UPSC Mains practice – reference note

GS-II · 05-11-2026 · 15 marks · https://www.shanmugamiasacademy.in/upsc-mains-practice/2026-11-05-extradition-framework

India's widening network of extradition treaties – the latest signed with Kazakhstan in November 2026 – has not translated into the speedy return of high-profile fugitives. Examine the legal framework governing extradition in India and discuss the challenges in bringing back fugitive offenders. Suggest measures to make the process more effective.

1. The news: India–Kazakhstan Extradition Treaty (3 November 2026)

- Signed by Kazakhstan's Prosecutor General Berik Asylov and India's Ambassador to Kazakhstan Sailas Thangal; provides for surrender of wanted persons for criminal prosecution or to serve a court sentence.
- Completes the bilateral criminal-justice framework: India and Kazakhstan already have agreements on mutual legal assistance in criminal matters and on transfer of sentenced persons.
- In Central Asia, Uzbekistan and Tajikistan were already on MEA's list of extradition-treaty partners.

2. Numbers to remember

Item	Figure	Source
Extradition treaties / arrangements	48 countries / 12 countries	MEA list; MHA, Lok Sabha USQ 2440 (10.12.2024)
Requests made / persons extradited	178 requests in the last five years; 23 extradited since 01.01.2019; 65 requests pending with the USA	MHA, Lok Sabha (10.12.2024)
Fugitives brought back	274 since 2019, from 36 countries	MHA statement (04.08.2026)
Interpol Red Corner Notices	40 (2022), 100 (2023), 107 (2024), 112 (2025), 182 (2026 so far)	MHA statement (04.08.2026)
Fugitive Economic Offenders	15 declared (as on 31.10.2025); owe ₹58,082 crore (principal ₹26,645 cr + interest ₹31,437 cr)	MoS Finance, Lok Sabha (01.12.2025)

3. Extradition Act, 1962 – key sections

- S.2(c) extradition offence: for a treaty State – an offence provided for in the treaty; for a non-treaty State – an offence punishable with imprisonment of not less than one year under the laws of India or of the foreign State (includes a composite offence).

- S.2(d) extradition treaty: a treaty, agreement or *arrangement* with a foreign State, including pre-1947 treaties binding on India.
- S.3(4): where there is no treaty, the Centre may by notified order treat a Convention to which India and that State are parties as an extradition treaty for the offences in that Convention.
- S.21 rule of speciality: a person surrendered to India can be tried only for the extradition offence, a lesser offence proved by the same facts, or an offence the foreign State consents to.
- S.31(1) no surrender: (a) offence of a political character; (b) prosecution time-barred in the requesting State; (c) no speciality assurance; (d) accused of another offence or serving a sentence in India; (e) within 15 days of committal by the Magistrate. S.31(2): Schedule offences are not political.
- S.34B provisional arrest on an urgent request – discharged after 60 days if no formal request arrives. S.34C: a fugitive surrendered by a State without the death penalty can get only life imprisonment.

4. Institutions and procedure

- MEA is the Central Authority for extradition; the CPV Division (Joint Secretary, CPV) is nodal. Dossier: affidavit of an officer not below SP, FIR, charge-sheet, warrant, identity proof, relevant law, translations; assurances of speciality, no re-extradition to a third State, death-penalty undertaking.
- MHA is the Central Authority for mutual legal assistance in criminal matters (MLATs).
- Bharatpol portal (developed by CBI) launched by Union Home Minister Amit Shah on 07.01.2025 – a single platform for agencies and State police to send Interpol requests.
- Recent outcome: Tahawwur Rana (26/11 Mumbai attacks accused) was extradited from the USA and arrested by NIA on 10.04.2025.

5. Fugitive Economic Offenders Act, 2018

- FEO: a person with an arrest warrant for a scheduled offence of ₹100 crore or more who has left India and refuses to return to face prosecution.
- Application before a Special Court under PMLA; property (incl. benami and property abroad) can be confiscated and vests in the Centre; the FEO can be barred from filing or defending civil claims; proceedings end if the person appears before the court.
- Vijay Mallya was the first person declared an FEO (Mumbai Special Court, 05.01.2019).

6. Case lessons

- Sanjay Bhandari: UK High Court (28.02.2025) – real risk of extortion with threatened or actual violence in Tihar from prisoners or officials; Indian assurances insufficient; the appeal was also allowed on Article 6 ECHR (fair trial – burden and standard of proof). The High Court refused India permission to appeal to the UK Supreme Court (08.04.2025).
- Nirav Modi: in a London prison since March 2019; UK Home Secretary signed the extradition order in April 2021; MEA (28.07.2026) – extradition after UK judicial proceedings conclude.
- Mehul Choksi: arrested in Belgium April 2025; Antwerp Court of Appeal cleared extradition 17.10.2025; Court of Cassation dismissed his appeal December 2025; still in Belgian custody (MEA, 03.09.2026).

7. Value-add terms

- Dual criminality, rule of speciality, political-offence exception, non-refoulement / Article 3 ECHR (prison conditions), provisional arrest, Red Corner Notice, letters rogatory, MLAT, trial in absentia (BNSS S.356), deportation vs extradition.

Official sources

- MEA – List of Extradition Treaties / Arrangements – https://www.mea.gov.in/leta
- MEA – Extradition guidelines (Central Authority, CPV Division, dossier requirements) – https://www.mea.gov.in/extraditionguidelines.htm
- MHA – Lok Sabha USQ 2440 (10.12.2024): extradition treaties, requests and extraditions (official PDF) – https://www.mha.gov.in/MHA1/Par2017/pdfs/par2024-pdfs/LS10122024/2440.pdf
- MEA – Mutual Legal Assistance in Criminal Matters – https://www.mea.gov.in/mutual-legal-assistance-in-criminal-matters.htm

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