

4. When sexual harassment occurs as a result of an act or omission of third party or outsider, the employer and person in charge will take all necessary and reasonable steps to arrest the guilty person by way of support and preventive action.

5. All the employees should take immediate steps to include the prohibition in the industrial Employment (Standing orders) Act. 1946.

6. Where such conduct amounts to a specific offence under IPC or under any other law the employer shall initiate appropriate actions in accordance with law. It should ensure that victims or witnesses are not victimised or discriminated against while dealing with the complaints of sexual harassment. The victim should have the option to seek the transfer of the accused or her own transfer.

The latest Supreme Court decision in *Apparel Export Promotion Council v. A.K. Chopra*,⁵ applied definition of sexual harassment given in *Vishaka's* case. The facts of the case are:

The woman who was Clerk-cum-Typist to the respondent. The respondent tried to

sit close to her and touch her. In this case it was held that physical contact with the female is not an essential ingredient to constitute a charge of sexual harassment. Any action or gesture whether directly or by implication, aims at or has the tendency to outrage the modesty of a female employee falls under the general concept of sexual harassment.

Now with the definition of sexual harassment having been sufficiently enlarged it is expected that the "place of work should also be redefined keeping in view the challenging and variety of jobs that women are opting in public and private organisations.

It should not only be the employers' premises or Office or an establishment, where a woman works, that premises to be called the place of work". In fact women who are in field jobs may face absurd situations while performing the task of which are either assigned by the office or which fall in their nature of assignment.

For such working women the entire area of operation including the field work need to be described as "place of work and exemplary action should be taken on complaints by women alleging harassment.

ASYLUM AND EXTRADITION – NEED FOR OBLIGATION AND ENFORCEMENT AND THE ROLE OF UNITED NATIONS

By

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Introduction:

Noted Legal expert G.J. Starke has rightly remarked that "Asylum stops, as it were, where extradition or rendition begins". Asylum involves two elements as mentioned herein below.

- (i) a shelter which is more than a temporary refuge or protection, and
- (ii) a degree of active protection on the part of the authorities in control over the territory of asylum.

Asylum and Extradition are mutually exclusive and are interdependent. Asylum

5. AIR 1999 SC 1

provides protection to a political person from the threat of prosecution in his country, while by extradition a fugitive involved in criminal activity in a country is transported so as to face trial in the country or place where the crime has actually been committed. But it is an accepted norm that a politically involved person will not be extradited.

The Institute of International Law has defined asylum as “the protection which a State grants on its territory or some of her place under the control of certain of its organs to a person who comes to seek it.”

The United Nations has been very concerned about the violations of Human Rights and has done a great job for preventing it but a lot more requires to be done. It has addressed to the problem of asylum way back in 1948 while considering the issue of Refugees as has mentioned in various conventions of Refugees. Right to Asylum is enshrined in Article 14 of the Universal Declaration of Human Rights, 1948. According to it every one has the right to seek and enjoy in other countries asylum from prosecution but the so called right to asylum is probably nothing but the competence of every State to allow a prosecuted alien to enter and to remain on its territory under its jurisdiction and control, under its protection. Therefore, Asylum cannot be refused by a State. In fact according to United Nations Declaration seeking asylum is the right of a person and the State can consider providing him necessary shelter and protection and keep him under surveillance. But there is not duty or compulsion on the part of the State to grant asylum. It has also the duty to prevent individuals living on its territory from endangering the safety of another and that its territory is not used for hostile expeditions or by preparing common crimes against it Head, members of its Government or its property. Thus the State providing asylum has to ensure that its territory is not used for terrorist activities or for carrying out subversive activities against

it or its neighbours. Further, the United Nations declaration calls the Nations to refrain from rejection at the frontier of persons seeking asylum.

Asylum can be broadly categorized as territorial or extra territorial. In 1967 the General Assembly of the United Nations unanimously adopted the Declaration on Territorial Asylum. The draft text, which was prepared by the legal experts also intended to reinforce to some extent Article 14 of the Universal Declaration of Human Rights, 1948, but does not make any mention of obligation on the part of the State to grant asylum, because of which although, the right to seek asylum exists as per Article 14 of the Universal Declaration of Human Rights, corresponding duty to grant asylum does not exist on the part of the States. In this respect the United Nations can play a more effective and important role in the international field despite its limitations in enforcing powers. India has been doing its best and a commendable job as far as asylum to refugees is concerned. The way India treats the refugees from the neighboring States, despite tremendous constraints and limitations of resources, is a leading example for following by other developed countries of the world. It is doing a commendable job.

