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# THE INDIA-UK EXTRADITION TREATY AND HOW CAN INDIA IMPROVE ITS EXTRADITION SUCCESS RATE

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## ABSTRACT

It is a widely acknowledged principle that governments are constrained by geographical boundaries and cannot apply their criminal laws in another nation. As a result, through extradition accords, states work together to bring fugitives to justice. Because no international law Convention binds any State to extradite persons, governments rely on diplomacy to continue international cooperation.

The Indian Extradition Act, 1962 ("the Act")<sup>1</sup> was adopted in India to govern the extradition of fugitives from other countries to India or from India to any other country. To initiate extradition proceedings, a request must be submitted with specific circumstances that comply with the Ministry of Home Affairs' "*Comprehensive Guidelines for Investigation Abroad and Issue of Letters Rogatory (LRs)*." An extradition request may only be lodged once a charge-sheet has been filed against the accused and a warrant of arrest has been issued by the competent magistrate. Before bringing an accused to trial, a magistrate must lay out the prima facie case (including facts, history, and evidence) against the accused, since such a request is considered an apparent affidavit of the magistrate. Furthermore, the request must include all essential case records and paperwork for extradition.

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<sup>1</sup> An Act to codify and reform the legislation governing the extradition of fugitive offenders.

## **Overview of The India-UK Extradition Treaty**

Extradition from any foreign country is subject to the requirements of any bilateral treaty, as well as the provisions of the Act. India now has extradition treaties with 47 nations, as well as 9 other extradition agreements. However, India has faced problems with one pact in particular from its establishment in 1993: the India-UK bilateral extradition treaty.

The goal of this article is to look at how India should revisit its decades-old treaty with the United Kingdom and adopt comprehensive measures to amend and modify the procedure in order to speed it up and develop an effective system to deal with the growing number of white-collar crimes committed by Indian fugitives.

For the past few years, it has been difficult to keep white-collar crimes committed by Indian fugitives out of the press. To mention a few from a large list, there is Vijay Mallya, Nirav Modi, and Lalit Modi. India has submitted at least 23 petitions thus far, and in 2016, India was successful in extraditing only one fugitive after 28 years of this bilateral pact.

India has extradited about 75 fugitives from 20 different nations and has received reciprocal extraditions. Furthermore, according to data supplied by the Ministry of External Affairs, India has a 36 percent success rate in extraditing fugitives from and to foreign nations. The figures are definitely modest when compared to other countries, but the challenges in extraditing fugitives from the UK are horrendous. In contrast to India, the US has extradited 120 fugitives from a total of 130 requests submitted to the UK.

Sanjeev Chawla, who is accused of match-fixing in the year 2000, was extradited to India after years of effort. The main reason for the delay was an appeal to the European Court of Human Rights (ECHR) regarding the appalling conditions in Indian jails.

Vijay Mallya, who is accused of the largest financial frauds and further money laundering accusations, has yet to be extradited because he has made allegations of political motivation as well as violations of human rights in Indian jails.

Nirav Modi, the fugitive from India's largest financial scam, has relied heavily on the verdicts in the Vijay Mallya case. His reasons come within human rights, citing a horrible medical condition that led to suicide.

## **The Way to Get Out**

The issue of why the UK is notorious for being the safest location for Indian fugitives

remains unanswered. The answer is included in the treaty, as well as the reasons for rejections and prolonged delays.

The United Kingdom has long been a haven for Indian fugitives, who live lavishly while escaping prosecution. The rationale for such a daring lifestyle is the UK investment visa (tier 1), sometimes known as the "*Golden Visa*."<sup>2</sup> Anyone who invests 200,000 pounds in the UK economy is allowed to stay for up to three years and four months. Following the further investment amounts, one might also pursue settlement in the United Kingdom.

The international law notion of "*Dual Criminality*" is another impediment to extradition. An crime must be specified under both the requested and seeking countries' laws. Earlier in 2017, it became difficult to show Vijay Mallya's offence as a criminal violation in the UK, where failure to pay a bank is a civil wrong. After arduous efforts, India was able to establish dual criminality, ultimately causing the hearings to be postponed.

