



# Extradition and Economic Offenses in India: Gaps, Challenges, and Reforms

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## Abstract

*In the earlier centuries, economics were simple and so were economic crimes. In the last century, with the emergence and complexity of industry and modern capitalism, economic crimes have increased in number and complexity. More recently with the far-reaching recent changes in technology and the emergence and change in the institutions and in the organisation of the economic system, there has been a dramatic increase in the numbers and the cost of economic crime. There has always been a public tendency to focus on conventional crimes, especially violent ones, and except for occasional cases such as the Harshad Mehta, Ketan Parekh and the Indian Bank scam (of over Rs.800 crores), most economic crimes go insufficiently noticed, though their impact in terms of financial loss to the Society and in terms of eroding the credibility as well as the stability of the economic system is significant. In recent years, India has witnessed a growing trend of high-profile economic offenders fleeing the country to escape legal proceedings, often exploiting loopholes in international extradition laws, complex legal frameworks, and diplomatic challenges. This phenomenon has not only resulted in significant financial losses for banks and investors but has also undermined public trust in regulatory mechanisms.*

**Keywords:** Economic Offences, Extradition, Economic Offenders

## 1. Prelude

Extradition treaties serve as a cornerstone of international cooperation in criminal matters, ensuring that fugitives who commit crimes in one jurisdiction cannot escape justice by seeking refuge in another. Over the years, extradition laws and treaties have evolved to address emerging challenges posed by transnational crimes, including economic offences such as fraud, money laundering, tax evasion, and corporate corruption. In the Indian context, the need for an expanded and efficient extradition framework has become increasingly evident with the rise in economic offenders fleeing the country to evade legal proceedings.

The Extradition Act, 1962, serves as the primary legislative instrument governing the extradition of individuals accused of economic offenses. However, its enforcement is contingent upon various factors, including the

existence of bilateral or multilateral treaties, adherence to the principle of dual criminality, and compliance with the rule of specialty. Through an analysis of landmark extradition cases, this research highlights India's approach to handling requests for the repatriation of economic offenders, shedding light on procedural hurdles, diplomatic complexities, and the influence of geopolitical considerations.

A growing concern in India is the alarming trend of individuals involved in financial misconduct or indebted to banks and government institutions fleeing the country to evade legal consequences. This phenomenon exacerbates economic instability, as it leads to unpaid debts, defaulted loans, and significant financial losses to banks, government entities, and the national treasury. The cumulative impact of such absconding offenders undermines investor confidence and weakens the overall financial ecosystem. Historically, India has faced similar challenges, albeit on a smaller scale. However, due to the lack of stringent legal measures and proactive enforcement mechanisms, many high-profile individuals—including industrialists and business magnates—have exploited legal loopholes to evade their financial responsibilities. The government's delayed response in implementing robust extradition and financial recovery laws further facilitated this trend, resulting in substantial economic losses. Strengthening legal frameworks, enhancing international cooperation on extradition, and closing regulatory gaps are essential steps toward curbing economic offences and safeguarding India's financial integrity.

This part of the study critically examines the applicability and effectiveness of extradition laws in addressing economic crimes in India. It delves into the existing legal framework, international commitments, and practical challenges associated with extraditing individuals involved in cross-border financial offenses such as fraud, money laundering, and tax evasion. Given the transnational nature of these crimes, robust international cooperation is imperative to ensure accountability and prevent financial offenders from exploiting jurisdictional loopholes.

Additionally, the study identifies significant challenges, such as inconsistencies in legal frameworks, prolonged delays in extradition proceedings, and concerns regarding human rights protections in extraditing countries. The findings underscore that while India's extradition laws are theoretically applicable to economic crimes, practical impediments often hinder their effective implementation. The study advocates for comprehensive legal reforms, enhanced diplomatic negotiations, and stronger international collaborations to streamline the extradition process. Strengthening these mechanisms is essential to fortify India's efforts in combating transnational economic crimes and ensuring justice in cases of financial misconduct.

