AgustaWestland Helicopter Deal Case - Extradition of Christian Michel

Why in news?

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British businessman Christian Michel, a key accused in the AgustaWestland deal case, was extradited to India.

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What is the AgustaWestland deal case?

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- **Deal** - The Congress-led UPA government had in February 2010 signed a contract with AgustaWestland, a UK-based helicopter manufacturing company.
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- AgustaWestland is the British arm of Italian firm Finmeccanica.
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- The contract was to purchase 12 AW101 helicopters for the Indian Air Force for Rs 3,600 crore.
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- These helicopters were supposed to be used for ferrying the President of India, the Prime Minister, and other such VVIPs.
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- **Allegation** - It was alleged that technical specifications of the required choppers were tweaked.
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- This includes lowering of the service ceiling of the helicopter from 6,000 m to 4,500 m to help AgustaWestland qualify and win the bid.
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- AgustaWestland's parent company Finmeccanica allegedly paid kickbacks to win the VVIP chopper deal with the Indian Air Force.
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- The CBI has alleged there was an estimated loss of Euro 398.21 million (app.

Rs 2,666 crore) to the exchequer in the deal.
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- Michel is one of the three middlemen who brokered the deal, besides Guido Haschke and Carlo Gerosa.
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- They are being probed in the case by the enforcement directorate (ED) and the Central Bureau of Investigation (CBI).
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- He has, reportedly, paid bribes to officials and politicians to make the contract in favour of AgustaWestland.
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- In January, 2014, India scrapped the contract over alleged breach of contractual obligations and charges of paying kickbacks for securing the deal.
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How has extraditions been for India?

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- India’s track record with securing the extradition of fugitives from justice has been modest as only one third of all requests since 2002 have been accepted.
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- Amongst the 44 countries India has extradition treaties with, the United Arab Emirates has been the most amenable.
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- It has deported or extradited 19 of 66 fugitives to India in the past decade and a half.
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- A reason for the low success rate in the past is the perception that India’s criminal justice system delivers too slowly.
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- E.g. the last high-profile case of the 1993 Mumbai blasts accused Abu Salem, who was extradited from Portugal in 2005
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- His trial was finally completed in 2017, when he was sentenced to life.
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Why is the present case unique?

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- Christian Michel is a UK citizen living in Dubai, UAE.
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- So being not an Indian national, extraditing to a third country, India was challenging.
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- Unlike similar cases in which extradition was granted, he is not wanted on serious criminal charges like murder.
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- Also, his extradition comes at a time when several other cases of businessmen who have fled India are pending.
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What is the need for caution?

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- The extradition to India of Christian Michel is a diplomatic success for a number of reasons.
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- The government must be aware that its actions in the Michel case are under close scrutiny.
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- This is not just from the UAE, whose courts deliberated for some months on whether to send him to India, but other countries too.
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- Notably, India has about 150 pending requests at present with other countries.
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What lies ahead?

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- If handled professionally and without politicisation, Mr. Michel’s extradition could reveal important leads in the helicopters case.
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- It would also bolster India’s reputation as a country serious about ensuring that justice is served, and expeditiously so.
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- The CBI, which has received custody of Mr. Michel from a special court, must adhere to internationally accepted norms of interrogation.

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- Failing on this would make other fugitives oppose pleas for their extradition to India.
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- The U.K. has also taken up its request for consular access to Mr. Michel.
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- Notably, India's record in fulfilling its diplomatic obligations in this regard may influence high-profile cases in U.K. courts, including Vijay Mallya’s and Nirav Modi’s.
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Source: Indian Express, The Hindu

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