efforts to combat transnational criminal activity belongs to extradition, which has transformed into a form of international cooperation and become an indispensable tool for ensuring war against crime in any part of the world. 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 research has been undertaken with the purpose to make 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 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, definition of extradition, differences between ‘rendition’ and ‘extraordinary rendition’, deportation and expulsion and abduction. It further discusses about the parties to extradition, legal basis of extradition, common themes of extradition, and human rights as a bar to extradition, introduces the comparison between extradition and asylum and in brief procedural aspects of extradition. The Chapter further indicates the objectives of the study, research issues and the research methodology followed in this study.

**Chapter II -HISTORICAL PERSPECTIVE OF LAW OF EXTRADITION** deals with the picture of the historical evolution of the law of extradition, the first treaty, ancient beginning, developments of eighteenth century, nineteenth century and twentieth century including recent developments, prevailing views on extradition in International Law and practice, ways of extradition, bilateral treaties , multilateral Conventions and arrangements. In the end the chapter discusses the history of extradition in India.

**Chapter III-GENERAL PRINCIPLES OF EXTRADITION** refers to the general rules followed by the countries while dealing with the question of extradition. It discusses in detail the extradition rules such as requirement of extradition treaty or arrangement, kinds of extradition treaties, other general principles pertaining to extradition such as extradition and political offence, extradition and human rights, double criminality, doctrine of speciality, nationality and extradition , military offences, fiscal offences , *pima facie* evidence and lapse of time are discussed in detail.
Chapter IV-EXTRADITION AND ASYLUM deals with ‘Asylum’ and its comparative analysis with ‘Extradition. With the brief introduction it discusses the historical background of asylum, rationale for asylum, types of asylum, similarities and differences between territorial and extraterritorial asylum, right of asylum under international instruments, asylum as a customary law, asylum as a human right, an appraisal of the relationship between asylum and extradition, extradition and principle of non-refoulement, position in India, conflict between asylum and extradition, application of non-refoulement principle in extradition cases concerning refugees or asylum seekers, approaches on relation between extradition and asylum procedures, role of UNHCR in extradition proceedings, red notices and International refugee protection and in the end the difference between extradition and exclusion has been pointed out.

Chapter V-PROCEDURAL ASPECTS OF EXTRADITION highlights various stages of the procedure adopted by different countries including India for reaching a decision on whether or not to grant extradition. It begins with the introduction, sources and content of procedural rules, initiation of extradition proceedings that is request for extradition, arrest and detention, request for provisional arrest, mode of communication, temporary release on bail, concurrent requests by more than one States, concurrent demands for the same offence and concurrent demands for different offences.

Chapter VI-ROLE OF THE JUDICIARY AND EXECUTIVE IN EXTRADITION PROCEEDINGS, discusses the extent to which executive and judiciary play role in extradition proceedings, by focusing on the State practice, evidence of culpability or the quantum of proof required for extraditing the fugitive offender, evidence in case of convicts, evidence on behalf of the accused, surrender including postponement of surrender or conditional surrender, postponement of the extradition, persons in transit, conviction in
absentia, extradition and *habea* *corpus*, property of fugitive offender, expenses in case of extradition proceedings and position in India.

In 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.