Asylum and Extradition are in practice from times immemorial and can be traced in Hindu mythology and epics like Ramayana and Mahabharata. There are instances of enemies seeking asylum and mentions of immunity to them and certain other persons who also take up the job as mediators for solving their international disputes. Similarly, this was also in practice in the Greek and Roman civilizations and reference can be found in other civilizations as well.

Looking to the devastation of the II World War, the United Nations has taken the responsibility of protecting the human

rights as envisaged in its Preamble. The United Nations General Assembly has recognized asylum and given importance to it and a Declaration was made on December 10, 1948, known as Universal Declaration of Human Rights, by member states of the United Nations. Article 14 of the said Universal Declaration of Human Rights gives the right to individual to seek asylum in other country from prosecution. This was done to prevent the violation of Human Rights and protection of the same, so that every individual can enjoy his life. Also, this is in accordance with the Preamble of the Charter of United Nations which reads as “to reaffirm faith in fundamental human rights, in the dignity and worth human person, in the equal rights of men and women” *etc.*, as per which the people can enjoy their life and the violation of human rights can be prevented. Article 1(3) of the U.N. Charter mentions that “...and in promoting and encouraging respect for Human Rights and for fundamental freedom to all without any distinction”. Accordingly, it is one of the most important purposes and responsibilities of United Nations. Hence, asylum gains importance so that refugees can be protected from the threat to their life due to internal disturbances in their place and can return to their country on restoration of peace and normalcy.

Romania was a communist country and the repression of the Government, was unbearable with lot of restrictions and regimentation, as a result, when the country was participating in Olympics held in the United States of America, their ace gymnast *Nadia Comenici*, who scored a perfect ten out of ten and created history in Gymnastics field, sought asylum in America. The US Government, readily granted her asylum. There were a few other sport persons from some communist countries who sought asylum in democratic countries to overcome the strict regimentation and oppression of the Government there.

On the other hand extradition is transfer of a person to a country which seeks his transfer for trying him for the criminal activities he is involved in that country. There is no general duty of States in respect of Extradition and the International Law does not recognize it. But there is a social need to punish criminals of serious nature for protection of human rights and in order to fulfill this social necessity the principle of extradition has been recognized.

Extradition is a formal process whereby by mutual treaties, bilateral or multilateral or on an *ad-hoc* basis assistance is rendered by one state to another in matters relating to crime. Also, the International criminal law, human rights and humanitarian law provides for extradition even if there is no agreement between the states. The International humanitarian law also imposes restrictions on the surrender or extradition of a person if it exposes such persons to the risk of serious violation of human rights and loss of life. The principles of non-refoulement play a very important role and constitute the principal aspect defining the legal framework for the interplay between the Asylum and Extradition.

As mentioned in Oppenheim's International Law, extradition has been defined as “*Extradition is the delivery of an accused or a convicted individual to the station whose territory he is accused of, or has been convicted of a crime, by the state on whose territory he happens for the time to be.*”

Lawrence has defined extradition as “the surrender by one State to another of an individual who is found within the territory of the former, and is accused of having committed a crime within the territory of the latter or who, having committed a crime outside the territory of the latter, is one of its subjects and, as such, by its law amenable to the jurisdiction.”

In the modern times extradition is an important aspect in view of the increase in

terrorist activities and shelter being provided to such people by the protagonists. Asylum also gains importance because of terrorist's or secessionist activities and consequently leaving the country because of fear of life and property to another country or place for safety.

India has always been a centre of asylum seekers, whether refugees from Tibet, Bangladesh, Afghanistan, Burma or Srilanka. Although India has not signed the UN Convention on Refugees, it has taken care of the refugees on humanitarian grounds and provided protection and shelter. This is because of the fact that India is a democratic country and strongly believes in the principles of non-refoulement, which is enshrined under Article 33 of the 1951 Convention (*i.e.* protection of refugees against expulsion or return to a country where they fear persecution). After bifurcation of India, many people have left their belongings and came to settle down in India, so also refugees have come to India from Burma or which is presently known as Myanmar, seeking asylum. During the war for the liberation of Bangladesh the brutality and the atrocities of the Pakistani regime forced a large number of people to flee from Bangladesh. During the separatist movement in Srilanka by the LTTE, there was a mass exodus of people into to India. All the refugees had to be accommodated by India as they were not prepared to return to their country.