2. Status and analysis of fugitives extradited to India from foreign jurisdictions

Table: Successful Extradition to India from 2002 to 2024

Sl. No	Name	Nationality	Extradited Country	Offences	Year of Extradition
1	Aftab Ahmed Ansari	Indian	UAE	Terrorism	2002
2	Rajender Anadkat	Indian	UAE	Terrorism	2002
3	Muthappa Rai	Indian	UAE	Organized Crime	2002
4	Ravinder Kumar Rastogi	Indian	UAE	Economic Offences	2003
5	Iqbal Sheikh Kaskar	Indian	UAE	Mumbai Bomb Blasts	2003

6	Izaz Pathan	Indian	UAE	Mumbai Bomb Blasts	2003
7	Mustafa Ahmed Umar Dosa	Indian	UAE	Mumbai Bomb Blasts	2003
8	Anil Ramachandran Parab	Indian	UAE	Murder	2003
9	K. Vijay Karunakar	Indian	Nigeria	Criminal Conspiracy and Cheating	2003
10	Chetan M. Joglekar	Indian	USA	Criminal Conspiracy and Cheating	2003
11	Ashok Tahilram Sadarangani	Indian	Hong Kong	Financial Fraud	2004
12	Akhtar Husaini	Indian	UAE	Terrorism	2004
13	Tariq Abdul Karim @ Tariq Parveen	Indian	UAE	Sara Sahara Complex Case	2004
14	Baldev Singh	Indian	Canada	Murder	2004
15	Sharmila Shanbag	Indian	Germany	Financial Fraud	2004
16	Allan John Waters	British	USA	Sexual Abuse of Children	2004
17	Umarmiya Bukhari @ Mamumiya	Indian	UAE	Murder and Extortion	2004

### 3. Fugitive Economic Offenders declared under the Act of 2018

After the enactment of Fugitive Economic Offenders Act, 2018, the Enforcement Directorate has filed applications under the Act against 19 persons for declaration of Fugitive Economic Offenders. Out of which 10 persons namely Vijay Mallya, Nirav Modi, Nitin Jayantilal Sandesara, Chetan Jayantilal Sandesara, Dipti Chetan Jayantilal Sandesara, Hitesh Kumar Narendrabhai Patel, Junaid Iqbal Memon, Hajra Iqbal Memon, Asif Iqbal Memon & Ramachandran Vishwanathan have been declared as Fugitive Economic Offenders (FEOs) by the Competent Courts. The amount of fraud involved in these cases is more than ₹ 40,000 crores.<sup>1</sup>

#### 3.1.Vijay Malaya

The Indian business tycoon, Vijay become the first individual to be officially declared a "**Fugitive Economic Offender**" under the **Fugitive Economic Offenders Act, 2018**. Mallya, who defaulted on loans amounting to approximately ₹ 9,000 crore, was accused of financial fraud, money laundering, and willful default. The Indian government formally requested Mallya's extradition from the UK under the **India-UK Extradition Treaty of 1992**. The request was based on charges of **financial fraud, money laundering, and willful default** filed by the **Enforcement Directorate (ED) and Central Bureau of Investigation (CBI)**.

Initially the **Westminster Magistrates' Court in London** ruled in favor of Mallya's extradition, citing strong

<sup>1</sup> Reply submitted in the question to the Rajya Sabha by the MINISTER OF STATE IN THE MINISTRY OF FINANCE dated 01.08.2023

