ISSN 2582-0311 (Print)
ISSN 2582-0303 (Online)

Volume 6
Issue I

August 2024

VIPS STUDENT LAW REVIEW

VIVEKANANDA INSTITUTE OF PROFESSIONAL STUDIES - TECHNICAL CAMPUS

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Volume 6, Issue I August, 2024 ISSN 2582-0311 (Print)
ISSN 2582-0303 (Online)

TABLE OF CONTENTS

S. No. Title of the Paper/ Author **Page No.**

1. Deciphering the Complexities of Clubbing of Contraband under the Narcotic Drugs and Psychotropic Substances Act, 1985: Judicial Response
Adv. Vidit Anand & Adv. Shivani Chawla 1

2. Business and Human Rights: Need for A Legal Regulatory Framework in India
Dr. Honey Sharma 11

STUDENTS SECTION

3. Significance of Equity Principle in A Globalized World
Priyanshu Kumar 25

4. Women's Participation in the Labour Force and Feminist Theology
Kanika Garg 34

5. Corporate Governance and Chairmanship: The Legislative Lacuna Concerning The Position of Chairman in Indian Scenario
Mohit Mishra & Anand Vardhan Shrivastava 47

6. Transnational Justice to Extradition of Economic Offenders to India: An Odyssey of Millionaire Fugitives
Abhilash Aggarwal 63

7. Navigating Love and Finances: The Ins and Outs of Prenuptial Agreements
Nishant Kumar & Vikas Deep Singh 75

8. The Future of Electronic Payments: Regulations and Reforms
Anjali Sah 91

9. Emergency Arbitration and the Rule of Law: Examining Statutory Enforcement of Interim Orders
Maitreyi Choalla 102

10. Contemporary Analysis of the Transformativeness Criterion in the Age of Artificial Intelligence Re-Imaginative Tools in the Indian Creative Industry
Mehul Saravanan 111

11. Situating the Indian Constitution in the Originalism vs Living Constitutionalism Debate
Abhishek Saha 120

12. Merger of NSE IFSC & BSE INX: A Cosmic Match for Growth as a Capital Flourished Economy
Aayushi Tyagi & Arshi Verma 132

13. Unravelling the Intricacies of Intellectual Property Rights and Competition Law
Ishika Singh & Ujalambe Abhay Dayanand 147

14. Tax Avoidance Techniques by Multinational Companies
Gaargi Gour & Devashish Bodhankar 168

TRANSNATIONAL JUSTICE TO EXTRADITION OF ECONOMIC OFFENDERS TO INDIA: AN ODYSSEY OF MILLIONAIRE FUGITIVES

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VIPS Student Law Review
August 2024, Vol. 6, Issue 1, 63-74
ISSN 2582-0311 (Print)
ISSN 2582-0303 (Online)
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https://vslls.vips.edu/vslr/

ABSTRACT

The issues of corruption and economic fugitives, gained significant attention in the last decade as Indian law enforcement authorities sought extradition of fugitives such as Nirav Modi, Vijay Mallya, Mehul Choksi, Lalit Modi and others in courts located in the UK, USA, or Antigua. India's territories have been subjected to many foreign borders to facilitate the extradition of those who have evaded prosecution by fleeing the country. India has entered into Mutual Legal Assistance Treaties (MLAT) for extradition with 48 countries and has established extradition agreements with 12 nations. Extradition is a complex process that usually involves comprehending and adhering to the relevant international treaties and agreements, following the effective domestic laws of the requested state. Further, where the bilateral MLAT provides a defined legal structure and obligates to extradite the accused or the convicted individual, conversely the agreements are non-binding and lack enforceability. This study seeks to comprehend the legal process of Extradition in India, that simultaneously ensures global justice and evaluates diplomatic ties with foreign nations. In the subsequent sections of the study, the researcher will briefly discuss certain case studies and the legal loopholes that have allowed fugitives to evade capture, resulting in serious socio-political repercussions and even endangering security of the requested state. To conclude the necessity of creating an exhaustive international statute for extradition through mutual representation among nations shall be the need of the hour.

