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Agnika Elango Rana

*Law Student, B.Com; LLB (Hons.),*

*School of Law, Presidency University, Bengaluru*

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# **Navigating Fragmentation: Bilateralism, the UN Model, and the Feasibility Gap in the Universal Extradition Treaty Debate**

**Agnika Elango Rana**

Law Student, B.Com; LLB (Hons.),  
School of Law, Presidency University, Bengaluru

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## **ABSTRACT**

*The fight against transnational crime urgently needs stronger legal tools, the comprehensive Universal Extradition Treaty (UET) remains an impossible goal to achieve. To understand this, this paper carefully examines the foundations of international extradition and the feasibility gap that prevents the UET from being adopted. Extradition has been mainly done using the bilateral treaty between territorial states and requesting states. This provides a good framework for basic extradition procedures. The UN Model Treaty on extradition firmly emphasizes international cooperation in extradition but it has certain shortfalls. The persistence of State Sovereignty and the huge, fundamental disagreements between nations over necessary legal safeguards are some of the shortcomings. Strong objections to the political offence exception, ongoing differences regarding the refusal to extradite over human rights concerns, such as the death penalty, which make a single, comprehensive UET impossible to agree on. Ultimately, the most pragmatic future for global cooperation will not be found in a huge, comprehensive UET. Instead, the focus should be on strengthening sectoral multilateral conventions. The multilateral conventions are simply more feasible because they enforce the Aut Dedere Aut Judicare obligation for specific crimes. This allows global justice to progress smoothly, and critically, without forcing states to compromise their judicial sovereignty.*

## **KEYWORDS**

*Universal Extradition Treaty (UET), Bilateralism, State Sovereignty, Dual Criminality, UN Model Treaty, Aut Dedere Aut Judicare, Feasibility Gap.*

## INTRODUCTION

The term extradition has derived from two latin word 'ex' and 'tradium'. 'Ex' means 'and'. 'Tradium' means give up. Oppenheim defines Extradition as the delivery of an accused or a convicted individual to the State on whose territory he is alleged to have committed or to have been convicted of a crime, by the State on whose territory the alleged crime happens to be for the time being<sup>1</sup>. In *Terlindon v. Ames*<sup>2</sup>, Chief Justice Fuller observed that 'extradition is the surrender by one nation to another of an individual accused or convicted of an offence outside of its own territory and within the territorial jurisdiction of the other which being competent to try and punish him demands the surrender'. Extradition acts as a warning to the criminals that they cannot escape punishment by fleeing to another state.

In British India, extradition was regulated by the UK's Extradition Act (1870) followed by the Extradition Act (1903). Presently the Extradition Act<sup>3</sup> (1962) (hereinafter referred to as the Act) regulates extradition in India.

The Act provides for the extradition of fugitive criminals both from and to India. Section 3 of the Act states that the extradition may take place in accordance with any extradition treaty with the requesting or territorial state. This section also provides that in absence of any such treaty, any convention to which India and such requesting or territorial state are parties can be treated as extradition treaty for that matter. The landmark Dharma Teja's case, concerned the extradition of Dr. Jayanti Dharma Teja, former Chairman of Jayanti Shipping Company, who was charged in India with Criminal Breach of Trust (IPC S. 409) and other economic offences, having fled the country and subsequently been arrested in the United Kingdom. Teja's surrender from the UK to India was governed by the UK Fugitive Offenders Act, 1967, which was applicable to India by an Order-in-Council. The main issue before the Supreme Court of India was whether the Indian trial was barred by the doctrine of specialty (the rule that a surrendered person can only be tried for the offence for which they were extradited), as mandated by the Indian Extradition Act, 1962 (specifically Section 21). The Court decided that Section 21 does not grant the fugitive an absolute, individual right to immunity but is an arrangement between the surrendering and requesting states, and since the restriction on trial was not absolute, the

<sup>1</sup> J Jerusha Melanie, 'Extradition in International Law' (iPleaders Blog, 13 June 2022) <https://blog.ipleaders.in/extradition-in-international-law/> accessed 2 November 2025.

<sup>2</sup> *Terlindon v Ames*, 184 US 270 (1902).

<sup>3</sup> Extradition Act 1962.

Indian Courts were fully competent to proceed with the trial for the offenses committed on Indian soil, thereby upholding the trial.

The Act imposes no explicit restriction on the extradition of Indian nationals to the requesting State., however, the bar on extradition varies from treaty to treaty. Currently India has extradition treaty in force with the following 48 countries<sup>4</sup>( Refer Annexure A).

Also, India has extradition agreements with the 12 countries<sup>5</sup>( Refer Annexure B). Extradition agreements refer to the agreements between the requesting and the territorial state, wherein it is agreed that the extradition will take place as per the local laws of the territorial state and international regulations instead of the local laws of the requesting state.

The existing system, which depends heavily on bilateral treaties (like the extensive network India uses), certainly gives us a good framework for basic extradition procedure.

Section 31 of the Act<sup>6</sup> sets out the mandatory, non-negotiable reasons why India must refuse to surrender a fugitive person. These absolute barriers are:

- Political Offence Bar: Extradition is impossible if the crime (or alleged crime) is judged to be primarily political in its nature.
- Time Bar: Refusal is mandatory if the time limit for prosecuting the alleged offence has already expired under the laws of the requesting country.
- No Specialty Assurance: Surrender is prohibited unless the treaty or agreement clearly guarantees the fugitive will only be tried for the specific offence they were extradited for.
- Pending Indian Charges: The person cannot be handed over if they are currently facing separate, unrelated criminal charges within India.
- Mandatory Delay: Extradition is prohibited for a minimum of fifteen days following the date the Magistrate initially ordered the fugitive to be committed to prison.

## **DOMESTIC PROCEDURAL SAFEGUARDS IN EXTRADITION**

<sup>4</sup> Ministry of External Affairs, List of Extradition Treaties/Arrangements (MEA, Government of India) <https://www.meaindia.gov.in/leta.htm> accessed 2 November 2025.

<sup>5</sup> Ministry of External Affairs, List of Extradition Treaties/Arrangements (MEA, Government of India) <https://www.meaindia.gov.in/leta.htm> accessed 2 November 2025.

<sup>6</sup> S. 31, Extradition Act 1962.

## **(EXTRADITION FROM INDIA)**

The Extradition Act (1962) governs the surrender process in both directions—extradition to India and from India.

