

# EXTRADITION TREATY BETWEEN INDIA AND UK WITH REGARD TO ECONOMIC OFFENDERS AND HUMAN RIGHTS VIOLATION

Written by *Keshav Kumar*

*3rd year BA LLB Christ University, Bangalore, Karnataka India*

---

## ABSTRACT

Extradition is the process of handover a fugitive from one state with jurisdiction to another and is primarily based on reciprocity. No crime is left unpunished and this is the key precept of extradition. In fact, extradition presents a way and techniques to switch someone to a rustic with jurisdiction at the floor of involvement in any terrorizing and grave issues. Extradition is clearly a manufactured from international relations and overseas relations, despite the fact that bilateral and multilateral treaties set up its existence. The idea of extradition has come to be tougher with the arrival of human rights legal guidelines in numerous international locations giving human beings the hazard to plead horrific remedy and block an extradition this idea shall additionally be defined in element on this paper. We shall also dive into various kind of treaties and acts. Thus, this Research Paper shall deal with various landmark cases such as the Vijay Mallya case and the Sanjeev Chawla case and will also talk about the idea of extradition of economic fugitives from UK to India and it additionally focuses on the situations as to while extradition may be denied.

*Keywords: Double Criminality, Extradition, Human Rights, Jurisdiction.*

## INTRODUCTION

Extradition is a transfer of an accused or a convicted individual from the State on whose territory he is claimed to have committed or to have been imprisoned for a crime, by the State on whose territory the suspected criminal happens to be for the time.

Extradition is an accommodating regulation enforcement by which the bodily custody of a person (i) Charged with committing acts against the law or (ii) Convicted of committing acts against the law whose punishment has now no longer been absolutely served, is officially transferred, directly or indirectly, via way of means of government of one jurisdiction to the ones of some other at the request of the latter for the reason of prosecution or punishment, respectively. Extradition is typically regulated via way of means of treaties, among countries. The concept wherein extradition is pressured via way of means of laws, which include amongst sub-national jurisdictions, it can be called rendition, generally. The asked nation may arrest the fugitive and concern her or him to its extradition manner if the fugitive is discovered in the territory of the asked nation and the extradition approaches to which the fugitive might be subjected are structured on the regulation and exercise of the asked nation.

It is extensively stated that the Government of India, in the current years, has taken a harder stance towards economic offenders fleeing to foreign jurisdictions to avoid criminal prosecution and to enjoy the end result of their crimes. The Government of India has made rigorous efforts to upsurge the number of countries with which it has extradition treaties which also includes treaties with Afghanistan, Lithuania, Malawi and Morocco.<sup>i</sup> The execution agencies such as the Central Bureau of Investigation (CBI) and Enforcement Directorate have also been head strong in their chase of economic offenders to foreign shores through the instrument of extradition.

The Apex Court in India, in the case of, *State of West Bengal v. Jugal Kishore*<sup>ii</sup>, defined extradition as the submission by one State to another of a person anticipated to be dealt with for crimes and misconducts of which he has been accused or convicted and which are justiciable in the courts of the other State. Extradition in India is governed by the Extradition Act, 1962<sup>iii</sup> and the Extradition Treaties obtaining between India and other countries. By virtue of Section 34 of the 1962 Act, the Extradition Act of 1962 has extra-territorial jurisdiction, that is, an extradition offence committed by any individual in a Foreign nation shall be

considered to have been committed in India and such person shall be accountable to be prosecuted and indicted in India for such an offence.

As per Section 2(f) of the Extradition Act, 1962, only fugitive criminals, can be extradited. Fugitive criminal, as per the extradition regulation prevailing in India means: someone who's accused (or is convicted) of an extradition offence committed within the authority of a Foreign State, and someone who whilst in India, colludes, tries to commit, provokes or contributes as an accessory in the commission of an extradition offence in a Foreign nation. As in keeping with Section 2(c) of the Extradition Act, 1962, states what an offence is within the extradition treaty with Foreign States.

