

PART D.—MISCELLANEOUS

1. It should be noted that section 54(1) *seventhly*, of the Code of Criminal Procedure, authorises police officers to arrest, without an order from a Magistrate and without a warrant, persons liable under any law relating to extradition or under the Fugitive Offenders Act, 1881, to apprehension or detention in British India on account of offences committed at any place out of British India. Such persons may, under sections 23 of the Extradition Act, 1903 be detained under the orders of a Magistrate, within the local limits of whose jurisdiction the arrest was made, in the same manner and subject to the same restrictions as a person arrested on a warrant issued by such Magistrate under section 10.

Power of Police to arrest without warrant.

1-A The following instructions have been issued by Provincial Government :—

States which have agreed to the procedure laid down as to the requisition of Police for fugitives.

It has been brought to the notice of the Punjab Government that applications made by the Police of India States for the arrest of fugitive offenders from their territories under the provisions of the seventh clause of section 54(1) of the Criminal Procedure Code are sometimes accompanied by no details which would assist the Magistrate before whom the alleged offender is produced to decide whether he should be released on bail or not. The Magistrate is thus placed in an un-satisfactory position when extradition is delayed and it is necessary to grant remands under section 344 of the Criminal Procedure Code. This difficulty has been the subject of correspondence with the Indian States adjoining the Punjab, and those noted in the margin have finally agreed to adopt the following procedure in such cases on the understanding that the Punjab Police will adopt a similar procedure when they wish to secure the arrest of fugitive offenders in Indian States :—

(1) All states in the Punjab State Agency.

(2) All States in the Rajputana States Agency except the Jodhpur State.

(3) The Kashmir State.

- (i) In all cases of emergency or hot pursuit the Police should arrest a fugitive offender upon receipt of any urgent communication whether telegraphic, telephonic or in any

Police may arrest on receipt of urgent communication.

other form to the effect that he is required to be arrested for an offence committed in a Part B. States, without further enquiry.

Urgent communication should be followed within a fortnight by particulars of the case and evidence against the offender.

(ii) As soon as possible after an urgent communication has been made; particulars of the facts of the case and of the nature of the evidence against the wanted man should be forwarded to enable the Magistrate before whom he is produced to decide whether or not he should be released on bail. If these particulars are not furnished within a fortnight of the original urgent request, the magistrate should ordinarily release the accused on bail.

(iii) It is not necessary that the information to be supplied by the officer applying for the arrest of the offender should be in any particular form, and it would suffice if as full precis of the evidence at his disposal as he can conveniently, prepare, is forwarded.

Procedure in non-emergent cases.

(iv) Except in an emergency, particulars should be sent along with the written request for the arrest of the fugitive offender. If such particulars are not forwarded, the police are under no obligation to make the arrest, and, if an arrest is made, the Magistrate should release the accused on bail, pending receipt of a warrant under section 7 of the Indian Extradition Act, 1903.

(Punjab Government letter No. 8817-P.G-36/36663. dated the 25th November, 1936.)

Surrender of criminals confined in British Jails.

2. The provision of section 40 of the Prisoners Act (III of 1900) do not apply to cases where a Court in an Indian State desires the extradition of a person confined in a jail in a Province of British India and accused by such Court of an extradition offence and consequently there is no necessity in cases of this nature for an application to the Provincial Government of the province in which the accused is confined. The Extradition Act

itself provides for the surrender of criminals confined in British Jails as well as for the surrender of criminals who may be at large. A District Magistrate is; therefore, bound to act in pursuance of a warrant under section 7 of the Extradition Act, whether the accused is a prisoner in jail, or not without any instructions from the Provincial Government. As regards prisoners so dealt with, however, it is under section 11 of the Act, a condition of surrender that a criminal extradited shall be re surrendered on the termination of his trial for the offence for which his surrender has been asked.

APPENDIX

The following Rules and Orders issued by the Central Government and Provincial Government, regarding the extradition of criminals and foreign jurisdiction, are published for the guidance of the Courts :

Re Chapters of the Indian Ex-tradition Act adopted as part of English Acts.

I.—GOVERNMENT OF INDIA NOTIFICATION No. 1860-I,A, DATED THE 13TH MAY, 1904.

The following Orders of His Majesty the King in Council, which were published in the London *Gazette*, dated the 8th March, 1904, are republished for general information :-

At the Court at *Buckingham Palace* the 7th day of March, 1904.

PRESENT:

The King's Most Excellent Majesty in Council.