The principle of Non-Refoulement as set out in Article 33(1) of the 1951 Convention is given below:

"No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion". India not only believes strongly in the principle of non-refoulement but also practices it.

International law does not establish a general duty to extradite. As is well known fact International law lacks enforcement authority. However, there is a general and legal obligation for one State to surrender a person/fugitive wanted by another State. This obligation exists only on the basis of bilateral or multilateral agreements for extradition or if both the requesting and requested States are parties to an international treaty or instrument which institutes a duty to extradite, in the interest of social interest and prevention of crimes against the humanity. In the absence of such an agreement or treaty extradition of a fugitive and criminal becomes next to impossible difficult, especially when the fugitive takes shelter or refuge in an enemy State as in the case of *Dawood Ibrahim*, the Indian wanted in connection with various crimes including that of 1993 serial Bombing in Mumbai, in which hundreds of innocent lives were killed.

Asylum not a matter of right and types of asylums:

Right of seeking asylum is conferred under Article 14 of Universal Declaration of Human Rights 1948. According to Article 14 of the said Universal Declaration of Human Rights 1948,

- (i) Every one has a right to seek and enjoy in other countries asylum from prosecution.
- (ii) However, this right may not be invoked in the case of prosecution genuinely arising from non-political crimes or from acts contrary to the purposes and principles of United Nations.

It may, however, be noted that the Universal Declaration of Human Rights 1948 simply recognizes the right of asylum but it does not grant the right to receive the asylum. It is in fact, the competence of the state to allow a fugitive alien to enjoy the hospitality of the State which grants asylum

but it might be necessary for the State to keep him under surveillance or to keep him some secluded place to make his entry subject to condition because it is the duty of every State to prevent people living on its territory from organizing hostile expeditions on its soil or to commit crime against the Head or members of its Government or property and prevent endangering the safety of another state.

United Nations Declaration on Territorial Asylum was unanimously adopted by the General Assembly in 1967. Most important aspect of it is that it calls on all the Governments not to reject asylum seekers at the borders or to take measures to reject asylum at the borders. Because the people fleeing the country due to internal disturbances and threat to lives can be at least given protection of life and given shelter temporarily. Although it is a good measure, more often than not especially in countries like India and other developing and democratic countries the people seeking asylum does not prefer to return to their country even after normalcy is restored. It was seen in respect of refugees from Bangladesh and Pakistan, since, the living conditions and freedom in India are far better than those countries.

United Nations has been always concerned with the protection of the rights and lives of people of the world as has been mentioned in the Preamble of Charter of United Nations and this is amply clear from the fact that United Nations Conference of Plenipotentiaries on Territorial Asylum was held in Geneva in 1977. Though, no consensus could be reached, it had recommended for holding one more session at the appropriate time to decide about the issue of asylum. Hence, right of a person to seek asylum has been enshrined in the convention although, granting of asylum has not been made mandatory or binding or duty as was mentioned elsewhere above.

United Nations Convention on Status of Refugees was held in 1951 and it came into

force in 1954. A protocol relating to Status of Refugees came into force on 4th October 1967. The Convention is based on two principles.

- (i) Non discrimination between nationals and refugees
- (ii) No discrimination based on race, religion of country or origin amongst the refugees.

Until 1967 the Convention applied to only people who had sought refuge prior to 1st January, 1951. Under the Protocol of 1967, it was made applicable to all including those who became refugees after 1st January, 1951 for getting protection. It is indeed a great step for the protection of the refugees.

Broadly Asylum can be classified into Territorial and Extra-territorial asylum. The distinction between these two has been explained clearly by the International Court of Justice in the case of *Columbia V. Peru or Haya dela Torre*¹. The ICJ has said that "In the case of extradition or territorial asylum the refugee is within the territory of the State of refuge. A decision with regard to extradition implies only the normal exercise of territorial sovereignty. The refugee is outside the territory where the offence was committed and a decision to grant him asylum in no way derogates from sovereignty of that State. In the case of diplomatic asylum or Extra-territorial asylum the refugee is within the territory of the State where the offence was committed. A decision to grant asylum involves derogation from the sovereignty of that State. It withdraws the offender from the jurisdiction of the territorial State and constitutes an intervention in matters which are exclusively with the competence of that State."

Territorial Asylum: Granting asylum within its territory is the right and discretion of the State as it is considered as an attribute of

1. ICJ Report 1950 P.266.

territorial sovereignty because of supremacy of the sovereign on its people and territory. This has been mentioned in Article 1 of the Convention on Territorial Asylum which was adopted in Caracas in 1945 and further fortified by the Article 1 and 3 of the Universal Declaration of Human Rights, 1948 as was mentioned earlier. A State is free to grant asylum to a person of other State but this freedom can be restricted or regulated through bilateral or multilateral treaties between the countries. The decision of a State to grant asylum must, therefore, be respected by all States.

An important example of territorial asylum is that of granting of Asylum to Tibetan spiritual leader *Dalai Lama*. There are many cases of asylum but that of *Dalai Lama* of Tibet is an important one from the view point of India. When the Chinese troop took control of Tibet, to avoid their brutality *Dalai Lama* and many of his supporters escaped from there and sought refuge in India. The Indian Government granted/ accorded asylum and provided shelter and protection. They were all treated with human dignity, whereby they are able to lead a respectful life. Chinese Government raised lot of hue and cry as it has branded him as a terrorist and asked Government, of India to extradite him along with others and called it as an act of interference in its internal affairs by India. But as they were spiritual Monks and person who had to leave because of political turmoil in Tibet India refused to extradite. This act of Indian Government was well with in its right as India is a sovereign State and is free to do what it considers the best do. Another instance of India granting asylum is to the people who escaped from the then East Pakistan now Bangladesh due to the repression and tyranny of Military Regime of Pakistan and sought refuge in India. The large influx of the people was provided protection by India. They were so very well placed that even after normalcy was restored in Bangladesh,

most of them have refused to go back to Bangladesh and remained here in India.

Extra-territorial or Diplomatic Asylum: As the name suggests it is granted by a State outside its territory but in a place under its control like in a diplomatic residence or Embassy and public vessels *etc.* These can be further classified as has been mentioned below:

- ① Asylum in Foreign Embassy: Asylum can be sought in a foreign Embassy also though. Article 6 of the Harvard Research Draft on Diplomatic Privileges and Immunities does not permit the premises occupied or used by the mission or by a member of its mission to be used as a place of asylum for fugitive from justice. It would be worth referring to the important *Haya dela Torre* case² in this context because in this case the ICJ has clearly defined the territorial and Extra territorial asylum. It is an asylum case between Columbia and Peru. *Victor Raul Haya Dela Torre* was a Peruvian and was accused of instigating military rebellion and violence in Peru. He sought Asylum in Columbian Embassy in view of threat to his life because of the political turmoil. International Law does not recognize right to grant asylum in Embassy. The International Court of Justice observed that “a decision to grant diplomatic asylum involves derogation from the sovereignty of the State. It withdraws the offender from the jurisdiction of the territorial State and constitutes an intervention in the matter which are exclusively with in the competence of that State. Such a derogation from territorial sovereignty cannot be recognized unless its legal basis is established in each particular case”.

2. ICJ Report 1951 P.71.

Peru contended that *Haya dela Torre* was a common criminal but could not prove it. As more than three months had lapsed after suppression of the military rebellion and as *Haya dela Torre* was considered as a political person, the ICJ held that though the granting of asylum was irregular, he need not be extradited to Peru in view of the expiry of the condition for irregularity of asylum which ceased to exist.

- (ii) Asylum in Consular Premises: Asylum granted in Consular Premises is governed by the general principles relating to legation premises.
- (iii) Asylum in the International Institutions: In case of imminent danger to lives, asylum can be granted in the international institutions, though International Law does not recognize it. The International Institutions do not have right to grant or refuse asylum.
- (iv) Asylum in War Ships: Asylum may be granted to a political offender or to a person seeking in the war ship. The Sixth International Conference of American States held at Havana in 1928, condemns and forbids grant of asylum in war ships except under certain conditions.
- (v) Asylum in Merchant Vessels: As Merchant Vessels do not enjoy immunity, asylum cannot be granted in them.

Extradition on the other hand assumes importance in the present day. It is very important to note that a person should not be extradited on request if he has sought asylum “solely to avoid prosecution or punishment on religious or political grounds or for an offence of a political character, or persecution, involving danger of imprisonment or danger to life or limb, on account of religious belief.” Otherwise the

purpose of asylum and extradition would be defeated and would lead to brutal elimination or witch hunting of the opponents of the Government of the country.

