



13. 16 वर्ष से कम आयु की किसी लड़की के साथ नैयुत या नैयुत कामल।
14. किसी के साथ शारीरिक व्यवहार।
15. किसी महिला के गर्भपात कराने के उद्देश्य में औषधि विसर्जना-विषाक्तता या औजारों का प्रयोग करना।
16. अपहरण।
17. बन्ध्या चुराना।
18. नाबालिगों का अपहरण और उन्हें गलत ढंग से बंदी बनकर रखना।
19. सेंधमारी और चोरी से घर में घसना।
20. आगजनी
21. हिंसात्मक डकैती।
22. रेलगाड़ी की सुरक्षा को खतरे में डालने से किया गया कोई भी दुर्भाग्यपूर्ण कार्य।
23. घन ऍज के इरादे से पत्त द्वारा या किसी अन्य तरीके से घम-किया देना।
24. अंतर्राष्ट्रीय विधि के अधीन जलदस्भुता।
25. समुद्र में किसी पोत को डुबाना या नष्ट करना या ऐसा करने का प्रयत्न करना।
26. किसी को मारने या नैमीर शारीरिक नुकसान पहुंचाने के इरादे से खुले समुद्र में जहाज में सवारों पर हमले करना।
27. खुले समुद्रों में जहाज पर सवार दो या दो से अधिक व्यक्तियों द्वारा जहाज के स्वामी के प्राधिकार को विरुद्ध विद्रोह करना।
28. मुलानों का इस तरह ब्यापार करना जो दोनों राज्यों के कानूनों के विरुद्ध दौड़क अपराध बनता हो।

उपरोक्त में से किसी भी अपराध में भाग लेने के लिए भी प्रत्येक की अनुमति दी जाएगी बसों कि इस प्रकार की भागीदारी उस देश के कानूनों के अनुसार प्रत्येक का अपराध बनता हो जिसे इनके लिए प्राबेदन किया गया हो।

उक्त मामलों में प्रत्येक तभी किया जाएगा जबकि सम्बन्ध अपराध यदि उस देश के अधिकार क्षेत्र में किया गया हो, जिससे प्रत्येक करने की मांग की गयी है, उस देश के कानूनों के अनुसार प्रत्येक अपराध बनता हो।

जिस राज्य से प्रत्येक की मांग की गई हो, वह अगर चाहे तो किसी ऐसे अपराध के संबंध में भी प्रत्येक की अनुमति दे सकता है जिसमें दोनों संविदाकारी पक्षों के तत्कालीन कानूनों के अनुसार इसकी अनुमति दी जा सकती हो।

अनुच्छेद तीन—दोनों में से कोई भी सरकार पूर्णतः अपने विवेक से अपने अजाजनों की दूसरी सरकार को सौंपने से इस्कार कर सकती है।

अनुच्छेद चार—अगर ब्रिटेन की सरकार जिस व्यक्ति को प्रत्येक की मांग करे उस पर नीदरलैंड की सरकार जिस व्यक्ति की मांग करे उस पर दोनों उच्च संविदाकारी पक्षों में से किसी एक के प्रदेश में उस अपराध के लिए पहले से ही मुकदमा चलाया जा चुका हो या उसके फलस्वरूप जारी कर दिया गया हो या दंडित किया गया हो या वास्तव में उस पर मुकदमा चल रहा हो उसका प्रत्येक नहीं होगा।

यदि उस व्यक्ति के संबंध में, जिसकी मांग ब्रिटेन की सरकार को और से की गयी हो या उस व्यक्ति के संबंध में, जिसकी मांग नीदरलैंड की सरकार की ओर से की गयी हो, जांच पड़ताल चल रही हो या वह दोनों उच्च संविदाकारी पक्षों के प्रदेशों के अन्दर किसी भी अपराध के लिए दोष सिद्ध होने पर सजा भुगत रहा है या उसका प्रयोग या तक स्पष्टि रखा जाएगा जब तक कि वह दोषपूर्ण कण्डर किस प्रकार या अपनी सजा को मिलाए पूरी कसबा अन्यथा रिहा न कर दिया गया हो।

