Securing Fugitive Offenders

What is the issue?

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- Fugitive Offenders are those who've migrated elsewhere to escape prosecution in a particular jurisdiction.
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- India has moved the UK for extradition of Vijay Mallya, and Interpol for a 'Red Corner Notice' (RCN) against Nirav Modi (also in UK soil).
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What is the progress in the Nirav Modi case?

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- UK authorities have confirmed that Nirav Modi is residing in their soil and India has sought an RCN from Interpol to restrict his movement.
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- But RCN alone can't bring him back to India, as that requires India to send an extradition request to UK.
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- Extradition would involve a legal process where the accused is provisionally arrested and a case is initiated to validate charges against the accused.
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- Contrarily, if UK authorities agree to deport him, then the accused can be secured without a trial and the lengthy extradition process.
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What are the rules for provisional arrest and extradition?

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- India's treaty partners — which include the UK — have an obligation to consider requests for provisional arrest.
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- In the absence of a treaty, India can still make a request, which the other country will decide in accordance with its laws.
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- This may be followed by a detailed presentation requesting extradition.
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- The concerned law enforcement agency in India prepares the request, which is then forwarded to the concerned authority of the other country.
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What offences are covered under extradition treaties?

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- Most treaties seem to follow at least five principles:
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- Extradition applies only to offences stipulated as extraditable
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- The offences must be covered under the national laws of both countries
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- The requested country must be satisfied of a prima facie case
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- The person must be tried only for the offence specified in extradition
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- There must be a fair trial.
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What is the nature of the India-UK Extradition Treaty?

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- It was signed in 1992 and has been in effect since 1993.
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- As per Article 2, an extradition offence is one which, under the laws of each state, entails imprisonment for at least one year.
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- Presently, 10 cases of Indian fugitives are said to be living in UK and their cases are pending in various stages, of which the popular ones are:
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- Nirav Modi for PNB Bank fraud case (2017)
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- Vijay Mallya for unsettled loans (2016)
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- Tiger Hanif (2004) for involvement in terrorism
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- Jatinder Angurala and Asha Angurala (2014) for bank fraud
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- Sanjeev Kumar Chawla (2004) for cricket betting
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- Significantly, UK authorities have previously rejected Indian extradition requests in as many as 6 cases by citing the lack of a convincing case.
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- More strikingly, despite the numerous requests, India has extradited only one person named “Samirbhai Vinubhai Patel” from UK thus far (in 2016).
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- From the UK’s side, it has been seeking the custody of 17 people through extradition from India – but has successfully extradited only 2 people till now.
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With which countries does India share extradition treaties?

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- India currently has extradition treaties with 48 countries including - US, UAE, Hong Kong, France, Germany, Netherlands, Spain, Switzerland and UK.
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- India has worked extradition arrangements with Croatia, Italy, Sweden, Fiji, Italy, Thailand, Papua New Guinea, Singapore, Sri Lanka, and Tanzania.
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- Notably, apart from Samirbhai Vinubhai Patel from the UK, only four fugitives have been extradited to India from various countries since 2014.
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- But significantly, during 2002-13, 54 terrorists and other fugitives were extradited to India from multiple countries.
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Source: Indian Express

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