evidence of financial misconduct and misrepresentation to banks. The court also rejected his defense that he was a victim of political vendetta. Mallya appealed the extradition ruling in the **UK High Court**, arguing against his extradition on various legal grounds, including alleged human rights violations in Indian prisons. However, his appeal was **dismissed in 20 April 2020**. The UK High Court, in its ruling on Vijay Mallya's extradition, upheld the Westminster Magistrates' Court's decision, citing strong evidence of fraud, conspiracy, and misrepresentation in securing loans for Kingfisher Airlines (KFA). The court found that the loans were disbursed as part of a deliberate conspiracy, despite KFA's weak financial health, negative net worth, and poor credit rating. It noted that IDBI Bank's corporate loan policies were violated, as KFA, being a new customer, did not meet the required norms. Mallya was found guilty of making false representations about infusing funds through unsecured loans, global depository receipts, and equity investments, which never materialized. The court highlighted exaggerated brand valuation, misleading growth forecasts, and inconsistent business plans, including fabricated projections in January 2009. It also established that the offered collateral was grossly inadequate, comprising only a negative lien on 12 aircrafts under hire purchase agreements, without actual ownership. Furthermore, Mallya's later actions, including efforts to evade personal and corporate guarantees, demonstrated his fraudulent intent to default on loan repayments. The judgment reinforced the UK's decision to extradite Mallya to India, affirming that the case met the criteria for financial fraud and criminal misconduct, justifying his return to face legal proceedings under Indian law.<sup>2</sup> **Further**, on dated 14.05.2020 the High Court of Justice, London, UK has rejected the application dated 29.04.2020 of Mr. Vijay Mallya seeking permission to appeal to the UK Supreme Court against its order dated 20.04.2020.<sup>3</sup>

Vijay Mallya lost his legal battle for extradition in the UK High Court in May 2020, after his appeal against extradition was dismissed. The Westminster Magistrates' Court and later the UK High Court found sufficient evidence of fraud and misrepresentation in obtaining loans for Kingfisher Airlines, leading to India's successful extradition request. However, despite the legal victory, Mallya has not yet been extradited to India due to unspecified legal procedures in the UK, believed to be related to an asylum application or other administrative processes. While the UK government has confirmed the approval of his extradition, the delay underscores the complexities involved in international extradition, particularly when human rights considerations or asylum claims come into play. The delay highlights the challenges of **international extradition laws**, which often involve prolonged legal and bureaucratic hurdles.

### 3.2.Nirav Modi Extradition Case: A Legal Overview

Nirav Deepak Modi, a fugitive diamond merchant, is sought by the **Government of India (GoI)** in connection with three sets of **criminal proceedings**. The first case, led by the **Central Bureau of Investigation (CBI)**, pertains to a **fraud on Punjab National Bank (PNB)**, which resulted in losses exceeding **£700 million**. The second case, pursued by the **Enforcement Directorate (ED)**, involves **money laundering** of the fraud's proceeds.

The **extradition process** began when India submitted formal requests—on **27 July 2018** for the CBI case and **24 August 2018** for the ED case. These requests were certified by the **UK Home Office on 28 February 2019**, leading to Modi's **arrest on 19 March 2019**. He appeared before **Westminster Magistrates' Court** the next day and has since remained in **HMP Wandsworth prison**. Subsequently, on **11 February 2020**, India

<sup>2</sup> Judgment of High Court of Justice Queen's Bench Division dated 20.04.2020. Available at and accessed on 02.02.2025, <https://www.judiciary.uk/wp-content/uploads/2020/04/Mallya.APPROVED.pdf>

<sup>3</sup> Central Bureau of Investigation, Press Release, dated 14.05.2020, available at and accessed on 02.03.2024, <https://cbi.gov.in/press-detail/MzA1NA==>



submitted an additional **extradition request** related to his alleged **interference with evidence and witnesses** in the CBI case, which was certified on **20 February 2020**.

The **extradition hearing** took place in **May and September 2020**, with final submissions made in **January 2021**. On **25 February 2021**, **District Judge Samuel Goozée** ruled that there were **no legal bars to extradition**, sending the case to the **UK Secretary of State** for approval. On **15 April 2021**, then **Home Secretary Priti Patel** formally **ordered Modi's extradition** to India. Mr. Modi **appealed against the order** in the UK High Court, citing concerns over his **mental health** and claiming a **high risk of suicide** if extradited to India. In deciding the appeal the **UK High Court dismissed his appeal**, stating that he could receive adequate medical care in India and that Indian prisons met human rights standards. Thereafter, he had approached the U.K. Supreme Court, which also dismissed his plea.<sup>4</sup> However, his extradition to India is still pending. Despite the **UK High Court rejecting his appeal** and the **UK Home Secretary approving his extradition**, Mallya remains in the UK due to undisclosed legal proceedings. It is widely speculated that he may have **applied for asylum in the UK** under **human rights or political persecution grounds**, which could be delaying his extradition. However, neither the UK government nor Mallya has officially confirmed the asylum application.<sup>5</sup> His continued presence in the UK despite exhausting legal remedies highlights the **challenges in international extradition** when fugitives use legal loopholes to **prolong the process**.

