

International Cooperation vs. Individual Rights: A Jurisprudential Study on Extradition and the Fugitive Economic Offenders Act, 2018

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ABSTRACT

The extradition law combines elements of both international and domestic law. It is governed by diplomatic treaties between nations and laws governing extradition within those nations. As inter- and intra-national dynamics have changed, extradition laws have remained flexible. Thus, it's important to strike a delicate balance between the extent of an accused person's human rights and the need to deal with global crimes, which also include organized crime and white-collar crimes. Such an Act to speed up the process of extradition and to punish them has been passed by the Indian Parliament in the form of Fugitive Economic Offenders Act, 2018. No doubt the Act has been an applaudable effort by the Indian Parliament in bringing the fugitive economic offenders to justice but at the same time it has created some controversies such as deprivation of some basic human rights which includes audi alterum partem too. This paper will discuss two aspects of extradition, one whether the countries with greater respect for human rights are hesitant to cooperate on the issue of extradition on the ground that the offenders might not receive a fair trial there and secondly whether the fugitive economic offenders act withstands the test of basic human rights and constitutionalism.

Keywords: *Human Rights, extradition, fugitive economic offenders, white-collar crimes.*

1. INTRODUCTION

Extradition is defined by Oppenheim as "the delivery of an accused or convicted person to the state on whose territory he is alleged to have committed or to have been found guilty of a crime, by the state on whose territory the alleged criminal happens to be at the time".¹ The sole purpose of extradition is to compel the offender to surrender himself to the jurisdiction of the country where the crime was committed, for the purpose of imprisonment or prosecution. This is the reason why extradition law needs to be analysed as it largely deals with the bilateral relationships between countries but the issue of interface between human rights and extradition is one that cannot be ignored.

The dynamic idea of human rights law has extended the possibilities and gradually altered how extradition law was traditionally handled, wherein a person's human rights are seen as a legitimate reason for refusing an extradition request. States that care about these rights will be less likely to extradite since doing so might legitimise behaviour at odds with their principles and make them complicit in human rights breaches. This is because extradition may put the extradited person's human rights in danger. Furthermore, extradition might result in these governments being criticised for not upholding fundamental principles.

¹ Oppenheim, *Oppenheim's International Law*, 631 (Cambridge University Press 6th edn., 1947).

The primary document which marks the beginning of the recognition of human rights is Universal Declaration of Human Rights under Article 14(1) states that “Everyone has the right to seek and to enjoy in other countries asylum from persecution”, which clearly marks the beginning of the intersection between human rights and extradition².

The human rights law in United Kingdom has been a contentious issue in the process of extraditing those who have sought asylum in United Kingdom which has made the number of successful extradition requests especially with respect to economic offenders with respect to India almost close to a nullity. This has emerged as an area of concern, as there are several economic offenders like Mr. Vijay Mallya and Mr. Nirav Modi who have made use of the legal loopholes to evade the jurisdiction of the Indian Courts and the due process of law³ and there have been various shortcomings in India's domestic level as well as in matters of extradition policies which has made nabbing of these offenders an uphill task for the Central Government which posed an immediate need for a new law so that such offenders could not escape the law. . It would be incorrect to say that India does not want to prosecute these criminals; nevertheless, because of the UK's adherence to the European Convention on Human Rights, extradition of these financial offenders has been significantly hampered. For instance, Vijay Mallya claimed India's subpar jail conditions as one of the reasons he refused to be repatriated.

Human Rights Law and Extradition: Is it justifiable to refuse Extradition of fugitive economic offenders by using human rights as a defence?

The basis for extradition is the idea that "States should facilitate the punishment of criminal conduct and that it is in the interest of all civilized communities that offenders should not be allowed to elude justice by crossing national borders⁴". While a crucial tool for fighting crime, extradition potentially threatens the rights of surrendered persons, who could face physical abuse, unfair trial, or excessive punishment by the foreign legal system.

Seeing the past behaviour on international cooperation of countries like UK evidences point to a strong relationship between core values and international criminal cooperation i.e., the countries that exhibit greater respect for human rights tend to extradite fewer individuals.

Are states with stronger respect for human rights more hesitant to cooperate on criminal justice: An analysis of Great Britain in defending core human values:

Which core values does extradition threaten? As extradition subjects the requested person to criminal trial or punishment by a foreign legal system, we may broadly distinguish between three sets of concerns involving fundamental human rights.

