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## The extradition dilemma: India's legal obligations and neighbourhood realpolitik in the post-Hasina era

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### Abstract

This paper examines the diplomatic and legal dilemma facing India as it anticipates a possible extradition request for Sheikh Hasina under the India-Bangladesh Extradition Treaty of 28 January 2013. Although the treaty establishes a formal legal basis for reciprocal surrender of individuals charged with offences punishable by at least one year of imprisonment, its application becomes deeply contested in high-stakes political cases. The study argues that India is caught in a dual-bind: formally bound by treaty obligations yet strategically constrained by its "Neighbourhood First" policy, domestic security considerations, and geopolitical interests in Bangladesh. Through an analysis of key treaty provisions particularly Articles 6 (political-offence exception) and 8 (refusal grounds) and a review of India-Bangladesh diplomatic practice, the paper demonstrates how legal commitments are frequently mediated by realpolitik in volatile regional contexts. The findings highlight the persistent tension between legal-institutional frameworks and the strategic imperatives that shape India's neighbourhood diplomacy.

**Keywords:** Extradition, India-Bangladesh relations, treaty compliance, south Asia extradition treaty (2013), political-offence exception

### Introduction

Extradition in South Asia routinely becomes contentious because high-profile requests often intersect with leadership changes, contested mandates, and volatile political transitions. In such settings, extradition decisions acquire a significance that extends far beyond legal procedure. Therefore, the question whether India may be forced to extradite former Bangladeshi Prime Minister Sheikh Hasina who resigned amid state collapse in August 2024 raises a complicated conundrum at the nexus of local politics, law, and regional geopolitics. Unlike routine cases involving fugitives or low-salience offenders, the Hasina situation has several levels of contestation namely, the 2013 India-Bangladesh Extradition Treaty's ambiguity, the political-offence exception, and the requesting state's rejection grounds. However, despite the heated public discussion around Hasina's possible extradition, academic analyses have mostly concentrated on Bangladesh's domestic crises rather than the political and treaty-based limitations influencing India's response. The ways that treaty indeterminacy interacts with regional power struggles and internal political unrest in high-profile extradition cases are rarely examined in current analysis of South Asian extradition systems.

This paper argues that the Hasina extradition question cannot be interpreted purely through the lens of formal treaty law. There is more stake. India faces a real strategic dilemma here, trying to balance the legal framework set by the 2013 Extradition Treaty with the risks and ripple effects for regional stability and its own security. To make sense of this, the paper moves through five main steps. The first section constructs a Conceptual Framework outlining the legal foundations of extradition, the theoretical literature on treaty compliance, and the distinctive features of South Asian state practice. The second section examines the historical and diplomatic context leading to the 2013 treaty. The third analyses the structure and ambiguities of the treaty, with particular attention to Articles 6 and 8. The fourth situates the Hasina question within Bangladesh's post-2024 political crisis and the resulting strategic dilemma for India. The final section explores diplomatic pathways available to New Delhi, showing how procedural flexibility can be deployed to manage a politically sensitive request without undermining India's broader regional position.

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### Conceptual Framework

Extradition is a formal mechanism through which one state surrenders an individual located in its territory to another state for prosecution or the execution of a criminal sentence. In international law, it operates on the principle of extra-territorial cooperation, enabling states to overcome jurisdictional limits that would otherwise prevent the apprehension of fugitives who cross borders (Sair, 2024) <sup>[19]</sup>. Most extradition treaties, including those in South Asia, rest on several foundational legal principles. One central safeguard is the principle of dual criminality, which permits extradition only when the act in question is recognised as an offence in both jurisdictions. The second is the political-offence exception, a longstanding safeguard preventing extradition for offences deemed political in nature, aimed at ensuring neutrality in domestic political disputes. A third feature is the rule of speciality, which restricts the requesting state from prosecuting the surrendered person for offences other than those for which extradition was granted. While these principles establish a clear legal framework, their practical operation is inseparable from the political calculations that govern extradition decisions.