### 3.3. Associates of Sandesara: The Hidden Brothers

The Sandesara family, notably Nitin and Chetan Sandesara, promoters of Sterling Biotech Limited, are implicated in a significant financial fraud case in India, accused of defrauding public sector banks of over ₹ 8,100 crore.<sup>6</sup>

Investigations by the Enforcement Directorate (ED) and the Central Bureau of Investigation (CBI) allege that the Sandesara brothers secured substantial loans under false pretenses and subsequently laundered the funds through a network of shell companies<sup>7</sup>. In 2017, as investigations intensified, the Sandesara brothers absconded from India. Initial reports suggested they had fled to the United Arab Emirates; however, they were later discovered to be in Nigeria, where they had established significant business interests, particularly in the oil sector.<sup>8</sup> Complicating matters, both Nitin and Chetan Sandesara reportedly acquired Nigerian citizenship, a country with which India lacks an extradition treaty, thereby hindering immediate extradition efforts.<sup>9</sup>

Further complicating the extradition process, reports indicate that Nitin Sandesara was appointed as an honorary consul of Albania to Nigeria in 2019, potentially granting him certain diplomatic privileges. This development

<sup>4</sup> Available at and accessed on 03.02.2025 <https://www.thehindu.com/news/national/uk-court-rejects-fifth-bail-plea-of-pnb-scam-accused-nirav-modi/article68150330.ece>

<sup>5</sup> Available at and accessed on 03.02.2025 <https://timesofindia.indiatimes.com/world/uk/nirav-modi-extradition-barred-by-legal-issue/articleshow/96975165.cms>

<sup>6</sup> Available at and accessed on 03.02.2025 <https://www.indiatoday.in/india/story/ed-gets-go-ahead-to-extradite-sandesaras-from-nigeria-italy-in-rs-8100-crore-fraud-case-1436076-2019-01-21>

<sup>7</sup> Available at and accessed on 03.02.2025 <https://economictimes.indiatimes.com/news/india/sandesara-brothers-fighting-fraud-charges-in-india-are-flourishing-in-nigeria/articleshow/100789645.cms>

<sup>8</sup> Available at and accessed on 04.02.2025 <https://economictimes.indiatimes.com/news/india/sandesara-brothers-fighting-fraud-charges-in-india-are-flourishing-in-nigeria/articleshow/100789645.cms>

<sup>9</sup> Available at and accessed on 04.02.2025 <https://www.occrp.org/en/investigation/above-the-law-how-a-wealthy-indian-family-evaded-justice>

has raised concerns about the misuse of diplomatic channels to evade legal proceedings.<sup>10</sup> In response, Indian authorities have intensified efforts to bring the fugitives to justice. In January 2019, a Delhi court permitted the ED to initiate extradition proceedings against the Sandesara brothers from countries including Italy and Nigeria.<sup>11</sup>

On the fate of Sandesara, the Nigerian court ruling on June 8, 2018, in the case filed by Allen Energy Ltd played a crucial role in preventing the extradition of the Sandesara family from Albania. A special envoy from the Nigerian government submitted copies of this ruling, along with Nigeria's decision not to extradite the Sandesaras, to the Tirana District Court. In March 2019, when Hitesh Patel was arrested at Tirana airport, Albanian Judge Gerd Hoxha cited these rulings while denying his extradition to India. The judge argued that the Nigerian High Court had established that the Sandesara family was being targeted due to their political and religious affiliations. He specifically noted that Nitin and Chetan Sandesara faced political and economic persecution from the Indian government because of their ties to the opposition Indian National Congress and their Muslim background.<sup>12</sup>