### **Procedure for extradition from India**

The procedure for extraditing a fugitive criminal from India officially starts when the requesting state forwards its formal request. This request, along with the necessary evidence, must travel through diplomatic channels and is submitted to the Consular, Passport and Visa Division of the Ministry of External Affairs, Government of India<sup>7</sup>. Upon receiving it, the government of India requires the Magistrate of Extradition to issue an arrest warrant<sup>8</sup>. The Magistrate should come to the conclusion in the below mentioned 3 points:

**1. Established Identity** (Who is the person?) Under Section 7<sup>9</sup> (Procedure before Magistrate) or Section 9<sup>10</sup> (Power to issue warrant in certain cases), the Magistrate must be satisfied that the person brought before the court or sought to be arrested is in fact the "fugitive criminal" named in the extradition request from the foreign State. This is a primary factual check of the extradition process. The Magistrate checks the evidence provided by the requesting State (e.g., photographs, fingerprints, physical descriptions, warrant of arrest) to confirm the identity of the person being sought. This is a fundamental safeguard against arresting and surrendering the wrong person.

**2. Extraditable Crime** (What is the offence?) The Magistrate must be satisfied that the offence for which the person's extradition is sought is an "extradition offence". This typically involves checking the principle of "double criminality", meaning the act must be an offence punishable under the laws of both the requesting State and India. The Magistrate also ensures the offence is not one of a political character or subject to any other bar under the Extradition Act or the relevant treaty.

**3. Extraditable Person** (Fugitive Criminal) Crucially, the Magistrate determine if a *prima facie* case is made out in support of the requisition. That is, whether the evidence provided would "justify the committal for trial of the person accused if the extradition offence of which he is accused had been committed in

<sup>7</sup> Sec. 5, Extradition Act, 1962

<sup>8</sup> J Jerusha Melanie, 'Extradition in International Law' (iPleaders Blog, 13 June 2022) <https://blog.ipleaders.in/extradition-in-international-law/> accessed 2 November 2025.

<sup>9</sup> S. 7, Extradition Act 1962.

<sup>10</sup> S. 9, Extradition Act 1962.

India" [Extradition Act, 1962, Sec. 7(3)<sup>11</sup>]. Section 7(4<sup>12</sup>) states that the Magistrate commits the person to prison only if they are of the opinion that a *prima facie* case is made out that would justify the person's committal for trial if the offence had been committed in India. This finding inherently confirms the individual's status as a 'fugitive criminal' deserving of committal. The Magistrate's role is primarily judicial and limited to establishing a *prima facie* case. The inquiry is not a trial to determine guilt or innocence but to ascertain if there are sufficient grounds for committal for extradition.

Upon the arrest, the fugitive criminal undergoes judicial inquiry, the report of which is submitted to the government of India. The Central Government reviews the Magistrate's report and must ultimately agree that the person is a "fugitive criminal" who ought to be surrendered. This includes checking if the person is an Indian national (as some treaties restrict the extradition of own nationals) and ensuring there are no other diplomatic, political, or policy reasons to refuse the surrender. The Central Government must ensure that the surrender is not barred by any of the restrictions mentioned in the Act, such as the rule of specialty (accused must only be tried for the extradited offence), fear of a political or discriminatory trial, or exposure to excessive punishment like the death penalty without necessary assurances [Extradition Act, 1962, Sec. 31<sup>13</sup>]. If the Central Government is satisfied on all counts—that the person is the correct fugitive, the crime is extraditable, and no statutory/treaty bars exist—it issues a warrant for the custody and removal of the fugitive criminal [Extradition Act, 1962, Sec. 8<sup>14</sup>]. The fugitive criminal is then delivered to the requesting state at the place specified in the warrant.

The Magistrate can also issue a warrant independently under Section 9 if they believe a person is a fugitive, before receiving a formal order under Section 5<sup>15</sup>. However, this arrest must be immediately reported to the Central government.

### **PROCEDURE FOR EXTRADITION TO INDIA**

When India is the requesting state (i.e., we are seeking a fugitive's surrender from a foreign territorial state), the entire official process is initiated by that territorial state transmitting a formal request. This initial submission—which must include all relevant evidence and an open-dated arrest warrant—is sent directly to the

<sup>11</sup> S. 7(3), Extradition Act 1962.

<sup>12</sup> S. 7(4), Extradition Act 1962.

<sup>13</sup> S. 31, Extradition Act 1962.

<sup>14</sup> S. 8, Extradition Act 1962.

<sup>15</sup> S. 5, Extradition Act 1962.

Consular, Passport and Visa Division of the Ministry of External Affairs (MEA)<sup>16</sup>. The MEA then formally relays the request back to the territorial state using diplomatic channels<sup>17</sup>. Following this, the matter is passed on to a local Inquiry Magistrate. This Magistrate undertakes a critical three-part review: confirming the fugitive's identity, verifying that the alleged crime is extraditable, and finally determining if the individual is legally eligible for surrender<sup>18</sup>. Upon such determination, the inquiry Magistrate in the territorial state issues a warrant to arrest the fugitive criminal. His arrest is then intimated to the Consular, Passport and Visa Division of the Ministry of External Affairs, Government of India<sup>19</sup>. Finally, concerned Indian law enforcement personnel travel to the territorial state to escort the fugitive criminal back to India.

### ***International Model laws on Extradition***

The Geneva Conventions<sup>20</sup> and their additional protocols (1949) were some of the earliest conventions that dealt with extradition to some extent by recognizing the state's cooperation in extradition. Therefore, most countries have signed multilateral and bilateral treaties on extradition.

The UN model treaty on extradition<sup>21</sup> firmly emphasized international cooperation in extradition related matters. It has 18 Articles dealing with the grounds of refusal of extradition requests. However, it prioritizes the decision of the territorial state.

The UN model Law on extradition<sup>22</sup> is inspired by the un model treaty and aims to enhance the international cooperation in extraditions. It also aims to act as a supplementary statute in cases of countries where extradition treaties are absent. Section 5 and 6 of the Model law<sup>23</sup> explicitly provide that extradition shall

<sup>16</sup> S. 18, Extradition Act 1962

<sup>17</sup> S. 18, Extradition Act 1962

<sup>18</sup> S. 7, Extradition Act 1962

<sup>19</sup> S. 5, Extradition Act 1962.

<sup>20</sup> Geneva Conventions of 12 August 1949 and their Additional Protocols, 8 June 1977 <<https://ihl-databases.icrc.org/en/ihl-treaties/geneva-conventions-1949additional-protocols-and-their-commentaries>> (accessed 2 November 2025)

<sup>21</sup> Model Treaty on Extradition, adopted by the UN General Assembly Res. 45/116, 14 December 1990 <[https://www.unodc.org/pdf/model\\_treaty\\_extradition.pdf](https://www.unodc.org/pdf/model_treaty_extradition.pdf)> (accessed 2 November 2025).