The process of extradition from the United Kingdom is a rather complicated one. After India sends request for extradition to the United Kingdom Secretary of State, he or she comes to a decision whether or not to certify the request. After that a court comes to a decision whether or not to issue a warrant for arrest. Thereafter, the individual desired is arrested and taken before the court. This is accompanied by an initial hearing and then an extradition hearing. If the court rules in favour of extradition, Secretary of State decides whether or not to order for it.

During the extradition hearing in a UK court, the judge has must be happy that 'the conduct defined in the warrant amounts to an extradition offence, and meets, in almost all cases, the requirement that the conduct could quantity to a criminal offence has to have taken place in the UK, and minimum levels of severity of punishment.

The judge must additionally determine if extradition could be disproportionate or would be incompatible with the requested individual's human rights. The decision of Secretary of State can be appealed at a high court and the order of high court may be appealed at Supreme Court. Extradition is illegal if it exposes the individual to possible death penalty.

Western countries use such legal guidelines as a leverage and follow them selectively. See the future if any in their requests for extradition of fugitives is in addition handled with the aid of using growing nations. The truth is that nations like UK are in decline and spot sheltering of such fugitives as a manner to arrest the decline.

Extradition process in Great Britain could be very complicated, time eating and tortuous. Extraditing from other countries could be very difficult. These aren't bureaucratic delays but

are however based on safety of human rights, individual rights and anything which can termed as victimization.

Today, extradition is a useful manner to carry back those accused of corruption and economic crimes to face trial and solution for their offences. Despite the truth that it is a laborious, time eating process, eventually subjective to benevolence of an overseas government – extradition is the best manner to bring back the accused individuals evading the grasp of justice. The process relies extensively on good will between countries and the intimacy in diplomatic relations apart from the process to be followed below the municipal legal guidelines of the worried states.

Since 2002, foreign states have seen to extradite nearly 75 fugitive offenders to India. Out of these, 24 fugitive offenders have been extradited to India in the last five years. These fugitives have been extradited to India from more than 20 countries including the United Arab Emirates, Canada, United State of America and United Kingdom ("UK").<sup>iv</sup> At least 51 extradition requests by Government of India are presently undecided at various stages in different foreign authorities.<sup>v</sup>

## **LITERATURE REVIEW**

the origin of higher international law can be traced back to the earlier days and the same has been explained by various philosophers ,one notable philosopher worth mentioning is -Grotius who propounded the theory called law of nations . This theory advocates the existence of a law above that of a state and that the law regulates relationships between states. His theory created a contractual obligation between countries and also formulated a scheme of rights and duties applicable to the mutual relation of sovereign states. While natural law is not always direct and is abstract and may even be complex in their application it is *the law of the nations* which regulates the mutual intercourse between nations. While natural law lays down the foundation on which nations should regulate their dealings, law of nations constitutes the code of precepts on which their intercourse is actually based. extradition laws and Grotius theory focusses on the existence of a body higher than that of the state, which the states have to follow. In extradition of laws, it is the international extradition treaty which regulates the two states, while

in *jus gentium* (laws of the nation) regulates the states according to Grotius theory. By predicating international law upon a hypothetical community of nations, Grotius not only gave a tremendous impetus to juridical thought which treats the usage of international life as though they were the law of a community of nations, but also traced out the only path by which a world of independent sovereign states may move in the direction of order and integration. The theory proposed by Grotius also talks about the weakness of international law as it lacks sanction, lacks effective tribunal, lacks precise formulation and lacks a determinate source which is also true in modern times and international law still has not made an impact and is still weak, when it comes to extradition the laws in place are not strictly complied with. In the *jus gentium* (law of nations) theory in order to have peaceful relations between the two nations there must be a compliance with the higher law just as two countries wish to have peaceful relations with one another would require them to form a treaty, this treaty states the rights and duties of the parties (states) involved just as the theory founded by Grotius.

