

APPENDIX XX
(Regulations 281 and 325)

Pursuit, arrest and extradition of offenders escaping out of British India into State territory.

Or vice versa.

1. The Indian Extradition Act, 1903 and rules thereunder.

(i) The Indian Extradition Act, 1903 (XV of 1903), governs arrests and extradition from British Indian States.

(ii) Rules regulating the procedure of Political Agents for surrender of persons to Indian State have been framed by the Government of India, Foreign Department, and published in the Gazette of India (vide Notification No. 1862 I.A., dated the 13th May 1904).

2. Arrest in Indian states. The Indian Extradition Act, 1903 is not concerned with the surrender of criminals who have fled from justice out of British India into an Indian State, and it has therefore no direct application to extradition from Indian State territory. When a person whom it is desired to arrest has taken refuge in an Indian State a report of the fact shall be submitted to the Magistrate of the district with the request that steps may be taken to procure extradition. The action to be taken by the Magistrate is described in the Government of Bengal, political Department, letter No. 2735-2760P., dated the 25th February 1927.

3. Pursuit and arrest in British India of persons accused of offences committed in Indian States.

(i) The officers of Indian States have not authority to make arrests of criminals in British territory; but they may pursue criminals accused of extraditable offences and seek the aid of the British police in securing their arrest.

(ii) The rules framed by the Governor-General in Council under section 22 of the Indian Extradition Act, 1903 (XV of 1903), to provide for the pursuit and arrest in British India of persons accused of offences committed elsewhere are contained in Foreign and Political Department Notification No. 107-I-, dated the 24th February 1932, which is reproduced below:- —In exercise of the powers conferred by section 22 of the Indian Extradition Act, 1903 (XV of 1903) and in pursuance of the notification of the Government of India in the Foreign and Political Department No. 505-I., 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.

(1) When a person accused of having committed in a State specified in the first schedule thereto, an offence which if committed in British India, would be punishable under a 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 authorization 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 authority of clause (b) of rule (2) if becomes possible to

communicate with the British India Police before the fugitive has been arrested and without prejudice to the prospects of effecting his arrest, the pursuing party shall forthwith communicate with the British Indian police.

(4) 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.

4.Arrest of fugitives from Indian States.-The police shall not arrest any fugitive from an Indian State without an order from the District Magistrate; provided that in the case of extraditable offences, if the accused is pursued by the police of such state and his arrest claimed, he shall be arrested if the suspicion attaching to him be reasonable; but the person so arrested together with any property recovered from him, shall not be removed to the Indian State until receipt of the District Magistrate’s orders.

FIRST SCHEDULE.

Part A.- States permanently included in the schedule

1	Hyderabad.	4	Gwalior.
2	Mysore.	5	Sikkim.
3	Kashmir.	5A	Baroda.

Central India.			
6	Indore	17	Bijawar.
7	Bhopal.	18	Baoni.
8	Rewa.	19	Chhatarpur.
9	Nagod.	20	Dewas Senior Branch.
10	Maihar.	21	Dewas Junior Branch.
11	Orchha.	22	Jaora.
12	Datia.	23	Sitamau.
13.	Samthar.	24	Sailana.
14	Panna.	25	Rutlam.
15	Charkhari.	25A	Dhar.
16	Ajaigarh.	25B	Barwani.

Rajputana.			
26	Alwar.	30	Kotah.
27	Bikaner.	31	Jaipur.
28	Bharatpur.	32	Jidhpur.
29	Dholpur.	33	Tonk.

Punjab.			
34	Patiala.	38	Sirmoor.
35	Jind.	39	Malerkotla.
36	Nabha.	40	Faridkot.
37	Kapurthala.		

States of Western India.			
41	Cutch.	58	Manavadar.
42	Junagadh.	59	Thana Devli.

43	Nawanagar.	60	Vadia.
44	Bhavanagar.	61	Lathi.
45	Porbandar.	62	Muli.
46	Dhrangadhara.	63	Virpur.
47	Palanpur.	64	Malia.
48	Radhanpur.	65	Kotda-Sangani.
49	Morvi.	66	D.S.Vala Mulu Suraj of Jetpur.
50	Gondal.	67	D.S.Vala Rawat Ram of Bilkha.
51	Jafrabad.	68	Patdi.
52	Dhrol.	69	Tharad.
53	Limbdi.	70	Wao.
54	Wadhwan.	71	M.S.Jorawarkhanji's State Verahi.
55	Lakhtar.	72	Thana areas and the Civil Stations of Wadhwan and Rajkot in the Western India States Agency.
56	Vala.		
57	Jasdan.		

Madras.			
73	Travancore	75	Pudukottah.
74	Cochin.		

Bombay.			
76	Savabtvadi.	87	Kurundwad (Senior)
77	Jath.	88	Kurundwad (Junior.)
78	Savanur.	89	Ramdrug.
79	Cambay.	90	Idar.
80	Janjira.	91	Vijaynagar.
81	Kolhapur.	92	Danta.
82	Mudhol.	93	Mansa.
83	Sangli.	94	Malpur.
84	Miraj (Senior)	95	Surgana.
85	Miraj(Junior)	96	Bhor.
86	Jamkhandi.	97	Rajpipla.

Bombay-concld.			
98	Chotta Udepur.	108	Khairpur.
99	Lunawada.	109	Bansda.
100	Sant.	110	Dharampur.
101	Kadana.	111	Jawhar.
102	Bhadarwa.	112	Administered areas comprised in the Thana Circles and Sadra Bazar.
103	Sanjeli.		
104	Jambughoda.	113	Sankeda Mewas.

105	Aundh.	114	Pandu Mewas.
106	Phaltan.		
107	Akalkot.		

United Provinces.			
115	Benares.	116	Tehri.
	Eastern States Agency		
117	Cooch Behar.	138	Khandpara
118	Tripura.	139	Kharsawan.
119	Athgarh.	140	Korea.
120	Athmallik.	141	Mayurbhanj.
121	Bemra.	142	Nandgaon.
122	Baramba.	143	Narsinghpur.
123	Baugh.	144	Nayagarh.
124	Baudh.	145	Nilgiri.
125	Bonai.	146	Pal-Lahara.
126	Changbhakar.	147	Patna.
127	Chhuikhadan.	148	Raigarh.
128	Despalla.	149	Rairakhlo.
129	Dhenkanal.	150	Ranpur.
130	Gangpur.	151	Sakti.
131	Hindol.	152	Sarangarh.
132	Jashpur.	153	Seraikela.
133	Kalahandi.	154	Sonepur.
134	Kanker.	155	Surguja.
135	Kawardha.	156	Talcher.
136	Keonjhar.	157	Tigiria.
137	Khairagarh.	158	Udaipur.

Assam.			
159	Manipur.		

Part B. - States included in the Schedule for the period terminating on the date specified against each-

State	Date of termination
Baria	1 st January 1940.
Alirajpur	1 st October 1940.

SECOND SCHEDULE.

List of sections of the Indian Penal Code-
Sections 300, 302, 303, 304, 307, 308, 311, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, and 402.