अनुच्छेद पांच—प्रत्येक उन देश में भी नहीं किया जाएगा जब कि अपराध करने के बाद या दंड अनियोजित मरु करने या उन परिणामों पर दोष सिद्ध हो जाने के बाद निर्धारित समय अग्रिम की जाति का बन्ध से उस व्यक्ति को अनियोजित या दंड से उस राज्य के कानूनों के अनुसार छूट मिल गई हो, जिस राज्य से प्रत्येक का अनुरोध किया गया है।

अनुच्छेद छह—किसी ऐसी प्रजातीय अपराधों का समर्थन नहीं किया जाएगा यदि उसका अपराध जिसके संबंध में उसकी समर्थन की मांग की गई हो, राजनीतिक स्वयं का हो या वह यह सिद्ध कर दे कि उसके समर्थन की मांग वास्तव में एक राजनीतिक स्वयं के अपराध के लिए जो पर मुकदमा चलाने या सजा देने के लिए की गई है।

अनुच्छेद सात—समर्पित किसी व्यक्ति को किसी भी मृत में जेल में नहीं रखा जाना चाहिए और न ही उस राज्य में जिसे वह समर्पित किया गया हो उस अपराध या उन मामलों को छोड़कर किसी अन्य अपराध या किसी अन्य मामलों के लिए मुकदमा नहीं चलाया जाना चाहिए जिसके लिए उसका प्रत्येक किया गया हो जब तक कि उसे उस राज्य की वास्तव न सौंप दिया गया हो जिसने उसका समर्थन किया है या वहाँ मौतों के बाद उसे एक महीने का नौका न मिल गया हो।

यह प्रत्येक अपराधों पर लागू नहीं होती जो प्रत्येक के बाद किए गए हैं अनुच्छेद आठ—प्रत्येक का अनुरोध उच्च संविदाकारी पक्षों के यहाँ अपने राजनयिक एजेंटों के माध्यम से किया जाएगा।

दोषी व्यक्ति के प्रत्येक की मांग के साथ प्रत्येक की मांग करने वाले देश के सक्षम प्राधिकारी द्वारा जारी किया गया विज्ञापन का वारंट होना चाहिए और ऐसे साक्ष्य भी साथ में होने चाहिए जिससे अनुमति के मिलने की जगह के कानून के अनुसार यह स्थापित रहता हो कि अगर वह वहाँ ऐसा अपराध करना तो वहाँ भी उसे विज्ञापन किया जाना।

यदि किसी ऐसे व्यक्ति के प्रत्येक की मांग का नहीं हो जो वहाँ ही दोषी सिद्ध हो चुका हो तो अनुरोध के साथ उस देश के जो प्रत्येक की मांग करता है, सक्षम न्यायालय द्वारा दोषी व्यक्ति के विरुद्ध जारी दण्डादेश होना चाहिए।

दुराग्रहपूर्वक दी गई किसी सजा का निवृत्त नहीं माना जाएगा बल्कि ऐसे सजावापन व्यक्ति के साथ एक अनुमति की तरह व्यवहार किया जाएगा।

अनुच्छेद नौ—यदि प्रत्येक की मांग पूर्वानुमति पक्षों के अनुरोध है तो उन देश के जिसे प्राबेदन किया गया हो, सक्षम प्राधिकारी प्रजातीय व्यक्ति को रिहा करन की कार्यवाही करे।

अनुच्छेद दस—राजनयिक माध्यम से प्रत्येक के लिए मांग प्रत्येक होने तक प्रजातीय अपराधों को दोनों में से किसी एक देश में किसी पुलिस मजिस्ट्रेट वरिष्ठ आफ द पीस या अन्य सक्षम प्राधिकारी द्वारा ऐसी किसी सूचना या निष्कर्ष और ऐसे साक्ष्य के आधार पर या ऐसी कार्रवाई के बाद जिसमें वारंट जारी करने वाले प्राधिकारी की राय में वारंट जारी करने का औचित्य सिद्ध होता हो, जारी वारंट के अन्तर्गत

1. The first part of the document discusses the general principles of the law of contract, including the formation of a contract, the elements of a contract, and the enforceability of a contract.

