

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

The Government of Canada and the Government of India, desiring to make more effective the cooperation of the two countries in the suppression of crime by making provision for the reciprocal extradition of offenders, and recognizing that concrete steps are necessary to combat terrorism, agree as follows:

ARTICLE 1

Duty to Extradite

1. Each contracting State agrees to extradite to the other, subject to the conditions of this Treaty, any person who, being accused or convicted of an extradition offence as described in Article 3, committed within the territory of the one State, is found in the territory of the other State, whether or not such offence was committed before or after the coming into force of this Treaty.

2. For the purposes of this Treaty, the territory of a contracting State includes all the land, airspace and waters within its jurisdiction.

3. There is no duty to extradite a person where the request for extradition is made for the purpose of discriminating against that person on account of his race, religion, colour or ethnic origin.

4. There is no duty to extradite a person who has been convicted and sentenced in respect of an extradition offence, if the sentence imposed or remaining to be served, is imprisonment for 6 months or less.

ARTICLE 2

Extraterritorial Offences

Extradition shall also be granted in respect of an extradition offence as described in Article 3, committed outside the territory but within the jurisdiction as asserted by the requesting State if the requested State would, in corresponding circumstances, have jurisdiction over such offence.