

EXTRADITION TREATIES

Extradition Agreement between the Republic of India and the Kingdom of Bhutan

Preamble:

The Government of the Republic of India and the Government of the Kingdom of Bhutan, hereinafter called the Parties :

Being fully committed to safeguarding each other's security and stability;

Taking cognizance of the rising trend in terrorist, secessionist, criminal and other unlawful activities affecting peace and stability in their territories;

Desirous of cooperating effectively to prevent and suppress such terrorist, secessionist, criminal and other unlawful activities affecting their security and stability;

Have agreed, in keeping with the spirit of abiding friendship and close cooperation between them, to enter into a new extradition agreement with each other which is as follows:

Article 1

Duty to Extradite

Each Contracting Party agrees to extradite to the other, subject to the conditions of this Agreement, any person, who, being accused of, charged with or convicted of an extraditable offence in the territory of one Party, is found in the territory of the other Party, whether or not such offence was committed before or after the coming into force of this Agreement.

Article 2

Extraditable Offences

1. An offence shall be an extraditable offence if it is punishable under the laws in either Contracting State by deprivation of liberty, including imprisonment, for a period of more than one year or by a more severe penalty.
2. Extradition shall also be granted for acts committed outside the Requesting State and the Requested State which under the law of the Requesting State are deemed to be an offence liable for prosecution within that State.
3. An offence shall also be an extraditable offence if it consists of an attempt or a conspiracy to commit, aiding or abetting, counseling (sic) or procuring the commission of or being an accessory before or after the fact, to, any extraditable offence.

Article 3

Composite Offences

1. Extradition shall be available in respect of an extraditable offence whenever an act or conduct of a person occurred, wholly or in part, in the Requested State but the consequences of which as intended by the offender occurred within the Requesting State or, by the nature of the commission of which, the consequence resulting therefrom should occur within the Requesting State or it could be foreseen that the consequence would occur within the Requesting State, deeming that such offence is committed within the Requesting State.
2. Preparation or attempt to commit a composite offence as defined in paragraph 1 or the acts of a co-principal, a supporter or an instigator in the commission of such a composite offence shall be deemed to be extraditable offences liable for prosecution within the Requesting State.
3. Extradition shall also be available in respect of individuals belonging to an organisation engaging in activities declared to be unlawful by the law of the Requesting State and in respect of persons aiding, abetting or promoting such unlawful activities or objectives of the organisation or association.

Article 4

Mutual Assistance

1. The two Parties shall render the greatest measure of mutual assistance to each other through consultations between appropriate channels, exchange of information, intelligence and expertise and such other cooperative measures as may be appropriate with a view to prevent and suppress activities in each other's territories, affecting their security, by persons belonging to:
 - (a) the Requesting State but found in the territory of the Requested State;
 - (b) the Requested State; and
 - (c) third countries but found in the Requested State.
2. With a view to promote and facilitate cooperation on an ongoing basis in respect of matters referred to above in this Article, the Parties shall establish appropriate joint mechanism.

Article 5

Grounds for Refusal

Extradition shall not take place if the person whose extradition is sought by the Requesting State has already been tried and discharged or punished or is still under trial in the territory of the Requested State for the offence for which his extradition is requested.

Article 6

Extradition Procedure

A request for extradition and/or mutual assistance under this Agreement shall be available at the request of either party to the other party or by any officer(s) authorised by them respectively in this regard. The request for extradition shall be in writing and shall be processed in accordance with the law of the Requested State. For this purpose, a warrant of arrest issued by a court of law or any other agency authorised by the Requesting State shall be sufficient. The Parties thereby agree to dispense with the requirement of the prima facie case.

Article 7

Provisional Arrest

In case of urgency, either Contracting Party may apply for the provisional arrest of the person sought before the request for extradition has been submitted to the Requested State through diplomatic channel. The request for provisional arrest shall be made through diplomatic channels and shall be processed in accordance with the law of the Requested State.

Article 8

Surrender

If the extradition request has been granted, surrender of the persons sought shall take place within such time and at such place as may be mutually agreed between the Parties.

Article 9

Expenses

The expenses of any apprehension, detention or surrender made in pursuance of this Agreement shall be borne and defrayed by the Requested State.

Article 10

Ratification and Termination

This Agreement is subject to ratification and the instruments of ratification shall be exchanged at Thimphu/Delhi as soon as possible. It shall come into force upon the exchange of instruments of ratification.

Either of the Contracting Parties may terminate this Agreement by giving six months' notice thereof through diplomatic channels. Upon the expiry of such notice, the Agreement shall cease to have any force or effect.

In witness whereof, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done at TashichhoDzong, Thimphu on the Twenty-eighth day of December, Nineteen Hundred and Ninety six, in the originals each in Hindi, Dzongkha and English languages, each text being equally authentic. However, in case of difference, the English text shall prevail.

For the Government of
the Republic of India

For the Government of
the Kingdom of Bhutan

(Dalip Mehta)
Ambassador of India, Thimphu

(Lyonpo Dago Tshering)
Minister of Home Affairs