2. The second part of the document discusses the law of tort, including the elements of a tort, the types of torts, and the remedies available for a tort.

3. The third part of the document discusses the law of property, including the types of property, the acquisition of property, and the transfer of property.

4. The fourth part of the document discusses the law of succession, including the types of succession, the will, and the intestate succession.

5. The fifth part of the document discusses the law of evidence, including the types of evidence, the burden of proof, and the rules of evidence.

6. The sixth part of the document discusses the law of criminal law, including the elements of a crime, the types of crimes, and the punishment for a crime.

7. The seventh part of the document discusses the law of constitutional law, including the structure of the government, the powers of the government, and the rights of the citizens.

8. The eighth part of the document discusses the law of international law, including the sources of international law, the types of international law, and the enforcement of international law.

9. The ninth part of the document discusses the law of comparative law, including the differences between different legal systems and the reasons for these differences.

10. The tenth part of the document discusses the law of legal history, including the development of the law over time and the influence of different legal systems.

11. The eleventh part of the document discusses the law of legal theory, including the different schools of thought in legal theory and the relationship between law and morality.

12. The twelfth part of the document discusses the law of legal education, including the different methods of legal education and the role of the legal profession.

13. The thirteenth part of the document discusses the law of legal research, including the different methods of legal research and the importance of legal research in the legal profession.

14. The fourteenth part of the document discusses the law of legal writing, including the different styles of legal writing and the importance of legal writing in the legal profession.

15. The fifteenth part of the document discusses the law of legal ethics, including the different codes of ethics for the legal profession and the importance of legal ethics in the legal profession.

16. The sixteenth part of the document discusses the law of legal reform, including the different methods of legal reform and the importance of legal reform in the legal profession.

17. The seventeenth part of the document discusses the law of legal education reform, including the different methods of legal education reform and the importance of legal education reform in the legal profession.

18. The eighteenth part of the document discusses the law of legal research reform, including the different methods of legal research reform and the importance of legal research reform in the legal profession.

19. The nineteenth part of the document discusses the law of legal writing reform, including the different methods of legal writing reform and the importance of legal writing reform in the legal profession.

20. The twentieth part of the document discusses the law of legal ethics reform, including the different methods of legal ethics reform and the importance of legal ethics reform in the legal profession.

21. The twenty-first part of the document discusses the law of legal reform reform, including the different methods of legal reform reform and the importance of legal reform reform in the legal profession.

22. The twenty-second part of the document discusses the law of legal education reform reform, including the different methods of legal education reform reform and the importance of legal education reform reform in the legal profession.

लिए एक प्रत्येक की मांग की हो तो उस व्यक्ति का प्रत्येक उस देश को दिया जाएगा, जिसे पहले मांग की हो।

**अनुच्छेद-पन्द्रह—**गुप्त किए जाने वाले व्यक्ति की गिरफ्तारी के समय जो मामला उसके पास था, वह यदि, उस देश के, जिसे प्रत्येक के लिए आदेश दिया गया है, मक्षम प्राधिकारी ने उसके प्रेषण के आदेश दिए हैं तो प्रेषण के समय दिया जाएगा और फिर चुगवा हुआ मामला ही नहीं बल्कि हर ऐसी हर चीज दे दी जाएगी जिसे उसका अधिकाधिक प्रमाणित हो सकता है।