Modernisation of higher law theory has laid down basics of international law and Grotius himself is regarded as the father of international law. The theory of *law of nations* is applicable to all men and states and not because of any divine fear or perception of unity but case of its absoluteness and authoritativeness.<sup>vi</sup> This is how the law should be it should be eternal and immutable like the arithmetical truth. But however in reality there is a lot of question over the sanction and implementation which was pointed out by Grotius. This is a theory which still has meaning and is applicable in modern times.

The *jus gentium* (*law of nations*) lays the basis for all international laws in all aspects and facilitates peace between countries. The concept of extradition has its roots embedded in this theory and is important to gain an understanding on the basic concepts before learning about international extradition in brief. By predicating international law upon a hypothetical community of nations, Grotius not only gave a tremendous impetus to juridical thought which treats the usage of international life as though they were the law of a community of nations, but also traced out the only path by which a world of independent sovereign states may move in the direction of order and integration.<sup>vii</sup> From his inspiration several thinkers (such as Hobbes, Vattel and Gentili) and lawyers were able to further elaborate and help shape the system. It is an effort of moral idealism and exhaustive knowledge of civil law, to determine specifically the rights and duties of the state as the basis of peaceful relations between them.

This is the crux of extradition and must be understood before we embark on further studies. It is owing to his great contributions to the subject of international law and jurisprudence that he has been extensively commended as the father of international law. The current legal framework dealing with extradition in India are embodied under the extradition act 1962. Under the extradition act Article 22 of the treaty, a request for extradition must be made on behalf of the Government of India to the Governor of the territorial State or some other concerned consultant of the State, if any. Along with such request should accompany a correct description of the accused further to any other information that may make it less complicated to identify him, his nationality and his residence. Moreover, a statement has to be supplied with all of the information of the worried offence, together with a textual content that defines that offence and the most punishment prescribed for it And Article 11(3) makes it obligatory for the request to be observed by an arrest warrant issued by a judge, Justice of the Peace or another authority in the requesting State equipped to do the same. Furthermore, enough proof has to be annexed with the request that would convince the territorial State that the accused might have nevertheless been committed to trial if the offence had been committed in the territorial State itself. Also, the proof in order to reveal that the man or woman towards whom the warrant has been launched is the same man or woman who is requested should be provided in addition to the former.

A requisition for the surrender and submission of a fugitive offender is to be made to the Central Government by: (a) A diplomatic representation by the Foreign State, at Delhi or, (b) The Government of the respective Foreign nations may communicate and connect with the Central Government through its diplomatic ambassador or representation in that State; or (c) By other modes settled by arrangements ensuing between India and other countries.

Upon requisition, the Central Government may, if it thinks fit, can order for an inquiry by a Magistrate. Magistrate for the purpose of Section 5 of the 1962 Act, shall mean: (a) A Magistrate of First Class or Presidency Magistrate (Section 2(g) of the 1962 Act) and (b) The Magistrate, who would have jurisdiction to enquire into the offence if it had been an offence committed within the local boundaries of his jurisdiction. On receipt of an order under Section 5 of the 1962 Act, the Magistrate shall issue a warrant for detention of the fugitive criminal.

On appearance of the fugitive criminal before the Magistrate- the Magistrate shall: (a) Enquire into the case; (b) Take evidence in support of the requisition; (c) Take evidence on behalf of the fugitive criminal including evidence that no extradition offence is committed.<sup>viii</sup>

Evidence before the Magistrate: In any proceeding against a Fugitive Criminal, exhibits, disposition (whether acknowledged or reserved in the presence of the person against whom they are used or not), authorized certificates of facts and legal documents (if duly authenticated and valid), may be received in evidence before the Magistrate. What may be termed as duly authenticated documents, Warrants the depositions or statements on oath and copies thereof certificates of or court documents stating the fact of a conviction- signed or certified under the indicator of a judge, magistrate or officer of the State or by the official seal of a State Minister.