In virtually all situations, the argument for human rights is the most prevalent position adopted. This argument is strong because of the European Court of Human Rights (ECtHR)<sup>3</sup>, which was created under the European Convention on Human Rights (ECHR)<sup>4</sup>, to which the UK is also subject.

It prohibits extradition where there is an allegation of torture, cruel or degrading treatment, or any other action that violates human rights under the ECHR. The most prevalent defence used by Indian fugitives is to criticise India's jail conditions. Their claim is based on bodily harm, torture in detention, and the possibility of mental collapse in such deplorable conditions. The Indian government has attempted to give letters of assurance in each of these cases, but there is no getting around the reality that jail conditions do not meet ECHR requirements.

Aside from the aforementioned locations, there are several others. Extradition takes a significant amount of paperwork and several compliances, and it should come as no surprise

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<sup>2</sup> Golden visas enable rich individuals to purchase the privilege to dwell in the United Kingdom by investing in UK-registered enterprises.

<sup>3</sup> The European Convention on Human Rights is applied by the Court. Its mission is to ensure that states uphold the rights and assurances included in the Convention. It accomplishes this by investigating complaints (known as "applications") filed by individuals or, in some cases, states.

<sup>4</sup> The European Convention on Human Rights (ECHR) safeguards people's human rights in nations that are members of the Council of Europe. The Convention has been signed by all 47 Council members, including the United Kingdom. The entire name of the convention is the 'Convention for the Protection of Human Rights and Fundamental Freedoms.'

that there have been countless instances of delays on the part of Indian officials in getting documents or other necessary compliance.

Furthermore, extradition may be rejected in situations of double jeopardy, which means that an accused has the right to be dismissed if he has already been prosecuted under UK law.

Furthermore, under Article 9 (c-iii) of the treaty, extradition may be refused if it is demonstrated that the allegation against the accused was brought in bad faith. It can also be used if it can be shown that the prosecution is discriminatory, unjust, biased, or oppressive.

### **The study of Vijay Malaya case**

#### ***Overview of Vijay Mallya Case***

Mallya, who took over his father's firm when his father died at the age of 28, only watched his graph rise, and there is no turning back now. He turned the company around and extended his operations by investing in the aviation and liquor industries. His Kingfisher airlines have become the number one airline firm, and every passenger has chosen to travel on the airlines. The global aviation sector crashed in 2012 due to a variety of causes such as volatile financial markets and an economic downturn. Kingfisher, which had lured customers with its all-economy, single-class layout aircraft and great eatables and entertainment, had reached its lowest point as a result of the global aviation crisis. India's civil aviation always had flaws, and every airline is losing money, but regulatory choices in the industry in 2005 exacerbated the situation. And in the midst of the crisis, Molly took the bold move of purchasing Air Deccan in 2007, which resulted in financial repercussions for both the airline and Molly.

His luxurious lifestyle, a king-like existence, had made him the brand symbol, and kingfisher airlines were the consequence. Its first take-off was in 2003, and the airline began commercial operations within two years. From 4 flights to 104 flights, the airlines glistened in gold and received positive feedback from passengers. As a result of his decision to purchase air Deccan, the kingfisher, unaware of its fate, flew into its pothole. In 2008, several speed breakers were implemented to keep planes operating on non-profitable routes, as well as a rise in fuel prices, to which the airlines bowed. The once-celebrated airlines had become debt-trapped, and by the time steps to avoid their demise were implemented, it was too late. All international and domestic flights were halted, shares plummeted, and the business lost 7,000 crore in 2012. Meanwhile, the employees went on strike since they had not been paid since 2008. According to critics, the merger of Kingfisher with Air Deccan was the primary

reason for the airline's demise. The Indian Express stated in 2015 that Mallya owing loans from 17 Indian institutions, the worst of which was SBI, where he owed 1600 crore. That is when he went to Britain to avoid arrest.

