

Mapping of Sections in India's MLAT Agreements

Leilah Elmokadem

The Centre for Internet and Society, India

This info-graphic diagram intends to map out and compare the various sections that exist in the 39 MLATs (mutual legal assistance treaty) between India and other countries. An MLAT is an agreement between two or more countries, drafted for the purpose of gathering and exchanging information in an effort to enforce public or criminal laws.

We have found that India's 39 MLAT documents are worded, formatted and sectioned differently. At the same time, many of the same sections exist across several MLATs. This diagram lists the sections found in the MLAT documents and indicates the treaties in which they were included or not included. To keep the list of sections concise and to more easily pinpoint the key differences between the agreements, we have merged sections that are synonymous in meaning but were worded slightly differently. For example: we would combine "Entry into force and termination" with "Ratification and termination" or "Expenses" with "Costs". At the same time, some sections that seemed quite similar and possible to merge were kept separate due to potential key differences that could be overlooked as a result. For example: "Limitation on use" vs. "Limitation on compliance" or "Serving of documents" vs. "Provision of (publicly available) documents/records/objects" remained separate for further analysis and comparison.

These differences in sectioning can be analysed to facilitate a thorough comparison between the effectiveness, efficiency, applicability and enforceability of the various provisions across the MLATs. The purpose of this initial mapping is to provide an overall picture of which sections exist in which MLAT documents. There will be further analysis of these sections to produce a more holistic content-based comparison of the MLATs.

Designed by **Saumyaa Naidu**



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SECTION																																			Total Yes/No											
	Australia	Azerbaijan	Bahrain	Bangladesh	Belarus	Bosnia & Herzegovina	Bulgaria	Canada	Egypt	France	Hong Kong	Iran	Indonesia	Israel	Kazakhstan	Kyrgyz Republic	Kuwait	Malaysia	Mauritius	Mexico	Mongolia	Myanmar	Russia	Singapore	South Africa	South Korea	Spain	Sri Lanka	Switzerland	Oman	Tajikistan	Thailand	Turkey	Ukraine	UAE	UK	USA	Uzbekistan	Vietnam							
Safe conduct	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	35	4		
Provision of (publicly available) documents/records/objects	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	35	4
Certification/authentication	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	31	8
Search and seizure	Yes	Yes	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes	Yes	Yes	25	14	
Proceeds and instruments of crime	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	33	6	
Representation and expenses	Yes	No	No	No	No	No	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	5	34		
Consultation	Yes	Yes	No	No	Yes	Yes	No	Yes	No	No	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	24	15		
Entry into force/ratification and termination	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	34	5
Presence of persons at the execution of requests	No	Yes	No	No	No	Yes	No	No	No	Yes	Yes	No	Yes	Yes	No	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	Yes	No	No	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes	Yes	Yes	19	20	
Providing evidence or assisting investigations in the requesting state	No	Yes	No	No	No	Yes	No	No	No	No	Yes	No	No	No	No	No	No	Yes	No	No	Yes	No	No	Yes	No	No	No	Yes	No	No	No	Yes	No	No	No	No	No	Yes	No	No	No	Yes	10	29		
Funds meant for financing acts of terrorism	No	Yes	No	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No	No	Yes	5	34			
Limitation on use	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	34	5	
Legalization	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	1	38		
Expenses/Costs	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	33	6	
Amendment	Yes	No	No	No	Yes	No	No	No	No	No	Yes	Yes	No	Yes	No	No	Yes	Yes	No	No	No	No	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes	12	27		

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SECTION	TOTAL YES & NO
Scope of application	<div><div></div><div></div></div>
Definitions	<div><div></div><div></div></div>
Compatibility with other treaties	<div><div></div><div></div></div>
Central authorities	<div><div></div><div></div></div>
Refusal or postponement of assistance	<div><div></div><div></div></div>
Contents of requests	<div><div></div><div></div></div>
Language	<div><div></div><div></div></div>
Execution of requests	<div><div></div><div></div></div>
Return of material to requested state	<div><div></div><div></div></div>
Confidentiality	<div><div></div><div></div></div>
Service of documents	<div><div></div><div></div></div>
Taking evidence (in the requested state)	<div><div></div><div></div></div>
Obtaining statements of persons	<div><div></div><div></div></div>
Availability/transfer of persons in custody to give evidence or assist in investigations	<div><div></div><div></div></div>
Availability/transfer of other persons to give evidence or assist in investigations	<div><div></div><div></div></div>
Safe conduct	<div><div></div><div></div></div>
Provision of (publicly available) documents/records/objects	<div><div></div><div></div></div>
Certification/authentication	<div><div></div><div></div></div>
Search and seizure	<div><div></div><div></div></div>
Proceeds and instruments of crime	<div><div></div><div></div></div>
Representation and expenses	<div><div></div><div></div></div>
Consultation	<div><div></div><div></div></div>
Entry into force/ratification and termination	<div><div></div><div></div></div>
Presence of persons at the execution of requests	<div><div></div><div></div></div>
Providing evidence or assisting investigations in the requesting state	<div><div></div><div></div></div>
Funds meant for financing acts of terrorism	<div><div></div><div></div></div>
Limitation on use	<div><div></div><div></div></div>
Legalization	<div><div></div><div></div></div>
Expenses/Costs	<div><div></div><div></div></div>
Amendment	<div><div></div><div></div></div>
Temporal scope of application	<div><div></div><div></div></div>
Information on judgements	<div><div></div><div></div></div>

SECTION	TOTAL YES & NO
Exchange of legal information	<div><div></div><div></div></div>
Interpretation	<div><div></div><div></div></div>
Obligation to grant mutual assistance	<div><div></div><div></div></div>
Dual criminality	<div><div></div><div></div></div>
Consular officials	<div><div></div><div></div></div>
Third states	<div><div></div><div></div></div>
Right or obligation to decline to give evidence	<div><div></div><div></div></div>
Other Assistance	<div><div></div><div></div></div>
Requests and supporting documents	<div><div></div><div></div></div>
Limitation on compliance	<div><div></div><div></div></div>
Restitution (of documents or property)	<div><div></div><div></div></div>
Provision of other information in connection with proceedings	<div><div></div><div></div></div>
Transit	<div><div></div><div></div></div>
Settlement of disputes	<div><div></div><div></div></div>
Exclusion	<div><div></div><div></div></div>
Optional grounds	<div><div></div><div></div></div>
International Obligations	<div><div></div><div></div></div>
Evidence by video conference	<div><div></div><div></div></div>
Controlled delivery	<div><div></div><div></div></div>
Location or identification of persons and objects	<div><div></div><div></div></div>
Non-Application	<div><div></div><div></div></div>
Restitution and fine enforcement	<div><div></div><div></div></div>
Production of material/thing/object	<div><div></div><div></div></div>
Property used or derived from the commission of an offence	<div><div></div><div></div></div>
Service of process	<div><div></div><div></div></div>
Investigation of crime by police or other law enforcement agencies	<div><div></div><div></div></div>
Judicial records	<div><div></div><div></div></div>
Restraint	<div><div></div><div></div></div>
Enforcement of confiscation orders	<div><div></div><div></div></div>
Territorial application	<div><div></div><div></div></div>
Assistance in forfeiture proceedings	<div><div></div><div></div></div>
Subsidiary arrangements	<div><div></div><div></div></div>

YES NO