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India–Nepal Mutual Legal Assistance Treaty

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Nepal's Parliament is currently discussing the "Mutual Legal Assistance Treaty (MLAT) on Criminal Matters" signed between India and Nepal. The treaty aims to strengthen bilateral cooperation in criminal investigations, prosecution, judicial proceedings, and action against transnational crimes. Nepal's Minister of Law, Justice and Parliamentary Affairs, Sobita Gautam, presented the agreement in the House of Representatives for parliamentary approval.?

Agreement Signed Between India and Nepal

The agreement was signed in Kathmandu between representatives of both countries. On behalf of Nepal, Joint Secretary Binod Kumar Bhattarai signed the agreement, while Indian Ambassador to Nepal Naveen Srivastava signed on behalf of India. The treaty seeks to enhance cooperation in criminal investigations, collection of evidence, witness examination, authentication and exchange of legal documents, judicial proceedings, asset tracing and confiscation, and action against terror financing and money laundering.

The agreement is expected to strengthen the legal framework to combat transnational crimes such as human trafficking, drug smuggling, counterfeit currency networks, financial crimes, and cross-border terrorism.

Key Features of the Mutual Legal Assistance Treaty (MLAT)

Exchange of Evidence and Legal Documents

The treaty establishes a formal legal mechanism for sharing evidence, documents, and information required during criminal investigations and court proceedings in both countries. This will improve coordination between investigative and judicial authorities.

Witness Examination Through Video Conferencing

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The agreement allows the use of video conferencing technology for recording statements of witnesses, experts, and victims located in either India or Nepal. This provision is expected to speed up investigations and judicial processes.

Asset Identification and Confiscation

Both countries will cooperate in identifying criminal assets, freezing illegally acquired property, confiscating proceeds of crime, and tracking instruments used in criminal activities. Special emphasis has been placed on preventing the financing of terrorist activities and curbing money laundering networks.

Provision for Joint Investigation Teams

The treaty also permits the formation of Joint Investigation Teams (JITs) for specific cases with mutual consent of both governments. This will help in handling complex cross-border criminal investigations more effectively.

Importance of the Agreement

The agreement is significant because India and Nepal share an open border, which can sometimes be misused for smuggling activities, human trafficking, terror financing, and illegal financial transactions. The treaty is expected to strengthen regional security cooperation and improve coordination between law enforcement agencies of both countries.

Experts believe the agreement may also help Nepal address concerns related to the Financial Action Task Force (FATF) grey list by improving its anti-money laundering and counter-terror financing framework.

India–Nepal Bilateral Relations

India and Nepal share close historical, cultural, economic, and strategic ties. Both countries cooperate in areas such as trade and connectivity, hydropower development, security cooperation, border management, disaster management, and development partnerships.

The open border between India and Nepal allows free movement of people under the 1950 India–Nepal Treaty of Peace and Friendship, making bilateral cooperation in security and legal matters highly important.

Additional Key Facts:

About MLAT (Mutual Legal Assistance Treaty):

MLAT is an agreement between countries for cooperation in criminal investigations and legal proceedings.

It helps in evidence sharing, extradition support, and asset recovery.

India has MLAT arrangements with several countries.

FATF (Financial Action Task Force):

FATF is an intergovernmental body established in 1989.

Headquarters: Paris, France

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Objective: Combat money laundering and terror financing.

Countries placed on the “grey list” are monitored for deficiencies in anti-money laundering systems.

India–Nepal Border:

India and Nepal share a border of about 1,751 km.

Indian states sharing border with Nepal:

Uttarakhand

Uttar Pradesh

Bihar

West Bengal

Sikkim

Important India–Nepal Agreements:

1950 Treaty of Peace and Friendship

Power trade agreements

Transit and trade agreements

Cross-border railway and petroleum pipeline projects

About Nepal Parliament

Nepal has a bicameral federal parliament consisting of:

House of Representatives (Lower House)

National Assembly (Upper House)