<sup>22</sup> Model Law on Extradition, adopted by the UN Commission on Crime Prevention and Criminal Justice, 2004 <[https://www.unodc.org/pdf/model\\_law\\_extradition.pdf](https://www.unodc.org/pdf/model_law_extradition.pdf)> (accessed 2 November 2025).

<sup>23</sup> Model Law on Extradition, adopted by the UN Commission on Crime Prevention and Criminal Justice, 2004

not be granted if, in the view of the territorial state, the extradition is requested for torturing or punishing the fugitive on the basis of his caste, ethnic origin, race, etc.

## PRINCIPLES OF EXTRADITION

### 1. Principle of double criminality

This doctrine establishes a foundational requirement for any extradition request. The specific act for which the accused person is sought by the requesting state must also constitute a recognized, punishable crime within the legal system of the territorial state<sup>24</sup>. The landmark decision in Rosiline George v. Union of India<sup>25</sup> (1994) is pivotal because it clarified India's application of the Principle of Double Criminality (PDC) in extradition, confirming that the courts must look at the substance of the offense rather than its legal label. Specifically, when Singapore requested extradition for "Criminal Breach of Trust," the Supreme Court established the "Conduct Test," holding that the PDC is satisfied if the fugitive's underlying act or conduct is criminalized in both the requesting and requested states, regardless of technical differences in statutory definitions, classifications, or nomenclature between the two penal codes. This judgment prevented technical loopholes from frustrating the extradition process, ensuring that cooperation is based on the universality of the criminalized behaviour.

### 2. Principle of speciality

This doctrine serves as a fundamental check on the requesting state's authority. It dictates that the extradited offender can only be tried or punished for the specific crime for which their surrender was initially granted. This concept was famously tested in the case of US v. Raucher<sup>26</sup>, where the court reviewed the facts of a fugitive who had been extradited from Great Britain to the United States to face trial for a murder committed aboard an American vessel on the high seas. Since there was no good evidence to prove the charge of murder, the offender was convicted of grievously hurting a man. The Supreme Court ultimately ruled that the prosecution constituted a direct violation of the operative extradition treaty.

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<[https://www.unodc.org/pdf/model\\_law\\_extradition.pdf](https://www.unodc.org/pdf/model_law_extradition.pdf)> (accessed 2 November 2025).

<sup>24</sup> J Jerusha Melanie, 'Extradition in International Law' (iPleaders Blog, 13 June 2022) <<https://blog.ipleaders.in/extradition-in-international-law/>> (accessed 2 November 2025).

<sup>25</sup> Rosiline George v. Union of India (1994) 2 SCC 80.

<sup>26</sup> United States v. Rauscher 119 US 407 (1886).

This verdict established a fundamental rule: any person brought within the court's jurisdiction under a treaty-based extradition can only be tried for the specific, pre-charged offense outlined in the request. This restriction remains mandatory, even if the fugitive offender chooses not to raise a complaint about the violation of the specialty principle.

The Abu Salem v. State of Maharashtra<sup>27</sup> case directly engaged with the Principle of Speciality, to prosecute the extradited individual only for the specific offenses for which the requested state (Portugal) granted surrender. Salem challenged the TADA Court's decision to frame additional charges beyond the ones approved by the Portuguese Ministerial order, arguing this constituted a breach of the sovereign assurance given by India that he would not be prosecuted for any other offenses. The Supreme Court upheld the sanctity of this international commitment, ruling that while the judiciary is independent in its sentencing, the principle of speciality must be strictly adhered to, thereby ensuring that the Indian criminal proceedings remain confined to the exact charges agreed upon during the extradition process.

### **CHALLENGES IN EXTRADITION LAW**

1. The requirement of double criminality is often misused by fugitive criminals. They usually flee to a country where their act does not constitute an offence.
2. Most fugitive offenders who are connected to politics in some way use it as an excuse to escape extradition as most countries avoid extradition of political offenders.
3. Extradition procedures are highly time-consuming due to the requirement of various paperwork<sup>28</sup>.
4. India has extradition treaties with only a limited number of countries<sup>29</sup>.

### **ABSOLUTE BARRIERS TO EXTRADITION**

Absolute bar stems from two sources: customary international law (human rights) and domestic constitutional or statutory provisions.

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<sup>27</sup> Abu Salem Abdul Kayyum Ansari v. State of Maharashtra (2011) 1 SCC 214.

<sup>28</sup> J Jerusha Melanie, 'Extradition in International Law' (iPleaders Blog, 13 June 2022) <<https://blog.ipleaders.in/extradition-in-international-law/>> (accessed 2 November 2025).

<sup>29</sup> Ministry of External Affairs, List of Extradition Treaties/Arrangements, <https://www.meia.gov.in/leta.htm> (last visited Nov. 2, 2025).

## 1. Domestic statutory provision

Section 31<sup>30</sup> of the Act provides restriction on surrender of a fugitive person. They are as follows:

- *If the offence committed or alleged to have been committed is of political nature.*

While not a direct extradition case under the Act, the principles laid down by the Supreme Court in *Sarabjit Singh v. State of Punjab*<sup>31</sup>, (and generally regarding "political offences") guide the interpretation. The Court noted that an offence with a political motive must also be political in nature (i.e., directed against the State's political organisation or government) to qualify as a "political offence." Acts of common crime, even if politically motivated, are often excluded. Section 31(2)<sup>32</sup>) and the Schedule of the Act also specify that serious crimes like murder, kidnapping, and terrorism are not to be regarded as political offences, narrowing this bar significantly in modern treaties.

- *Extradition is precluded should the prosecution for the committed or alleged offense be deemed time-barred under the statutory provisions of the requesting state.*

Although the primary issue in *Union of India v. Hassan Ali Khan*<sup>33</sup>, case was money laundering, the Supreme Court extensively examined the legal requirements for extradition. The time-bar is a core defensive restriction derived from the principle that a person should not be surrendered for a crime for which they could not even be prosecuted in the requesting state's own courts due to the efflux of time. This bar is generally factual and procedural, depending on the laws of the requesting state. The Court in similar matters stresses strict adherence to the law and treaty provisions, implicitly enforcing this statutory bar.

- *The principle of specialty is often unenforceable if the operative extradition treaty or agreement contains no explicit provision stipulating that the surrendered person shall not be prosecuted for any offense other than the one for which the individual was extradited.*

Abu Salem Abdul Qayoom Ansari v. State of

<sup>30</sup> S. 31, Extradition Act 1962.