Further evidence suggests that the Sandesaras and their associates worked behind the scenes to influence the Albanian court's decision by leveraging Nigeria's legal stance. A letter from SEPCO<sup>14</sup> executive Deepak Barot to the Commissioner of Police and Interpol in Abuja urged Nigerian authorities to urgently communicate the Nigerian Federal High Court's decision to Interpol Albania. Although the extent of Interpol's involvement remains unclear, the letter reached the Albanian court and reinforced claims of political and religious persecution. It also highlighted Patel's association with the Sandesara family and his Nigerian residency, portraying the fraud allegations as merely a commercial dispute rather than a criminal offense.<sup>15</sup>

The extradition of the Sandesara family remains a complex legal and diplomatic challenge for Indian authorities. Despite overwhelming evidence of financial fraud and money laundering, the lack of an extradition treaty between India and Nigeria has significantly hindered efforts to bring them to justice. The acquisition of Nigerian citizenship and diplomatic appointments have further complicated the process, allowing the fugitives to exploit legal loopholes and delay extradition. The intervention of Nigerian and Albanian courts, citing claims of political and religious persecution, has also obstructed India's attempts to secure their return. While Indian authorities have intensified efforts through diplomatic negotiations and legal channels, the case highlights broader issues in international extradition, particularly when political, legal, and economic interests intersect. Strengthening extradition frameworks, forging strategic bilateral agreements, and ensuring swift legal action remain crucial for addressing such high-profile financial crimes in the future.

### 3.4. The Memons Extradition Saga: Legal Battles and Global Evasion

The extradition case involving Junaid Iqbal Memon, Hajra Iqbal Memon, and Asif Iqbal Memon—family members of the late gangster Iqbal Mirchi—has been a significant legal pursuit by Indian authorities. Following Iqbal Mirchi's death in 2013, investigations by the Enforcement Directorate (ED) revealed that his widow, Hajra, and sons, Junaid and Asif, allegedly continued his illicit operations, amassing properties in India and abroad using

<sup>10</sup> [https://www.europarl.europa.eu/doceo/document/E-9-2021-003712\\_EN.html?utm\\_source=chatgpt.com](https://www.europarl.europa.eu/doceo/document/E-9-2021-003712_EN.html?utm_source=chatgpt.com)

<sup>11</sup> [https://www.indiatoday.in/india/story/ed-gets-go-ahead-to-extradite-sandesaras-from-nigeria-italy-in-rs-8100-crore-fraud-case-1436076-2019-01-21?utm\\_source=chatgpt.com](https://www.indiatoday.in/india/story/ed-gets-go-ahead-to-extradite-sandesaras-from-nigeria-italy-in-rs-8100-crore-fraud-case-1436076-2019-01-21?utm_source=chatgpt.com)

<sup>12</sup> **Above the Law: How a Wealthy Indian Family Evaded Justice**; available at <https://www.occrp.org/en/investigation/above-the-law-how-a-wealthy-indian-family-evaded-justice>, accessed on 02.03.2025.

proceeds from drug trafficking and money laundering activities.

In February 2021, a special Prevention of Money Laundering Act (PMLA) court in Mumbai declared Hajra, Junaid, and Asif as Fugitive Economic Offenders (FEOs). This declaration authorized the confiscation of their properties, including assets in India and abroad. Subsequently, Interpol issued Red Notices against the trio, facilitating their potential arrest by UK authorities and paving the way for extradition proceedings.

The Memons are believed to have fled to the United Kingdom around 2019, coinciding with the ED's intensified investigations. Notably, while Hajra and Junaid are Indian nationals, Asif holds British citizenship, adding complexity to the extradition efforts.

As of January 2025, the extradition proceedings for Hajra Iqbal Memon and her sons, Junaid and Asif Iqbal Memon, remain ongoing. Despite India's formal extradition requests to the United Kingdom, there has been limited progress in repatriating the trio to face charges related to money laundering and financial crimes.