Keywords: *Mutual Legal Assistance Treaty, Extradition, Economic Offenders, Fugitive, Red Notices.*

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1. INTRODUCTION

Extradition is a crucial judicial process that involves the transfer of individuals who are accused or guilty of a crime from one nation to another in order to be tried or punished.[1] *Oppenheim* describes 'extradition' as, "*a delivery of an accused or a convicted individual to the State on whose territory he is alleged to have committed or to have been convicted of a crime, by the State on whose territory the alleged criminal happens for the time to be*".[2] It is an integral component of public international law, with the objective of fostering collaboration and upholding fairness and stability among states. India has signed many multilateral accords (MLAT) that provide a legally binding structure for extradition as a way to combat international crimes such as drug trafficking, terrorism and airline hijacking. Although, even the non-treaty states can request the extradition[3] of escaped fenders to which India has promised reciprocity (*Letters Rogatory*); thus, these extradition arrangements will be considered in accordance with the foreign state's norms and regulations.[4]

Belgium in 1833 was the first nation to formally act for providing extradition and also to pass the first law on right to seek asylum. It was the *International Congress of Comparative Law* held at *Hague* in 1932 that said Extradition is a great step in prevention of crime and the states are obligated to foster help to the fellow states as a mark of international solidarity. Thus, making the law of extradition as a dual law.[5] The purpose of extradition of any 'fugitive criminal' declared by the law enforcement agencies is to prevent escape of the criminal and preserve evidence, maintain peace in territorial state, reciprocate diplomatic support and enhance international cooperation.[6] In India it is *The Extradition Act of 1962* that governs extradition process and procedure in consonance with a treaty, agreement and arrangement with a foreign state[7]. *The Ministry of External Affairs* (MEA) is the nodal agency through which extradition requests can be made to foreign countries as per their established guidelines.[8]

1 *State of West Bengal v. Jugal Kishore*, AIR 1969 SC 1171.

2 Sir Robert Jennings and Arthur Watts (eds.), *Oppenheim's International Law* (Oxford University Press, Oxford, 9th edn., 2008).

3 The Extradition Act, 1962 (Act 34 of 1962), s. 3(4).

4 B. F. R., "Letters Rogatory: Service of Foreign Summons", 8(5) *California Law Review* 350 (1920).

5 *Daya Singh Lahoria v. Union of India*, 2001 (4) SCC 516.

6 Matthew Coogan, "Considerations In Planning And Taking Depositions Overseas", 45(4) *Litigation* 18 (2019).

7 The Extradition Act (Act 34 of 1962), s. 2(d).

8 Guidelines on Mutual Legal Assistance in Criminal Matters, Ministry of External Affairs (F. No. 25016/52/2019).

To tackle the nuances of economic fugitives at the international borders, the "*United Nations Convention Against Corruption"* (UNCAC) was enacted in 2003, stressing upon minimum legal standards for extradition relating to offences of 'corruption' under its chapter IV. 183 nations of the world are a party to it. Similar anti-corruption conventions having provisions for extradition are the "*Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions, 1997"* (OECD Anti-Bribery Convention) and "*United Nations Convention Against Transnational Organized Crime*, *2000"* (UNTOC).[9] In India the *Fugitive Economic Offenders Act, 2018* is the penal legislation enacted to prosecute a '*fugitive economic offender*' (FEO) against whom arrest warrant is issued for any offence listed under the provisions of the Act, valued 100 crore and above. It has specified special courts created under the *Prevention of Money Laundering Act, 2002* (PMLA) to designate an accused as fugitive economic offender upon adjudication and confiscate & seize the offenders property. The *Enforcement Directorate* (ED) is the specialized agency having extensive powers to deal with economic offences under the Act of 2018, PMLA and *Foreign Exchange Management Act, 1999*.[10]

The extradition process is initiated upon receiving information or a requisition regarding fugitive criminals sought by foreign nations. The information may originate from the diplomatic channel of the relevant country or the General Secretariat of ICPO/Interpol, typically in the form of red notices (RN) or other established methods of communication.[11] This is followed by a detailed inquiry by the *Magistrate of Extradition* resulting in issuance of a warrant for arrest.

During the trial, if the fugitive is held guilty in the requested state, the court may subject them to be extradited and deported to the requesting country, subject to the MLAT or agreement between the nations. However, extradition is subjected to certain restrictions such as in case of the fugitive being the national of requested state[12], a political offender (e.g. Warren Martin Anderson: Bhopal Gas Tragedy)[13], the offence in requesting state is punished with death penalty or isn't punishable/time barred under the laws of requested state, subject to torture[14] or actual or potential discrimination on the basis of religion, race,

9 Carl Pacini, Judyth A. Swingen, and Hudson Rogers, 'The Role of the OECD and EU Conventions in Combating Bribery of Foreign Public Officials', 37(4) *Journal of Business Ethics* 385, 405 (2002).