<sup>31</sup> *Sarabjit Singh v. State of Punjab* (2005) 10 SCC 401.

<sup>32</sup> S. 31(2), Extradition Act 1962

<sup>33</sup> *Union of India v. Hassan Ali Khan* (2011) 10 SCC 235.

Maharashtra<sup>34</sup> is the most significant case on the Rule of Speciality, which Section 31(1)(c) codifies. The Supreme Court held that the principle of speciality is a fundamental, universally recognised principle of international law and is mandatory under the Indian Act. The holding confirmed that an individual who has been extradited can only face trial for the offenses specifically itemized in the original extradition request (the 'extradition offences'). This restriction remains mandatory unless the surrendering State—in this specific instance, Portugal—explicitly grants consent for prosecution on additional charges. The surrender order effectively limits the jurisdiction of Indian courts to try the accused only for the specified crimes.

- *If the offender has been accused of any offence in India not being the one for which extradition is sought.*

In Smt. Kesar Devi v. Union of India<sup>35</sup>, this restriction upholds India's primary jurisdiction over crimes committed on its own soil or under its laws. The Delhi High Court has consistently affirmed that a fugitive, even if otherwise extraditable, cannot be surrendered until they have first faced justice for any pending Indian criminal proceedings or completed any sentence in India. This clause ensures that India's interests in prosecuting domestic crimes take precedence over the extradition request.

- *A mandatory waiting period must be strictly observed, meaning the fugitive cannot be physically surrendered until a minimum of fifteen days have elapsed from the date of their commitment to prison by the Magistrate.*

In the Dr. B. K. Subba Rao v. Union of India<sup>36</sup> case, and other similar procedural challenges, highlights the importance of the procedural steps under the Act. Section 31(1) (e)<sup>37</sup> mandates a 15-day waiting period after the Magistrate commits the fugitive to prison to await the Central Government's surrender order. The Delhi High Court has confirmed that this period is a mandatory cooling-off period to allow the fugitive criminal time to make any final representations, seek judicial review (such as a writ petition in the High Court),

<sup>34</sup> Abu Salem Abdul Qayoom Ansari v. State of Maharashtra (2011) 1 SCC 214.

<sup>35</sup> Smt. Kesar Devi v. Union of India (2003) 7 SCC 657.

<sup>36</sup> Dr. B. K. Subba Rao v. Union of India AIR 2009 Del 73.

<sup>37</sup> S. 31(1)(e), Extradition Act 1962

or generally challenge the order of committal before the actual physical surrender takes place. It is an important procedural safeguard.

## 2. International Provisions

Article 3 of the UN model Treaty on extradition provides 7 mandatory grounds of refusal. However, Article 3(f)<sup>38</sup> is the strongest, most absolute bar to extradition in modern practice. This refusal is mandatory based on the risk of severe human rights violations, primarily referencing the prohibition of torture or inhuman/degrading treatment. The individual being sought is protected by a core principle that precludes their extradition should they face a substantial risk of torture or cruel, inhuman, or degrading treatment in the jurisdiction of the requesting state. Furthermore, this fundamental prohibition is extended if the person has been denied, or faces the risk of being denied, the minimum procedural guarantees required in criminal proceedings, particularly those established by Article 14 of the International Covenant on Civil and Political Rights<sup>39</sup>. This fundamental safeguard is further codified by the non-refoulement principle, which forms the basis of international law on this matter. This core human rights principle is often referred to as non-refoulement, and it is codified in instruments such as Article 3 of the UN Convention Against Torture (UNCAT<sup>40</sup>). This provision unequivocally prevents any State Party from expelling, returning, or extraditing an individual to another State if substantial grounds exist to believe that the person would be in danger of being subjected to torture.

Article 4 of the UN model Treaty on extradition provides 8 optional grounds of refusal. However, Article 4 (c)<sup>41</sup> talks about the death penalty is a key area where states routinely impose the "Assurance" requirement, forcing the requested state to modify the legal consequence of the offence. Extradition will be denied if the specific offense detailed in the request is subject

<sup>38</sup> Model Treaty on Extradition, adopted by the UN General Assembly Res. 45/116, 14 December 1990 [https://www.unodc.org/pdf/model\\_treaty\\_extradition.pdf](https://www.unodc.org/pdf/model_treaty_extradition.pdf) (accessed 2 November 2025).

<sup>39</sup> Int'l Covenant on Civil and Political Rights, art. 14, Mar. 23, 1976, 999 U.N.T.S. 171.

<sup>40</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 3, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85.

<sup>41</sup> Model Treaty on Extradition, adopted by the UN General Assembly Res. 45/116, 14 December 1990 [https://www.unodc.org/pdf/model\\_treaty\\_extradition.pdf](https://www.unodc.org/pdf/model_treaty_extradition.pdf) (accessed 2 November 2025).

to capital punishment under the law of the requesting State. This refusal is only overcome if that State provides a binding guarantee—which the requested State must deem sufficient—that the death penalty will not be imposed or, if imposed, will not be executed.

Article 4(a) of the UN model Extradition Treaty<sup>42</sup> states about Non-Extradition of Nationals. If the person whose extradition is requested is a national of the requested State. Where extradition is refused on this ground, the requested State shall, if the other State so requests, submit the case to its competent authorities with a view to taking appropriate action against the person in respect of the offence for which extradition had been requested. The UN Model Treaty does not make the refusal to extradite a national a mandatory ground for refusal (like the political offense exception). However, it includes a footnote indicating that States may wish to add this as a ground for refusal. This provision grants the requested state the discretion to refuse the extradition request and assume the duty to prosecute the individual under its own domestic laws, thereby giving practical effect to the 'aut dedere aut judicare' principle in the context of extradition.

The Extradition Act, 1962<sup>43</sup> does not explicitly prohibit the extradition of Indian nationals. India's ability to extradite its nationals depends entirely on the terms of the specific bilateral extradition treaty it has with the requesting country.

### VIJAY MALLYA CASE STUDY

Vijay Mallya inherited the chairmanship of the United Breweries (UB) Group Ltd. from his father, Mr. Vitthal Mallya, in 1983<sup>44</sup>. His leadership oversaw a massive corporate expansion, pushing the company's valuation from a modest ₹40 crores to a substantial ₹6,000 crores. In 2005, he launched Kingfisher Airlines and in order to expand internationally, he acquired Air Deccan and focused only on expansion rather than on profitability, due to which his debt started increasing. In December 2012, the government cancelled the license for Kingfisher Airlines, after which Mallya sourced loans from PSU banks. By March 2016, with the total debt and interest approaching ₹9,000 crores, he

<sup>42</sup> Model Treaty on Extradition, adopted by the UN General Assembly Res. 45/116, 14 December 1990

<[https://www.unodc.org/pdf/model\\_treaty\\_extradition.pdf](https://www.unodc.org/pdf/model_treaty_extradition.pdf)> (accessed 2 November 2025).