If a prima-facie case is made out in backing of the requisition- the Magistrate may bind the fugitive criminal to prison or shall report and record the result of investigation to Central Government; shall advance the written submission, if any, filed by the fugitive criminal to the Central Government for deliberation and consideration. If a prima-facie case is not made in assistance of the requisition, then, Magistrate shall release the fugitive criminal.

Surrender of fugitive criminal to the Foreign State: Upon fulfilment qua the prima-facie report of the Magistrate, the fugitive criminal may be surrendered and capitulated to the Foreign State.

Relief of Bail: As per Section 25 of the 1962 Act (Release of Persons arrested on bail)- (a) In case of arrest or detention of a fugitive criminal under the 1962 Act, the provisions of the Criminal Procedure Code, 1973 relating to bail shall be applicable; (b) Magistrate shall have the equivalent powers and jurisdiction as a Court of Session under the Code of Criminal Procedure, 1973; (c) Option of anticipatory bail, as well as, regular bail is available to the accused fugitive criminal.

Restrictions on surrender of fugitive criminal: “A fugitive criminal shall not be surrendered or returned if, the offence is political in nature; the prosecution of offence is barred by time in the Foreign State; if the person is accused of any offence in India, other than the offence for which extradition is sought, or is undergoing sentence under any conviction in India until after he has been discharged, whether by acquittal or on expiration of his sentence

or otherwise; and until the expiration of 15 days from the date of his being committed to prison by the Magistrate.”<sup>ix</sup>

Prosecution on refusal to extradition: “Where the Central Government is of the opinion that a fugitive criminal cannot be surrendered or returned, pursuant to request for extradition by the Foreign State, the Central Government, if it deems fit and proper, it can take steps to prosecute such fugitive criminal in India.”<sup>x</sup>

Provisional Arrest under Section 34B of the 1962 Act: “Upon urgent request from the Foreign State, the Central Government may request the Magistrate (having competent jurisdiction) to issue an immediate provisional warrant for the arrest of the fugitive criminal. It is necessary to mention that, the fugitive criminal is to be released upon the expiration of 60 days if no request qua his surrender or return is received, within the period of 60 days.”<sup>xi</sup>

Punishment of life imprisonment albeit an offence, punishment for which, ordinarily in India, is death penalty: Section 34C of the 1962 Act provides that, where a fugitive criminal has committed an extradition offence punishable with death penalty in India, is surrendered or is returned by the Foreign State on request of the Central Government (India); and the laws of the Foreign State do not provide for death penalty qua the offence for which the fugitive criminal is convicted, then the fugitive criminal shall be liable for the punishment of life imprisonment qua the offence<sup>xii</sup>.

In this regard there are national as well as international case laws whose verdicts and reasoning become important for the application in various situations.

In the case of *Dr Vijay Mallya vs State Bank Of India* on 5 October, 2018 A bankruptcy order was sought against Vijay Mallya by a conglomerate of the Indian public sector banks led by State Bank of India (SBI). The consortium sought to recuperate nearly Rs 9,000 crore of unpaid loans from the embattled liquor baron. Vijay Mallya was chairman of United Breweries (UB) Group which has varied interests in brewing, distilling, real estate, biotechnology and information technology. He absconded from India in March 2016 and has been living in the UK since then. In March, the Supreme Court adjourned a plea filed by Mallya, requesting a stay on proceedings initiated by the Enforcement Directorate (ED) to declare him as a fugitive economic offender and confiscate his assets amounting to Rs 9,000 crore. This case being decided by the Supreme court has binding value.<sup>xiii</sup>

Nirav Modi vs The State of Maharashtra And Anr on 14 February, 2020 The Punjab National Bank (PNB), one of country's largest public sector lenders, found itself in the middle of a ₹11,400 crore transaction fraud case in February 2018. The bank had detected and informed the Bombay Stock Exchange about some "fraudulent and unauthorised transactions" in one of its branches in Mumbai to the tune of \$1771.69 million (approx.). The CBI then received two complaints from PNB against billionaire diamondaire Nirav Modi and a jewellery company alleging fraudulent transactions worth about ₹11,400 crore. This was in addition to the ₹280 crore fraud case that Nirav Modi was already under investigation for, again filed by the PNB. This case being a domestic case has binding value.

