

### Extradition Treaty with the USA

\*463.PROF. P.J. KURIEN: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether India has an Extradition Treaty with the USA to extradite US citizens, who are wanted for terrorist crimes in India;
- (b) if so, the details thereof;
- (c) whether any request is pending with the USA to extradite any criminals wanted for crimes in India;
- (d) if so, the details thereof;
- (e) the present position of Government's efforts to extradite the Mumbai terror suspect, David Headley to India;
- (f) the reason why it is being delayed; and
- (g) the proposed action of Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) Yes, Sir.

(b) As per the Extradition Treaty between the Government of the Republic of India and the United States of America signed at Washington D.C. on 25th June, 1997 and in accordance with Article 23 of the Treaty instruments of ratification exchanged at New Delhi on 21st July, 1999, both the States had agreed to extradite to each other the person who, by the authorities in the Requesting State are formally accused of, charged with or convicted of an extraditable offence.

(c) and (d) The following 7 extradition requests of India are pending with the Government of United States of America.

Sl.No.	Name of the Fugitive	Offence (S)
1.	Narender Kumar Rastogi	Criminal conspiracy and cheating.
2.	Narendra Kumar Gudgud	Financial fraud.
3.	Bharat Popatlal Patel	Financial fraud.
4.	Daminder Singh Batra	Financial fraud.
5&6.	Amar Singh and Rishipal Singh @ Richpal Singh	Murder.
7.	Kanniyala Sethia	Financial fraud.

(e) to (g) At different levels, Government of India have indicated to the U.S. Government that India would like David Coleman Headley to be extradited to India on charges linked to the 26/11 terrorist attack in Mumbai. Government of India have also sought direct access to question David Coleman Headley.

The modalities of grant of access to Indian investigators have to be confirmed by the US Authorities in the context of his plea bargain which, *inter-alia*, binds Headley to fully and truthfully testify in any foreign Judicial proceedings held in the United States by way of deposition, video conferencing or Letters Rogatory, when directed by the United States Attorney's Office.

#### Human trafficking in the country

\*464.PROF. ALKA BALRAM KSHATRIYA : Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether Government is aware of large magnitude of human trafficking in the country;
- (b) if so, the details thereof;
- (c) whether there is any law to deal with the problem of human trafficking; and
- (d) if so, the details thereof and how the Government is enforcing such laws?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) Human Trafficking is a cause of serious concern to the Union Government. State/UT wise details of the cases relating to human trafficking during 2006-2008 is enclosed as Statement-I (See below). As per the statistics provided by the National Crime Record Bureau (NCRB), the number of cases registered during 2006, 2007 and 2008 under various provisions of law relating to human trafficking were 5096, 4087 and 3133 respectively.

(c) and (d) Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1). The Immoral Traffic (Prevention) Act, 1956 (ITPA) is one of the important legislations addressing the problem of trafficking. Other important legislations which deal with trafficking related crimes are the Prohibition of Child Marriage Act, the Child Labour (Prohibition and Regulation) Act, 1986, the Bonded Labour System (Abolition) Act, 1976, Maharashtra Control of Organised Crime Act, 1999 and Goa Children's Act 2003 and the Juvenile Justice (Care and Protection of Children) Act, 2000. In addition, certain specific sections of the Indian Penal Code (Sections 359 to 368) which deal with buying and selling of girls for prostitution, importation of girls and procurement of minor girls etc., prescribe severe punishment for offences related to trafficking. Sections 51(2), 53(2), 98, 327(2) and 357 of Cr. PC 1973 are also relevant in this context. The Government of India has also issued a detailed Advisory dated 9.9.2009 to States/UTs to deal with the crime of trafficking in a holistic manner and to evolve an effective and comprehensive strategy encompassing rescue, relief and rehabilitation of victims besides taking deterrent action against the law violators.