### **3.5.Ramachandran Viswanathan**

Ramachandran Viswanathan, the former CEO of Devas Multimedia Pvt. Ltd., is implicated in a significant financial fraud case in India, primarily concerning a 2005 agreement between Devas and Antrix Corporation, the commercial arm of the Indian Space Research Organisation (ISRO). This agreement, intended to lease satellite spectrum for multimedia services, was annulled by the Indian government in 2011 amid allegations of corruption and financial misconduct.

In 2018, the Enforcement Directorate (ED) registered a case under the Prevention of Money Laundering Act (PMLA) against Viswanathan and others, alleging that approximately 85% of ₹ 579 crore received from Antrix was diverted to the USA. Investigations suggested that these funds were illicitly transferred abroad, leading to substantial financial losses for the Indian government.

Subsequently, a special court in Bengaluru declared Viswanathan a Fugitive Economic Offender (FEO) under the Fugitive Economic Offenders Act, 2018, empowering authorities to confiscate his properties both within India and internationally. Viswanathan is currently residing abroad, and Indian authorities are actively pursuing his extradition to face charges related to money laundering and financial fraud.

## **4.Extradition Treaties and Economic Offences: Challenges in Apprehending Fugitive Economic Offenders**

Economic offences, particularly those involving financial fraud, money laundering, and corporate misconduct, have seen a significant rise in recent years. As globalization facilitates cross-border transactions, economic offenders exploit international jurisdictions to evade legal consequences, making extradition a crucial tool for law enforcement. Extradition treaties serve as legal agreements between nations to ensure that individuals accused or convicted of crimes in one country can be returned from another to face justice. However, when it comes to economic offenders, extradition presents unique challenges due to legal, diplomatic, and procedural hurdles. Differences in legal frameworks, the principle of dual criminality, delays in legal proceedings, and concerns over human rights often hinder the swift extradition of fugitive economic offenders. This section critically examines the complexities associated with extradition treaties in economic offenses, analyzing the legal roadblocks, geopolitical considerations, and the effectiveness of India's current mechanisms in securing the return of economic fugitives.



## 5. Political Will: The Major Concern

Extradition cases often involve complex political considerations, where the requested country's legal and political priorities take precedence over the requesting nation's interests. A notable example is the case of **Warren Anderson**, the former CEO of **Union Carbide Corporation (UCC)**, following the **1984 Bhopal gas tragedy**. Investigations revealed that Anderson was aware of the plant's **untested technology, flawed design, and unsafe storage of toxic methyl isocyanate**, which led to one of the world's worst industrial disasters.<sup>13</sup>

Shortly after the incident, Anderson traveled to Bhopal and was promptly arrested by local authorities. However, he was soon released on bail, allegedly due to diplomatic pressure from the **United States on the Indian government**. Nearly two decades later, in **May 2003**, India formally requested his **extradition from the US**, citing criminal charges related to the disaster.<sup>14</sup> The US government, however, rejected the request, arguing that it did not meet the necessary conditions under the **India-US Extradition Treaty**, primarily due to **insufficient evidence**. Another key reason behind the refusal was the **US government's classification of the case as a civil liability issue rather than a criminal one**. It is widely believed that concerns over setting a precedent for prosecuting American multinational executives played a significant role in the decision. Some scholars and legal experts have also suggested that **India's delay in submitting the extradition request and the US's reluctance to accept it were influenced by political and economic factors**. Fears that the case could **discourage American investments abroad** fueled speculation about a possible alignment of interests between **UCC, the US government, and Indian authorities**. Ultimately, the US prioritized its domestic legal and political considerations over India's request, and Anderson remained beyond the reach of Indian law until his death in **September 2014 in Florida, USA**.