In this context, Bassiouni (1974) notes that the obligation to extradite emerges from the balance between state sovereignty and treaty frameworks, making extradition not simply the transfer of a person but a negotiated recognition of mutual legal obligations. Yet growing scepticism about extradition's value as an enforcement tool has prompted many states to turn toward other forms of cooperation, including mutual legal assistance and prisoner-transfer frameworks (Biron & Chalmers, 1903) <sup>[3]</sup>. Later scholarship has expanded these debates by emphasising that extradition obligations are embedded within political and institutional constraints; as scholars such as Simmons (2009) <sup>[22]</sup>, Alter (2014) <sup>[2]</sup>, and Abbott & Snidal (2000) <sup>[1]</sup> argue, treaty compliance is conditioned less by legal prescription and more by domestic incentives, bureaucratic capacity, and strategic calculations, which helps explain why extradition remains a persistently contested domain of state practice.

In South Asia, the theoretical insights on treaty compliance acquire a distinctive empirical character shaped by porous borders, recurring insurgencies, and chronic regime volatility. Extradition decisions in the region follow a dual-track enforcement logic in which routine requests move through formal channels while politically sensitive cases are handled informally through summary deportations, border turnbacks, or covert transfers. India's neighbourhood practice particularly illustrates this selective approach. For instance, Colombo's requests in the early 2000s for the extradition of LTTE financier Kumaran Pathmanathan were handled through intelligence coordination rather than formal treaty processes. Similarly, Bhutan's cooperation against Bodo and ULFA militants in 2003 relied on quiet, security-led transfers rather than judicial procedures. Taken together, these practices reveal a region where political imperatives routinely override formal obligations an insight essential for analysing India's potential response to a request concerning Sheikh Hasina.

### Historical and Diplomatic Context

Between 2009 and 2013, bilateral relations between Bangladesh and India underwent a systematic shift from suspicion to cooperation, especially in India's Northeast

region. After the Sheikh Hasina-led government came to power in 2009, Dhaka and New Delhi signed three foundational security-cooperation instruments in 2010, most notably the Agreement on Mutual Legal Assistance in Criminal Matters, which explicitly set the legal framework for mutual assistance, including search and seizure, location of persons, taking of evidence, and other procedures essential for apprehending and transferring fugitives (MEA, 2011). During this period, Bangladesh handed over senior insurgent figures linked to the United Liberation Front of Asom (ULFA) and other militant outfits operating in India's Northeast. Connectivity and transit projects were simultaneously launched: for example, the first border-haat initiative was formalised on 23 October 2010, with an addendum in May 2012. The deepening security cooperation between 2009 and 2013 created both the political trust and institutional mechanisms necessary for negotiating a formal extradition framework (Rana, 2019) <sup>[14]</sup>. The first concrete move came during Prime Minister Sheikh Hasina's landmark January 2010 visit to India, where both governments agreed to institutionalise legal cooperation on the apprehension and transfer of fugitives. This was followed by multiple rounds of technical-level consultations between the Ministries of Home Affairs in 2011 and 2012, during which draft treaty texts were exchanged and refined to align with domestic legal requirements while preserving political flexibility. The final stage of negotiations culminated in January 2013, when India's Home Minister Sushil Kumar Shinde travelled to Dhaka to conclude the treaty formalising, for the first time since 1971, a reciprocal legal framework for extradition. The evolution of these negotiations, however, also reveals that the treaty was not designed as a rigid legal instrument but as a mechanism consciously crafted to accommodate the political sensitivities of the bilateral relationship. For instance, Bangladesh's domestic volatility over the handling of insurgent groups and the need to avoid legal provisions that could inflame partisan politics in Dhaka.