The first common concern is that the extradited person might experience torture or abusive treatment, such as harsh interrogation techniques, corporal punishment, or poor detention conditions⁵.

The European Court of Human Rights determined in its historic decision in the case of Soering from 1989 that extraditing a wanted felon who would be put on death row in the US would have violated Article 3 of the European Convention on Human Rights due to the conditions and length of detention before execution.

The extradited individual might not get a fair trial, which is the second worry. According to the International Covenant on Civil and Political Rights, the extradition-requesting state must offer some minimal protections in criminal proceedings under the UN Model Treaty on Extradition. These include the right to "a fair and public hearing by a competent, independent and impartial tribunal established by law," the presumption of innocence, adequate time and resources for preparing one's defence, a speedy trial, the freedom from coercion to testify against oneself or confess guilt, and the right to challenge the conviction and sentence.

The excessiveness of the penalty is the focus of the third group of issues. The majority of nations in the world have abolished the death penalty, and they frequently include clauses prohibiting extradition to nations where the death penalty might be applied – unless the requesting state provides guarantees that such punishment will not be carried out – in both their domestic laws and the international agreements they negotiate. Additionally, some nations view a life sentence as an excessive penalty that would prevent extradition.

Obviously, if the extradition-requesting nation is an autocracy with a dismal track record when it comes to human rights, fears about physical torture, unjust trials, or disproportionate punishment may surface. Unsurprisingly, extradition to

² Universal Declaration of Human Rights, 1948 Article 14(1)

³ Why UK is the preferred refuge of Indian scamsters, The Times of India, June 12,2018 https://m.timesofindia.com/india/why-uk-is-the-preferred-refuge-of-indian-scamsters/amp_articleshow/64552039.cms (Last visited on July 01,2023)

⁴ Research and analysis UK extradition arrangements: evidence given to the review panel <https://www.gov.uk/government/publications/uk-extradition-arrangements-evidence-given-to-the-review-panel>(last visited July 06, 2023).

⁵ Sharfstein, Daniel J *Human rights beyond the war on terrorism: Extradition defenses based on prison conditions in the United States*. Santa Clara Law Review 42(4): 1137–1158(2001).

China may encounter strong opposition.⁶ But it is important to note that extradition raises concerns even when the requesting country is a democracy that is generally committed to human rights, and even when the crime in question is ordinary and not a particularly heinous one. Even in democracies, the legal system might be prone to bias and discrimination; it could suffer long delays that undermine the fairness of the trial; prison conditions might be poor; and defendants might come under pressure to confess their guilt⁷.

But to what extent do human rights concerns actually influence extradition practice?

Blocking extradition on human rights grounds would, of course, disrupt the good relations between states and their joint efforts against crime. Extradition arrangements have therefore given modest weight to the rights of the wanted person. Instead, they sought to secure the interests of states and their ability to cooperate.

In practice, the state may nevertheless put cooperation against crime and cordial ties with other nations ahead of human rights. Governments might avoid the diplomatic sensitivities that come with rejecting extradition petitions and criticising other nations' human rights practices by establishing high standards for human rights concerns. A high standard domestically might show voters that the administration is serious about combating crime. However, we contend that considerations of human rights in extradition go beyond mere platitudes. As mentioned above, breaking fundamental norms by engaging in international criminal cooperation causes tension and cognitive dissonance for officials who uphold these norms as their duty and responsibility. It may also subject the government to domestic criticism for failing to uphold fundamental values. Indeed, governments may also face the opposite domestic criticism, that is, calls to disregard human rights concerns in extradition. Critics might argue that by failing to extradite offenders on human rights grounds the government is providing a safe haven to criminals⁸. In countries with a strong rights record, governments might face a domestic backlash for extradition that violates human rights, and such backlash could embarrass the government and tarnish its image as a protector of human rights. The Australian government, for example, met heavy criticism as it tried to ratify an extradition treaty with China in 2016–17. Lawyers accused the government of attempting 'to appease China, to gift it with a right of extradition and to abandon any citizen to the fate of a criminal-justice system that lacks the most basic protections'⁹. Ultimately, the government suffered a humiliating defeat when it failed to win ratification for the treaty.¹⁰

Will extraditing Vijay Mallya and other such fugitives from UK and other countries violate their human rights in reality?