**अनुच्छेद-सालह—**दोनों सरकारों परस्पर यह घोषणा करती है कि गुप्त किए जाने वाले व्यक्ति को गिरफ्तार करने, उसे खिलाने-पिलाने और उसके परिवहन पर जो खर्च आया उसके भुगतान का दावा नहीं करेगी और उन तमाम खर्चों का भी जो उन्हें गुप्त किए जाने वाले व्यक्ति को जहाज में बैठाने तक अपने-अपने प्रदेशों की सीमा में करना होगा नहीं वे जस्त की गई चीजों को देने या लौटाने पर खर्च लेगे जिनमें उन जल जात का भेजना और वापस करना भी शामिल है जिनमें अपराध का प्रमाण हो और ऐसे ही दूसरे दस्तावेज भी; और वे परस्पर इन पर बात सहमत हैं कि वे ऐसी सभी खर्च खुद ही उठाएंगे।

लेकिन उक्त अनुबंध कनाडा को और वहां से होने वाली प्रेषण पर लागू नहीं होगा, जहां तक इस कालोनी का संबंध है सभी खर्च मांगकर्ता राज्य द्वारा वहन किए जाएंगे।

प्रत्येक के अधीन व्यक्ति को मांगकर्ता राज्य के राजनयिक या कोमली एजेंट द्वारा इंगित बंदरगाह पर पहुंचाया जाएगा।

**अनुच्छेद-सत्रह—**यदि दोनों देशों में से किसी एक के किसी न्यायालय या न्यायाधिकरण में कोई फौजदारी मामला चल रहा है और उसके मामले में दूसरे के देश में किसी गवाही का साक्ष्य लेना वांछनीय समझा जाए तो जिस देश में वह गवाह हो वहां इस विषय पर लागू कानूनों के अनुसार वहां के न्यायिक अधिकारी इस कानूनों के अनुसार इस प्रकार का साक्ष्य ले सकते हैं और इस प्रकार का साक्ष्य लेने में जो खर्च आया उसे वह देश भरा करेगा जिसमें यह साक्ष्य लिया गया हो।

**अनुच्छेद-अठारह—**वर्तमान संधि के अनुबंध दोनों उच्च न्यायाधीशों की कालोनियों और इनके अधीन विदेशी क्षेत्रों पर लागू होगी, लेकिन चूंकि ये अनुबंध मातृदेश के कानून पर आधारित है इसलिए इसका पालन दोनों और से उतना ही किया जाएगा जितने की वे इन कालोनियों या अधिकृत क्षेत्रों में लागू कानूनों से मिल सकते हैं।

किसी अपराधी के प्रत्येक की मांग, जिसे किसी भी एक न्यायाधीशों की पक्ष की कालोनी या विदेशी अधिकृत क्षेत्र में शरण नहीं है, कोय उस कालोनी या अधिकृत क्षेत्र के गवर्नर या प्रमुख अधिकारी को दूसरे न्यायाधीशों की पक्ष के एक कालोनी या अधिकृत क्षेत्र के गवर्नर या प्रमुख अधिकारी द्वारा भी की जा सकती है जब दो कालोनियों या विदेशी अधिकृत क्षेत्र एशिया, आस्ट्रेलिया (जिसमें न्यूजीलैंड और ताइवान शामिल हैं) प्रशांत और हिन्द महासागर, या दक्षिण या पूर्वी अफ्रीका में स्थित हों।

यदि दो कालोनियों विदेशी अधिकृत क्षेत्र अमेरिका (जिसमें वेस्ट इंडिया द्वीप समूह शामिल है) में स्थित हों तो इसी नियम का अनुसरण किया जाएगा।

उक्त गवर्नरों या प्रमुख अधिकारियों का यह अधिकार होगा कि वे प्रत्येक की अनुमति दे या अपनी सरकार को इस मामले में भेज दें।

अथवा सभी मामलों में प्रत्येक की मांग राजनयिक अधिकारियों से की जाएगी।

अस्थायी गिरफ्तारी की अवधि जैसी कि अनुच्छेद दस में व्यवस्था है, इस अनुच्छेद के उद्देश्यों के लिए 60 दिन कर दी जाएगी।