10 Judge Marilyn J. Kaman, Craig Resnick, Mark Winston and Bruce Zagaris, "International Criminal Law", 41(2) *The International Lawyer* 317, 327 (2007).

11 *Bhavesh Jayanti Lakhani v. State of Maharashtra* (2009) INSC 1406.

12 *Maria Stella Rene v. Inspector of Police*, CBI/SCB, Chennai, Crl.R.C.No.602 of 2016.

13 The Extradition Act (Act 34 of 1962), s. 31.

14 Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment [1984], s. 3 and 7.

and nationality of the fugitive and in accordance with the '*principle of double jeopardy*'(e.g. David Coleman Headley: 26/11 Terror Attack).

It is evident from this research that the UK is often seen as a refuge for fraudsters or wealthy individuals evading legal proceedings in their own nations. According to reports, a total of 5,500 individuals from India have applied for political asylum in the United Kingdom since 2013. The extradition pact between India and the UK was established in 1992. It is worth mentioning that just one fugitive has been successfully extradited to India thus far. Therefore, the significant number of ongoing extradition cases in the UK is a very controversial subject of debate. The anomalies in the UK can be attributed to the legal framework.

The nation has ratified both the European Convention and the European Charter of Human Rights. Hence, if the British court determines that the extradition is motivated by political factors or that the accused would be subjected to torture by the authorities, the court has the authority to reject the extradition request. The fake millionaires astutely exploited this significant flaw to seek refuge in the country.[15] In this study, the researcher will examine the deficiencies in the legal system that can result in delay in granting justice through the current legal regime and recommend suggestions as to amend the loopholes to prevent the escape of offenders seeking asylum in foreign territories.

2. PRINCIPLES ALBEIT OF EXTRADITION

Extradition is founded on the principle that an accused or convicted individual can be prosecuted or penalised more effectively in the jurisdiction where the offence was committed or the crime occurred. The rationale for this is that it is more beneficial to bring legal action against the perpetrator in the jurisdiction where the crime took place. For example, gathering the necessary evidence is more expedient in the nation where the offence occurred compared to any other jurisdiction.

Furthermore, such a nation exhibits a substantial level of interest in exacting retribution onto the wrongdoer. Thus, the '*principle of state sovereignty*' becomes relevant when addressing the matter of extradition. State sovereignty denotes the supreme power of a certain state over its own populace and territorial boundaries. Legally speaking, no state is obligated to transfer any individual (whether a citizen or non-citizen) already under its

15 Shivani Khanna, "Nirav Modi to be extradited to India: History of PNB scam and UK extradition laws", *The Indian Wire*, Feb. 26, 2021, *available at:* https://www.theindianwire.com/business/nirav-modi-to-be-extradited-to-india-history-of-pnb-scam-and-uk-extradition-laws-306330/ (last visited on January 23, 2024).

territorial authority to another state.[16]

Nonetheless, the shared interests of the territorial state and the asking state in upholding law and order and administering justice need their collaboration in extraditing the accused individual or convicted person to the requesting state. Therefore, in order to prevent conflicts between the authority of states and the administration of justice, the majority of governments establish different treaties that regulate the process of extradition. Such is a well noted notion of diplomatic kindness that supports mutual expression of international support as established under '*principle of reciprocity*'.[17] The '*principle of speciality'*, is a yet another well-established norm of international law that pertains to extradition. Consequently, when an individual is extradited for a specific offence, they may only be prosecuted for that particular offence. If the State making the request determines it necessary to prosecute the extradited fugitive for a different offence committed prior to extradition, the fugitive must be restored to the original state of affairs.[18] This means that the fugitive must first be returned to the State that granted the extradition and a new extradition request must be made for the subsequent crime as reiterated under section 21 of the Extradition Act, 1962[19] of India.

3. CASE STUDIES ON ECONOMIC FUGITIVES OF INDIA

It was in the 90th General Assembly of the Interpol organized in October, 2022, when the Indian Prime Minister urged a need for global cooperation to eliminate such safe heavens where terrorists, corrupt, and criminals find a way to proceed with the crime. Further it was stated, the active Red Corner Notices by India were 778 out of which 205 were issued by CBI against fugitives like *Dawood Ibrahim, Chota Shakeel, Tiger Hanif, Rawi Shanakaran, Hafiz Saeed, Masood Azhar and economic offenders Nirav Modi, Vijay Mallya, Mehul Choksi, Lalit Modi* and others.[20]

16 Christine Min Wotipka and Kiyoteru Tsutsui, "Global Human Rights and State Sovereignty: State Ratification of International Human Rights Treaties, 1965-2001", 23(4) *Sociological Forum* 724, 754 (2008).