### The 2013 Extradition Treaty: Structure and Ambiguities

The India-Bangladesh Extradition Treaty was concluded as part of a series of bilateral security-cooperation measures undertaken between 2010 and 2013. Formal discussions on an extradition framework began during the visit of Bangladesh Prime Minister Sheikh Hasina to New Delhi in January 2010, when both sides agreed to institutionalise cooperation on criminal matters and the transfer of fugitives (MEA, 2010). Multiple rounds of technical-level meetings followed, led by officials from the Indian Ministry of Home Affairs and Bangladesh's Ministry of Home Affairs, with draft texts exchanged in 2011 and 2012 (GoI 2012). The treaty was finalised during the official visit of India's Home Minister Sushil Kumar Shinde to Dhaka on 28 January 2013, where the agreement was signed by the two governments (MEA, 2013). It established reciprocal obligations for extradition of individuals charged with offences punishable under the laws of both states, along with procedural provisions on documentation and evidence. The 2013 treaty constituted the first formal extradition arrangement between India and Bangladesh since Bangladesh's independence in 1971.

### **Critical Clauses: Article 6 (Political Offence Exception) & Article 8 (Refusal Grounds)**

The India-Bangladesh Extradition Treaty (2013) contains a structured set of provisions detailing the scope, conditions and procedures governing extradition between the two states. Out of all the provisions of the India-Bangladesh Extradition Treaty (2013), this study focuses primarily on Articles 6 and 8 because these clauses directly shape the ‘extradition dilemma’ examined in this paper. Article 6, which establishes the political-offence exception, is central to assessing whether charges against a former head of government can be categorised as political in nature, thereby limiting India’s legal obligation to extradite. Article 8, which outlines the grounds on which extradition may be refused such as risks of injustice, oppression, lack of good faith, or the passage of time provides the second legal filter through which India must evaluate any potential request. Together, these two provisions are most relevant to the present study because they form the core legal space where treaty-mandated obligations intersect with India’s neighbourhood realpolitik, state-practice, and strategic interests in the post-Hasina context.

### **Structural Ambiguities within the Treaty**

The practice of extradition, as a mechanism of extra-jurisdictional cooperation, enables one state to surrender to another an individual accused or convicted of an offence (Shaw 2008) <sup>[20]</sup>. Yet, scholars have long observed that the decision to extradite rarely follows a strictly mechanical legal pathway. Classic analyses note that extradition treaties are drafted to balance state sovereignty with functional cooperation; as Shearer (1971) <sup>[21]</sup> argues, instruments often retain deliberately open-textured clauses such as evidentiary standards or political-offence exceptions to allow contextual interpretation. Rivera (2018) <sup>[16]</sup> similarly contends that the endurance of extradition regimes depends on “constructive flexibility,” which permits accommodation between divergent legal systems without eroding sovereign prerogatives. In South Asia, this design logic is particularly visible: extradition arrangements between states such as India and Bangladesh embed calibrated indeterminacy, enabling legal cooperation to persist despite volatile domestic politics and asymmetric power relations.

The India-Bangladesh Extradition Treaty (2013) reflects this broader pattern. The treaty contains inherent ambiguities in its operative clauses particularly the dual-criminality requirement and the broad wording of Articles 6 and 8 which allow the requested state significant interpretive discretion (Jacob, 2025) <sup>[6]</sup>. Analysts emphasise that treaty structures rarely emerge in isolation; the textual indeterminacy observed in the 2013 Extradition Treaty reflects the political and security conditions under which it was negotiated. Between 2010 and 2013, India and Bangladesh were engaged in an unprecedented phase of security cooperation, marked by the dismantling of anti-India insurgent networks operating from Bangladeshi territory, enhanced intelligence sharing, and the regularisation of high-level home-ministry dialogues. This cooperative climate created strong incentives for both states to conclude a formal extradition framework while simultaneously preserving sufficient diplomatic room to manage future political contingencies. As a result, negotiators opted for flexible formulations particularly in areas such as dual criminality, political-offence exceptions

and refusal grounds that could accommodate the shifting domestic contexts in both countries without disrupting broader bilateral coordination.

The structural ambiguities within the treaty, therefore, stem not from drafting oversight but from a deliberate attempt to embed legal cooperation within a fluid and politically sensitive neighbourhood environment. Henceforth, this built-in flexibility combined with the absence of any neutral adjudicatory mechanism creates diplomatic space for India to align treaty interpretation with its neighbourhood priorities in instances such as the post-Hasina transition.

