India-Nepal Extradition Treaty

TREATY OF EXTRADITION BETWEEN
THE GOVERNMENT OF INDIA AND
THE GOVERNMENT OF NEPAL

Kathmandu, 2 October 1953

The Government of India and the Government of Nepal, being desirous of regulating extradition of criminals as between the two countries, have resolved to enter into a new Treaty of Extradition with each other, and have for this purpose, appointed as their plenipotentiaries the following persons, namely,

THE GOVERNMENT OF INDIA: His EXCELLENCY SHRI BHALCHANDRA KRISHNA GOKHALE, Ambassador of India in Nepal,

THE GOVERNMENT OF NEPAL: THE HON'BLE SHRI MATRIKA PRASAD KOIRALA, Prime Minister of Nepal, Who having examined each other's credentials and found them good and in due form have agreed as follows

Article I

The two Governments hereby engage on a basis of strict reciprocity to deliver up to each other those persons, who, being accused, or convicted, of a crime committed in the territory of one Government, shall be found within the territory of the other Government, under the circumstances and conditions stated in the present Treaty.

Article II

Neither Government shall be bound in any case to surrender any person who is not a national of the country by the Government of which the requisition has been made, except where such person is accused of having committed the offence specified in clause (10) of Article 3.

Article III

The offences for which extradition is to be granted in accordance with this Treaty are the following, namely

1. Murder or attempt or conspiracy to murder.
2. Culpable homicide not amounting to murder.
3. Grievous hurt.
4. Rape.
5. Dacoity.
6. Highway robbery.
7. Robbery with violence.
8. Burglary or house-breaking.
9. Arson.
(10) Desertion from Armed Forces.
(11) Offences against the laws prohibiting the export and import of goods.
(12) Embezzlement by public officers.
(13) Serious theft, that is to say cases of theft where violence, bar, been used or where the value of the property stolen exceeds Rs. 500 and cattle stealing.
(14) Abduction or kidnapping.
(15) Forgery and the use of what is known to be forged, counterfeiting or altering money; uttering or bringing into circulation counterfeited or altered money.
(16) Receiving of illegal gratification by a public servant.
(17) Escaping from custody while undergoing punishment after conviction for any of the offences specified in clauses (1) to (16).

Article IV

In no case shall either Government be bound to surrender any person accused of an offence except upon a requisition duly made by or under the authority of the Government in whose territories the offence is alleged to have been committed and also upon such evidence of criminality as according to the laws of the country in which the accused person shall be found, would justify the apprehension and sustain the charge if the offence had been committed there.

Article V

Neither Government shall be bound to surrender any person if the offence in respect of which the surrender is demanded be of a political character, or if he proves that the requisition for his surrender has in fact been made with a view to trying or punishing him for an offence of a political character.

Article VI

Extradition shall not take place if the person whose extradition is claimed by one of the Governments has already been tried and discharged or punished or is still under trial in the territory of the other Government for the crime for which extradition is demanded.

Article VII

If the person whose extradition is claimed by one Government is under trial for any crime in the territory of the other, his extradition may be deferred until the conclusion of the trial.

Article VIII

A person surrendered shall in no case be detained or tried in the territory of the Government to which the surrender has been made for any other crime or on account of any matter other than those for which extradition has taken place until he has been resorted, or had an opportunity of returning, to the territory of the Government from which he was surrendered.

Article IX

If evidence sufficient to justify the extradition is not produced within two months from the date of apprehension of the fugitive or within such further period as may be allowed by the Government to which the requisition for extradition has been made or by the Court before which the evidence is to be produced, the fugitive shall be set at liberty.
Article X

The expenses of any apprehension, detention or surrender made in pursuance of this Treaty shall be borne and defrayed by the Government making the requisition.

Article XI

This Treaty supersedes and cancels all previous Treaties, Agreements and Engagements on the subject.

Article XII

This Treaty shall come into force without ratification, one month after the date of signature by both parties and may be terminated by either party by giving one year's notice.

DONE in duplicate at Kathmandu, this 2nd day of October, 1953.

BHALCHANDRA KRISHNA GOKHALE,
For the Government of India.

MATRIKA PRASAD KOIRALA,
For the Government of Nepal.