### ***India's extradition request for Mallya***

With increasing debts and an impending arrest, departing the nation became a test for the country and its government. They labelled him an economic fugitive offender and began legal processes to extradite him back to India to face his charges in an Indian court. Following his detention, the Supreme Court found him guilty of contempt of court in 2017 after banks launched a slew of proceedings against him for failing to pay his debts. During the course of the litigation, he transferred a whopping 40 million dollars to his children. They determined that such conduct was in violation of the Karnataka High Court's interim order, which barred the respondent from transferring, alienating, disposing of, or creating third-party interests in any of his moveable or immovable property, and that his transfer amounted to contempt. So, before deciding on the severity of his penalty, the Supreme Court allowed him the opportunity to be heard.

### ***Facts About Case***

#### ***1. Overview of the Kingfisher Company***

United Breweries Holdings Limited (UBHL) or UB Group Bangalore is the owner of the Indian brand Kingfisher. The UB Group is involved in a number of businesses, the most notable of which being beer, aviation, and investment. UB Group sells its beer under the brand name Kingfisher. UB Group also owns many beer brands. Kingfisher was founded in 1978 and is presently India's leading beer manufacturer in terms of market share.

Kingfisher beer is also available in a number of other countries. In India, the UB group also founded Kingfisher Airlines. Kingfisher Airlines held the second biggest market share in India's domestic air travel till December 2011. Following the inspections, the firm ceased operations in India.

#### ***2. What Exactly Is Vijay Mallya's Scam?***

A. Vijay Mallya wants to develop his Alcohol and aviation businesses. His advisors tell

him not to do so, but he ignores them. He sold another company started by his father to fund the airline.

- B.** Vijay Mallya's Kingfisher Airlines became India's number one domestic airline and the first choice of every traveller. The Indian government did not allow kingfishers to fly and travel internationally due to various limitations. To fly foreign flights, he used United Spirits or United Breweries to acquire Deccan Air, a loss-making firm, and integrate it with Kingfisher Airlines, but it did not turn a profit, thus Malaya's business was in the red in 2010.
- C.** To manage this company, he had to take out loans from banks on a regular basis. He obtained 9000 crores in loans from 17 banks. Despite SBI declaring them insolvent, other banks continued to lend to them since he was a Rajya Sabha member and other parties supported him. His company, Kingfisher, collected passenger service tax, PF, and employee income tax but failed to declare it to the PF or IT authorities. The firm also failed to pay its employees' salaries or ran out of funds. The firm was forced to close its doors in 2012. Vijay Mallya received a debt of \$9,000 from many banks, which he refused to repay.
- D.** The company United Breweries ordered Vijay Mallya to resign as chairman of United Spirits and paid him \$75 million in severance pay, but Indian courts barred this payment. SBI and other banks launched a case against Vijay Mallya, but he went to the United Kingdom before any action could be taken. There is also speculation that Vijay Mallya offered banks 4000 crores in settlement, but the banks declined. Banks demand at least 4900 crores in principle and interest.

Amount in Rupees/Rs/₹	Banks
1,600	SBI
800	PNB
800	IDBI
650	BANK OF INDIA
550	BANK OF BARODA

Amount in Rupees/Rs/₹	Banks
430	UNITED BANK OF INDIA
410	CENTRAL BANK OF INDIA
320	UCO BANK
310	CORPORATION BANK
150	STATE BANK OF MYSORE
140	INDIAN OVERSEAS BANK
90	FEDERAL BANK
60	PUNJAB & SIND BANK
50	AXIS BANK

Bank Loans Taken by Vijay Mallya

### 3. Bank Loans Taken by Vijay Mallya

#### 3. Kingfishers Airlines Failure Cause

##### **Inadequate Business Strategy**

The primary reason for Kingfisher Airlines' collapse is a lack of plan. Initially, the firm began an economy class service, and then they transitioned to a luxury class service. After then, they became a low-cost airline.

Passengers lose interest in this airline when the company's target audience changes on a regular basis. Another problem with their business plan is that they do not prioritise profitable routes.

##### **Inadequate Management**

The other issue with Kingfisher Airlines was that Vijay Mallya was unduly invested in his company. At Kingfisher, there is no long-term CEO or MD. Management is a crucial component of every successful or unsuccessful organisation.