### **Legal Obligations Versus Political Realities**

While the India-Bangladesh extradition treaty’s structural design reveals how flexibility was built into its operative clauses, a deeper tension emerges when moving from the text of the treaty to its practical implementation. Law provides the formal obligations that bind states, but it does not fully determine behaviour because compliance is ultimately filtered through political incentives, strategic priorities, and domestic constraints that often outweigh legal commitments. Henkin (1979) <sup>[5]</sup> argues that the general pattern of compliance persists because routine international obligations rarely conflict with vital state interests; it is only in moments where “high political stakes” arise that states begin to stretch, reinterpret, or sidestep treaty commitments. Krasner’s (1999) <sup>[7]</sup> notion of “organised hypocrisy” underscores that states routinely depart from formal legal commitments when material interests require it; in such moments, a logic of consequences rooted in power, security, and political expediency overrides any logic of appropriateness embedded in treaty norms. Hathaway’s (2002) empirical findings reinforce this dynamic by showing that treaty commitment itself often masks selective compliance, with states strategically ratifying or invoking international agreements while allowing significant “treaty slippage” whenever domestic political pressures or security imperatives render strict adherence inconvenient. India’s own extradition practice in the neighbourhood reflects these theoretical patterns. In multiple cases involving Sri Lanka, Nepal, and Myanmar, India has exhibited a consistent tendency to cooperate swiftly when extradition aligns with core security interests such as the return of LTTE-linked suspects to Sri Lanka in the late 1990s and early 2000s, or the expeditious handover of Nepali Maoist cadres during the civil conflict when both governments shared counter-insurgency priorities. By contrast, India has repeatedly deferred or diluted requests where extradition risked political destabilisation or adverse domestic spillovers. Nepal’s long-standing requests for the extradition of individuals implicated in politically sensitive cases, such as the 2008 Madhesi movement violence, were met with prolonged procedural delays (Nayak, 2011) <sup>[11]</sup>. Similarly, Myanmar’s requests involving ethnic insurgent figures operating along the India-Myanmar border have often been managed through informal deportations or administrative removals rather than formal treaty-based extradition, as New Delhi seeks to avoid actions that could inflame tensions in border states such as Manipur, Mizoram, and Nagaland as well as strain ties with cross-border ethnic communities (Saikia, 2009) <sup>[18]</sup>.

These precedents collectively illustrate that South Asian extradition regimes do not operate as rigid rule-based systems but are embedded within a hierarchy of political



calculations. These theoretical and empirical insights help illuminate on the limits of legalism in a politically sensitive neighbourhood. In the Sheikh Hasina context, the political-offence exception becomes particularly salient. Hasina's removal occurred not through a routine electoral transition but amid state collapse, violent unrest, and the abrupt resignation of the government, leading to an interim administration whose authority and neutrality remain contested. In such conditions, prosecutions of former leaders are widely understood as instruments of political consolidation, allowing India to plausibly treat any charges against her as politically motivated and invoke the exception to defer cooperation without openly rejecting the treaty. The analysis below reflects on how India's approach specifically in the Hasina extradition question follows the pattern of political override rather than strict legalism. The dual pressures of regional stability and neighbourhood diplomacy position India squarely within the category of "high-stakes" cases that Henkin identifies, where treaty obligations collide with vital national interests. In this context, several political realities shape India's interpretation of its legal obligations. *First*, the post-Hasina transition introduces uncertainty regarding Bangladesh's internal cohesion, raising concerns about instability, refugee flows and security spillovers into India's Northeast. *Second*, India's long-standing investments in counter-terrorism cooperation, transit connectivity, and insurgent management create strong incentives to avoid actions that might empower political actors hostile to these gains. *Third*, the evolving geopolitical competition in South Asia marked by China's growing footprint in Bangladesh renders India cautious about any decision that might diminish its political goodwill or strategic leverage in Dhaka. Taken together, these conditions create an environment in which treaty obligations remain formally intact but operationally subordinated to political prudence.