<sup>43</sup> Extradition Act 1962.

<sup>44</sup> Muskan Garg, 'Fraud Case of Vijay Mallya and the Laws Related to it' (iLeaders Blog, 28 July 2021) <https://blog.ileaders.in/fraud-case-of-vijay-mallya-and-the-laws-related-to-it/> (accessed 2 November 2025).

offered to clear the principal amount of ₹6,000 crores, provided the banks waived all other outstanding loans<sup>45</sup>. The banks' refusal to accept this condition resulted in the non-payment of the debt and Mallya's subsequent move to Britain. The Debt Recovery Tribunal, in January 2017, held Kingfisher Airlines, the UB Group, and Mallya jointly and severally responsible for ₹6,963 crores with 11.50% interest. SBI later calculated the complete outstanding sum, which stood at around ₹9,000 crores in May 2018. India submitted its formal request for extradition on February 9, 2017<sup>46</sup>. However, on 18th April 2017 he was granted bail. Despite the formal renewal of the extradition request by Indian authorities on September 25, 2017, the court granted Mallya subsequent release on bail.

In the case between Vijay Mallya and Government of India and national crime Agency<sup>47</sup>, Vijay Mallya appealed against the decision given by SDJ on 10<sup>th</sup> December 2018 wherein it was concluded that Government had established a *prima facie* case for the purpose of extradition. The requirement to establish a *prima facie* case is an evidential safeguard that serves a critical purpose: it ensures that a person is not surrendered to a foreign jurisdiction on the basis of a frivolous, unmeritorious, or purely speculative accusation. The test is found primarily in Section 84<sup>48</sup> of the Extradition Act 2003. It generally applies to Category 2 territories (Part 2 countries) when the request is for the purpose of prosecution (an 'accusation case'), as opposed to serving a sentence after conviction (a 'conviction case'). India is a Category 2 territory. The legal test sets a relatively low bar, but it is an essential hurdle for the requesting State (India) to clear: The judge must decide whether there is evidence which would be sufficient to make a case requiring an answer by the person if the proceedings were the summary trial of an information against him. Extradition Act 2003, Section 84(1) In practice, this standard is interpreted by UK courts to mean: A Case to Answer: The evidence presented by the requesting state, if it stood alone and were uncontradicted by the defence at a trial, would be capable of securing a conviction by a reasonable jury or judge. No Trial on the Merits: Critically, the UK court is not conducting a full trial or

<sup>45</sup> Muskan Garg, 'Fraud Case of Vijay Mallya and the Laws Related to it' (iPleaders Blog, 28 July 2021) <https://blog.ipleaders.in/fraud-case-of-vijay-mallya-and-the-laws-related-to-it/> (accessed 2 November 2025).

<sup>46</sup> Muskan Garg, 'Fraud Case of Vijay Mallya and the Laws Related to it' (iPleaders Blog, 28 July 2021) <https://blog.ipleaders.in/fraud-case-of-vijay-mallya-and-the-laws-related-to-it/> (accessed 2 November 2025).

<sup>47</sup> Vijay Mallya v Secretary of State for the Home Department (High Court of Justice, 2020) <<http://www.judiciary.uk/wp-content/uploads/2020/04/Mallya.APPROVED.pdf>> (accessed 2 November 2025).

<sup>48</sup> S. 84, Extradition Act 1962

determining guilt. It simply assesses whether the quantity and quality of the evidence is sufficient to justify sending the individual to the requesting state to face their trial. The Role of the Magistrate (SDJ) In the Vijay Mallya case, the process before the Senior District Judge (SDJ) at the Westminster Magistrates' Court was focused heavily on this evidential requirement: The GoI's Burden: India had to provide authenticated documents, witness statements, and evidence proving that the alleged conduct (conspiracy to defraud, fraud, money laundering) constituted a crime in the UK (Dual Criminality) and that there was enough evidence for a UK court to commit the case to a trial.

The court accepted the appeal as it felt that the appellant would not receive a fair trial in India. The court was also of the view that the appellant's extradition would be incompatible with Art 3 of ECHR<sup>49</sup> due to the prison conditions in India. In international law, the prohibition against torture, inhuman, or degrading treatment (Article 3 of the ECHR) is non-derogable and forms the core of the principle of non-refoulement. This means that the UK, as a signatory to the ECHR, cannot extradite a person—regardless of the severity of the crime they committed—if there is a real risk that they will suffer treatment contrary to Article 3 upon surrender. The foundation for this in extradition law is the judgment of the European Court of Human Rights (ECHR) in Soering v. United Kingdom<sup>50</sup> (1989). In Soering, the ECHR held that extraditing a fugitive to the US where he faced the death penalty and the "death row phenomenon" (long detention under severe mental stress) violated Article 3. Sovereign Assurances (or Diplomatic Assurances) are formal, high-level undertakings provided by the executive branch of the requesting State (India) to the executive branch of the requested State (UK) regarding the treatment of the requested person post-extradition. They are used in public international law to dispel the "real risk" of an Article 3 violation. The requested State (UK) recognizes that, by default, the general prison conditions in the requesting State (India) might violate human rights standards. The Assurance is the legal tool used to overcome this presumption of risk.

The UK High Court accepted the assurances because they are grounded in the principle of international good faith and the expectation of reciprocity and respect between sovereign States (*pacta sunt servanda*—agreements must be kept). The defence attempted to argue that the evidence provided by India was so fundamentally weak, unauthentic, or unreliable that it did not

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<sup>49</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950, Article 3.

<sup>50</sup> Soering v. United Kingdom (1989) 11 EHRR 439.

meet the Section 84<sup>51</sup> test—meaning it failed to establish a *prima facie* case. The SDJ and, later, the High Court, found that the Indian authorities had successfully established a *prima facie* case, satisfied the evidential bar and allowed the extradition process to continue to the next stage (human rights and other bars).

Mallya argued that the extradition request was politically motivated and intended to make an example of him due to the media and political pressure in India<sup>52</sup>. The UK courts rejected this, finding no evidence that the GoI had acted in bad faith or with extraneous considerations. The court affirmed that the genuine purpose of the request was to prosecute for criminal offences, not to punish him for political views.