## **Recession of 2008**

The failure of Kingfisher Airlines is not entirely due to internal flaws; there are some external factors as well. Another reason for Kingfisher Airlines' failure is the 2008 recession, which played a significant role in the company's demise.

The recession affected the whole globe, including the aviation sector. Fuel prices and airport fees have risen dramatically as a result of the recession. All of these elements have an influence on Kingfisher Airlines' health.

## **Air Deccan**

As previously stated, Kingfisher Airlines purchased Air Deccan, a low-cost airline. Vijay Mallya considered both firms as distinct entities in the Begging. There was a period when both airlines' flights flew at the same time, however they subsequently chose to terminate Air Deccan's operations, but Air Deccan's customers did not migrate to Kingfisher Airline. They switched to a competitor.

## **High operational expenses**

Another external element contributing to Kingfisher Airlines' demise is the airline industry's high operational costs as compared to other businesses. Airline companies require permissions for the next phase, which is a merger with Air Deccan, which has the routes, aircraft maintenance investment, and payroll of a low-cost airline. Petrol is very expensive, and the company has been unable to recover its expenditures or has continually lost money. There is also a lot of competition in the airline industry, which is why this company offers low-cost flights, but they forget that if they don't generate a consistent profit, their company would fail.

## **5. *The RCB's Relationship With Vijay Mallya***

United Spirits founded the Royal Challengers Bangalore (RCB) franchise in 2008. RCB marketed its brand Kingfisher till 2013, however no liquor brand was promoted by the club in 2014.

Sprites United Vijay Mallya controls the RCB entirely, therefore he resigned as chairman of United Spirits and as a director of the RC. Following the Vijay Mallya financial scandals, Amrit Thomas was appointed chairman of the Royal Challengers, and the team's logo was altered. United Spirits owns RCB's parent company, Royal Challengers Sports Pvt Ltd (RCSPL).



The main stakeholder in RCSPL is United Spirits, which is currently controlled by the British beverage corporation Diageo. United Spirits was purchased by Diageo in 2014. Diageo performed an inquiry before to acquiring United Spirits and discovered Rs 1.15 billion in financial irregularities (Rs 115 crore). USL's management said that Rs 1.15 billion had been "*possibly misappropriated from RCSPL.*" Despite performing badly throughout the season, RCB earns more than 10% of the firm's operating earnings in 2019.

### ***What happened to Vijay Mallya?***

He is currently in London after leaving in March 2016. Following the allegations of a Rs.9000 crore fraud.

### ***When will Vijay Mallya return to India?***

In recent news, he petitioned the European Human Rights Court to prevent his deportation to India, and the court dismissed his request. He afterwards applied for more.

### ***What did the Supreme Court say about Vijay Mallya?***

*The Supreme Court has directed its registry to explain why businessman Vijay Mallya's petition for a review of its 2017 order finding him guilty of contempt of court for transferring USD 40 million to his children has not been listed before the relevant court for the last three years.*

### ***Where is Vijay Mallya these days?***

Vijay Mallya has been in the United Kingdom since 2016 and is undergoing extradition proceedings. Nirmala Sitraman, the Finance Minister, stated that they are vigorously pursuing the extradition of fugitive businessmen such as Vijay Mallya to face Indian justice.

### ***India's extradition laws***

The extradition pleas in the Vijay Mallya case were frequent. Extradition is a legal and diplomatic process in international law in which one government requests that another surrender the custody of a fugitive or criminal. To facilitate the extradition process, India has extradition treaties with 42 nations and extradition agreements with 9 countries. In India, the procedure is controlled by the Indian Extradition Act of 1962. Section 3 allows the government to notify the other nation that the provisions of the aforementioned legislation have been extended to it. Section 3 will also evaluate and process cases from countries that do not have an extradition pact with India (4). Under this Article, the CG may view any treaty or convention with another country as an extradition accord. India has signed various

conventions, including the 1997 International Convention, the United Nations Convention Against Corruption, and the 2011 United Nations Convention Against Transnational Organised Crime.