Another significant case influenced by political considerations was that of **Ottavio Quattrocchi**, an Italian businessman closely linked to the Bofors arms deal scandal in India. Quattrocchi was accused of receiving kickbacks in the 1986 Bofors gun contract between the Indian government and Swedish arms manufacturer Bofors AB. The scandal, which implicated several high-ranking officials, became a major political controversy in India. Despite multiple efforts by Indian authorities to bring Quattrocchi to justice, his extradition remained a challenge due to political and diplomatic hurdles. In 1993, he fled India to Malaysia, where the Central Bureau of Investigation (CBI) sought his extradition. However, the Malaysian courts dismissed India's request in 2003, citing a lack of sufficient evidence. In 2007, Quattrocchi was detained in Argentina at India's request, but once again, the extradition plea was rejected due to procedural lapses and weak legal backing.

This case highlighted the political and diplomatic complexities surrounding extradition, where legal proceedings were often influenced by geopolitical relationships and lack of strong international cooperation. Eventually, the Indian government withdrew all cases against Quattrocchi, further fueling allegations of political interference. The failure to bring him to trial remains one of India's most controversial extradition failures, underscoring the need for stronger legal mechanisms and political will to ensure justice in high-profile economic offenses.

## 6. Effect of investigation, procedural and evidentiary irregularities

Investigation, procedural, and evidentiary irregularities can significantly impede the extradition of economic offenders. Such irregularities often lead to delays, legal challenges, and, in some cases, denial of extradition requests.

<sup>13</sup> A Litigation Disaster; <https://www.outlookindia.com/national/a-litigation-disaster-news-265783>, accessed on 02.03.2025.

<sup>14</sup> A Litigation Disaster; <https://www.outlookindia.com/national/a-litigation-disaster-news-265783>, accessed on 02.03.2025.



Prolonged investigations and delays in initiating prosecution can weaken extradition cases. For example, in the case of British nationals Jatinder and Asha Rani Angurala, accused of fraud in India, the UK's refusal to extradite them was partly due to the 25-year delay in prosecution by Indian authorities. The UK court criticized the Central Bureau of Investigation (CBI) for this extensive delay, which undermined the credibility of the extradition request.

The submission of unauthenticated documents or improperly certified translations can create doubts about the allegations, leading to the denial of extradition requests. In 2014, Namibia's High Court rejected India's request to extradite French national Mathieu Nicolas Furic, accused of sexual offenses, due to such procedural lapses. Indian courts have also criticized investigative agencies for their handling of cases involving economic offenders. In a 2024 case, a Special Prevention of Money Laundering Act (PMLA) Court in Mumbai criticized the Enforcement Directorate (ED) for its approach in handling fugitive economic offenders. The court highlighted the agency's failure to promptly arrest high-profile offenders like Nirav Modi, Vijay Mallya, and Mehul Choksi, leading to prolonged legal proceedings and challenges in securing extradition.

## 7. Lack of Extradition Treaties: A Major Hurdle in the Extradition of Fugitives

The **lack of extradition treaties** between countries presents a significant **obstacle** in the pursuit of justice, allowing fugitives to evade prosecution by seeking refuge in jurisdictions with no legal obligation to surrender them. **Extradition treaties** are formal agreements that facilitate the transfer of individuals accused or convicted of crimes from one country to another. However, in the absence of such treaties, legal, diplomatic, and political barriers arise, preventing the successful return of fugitives.

One of the most prominent cases illustrating this challenge is that of **Dawood Ibrahim**, an Indian fugitive wanted for his role in the **1993 Mumbai bombings, money laundering, and organized crime**. Despite India's repeated extradition requests, **Pakistan has consistently denied his presence**. One of the key reasons behind the failure to extradite Dawood Ibrahim is the absence of a **bilateral extradition treaty** between India and Pakistan, which has created a significant legal and diplomatic hurdle in securing his return.