17 David J. Devlaeminck, "The Legal Principle Of Reciprocity In The Peaceful Management Of Transboundary Watercourses: The Duty To Cooperate, Rules Of Procedure And Self-Help Measures", 59(2) *Natural Resources Journal* 301, 320 (2019).

18 Andriy Tyushka & David Phinnemore & Wolfgang Weiß, "Joint Institutional Frameworks in EU Bilateral Agreements: Joint Bodies, Rules and Principles, and Special Procedures", 60(4) *Journal of Common Market Studies* 1124, 1143 (2022).

19 The Extradition Act (Act 34 of 1962), s. 21.

20 PTI, "PM Modi urges Interpol to speed up Red Corner Notices process", *The New Indian Express*, Oct. 18, 2022, 7:57 PM, *available at:* https://www.newindianexpress.com/nation/2022/oct/18/pm-modi-urges-interpol-to-speed-up-red-corner-notices-process-2509490.html (last visited on January 13, 2024).

3.1 Mehul Choksi: PNB Scam

In January 2018, the principal suspect in the Rs 13,500-crore PNB loan fraud case eluded capture from India, a brief time prior to the commencement of legal proceedings against him by the Central Bureau of India (CBI). Prior to this, he had obtained citizenship in the Caribbean nation of Antigua and Barbuda. India's efforts to repatriate Choksi have been very theatrical. Interpol issued a Red Notice (RN) against Choksi in response to petitions from the CBI and the *Enforcement Directorate* (ED). Furthermore, a later extradition request was dispatched to Antigua with the aim of repatriating Choksi.

During the ongoing court proceedings, Choksi was purportedly abducted and transported by boat to *Dominica* in May 2021. Subsequently, he was apprehended by authorities for "unlawful entry" when local media outlets publicised his visit. Subsequently, a privately-owned plane with officers from the Central Bureau of Investigation (CBI) and MEA arrived in Dominica with the purpose of extraditing him back to India. Following the start of legal action against Choksi for his unauthorised arrival, the aircraft was forced to return. Choksi's legal team effectively secured his release on bail and facilitated his return to Antigua. Moreover, it is claimed that the Indian government planned the kidnapping by employing its agents, with the aim of extraditing him to India through Dominica. Later on, Dominica retracted all allegations against Choksi. India has experienced a major loss as Interpol, although cancelling the RN against Choksi, has recognised the existence of "credible evidence" about his abduction and the possible "dangers" linked with his not receiving a fair trial in India. This development has the potential to impede India's efforts to repatriate Choksi to the nation.[21]

3.2 Nirav Modi: PNB Scam[22]

Nirav Modi, who was involved in the PNB case along with Choksi, fled from India to London at around the same time as Choksi. They both allegedly conspired with bank employees to acquire fraudulent "Letters of Undertaking" (LoU) and "Foreign Letters of Credit" for their own businesses. In this case, the PNB did not own any securities before issuing the LoUs. In 2018, the CBI acquired a RN on Modi and later filed an extradition petition to the UK. Nirav Modi was arrested in March 2019 on the grounds of an extradition

21 Deeptiman Tiwari, "Mehul Choksi to Zakir Naik, govt struggles to bring back fugitives holed up abroad", *The Indian Express*, Mar. 22, 2023, 11:28 AM, *available at:* https://indianexpress.com/article/political-pulse/mehul-choksi-interpol-red-notice-zakir-naik-nirav-modi-fugitives-8511743/ (last visited on January 03, 2024).