Once the investigating agency has submitted the charge sheet, cognisance has been taken by the magistrate, and orders/directions for the accused who committed the crime have been issued, a request for extradition can be made to the Ministry of External Affairs. In addition, such a request should be supported with an open-dated warrant of arrest including the specifics of the offence committed.

### ***Observation and evaluation***

India has an extradition pact with the United Kingdom, and the nations are obligated under article 1 of the treaty to extradite the individual who committed the crime in their home country and sought shelter in the host country. Extradition offences can be prosecuted by both contractual parties. As in the current case of Mallya, he was prosecuted in London for the crimes he did in India and on the request of Indian authorities to extradite him to India. If such a person is prosecuted in the requested state court, or if he can demonstrate that the prosecution is unfair, repressive, biased, or discriminating, the extradition request might be denied.

Mallya's extradition had been delayed for years, and numerous claims had raised concerns about the delay. To respond to the Supreme Court, CG claimed that he is the subject of "*secret procedures*" in the United Kingdom. He was tried and found guilty in a UK court. Because India already has an extradition relationship with the United Kingdom, the alleged economic fugitive would be extradited and held accountable for the losses he caused to 17 banks.

### **Correcting the flaws or loopholes**

The treaty is now over three decades old, and the seriousness of crimes committed by fugitives has skyrocketed. Harshad Mehta's case in 1992 was once the highlight of the year, but today, instances involving thousands of crores of fraud are all too regular in the market. Scam after scam and the inability to catch fugitives show how unfulfilling the agreement has become. This necessitates the creation of a new, amended treaty that contains procedures for expediting the process and eliminating needless delays. Furthermore, India has to exert greater pressure or develop connections with the United Kingdom on this issue, which British Home Secretary Priti Patel has guaranteed will be improved during her tenure. The enhanced

connection has undoubtedly helped both Vijay Mallya and Nirav Modi.

Another change that is supposed to simplify the extradition process is the establishment of a distinct task force dedicated entirely to extradition under the direction of the Ministry of External Affairs. Handling paperwork and other key processes numerous times by the CBI or Enforcement Directorate causes in delays; also, in the past, police have been tardy in submitting chargesheets, resulting in a domino effect of delays.

A special inquiry in such situations would not only put the pressure on several agencies to file charges against fugitives, but forming a specialised task force would also expedite the necessary procedure.

Human rights circumstances are the most difficult to accomplish reform. There is no doubt that India's prison conditions, and police treatment of prisoners has been widely criticised. One such reform that India should undertake is the establishment of separate cells or jails for extradited convicts.

### **How can India improve its extradition success rate as the UK becomes a haven for financial criminals?**

While the UK has a soft approach that may be strengthened post-Brexit<sup>5</sup>, the true test will be ensuring that poor jail facilities are improved. Mere promises without genuine improvement in conditions will be cited as a case study by other fugitives.

The extradition of a large number of embezzlers charged under India's Fugitive Economic Offenders Act, which allows the confiscation of all properties and assets of people charged with crimes worth more than Rs 100 crore who are evading prosecution by remaining outside Indian jurisdiction, has taken a long time for the Enforcement Directorate (ED).

Hearings in the extradition case of diamond merchant Nirav Modi, a fugitive economic offender, concluded earlier this month in London's Westminster Magistrates' Court. This round of arguments was held to assess the merits of a preliminary case of fraud and money laundering included in the Indian government's information.

Following more hearings in November and December, a decision is likely by the end of the year or early next year.

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<sup>5</sup> Brexit was the United Kingdom's (UK) withdrawal from the European Union (EU) on January 31, 2020, at 23:00 GMT (00:00 CET).

Several issues in the Modi case are similar to those presented in the Vijay Mallya case. Indeed, the United Kingdom has become a favourite tax haven for economic offenders like Vijay Mallya, Nirav Modi, Lalit Modi, and Sanjay Bhandari, to name a few.

YES Bank founder Rana Kapoor was detained by the ED in London prior to his arrest. He would have joined the ranks of fugitive financial fraudsters living the good life in the United Kingdom (UK) if a complex entrapment by Indian officials had not succeeded in luring him back into India.

