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**DAILY EDITORIAL
ANALYSIS**

TOPIC

**SHEIKH HASINA EXTRADITION
DEMAND: INDIA'S OPTIONS**

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SHEIKH HASINA EXTRADITION DEMAND: INDIA'S OPTIONS

Context

- Recently, the interim government of Bangladesh, led by Nobel laureate Muhammad Yunus, formally requested India to extradite Sheikh Hasina to face charges of conspiracy, genocide, and crimes against humanity.

About Extradition

- It is a formal process where one country requests the surrender of a person accused or convicted of a crime in another country.
- It ensures that fugitives cannot escape justice by fleeing across borders.
- India, with its extensive network of extradition treaties and arrangements, plays a significant role in international law enforcement.

India's Extradition Framework

- India's extradition process is governed by the **Extradition Act of 1962**, which provides the legal basis for extradition requests.
- It outlines the procedures for both requesting and granting extradition, ensuring that the process is transparent and adheres to international standards.

Significances of Extradition Treaties

- **Strengthening Legal Cooperation:** These ensure that fugitives cannot escape justice by crossing borders, thereby upholding the rule of law.
 - ◆ For instance, India has signed bilateral extradition treaties with numerous countries including those with the **United States (1997), the United Kingdom (1992), Canada, and Bangladesh (2013, amended in 2016)**, facilitating the extradition of individuals accused or convicted of serious crimes.
- **Enhancing Diplomatic Ties:** It reflects mutual trust and a shared commitment to addressing criminal activities that transcend borders.
 - ◆ For example, the **extradition treaty between India and Thailand** (signed in 2013) has been pivotal in addressing issues related to fugitives and enhancing security cooperation.
 - ◆ Such treaties often lead to broader agreements on defense, trade, and cultural exchanges, further solidifying bilateral ties.
- **Combating Transnational Crimes:** Extradition treaties are crucial for combating transnational crimes such as insurgency and terrorism, drug trafficking, and money laundering.

Concerns and Challenges in Extradition Treaties

Legal and Procedural Challenges:

- **Differences in Legal Systems:** Countries often have different legal systems and standards of evidence, which can complicate extradition processes.
 - ◆ For instance, what constitutes a crime in one country might not be recognized as such in another.
- **Human Rights Concerns:** Extradition requests can be denied if there is a risk that the individual might face torture, inhumane treatment, or unfair trials in the requesting country.
 - ◆ It is a significant concern in cases involving countries with poor human rights records.

Political and Diplomatic Issues:

- **Political Offenses:** Many extradition treaties include exceptions for political offenses.
 - ◆ It can lead to disputes over whether a crime is political in nature, as seen in the case of Sheikh Hasina, where political motivations are a significant factor.
- **Diplomatic Relations:** Extradition requests can strain diplomatic relations, especially if the requested individual is a high-profile figure or if the request is perceived as politically motivated.

Practical and Logistical Challenges:

- **Evidence and Documentation:** Gathering sufficient evidence and documentation to support an extradition request can be challenging.
 - ♦ The requesting country must provide detailed information to justify the extradition, which can be a lengthy and complex process.
- **Judicial Delays:** Legal proceedings related to extradition can be prolonged, causing delays in the extradition process.
 - ♦ It can be due to appeals, legal challenges, or bureaucratic hurdles.

Options for India For Bangladesh

- **Extradition Compliance:** India could comply with the extradition request, emphasizing its commitment to international law and bilateral agreements.
 - ♦ This option, however, risks political backlash and could be seen as India taking sides in Bangladesh's internal political conflict.
- **Refusal to Extradite:** India and Bangladesh signed an extradition treaty in 2013 to address fugitives operating across borders. However, the existence of the treaty does not obligate India to hand over Sheikh Hasina.
 - ♦ The treaty allows extradition to be refused if the offense is political. However, crimes such as murder, enforced disappearance, and torture, under which Hasina is charged, are not considered political crimes and are excluded from this category.
 - ♦ This stance would align with India's principle of non-interference in the internal affairs of neighboring countries and could preserve its strategic relationship with Sheikh Hasina's political faction.
- **Conditional Extradition:** India could agree to extradite Sheikh Hasina under specific conditions, such as guarantees of a fair trial and humane treatment.
 - ♦ This approach would balance legal obligations with humanitarian concerns.
- **Third-Party Mediation:** India could propose involving an international body, such as the United Nations, to mediate the situation.
 - ♦ This would help ensure impartiality and adherence to international human rights standards.

Conclusion and Way Forward

- India's decision on the Sheikh Hasina extradition demand requires careful consideration of legal, diplomatic, and strategic factors.
- The requesting country for extradition must demonstrate that the crime is serious and that there is a prima facie case against the individual.
- Human rights considerations also play a crucial role, as extradition requests can be denied if there is a risk of torture or unfair trial in the requesting country.
- Balancing these elements will be crucial in maintaining regional stability and upholding India's foreign policy principles.

Source: TH



Mains Practice Question

Critically analyze the complexities surrounding India's response to extradition demands, particularly focusing on the balancing act between international cooperation and safeguarding the rights of Indian citizens. Examine the role of domestic laws, bilateral treaties, and judicial discretion in the extradition process.