Karamjit Singh Chahal v. The United Kingdom (1996) is a case that deals with the violation of Article 3 of the European Human Rights Convention to deport a person to a place if influential evidence exists that treatment contrary to Article 3 would occur in that place. Dissenters favoured a harmonizing approach, and would have required a "higher degree of foreseeability" regarding the probability of torture in India. Court also ruled that Chahal was denied operative judicial review and an effective remedy in the U.K., but that the length of his detention did not violate Article 5(1)(f).<sup>xiv</sup>

Sanjeev Kumar Chawla vs The State on 20 February, 2020 The GOI issued an extradition request dated 1 February 2016 seeking the extradition of Mr. Sanjeev Chawla for apparently acting as a channel between bookies who sought to fix cricket matches, the then captain of the South African test cricket team. It was the GOI's case that Mr. Sanjeev Chawla's behaviour amounted to the offence of cheating under the Indian Penal Code (IPC) and the minimal UK offence of 'conspiracy to give or agree to give corrupt payments in England and Wales'.<sup>xv</sup>

Soering v United Kingdom (1989) The Soering case raises the issue of non-refoulement, which involves state responsibility by the act of exclusion of an individual to a state where he or she will be uncovered to a certain degree of risk of having her or his human rights violated. The decision in Soering upholds the extraterritorial applicability of human rights guarantees within the ECHR as well as the absolute prohibition against torture under Article 3.<sup>xvi</sup>

Many renowned scholars have also pointed out that Extradition procedures are in addition complicated by unreasonable delays and variance in documentary requirements of foreign countries. The first step of the extradition procedure is to transmit a proper extradition request

through diplomatic channels to the foreign government. Once investigations are finished by state or central agencies, they forward a request containing complete info of the case followed with translations detailing the offences charged with, witness testimonies, arrest warrant, and files establishing identity of the requested person. These requests are acquired by the CPV (Consular, Passport and Visa) department, MEA are processed in sessions with the Legal and Treaties department of the ministry.

Irregularities that arise at this level, which includes delays in research, misbehaviour by police officials, improper or fabricated files, and wrong layout of affidavits and certificates, can also additionally come to fore at the penultimate level of judicial review before foreign courts. When these issues fall under the predicted requirements of criminal procedure of foreign international locations, extradition can be denied. Further, given that no laws of countries are alike, and may range even extra so among civil regulation and common regulation international locations, it will become vital to apprehend the procedural laws and investigational ethos of the foreign states.

Delays in research additionally retard the procedure of filing extradition requests, or invoking Interpol mechanisms just like the Red Corner Notice (RCN) that assist in finding and provisionally arresting offenders. For instance, as of 2017, no request for extradition has been acquired from research companies for the return of Lalit Modi, the former chairman of the Indian Premiere League accused of economic irregularities in the tournament's 2009 season.<sup>xvii</sup>

Documentary and evidentiary necessities for extradition must comply not only with treaty conditions however additionally with domestic laws of foreign countries. Unauthenticated documents and translations now no longer need to be certified by a sworn translator can create doubts regarding the veracity of allegations, and eventually result in denial of extradition requests.

## **RESULTS AND FINDINGS**

In spite of binding treaty mechanisms, the manner of extraditing fugitives is lengthy, complicated and closely relies upon on domestic law and politics of the requested country. This isn't always surprising as extradition is, after all, a sovereign decision. Nonetheless, there are

elements involved in extradition over which India can exercise control. India may want to undertake a technique to remedy those issues, and thereby enhance its fulfilment rate.