In particular, this means that any decision on an extradition request concerning a refugee or asylum-seeker must be in compliance with the principle of non-refoulement, as guaranteed under Article 33 of the 1951 Convention and customary international law. It would be reasonable to have glanced in to the European Convention on Extradition, 1957, where in following are important; Article 3 - Political offences

1. Extradition shall not be granted for the offence of political nature.
2. Extradition shall not be granted if the requested party has substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion, or that that person's position may be prejudiced for any of these reasons.

Extradition can be refused on certain grounds provided in the extradition law, which provides for a number of grounds on the basis of which States may refuse a request for extradition. In some of the countries of the world, certain protections are guaranteed under its constitutional law, against extradition. Grounds for refusal to extradite are also mentioned in the bilateral extradition treaties as well as multilateral extradition agreements and conventions. International and regional human rights instruments impose bars to extradition under certain circumstances, particularly where the surrender would expose to risk of life, torture, cruelty *etc.*

Our country, India is committed to rule of law and has, therefore, its own Extradition

Act, passed in 1962 which governs the extradition. It also has bilateral and multilateral treaties and agreements with various countries concerning extradition. The Preamble of the said Act reads as “An Act to consolidate and amend the law relating to the extradition of fugitive criminals and to provide for matters connected therewith or incidental thereto”.

The definition of the fugitive is mentioned in the Act later. According to which “fugitive criminal means a person who is accused or convicted of an extradition offence within the jurisdiction of a foreign State and includes a person who, while in India, attempts to commit or incites or participates as an accomplice in the commission of an extradition offence in a foreign State”.

Further, our Supreme Court, while hearing the famous case of *Daya Singh Laboria v. Union of India and others*,³ has extensively and vividly described the importance of extradition. The Supreme Court observed that “Extradition is a great step towards international cooperation in the suppression of crime. It is for this reason the Congress of Comparative Law held at the Hague in 1932, resolved that States should treat extradition as an obligation resulting from the international solidarity in the fight against crime”. It is indeed, a great step of India’s commitment to the rule of law, which is commendable.

Conclusion:

In the days of large scale increase in terrorist and secessionist activities all over the world, the law of extradition has assumed high importance. There is need for more coordinated and concerted effort on the part of the International community to have more agreements and treaties for extradition so that the fugitive criminals do not go unpunished.

A classic case of political offenders being saved from the torture or perhaps the punishment of death is that of Victor Raul Haya dela Torre, when Peru wanted him to be extradited for trial for serious crimes while he was a political offender. Another similar case is that of *Dalai Lama*, the Tibetan Spiritual leader who escaped from there due to the repression of the Chinese and India gave him asylum. China raised hue and cry and termed it as interference in its internal matters but an honourable and innocent life was saved by the act of India. It is an appreciable and commendable job done by India.

Hundreds of innocent people were killed in Mumbai blast in 1993. India has identified the master minds but could not apprehend them because they fled from the country to enemy land. While the main accused *Dawood Ibrahim* is living in Pakistan, his associate *Abu Salem*, who had difference with him, was caught in Portugal. It was after prolonged legal battle he was extradited on condition that capital punishment would not be awarded. Even after more than a decade, *Dawood Ibrahim* could not be brought to India because of strong denial of his stay in Pakistan by there Government. As per various news reports the fact appears to be that he was given another passport of Pakistan, on which he has travelled to Dubai to perform his sons wedding lavishly.

One of the conspirators of the November 2008 Mumbai shoot out in which nearly 300 people were killed by a group of Pakistani terrorists of Lashkar-e-Taiba has been identified as David *Headley*. He is residing in United States of America. He has given lot of information about the indiscriminate shooting at Hotel Taj and VST Railway Station in Mumbai. But India is not able to get him extradited from USA because of their system. However, the Government, of US has agreed for access to him for interrogation by the investigating team of India.

3. AIR 2001 SC 1716

An important point is, while acceding to the request for extradition, the requested state can also go into the merits and only on its being convinced and satisfied that the person is requested is genuinely involved in the crime referred in the request, can extradite. Therefore, the requesting State has to furnish adequate evidence and proof of the involvement of the person requested to be extradited.

After the devastation of the twin towers and loss of thousands of lives in New York, in America, their agency has established that *Osama Bin Laden* is the master mind. He could not be extradited because he was living in Afghanistan which was ruled by Taliban, and United States of America could not get him. America being super power could bomb the region in Afghanistan, but till date the where about of *Osama bin laden* is not known.

On the other hand India has been gracious in upholding the rule of law respect for the International Law. Since, India and United Kingdom has extradition treaty, India extradited *Maninder Pal Singh Kohli* from India to the United Kingdom at their request, as he was charged of kidnapping, rape and murder of a British teenager, *Hannah Foster*, involving international crime, for trial there.