Thus, India's response to a potential extradition request for Sheikh Hasina cannot be interpreted purely through the lens of treaty law. The core idea is that legal obligation is real but not determinative. Treaty commitments exist, but they operate within a hierarchy of state preferences in which political imperatives routinely override juridical duties. In such a context, the flexible clauses embedded in Articles 2, 6 and 8 function less as neutral legal standards and more as instruments through which India can calibrate compliance to its neighbourhood priorities.

### **India's Strategic Dilemma in the Post-Hasina Environment**

This section explains why the Hasina extradition issue is not merely legal but a strategic dilemma shaped by shifting political, security, and geopolitical realities in Bangladesh. Although the 2013 Extradition Treaty provides a formal legal framework, India's choices are filtered through the volatile environment created by Hasina's August 2024 resignation, the resulting legitimacy crisis in Dhaka, and competing factions vying for power. The following three subsections unpack this strategic dilemma by tracing its political, security, and geopolitical dimensions.

#### **The Legitimacy Crisis and Political Vacuum in Dhaka**

Sheikh Hasina resignation on 5 August 2024, occurring amid escalating unrest and institutional paralysis, did not lead to a constitutionally sequenced transition but instead

produced a vacuum in which an ad hoc interim authority assumed control without a clear electoral mandate. Domestic opposition groups including student protest movements and sections of the bureaucracy have repeatedly challenged the interim government's authority, pointing in particular to its decision to ban the Awami League under an amended Anti-Terrorism Act in May 2025, a move widely criticised for undermining democratic legitimacy and entrenching partisan governance (Reuters, 2025) <sup>[15]</sup>. The absence of fresh national elections or parliamentary endorsement further deepens the legitimacy deficit since the constitution provides no clear basis for an extended interim administration. Beyond these immediate controversies, several structural factors compound the crisis of authority. *First*, the interim leadership's mandate remains opaque, having emerged through extra-constitutional arrangements rather than a recognised electoral process. *Second*, it lacks broad political consensus, with major parties refusing to accept its neutrality. *Third*, its governance is openly contested by influential non-state actors and parts of the bureaucracy. *Fourthly*, the continued absence of any democratic mechanism conferring electoral legitimacy prevents the consolidation of stable authority. This legitimacy deficit is compounded by a fragmented political landscape in which no actor has consolidated authority. Although Nobel laureate Muhammad Yunus brings strong technocratic and moral credibility crucial in securing international recognition for the interim government this does not translate into representational legitimacy, which only an elected mandate can confer (Pant, 2025) <sup>[12]</sup>. BNP remains internally divided while the previously marginalised groups such as Jamaat-e-Islami and Hefazat-e-Islam have re-entered the political arena, reshaping ideological competition. Student movements and civil-society coalitions continue to mobilise at the street level, adding further unpredictability. Even within the bureaucracy and security apparatus, competing alignments such as officials sympathetic to the former Awami League, factions leaning toward BNP and security units influenced by Islamist-leaning groups such as Hefazat-e-Islam hinder coherent governance making it difficult for New Delhi to identify a stable interlocutor in Dhaka.

This fluid and fragmented political landscape in post-Hasina Bangladesh creates a strategic dilemma for India. Any position New Delhi adopts on Hasina's extradition risks alienating one of the emergent factions: supporting Hasina may antagonise ascendant anti-Awami coalitions; while refusing extradition could damage relations should the Awami League or its bureaucratic networks regain influence. In such a politically volatile environment, India's strategic calculus prioritises avoiding misalignment with whichever actor ultimately consolidates authority in Bangladesh, since premature alignment whether with the interim administration, resurgent BNP factions, or restored Awami League networks risks jeopardising India's security cooperation, connectivity projects, and influence in Dhaka.