**Synthesis Value:** This confirms that the UK court focused purely on the criminal nature of the acts, implicitly supporting the idea that a UET could function successfully if focused purely on universally recognized crimes (fraud, money laundering) and free from political interference. If a requesting State's motive is political, or if they are seeking to prosecute based on race, religion, nationality, or political opinion, the request must be barred under the Extradition Act 2003, Section 81<sup>53</sup>.

The UK High Court (Divisional Court) dismissed Vijay Mallya's appeal, thereby upholding the Senior District Judge's (SDJ) decision to send his extradition case to the Secretary of State for a final order. The judgment ruled on two primary issues<sup>54</sup>:

### **1. *Prima Facie Case***

The Court found that there was a *prima facie* case of conspiracy to defraud, fraudulent misrepresentation, and money laundering against Mallya under the India-UK Extradition Treaty.

<sup>51</sup> Extradition Act 2003 (UK)

<<https://www.legislation.gov.uk/ukpga/2003/41/contents>> (accessed 2 November 2025).

<sup>52</sup> Extradition Treaty between the Government of the Republic of India and the Government of the United Kingdom of Great Britain and Northern Ireland, 22 September 1992

<[https://www.mea.gov.in/Images/CPV/leta/UK\\_Extradition\\_Treaties.pdf](https://www.mea.gov.in/Images/CPV/leta/UK_Extradition_Treaties.pdf)> (accessed 2 November 2025).

<sup>53</sup> Extradition Act 2003 (UK)

<<https://www.legislation.gov.uk/ukpga/2003/41/contents>> (accessed 2 November 2025).

<sup>54</sup> Vijay Mallya v Secretary of State for the Home Department (High Court of Justice, 2020) <<http://www.judiciary.uk/wp-content/uploads/2020/04/Mallya.APPROVED.pdf>> (accessed 2 November 2025).

## **2. Human Rights Bar (Article 3 of ECHR)**

The Court rejected the argument that Mallya's extradition would violate his rights under Article 3 of the ECHR (prohibition against inhuman or degrading treatment) due to the conditions in the designated Mumbai jail. Assurances are only effective if they are deemed credible and enforceable by the domestic court. This judicial scrutiny ensures the executive branch (Home Secretary) does not simply rubber-stamp an extradition. The Mallya case is a prime example of the judicialization of human rights law in extradition. The UK court did not rely merely on the word of the GoI; it demanded material, verifiable evidence.

The requirement for the specific Barrack 12 report, structural photos, and the subsequent video recording demonstrated that the court was treating the assurance not as a diplomatic formality, but as an evidentiary fact to be tested against the high standard set by Article 3. The acceptance of the Sovereign Assurances from the GoI was the critical factor in overcoming this human rights bar. GoI's Sovereign Assurances Regarding Barrack 12. The primary defence argument was that the general conditions of the Arthur Road Jail, Mumbai, would constitute a real risk of violating Mallya's human rights. The GoI directly addressed this by providing specific, high-level Sovereign Assurances concerning Barrack No. 12—a two-storey building specially designated for Mallya's detention. The specific guarantees provided by the GoI that were central to the court's decision included:

1. Cell Conditions Barrack No. 12 is a separate building and is not subject to the general overcrowding statistics of the wider prison.
2. Capacity/Safety The barrack has a limited capacity of approximately six persons, ensuring no overcrowding. The inmates held in this specific barrack do not mix with other general prisoners, and there has been no violence in the barrack.
3. Hygiene The facilities would include a western-style toilet. The barrack was confirmed to be clean and hygienic. Light & Air The GoI provided documentation (including a video, requested by the SDJ) to demonstrate the availability of natural light and ventilation through windows in the barrack.
4. Medical Access Mallya would be provided with access to adequate medical facilities and healthcare staff, addressing concerns related to his health.

5. Security Mallya would be provided with adequate security when being produced in court.<sup>55</sup>

The acceptance of these guarantees is a key precedent in the case. The High Court, by dismissing the appeal, affirmed the SDJ's finding that these assurances were specific, credible, and binding. The Court accepted them because they were:

1. Specific and Verifiable: The assurances were not vague, general statements but related to a specific location (Barrack 12) and detailed conditions (size, light, toilet type). The GoI provided material evidence, including structural reports, photographs, and later, a video, to substantiate their claims.
2. Credible and Reliable: The Court was satisfied that the assurances were sovereign undertakings made by the GoI and, as such, carried significant weight in international law. The Court concluded there was "no ground at all" to believe that Mallya would face a risk to his human rights in the designated facility, thereby removing the absolute ECHR bar to extradition.
3. Binding: By formally accepting these high-level assurances from one sovereign government to another, the Court acknowledged they served as a legally binding commitment that the GoI must honour under the principles of international good faith and cooperation.

The ruling effectively demonstrated that Sovereign Assurances are a powerful and legally recognised tool that allows contracting states to reconcile the absolute non-derogable nature of human rights obligations with their treaty obligations to extradite.

#### **TRANSITION: FROM FRAGMENTATION TO UNIVERSALISM**

The Mallya extradition proceedings, while ultimately successful for India, reveal how messy and complex our current Public International Law system is. It took years of expensive, detailed legal fights in the UK court, not because the fraud wasn't proven, but because the UK had to make sure India met basic human rights standards (specifically Article 3 of ECHR). The whole process of getting special Sovereign Assurances for Barrack 12, including video evidence, shows that we don't have enough universal trust between legal systems. Relying on these case-by-case diplomatic fixes is too fragile and slow, creating a huge impunity gap for big financial criminals. We need to look at a

<sup>55</sup> Muskan Garg, 'Fraud Case of Vijay Mallya and the Laws Related to it' (iPleaders Blog, 28 July 2021) <<https://blog.ipleaders.in/fraud-case-of-vijay-mallya-and-the-laws-related-to-it/>> (accessed 2 November 2025).

fundamental, global alternative: the idea of a Universal Extradition Treaty (UET).

### **I. The Foundational Rule: *Aut Dedere Aut Judicare*<sup>56</sup>**

The entire theoretical argument for a UET is built upon one of the most important principles in international criminal law: the Latin phrase *aut dedere aut judicare*. This means "either extradite or prosecute." This principle is the key to stopping major criminals from simply crossing borders and finding a "safe haven."

#### **1. What Does the Rule Require?**

When a State catches an individual suspected of a serious crime, and another State wants to prosecute that person, the custodial State faces a non-negotiable choice:

- **Extradite (aut dedere):** Hand the person over to the requesting State to face trial there.
- **Prosecute (aut judicare):** If the State refuses to extradite (perhaps because the person is a national or there are legal bars like human rights concerns), the State is obligated to bring the case to its own national judicial authorities for prosecution.