There are several cases where persons involved in crime were extradited but to the country with whom they have bilateral and multilateral treaties or agreements. But it is essential that the crime should be recognized as a crime in the international perspective, what is a crime in one place may not be viewed as a crime in another place. Hence, a clear distinction between political offender and crime should be made and request should be made for extradition with adequate support, evidence and proof.

Presently, there is a demand in India for seeking the extradition of *Anderson*, the CEO

of Union Carbide from United States of America, during whose time tragedy struck the company's unit, Union Carbide India at Bhopal in 1984, because of which thousands were killed and few thousand others were maimed or handicapped because of the leak from the plant. The tragedy was so severe and devastating that even after more than two decades, people continue to suffer from irreparable damage to the health condition and have not become normal.

Soon after the tragedy in 1984, he visited India for three days. He was arrested and he spent just over three hours in detention. An out of Court settlement was reached for \$470 millions in 1989. It was not a partly sum in those days but was not properly distributed by the Government. Even today the affected people are asking for justice and raising their voice against the settlement. Also, after more than 25 years, blame game has started accusing one other, the then State Government of *Arjun Singh* and some Ministers at the Centre, for leaving *Anderson* with trial for the loss of so many people because of the negligence in the plant. Ultimately, the then home Minister late *P.V. Narasimha Rao* is blamed for taking the decision to allow *Anderson* to leave the country without being charged. Some political Pundits have viewed that such a decision could not have been taken without the concurrence of the Cabinet and the Prime Minister.

The fact that the first request for extradition of *Anderson* was made only after 11 years of the tragedy, itself speaks of the laxity on the part of the Central Government. The request for extradition of *Anderson* was turned down by the US Government in 2004 itself. Recently, in June, 2010, the Government of United States of America has reiterated its decision not to extradite *Anderson* and considered the case as closed.

The spokesperson of Congress Party *Ravi Shanker Prasad* noted on 19th June, 2010,

that “after clarifications, interviews and statements from the former Foreign Affairs Secretary, *M.K. Rasgotra*, the former U.S. Deputy head in the Embassy, the former Madhya Pradesh Chief Minister, *Arjun Singh* and others, it became clear that the *Rajiv Gandhi* Government provided “safe passage” to the then Union Carbide CEO, *Warren Anderson*”. It is clear from the report that the Government allowed safe passage to *Anderson* then and because of pressure from Opposition trying to seek the extradition of *Anderson*, which may not be possible at this juncture as the laws of U.S. do not support.

Mr. *B.R. Lall*, former joint Director of CBI who was in charge of the probe from April 1994 to July 1995, has said that the “CBI had resisted the move to get *Anderson* off the hook but had to give in because the agency, according to him enjoyed no independence.”

On seventh June, 2010, the Trial Court at Bhopal gave the judgment and convicted seven accused under Section 304 A of IPC, which carries a maximum penalty of imprisonment up to two years. It is the irony that for devastation of such a magnitude, where in thousands have lost their lives and few thousand others have become permanently disabled, the punishment is so miniscule. **The IPC does not differentiate between an ordinary crime and a crime of mass destruction and punishment is also not graded depending on the seriousness of the crime.** Therefore, it is essential to amend the same urgently. Further, it is reported that the Law Commission has sent a recommendation to Law Ministry for

increasing the penalty to ten years from the present two years but is pending for more than a year.

In these days when the scientific development have grown by leaps and bounds and when the information technology has made every thing within the reach in seconds, the use of nuclear and chemical technology has increased manifold. There are many nuclear plants in many countries including India, which are used, both for peaceful and deterrent purposes. Except in a few developed countries, the safeguards are not adequate. India has taken abundant care and safeguard, yet, there can be devastation and loss of lives. In view of it the Government must amend the relevant Sections in the IPC and penalty for ordinary crime and crime due to nuclear and other such serious ones need to be separated. The penalty for the negligence of such plants resulting in loss of lives should have more serious penalties. If it is done then people like *Anderson* cannot escape and justice would be done to the thousands affected by such calamity due to the human negligence.

With regard to extradition, United Nations has to play a greater and more effective role by constituting a committee of 25-30 members, nominated from influential countries, representing all regions of the world. This would help in identifying the ordinary criminals from the fugitives and political offenders so that they can be extradited to the requesting state for trial. This would help prevent the political offenders from getting unnecessarily prosecuted and punished.