**अनुच्छेद-उत्तम—**जिन दिन से यह संधि लागू हो जाएगी उसी दिन से दोनों देशों के बीच 19 जून 1874 को सम्पन्न प्रत्येक संधि निष्प्रभावी हो जाएगी परन्तु वर्तमान संधि इस संधि के अन्तर्गत आने वाले सभी अपराधों पर लागू होगी चाहे वे इसके लागू होने के दिन से पहले या बाद में किए गए हों।

**अनुच्छेद-बीस—**वर्तमान संधि अनुसंधान के प्रयोजन होगी और अनुसंधान के दस्तावेजों का अन्तर्गत आदान-प्रदान किया जाएगा।

यह संधि अनुसंधान के दस्तावेजों के आदान-प्रदानों के तीन महीने बाद लागू होगी। कोई भी उच्च न्यायाधीश पक्ष किसी भी समय इसे समाप्त करने के अपने इरादे को सूचना दूसरे पक्ष को छह महीने पहले देकर समाप्त कर सकता है।

जिनके माध्य में दोनों देशों के अपने-अपने पूर्वधिकारियों ने इस पर हस्ताक्षर किए हैं और इसपर अपना-अपनी मुद्रा लकवा दी है।

नियम में आज 1898 के निम्नलिखित नाम के छहवां दिन दो प्रतियों में सम्पन्न हुई।

अतः, अतः, केंद्र सरकार प्रत्येक अधिनियम, 1962 (1962 का 34) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्णय देती है कि उक्त अधिनियम के अनुबंध प्रथम 3 का छांड़कर, इस आदेश के प्रकाशन की तारीख को और उससे नोटरलेस को लागू होगी।

[सं.एन./413/13/88]

डा. वि. श्रीनिवासन राव, निदेशक (वि.एन. सं०)

#### MINISTRY OF EXTERNAL AFFAIRS

(Legal & Treaties Division)

#### ORDER

New Delhi, the 28th July, 1989

G.S.R. 721E).—Whereas the treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and Her Majesty the Queen of the Netherlands, for the extradition of criminals, dated 26th day of September 1898 and ratifications exchanged at London, on December 14, 1898, provides as follows:—  
"Article-I

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime or offence committed in the territory of the one Party, shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

11. The crimes or offences for which the extradition is to be granted are the following:

1. Murder, including infanticide, or attempt, or conspiracy to murder, including such crimes when directed against the Sovereign, his heir, or any other person whomsoever, provided that the crime is not of a political character.
2. Man-slaughter, including the manslaughter of a child.
3. Assault occasioning actual bodily harm.
4. Maliciously wounding or inflicting grievous bodily harm.
5. Counterfeiting or altering money, or uttering counterfeit or altered money.
6. Forgery, counterfeiting, or altering, or uttering what is forged counterfeited, or altered.
7. Embezzlement; fraud by a bailee, banker, agent, factor, trustee, or director or member or public officer of any company, made criminal by any law for the time being in force; or larceny.

8. Malicious injury to property if the offence be indictable.
9. Obtaining money, goods, or valuable securities by false pretences.
10. Crimes against bankruptcy law.
11. Perjury, or subornation of perjury.
12. Rape.
13. Carnal knowledge, or any attempt to have carnal knowledge, of a girl under 16 years of age.
14. Indecent assault.
15. Administering drugs, or using instruments with intent to procure the miscarriage of a woman.
16. Abduction.
17. Child stealing.
18. Kidnapping of minors and their false imprisonment.
19. Burglary or housebreaking.
20. Arson.
21. Robbery with violence.
22. Any malicious act done with intent to endanger the safety of a railway train.
23. Threats by letter or otherwise, with intent to extort.
24. Piracy by law of nations.
25. Sinking or destroying a vessel at sea, or attempting to do so.
26. Assaults on board a ship on the high seas, with intent to destroy life or do grievous bodily harm.
27. Revolt by two or more persons on board a ship on the high seas against the authority of the master.
28. Dealing in slaves in such a manner as to constitute a criminal offence against the laws of both States.

Extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be an extradition crime by the laws of the State applied to.

In the foregoing cases extradition shall take place only when the crime, if committed within the jurisdiction of the country on which the claim for surrender is made, would constitute an extradition crime by the laws of that country.

Extradition may also be granted, at the discretion of the State applied to, in respect of any other crime for which, according to the laws of both the Contracting Parties for the time being in force, the grant can be made.

III. Either Government may, in its absolute discretion, refuse to surrender its own subjects to the other Government.

IV. The extradition shall not take place if the person claimed on the part of the British Government, or the person claimed on the part of the Netherland Government, has already been tried and discharged or punished, or is actually upon his trial, within the territory of the other of the two High Contracting Parties, for the crime for which his extradition is demanded.

If the person claimed on the part of the British Government, or if the person claimed on the part of the Netherland Government, should be under examination, or is undergoing sentence under a conviction, for any other crime within the territories of the two High Contracting Parties respectively, his extradition shall be deferred until after he has been discharged, whether by acquittal, or on expiration of his sentence or otherwise.

V. The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

VI. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character or if he prove that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

tion for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

VII. A person surrendered may in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or had an opportunity during one month of returning to the State by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

VIII. The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed in contumaciam is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

IX. If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

X. Pending the presentation of the demand for extradition through the Diplomatic channel, a fugitive criminal may be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint and such evidence or after such proceedings as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction: Provided however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Magistrate. He shall, in accordance with this Article, be discharged, as well in the Netherlands as in the United Kingdom, if within the term of twenty days a requisition for extradition shall not have been made by the Diplomatic Agent of the demanding country in accordance with the stipulations of this Treaty. The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty, and committed on the high seas on board any vessel of either country which may come into a port of the other.

XI. If the fugitive have been arrested in the British dominions, he shall forthwith be brought before a competent Magistrate, who is to examine him, and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the British dominions.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the British dominions shall admit as valid evidence depositions or statements on oath or the affirmations of witnesses taken in the Netherlands, or copies thereof, and likewise the warrants and sentences issued therein and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows:—

1. A warrant must purport to be signed by a Judge, Magistrate, or officer of the Netherlands.
2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a Judge, Magistrate, or officer of the Netherlands, to

be the original depositions or affirmations, or to be the true copies thereof, as the case may require.

3. A certificate of, or judicial document stating the fact of, a conviction must purport to be certified by a Judge, Magistrate, or officer of the Netherlands.
4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State of the Netherlands; but any other mode of authentication for the time being permitted by the law in that part of the British dominions where the examination is taken may be substituted for the foregoing.

XII. If the fugitive have been arrested in the dominions of the Netherlands, the officer of justice shall prefer a requisition within three days after the arrest, or, if the arrest have not taken place, or if it have taken place prior to the application for extradition, then within three days after the receipt of authority for that purpose from the Netherland Government in order that the person claimed may be interrogated by the Court, and that it may express its opinion as to the grant or refusal of extradition.

Within fourteen days after the interrogatory the Court shall forward its opinion and its decision, with the papers in the case, to the Minister of Justice.

The extradition shall only be granted on the production, either in original or in authenticated copy—

1. Of a conviction; or
2. (a) Of a warrant of arrest (which, by the law of the British dominions, is the only document which is granted when it is adjudged upon evidence taken on oath that the accused ought to be taken into custody), issued in the form prescribed by British Law, and indicating the offence in question sufficiently to enable the Netherland Government to decide whether it constitutes, in contemplation of Netherland Law, a case provided for by the present Treaty, and
- (b) Of the evidence.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the Netherland dominions shall admit as valid evidence depositions or statements on oath, or the affirmations of witnesses taken in the British dominions, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows:—