Among the hundreds of companies formed by the Sandesara brothers of the Stearling Biotech group, many were in the United Kingdom and the British Virgin Islands, among other locations.

Except for Kapoor, all of the accused entrepreneurs are the targets of an Indian government extradition campaign to return to India to face financial crimes charges.

### **Abroad the safe heavens**

In 1992, India and the United Kingdom concluded an extradition deal. Since then, just two applications for extradition of fugitives in the UK have been accepted. All other petitions are still waiting. Extradition processes in the United Kingdom are cumbersome. The vast majority of extradition cases involve high-value economic criminals.

Because of the lack of monitoring and the limited number of limitations on establishing a firm, the country has become an appealing location for financial or other fugitives. Until recently, tax havens were typically tiny countries with access to bigger markets. However, in recent years, the United Kingdom has emerged as the most major tax haven and favoured location for money laundering. According to the Tax Justice Network's Corporate Tax Haven Index, the UK and its controlled network of satellite countries are the most responsible for the breakdown of the worldwide corporate tax system. While the United Kingdom ranks thirteenth, its Overseas Territories and Crown Dependencies dominate the top of the index. The British Virgin Islands, Bermuda, the Cayman Islands, and Jersey were placed first, second, third, and seventh, in that order. The Bahamas, a British Commonwealth territory, is ranked ninth. Hong Kong, a former British colony with close links to the old home nation, is ranked tenth on the tax haven ranking. Many of the world's largest tax havens, from Guernsey to the Bahamas, Singapore to Anguilla, are either present or former British Overseas Territories in some form or another.

The UK network gets around 14% of all foreign direct investment reported by the International Monetary Fund, totaling more over \$6 trillion, with the lowest accessible corporation tax rates average 1.73 percent. Following Brexit, the UK has become more active in seeking to attract overseas investment by lowering corporation taxes, which improves government revenue because the profits that are exempt from tax are almost entirely generated abroad. The ease with which a company may be founded is frequently used by criminals, who set up nominally respectable enterprises in the UK and abroad, but which are primarily used to launder illegal income. The property market is another route taken by criminals, particularly in London. Money laundered in the UK is generally the proceeds of another country's crime; large financial hubs are appealing destinations or transit points for unlawful gains.

To combat the growing number of fugitive economic criminals, parliament passed the Fugitive Economic Criminals Act in 2018, which allows for the seizure of the properties and assets of offenders who evade prosecution by staying beyond the jurisdiction of Indian courts. The United Kingdom's exit from the European Union, as well as fresh political resolve in both nations to strengthen criminal cooperation, may indicate that now is the moment to fix the existing extradition scenario. However, In the United Kingdom, radical right-wing supporters have been campaigning for the removal of corporate income tax totally in order to encourage investment and job creation. This might have an influence on extradition proceedings, making it more difficult to return economic offenders to their home countries.

### **Major hurdles**

In an earlier hearing, Nirav Modi told a UK judge that if he was deported to India, he would "kill himself". *"It is apparent that it was a deliberate hit following renewed media coverage recently in which Modi is incorrectly referred to as a millionaire diamantaire,"* Keith added, blaming the Indian government of having *"thoroughly blackened"* Modi's name as a *"world-class schemer."* Nirav Modi's counsel accused the Indian government of leaking his medical report, which was attached to his bail application.

This prompted Westminster Magistrates' Chief Magistrate Emma Arbuthnot to say, *"It is extremely sad indeed that the doctor's report was released"*. It should not happen, and if it is the source of the leak, it will harm the court's trust in the Indian government. Extradition from the United Kingdom has been stymied because either the fundamental extradition standards are not met or the relevant process bars are successfully invoked. The defence

teams in each instance sought to tarnish the Indian authorities by accusing them of bad faith and provocative actions.

Article 9 (c-iii)<sup>6</sup> of the Extradition Treaty between India and the United Kingdom acknowledges “*accusation against him not being made in good faith*” as a basis for refusing extradition. It should not happen, and if it is the source of the leak, it will harm the court's trust in the Indian government. Extradition from the United Kingdom has been stymied because either the fundamental extradition standards are not met or the relevant process bars are successfully invoked. The defence teams in each instance sought to tarnish the Indian authorities by accusing them of bad faith and provocative actions.