Leveraging international relations and bilateral negotiations to influence nations to process requests expeditiously, is a vital step. Likewise, India should, on the basis of reciprocity and comity process extradition requests acquired from overseas states rapidly and efficiently. Additionally, the Indian authorities ought to make precise on its coverage “to conclude extradition treaties with as many countries as possible, and make efforts to enter into extra bilateral extradition relations.”<sup>xviii</sup> Other mechanisms that may facilitate arrest and extradition of offenders, viz. mutual felony help treaties, issuing letters rogatory and information exchange, MoUs may be utilized wherein necessary. Preventive law and policy measures that may deter the escape of offenders, will also have to explored. These days surpassed Fugitive Economic Offenders Bill, 2018 – though now no longer without its very own challenges – indicates the government’s efforts to shift its focus to preventive, ex ante legal mechanisms.<sup>xix</sup> These steps will permit India to act quick and decrease the number of safe havens available for fugitives abroad.

India additionally wishes to take steps to dispel concerns regarding poor prison situations and potential human rights violations of the requested person. Assurances by the Indian government concerning the same are frequently now no longer general through overseas courts. As a short-term measure, India may want to propose to detain surrendered offenders to prisons with better facilities. Fugitives who aren't accused of violent crimes, such as economic offenders may be housed in well-maintained, minimum-safety facilities. However, in the long run, it's far prudent to take coordinated action to introduce systematic jail reforms and convert Indian prisons into a steady place for rehabilitation. Additionally, India may want to consider signing international instruments, which include the UN Convention Against Torture (1984) to set up India’s zero tolerance towards torture and custodial violence. At the same time, the increasing application of human rights concerns to extradition requests requires the system of policies that reap a truthful stability among crime suppression and the fugitive’s protection.<sup>xx</sup>

For addressing investigational delays, it is vital to enhance the ability and organisational efficiencies of law enforcement agencies in order that they may conduct speedy research in those cases. At present, multiple extradition cases such as the ones associated with money laundering, terrorism and economic offences, are both taken up through the CBI or sent to the

CBI, by the state police, for research. The CBI was created to address corruption cases, and is understaffed to soak up larger cases regarding extradition. The Justice Malimath Committee report (2003) recommends putting in place a Central Agency, on same par with the Federal Bureau of Investigation (USA), to exercise jurisdiction over crimes and offences affecting national safety.<sup>xxi</sup>

To make sure that India's extradition requests are in compliance with treaty situations and documentary requirements, India ought to put in place an appropriate organizational mechanism to familiarize itself with laws and policies of treaty states. India could adopt practices of the US' Office of International Affairs (OIA), Washington's primary body to handle extradition requests, and employ legal professionals and station trained liaison officials in nations with which the country has extradition relations.<sup>xxii</sup> Publishing templates for framing extradition requests and adopting standards for the preservation of extradition files, will enhance the synergy among the MEA and regulation enforcement groups. Setting up a separate cell to offer professional felony advice and help on drafting, certification and translation of evidence, will assist mitigate the opportunity of rejection of requests.

With the benefits of globalization and integration comes the urgent challenge of offenders fleeing India. Given the barriers India faces in securing the return of those fugitives, the country ought to rapidly introduce reforms and leverage international relations to create a simpler, frictionless extradition.

## CONCLUSION

The UK has for a long period of time been one of the most favourite hideouts for people who are accused or convicted in India. Right from the day the treaty came into force both in UK and India, it has all been a matter of efforts, efficiency and evidence. All those years, India had unsuccessfully tried to gain the trust that would ultimately be gained in the modern years. The Government of India has finally understood the principal motive behind its regular failure to extradite offenders from the United Kingdom. The substandard jailing conditions in India were an important factor for the defense by many of the offenders and for the right reasons. Extraditing a person only to have them uncovered to a terrible prison environment can be

something they deserve however is also uncompassionate and inhumane in nature. It is the duty of the territorial State to make sure that the people they're requested to extradite could no longer be dealt with degradingly by the inquiring State. The UK has a similar obligation to abide by Article three of the European Convention of Human Rights.

