

**EXCHANGE OF LETTERS¹ BETWEEN THE
GOVERNMENT OF INDIA AND THE
GOVERNMENT OF MALAYSIA
REGARDING THE
EXTRADITION OF
FUGITIVE CRIMINALS
New Delhi, 24 January 1979**

Minister of External Affairs
Government of India

New Delhi
24th January, 1979

Your EXCELLENCY,

On behalf of the Government of India, I have the honour to propose the following arrangement regarding the extradition of fugitive criminals between India and Malaysia :

- (i) A requisition for extradition of a fugitive criminal from the territory of one country to another, and the procedure for extradition shall be regulated by the extradition laws of each country.
- (ii) Subject to sub-paragraphs(iii) and (v), extradition of a fugitive criminal shall be granted in every case, provided that the offence in respect of which extradition is sought is either committed within the territory of the requesting State or is such that the courts of the requesting State have jurisdiction to try it, and provided further that the offence is extraditable under the laws of the requested State.
- (iii) Neither Government shall be bound to surrender any person who is a national or citizen of the country to which a request for extradition has been made; but if the requested State does not extradite its national or citizen, it shall, subject to and in accordance with its laws, prosecute him for the offence committed by him in the territory of the requesting State.

1. Came into force on 24 January 1979.

- (iv) In accordance with the relevant extradition laws of India and Malaysia, a person who has been extradited shall not be detained or tried for any offence other than that for which he has been extradited, unless that person has been given the opportunity to leave the territory of the requesting State but does not avail himself of that opportunity to do so.
 - (v) Extradition shall not be granted if the offence in respect of which extradition is sought is of a political character.
 - (vi) Both countries shall take steps to ensure that this arrangement is implemented in their respective territories in accordance with their respective laws.
 - (vii) This arrangement will be terminable at six months notice in writing by either State.
2. I have the honour to propose that my letter and your reply thereto will constitute an arrangement between our two countries which shall come into force from the date of your reply confirming the arrangement set out above.

Please accept, Excellency, the assurance of my highest consideration.

Sd/-

ATAL BIHARI VAJPAYEE

H.E. TENGKU AHMED RITHAUDDEEN
Minister of Foreign Affairs
Government of Malaysia

MINISTRY OF FOREIGN AFFAIRS
Malaysia,
Kuala Lumpur,
24th January, 1979

Your EXCELLENCY,

1. I have the honour to refer to your letter dated 24th January, 1979, which states as follows :

[Not reproduced]

2. I have the honour to state that the terms and conditions of the proposed extradition arrangement as set out in your letter are acceptable and agreed to by my Government and your letter and this reply shall constitute an agreement between my Government and Your Excellency's Government with regard to the extradition

of fugitive criminals between our two countries. This arrangement shall come into force from the date of this letter.

3. I take the opportunity to renew, Excellency, the assurances of my highest consideration.

Sd/-

TENGGU AHMED RITHAUDDEEN
Minister of Foreign Affairs,
Malaysia

His Excellency Shri ATAL BIHARI VAJPAYEE,
Minister of External Affairs,
Government of India