22 *The Government of India (Requesting State) v. Nirav Deepak Modi (Requested Person)* [2021] EWHC 2257 (Admin).

warrant filed by India. In February 2021, the court approved his extradition, and in April of the same year, the government sanctioned it. The Court concluded that Nirav Modi's crimes are classified as "Extradition offences" according to section 137 of the Extradition Act, 2003 of the UK, being affirmative to relocate him to Mumbai (Arthur Road Jail) to which dis-satisfaction was signified by Modi's lawyer. Further, his pleader asserted and tried to malign the image of judiciary in India and employing degenerative standards of mental healthcare for prisoners, which were rejected by the UK Court. The Court has rendered a verdict allowing for the extradition of Nirav Modi to India. In December 2022, Modi's last appeal was rejected by the UK Supreme Court. As a result, he was required to return to India within 28 days after receiving approval from the UK Home Secretary. Nevertheless, he has not yet arrived in India. According to sources, his extradition is now delayed due to another unresolved legal matter that is awaiting a court decision. According to reports, it was thought that this was an asylum application.[23]

3.3 Vijay Mallya: Kingfisher Airlines Loan Scam[24]

The ex-liquor baron aka 'The King of Good Times' is undoubtedly the most famous economic fugitive of India. Vijay Mallya is alleged to have committed fraudulent operations and engaged in money laundering in connection with the "Rs 9,000-crore *Kingfisher Airlines* loan fraud" case. After the CBI's inquiry into Kingfisher Airlines' demise, Mallya escaped to London in March, 2016. After that, the CBI obtained an RN against him and requested his extradition from the UK. Subsequently, the CBI not only obtained a RN against him but also submitted an extradition request to the UK. He was apprehended by UK police in October 2017 based on an extradition warrant and thereafter, all legal procedures were concluded. After the UK Supreme Court dismissed his final appeal against extradition in May 2020, he was supposed to be transferred to India shortly thereafter with the approval of the UK Home Secretary.[25] The individual has received a four-month incarceration sentence from the Apex court of India due to his violation of a prior court decision pertaining to the insolvency of his airline in 2022. Nevertheless, his extradition is now delayed due to undisclosed legal processes in a UK court, which reportedly involve Mallya's efforts to seek asylum in the UK.

23 Gursharan Bhalla, "Big Setback For Nirav Modi As UK Court Orders Extradition To India In PNB Scam", *India Times*, Nov. 9, 2022, 6:18 PM, *available at:* https://www.indiatimes.com/news/india/uk-govt-orders-nirav-modis-extradition-584335.html (last visited January 12, 2024).

24 *Dr. Vijay Mallya v. State Bank of India & Ors.*, AIR 2019 Kant 23.

25 Khushboo Narayan, "Vijay Mallya loses extradition appeal — what are his options?", *The Indian Express*, Apr. 21, 2020, 9:13 PM, *available at:* https://indianexpress.com/article/explained/explained-vijay-mallya-loses-extradition-appeal-what-are-his-options-6371030/ (last visited on January 16, 2024).

3.4 Lalit Modi: BCCI Scam of Rs. 753 Crore

The ex-chairman of the Indian Premier League (IPL), who played a key role in establishing the cricket league, is currently being investigated by multiple agencies for involvement in foreign exchange violations and a Rs. 425-crore rupee television rights agreement with World Sports Group for the 2009 season of the IPL.

Following a single interview session with the IT Department and ED sleuths in Mumbai about forex crimes, Lalit Modi promptly escaped to the UK in May 2010. The Chennai Police was the initial entity to officially document a *First Information Report* (FIR) about the case involving the television rights agreement. Subsequently, the Enforcement Directorate initiated investigations into money laundering in 2012. He faced charges of bid-rigging, money laundering, and violating the rules of the *Foreign Exchange Management Act, 1999* (FEMA) for a substantial amount of money. Subsequently, the ED's repeated appeals to Interpol to issue a RN on Modi did not yield any positive results.[26]

In March 2017, Interpol issued a directive that not only rejected a RN for Modi, but also expunged all information pertaining to him from its database. The order, issued on March 24, 2017, stated that after a comprehensive analysis of the relevant factors, the Commission determined that the disputed data did not adhere to Interpol's regulations for the handling of personal data. Consequently, the Commission recommended that the data be deleted. The failure of the ED and Chennai Police to file a chargesheet in the case is a major factor that has resulted in this situation. Due to Mumbai's location as the home of the Board of Control for Cricket in India (BCCI), the Tamil Nadu Police requested that the Mumbai Police take up the issue in 2017. The investigation into the first event has not progressed, and the latter declined to participate. There are currently no pending extradition appeals against Modi.[27]

3.5 Chetan and Nitin Sandesara: Sterling Bio-tech Group Banking Fraud

In the Rs. 20,000-crore Sterling Biotech loan fraud case, the Vadodara-based Sandesara family which includes Nitin's wife Dipti and brother-in-law Hansmukh Patel—is facing accusations. Interpol RN is open against all of them in response to demands from the ED and CBI. The family travelled through Dubai to leave India and arrive in Nigeria just before the two agencies started their investigations in 2017. Since then, the Sandesara

26 Saurav Das, "What the Union Government Has Done to Investigate the Charges Against Lalit Modi", *The Wire*, Sept. 22, 2023, *available at:* https://thewire.in/government/lalit-modi-narendra-bjp-government-extradition (last visited on January 07, 2024).