WHEREAS by section 18 of the Extradition Act, 1870 it is, amongst other things, enacted that if by any law made after the passing of the said Act by the Legislature of any British Possession, provision is made for carrying into effect within such Possession the surrender of fugitive criminals who are in, or suspected of being in such British Possession. His Majesty may be by the Order in Council applying the said Act in the case of any Foreign State, or by any subsequent Order.

direct that such law or any part thereof shall have effect in such British Possession with or without modifications or alterations, as if it were part of the Act:

AND WHEREAS an Act, entitled "The Indian Extradition Act, 1903", has been passed by the Governor General of India in Council and it is expedient to declare that Chapter II of the Act shall have effect as if it were part of the Extradition Act, 1870 :

Now, therefore, His Majesty, in pursuance of the Extradition Act, 1870 and in exercise of the power in that behalf in the said Act contained, doth by this present Order, by and with the advice of His Privy Council, declare that Chapter II of the Indian Extradition Act, 1903, shall have effect in British India as if it were part of the Extradition Act, 1870.

AND the Right Honourable St. John Brodrick, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

At the Court at _____ Buckingham Palace, the
7th day of March, 1904.

PRESENT :

The King's Most Excellent Majesty in Council.

WHEREAS section 32 of the Fugitive Offenders Act, 1881, it is amongst other things enacted, that if the Legislature of a British Possession pass any Act or Ordinance : —(1) for defining the offences committed in that Possession to which this Act or any part thereof is to apply or (2) for determining the Court, Judge, Magistrate, Officer or person by whom and the manner in which any jurisdiction or power under this Act is to be exercised, or (3) payment of the costs incurred in returning a fugitive or a prisoner, or in sending him back if not prosecuted or if acquitted, or in otherwise in the execution of this Act; or (4) in any manner for the carrying of this Act or any part thereof into effect in that Possession, it shall be lawful for His Majesty by Order in Council to direct, if it seems to His Majesty

in Council necessary or proper for carrying into effect the objects of this Act, that such Act or Ordinance or any part thereof, shall, with or without modification or alteration, be recognised and given effect to throughout His Majesty's Dominions and on the high seas as if it were part of this Act :

AND WHEREAS an Act entitled "The Indian Extradition Act, 1903", has been passed by the Governor-General of India in Council, and it is expedient to declare that Chapter IV of the Act shall have effect as if it were part of the Fugitive Offenders Act, 1881 :

Now therefore, His Majesty, in pursuance for the Fugitive Offenders Act, 1881, and in exercise of the power in that behalf in the said Act contained, doth by this present Order, by and with the advice of His Privy Council, declare that Chapter IV of the Indian Extradition Act, 1903, shall be recognised and given effect to throughout His Majesty's Dominions and on the high seas as if it were part of the Fugitive Offenders Act, 1881.

And the Right Honourable St. John Brodrick one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

II—GOVERNMENT OF INDIA NOTIFICATION No. 1861-I,A,
DATED THE 13TH MAY, 1904,

WITH reference to the notification of the Government of India the Foreign Department, No.1860-I.A., dated the 13th May, 1904, and in exercise of the power conferred by section 1, sub-section (3) of the Indian Extradition Act, 1903 (XV of 1903, the Governor-General in council is pleased to direct that the said Act shall come in force on the 1st day of June, 1904.

Re date when
the Act came
into force.

III.---GOVERNMENT OF INDIA NOTIFICATION No. 1862-
I.A.,DATED 13TH MAY; 1904*

IN exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and by

Re Issue of
warrant, trial of
accused and
execution of
sentence.

*As amended by No. 2542-B, dated the 26th January, 1912.

As amended by No. 3472-1, C, dated the 28th August, 1908.

As amended by No. 823-D, dated the 25th March, 1913.

section 22 of the Indian Extradition Act, 1903 (XV of 1903) and in supersession of all previous rules on the same subject, the Governor-General in Council is pleased, with effect from the 1st day of June, 1904, to make the following rules, namely:--

When Political Agent shall not issue a warrant.

1 The Political Agent shall not issue a warrant under section 7 of the Indian Extradition Act; 1903 (hereinafter referred to as "the said Act", in any case which is provided for by Treaty, if the State concerned, has expressly stated that it desired to abide by the procedure of the Treaty nor in any case in which a requisition for surrender has been made by or on behalf of the State under section 9 of the said Act.

When he may issue a warrant.

2. The Political Agent shall not issue a warrant under section of the said Act; except on a request preferred to him in writing, either by or by the authority of the person for the time being administering the Executive Government of the State for which he is a Political Agent or by any Court within such State which has been specified in this behalf by the Governor-General in Council or by the Governor of Madras or Bombay in Council as the case may be by notification in the official gazette.

Certified when offender is a British subject.

3. If the accused person is a British subject, Political Agent shall, before issuing a warrant under British section 7 of the said Act, consider whether he ought not to certify the case as one suitable for trial in British India, and he shall, instead of issuing such a warrant, so certify the case, if he is satisfied that the interests of justice and the convenience of witnesses can be better served by the trial being held in British India.

Preliminary inquiry.

4. The Political Agent shall, in all cases before issuing a warrant under section 7 of the said Act, satisfy himself, by preliminary inquiry that there is a prima facie case against the accused person.