If we deeply make an analysis of the fact that the ground of violation of their human rights which the fugitives like Vijay Mallya have been taking up as a ground to refuse their extradition, is it a ground reasonable enough so as not to extradite them and will it accuse UK of non-cooperating with India in curbing a crime of international character, we have come to the following findings:

1) Poor prison conditions and humanitarian approach of countries: Earlier the foreign court had adopted an approach of 'non-inquiry' wherein they do not enquire into the treatment and conditions of the fugitive criminals after their extradition. Now, they have adopted a more humanitarian approach which has resulted in the reduction in extradition of individuals. The courts will inquire into the requesting state's agenda for the fugitive, after his extradition to the requesting state. Article 3 of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment states that "No State Party shall extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture".

2) India has poor prison infrastructure which has been a cause for refusal of extradition. The UK courts opine that the Indian prison conditions fail to achieve the objective of rehabilitation for the fugitive criminal due to its deplorable conditions. For the extradition of Vijay Mallya, the London Court required India to produce a clip of the Mumbai Arthur Road Jail.³⁰ Vijay Mallya had fled to the UK over a default on Kingfisher Airlines Loans. He was arrested by UK officials due to an extradition request made by India. He was charged under the fugitive economic offender's Act 2018 for defrauding 17 banks for an amount of approximately Rs. 9000 Crore. He like many fugitive criminals took the opportunity of the UK's humanitarian policy which disallows the extradition of criminals to inhuman treatments in the recipient country¹¹.

The current arguments in the British court in Mallya's extradition case once again underscore the growing importance of human rights considerations in extradition proceedings. Both international and national laws, especially UK's Extradition

⁶ Efrat, Asif & Marcello Tomasina *Value-free extradition? Human rights and the dilemma of surrendering wanted persons to China*. *Journal of Human Rights* 17(5): 605–621(2018).

⁷ Stuntz, William J, *The Collapse of American Criminal Justice*. Cambridge, MA: Harvard University Press (2011)

⁸ *ibid*

⁹ Lennox, Tom (2017) Extradition treaty with China is a bad deal for justice. *The Australian* 27 January.

¹⁰ Murphy, Katherine (2017) Government withdraws China extradition treaty after party revolt. *The Guardian* 27 March.

¹¹ Aftab Alam 'Why 'Deplorable' Prison Conditions in India Are Major Hurdle to Bringing Back Mallya' (*The Wire*, Sept.29, 2023,10:04 AM)

Act 2003, Human Rights Act 1998 and, Article 3 of the ECHR require British courts to assess prison conditions in the recipient country while deciding on extradition requests¹².

Past cases

British courts have found ‘inhuman prison conditions’ as amounting to ‘inhuman or degrading treatment’ – a breach of Article 3 of ECHR. They have refused extradition to countries where prison conditions have been found to be systemically in breach of this provision. However, the threshold laid down by the courts in this regard is relatively high and they have declined extradition requests only when they found that there were substantial grounds for believing that the ‘risk’ faced by the requested person is ‘real’.

Recently in *Shumba, Bechian and Henta v. France*¹³(2018), the UK high court– reiterated that there will be a strong presumption of an Article 3 breach when the personal space available to a detainee falls below three square metres in multi-occupancy accommodation. In this case, the court held that there may be substantial grounds for believing that the appellants will face a real risk of inhuman or degrading treatment if they are extradited, particularly because of serious overcrowding in France prisons.

Earlier, in *Varga & others v. Hungary*¹⁴(2015), the European Court of Human Rights (ECtHR) had ruled that detention of the requested persons in overcrowded cells would violate the prohibition of inhuman or degrading treatment. In this case, the court while hearing the thousands of pending applications had examined the conditions of detention facilities in Hungary.

It is to be recalled that most of India’s extradition pleas have failed in British courts mainly on human rights considerations – especially appalling prison conditions – since both countries signed the extradition treaty in 1993. In the last 25 years, India has been able to secure just one extradition from the UK – of Samirbhai Vinubhai Patel in October 2016, who was wanted in the 2002 Gujarat riots cases. This extradition was possible only because Patel did not oppose the extradition request and readily “consented” to it.