The entire point of this rule is to make sure that the criminal is always brought to justice by someone—no matter where they run.

#### **2. Status in International Law**

When we study public international law, we learn that many major rules are rooted in Customary International Law, but the rule of *aut dedere aut judicare* is a great example of a rule that has become powerful primarily through Treaties. Today, this obligation only applies if States have explicitly agreed to it by signing an international convention. The most important example of this in action—the template for what a UET could look like—is found in the treaties against heinous crimes: The definitive legal source that makes this rule mandatory for its signatories is Article 7 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT<sup>57</sup>), 1984.

<sup>56</sup> Rome Statute of the International Criminal Court, 17 July 1998, Preamble (Recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes).

<sup>57</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984

## ARGUMENTS FOR A UNIVERSAL EXTRADITION TREATY

If aut dedere aut judicare is the rule that ensures a criminal is punished, the UET is the structure that would make that rule work efficiently across the globe. Proponents argue that a universal system would fix three major problems with our current system of relying on hundreds of bilateral treaties (like the one Mallya fought).

### *1. Closing the Global Impunity Gap<sup>58</sup>*

The biggest argument for a UET is that it would eliminate safe havens for major criminals. The Problem Now: Under the current bilateral system, a criminal can escape prosecution if their country of refuge (where they ran) does not have an active extradition treaty with the country seeking them (like India in Mallya's case). This creates an impunity gap where justice depends purely on geography and politics. A UET would be a single, global convention that all participating States sign. Once signed, all signatories would have an automatic extradition relationship with all other signatories. This means there would be no more jurisdictional gaps, making it impossible for someone accused of universal crimes (like major fraud, terrorism, or war crimes) to find a place to hide. The obligation to surrender or prosecute would become genuinely global.

### *2. Eliminating Bilateral Friction and Delay<sup>59</sup>*

The Mallya case showed that even when a treaty exists, the process is incredibly slow, expensive, and fragile. Standardization: A UET would establish one set of standard rules and procedures for all participating countries. This means: One form: Instead of thousands of different treaty requirements, there would be a single process for requesting extradition. It would solve the problem of Dual Criminality (where the crime must be illegal in both countries) by creating a single list of core offenses—like money laundering, large-scale fraud, and corruption—that all members agree to treat as extraditable crimes. This speeds up the process dramatically. Ending Ad Hoc Assurances: The need for the UK court to demand a detailed video and guarantees about Barrack 12 was a massive source of delay. A UET could establish

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<<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>> (accessed 2 November 2025).

<sup>58</sup> International Law Commission, 'The Obligation to Extradite or Prosecute (Aut Dedere Aut Judicare)' (Final Report, UN Doc A/69/10, 2014) para 18.

<sup>59</sup> Darin Johnson, 'The Status of Universal Extradition: Reexamining the Evolving Law of Extradition and Non-Surrender' (2019) 47 Ga J Int'l & Comp L 1, 23.

a universal, independent human rights compliance body (like a UN Inspectorate) to verify general prison conditions, removing the need for fragile, case-specific Sovereign Assurances in every single high-profile case.

### **3. Strengthening the Rule of Law in International Relations<sup>60</sup>**

By standardizing extradition, the UET would elevate the entire international legal system. Extradition often gets tied up in domestic politics. A binding, neutral UET based solely on the criminal nature of the conduct would reduce the chance that a country refuses a request for extraneous political reasons (a defense Mallya attempted to use). When countries follow a single, transparent, and trusted process, it reinforces the public international law principle of reciprocity and increases global cooperation against transnational crime. It shifts the legal perspective from "We will cooperate if we must" to "We will cooperate because we are all bound by the same universally accepted system of justice."

The next logical step is to explore why, if the UET is so good, it doesn't already exist.

## **ARGUMENTS AGAINST A UNIVERSAL EXTRADITION TREATY (UET) AND FEASIBILITY CONCERNS**

### **1. Challenge to State Sovereignty<sup>61</sup>**

The core opposition to a Universal Extradition Treaty (UET) is that it represents an unacceptable encroachment upon the fundamental principle of State Sovereignty. Extradition, historically, has always been an act of voluntary cooperation, dictated by bilateral treaties, not a general obligation under customary international law. A UET would compel the surrender of individuals, thereby overriding the sovereign right of a State to exercise complete jurisdiction over persons and territory. This is most keenly felt in the rule of non-extradition of nationals, a constitutional or legislative principle in many countries that maintains the right to prosecute its own citizens rather than surrendering them to a foreign power. Furthermore, the mandatory nature of a UET threatens the principle of territoriality of criminal law, where a State maintains primary authority over the investigation and prosecution of crimes occurring within its

<sup>60</sup> UN General Assembly Resolution 70/118, 'The Rule of Law at the National and International Levels' (21 December 2015), Preamble.

<sup>61</sup> International Court of Justice, Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment, ICJ Reports 2002, 3, paras 59-61.

borders.

## **2. Legal and Structural Incompatibilities<sup>62</sup>**

A UET faces extreme difficulty in reconciling the fundamental differences among the world's diverse legal systems (e.g., Common Law, Civil Law, and Sharia Law). Extradition law incorporates a vital defensive measure: the double criminality rule. This rule requires the requested and requesting States to both classify the specific act, for which extradition is sought, as an indictable crime. Eliminating this for all offenses, as a UET seeks to do, would force nations to extradite for acts they do not legally recognize as criminal (e.g., offenses related to political expression, certain financial crimes, or acts based on moral or religious distinctions). Even if an act is a crime in both states, a UET would fail to standardize the procedural rules, evidentiary standards, and minimum guarantees of a fair trial, leading to constant conflict regarding the validity of the evidence submitted.

## **3. Human Rights and Rule of Law Conflicts<sup>63</sup>**

A universal treaty cannot resolve the inherent conflict between the international need for cooperation and the requested State's obligation to protect human rights. The duty to withhold extradition in situations where the individual is under a credible threat of torture, inhuman or degrading treatment, or political persecution is primarily derived from international human rights law, particularly the binding prohibition against non-refoulement. A blanket UET would have to rely heavily on case-by-case diplomatic assurances, which are often deemed insufficient to outweigh clear human rights risks. This is a long-standing exception in most extradition laws, designed to protect individuals involved in political struggles or dissent against authoritarian regimes. While its scope has been narrowed for egregious international crimes, its total abolition, which would be necessary for a truly universal regime, would effectively turn States into agents for enforcing the criminal laws of oppressive governments against their political opponents. A common practice among sovereign nations is to withhold the extradition of a person for capital crimes, compelling the requesting State to first provide unequivocal assurances that the death penalty will neither be imposed nor executed. A UET would require a complex, potentially unworkable global compromise on this ultimate human rights

<sup>62</sup> Bert Swart and Albin Eser, 'Limits to the Internationalization of Criminal Law: The Need for Uniformity' in *Extradition in International Law: A Collection of Interdisciplinary Studies* (Brill/Nijhoff 1997) 145.