5. (1) The Political Agent shall, before issuing a warrant under section 7 of the Act, decide whether the warrant shall provide for the delivery of the accused persons :—

Political Agent to decide to whom offender to be delivered.

- (a) to the Political Agent or to a British officer subordinate to the Political Agent with a view to his trial by Political Agent, or
- (b) to an authority of the State; with a view to his trial by the State Courts.

(2) Before coming to a decision the Political Agent shall take the following matters into consideration:-

- (i) the nature of the offence charged;
- (ii) the delay and trouble involve in bringing the accused person before himself;
- (iii) the judicial qualifications of the Courts of the State;
- (iv) whether the accused person is a British subject or not; and if he is British (other than European British) subject, whether the Courts of the State, either by custom or by recognition, try such British subjects surrendered to them; and
- (v) whether the Courts of the State have by custom, or by recognition, power to inflict the punishment which may be inflicted under the Indian Penal Code for an offence similar to that with the accused is charged.

6. Notwithstanding anything in rule 5, the Political agent shall make the warrant provide for the delivery of the accused persons (or to an officer subordinate to himself), or to an authority of the State concerned, as the case may be, if he is generally or specially instructed by the Governor General in Council to try an accused person himself or to make him over for trial to the proper Court of such State.

Political Agent to decide to whom offender to be delivered.

7. In the case of accused person made over for trial to the Court of the State, the Political Agent shall satisfy himself that the accused received a fair

Duty of Political Agent to see that accused receives a fair trial.

trial, and, that the punishment inflicted on conviction is not excessive or barbarous; and, if he is not so satisfied he shall demand the restoration of the prisoner to his custody, pending the orders of the Governor-General in Council.

Offenders arrested to be treated as persons under trial in British India.

8. Accused persons arrested in British India on warrants issued under section 7 or section 9 of the said Act, shall be treated, as far as possible, in the same way as persons under trial in British India.

Execution of sentences and right of appeal.

9. A person sentence to imprisonment by a Political Agent shall, if a British subject, be conveyed to the most convenient prison under British administration, and shall there be dealt with as though he had been sentenced under the local law:

Provided always that this rule shall not be construed so as to give such person any right of appeal other than that allowed by the rules for the time being in force for regulating appeals from the decisions of the Political Agents.

Exceptions.

10. Nothing in these rules shall be held to apply to areas in Indian States under British Jurisdiction, in which the Code of Criminal Procedure, 1898 (Act V of 1898), is in force.

IV-POLITICAL AGENTS.

(a)—Court of Vakils.

The following extracts from correspondence between the Agent to the Governor-General in Rajputana and the Government of India, which were forwarded to all Commissioners in the Punjab; for information with Punjab Government, Political Department, Circular No. 41-789, dated the 7th July, 1870, indicate under what circumstances the Court of Vakils of each Agency will be considered the Court of the Political Agent : —

Extract from a letter from the Agent to the Governor-General in Rajputana No. 49-J., dated 12th April, 1870.

Paragraph 8.—There is another subject connected with the Code which I submit for consideration. In article III of the Treaties which have been lately negotiated with the States of Rajputana for the extradition of offenders it is stated that, "as a general rule, such cases will be tried, by the Court of the Political Agent, in whom the political supervision of the State may be invested." A case has arisen in which a political Agent desired the rendition of any offender under this article of the Treaty for trial before the Court of the Vakils over which he presided. The Magistrate objected that this Court was nowhere alluded to by Government, or acknowledged in the Treaties.

Paragraph 9.—It is obviously good policy to encourage and promote the action of these Courts, Their extension, indeed, in my opinion is the one hope that exists that the Native States will be able to maintain their separate jurisdiction in the midst of our Empire. A perusal of the Code now submitted will, I think, convince His Excellency in Council that the measure of supervision exercised by British Officers is sufficient, to secure a rude justice adapted to the state of the country, and I believe it might safely be rule that the Court of Vakil of each Agency should be considered the Court of the Political Agent as regards the Extradition Treaties in all cases where he presides personally.

Extract from letter to the Agent to the Governor-General in Rajputana, No. 87-J., under dated the 6th June, 1870.

Courts of Vakils, when the Political Officer presides in person, may in the opinion of the Governor-General in Council in this department, be considered to be Courts of the Political Officer referred to in Article III of the Extradition Treaties concluded with various States in Rajputana. The papers will be communicated to the Home Department of the Government of India, with a view to the necessary communications on the subject being made to the Local Administrations, on whose officers it is to be anticipated

that demands for the surrender of offenders may be made under these Treaties.

(b)—Others

Government of India, Foreign and Political Department, Notification No. 40-I, dated the 16th January, 1934.

In pursuance of sub-clause (b) of clause (40) of Section 3 of the General Clauses Act, 1897 (X of 1897) the Governor-General in Council is pleased to appoint the Secretary to the Honourable the Resident for the Punjab States, for the time being to exercise the powers of a Political Agent for the purposes of Sections 7 and 8 of the Indian Extradition Act, 1903 (XV of 1903), for the States included in the Punjab States Agency.