27 *Ibid.*

family has applied for citizenship in both Nigeria and Albania, and they have reportedly embezzled large sums of money from Indian banks to invest heavily in both nations.

Although they operate an oil company in Nigeria, they have real estate properties in Albania. India has requested both nations' extradition. But neither Nigeria nor Albania have honoured the Interpol RN, nor have they responded favourably to India's petitions for their extradition. The attorney general's office of Nigeria has labelled the lawsuit as "political", while Albania has been putting off responding to India's claims.[28]

In 2019, Albania designated Nitin Sandesara as an honorary consul to Nigeria. Although there is no extradition treaty between Albania and India, *Arben Braçe*, a high-ranking official from Albania's Ministry of Justice responsible for jurisdictional matters, stated that the request made by India should have been sufficient for the arrest of either him or his brother. However, despite the Sandesaras apparent dominance in Albania, they have not been totally protected from investigation. Shortly after being given Albanian citizenship, the Sandesara brothers and Morina became subjects of inquiry by the Tirana Prosecutor's Office for their involvement in money laundering through the investments that were instrumental in obtaining their new passports. However, it was in the year 2020, they were declared as fugitives.[29]

3.6 Sanjay Bhandari: Accused of Tax Evasion and Money Laundering

Sanjay Bhandari, a wanted arms dealer, is under investigation by many authorities, such as the Delhi Police, the Income-Tax Department, the CBI and the ED, in relation to multiple crimes. Bhandari initially attracted the attention of the agencies in 2016 when the I-T Department conducted a raid on his properties due to suspicions of his not disclosing some assets he has overseas. This issue has now merged with a litigation concerning specific assets owned by *Robert Vadra*, the spouse of Congress politician *Priyanka Gandhi*, in London. In 2016, the CBI initiated a preliminary inquiry into Bhandari's involvement in the signing of an aircraft agreement between the Indian Air Force and Swiss company (*Pilatus Aircraft*). This inquiry was prompted by suspicions of bribes being paid and thus under charged under the "*Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015", "Income Tax Act, 1961"* and *PMLA*. Furthermore, while a

28 Anuj Srivas, "The Fall of Sterling Biotech and the Brothers Sandesara", *The Wire*, Nov. 1, 2018, *available at:* https://thewire.in/political-economy/the-fall-of-sterling-biotech-and-the-brothers-sandesara (last visited on January 05, 2024).

29 Lindita Cela and Ushinor Majumdar, "From Gujarat to Albania and Nigeria, How the Sandesara Business Family Evaded Justice", *The Wire*, Jun. 8, 2021, *available at:* https://thewire.in/business/sandesara-brothers-sterling-biotech-gujarat-albania-nigeria (last visited on January 07, 2024).

FIR was registered at that point, Bhandari had already departed from India and relocated to London.[30] Subsequently, the Delhi Police submitted a formal request to Interpol to issue a RN. However, in 2017, the international agency refused the request, citing the matter as being of a "political nature". In 2019, India submitted a formal request to the UK for the extradition of Bhandari. This request was subsequently filed to the appropriate court in June 2020. Bhandari was apprehended the subsequent month. In May 2022, the *Westminster Court* in London granted approval to India's extradition request for Bhandari. Subsequently, the case was forwarded to the UK Home Secretary, *Suella Braverman*, for her consent. On January 12, 2023 *S. Braverman* ordered for the extradition of Sanjay Bhandari to India. Following which, Bhandari filed a petition in the UK High Court challenging the extradition ruling.[31]

4. LOOPHOLES AND PROBLEMS

Many countries have comprehensive lists of obligatory and optional grounds for refusing extradition petitions outlined in treaties and their laws. In order to speed up the extradition processes, it is recommended that state parties reduce the requirements for providing evidence and other procedures, including the methods for transmitting or making requests. India has found that extraditing individuals is a difficult task for the authorities. In its statement to the Rajya Sabha in February 2020, the government affirmed its aggressive efforts to extradite 72 fugitives from different countries and repatriate them to India. Based on the response to a Right to Information (RTI) application in 2019, it was indicated that only two of the fugitives have been effectively extradited to India since 2015.

