

No. 31369

**INDIA
and
SWITZERLAND**

**Exchange of letters constituting an agreement on mutual
assistance in criminal matters. Berne, 20 February 1989**

Authentic text: English.

Registered by India on 23 November 1994.

**INDE
et
SUISSE**

**Échange de lettres constituant un accord sur l'entraide en
matière pénale. Berne, 20 février 1989**

Texte authentique : anglais.

Enregistré par l'Inde le 23 novembre 1994.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF SWITZERLAND ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS

I

AMBASSADOR OF INDIA

Berne, 20 February 1989

Your Excellency,

I have the honour to refer to the exchange of views between the delegations of India and Switzerland on the question of providing mutual assistance in criminal matters, and on the basis of the understanding reached between the two delegations, the Government of India proposes to the Government of Switzerland that the authorities of both countries competent to investigate offences shall provide to each other, on the basis of reciprocity and in accordance with their national law, the widest measure of assistance in criminal matters as follows:

1. Cooperation between law enforcement authorities may include assistance in locating witnesses, obtaining statements and testimony of witnesses, production and

¹ Came into force on 20 February 1989, the date of receipt of the letter in reply, in accordance with the provisions of the said letters.

authentication of judicial or business records, service of judicial or administrative documents and the restitution of objects or valuables originating from the offences for the purpose of returning them to the entitled persons. Further, within the limits of the law of the requested State, information will also be provided on the assets owned or possessed by persons who are the subjects of the investigation in the requesting country.

2. Taking of evidence and production of documents by the use of compulsory measures for the purposes of criminal proceedings in India or Switzerland as far as the facts described in the request would also be an offence punishable under the laws of both countries. For this purpose, India and Switzerland regard the expression "criminal proceedings" as including trial of a person for an offence or a proceeding to determine whether to place a person who is accused of an offence on trial for that offence. Under Indian law the competent authority to ask for assistance abroad is the court, tribunal, judge or magistrate exercising jurisdiction. Under Swiss law the competent authority to ask for assistance abroad is any examining