V.—(a) RULES FOR THE PURSUIT AND ARREST OF OFFENDERS.

Government of India, Foreign and Political Department Notification No. 107-I, dated the 24th February, 1932, as amended by Government of India; Foreign and Political Department, Notifications Nos. 427-I. B., dated the 18th July, 1935, 58-I.B., dated the 15th January, 1936, and 418-I, B.; dated the 8th July, 1936.

In exercise of the powers conferred by Section 22 of the Indian Extradition Act, 1903 (XV of 1903) and in supersession of the notification of the Government of India in the Foreign and Political Department, No. 505-1., dated the 13th August, 1931, the Governor-General in Council is pleased to make the following rules to provide for the pursuit and arrest in British India of persons accused of offences committed elsewhere: --

Pursuit and
arrest by Police
of Indian State.

1. When a person accused of having committed in a State specified in the First Schedule hereto, an offence, which, if committed in British India would be punishable under section of the Indian Penal Code

specified in the Second Schedule hereto, enters British India with members of the Police Force of that State in pursuit the pursuing party may subject to the provisions hereinafter contained, continue the pursuit into, and arrest the fugitive in, British India.

2. The authorisation conferred by rule (1) shall not be operative unless—

- (a) The pursuing party includes at least one officer holding in the State Police force a rank not lower than the rank corresponding with that of a Head Constable of Police in British India, and
- (b) the circumstances are such that an- application for the continuance of the pursuit and the effecting of the arrest by the British Indian Police would prejudice the prospect of effecting the arrest of the fugitive.

3. A person arrested by State Police under the authority of these rules shall forthwith be conveyed to the nearest place in which an officer of the British Indian Police is known to be and shall be handed over to the British Indian Police in that place.

This authority is subject to conditions.

Arrested person to be handed over to Police in British India.

FIRST SCHEDULE

Part A.—States premanently included in the Schedule.

- | | |
|----------------|---------------------------|
| (1) Hyderabad. | (14) Panna. |
| (2) Mysore. | (15) Charkhari. |
| (3) Kashmir. | (16) Aligarh. |
| (4) Gwalior. | (17) Bijawar. |
| (5) Sikkim | (18) Baon I. |
| (5-A) Baroda. | (19) Chhatarpur. |
| (6) Indore. | (20) Dewas Senior Branch. |
| (7) Bhopal. | (21) Dewas Junior Branch. |
| (8) Rewa. | (22) Jaora. |
| (9) Nagod. | (23) Sitamau |
| (10) Maihar. | (24) Sailana. |
| (11) Orchha. | (25) Rutlam. |
| (12) Datia. | (25-A) Dhar. |
| (13) Samthar. | (25-B) Barwani. |

Rajputana

- | | |
|--------------------|--|
| (26) Alwar. | (30) Kotah.. |
| (27) Bikaner. | (31) Jaipur. |
| (28) Bharatpur. | (32) Jodhpur. |
| (29) Dhopur. | (33) Tonk. <i>Pnnjah</i> |
| | (37) Kapurthala. |
| (34) Patiala. | (38) Sirmoor. |
| (35) Jind. | (39) Malerkotla. |
| (36) Nabha. | (40) Faridkot. <i>States of Western India</i> |
| (41) Cutch. | (59) Thana Deoli. |
| (42) Junagarh. | (60) Vadha. |
| (43) Nawanagar | (61) Lathi |
| (44) Bhavanagar. | (62) Muli. |
| (45) Porbandar | (63) Virpur. |
| (46) Dharangadhra. | (64) Malia. |
| (47) Palanpur. | (65) Kotala-Saugani |
| (48) Radhanur. | (66) D.S. Yalu Mulu Suraj of Jetpur. |
| (49) Morvi. | (67) D.S. Vala Rewat Ram of Bilkha. |
| (50) Gondal. | (68) Patdi. |
| (51) Jafrabad. | (69) Tharad. |
| (52) Dhrol | (70) Wad |
| (53) Limbdi. | (71) M.S. Jorawarkanji's State Varahi. |
| (54) Wadhwan. | |
| (55) Lakhtar. | (72) Thana areas and the Civil
Stations of Wadhwan and
Raikot in the Westerh
India States Agency. |
| (56) Vaja. | |
| (57) Jasdan. | |
| (58) Manavadar. | |

Madras

(73) Travancore

(74) Cochin.

(75) Pudukattah.

Bombay

(76) Savantuadi

(96) Bhar.

(77) Jath.

(97) Raipipla.

(78) Sauanur.

(98) Chhota Udepur.

(79) Cambay.

(99) Lunawada.

(80) Janjira.

(100) Saut.

(81) Koliapur.

(101) Kadaua.

(82) Mudh'ol.

(102) Bhadarwa.

(83) Sangli.

