



DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

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CANADA/INDIA EXTRADITION TREATY

On February 6, 1987, the Secretary of State for External Affairs, the Right Honourable Joe Clark, and Shri N.D. Tiwari, Minister of External Affairs of India, signed a bilateral extradition treaty.

Part II of the Canada Extradition Act governed until today our extradition arrangements with India. The Treaty just signed will supercede those arrangements and will explicitly extend to defendants the protection of the Canadian Charter of Rights and Freedoms. Persons in Canada whose extradition is sought by India will henceforth, under this "model treaty", enjoy clearer safeguards than those under any other such treaty to which Canada is a party.

Canada has Extradition Treaties with 43 other countries. Under the Fugitive Offenders Act, Canada also has extradition arrangements with many Commonwealth countries.

Proclamation of Part II of the Extradition Act in 1985 instituted Canada-India arrangements, but did not cover crimes prior to 1985, and did not offer explicit Charter of Rights safeguards. Neither did it cover "modern crimes" such as hijacking and drug trafficking. The retroactivity of this Treaty is consistent with other extradition arrangements Canada has concluded.

The flight to India of the accused in the 1982 murder of a lawyer in a Toronto courtroom, and the Air India disaster have highlighted the need for Canada to have retroactive extradition arrangements with India. With this Treaty now in place, Canada will proceed expeditiously to bring to justice in Canada those in India who have committed serious crimes here but who until now have been beyond the reach of Canadian law.

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