Last year, the Indian government’s request to extradite businessman Sanjeev Chawla to face trial in the country for his alleged role in cricket match-fixing was declined by the Westminster Magistrate’s Court on grounds of overcrowding, lack of medical facilities and reports of violence in the Tihar jail where he was supposed to be lodged after extradition. The case is now pending before the UK high court.

Humanitarian approach to extradition

Traditionally, in extradition proceedings states followed the doctrine of ‘non-enquiry’ as laid down by the US Supreme Court in *Neely v. Henkel*¹⁵, preventing them from scrutinizing how the fugitive offender would be treated in the requesting state upon extradition.

Of late, however, states have espoused a more humanitarian approach to extradition matters. In case of a conflict between the obligation of a state to extradite and to protect human rights, courts have given a preference to the latter. The refusal of extradition requests on the ground of possible human rights violations has now become a regular and well-established practice in international law.

This shift in courts’ stances was greatly influenced by the developments in international human rights law in the post-World War II era. A major development in this direction was the adoption of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1994), which provides that ‘No State Party shall extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.’

Courts in European countries have very often declined extradition requests if they are convinced that prison conditions in the requesting state would breach a person’s protection, especially under Article 3 of the EC.

The pioneering development in this direction was *Soering v. United Kingdom*¹⁶(1989). This case was decided almost thirty years ago by the ECtHR which completely changed the contours of relations between extradition and human rights in the contemporary international law and practice. In this case, the applicant, a German national, was charged with a capital crime and claimed that his extradition from the UK to the US would constitute a violation of Article 3 of the ECHR as he would be exposed to “death row” syndrome amounting to a treatment going beyond the provision of this provision

The ECHR held that Article 3 prohibits the extradition of a person who is threatened with torture or inhuman or degrading treatment or punishment in the requesting country, even the treatment contrary to Article 3 is inflicted by

¹² *Ibid*

¹³ *Shumba, Bechian and Henta v. France* (2018) EWHC 1762 (Admin)

¹⁴ *Varga & others v. Hungary* Application nos. 14097/12, 45135/12, 73712/12, 34001/13, 44055/13, and 64586/13)

¹⁵ *Neely v. Henkel* 180 U.S. 109 (1901)

¹⁶ *Soering v. United Kingdom* App No 14038/88, A/161, (1989) ECHR 14, (1989)

the receiving non-member state. The *Soering* judgment paved the way for the judicial scrutiny of the extradition process for possible human rights violations of the person in the receiving state.

The *Soering* judgment was a serious attempt by the court to reconcile seemingly two diametrically opposite goals of international society – the need of international cooperation in criminal matters to end impunity and, states' obligation to the protection of human rights.

The influence of human rights norms is also clearly visible on extradition treaties as well. The adoption of the UN Model Treaty on Extradition on December 14, 1990, was the most notable development in this direction which provides for several exceptions to the extradition obligation. It stipulates for mandatory refusal of an extradition request if "the request for extradition has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinions, sex or status..." and if the person would be subjected to "...torture or cruel, inhuman or degrading treatment or punishment or if that person has not received or would not receive the minimum guarantees in criminal proceedings, as contained in the International Covenant on Civil and Political Rights" in the requesting state.

UK HIGH COURT DISMISSES NIRAV MODI'S APPEAL IN EXTRADITION MATTER: A WELCOME CHANGE IN UK'S EXTRADITION POLICY?

Fugitive diamond merchant Nirav Modi lost his appeal against extradition to India on mental health grounds as the High Court in London ruled that his risk of suicide is not such that it would be either unjust or oppressive to extradite him to face charges of fraud and money laundering. The Hon'ble High Court of Justice, King's Bench Division, London (UK) dismissed the appeal of fugitive accused Mr. Nirav Deepak Modi in extradition matter. On 25th February, 2021, the District Judge, Westminster Magistrates' Court had handed down his decision and found that there were no bars on the extradition of Mr. Nirav Modi & the Court had sent the case to Secretary of State, U.K. On 15th April, 2021, the Secretary of State ordered Mr. Nirav Modi's extradition to India. Mr. Nirav Modi filed application before the Hon'ble High Court of Justice, London (U.K.) seeking permission to appeal on multiple grounds. Some of the grounds were -