The extradition of bookie Sanjeev Kumar Chawla was delayed for a long time since the circumstances at Tihar Jail in Delhi were deplorable and confinement there would constitute a violation of human rights. In February 2020, he was repatriated to India in the first high-profile extradition under the 1992 India-UK Extradition Treaty.

Following the successful return of Sanjeev Chawla, it has become clear that guarantees about jail conditions and timely documentation are critical in achieving criminal extradition.

The government's lessons on adequate guarantees regarding jail conditions, human rights, and the creation of a prima facie case are beginning to bear fruit

According to a recent source, the ED is contacting colleagues in the United Kingdom in order to execute a provisional attachment order, aiming to block the sale of Yes Bank co-promoter Rana Kapoor's Rs 127-crore London properties by seizing it under the Prevention of Money Laundering Act (PMLA).

The Magistrate's Court rejected Vijay Mallya's claims about jail conditions in India, and the British Secretary of State authorised his extradition as well.

His appeal to the high court, and then to the Supreme Court, was denied on April 20, 2020. His last hope of evasion if he is extradited is through the European Court of Human Rights.

Although pledges can result in extradition, the actual litmus test for Indian courts is improving bad jail conditions. Mere pledges without actual improvements in conditions may become a cause of suspicion in the future, only to be used as a case study by other fugitives to

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<sup>6</sup> [https://mea.gov.in/Images/CPV/leta/UK\\_Extradition\\_Treaties.pdf](https://mea.gov.in/Images/CPV/leta/UK_Extradition_Treaties.pdf)

the UK. Aside from that, the India-UK extradition legislation and practise require change. This is especially significant in the case of extraditions from the United Kingdom to India.

If an individual's passport was valid when they were given permission to remain or enter the UK, the UK does not need them to have a valid passport to remain in the country. The revocation of a passport by the Government of India does not inevitably result in deportation by the United Kingdom.

While there is a need to reconcile treaty commitments with domestic enforcement legislation and guarantees of human rights duties, the reality remains that the UK's soft approach to extradition proceedings has created a new refuge for economic criminals for the time being. It is worth considering if the UK has taken the simplest way to attract investment by becoming a sanctuary for money launderers.

The volume of Indian petitions, particularly given the nature of the offences, calls for reform, since existing legislation and practise are being abused by economic criminals.

## **Conclusion**

Extradition stems largely from international cooperation and state diplomacy concepts. Strong international ties with many nations assist in the establishment of a successful extradition pact. Extradition treaties with vagueness or loopholes result in years of useless efforts to apprehend fugitives. Since the start of implementing the India-UK pact, India has struggled to bring fugitives back to India to face prosecutions. After 29 years and a 36% success rate, a proactive revision of the extradition system is long time. Regardless of its efforts to get a positive judgement, India has a new obstacle when these fugitives claim '*Suicide Attempt*' or '*Declaration of Bankruptcy*.'

The case delay demonstrates the rich's abuse of laws and processes. The banks, who had previously operated carefully, had lost the majority of their credibility. This case would set a precedent for future cases. As a result, the government must ensure that similar occurrences do not occur again by extraditing Mallya and setting a precedent for any future cases. Extradition is typically tailored mainly to decrease the burden of finding guilty of the accused who fled to another nation to avoid arrest, thus in such circumstances, any delay in extradition would only bring more degradation to the law and justice.

It is critical that India revise decades-old extradition treaties and include mechanisms to accelerate the procedures. With the legislative change, there is a need to establish a specialist

body that concentrates its task force on extraditing fugitives to India without having to battle to get compliances at every level of administration. Degrading jail circumstances is the most prevalent textbook argument in such situations, and it is the most powerful of all other reasons. Reforming Indian jails is urgently needed in order to meet international standards, ensure fundamental human rights, and protect the lives of prisoners.

With the rise in economic crimes, India must be vigilant and make strict amendments to ensure expeditious and efficient extradition proceedings, as well as to deter fugitives who commit such crimes to live a free life away from Indian authorities.



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