

Nirav Modi Extradition

February 26, 2021

In News: On Thursday, 25 February, the Westminster Magistrates Court recommended the extradition of fugitive diamondaire Nirav Modi to India, after finding that there was a prima facie case for him to answer in the Indian courts.

About Nirav Modi Extradition

- Magistrate Samuel Goozee ruled the CBI and ED had provided evidence, which could be sufficient to lead to a conviction in connection with their allegations of fraud by Modi as part of the PNB scam.
- Modi was arrested in March 2019, and has been in custody since then, with bail applications rejected as he was considered a flight risk.
- The court also rejected several key arguments by Modi, including his attempt to argue that he would not face a fair trial in India as there is a political witch-hunt against him, and that the conditions in jail would not be humane.
- The Ministry of External Affairs says they are liaising with the UK authorities for an “early extradition”.

Extradition process

- The first step of the extradition process is to transmit a formal extradition request through diplomatic channels to the foreign government.
- Once investigations are completed by state or central agencies, they forward a request containing full details of the case accompanied with translations (where required) detailing the offences charged with, witness testimonies, arrest warrant, and documents establishing identity of the requested person.
- These requests are received by the CPV (Consular, Passport and Visa) division, MEA and are processed in

consultation with the Legal and Treaties division of the ministry.

- When the MEA transmits a formal extradition request to its diplomatic counterparts abroad, the foreign government is required to act on the request by issuing an extradition order against the requested person and fight the case, on behalf of India, before their courts.
- Irregularities that arise at this stage, such as delays in investigation, misbehavior by police officials, improper or fabricated documents, and incorrect format of affidavits and certificates, may come to fore at the penultimate stage of judicial review before foreign courts.

Rules for provisional arrest and extradition

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

Countries does India share extradition treaties

- India currently has extradition treaties with 48 countries including – US, UAE, Hong Kong, France, Germany, Netherlands, Spain, Switzerland and UK.
- India has worked extradition arrangements with Croatia, Italy, Sweden, Fiji, Italy, Thailand, Papua New Guinea, Singapore, Sri Lanka, and Tanzania.
- Notably, apart from Samirbhai Vinubhai Patel from the UK, only four fugitives have been extradited to India from various countries since 2014.

- But significantly, during 2002-13, 54 terrorists and other fugitives were extradited to India from multiple countries.