(103) Sanjeli.

(84) Miraj (Senior)

(104) Jambugheda.

(85) Miraj (Junior)

(105) Aunsh.

(86) Jamkhandi

(106) Phaltan,

(87) Kurundwad. (Senior)

(107) Akalkot.

(88) Kurundwad. (Junior).

(108) Khairpur.

(89) Ramdruz.

(109) Bansda.

(90) Idar.

(110) Dharampur.

(91) Vijayanagar

(111) Jawhar.

(92) Danta

(112) Administered areas
comprised in the thana
Ciicles and Sardar
Bazzar.

(93) Mansa.

(94) Malpur.

(113) Sankeda Mewas.

(95) Surgana

(114) Pandu Mewas.

Bengal

(115) Cooch Behar

(116) Tripura.

United Provinces

(117) Benares

(118) Tehrl

<i>Eastern States Agency</i>			
(119)	Athgarh.	(139)	Kharsawan,
(120)	Athmallik.	(140)	Korea
(121)	Bamra.	(141)	Mayurbhanj.
(122)	Baramba.	(142)	Nandgaon.
(123)	Bastar.	(143)	Narsinghpur.
(124)	Baudh.	(144)	Nayagarh.
(125)	Bonai.	(145)	Nilgari.
(126)	Changbhak	(146)	Pal-Lahara.
(127)	Chhuikhad	(147)	Patna.
(128)	Daspalla.	(148)	Raigarh.
(129)	Dhenkanal	(149)	Rairakhhol
(130)	Gangpur	(150)	Ranpur.
(131)	Hindol.	(151)	Sakti
(132)	Jashpur	(152)	Sarangarh.
(133)	Kalahandi.	(153)	Seraikela
(134)	Kanker.	(154)	Sonepur.
(135)	Kawardha	(155)	Surguja
(136)	Keonjhar.	(156)	Talcher.
(137)	Khairagarh.	(157)	Tigiria
(138)	Khandpara	(158)	Udaipur.
<i>Assam</i>			
		(159)	Manipur.

PART B.-STATES, INCLUDED IN THE SCHEDULE FOR THE PERIOD TERMINATING
ON THE DATE SPECIFIED AGAINST EACH.

State.	Date of termination.
Baria	1st June, 1940.
Ali Ranpur	1st October, 1940.

SECOND SCHEDULE

LIST OF SECTIONS OF THE INDIAN PENAL CODE.

Sections 200, 302, 303, 304, 307, 308, 311, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401; and 402.

(b) Rules for the Search and Seizure of Property.

Government of India Foreign and Political Department, notification No. 362-1, dated the 20th July, 1925.

In exercise of the powers conferred by Section 22 of the Indian Extradition Act, 1903 (XV of 1903), the Governor-General in Council is pleased to make the following rule, namely:-

- (1) In any proceedings against any person under the provisions of the Indian Extradition Act 1903, or of any treaty for the extradition of

offenders, the Magistrate acting in such proceedings and any police officer authorised to arrest such person under the provisions of the said Act or of such treaty, may exercise in any place in British India in respect of any property in the possession of such person or any of the other person which appears to such Magistrate or police officer to have been the subject of or to be required for proof of the offence in respect of which the proceedings are being taken the powers respectively of a Court and of an officer in-charge of a police station under the Code of Criminal Procedure 1898, as if such property were property the production of which is necessary for the purposes of any investigation or trial under the said Code by or before such Court or officer: and the provisions of the said Code. so far as they can be made applicable, shall apply to any summons or warrant issued in pursuance of this rule and to any search made under the authority of any warrant so issued and to the disposal of any property seized in any such search.

- (2) Such Magistrate may send such property to the State to which such person is surrendered and shall have, in respect of any such property produced before him in such proceedings or returned by the aforesaid State, all the powers of disposal vested in a Court under the Code of Criminal Procedure. 1898, in respect of any property produced before it during an enquiry or trial.

VI, EXTRADITION OFFENCES WITHIN THE MEANING OF INDIAN EXTRADITION ACT.

Government of India. Foreign and Political Department, Notification No. 1718-I, dated the 16th December, 1931.

- (a) In exercise of the powers conferred by the First Schedule to the Indian Extradition Act. 1903; Act, 1903; IXV of 1903) and in supersession of the Notification

Offences
under
Criminal
Tribes Act.

of the Government of India in the Foreign and Political Department No. 4806-I.B., dated the 17th November, 1919, the Governor-General in Council is pleased to declare offences under the Criminal Tribes Act, 1924 (VI of 1924); to be Extradition offences within the meaning of the Indian Extradition Act, 1903 (XV of 1901).

*Government of India, Foreign and Political Department, Notification No. 249-I. dated the 10th May, 1933 (as amended up-to-date).**

Desertion
from Indian
States forces.