The different critical component that has contributed to this consistent refusal of extraditing offenders from the United Kingdom to India is the inadequacy of paperwork by the latter. The Government of India has not always been very efficient in framing dependable letters of assurance that would cope with all the potential problems that could stand up in the jail and how well such problems would be taken care of. Of late, this flaw has been progressed upon only to yield better effects in terms of increased trust and reassurance in India. Mr. Sanjeev Chawla and Dr. Vijay Mallya have both been agreed to be extradited to India primarily based on the letters of guarantee provided by the Government of India that can address the prison issues in India efficiently and fulfil and persuade the United Kingdom Courts. If India desires to keep this modern trend of successful extraditions from the United Kingdom, we should maintain the promises that we make. The convicts can't be subjected to deplorable prison situations even after a declaration has been made to ensure otherwise.

India is renowned for the poor conditions of its prisons. This is precisely what allows the offenders to anticipate one of these defense in their contention. However, what if prison situations were not this bad? What if our prisons have been equipped with decent medical centres good enough to cater to emergencies? What if sufficient measures have been taken to disinfect the prisons and maintain them smooth and hygienic? These are simply a number of adjustments that the Government of India should incorporate in the prisons to make them a more secure region to live. Prisons ought to be clean and safe for all convicts. Nevertheless, in case of chronic reluctance of the United Kingdom to ship the convicts back to India, what if the convicts are imprisoned in the UK itself, by sharing the jail expenses with India? Should that no longer be higher than letting them roam scot-free like free citizens?

India should make sure that it lives up to its assurances so that the United Kingdom and other jurisdictions continue to have confidence that India will now no longer breach assurances given by it. This can be critical in case of future extradition cases. In light of these recent verdicts, the United Kingdom may also not be a desired destination for fugitive offenders from India.

India's competitive approach towards extradition certainly is a deterrent and advances the precept that no person can escape the long arms of the law.

## ENDNOTES

- 
- <sup>i</sup> Aarshi Tirkey, *India's challenges in extraditing fugitives from foreign countries*.  
<sup>ii</sup> AIR 1969 SC 1171  
<sup>iii</sup> The Extradition Act, No. 34 of 1962.  
<sup>iv</sup> Government of India, Ministry of External Affairs, <https://www.mea.gov.in/emtsp.htm>  
<sup>v</sup> Supra Note 1.  
<sup>vi</sup> Dr JC Johari, political thought, jurisprudence: modernization of higher law page 439-442.  
<sup>vii</sup> Dr JC Johari, political thought state and sovereignty page 436-439.  
<sup>viii</sup> Supra Note 3.  
<sup>ix</sup> Section 31, The Extradition Act, 1962.  
<sup>x</sup> Section 34-A, The Extradition Act, 1962.  
<sup>xi</sup> Section 34-B, The Extradition Act, 1962.  
<sup>xii</sup> Supra Note 3.  
<sup>xiii</sup> W.P. NO.22111/2018.  
<sup>xiv</sup> (22414/93) [1996] ECHR 54 (15 November 1996)  
<sup>xv</sup> CRL.M.C. 870/2020 & CRL.M.A.No. 3517/2020  
<sup>xvi</sup> Supra Note 10.  
<sup>xvii</sup> "No formal extradition request submitted against Lalit Modi to MEA", Hindustan Times, May 14, 2017.  
<sup>xviii</sup> Bhumitra Dubey, *Inclusion Extradition with Human Rights*, <http://lawtimesjournal.in/inclusion-extradition-with-human-rights>  
<sup>xix</sup> The Fugitive Economic Offenders Bill, 2018, PRS Legislative Research, accessed on August 23, 2018.  
<sup>xx</sup> Christine Van Den Wyngaert, "Applying the European Convention on Human Rights to Extradition: Opening Pandora's Box", *International & Comparative Law Quarterly* 39, no. 4, (1990): 778.  
<sup>xxi</sup> "Committee on Reforms of Criminal Justice System", Vol. 1, Ministry of Home Affairs (Government of India), March 2003, 209-212.  
<sup>xxii</sup> Charles A. Caruso, "Working Together and Intensifying Actions to strengthen extradition process", American Bar Association, accessed November 15, 2018.