Another example on the issue is the case of Mohammed Abequa, a Jordanian-American who murdered his wife in New Jersey in 1994 and fled to Jordan, illustrates this issue. Due to the lack of an extradition treaty between the United States and Jordan at that time, extradition efforts were unsuccessful, leading to Abequa's trial under Jordanian law, where he received a reduced sentence and was eventually pardoned.<sup>18</sup>

The principle of **aut dedere aut judicare** (Latin for "extradite or prosecute") is a **fundamental norm in international law**, requiring states to either **extradite fugitives or prosecute them domestically** if extradition is not possible. This principle is particularly applied in cases involving **terrorism, war crimes, and transnational organized crime**. Economic offenders often exploit legal loopholes by seeking refuge in countries that **lack extradition treaties** with the state where they committed the offense, making their prosecution and repatriation significantly challenging. While the **principle of aut dedere aut judicare** (extradite or prosecute) is a well-established norm in cases of **terrorism and war crimes**, it is **rarely enforced in economic crimes**, allowing financial criminals to evade justice with relative ease.

India's limited number of extradition treaties poses significant challenges in securing the return of fugitives. As of December 2024, India has formal extradition treaties with 48 countries and extradition arrangements with an additional 12 countries.<sup>19</sup> On the other hand, countries like the United States and the United Kingdom have established extradition treaties with over 100 nations each, facilitating more efficient international cooperation in

criminal matters.<sup>20</sup>

The **lack of extradition treaties** not only protects criminals from prosecution but also enables them to exploit legal loopholes and continue illicit activities from foreign territories. Countries often rely on **alternative legal measures** such as **Interpol Red Notices, diplomatic negotiations, and immigration law violations** to secure the return of fugitives. However, these methods are not always effective, as extradition remains a **sovereign decision** influenced by political considerations, human rights concerns, and foreign policy interests. To combat transnational crime effectively, nations must work towards **expanding extradition agreements, strengthening regional cooperation, and establishing mutual legal assistance frameworks** that ensure fugitives cannot escape justice due to legal gaps.

## 8. Conclusion

The analysis of India's extradition treaties and related legal cooperation mechanisms highlights the country's commitment to fostering international collaboration in criminal justice. Through **bilateral and multilateral treaties, mutual legal assistance agreements, and extradition arrangements**, India has established a structured framework for seeking and providing extradition, ensuring fugitives are held accountable while upholding legal and human rights standards.

Despite having **formal bilateral extradition treaties with 48 countries and extradition arrangements with 10 others**, India lags behind global counterparts such as the **United States, United Kingdom, and China**, which have significantly larger extradition networks. This comparatively smaller number of treaties often necessitates reliance on **mutual legal assistance treaties (MLATs) and non-treaty-based extradition requests**, which are evaluated on a case-by-case basis. The effectiveness of India's extradition process is further reinforced by its participation in **multilateral conventions** addressing transnational crimes, including terrorism, drug trafficking, and financial offenses.

One of the key challenges in India's extradition framework is **the time-consuming nature of legal proceedings, political considerations, and the risk of human rights violations in requesting or requested states**. While treaties create binding legal obligations, extradition arrangements remain non-binding, leading to inconsistencies in enforcement. The **principles of dual criminality, specialty, and non-refoulement** play a crucial role in determining the outcome of extradition requests, as seen in **high-profile cases like Vijay Mallya, Nirav Modi, and Abu Salem**. Additionally, the role of **domestic legislation and judicial scrutiny** becomes critical once an extradition request is deemed fit for consideration.

To enhance the efficiency and effectiveness of its extradition framework, **India must focus on expanding its treaty network, streamlining extradition procedures, and strengthening diplomatic relations**. Increasing the number of bilateral extradition treaties and leveraging **mutual legal assistance treaties (MLATs)** can significantly improve India's ability to secure the extradition of fugitives and combat transnational crimes more effectively. Furthermore, aligning domestic laws with international best practices and ensuring judicial and administrative efficiency will enhance India's global cooperation in legal and judicial matters.

In conclusion, while India's extradition system has a well-established foundation, **legal, diplomatic, and procedural challenges** continue to hinder its full potential. Strengthening legal frameworks, expediting judicial processes, and enhancing international cooperation will be key to ensuring a more efficient and effective extradition regime, ultimately contributing to global security and justice.