(b) No. 249-I.—In pursuance of the First Schedule to the Indian Extradition Act, 1903 (XV of 1903) and in supersession of the notification of the Government of India in the Foreign and Political Department: No. 405-I, dated the 20th June, 1928, the Governor-General in Council is pleased to declare the following units of the Indian States Forces to be units desertion from which is an extradition offence:-

Alirajpur

Alirajpur Partap Infantry.

Alwar.

Alwar Mangal Lancers.

Alwar Jey Paltan.

Alwar Paltan (Training Battalion).

*

Amended by the following Notifications:—

- No. 467-I., dated the 16th August, 1933.
- No. 674-I., dated the 21st December, 1933.
- No. 59-I., dated the 7th February, 1934.
- No. 77-I., dated the 20th February, 1934.
- No. 148-I., dated the 11th April, 1934.
- No. 202-I., dated the 15th May, 1934.
- No. 445-1., B, dated the 19th September, 1934.
- No. 517-I., B, dated the 25th October, 1934.
- No. 669-I., B., dated the 12th December, 1934.
- No. 32-I., B., dated the 3rd January, 1935.
- No. 125-1., B., dated the 19th February, 1935.
- No. 89-I., B., dated the 30th January, 1935.
- No. 384-I., B., dated the 19th June, 1935.
- No. 517-I., A., dated the 18th September, 1935.
- No. 622-1.A., dated the 14th November, 1935.
- No. 153-1., A., dated the 11th March, 1936.
- No. 375/37-Judl., dated the 23rd March, 1936.
- No. 106/37-Judl., dated the 18th May, 1939.
- No. 47/39-Judl., dated the 21st October, 1939.
- No. 47/1/39-Judl.—dated the 15th November, 1939.

Bahawalpur.

His Highness the Nawab's Bahawalpur Own Body
Guard Lancers.

1st Bahawalpur Sadiq Infantry

2nd Bahawalpur Haroon Infantry.

Baria.

Baria Subhag Risala,

Baria Ranjit Infantry.

Baroda.

Second Baroda Infantry.

Benares

First Benares (Prabhu Narain's Own) Infantry.

Second Benares Cavalry Troop.

Bharatpur.

Bharatpur Jaswant Household Infantry.

Bharatpur Jaswant Garrison Company.

Bharatpur Body Guard.

Bhavnagar.

Bhavnagar Lancers.

Bhavnagar Infantry.

Bhopal.

Bhopal Sultania Infantry Battalion.

Bhopal Gohar-i-Taj. Own Training Company.

Bikaner.

Bikaner Ganga Risala.

Bikaner Sadul Light Infantry.

Bikaner Dungar Lancers.

Bikaner Bijey Battery.

Bikaner Motor Machine Gun Sections.

Chamba.

Chamba Infantry.

Chamba Body Guard.

Cutch

Cutch State Infantry.

Cutch State Body Guard.

Datia.

Datia Gobind Infantry.

Datia Gobind Infantry "B" Company.

Dhar.

Dhar Light Horse (Maharaj Kumari Kamla Raja's Own).

Dhar Infantry (Maharaja Anand Rao's Own Laxmi Guards).

Dhrangadhra.

Dhrangadhra Makhwan Infantry.

Dhrangadhra Body Guard.

Dholpur.

Dholpur Narsingh Infantry

Faridkot

Faridkot Sappers.

Faridkot Body Guard.

Faridkot State infantry.

Gwalior.

Gwalior 1st Jayaji Lancers.

Gwalior 2nd Alijah Lancers

Gwalior 3rd Maharaja Madho Rao Scindia's Own Lancers.

Gwalior "B" Battery, Scindia's Horse Artillery (15 pounder).

Gwalior Mountain Battery

Gwalior Transport Corps

Gwalior 1st Maharani Sakhya Raja's Own Infantry.

Gwalior 2nd Maharaja Jayaji Rao's Infantry.

Gwalior 3rd Maharaja Scindia's Own Infantry.

Gwalior 4th Maharaja Bahadur Infantry.

Gwalior 7th Scindia's Training Battalion.

Hyderabad.

Hyderabad 1st Imperial Service Lancers.

Hyderabad 2nd Imperial Lancers.

Hyderabad Cavalry Training Squadron.

Hyderabad 3rd Golconda Lancers.

1st Battalion Hyderabad Infantry.

2nd Battalion Hyderabad Infantry.

3rd Battalion (No. 0) Hyderabad Infantry.

Hyderabad Infantry Training Company.

"A" Battery Nizam's Horse Artillery.

Hyderabad Animal Transport Section.

Idar.

Idar Sir Partab Infantry.

Indore.

Holkar's Mounted Escort.

Holkarj's Transport Corps.

1st Battalion Maharaja Holkar's Infantry.

Jaipur.

Jaipur State Transport Corps.

Jaipur Lancers.

1st Jaipur Infantry.

2nd Jaipur Infantry.

Jaipur Sawai Man Guards.

Jind.

Jind Body Guards.