His extradition would be incompatible with his convention rights under Article 3 of European Convention on Human Rights; and it would be unjust or oppressive within the meaning of Section 91 of UK Extradition Act 2003 to extradite him by virtue of his physical & mental condition. All other grounds of appeal were rejected. During the Appeal hearing before the Hon'ble High Court of Justice, Government of India filed several assurances and written submissions, besides the oral arguments made by the Senior Counsel of Crown Prosecution Service on its behalf. The appeal was heard on 14th December, 2021, 28th June, 2022 and final hearing was held on 11th & 12th October, 2022. During the final hearing, two psychiatric experts also gave evidence before the Hon'ble High Court. Hon'ble High Court of Justice, King's Bench Division, handed down its judgment today and dismissed the appeal filed by Mr. Nirav Modi.

The judgement of UK High Court is a significant achievement in the context of CBI's efforts to curb corruption and is a reminder that fugitives, who have eluded the process of law after commission of large value frauds, cannot consider themselves above the process merely because they have changed jurisdictions. The CBI took painstaking efforts in effectively presenting the facts before the Hon'ble Court, especially since Mr. Nirav Modi had raised various issues with regard to prison conditions, availability of health facilities in India etc.

CBI gracefully acknowledges the painstaking & continuous efforts made by the counsels of Crown Prosecution service in forcefully presenting Government of India's case and also the efforts of various Govt. agencies, especially officers of High Commission of India, London, Ministry of Home Affairs, Ministry of External Affairs, in coordinating the extradition trial, timely submission of evidences & assurances, and prompt follow up of the case at all stages¹⁷.

INDIAN PERSPECTIVE:

DOES THE FUGITIVE ECONOMIC OFFENDERS ACT WITHSTAND THE CONSTITUTIONALITY TEST

Right to a fair trial being a fundamental norm in every democratic country and international human rights law forbids conviction of an individual violating *Audi alteram partem*. It finds its base in article 10 of UDHR – "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him". In Indian arena this right is strongly imbibed in Article 21 of Indian constitution and section 243 of Cr.P.C, which affirms awarding opportunity to alleged individual to defend his case. This act is widely denounced for not in consonance with this norm by drafting section 5(2), section 10(3)(b), section 14.

Section 5(2) is contended to be arbitrary as it stands against the basic doctrine of criminal jurisprudence "presumption of innocence" and "proven beyond reasonable doubt" as it enables the appropriate authorities to search, seize and confiscate the property before the commencement of any proceedings on mere suspicion. Rebutting the allegation, it is held the pre-

¹⁷ 51-Year-Old Fugitive Diamond Merchant, Nirav Modi Loses Appeal; UK Courts Rules Suicide Risks Do Not Bar Extradition - Inventiva <https://www.inventiva.co.in/trends/51-year-old-fugitive-diamond-merchant-nirav-modi-loses-appeal-uk-courts-rules-suicide-risks-do-not-bar-extradition>(last visited July 06, 2023).

trial attachment is in line with article 54(1) (c) of United Nation Convention against corruption, which was ratified by India in 2011.

Section 10(3) (b) is contested for asserting mere failure to appear on the specified place and time shall result in a declaration of the individual as a fugitive economic offender and confiscation of property under this Act, thus paves the way for ex-parte order. Howsoever this claim can be set aside by professing sufficient time and opportunity is awarded by the special court under section 11(2).

Section 12(2)(b) stands the test of intelligible differentia and rational nexus, thus saved from falling under the ambit of unconstitutionality as the act made a clear distinction between fugitive economic offenders and economic offenders whereby the former evades the rule of law by fleeing to other countries and staying abroad. Further taking of proceeds in excess of claim is justified as it has rational nexus with the object of the act – to deter evading persons from the process of law and subject him to India jurisdiction and to restore the rule of law in India. Thus, the rational nexus has the effect of saving from unconstitutionality.

Section 14 grants discretion to any civil court or tribunal from disallowing fugitive economic offender from contesting – filing or defending any claim or proceeding before it. This bar finds application upon all civil claims, including civil proceedings which have no nexus with the offence in. Further bars LLP or company with which the fugitive offender is connected from proceeding the claim.

