

domiciled in Iceland, either through bad faith in the exercise of a position of trust or by any other act or omission punishable under this Code, fails while abroad to fulfil an obligation undertaken with respect to a person in Iceland.

Article 6. If a subject of the King domiciled in Iceland has committed any other offence abroad, the Civil Governor of Iceland may cause him to be prosecuted there, and the offender shall then be sentenced under this Code.

Article 7. If a person is prosecuted in Iceland for an offence and it appears that he has been punished for the same in another State, the courts shall take into consideration the penalty imposed upon him abroad and may, according to the circumstances, impose a milder sentence than that provided by law or no sentence at all.

Article 8. If a person has committed offences both in Iceland and in the Kingdom of Denmark and is prosecuted in Iceland for all the offences so committed, the penalty for them all shall be determined according to the law in force in Iceland.

The said law shall likewise be applied if a person in Iceland who has committed an offence in the Kingdom cannot be arrested on that account and sent to the place where the offence was committed and is therefore prosecuted in Iceland at the request of the competent authority in the Kingdom or, in the case of an offence which under Icelandic law may be prosecuted privately, is sued by the injured party in the court in Iceland having jurisdiction.

Article 9. With regard to embassies of foreign States and foreign warships and troops and with regard to offences committed in their official capacity by foreign officials stationed in Iceland, the general rules of international law shall apply.

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29. India

(a) PENAL CODE, ACT NO. 45, 6 OCTOBER 1860, AS AMENDED. S. SASTRY AND H. PRASAD, "THE INDIAN PENAL CODE" (1951), P. 6.

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Section 3. Punishment of offences committed beyond, but which by law may be tried within India. Any person liable, by any Indian law, to be tried for an offence committed beyond India shall be dealt with according to the provisions of this Code for any act committed beyond India in the same manner as if such act had been committed within India.

Section 4. Extension of Code to extra-territorial offences. The provisions of this Code apply also to any offence committed by:

- (1) Any citizen of India in any place without and beyond India;
- (2) Any person on any ship or aircraft registered in India wherever it may be.

Explanation. — In this section the word "offence" includes every act committed outside India which, if committed in India, would be punishable under this Code.

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Note. Section 280 of the Indian Penal Code provides that "Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to 1,000 rupees, or with both." *Ibid.*, p. 535:

Section 99 of the Indian Merchant Shipping Act of 2 April 1923 (Act. No. XXI of 1923), as amended, provides that:

"If a master, seaman or apprentice belonging to a Indian ship by wilful breach of duty or by neglect of duty or by reason of drunkenness:

"(a) Does any act tending to the immediate loss, destruction or serious damage of the ship or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or

"(b) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction or serious damage or for preserving any person belonging to or on board the ship from immediate danger to life or limb; he shall be liable for every such offence to a fine which may extend to 1,000 rupees or to imprisonment for a term which may extend to two years, or to both."

(c) CODE OF CRIMINAL PROCEDURE, ACT NO. 5, 22 MARCH 1898, AS AMENDED. S. KRISHNAMURTI, "A HAND BOOK OF CRIMINAL LAW" (1951), p. 271.

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Section 188. Liability of Citizens of India. When an offence is committed by

(a) Any citizen of India in any place without and beyond India or

(b) Any person on any ship or aircraft registered in India wherever it may be,

He may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found:

Provided that, notwithstanding anything in any of the preceding sections of this chapter, no charge as to any such offence shall be inquired into in India unless the political agent, if there is one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in India; and, where there is no political agent, the sanction of the state government shall be required:

Provided, also, that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in India shall be a bar to further proceedings against him under the Indian Extradition Act, 1903, in respect of the same offence in any territory beyond the limits of India.

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