Jind Infantry:

Jind (2nd Line) Infantry.

Jodhpur.

Jodhpur Sardar Risala.

Jodhpur Sardar Infantry.

Junagadh.

Junagadh Lancers.

Junagadh Mahaba Khanji Infantry.

Kapurthala.

Kapurthala Jagatjit Infantry.

Kapurthala Body Guard.

Kapurthala Paramjit Infantry.

Kashmir.

1st Jammu and Kashmir Mountain Battery.

2nd Jammu and Kashmir Mountain Battery

1st Jammu and Kashmir Infantry.

2nd Jammu and Kashmir Rifles.

3rd Jammu and Kashmir Rifles.

4th Jammu and Kashmir Infantry.

5th Jammu and Kashmir Light Infantry Battalion.

6th Jammu and Kashmir Infantry.

7th Jammu and Kashmir Infantry.

Jammu and Kashmir Training Battalion.

Jammu and Kashmir Army Training School.

Jammu and Kashmir Body Guard Cavalry.

Jammu and Kashmir Military Transport.

Kotah.

Kotah 1st Umed Infantry.

Loharu.

Loharu State Infantry.

Loharu State Camel Transport.

Malerkotla.

Malerkotla Lancers (Body Guard.)

Malerkotla Infantry.

Malerkotla Sappers.

Mandi.

Mandi Joginder Sappers and Miners.

Mandi Palace Guard.

Mewar.

Mewar Lancers.

Mewar Bhupal Infantry.

Mewar Bhupal Training Company.

Mewar Sajjan Infantry.

Mysore.

Mysore Lancers.

Mysore Horse.

1st Battalion Mysore Infantry.

2nd Battalion Mysore Infantry (Training Company).

3rd Battalion Mysore Infantry.

Nabha.

Nabha Akal Infantry.

Nawanagar.

Nawanagar Lancers.

Nawanagar Shatrushalya Infantry.

Palanpur.

Palanpur Iqbal Infantry.

Panna

Panna Chhatrasal Infantry.

Patiala

1st Patiala Rajindra Lancers.

2nd Patiala Lancers.

1st Patiala Infantry (Rajindra Sikhs).

2nd Patiala Infantry.

3rd Patiala Infantry.

4th Patiala Infantry.

The Patiala Transport Train.

Porbandar.

Porbandar Body Guard.

Porbandar Infantry.

Rajpipla.

Rajpipla Infantry.

Rajpipla Body Guard.

Rampur.

Rampur Rohilla Lancers.

1st Rampur Raza Infantry.

2nd Rampur Murtaza Infantry.

Ratlam.

Ratlam Lokendra Rifles.

Rewa.

Rewa Transport Corps.

Rewa Venkot Battalion.

Sirmoor.

Sirmoor Sappers.

Sirmoor Body Guard.

Suket.

Suket Lakshman Cavalry.

Suket Lakshman Infantry.

Tehri-Garhwal.

Tehri-Garhwal Narendra Poineers.

Tehri-Garhwal Infantry.

Tehri-Garhwal Sappers and Miners.

Tripura.

1st Tripura Bir Company.

2nd Tripura Bikram Infantry.

(c) *From the Deputy Secretary to the Government of India, in the Foreign and Political Department, to the Chief Secretary to the Government of Madras* * * *

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to the Chief Commissioner, Delhi—No. F-247-I B./35, dated Simla, the 24th July, 1936.

Subject:—Conclusion of reciprocal arrangements with Indian States for the extradition of persons concerned with the traffic in dangerous drugs.

Sir,

I am directed on to forward for your information a copy of the Foreign and Political Department letter No. F.-160-1/131, dated the 12th June, 1935, and to say that the reciprocal arrangements concluded with Indian States for the extradition of persons concerned in offences connected With the traffic in dangerous drugs are to be confined to offences under the Indian

Opium Act, 1878, the Dangerous Drugs Act, 1930 (excepting sections 9 and 19) and the Excise and Abkari Acts of Local Governments, in so far as they relate to Indian hemp. So far as Indian States are concerned the arrangement will be applicable to offences under the Excise Law or Laws of the State. The proposed arrangements will only be between the Government of India and the State concerned and separate extradition agreements will have to be concluded between the various Indian States, if so desired.

2. I am also to add that the Government of India do not propose to issue a notification as extradition in such cases should be effected in accordance with the procedure provided by section 9 of the India Extradition Act, 1903.

*From the Secretary to His Excellency the Crown Representative:
to* * * *, the Honourable the Resident for the Punjab
States,—No. F.137-I.B./38, dated New Delhi,
the 10th March, 1939.*

Subject:—Conclusion of reciprocal arrangements with Indian States for the extradition of persons concerned with the traffic in dangerous drugs.

Sir,

In continuation of the endorsement from the late Foreign and Political Department No. F. 247-IB /35, dated the 24th July, 1936, I am directed to forward herewith, for information, a "Statement" containing the names of the Indian States with which reciprocal arrangements have been concluded by the Government of India or the extradition of persons concerned in offences connected with the traffic in dangerous drugs.

Statement

Name of Agency	Name of State or Estate	Name
Mysore	Banganapale, Mysore and Sandur.	
Central India	Bhopal, Bijawar, Chhatarpur, Dewas (Junior), Dewas (Senior), Datta Dhar, Indore, Jaora, Kaurwal, Maihar, Makrai, Mohammadgarh, Nagod, Orchha, Panna Pathari, Piploda, Ratlam, Sailana, Sitamau.	
Rajputana	Bharatpur, Bikaner, Bundi, Jaipur, Jhalwar, Jodhpur, Karauli, Kishengarh, Kotah, Shahpura, and Tonk, Udaipur (Mewar).	
Western India States	Ambaliara, Ghodasar, Idar Katosan, Khadal Mohanpur, Malpur, Ranasan, and Thana Circles of (1) Bawishi, (2) Katosan, (3) Gadhwada, (4) Sabar Kantha (5) Vatrak Kantha Thana, Sadar Bazar (Administered Area).	
Punjab State	Bahawalpur, Chamba, Dujana, Farj Kot, Jind, Kapurthala, Khairpur, Loharu, Malerkotla, Mandi, Nabha Pataudi, Patiala, Suket Baghat, Baghat, Bashahr Bhajji, Biji, Bilaspur, Darkoti, Delath, Dhamik Dhad Ghund Jubbal, Kalsia, Keonthal, Khuneti, Koti, Kumbarsain, Kunihar, Kuthar, Madhan, Mahlog, Nangal, Nalgarh, Ratesh, Rawingarh, Sangri, Sirmur, Tehri, Tharoch, and Theog.	
Baroda and Gujarat State	Balsainor, Bansda, Baria, Bhadarwa, Cambay, Chhota Udepur, Dharampur, Jawahar, Kadana, Lunawanda, Pandu Mewas, Rajpipla, Sanjei, Sant, Sachin, Sanhedra, Mewas, Surgana and Umata.	
Kashmir	.. Kashmir.	
Gwalior	Benares, Gwalior and Rampur.	
Madras State	.. Cochin, Pudukkottai and Travancore.	
Kolhapur and Deccan	Akalkot, Aundh Bhor, Jamkandi, Janjira, Jatt Kolhapur, Kurundwad (Junior), Kurundwad (Senior) Miraj (Junior), Miraj (Senior), Mudhol, Phaltan, Ramdurg, Sangli, Savanur, and Sawantwadi.	
Eastern States	All States in the Eastern States Agency.	.. Manipur.

representative's letter No. 154-I. B/39, dated the 13th June 1939.

(d) *Government of India* Notification No 920- IB.,
dated the 1st April, 1920.

In exercise of the powers conferred by the first Schedule of the Indian Extradition Act, 1903. (XV of 1903), the Governor-General in Council pleased to declare the Offence of enticing or taking away or detaining with criminal intent a married woman, as defined in section 498 of the Indian Penal Code to be an extradition offence within the meaning of the Indian Extradition Act 1903, in the case of the Bikaner State.

Offences under
Section 498,
Indian Penal
Code.

(e) Offence under Section 498 of the Indian Penal Code has also been declared to be an extradition offence in Khairpur State by Government of India (Foreign Department Notification No. 3321-I.A, dated the 16th August, 1905.

Ditto

(f) Reciprocal arrangements have been concluded-

Ditto

- (a) between the Punjab Government and Mandi State for the extradition of persons accused of offences under section 498. Indian Penal Code—vide Punjab Government letter No. 19208-Pol.-I./S., dated the 12th June, 1930;
- (b) between the Punjab Government and Faridkot; State for the extradition of persons accused of offences under Sections 494 to 498, Indian Penal Code.—vide Punjab Government letter No. 236-Pol., dated the 30th March 1914,
- (c) between Bahawalpur State and Dera Ghazi Khan district for the extradition of persons accused of offences under Section 498, Indian Penal Code.

VII —DELEGATION OF POWERS TO STATE GOVERNMENT.

Government of India, External Affairs Department Notification No. 67-X, dated the 1st April, 1938.

In exercise of the powers conferred by subsection (1) of Section 124 of the Government of India

Act, 1935, the Central Government is pleased, with effect from the 1st April, 1938, to entrust to all State Governments with their consent the functions of the Central Government under sub-sections (1), (4), (6), (7) and (8) of Section 3, sub-sections (1) and (2) of Section 4, Section 5, Section 8-A, Section 9, sub-section (1), (2), and (3), of Section 10, Section 11, Section 15, clause (c) of Section 19 and Section 20 of the Indian Extradition Act, 1903 (XV of 1903).

*Section 124(1) of the Government of India Act, 1935, corresponds to Article 258 (1) of the Constitution of India.