The Apex court in Justice K S Puttaswamy (Retd.) and Anr. v. Union of India and Ors ¹⁸enunciated that while adjudging constitutionality under Article 21, the court must have the view of the reasonable restriction, upon these rights, imposed in pursuance of compelling social, moral, state and public interest. This act intends to remedy the effect of social injustice the fugitive economic offenders have caused. Thus, individual justice, right, liberty have to pay the way for social justice. Accordingly, the act withstands the test of Constitutionality under Article 21 of the Constitution in view of the compelling state and public interest furthered by this law.

Howsoever this non-conviction-based asset confiscation Act 2018, acts a deterrent to the future economic offender and holds accountable the past economic offender, thus serving or protecting the interests of investors, the general public, enhancing the financial stability of financial institutions and cure the general agitation. The Act represents an efficacious venture to curb the scams and economic offences that have an adverse impact on the Indian economy and development.

The act must be seen from this angle since its purpose is to subject the person to Indian jurisdiction rather than to judge or punish the criminal. As a result, the act passes the constitutionality test. The claim that "the bill is an efficient, quick, and constitutional way to stop these offenders from fleeing" is supported. The spirits baron Mr Vijay Mallya is the first person to be accused under the new fugitive statute by the special court of Mumbai, which authorizes the Indian government to seize his holdings for an alleged default of 90 billion rupees, setting the act into motion¹⁹.

2. CONCLUSION

In this article, we developed an argument as to how human rights alter patterns of cooperation on transnational crime. Our argument suggests that engaging in cooperation with a foreign legal system could expose a government to domestic criticism: political opponents, NGOs, and the media might leverage such cooperation to question the government's commitment to society's core values. Similarly, the contradictions between domestic and foreign values may be seen as imperilling ²⁰the mission and beliefs of law enforcement officials that implement the cooperative measures. As a result, countries with stronger respect for human rights are more hesitant to cooperate on criminal justice. Specifically, they are likely to extradite fewer individuals, given the human rights risks that extradition poses. In short, stronger commitment to human rights correlates with the extradition of fewer individuals. While our findings suggest the applicability of the argument in both the European and US contexts, future work should explore other instances of criminal-justice cooperation, such as mutual legal assistance; dive deeper into the mechanism at play; and examine alternative channels for transferring criminal suspects across borders. Our findings offer important implications for scholars of international politics. We join a growing group of scholars that examine not only formal agreements and official rules, but also their actual effects on the ground ²¹To our knowledge, this article is among the first to do so in the area of criminal-justice cooperation. Moreover, this article highlights the role that human rights can play in shaping and constraining foreign policy. Despite the fact that policymakers often tout such a connection, empirical evidence of its existence is scarce ²²The evidence presented here, however, suggests that even in instances where there may be real benefits to cooperation – such

¹⁸K S Puttaswamy (Retd.) and Anr. v. Union of India and Ors Writ Petition (Civil) No. 494 of 2012

¹⁹ <https://blog.ipleaders.in/fugitive-economic-offender-act/>

²⁰ Efrat, Asif & Abraham L Newman (2016) Deciding to defer: The importance of fairness in resolving transnational jurisdictional conflicts. *International Organization* 70(2): 409–441.

²¹ Jo, Hyeran & Beth A Simmons (2016) Can the international criminal court deter atrocity? *International Organization* 70(3): 443–475

²² Lebovic, James H & Erik Voeten (2009) The cost of shame: International organizations and foreign aid in the punishing of human rights violators. *Journal of Peace Research* 46(1): 79–97.

as curbing crime – it may be constrained by human rights concerns. Perhaps this is because of the nature of the threat that criminal-justice cooperation poses. In other issue areas, cooperation might affect human rights in a broad and remote manner that is hard to specify in advance. By contrast, cooperation against crime directly and immediately threatens the rights of specific, known individuals. Such a threat is more difficult to ignore. The rejection of the appeal of Mr. Nirav is a welcome change in the attitude of UK courts and it may pave the way for further extraditions like Vijay Mallya and other such other fugitives who take the shield of the human rights for not getting extradited and in future India may be able to punish them for their huge financial frauds. Also, the researcher has come to the conclusion that The Fugitive Economic Offenders Act 2018 is not unconstitutional and it falls under the requisite parameters of the various provisions of the constitution.