1. A warrant must purport to be signed by a Judge, Magistrate, or officer of the British dominions.
2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a Judge, Magistrate, or officer of the British dominions, to be the original depositions or affirmations, or to be true copies thereof, as the case may require.
3. A certificate of, or judicial document stating the fact of, a conviction, must purport to be certified by a Judge, Magistrate, or officer of the British dominions.
4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of one of the Principal Secretaries of State, or some other Minister of State of the British dominions; but any other mode of authentication for the time being permitted by law in that part of the dominions of the Netherlands where the examination is taken may be substituted for the foregoing.

XIII. The extradition shall not take place unless the evidence be found sufficient, according to the laws of the State

applied to, either to justify the committal of the prisoner for trial, if the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to. The fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

XIV. If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

XV. All articles seized which were in the possession of the person to be surrendered, at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

XVI. The respective Governments mutually renounce all claim for the repayment of expenses incurred by them in the arrest and maintenance and transport of the person to be surrendered, and all other expenses which may be incurred within the limits of their respective territories until the person to be surrendered is placed on board ship, together with the expenses of giving up and returning all seized articles and of sending and returning the papers containing proof of the crime or other document and they reciprocally agree to bear all such expenses themselves.

The above stipulations, however, shall not apply to extradition to and from Canada, as regards which Colony all the expenses shall be borne by the demanding State.

The person to be extradited shall be sent to the port which the Diplomatic or Consular Agent of the demanding State shall indicate.

XVII. If in any criminal matter pending in any Court or Tribunal of one of the two countries it is thought desirable to take the evidence of any witness in the other, such evidence may be taken by the judicial authorities in accordance with the laws in force on this subject in the Country where the witness may be; and any expenses incurred in taking such evidence shall be defrayed by the country in which it is taken.

XVIII. The stipulations of the present Treaty shall apply to the Colonies and foreign possessions of the two High Contracting Parties, but being based upon the legislation of the mother country, shall only be observed on either side so far as they may be compatible with the laws in force in those Colonies or possessions.

The demand for the extradition of an offender who has taken refuge in a Colony or foreign possession of either Contracting Party may also be made directly to the Governor or principal functionary of that Colony or possession by the Governor or principal functionary of a Colony or possession of the other Contracting Party when the two Colonies or foreign possessions are situated in Asia, Australia (including New Zealand and Tasmania), the Pacific and Indian Oceans, or South or East Africa.

The same rule shall be followed if the two Colonies or foreign possession are situated in America (including the West India Islands). The said Governors or principal functionaries shall have the power either of granting the extradition or of referring the question to their Government.

In all other cases, the demand for extradition shall be made through the diplomatic channel.

The period of provisional arrest provided for in Article X shall for the purposes of this Article be extended to sixty days.

be the original depositions or affirmations, or to be the true copies thereof, as the case may require.

3. A certificate of, or judicial document stating the fact of, a conviction must purport to be certified by a Judge, Magistrate, or officer of the Netherlands.
4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State of the Netherlands; but any other mode of authentication for the time being permitted by the law in that part of the British dominions where the examination is taken may be substituted for the foregoing.

XII. If the fugitive have been arrested in the dominions of the Netherlands, the officer of justice shall prefer a requisition within three days after the arrest, or, if the arrest have not taken place, or if it have taken place prior to the application for extradition, then within three days after the receipt of authority for that purpose from the Netherland Government in order that the person claimed may be interrogated by the Court, and that it may express its opinion as to the grant or refusal of extradition.

Within fourteen days after the interrogatory the Court shall forward its opinion and its decision, with the papers in the case, to the Minister of Justice.