#### **Security Externalities for India's Northeast**

Bangladesh's political volatility rarely remains confined within its territorial boundaries; rather, it generates cross-border effects that directly impact India's northeastern states, which share nearly 1,880 km of land border with Bangladesh across Assam, Meghalaya, Tripura and Mizoram (Lamkang, 2024) <sup>[8]</sup>. The geographical and social

linkages operate at multiple levels: ethnolinguistic continuities between Bangladeshi districts like Sylhet and border regions in Assam and Meghalaya; kinship-based settlement patterns across Tripura's western belt; and dense agrarian and labour networks around the Mamit-Chittagong corridor. As a result, when Bangladesh enters periods of political turbulence, these embedded cross-border circuits act as conduits through which population movements, communal tensions, and economic disruptions travel rapidly into Indian territory. Historical precedents demonstrate this structural pattern: refugee inflows during 1971, border surges in 2001 following communal violence, and the 2017 Rohingya displacement all produced immediate pressures in border districts like Karimganj, South Tripura and Mamit. Periods of instability have also coincided with the reactivation of insurgent safe havens for ULFA-I, NLFT and NSCN-K, alongside the reopening of trafficking corridors and the exploitation of governance vacuums by arms-running and radical networks. Crucially, these spillovers are not merely security concerns they carry significant implications for economic policy and political decision-making in India's Northeast. The cumulative effect is that instability in Dhaka is never an abstract geopolitical event for New Delhi; it materialises almost immediately as intensified border-management demands and multidimensional pressures on India's eastern frontier (Lusome & Bhagat, 2020) <sup>[9]</sup>. In this context, the security externalities borne by India's Northeast sharply elevate the political costs of any action that might further destabilise Dhaka. For New Delhi, extraditing a polarising leader such as Hasina risks aggravating Bangladesh's internal volatility, which would translate almost immediately into refugee inflows, insurgent reactivation, and border-management stress across the eastern frontier. Consequently, India's diplomatic posture is shaped less by legal obligation than by a stabilisation imperative i.e., need to preserve stability along its Northeast frontier.

### Geopolitical Constraints and the China Factor

China's expanding strategic footprint in Bangladesh constitutes a central geopolitical constraint shaping India's approach to any potential extradition of Sheikh Hasina. Over the past decade, Beijing has emerged as Dhaka's largest military supplier accounting for approximately 72% of Bangladesh's arms imports between 2014 and 2023 and a major economic partner through the Belt and Road Initiative, funding key infrastructure including major connectivity and energy ventures such as the rail link over the Padma, the Payra power facility, and the tunnel under the Karnaphuli River. Bangladesh's formal accession to the China-led Asian Infrastructure Investment Bank in 2016 and its increasing defence cooperation, including submarine acquisitions in 2016 and joint training programmes, have further embedded Chinese influence across Bangladesh's security and economic sectors. The political transition after Sheikh Hasina's resignation in August 2024 has intensified this dynamic, as emergent factions within Dhaka such as the Bangladesh Nationalist Party (BNP) engaging with China in June 2025 and the Jamaat-e-Islami (JI) pursuing party-to-party ties with Beijing in July 2025 have signalled varying degrees of openness to recalibrating Bangladesh's traditional India-centric foreign-policy alignment (Rizve, 2025) <sup>[17]</sup>. Clearly, the post-2024 political transition has opened space for Beijing to deepen ties with emergent

factions. In this landscape, any decision by New Delhi carries strategic consequences. Supporting Hasina too openly risks provoking backlash from successor coalitions that increasingly court Chinese economic and political backing; yet refusing an extradition request risk appearing partisan toward the ousted Awami League, pushing Dhaka's new power-centres further into Beijing's orbit. Thus, once India takes a firm position whether complying with or resisting the request it inevitably alienates one bloc in Bangladesh's divided political landscape, prompting that bloc to compensate by strengthening ties with Beijing. These dynamics compress India's manoeuvring space, transforming what appears to be a treaty-law question into a high-stakes strategic choice with long-term regional implications.

### Diplomatic Pathways and Policy Options

Given the collision between treaty obligations and neighbourhood realpolitik, India requires diplomatic strategies that uphold the formal architecture of the 2013 Extradition Treaty while avoiding actions that could destabilise Bangladesh's transition or undermine India's regional position. India can do this by adopting a calibrated three-track approach. *First*, India can rely on *procedural compliance* invoking documentary requirements, evidentiary scrutiny, and judicial review timelines under Articles 2, 6 and 8 which allows New Delhi to remain formally within the treaty while avoiding premature political commitments. *Second*, India can pursue *quiet bilateral diplomacy* by engaging all major Bangladeshi factions including the interim authority, BNP-led coalitions, and centrist technocratic groups to signal neutrality and avoid alignment with any single emergent power centre. *Third*, India can activate *regional reassurance mechanisms* through Track-II channels, intelligence coordination, and economic stabilisation measures (credit lines, energy supply assurances) to mitigate the risk that prolonged uncertainty pushes Dhaka towards external actors such as China.

