

**No. 49941**

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**Republic of Korea  
and  
India**

**Treaty on extradition between the Republic of Korea and the Republic of India. New Delhi,  
5 October 2004**

**Entry into force:** *8 June 2005 by the exchange of the instruments of ratification, in accordance  
with article 20*

**Authentic texts:** *English, Hindi and Korean*

**Registration with the Secretariat of the United Nations:** *Republic of Korea, 6 July 2012*

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**République de Corée  
et  
Inde**

**Traité d'extradition entre la République de Corée et la République de l'Inde. New Delhi,  
5 octobre 2004**

**Entrée en vigueur :** *8 juin 2005 par l'échange des instruments de ratification, conformément à  
l'article 20*

**Textes authentiques :** *anglais, hindi et coréen*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *République de  
Corée, 6 juillet 2012*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**TREATY ON EXTRADITION  
BETWEEN THE REPUBLIC OF KOREA  
AND THE REPUBLIC OF INDIA**

The Republic of Korea and the Republic of India (hereinafter referred to as "the Parties"),

Desiring to strengthen their bilateral relations and to make more effective their cooperation in the prevention and suppression of crime by concluding a treaty on extradition,

Have agreed as follows:

### **Article 1**

#### **Obligation to Extradite**

Each Party agrees to extradite to the other, in accordance with the provisions of this Treaty, any person who is wanted in the Requesting Party for prosecution/trial, or imposition or enforcement of punishment for an extraditable offence.

### **Article 2**

#### **Extraditable Offences**

1. For the purpose of this Treaty, extraditable offences are offences which, at the time of the request, are punishable under the laws of both Parties by deprivation of liberty for a period of at least one year or by a more severe penalty.
2. Where the request for extradition relates to a person sentenced to deprivation of liberty by a court of the Requesting Party for any extraditable offence, extradition shall be granted only if a period of at least six (6) months of the sentence remains to be served.
3. For the purpose of this Article, in determining whether an offence is an offence against the laws of both Parties:
  - (a) it shall not matter whether the laws of the Parties place the conduct constituting the offence within the same category of offence or denominate the offence by the same terminology; and

- (b) the totality of the conduct alleged against the person whose extradition is sought shall be taken into account and it shall not matter whether, under the laws of the Parties, the constituent elements of the offence differ.

4. Where extradition of a person is sought for an offence against a law relating to taxation, customs duties, foreign exchange control or other revenue matters, extradition may not be refused on the grounds that the law of the Requested Party does not impose the same kind of tax or duty or does not contain a tax, duty, customs or exchange regulation of the same kind as the law of the Requesting Party.

5. Where the offence has been committed outside the territory of the Requesting Party, extradition shall be granted where the law of the Requested Party provides for the punishment of an offence committed outside its territory in similar circumstances. Where the law of the Requested Party does not so provide, the Requested Party may, in its discretion, grant extradition.

6. If the request for extradition refers to several offences each of which is punishable under the laws of both Parties, but some of which do not fulfill the other conditions set out in paragraphs 1 and 2 of this Article, extradition may be granted for the offences provided that the person is to be extradited for at least one extraditable offence.

### **Article 3**

#### **Mandatory Grounds for Refusal**

Extradition shall not be granted under this Treaty in any of the following circumstances:

- (a) when the Requested Party determines that the offence for which extradition is requested is a political offence or an offence connected with a political offence. Reference to a political offence shall not include the following offences:
  - (i) the taking or attempted taking of the life or an assault on the person of a Head of State or Head of Government or a member of his or her family;

- (ii) an offence in respect of which the Parties have the obligation to extradite or submit the case to their competent authorities for prosecution, by reason of a multilateral international treaty/convention to which they are both parties;
  - (iii) murder or culpable homicide/manslaughter;
  - (iv) an offence, involving firearms, explosives, incendiaries, destructive devices or substances, causing death, grievous bodily harm or serious damage to property; or
  - (v) a conspiracy or attempt to commit, or participation in, any of the foregoing offences;
- (b) when the person sought is being proceeded against or has been tried and convicted or acquitted in the territory of the Requested Party for the offence for which his extradition is requested;
- (c) when the prosecution or the punishment for the offence for which extradition is requested would have been barred by lapse of time under the law of the Requested Party had the same offence been committed in the Requested Party. Acts or circumstances that would suspend the lapse of time under the law of the Requesting Party shall be given effect by the Requested Party, and in this regard the Requesting Party shall provide a written statement of the relevant provisions of its law relating to the lapse of time;
- (d) when the Requested Party has well-founded reasons to suppose that the request for extradition has been presented with a view to prosecuting or punishing the person sought, by reason of race, religion, nationality, sex or political opinion, or that the person's position may be prejudiced for any of those reasons.

#### **Article 4**

##### **Optional Grounds for Refusal**

Extradition may be refused under this Treaty in any of the following circumstances:

- (a) when the offence for which extradition is sought is regarded under the law of the Requested Party as having been committed in whole or in part within its territory. If extradition is refused solely on this ground, the