The extradition shall only be granted on the production, either in original or in authenticated copy—

1. Of a conviction; or
2. (a) Of a warrant of arrest (which, by the law of the British dominions, is the only document which is granted when it is adjudged upon evidence taken on oath that the accused ought to be taken into custody), issued in the form prescribed by British Law, and indicating the offence in question sufficiently to enable the Netherland Government to decide whether it constitutes, in contemplation of Netherland Law, a case provided for by the present Treaty, and
- (b) Of the evidence.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the Netherland dominions shall admit as valid evidence depositions or statements on oath, or the affirmations of witnesses taken in the British dominions, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows :—

1. A warrant must purport to be signed by a Judge, Magistrate, or officer of the British dominions.
2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a Judge, Magistrate, or officer of the British dominions, to be the original depositions or affirmations, or to be true copies thereof, as the case may require.
3. A certificate of, or judicial document stating the fact of, a conviction, must purport to be certified by a Judge, Magistrate, or officer of the British dominions.
4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of one of the Principal Secretaries of State, or some other Minister of State of the British dominions; but any other mode of authentication for the time being permitted by law in that part of the dominions of the Netherlands where the examination is taken may be substituted for the foregoing.

XIII. The extradition shall not take place unless the evidence be found sufficient, according to the laws of the State

applied to, either to justify the committal of the prisoner for trial, if the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to. The fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

XIV. If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

XV. All articles seized which were in the possession of the person to be surrendered, at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

XVI. The respective Governments mutually renounce all claim for the repayment of expenses incurred by them in the arrest and maintenance and transport of the person to be surrendered, and all other expenses which may be incurred within the limits of their respective territories until the person to be surrendered is placed on board ship, together with the expenses of giving up and returning all seized articles and of sending and returning the papers containing proof of the crime or other document and they reciprocally agree to bear all such expenses themselves.

The above stipulations, however, shall not apply to extradition to and from Canada, as regards which Colony all the expenses shall be borne by the demanding State.

The person to be extradited shall be sent to the port which the Diplomatic or Consular Agent of the demanding State shall indicate.

XVII. If in any criminal matter pending in any Court or Tribunal of one of the two countries it is thought desirable to take the evidence of any witness in the other, such evidence may be taken by the judicial authorities in accordance with the laws in force on this subject in the Country where the witness may be; and any expenses incurred in taking such evidence shall be defrayed by the country in which it is taken.

XVIII. The stipulations of the present Treaty shall apply to the Colonies and foreign possessions of the two High Contracting Parties, but being based upon the legislation of the mother country, shall only be observed on either side so far as they may be compatible with the laws in force in those Colonies or possessions.

The demand for the extradition of an offender who has taken refuge in a Colony or foreign possession of either Contracting Party may also be made directly to the Governor or principal functionary of that Colony or possession by the Governor or principal functionary of a Colony or possession of the other Contracting Party when the two Colonies or foreign possessions are situated in Asia, Australia (including New Zealand and Tasmania), the Pacific and Indian Oceans, or South or East Africa.

The same rule shall be followed if the two Colonies or foreign possession are situated in America (including the West India Islands). The said Governors or principal functionaries shall have the power either of granting the extradition or of referring the question to their Government.

In all other cases, the demand for extradition shall be made through the diplomatic channel.

The period of provisional arrest provided for in Article X shall for the purposes of this Article be extended to sixty days.

XIX. From the day when the present Treaty shall come into force the Treaty of Extradition between the two countries of the 19th June, 1874 shall cease to have effect; but the present Treaty shall apply to all crimes within the Treaty, whether committed before or after the day when it comes into force.

XX. The present Treaty shall be ratified, and the ratifications shall be exchanged as soon as possible.

The Treaty shall come into force three months after the exchange of the ratifications. It may be terminated by either of the High Contracting Parties at any time on giving to the other six months notice of its intention to do so.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate, at London, this 26th day of September, 1898."

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Extradition Act, 1962 (34 of 1962), the Central Government hereby directs that the provisions of the said Act, other than Chapter III, shall apply to Netherlands on and from the date of publication of this order.

[No. L/413/13/88]

DR. P. SREENIVASA RAO, Director (L&T)

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