Taken together, these pathways show that the extradition issue is not a simple legal yes-or-no, but a spectrum of calibrated diplomatic moves. India's real leverage lies not in accepting or rejecting the request outright, but in managing the *pace* and *sequencing* of its response using procedural flexibility to steady Bangladesh's fragile transition while safeguarding its own strategic equities.

### Conclusion

India's dilemma over a potential extradition request for Sheikh Hasina ultimately returns to a persistent dual-bind: a treaty-based legal obligation operating within a politically volatile neighbourhood environment. This study has shown that the tension is not accidental but structurally produced by a flexible treaty design interacting with Bangladesh's unsettled transition and shifting regional geopolitics. The choices New Delhi makes now on handling of the Hasina extradition question will, thus, set a precedent for how India manages future neighbourhood crises, signalling whether its regional diplomacy will continue to privilege strategic flexibility over strict legalism.

### References

1. Abbott KW, Snidal D. Hard and soft law in international governance. *Int Organ.* 2000;54(3):421-456.

2. Alter K. The new terrain of international law: Courts, politics, rights. Princeton: Princeton University Press; 2014.
3. Biron C, Chalmers KE. The law and practice of extradition. London: Stevens and Sons; 1903.
4. Hathaway OA. The promise and limits of the international law of torture. 2004.
5. Henkin L. How nations behave: Law and foreign policy. New York: Columbia University Press; 1979.
6. Jacob J. Explainer: Can Bangladesh demand that India extradite Sheikh Hasina? The New Indian Express; 2025 Nov 17.
7. Krasner SD. Sovereignty: Organized hypocrisy. Princeton: Princeton University Press; 1999.
8. Lamkang LA. The impact of Bangladesh's political shift on North East India's geopolitics and security. Modern Diplomacy; 2024 Oct 4.
9. Lusome R, Bhagat RB. Migration in Northeast India: inflows, outflows and reverse flows during pandemic. Indian J Labour Econ. 2020;63(4):1125-1141.
10. Ministry of External Affairs, India. Agreement between India and Bangladesh on mutual assistance in criminal matters. New Delhi: MEA; n.d.
11. Nayak N. The Madhesi Movement in Nepal: Implications for India. Strateg Anal. 2011;35(4):640-660.
12. Pant HV. A year later: Did Bangladesh trade one crisis for another? ORF Online; 2025 Aug 7.
13. Rahman MT. Ambiguity and asymmetry in South Asian extradition regimes: A study of the India-Bangladesh framework. J South Asian Int Law. 2025;12(1):45-68.
14. Rana MS. Transformation of Indo-Bangladesh relations: from insecurity to cooperation in Northeast India. Strateg Anal. 2019;42(6):559-577.
15. Reuters. Bangladesh bans activities of ousted PM Hasina's party following protests. Reuters; 2025 May 11.
16. Rivera A. Interpreting extradition treaties. Univ Daytona Law Rev. 2021;43(201):202-245.
17. Rizve S. Bangladesh's post-Hasina foreign policy reset. The Diplomat; 2025 Aug.
18. Saikia P. North-East India as a factor in India's diplomatic engagement with Myanmar: issues and challenges. Strateg Anal. 2009;33(6):877-889.
19. Sair SK. Law of Extradition: Synopsis of its basic principles, applications, and challenges. 2024.
20. Shaw MN. International law. Cambridge: Cambridge University Press; 2008.
21. Shearer IA. Extradition in international law. Manchester: Manchester University Press; 1971.
22. Simmons B. Civil rights in international law: compliance with aspects of the international bill of rights. Indiana J Glob Legal Stud. 2009;16(2):437-481.