<sup>63</sup> Soering v. United Kingdom (1989) 11 EHRR 439 (Establishing that extradition could violate ECHR Article 3 if the defendant faced a "death row phenomenon" or degrading treatment).

issue.

## **CONCLUDING SYNTHESIS: THE FUTURE OF UNIVERSAL EXTRADITION**

### ***A Necessary Impasse***

The debate surrounding a Universal Extradition Treaty (UET) reveals a fundamental tension in modern international law: the need for efficient global criminal justice to combat transnational crime versus the imperative to safeguard state sovereignty and individual human rights.

The push for a UET arises from the practical failure of the current bilateral treaty-based system to stop fugitives from finding safe havens. However, the opposition is rooted in principles considered non-negotiable by many States, particularly the right to:

1. Protect its own nationals from foreign jurisdiction.
2. Maintain judicial discretion in applying the political offence exception.
3. Uphold its national human rights standards (e.g., refusing extradition where the death penalty or torture is a risk).

### **EXPLORING HYBRID MODELS AND SECTORAL SOLUTIONS**

Given the immense political and legal friction created by a proposal for a truly universal, all-encompassing treaty, the consensus among legal scholars points toward hybrid and sectoral solutions as the most feasible path forward. These approaches leverage the existing success of multilateral frameworks tailored to specific threats.<sup>64</sup>

<b>Model</b>	<b>Description</b>	<b>Feasibility Assessment</b>
<b>Sectoral Extradition Treaties<sup>65</sup></b>	Focuses on high-consensus crimes (e.g., terrorism, narcotics, genocide, corruption). International conventions (like the UN Convention Against Transnational Organized	High. This is the current, successful trend in international law, building universalism

<sup>64</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures Between Member States (2002) OJ L 190/1 (hereinafter referred to as EAW Framework Decision).

<sup>65</sup> Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention), 16 December 1970, Article 7 (Mandating the custodial State to either extradite or prosecute the offender).

	Crime) often treat the specified offenses as automatically extraditable between State Parties, regardless of a separate bilateral treaty.	crime-by-crime.
<b>"No-List" Treaties (Punishment Threshold)<sup>66</sup></b>	Moves away from listing specific crimes and instead defines an extraditable offence simply by the severity of the punishment (e.g., any crime punishable by imprisonment for one year or more). This largely overcomes the dual criminality problem by focusing on the conduct's seriousness rather than its legal label.	Medium-High. Already common in regional and recent bilateral treaties (e.g., the European Arrest Warrant regime, though not global). Requires States to agree on a universal penalty threshold.
<b>Model Treaty Harmonization<sup>67</sup></b>	Instead of creating one binding UET, the international community (e.g., UNODC) could encourage States to adopt standardized Model Extradition Treaties and national implementing legislation. This promotes uniformity by standardizing procedural rules and human rights safeguards, while still	Medium. Slow, relying on voluntary adoption, but respects sovereignty and is consistent with the UN's existing role in this area.

<sup>66</sup> Extradition Treaty between the Government of the Republic of India and the Government of the United Kingdom of Great Britain and Northern Ireland, 22 September 1992, art. 2(1) (Definition of Extraditable Offences) (hereinafter referred to as India-UK Extradition Treaty).

<sup>67</sup> Model Treaty on Extradition, adopted by the UN General Assembly Res. 45/116, 14 December 1990.

	allowing States to choose their treaty partners.	
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## **CONCLUSION**

The concept of a UET serves as a valuable legal ideal, defining the outer limit of international cooperation. Practically, however, the sovereign and human rights objections are too significant to overcome in a single instrument. Therefore, the future of global extradition lies not in a comprehensive UET, but in the continued incremental expansion of targeted multilateral treaties and the harmonization of national laws through widely-adopted model instruments.

## **ANNEXURES**

### **A. Countries with which India has Extradition Treaties/ Arrangements<sup>68</sup>.**

S. No.	Country	Year of Arrangement
1	Afghanistan	2016
2	Australia	2008
3	Azerbaijan	2013
4	Bahrain	2004
5	Bangladesh	2013
6	Belarus	2007
7	Belgium	1901
8	Bhutan	1996
9	Brazil	2008
10	Bulgaria	2003
11	Canada	1987
12	Chile	1897

<sup>68</sup> Ministry of External Affairs, List of Extradition Treaties/Arrangements, <https://www.mea.gov.in/leta.htm> (last visited Nov. 2, 2025).

13	Egypt	2008
14	France	2003
15	Germany	2001
16	Hong Kong	1997
17	Indonesia	2011
18	Iran	2008
19	Israel	2012
20	Kuwait	2004
21	Lithuania	2017
22	Malaysia	2010
23	Malavi	2018
24	Mauritius	2003
25	Mexico	2007
26	Mongolia	2001
27	Nepal	1953
28	Netherlands	1898
29	Oman	2004
30	Philippines	2004
31	Poland	2003
32	Portugal	2007
33	Russia	1998
34	Saudi Arabia	2010
35	Soth Africa	2003
36	South Korea	2004
37	Spain	2002

38	Switzerland	1880
39	Tajikistan	2003
40	Thailand	2013
41	Tunisia	2000
42	Turkey	2001
43	UAE	1999
44	UK	1992
45	Ukraine	2002
46	USA	1997
47	Uzbekistan	2000
48	Vietnam	2011

***B. India has Extradition Arrangements with the following Countries<sup>69</sup>.***

S. No	Country	Year of arrangement
1	Antigua & Barbuda	2001
2	Armenia	2019
3	Croatia*	2011
4	Fiji	1979
5	Italy*	2003
6	Papua New Guinea	1978
7	Peru	2011
8	Singapore	1972
9	Sri Lanka	1978
10	Sweden	1963

<sup>69</sup> Ministry of External Affairs, List of Extradition Treaties/Arrangements, <https://www.meaw.gov.in/leta.htm> (last visited Nov. 2, 2025).

11	Tanzania	1966
12	New Zealand	2021

\* The Extradition Arrangements with Italy and Croatia confine to Crimes related to Illicit Traffic in Narcotics Drugs and Psychotropic Substances owing to the fact that India, Italy and Croatia are parties to the 1988 UN Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances.