METHODOLOGY

It is doctrinal study employing descriptive, exploratory and comparative methods of research.

Judicial Approach: Obligating the Extradition Agreement the Portuguese court ordered their extradition after the Indian government, through its lawyer, gave a solemn assurance that if convicted they would not be sentenced to death. The assurance was given since European law prohibits extradition of any accused to such a country where capital punishment is in vogue.

It is essential here to give a glance at the earlier decided case of Gill & Sandhu. In early 1987, the government of India requested the United States to extradite Ranjit Singh Gill and Sukhminder Singh Sandhu, claiming that the two were responsible for robberies and murders committed in the Punjab, in India. Magistrate Ronald J. Hedges, however, found that he could not consider evidence of the mistreatment to which Gill and Sandhu could be subjected if returned to India.

The court stayed their release pending an appeal by the Indian government. In reaching his decision, Judge Robert J. Sweet considered four primary issues:

(1) the scope of the district courts’ review of extradition proceedings;

(2) the fairness of the hearing procedures;

(3) the probable cause determination; and

(4) the possible antipathetic treatment awaiting Gill and Sandhu in India.

While undertaking, the present study work all the current literature on subject available in form of books, research papers, reports and decided court cases etc. has been discussed. An effort has been made to analysis and study of the writings that have a bearing on the subject undertaken for study. Additional, emphasis has been laid on the case law that has been decided by International Court, Supreme Court and High Courts of different states. In short, doctrinal approach has been adopted. To the possible extent every aspect of the Public International law, extradition at international treaties and Legislative Judicial Approach has been analysed.
To give a broad outline of the scope of this work, this study focal point is on the importance, the essential features and other legal parameters of the legal mechanism of extradition, the universal scope and the changing dynamics of the law of extradition at a worldwide level, the scope and position of Indian legislative framework of extradition, the judicial move towards to extradition issues in practice, the compatibility of Indian legislative framework with general developments in extradition law and UN Model Law, 2004, the impact of human rights philosophy on the legal institution of extradition and the Indian experiences due to the rising human right approaches to extradition.

The purpose of research for extradition is to bring the individual within the requesting country’s boundaries in order to make a determination of guilt or innocence, or to impose punishment. As far as India is concern this issue is always in light because of number of cases, such as Nadeem’s extradition for involvement in Gulshan Kumar Murder case & demand of Dawood for involvement in Bombay Bomb Blast of 1992, in which we are still waiting for positive response. When one talks of extradition, quite a few names come to mind. The most tragic case was that of Rajan Pillai, who was sentenced to jail in Singapore for economic offences. He, however, took refuge in India. The Singaporean government requested his extradition. He would possibly have been sent back to Singapore, but he died under mysterious circumstances while in judicial custody in the Delhi jail. Underworld don and prime accused in the Mumbai blasts Abu Salem, who has been extradited from Portugal along with wife Monica Bedi is also a land mark in this regard.

As India has not been successful in getting criminals who have taken refuge in Western countries returned to the subcontinent, there is a growing feeling in government circles that those countries

When Abu Salem entered the US, they tipped off the Federal Bureau of Investigation (FBI), which tailed him. Abu managed to get out of the US and entered Portugal through Lisbon after rigging up his papers. They went on to tip the Lisbon authorities that immediately seized the Indian gangster. And, the tables turned. Abu Salem found himself on the receiving end and, the Mumbai police, on their part had, scores to settle with the gangster whose extradition from Portugal is shrouded with as much controversy as his role in the city's blackest blasts. The extradition of underworld don Abu Salem was a tribute to the co-ordination among the Central Bureau of
Investigation, the ministry of home affairs, the ministry of external affairs and the Indian embassy in Lisbon, Portugal, and was made possible by the excellent cooperation received from the Portuguese authorities. The extradition was a landmark event for many reasons.

This study is limited to analysis of Indian Legal Regime as contained in Indian Extradition Act, 1962 as amended in 1993 along with the relevant judicial data. Also in assessing the impact of human rights philosophy on the association of extradition, greater thrust is made on the impact of human right of prohibition against torture.

**WORK PLAN**

**General Scheme of chapterisation**

My work will be legal in nature also analytical and interpretive

- **Chapter I** Introduction, Nature and Basis of International Law
- **Chapter II** Significance and Legal Parameters of the Concept of Extradition and mutual legal assistance in criminal matters: the principal tools of the “indirect enforcement system”
- **Chapter III** Codification and Progressive Development of International Law: Evolution of Indian Law of Extradition.
- **Chapter IV** Indian Extradition Law and Practice-An Analysis.
- **Chapter V** Limitations and Future of International Law: Human Rights Ideology and Extradition.
- **Chapter VI** Conclusion & Suggestions.
UTILITY

- To analyze the significance, essential principles of International law
- To examine out the changing dynamics of International Law and extradition treaties with extraordinary reference to modern developments
- To investigate the influence of human rights philosophy on the legal organization of extradition
- To highlight Nature and Basis of International Law
- To highlight the legal cases
- To analyze some of the important related legal cases in recent years.
- To exemplify Equality, treaties and obligation
- Progressive Development of International Law
- Future of International Law
- To consider the sufficiency of the proposed Bill on Prevention of Torture, 2010