The lack of a formal extradition treaty could lead to the denial of the request. One important reason why Ottavio Quattrocchi was not extradited to India in connection with the Bofors case was because there was no official agreement with Argentina. While it is true that there is a history of rejecting extradition petitions when there is no formal international agreement between countries, it is common for fugitives to be handed over based on domestic law or as a gesture of goodwill by the participating governments. Nevertheless, the ambiguity suggests that countries that are not parties to extradition treaties might potentially

30 Naomi Canton, "UK home secretary orders Sanjay Bhandari extradited to India", *Times of India*, Jan. 17, 2023, 9: 59 PM, *available at:* http://timesofindia.indiatimes.com/articleshow/97039165.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (last visited on January 17, 2024).

31 Manish Pandey, "Arms dealer Sanjay Bhandari moves UK high court against extradition order", *India Today*, Jan. 27, 2023, 5:23 PM, *available at:* https://www.indiatoday.in/india/story/arms-dealer-sanjay-bhandari-moves-uk-high-court-against-extradition-order-2327206-2023-01-27 (last visited January 16, 2024).

serve as a refuge for fugitives. Likewise, significant variations seem to exist with respect to the duration that nations require to complete extradition procedures, which span from one to two months to twelve to eighteen months. Translation requirements, the length of appeal proceedings, concurrent asylum applications and back-and-forth communication between the petitioning and requested nations due to ambiguity in the extradition request are frequent causes of delays.

Approximately 50% of the state signatories to the convention prohibit the extradition of their own citizens. An element of the time and resources required to prosecute such a case would be the submission of evidence via channels of mutual legal assistance. Nevertheless, this regulation is frequently disregarded and criticised for its inefficiency as the witnesses and evidence are frequently situated in other jurisdictions and for encouraging outcomes and sentences that fail to satisfy the requesting state's expectations. A small proportion of nations continue to depend solely on compilations of extraditable offences, which, in certain instances, fail to encompass all those that are obligatorily criminalizable under common law. In lieu of this, the majority of nations have ratified extradition treaties and domestic legislation that establish extraditable offences according to a minimum penalty demand. The majority of nations have established a one-year minimum threshold for liberty deprivation.

5. CONCLUSION AND SUGGESTIONS

Currently, extradition plays a crucial role in importing individuals who are suspected of engaging in corrupt practices and financial wrongdoing, ensuring that they face legal proceedings and are held accountable for their transgressions. Although extradition might be a lengthy and arduous procedure, it is ultimately the only means to apprehend those who are avoiding legal consequences, subject to the goodwill of a foreign authority. The process relies heavily on cooperation and trust between nations, as well as strong diplomatic ties, in addition to adhering to the legal procedures outlined by the respective governments. Nations that have established a declaration of reciprocity with seeking governments may permit extradition requests for assistance. In the absence of a treaty, a requested state is not obligated to cooperate on an extradition request. However, utilising a consensual legal framework is likely to lead to improved international cooperation and more successful extradition procedures. It is worth noting that currently, only a few countries are actively implementing the convention for this purpose. The convention facilitates the expansion of cooperation to nations lacking a bilateral treaty, without necessitating their involvement in an expensive and protracted negotiation for a new bilateral treaty. There is no evidence to

suggest that the use of reciprocity concept alone obstructs extradition. The legal basis of Council Framework of decision 13 of 2002 on European Arrest Warrant (EAW) enforced on 1st January, 2004, had proved to be a game changer by replacing the lengthy Extradition process in European countries and simplifying the norms of surrender for the purpose of conducting trials, sentencing or spell in detention. The much to be learnt from this is the judicializing the procedure of extradition and breaking away from the clutches of bureaucrats, abolition of exception of political surrenders and rule of speciality. The introduction of rule of expeditious proceedings that limited the time of execution of 90 days while doing away with the rule of dual criminality in enlisted 32 offences under art. 2 para 2. The advent of globalization and benefits of integrating financial markets comes the challenges of corruption and illegal profiteering. The obstacles India faces by fleeing economic offenders must be leveraged through political diplomacy and swift legislative reforms to create a frictionless extradition mechanism.